

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA
MAY 26, 1941

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

Walter Reed, Jr., Plaintiff,)
v.)
Nash-Kelvinator Corporation, a corporation,) No. 488 Civil
C.I.F. Corporation, a corporation, Kinnebrew)
Motor Company, a corporation, Defendants.)

O R D E R

For good cause shown time for filing amended petition herein is hereby extended to the 29th day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

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

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

PHILIP B. FLEMING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, UNITED STATES DEPARTMENT OF LABOR, Plaintiff,)
vs.) No. 568 - Civil
HELMERICK & PAYNE, INCORPORATED, Defendant.)

O R D E R

Now on this the 26th day of May, 1941, same being a regular judicial day of the January Term of the above indicated court, upon application of the defendant and for good cause shown, the court finds that defendant should be granted twenty (20) days from this date, within which to plead to the Bill of Complaint of the plaintiff filed herein; NOW, THEREFORE

IT IS HEREBY ORDERED that the said defendant is granted twenty (20) days from this date within which to plead or answer to the Bill of Complaint in the above entitled cause.

Dated May 26, 1941.

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

ENDORSED: Filed May 26 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. 2575 - LAW
SINCLAIR REFINING COMPANY, Defendant.

O R D E R

This matter coming on for hearing this 26th day of May, 1941, and for good cause shown, the court finds that appellant, United States of America, should be granted an extension of time in which to prepare, file and docket the record on appeal to the United States Circuit Court of Appeals for the Tenth Circuit.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that the United States of America be and it hereby is allowed until August 1, 1941 in which to prepare, file and docket the record on appeal to the United States Circuit Court of Appeals.

AND IT IS SO ORDERED.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

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

Court adjourned to May 27, 1941.

REGULAR JANUARY 1941 TERM TULSA, OKLAHOMA TUESDAY, MAY 27, 1941

On this 27th 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

RECONSTRUCTION FINANCE CORPORATION, Plaintiff,
a corporation, vs. No. 505 Civil
WERTZBERGER DERRICK COMPANY, a corporation, Defendants.
et al.,

ORDER AUTHORIZING RECEIVERS TO SEIZE PE SO. AL PROPERTY AT PRIVATE SALE

THIS CAUSE coming on for hearing, this date upon the verified application of W. C.

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

REGULAR JANUARY TERM 1941

TULSA, OKLAHOMA

TUESDAY, MAY 27, 1941

TRIMBLE, the duly appointed, qualified and acting Receiver in the above styled and numbered cause praying for an order from this Court authorizing him, as such Receiver, to sell certain personal property hereinafter described, at private sale, without notice. The Receiver appeared in person and by his counsel, Luther Bohanon and Lynn Adams, and the Trustee in Bankruptcy of the Wertzberger Derrick Company, a corporation, a Bankrupt, appeared by his counsel, G. Ellis Gable, and the Court, after hearing the testimony of witnesses sworn and examined in open court, and being well and sufficiently advised in the premises, finds the allegations set out in said verified application are true, and finds that it would be for the best interest of said receivership estate, and all parties concerned herein, that said Receiver should sell, at private sale, without notice, the hereinafter described personal property to the Star Manufacturing Company, for a consideration of \$6,000.00 cash; that there is no general demand for such property, and that such price is not disproportionate to the value thereof, and that the objection to such sale by the Trustee in Bankruptcy should be overruled; and for good cause shown, it is, by the Court,

ORDERED:

(1) That M. C. Trimble, the duly appointed, qualified and acting Receiver herein, be, and he is hereby, ordered and directed to sell to the Star Manufacturing Company, at private sale, without notice, f.o.b. the Wertzberger Derrick Company plant, for a consideration of \$6,000.00 cash, the following described personal property, free and clear of all liens of every kind and character, being the personal property of the Wertzberger Derrick Company now located at its plant at Tulsa, Oklahoma, to-wit:

- 1 Valley Buffer (Portable) 1/2 HP Motor 220 Volt 3 Phase #39670
- 1 Radial Drill Press - Fosdick & Holloway M T Co. #125 (Motor demounted)
- 1 One floor type drill press W F & J Barnes Co. belt driver (Motor Removed)
- 1 One wall hand or power drill - Buffalo Forge Co. #124 (Motor removed)
- 1 Belt driven floor type grinder - Buffalo Forge Co. - 1 HP Motor GE-697226
- 1 Universal Shaping Saw - Peerless Machine Co. 2 HP Fairbanks Morse 220 Volt 3 Phase Motor #205073 (Incl. 4 steel roller tables for handling material)
- 1 Universal small Shaping Saw - Peerless Machine Co. 1 HP Fairbanks Morse Motor #173619 (with 3 tables for handling material)
- 1 One Valley Grinder - Floor Type #41SP - 1 1/2 HP motor driven Motor #51872
- 1 Lincoln Stable arc welding machine 15 HP 500 Volt No. A10147 mounted on portable truck
- 1 Fordson Tractor with power winch and steel cable
- 1 Erie Bench Vise #3C
- 1 Power Grindstone - Cleveland Stone Co. #500 (Motor removed)
- 1 Bradley Stencil Machine #14679 for paper stencils
- 1 Ajax Fire Extinguisher 2 1/2 Gal. #B-162935
- 1 Small Fyr Fyter #57923 Fire Extinguisher
- 1 Meco Acetylene Outfit with all tips for welding together with rack truck for gas cylinders - Type G valves (Was in vault, did not check it)
- 1 Williams & White Co. Punch Size 1 1/2 inch #15 with table attachment and two roller bearing material tables, equipment with 5 HP 220 Volt 3 phase Motor #56345
- 1 Geo. Whiting Co. Punch - Size 2 1/2 inches with shearing attachments and Guards #8 (equipped with 7 1/2 HP Motor 220-440 Volts Motor #5K326A2)
- 2 Wright Chain operated Hoists 1 1/2 Ton - BB
- 1 Hanna Engineering Co. Air Riveter with table attachments
- 1 Canton Foundry and Machine Co. Floor Hoist #1
- 1 Wood Drill J. A. Fox & Egan Co. (GE Motor #4265454 not mounted)
- 2 Anvils - one blacksmith - one floor type
- 1 Buffalo Forge Co. Punch - Armor Plat and Universal Iron Worker #16305 5 HP - 220 Volt 3 Phase Motor (No serial number found)
- 1 Crishola-Morse Co. 1 1/2 Ton cyclone Model K. Chain Operated Hoist
- 1 One Wheel Freight Truck (Large size)

RECEIVED JANUARY 1941

STEFFEN P. KRAMER

TRUSTEE, CLEVELAND

CLEVELAND, MAY 27, 1941

- 1 Ajax Fire Extinguisher mounted on 3 wheel car (wheels damaged by fire)
- 1 Radial Drill press - Morris Machine Tool Co. - 3 HP Motor 220 Volt #29 754
- 1 Compressed air operated riveting machine #1050 for use on overhead carrier
- 2 Blacksmith forge outfits connected to one motor blower and special heating layout apparatus - equipped with 2 HP GE 220 Volt 3 Phase Motor (Number not found)
- 1 Home made Bending Machine with 10" air operated compression cylinder
- 1 Twin Check National Machine Co. Bolt Threading Machine, belt driven-Fairbanks Morse - 5 HP Motor #196340 (incl. dies)
- 1 National Machine Co. Bolt Threading Machine - 2 HP Fairbanks Morse Motor #207974
- 1 Workage Radial Saw - (for wood) 1/2 HP Motor #1-995
- 1 Fairbanks platform scale
- 1 Crown Spray outfit & Pot on wagon - (gun missing)
- 2 General cast iron wheelbarrows - all steel
- 1 Monitor Water Heater Tank (Unmounted)
- 1 Curtis Air Compressor, size 3x3 1/2 #B-44A5078 Matthews Tank (No electric motor)
- 9 Towsley-Cincinnati Freight Wagons No. 4 1/2 (36"x34") Roller Bearing
- 6 Heavy Duty Small Wheel Springfield Wagons
- 1 Chevrolet flat body steel bed truck, Engine T-178290T
- 1 Hand operated winch
- 1 Jaeger Concrete Mixer with engine #35901 2 HP Gas operated (not mounted)
- 1 Home made Milling Machine 2 Motors #1532919. No number found on the other (Built by Wertzberger Derrick Co.)
- 1 Western Electric Motor #4430222, 3 HP Model #43012
- 1 Howell 5 HP Motor No. 61442
- 1 Howell 5 HP Motor No. 85789
- 1 Air operated drill
- 3 Air operated riveting guns
- 1 Belt Lacer \$60311
- 1 Portable Air Compression Tank mounted on truck
- 1 Worthington air compressor #C-386-Size 3 1/2 x 4 (not mounted)
- 26 Metal racks in paint shop
- 1 Babbit Melting Pot, and furnace with Kerosene burner
- 1 Home made Rivet Forge Kerosene Fired
- 4 Cast Iron Depot Stoves
- 1 Charter Oak School Heater
- 1 Steel Shelf Cabinet (Medart)
- 1 Quart Oil Stroke Pump

One lot miscellaneous tools too numerous to describe in detail but which include: wrenches of many kinds; clamps; hammers; shovels; sledges; grease guns; squares; punches; picks; screw drivers; saws; welding helmets and other small tools.

(2) That upon payment of the purchase price thereof said Receiver shall make, execute and deliver to such purchaser, assignments and/or bills of sale (without warranty), together with the possession of such personal property.

(3) Upon delivery of the personal property and receipt of the consideration thereof, said Receiver shall report to this Court his actions in respect thereto, for final confirmation and approval.

ENTERED this the 19 day of May, 1941.

ROYCE H. SAVAGE
United States District Judge

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

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

REBEKAH McLEAN GARDNER, Plaintiff,)
vs.) CIVIL ACTION NO. 551
PETROLEUM COATING COMPANY, Defendant.)

O R D E R

For good cause shown, and upon the request and the stipulation of counsel for plaintiff and defendant,

IT IS ORDERED that the time for defendant to file responsive pleadings is hereby extended until August 1, 1941.

DATED this 27th day of May, 1941.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

HOWARD GRAY, as Executor of the Estate of Julia S. Pearman, deceased, Plaintiff,)
vs.) No. 377 Equity
EXCHANGE NATIONAL COMPANY, a corporation,)
et al, Defendants.)

ORDER AUTHORIZING TRUSTEE TO SURRENDER SEWER WARRANTS

On this 27th day of May, 1941, upon the application of J. H. McBirney, Successor Trustee, for authority to surrender certain sewer warrants; and it appearing that among the assets coming into the hands of said trustee are the following warrants:

<u>WARRANT NUMBER</u>	<u>DISTRICT NUMBER</u>	<u>DESCRIPTION</u> (<u>Rodgers Heights Subdivision</u>)	<u>AMOUNT</u>
42106	271	Lot 40, Block 1	\$ 34.77
42132	271	Lot 66, Block 1	34.77
42134	271	Lot 68, Block 1	34.77
42187	271	Lot 101, Block 1	34.78
42168	271	Lot 102, Block 1	34.77
42244	271	Lot 173, Block 1	29.81
42260	271	Lot 200, Block 1	29.80

and it further appearing that heretofore the County Treasurer of Tulsa County, Oklahoma, has sold the real estate referred to above, and described in said sewer warrants, for non-payment of delinquent ad valorem taxes, and that one Jessie Houston purchased said real estate at said tax sale and in the

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, MAY 29, 1941

On this 29th 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, Mr. Royce H. Savage and Hon. F. E. Kenamer, Judges, present and presiding.

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

LILLY BROWN, Plaintiff,)
)
vs.) No. 507 - C
)
MIDLAND VALLEY RAILROAD CO.,)
A CORPORATION, Defendant.)

ORDER GRANTING ADDITIONAL TIME TO FILE BRIEF

This matter coming on to be heard before the undersigned Judge of the District Court of the United States, upon this 29th day of May, 1941, upon the application of the plaintiff's attorneys for additional time in which to file an answer brief herein, and the court being fully advised in the premises finds that said application is made in good faith and not for the purpose of delay, and that the same should be granted.

IT IS THEREFORE, HEREBY ORDERED, that the plaintiff's attorneys be and they are hereby given ten (10) days from this date in which to prepare, serve, and file their answer brief herein, to the brief of the defendant upon the motion to dismiss this cause.

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

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

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

MARION HENRY GOOCH, Plaintiff,)
)
 -vs-) No. 580-Civil
)
 H. J. Ballenger, and Frank Young and Joe Young, doing business as Harrison Oil Company, Defendants.)

ORDER OF SALE OF PERISHABLE PROPERTY

WHEREAS, during the pendency of this cause in the District Court of Delaware County, Oklahoma, an order of attachment was issued at the instance of the plaintiff, which attachment was levied by the Sheriff of Delaware County, Oklahoma, Jap Holland, upon approximately sixty-three hundred (6300) gallons of gasoline contained in two certain trailers; and

WHEREAS, the plaintiff has filed herein an application for an order to sell said gasoline as perishable property, and for the further reason that said gasoline is leaking from the said trailers, and that the further custody of said gasoline will entail unnecessary costs.

NOW, THEREFORE, IT IS BY THE COURT ORDERED that the said Jap Holland, Sheriff of Delaware County, Oklahoma, and custodian of said gasoline, be and is hereby authorized and directed to sell at private sale said gasoline, to the highest and best bidder, for cash, providing, however, that said sale shall not be made until after the expiration of five days from the receipt by Jap Holland, Sheriff of Delaware County, of this order, and provided, further, that the minimum sale price shall not be less than \$459.50, exclusive of Oklahoma State tax on said gasoline.

IT IS FURTHER ORDERED that upon making said sale, the said Jap Holland remit the amount thereof to the Clerk of the United States District Court, to be deposited in the registry of the Court, subject to further orders of this Court.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to May 29, 1941

REGULAR JANUARY 1941 TERM TULSA, OKLAHOMA THURSDAY, MAY 29, 1941

On this 29th 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. E. E. Kennamer, Judges, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Walt Y. Henry, United States Attorney
John P. Koon, United States Marshal

Public proclamation made upon July 1941, the following proceedings were had and entered, to-wit:

IN SENATE, FEBRUARY 28, 1941

Grand River Dam Authority, a public corporation, Petitioner,

-vs-

CIVIL NO. 232

Lawford L. Browning, Reuben R. Huffaker, Bessie B. Huffaker, et al., Defendants.

J U D G M E N T

NOW, on this 16th day of April, 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, Reuben R. Huffaker and Bessie B. Huffaker, and others, appearing in person and by their counsel of record, Frank Nesbitt and Keith Smith; and it appearing to the 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 Delaware 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, a public corporation, has heretofore determined and declared that it is necessary to acquire for use in the construction, operation and maintenance of the Grand River Dam Project the following described land, to-wit:

TRACT NO. 6 (25 GR-D 1352)

A tract of land, all in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T 25 N - R 23 E, Cherokee Survey, Delaware County, Oklahoma, more particularly described as follows:

Beginning at a point in the South boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ and 372.2 feet East of the SW corner thereof; thence N. 25 degrees 03' W. 64.7 feet; thence N. 16 degrees 06' W. 363.4 feet; thence N. 9 degrees, 07' E. 115.6 feet; thence N. 50 degrees 35' E. 137.5 feet; thence N. 56 degrees 57' E. 132.7 feet; thence N. 19 degrees 35' W. 80.0 feet; thence No. 54 degrees 53' W. 253.8 feet; thence N. 71 degrees 37' W. 261.8 feet to a point in the West boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence N. 0 degrees 03' W. along said West boundary a distance of 348.1 feet to the NW corner of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence Easterly along the North boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ to the NE corner thereof; thence S. 0 degrees 02' E. along the East boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 470.2 feet; thence S. 14 degrees 01' W. 72.6 feet; thence S. 13 degrees 26' W. 426.9 feet; thence S. 23 degrees 13' W. 536.0 feet to a point in the South boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence Easterly along said South boundary 103.1 feet; thence N. 20 degrees 05' E. 236.4 feet; thence N. 27 degrees 10' E. 126.8 feet; thence N. 17 degrees 40' E. 191.6 feet to a point in the East boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence S. 0 degrees 03' E. along said East boundary 574.8 feet to the SE corner thereof of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence Easterly along the South boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 3361.4 feet; to the point of beginning, containing 22.1 acres, more or less.

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

DEPARTMENT OF THE INTERIOR

OKLAHOMA, OKLAHOMA

FRIDAY, MAY 29, 1941

TRACT NO. 6-A (20 GR-D 1021)

All that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, T 25 N - R 23 E of the Indian Base and Meridian, Cherokee Survey in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE $\frac{1}{4}$ corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence Northerly along the East boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 164.5 feet to a point 1156.5 feet South of the NE corner thereof; hence N. 45 degrees 35' W. 334.9 feet; thence S. 32 degrees 30' W. 94.8 feet; thence N. 62 degrees 32' W. 286.1 feet; thence N. 56 degrees 33' W. 139.6 feet; thence S. 14 degrees 02' W. 144.8 feet; thence S. 30 degrees 42' E. 225.0 feet; thence S. 33 degrees 10' E. 32.4 feet to a point in the South boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence Easterly along said South boundary a distance of 320.5 feet to the point of beginning, containing 2.2 acres, more or less;

Said Tract No. 6 and No. 6-A containing a total of 70.6 acres, more or less, to be used as basin and reservoir for the lake formed by the Grand River Dam and for such other uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners, as prayed for in petitioner's petition and application.

It further appearing that on the 23th day of April, 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, a public corporation, 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 B. Hoffman; that the 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 by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and thereafter did, on the 28th day of May, 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 \$3,609.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority, a public corporation, did pay into and deposit with the Clerk of the United States District Court in and for the Northern District of Oklahoma, the sum of \$3,609.00 for the use of the owners of said land, and that the Grand River Dam Authority, a public corporation did on the 6th day of June, 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 5th day of June, 1941, this cause came on for trial in its regular order before a jury of twelve (12) good men, etc., being duly impaneled and sworn, well and truly to try the issues joined between the petitioner and the defendants, and a true verdict rendered according to the evidence, having heard the evidence and charges of the Court, and the argument of counsel, and after deliberation, say:

REGULAR JANUARY 1948 TERM

WAGON, OKLAHOMA

WEDNESDAY, MAY 20, 1941

"We, the jury in the above-entitled case, duly empaneled and sworn, upon our oath assess damages at \$3,200.00."

which verdict was returned on the 6th day of March, 1941.

It further appearing to the Court that the petitioner filed its motion to tax the cost and for entry of judgment, praying for judgment against the defendants, Reuben R. Huffaker and Bessie B. Huffaker, for the sum of \$409.00, and that all costs accruing subsequent to the filing of the commissioners' report be assessed and taxed against the defendants.

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. 6 (25 GR-D 1352)

A tract of land, all in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T 25 N - R 23 E, Cherokee Survey, Delaware County, Oklahoma, more particularly described as follows:

Beginning at a point in the South boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ and 372.2 feet East of the SW corner thereof; thence N. 25 degrees 03' W. 64.7 feet; thence N. 16 degrees 06' W. 353.4 feet; thence N. 9 degrees 07' E. 115.6 feet; thence N. 50 degrees 35' E. 137.5 feet; thence N. 56 degrees 57' E. 132.7 feet; thence N. 12 degrees 35' W. 80.0 feet; thence N. 54 degrees 58' W. 253.8 feet; thence N. 71 degrees 47' W. 261.8 feet; to a point in the West boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence N. 0 degrees 02' W. along said West boundary a distance of 348.1 feet to the NW corner of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence Easterly along the North boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ to the NE corner thereof; thence S. 0 degrees 02' E. along the East boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 430.2 feet; thence S. 14 degrees 01' W. 72.6 feet; thence S. 42 degrees 26' W. 428.9 feet; thence S. 23 degrees 12' W. 556.0 feet to a point in the South boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence Easterly along said South boundary 302.1 feet; thence N. 20 degrees 03' E. 239.4 feet; thence N. 27 degrees 45' E. 188.2 feet; thence N. 17 degrees 40' E. 191.3 feet to a point in the East boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence S. 0 degrees 02' E. along said East boundary 574.6 feet to the SE corner of S $\frac{1}{2}$ SW $\frac{1}{4}$; thence Westerly along the South boundary of S $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 2261.4 feet to the point of beginning, containing 68.4 acres, more or less.

TRACT NO. 6-A (20 GR-D 1021)

All that part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, T 25 N - R 23 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ thence Northerly along the East boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 164.5 feet to a point 1156.5 feet South of the NE corner thereof; thence N. 45 degrees 25' W. 37.8 feet; thence S. 32 degrees 30' W. 84.8 feet; thence N. 62 degrees 42' W. 236.1 feet; thence N. 66 degrees 33' W. 139.6 feet; thence S. 14 degrees 02' E. 144.8 feet; thence S. 30 degrees 42' E. 225.0 feet; thence S. 33 degrees 10' E. 138.4 feet to a point in the South boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence Easterly along said South boundary a distance of 530.5 feet to the point of beginning, containing 2.2 acres, more or less.

Said Tract No. 6 and Tract No. 6-A containing a total of 70.6 acres, more or less.

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

REGULAR JANUARY TERM

OKLAHOMA

THURSDAY, MAY 29, 1941

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the damages sustained by the defendants and 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 \$3,200.00.

AND IT IS FURTHER ORDERED, CONSIDERED, ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid said damages so assessed in the sum of \$3,200.00, shall be and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to recover a judgment for the difference between the award of commissioners and the verdict of the jury, together with interest thereon from the date of this judgment; that the petitioner is not entitled to recover a judgment against the defendants for the costs accruing subsequent to the filing of the report of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of the commissioners filed herein was in the sum of \$3,609.00 and the verdict of the jury returned herein was in the sum of \$3,200.00, the petitioner, Grand River Dam Authority, a public corporation, shall have, and it is hereby granted a judgment against the defendants, Reuben R. Huffaker and Bessie B. Huffaker, in the sum of \$409.00, together with interest thereon at the rate of six per cent from the date of this judgment, said amount of \$409.00, being the difference between the commissioners' award and the verdict of the jury above mentioned -- for which said sum execution shall issue in the manner prescribed by law.

The petitioner excepts to the ruling and order of this court refusing to enter judgment in its favor and against the defendants for the costs accruing subsequent to the filing of the report of commissioners, and in refusing to allow interest on said judgment from the date that the commissioners' award was deposited with the Clerk of this Court -- which exceptions are allowed by the Court.

F. E. KERNAMER
JUDGE

ENDORSED: Filed May 29 1941
H. B. 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.)
A. C. Kephart; Lucille Annawate Miller; Jackson)
L. Miller, a minor; John Avery Miller, a minor;)
James A. Miller, a minor; Lee Miller, Guardian etc.,)
United States of America, et al.,)
Defendants.)

CIVIL NO. 263
PART OF TRACT NO. 2
(10 GR-D 495)

J U D G M E N T

FOR on this 28th day of April, 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 F. E. Davidson and Jesse B. Ballard, and the defendants, United States of America; Lucille Annawate Miller; Jackson L. Miller, a minor, John Avery Miller, a minor, James A. Miller, a minor; Lee Miller, Guardian of Jackson L. Miller, John Avery Miller, and James A. Miller, minors, appearing by the honorable Charles A. Brown, Assistant United States Attorney in and for the Northern District of Oklahoma,

REGULAR JANUARY TERM 1931

OKLAHOMA, OKLAHOMA

THURSDAY, MAY 20, 1931

and W. E. Folts, Assistant Probate Attorney, Five Civilized Tribes, Department of Interior; 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 Delaware 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, a public corporation, 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:

PART OF TRACT NO. 2 (10 GR-D 495)

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

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

Said Part of Tract No. 2 (10 GR-D 495), containing a total of seventy (70.0) 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 uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners, as prayed for in petitioner's petition and application.

It further appearing that on the 13th day of November, 1930, 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, a public corporation, had the authority and right to acquire said land, and finding and determining that the only manner in which the petitioner could acquire said land was by condemnation, and did select and appoint from the regular jury list of names, Ed Soph, Dan Bishop and Henry E. Hoffman, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and consider the injury which the owners thereof or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or proposed construction of the Grand River Dam Project, and thereafter did, on the 15th day of April, 1930, make their report in writing to the Clerk of the United States District Court in and for the Northern District of Oklahoma, and did assess and award damages in the sum of \$6,350.00 to the owners of said land for the appropriation and taking of said land, and the Grand River Dam Authority did, on the 1st day of

May, 1940, pay into and deposit with the Clerk of the United States District Court in and for the Northern District of Oklahoma, the sum of \$6,630.00, for the use of the owners of said land, and that said sum of \$6,630.00 was paid by the Clerk of this Court to F. W. Sunderwirth, Disbursing Agent of the Five Civilized Tribes; and that the Grand River Dam Authority did, on the 24th day of April, 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 the defendants, did, on the 26th day of April, 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 7th 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 said issues joined between the Petitioner and the defendants, and a true verdict render according to the evidence, having heard the evidence and charges of the Court, and the argument of counsel, upon their oaths say:

"We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at \$5,180.00"

which verdict was returned on the 7th day of March, 1941.

The petitioner filed its motion praying that judgment be entered in its favor and against the defendants, United States of America, Lucille Ahniwake Miller, Jackson L. Miller, a minor, John Avery Miller, a minor, James A. Miller, a minor, and Lee Miller, Guardian of Jackson L. Miller, John Avery Miller and James A. Miller, minors, for the sum of \$1450.00, said sum being the difference between the commissioners' award and the verdict of the jury, with interest thereon at the rate of six per cent from the 1st day of May, 1940, said date being the day that the commissioners' award was deposited with the Clerk of this Court for the use and benefit of said defendants, and that the costs accruing subsequent to the filing of the report of commissioners be assessed and taxed against the defendants hereinabove named.

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:

PART OF TRACT NO. 2 (10 GR-D 495)

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

The NE 10.0 acres of the W. 23.10 acres of Lot 9; the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{2}$ of Sec. 13, T. 24 N - R 22 E of the Indian Base and Meridian, containing seventy (70.) acres, more or less,

Said part of Tract No. 2 (10 GR-D 495) containing a total of seventy (70.0) 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 \$5,180.00.

And IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid the sum so assessed in the sum of \$5,180.00, shall be, and it is hereby ordered that 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 its heirs and assigns.

REGULAR COURSE CASE NO. 263
OKLAHOMA, OKLAHOMA
MAY 29, 1941

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to recover a judgment for the difference between the award of commissioners and the verdict of a jury, together with interest thereon from the date of this judgment; that the petitioner is not entitled to recover a judgment against the defendant, United States of America, and is not entitled to recover a judgment against the defendants for the costs accruing subsequent to the filing of the report of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of commissioners filed herein was in the sum of \$6,630.00, and the verdict of jury returned herein was in the sum of \$5,180.00, the petitioner, Grand River Dam Authority, a public corporation, shall have and it is hereby granted a judgment against the defendants, Lucille Ahnivake Miller; Jackson L. Miller, a minor; John Avery Miller, a minor; James A. Miller, a minor; and Lee Miller, Guardian of Jackson L. Miller, John Avery Miller, and James A. Miller, minors, in the sum of \$1450.00, together with interest thereon at the rate of six per cent (6%) from the date of this judgment, said amount of \$1450.00 being the difference between the award of commissioners and the verdict above mentioned.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the Superintendent of the Five Civilized Tribes Co, and he is hereby directed to refund to the Grand River Dam Authority, a public corporation, the amount of the judgment entered herein in the sum of \$1450.00, together with interest thereon at the rate of six per cent (6%) from the 16th day of April, 1941; and, in the event said judgment, together with interest, is not paid, then execution shall issue in the manner prescribed by law.

The petitioner excepts to the ruling and order of this court refusing to enter judgment in its favor and against the defendants for the costs accruing subsequent to the filing of the report of commissioners, and in refusing to allow interest on said judgment from the date that the commissioners' award was deposited with the Clerk of this Court, and in refusing to enter judgment against the United States of America and exceptions were allowed by the Court.

F. E. KENAMER
J U D G E

ENDORSED: Filed May 29 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-)
A. O. Kephart; Lucille Ahnivake Miller; Jackson L. Miller, a minor; John Avery Miller, a minor; James A. Miller, a minor; Lee Miller, Guardian, etc., et al,)
Defendants.)

CIVIL NO. 263
PART OF TRACT NO. 2 (10 GR-D 498)

J U D G M E N T

NOW, on this 16th day of April, 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. E. Davidson and Jesse E. B. ... and the defendants, Lucille Ahnivake Miller; Jackson L. Miller, a minor; John Avery Miller, a minor; James A. Miller, a minor; Lee Miller, Guardian of Jackson L. Miller, John Avery Miller and James A. Miller, minors, appearing in person and by their counsel of record, Frank ... and E. Keith Smith; and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, filed herein its petition and application for the acquisition of ... See also ... to certain lands located in Adair County, State of Oklahoma, and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, was created under the Act of ...

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, a public corporation, 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:

PART OF TRACT NO. 2 (10 GR-D 498)

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

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

Said Part of Tract No. 2 (10 GR-D 498) containing a total of 80.00 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 uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners, as prayed for in petitioner's petition and application.

It further appearing that on the 13th day of November, 1939, the Judge of this Court after considering the petition and application of the petitioner, made and entered an order finding and determining that the petitioner, Grand River Dam Authority, a public corporation, 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 E. Hoffman; that the 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 by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such an appropriation irrespective of any benefits accruing to said land from the construction of the proposed construction of the Grand River Dam Project, and thereafter did, on the 18th day of April, 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 \$7,350.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority did, on the 1st day of May, 1940, pay said said amount with the Clerk of the United States District Court in and for the Northern District of Oklahoma, the sum of \$7,350.00 for the use of the owners of said land,

and that the Grand River Dam Authority, a public corporation did, on the 26th day of April, 1940, within thirty (30) days after the filing of said commissioners' report, file with the Clerk of the United States District Court in and for the Northern District of Oklahoma written Demand for Trial by Jury, and that the defendants, did, on the 26th day of April, 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 7th 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 rendered according to the evidence, having heard the evidence and charges of the Court, and the argument of counsel, upon their oaths say:

"WE, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths assess damages at \$5,980.00".

which verdict was returned on the 7th day of March, 1941.

The petitioner filed its motion herein praying that judgment be entered in its favor and against the defendants, Lucille Annwake Miller, Jackson L. Miller, a minor, John Avery Miller, a minor, James A. Miller, a minor, and Lee Miller, Guardian of Jackson L. Miller, John Avery Miller and James A. Miller, for the sum of \$1,430.00, said sum being the difference between the commissioners' award and the verdict of the jury, with interest thereon at the rate of six per cent from the 1st day of May, 1940, said date being the day that the commissioners' award was deposited with the Clerk of this Court for the use and benefit of said defendants, and that the costs accruing subsequent to the filing of the report of commissioners be assessed and taxed against the defendants hereinabove named.

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:

PART OF TRACT NO. 2 (10 GR-D 498)

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

The E. 20.0 acres of Lot 9, the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the W $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, of Sec. 18, T 24 N - R 22 E of the Indian Base and Meridian, containing eighty (80.0) acres, more or less;

Said Tract of Tract No. 2 (10 GR-D 498), containing a total of 80.0 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 \$5,980.00.

And IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid the damages so assessed in the sum of \$5,980.00, shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, is entitled to recover a judgment for the difference between the award of commissioners and the verdict

of the jury, together with interest thereon from the date of this judgment; that the petitioner is not entitled to recover a judgment against the defendants for the costs accruing subsequent to the filing of the report of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of commissioners filed herein was in the sum of \$7,350.00, and the verdict of the jury returned herein was in the sum of \$5,920.00, the petitioner, Grand River Dam Authority, a public corporation, shall have, and it is hereby granted a judgment against the defendants, Lucille Ahhiwake Miller; Jackson L. Miller; a minor; John Avery Miller, a minor; James A. Miller, a minor; and Lee Miller, Guardian of Jackson L. Miller, John Avery Miller and James A. Miller, minors, for and in the sum of \$1,430.00, together with interest thereon at the rate of six per cent from the date of this judgment, said amount of \$1,430.00 being the difference between the commissioners' award and the verdict of the jury above mentioned, for which said sum execution shall issue in the manner provided by law.

The petitioner excepts to the ruling and order of this court refusing to enter judgment in its favor and against the defendants for the costs accruing subsequent to the filing of the report of commissioners, and in refusing to allow interest on said judgment from the date that the commissioners' award was deposited with the Clerk of this Court --which exceptions are allowed by the Court.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 29 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,)
CIVIL NO. 304 Tract No. 1
-vs-) (44 CR-O 290 44 GR-C 322)
A. M. Jarvis, et al.,)
Defendants.)

J U D G M E N T

NOW, on this 16th day of April, 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 defendant, A. M. Jarvis, appearing in person and by his counsel of record, Perry Porter; 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, a public corporation, has heretofore demanded 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:

LEASE NO. 1 (14 SR-0 120)
44 SR-0 224)

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

The NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 3, containing 40.0 acres, more or less; and that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and the S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 5, particularly described as follows, to-wit:

Beginning at the SE corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Westerly along the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the SW corner thereof; thence N. 0 degrees 15' W. along the West boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 828.9 feet to a point 496.4 feet South of the NW corner thereof; thence S. 57 degrees 39' E. 209.8 feet; thence S. 64 degrees 25' E. 291.3 feet; thence S. 69 degrees 15' E. 349.6 feet; thence N. 36 degrees 45' E. 236.4 feet; thence N. 2 degrees, 04' W. 597.0 feet; thence N. 15 degrees 28' E. 312.0 feet; thence S. 17 degrees 46' E. 249.1 feet; thence N. 7 degrees 40' E. 717.7 feet; thence S. 12 degrees 41' E. 309.8 feet; thence S. 59 degrees 37' E. 125.9 feet to a point in the East boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ and 1086.4 feet South of the NE corner thereof; thence S. 0 degrees 06' E. along said East boundary a distance of 332.9 feet to the point of beginning, containing 21.1 acres, more or less;

All in T 36 N - R 24 E of the Indian Base and Meridian, Quappaw Survey; the whole tract containing in all 61.1 acres, more or less.

Said Tract No. 1 containing a total of 61.1 acres, more or less,

to be used as a basin and reservoir of the lake formed by the Grand River Dam and for such other uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, so 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 29th 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, a public corporation, had the authority and right to acquire said land, and finding and determining that the only manner in which the petitioner could acquire said land was by condemnation and did select and appoint from the regular jury list of names, Ed Soph, Dan Bishop and Henry Hoffman, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and consider the injury which the owners thereof, or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and 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 to the sum of \$8,335.00 to the owner of said land for the appropriation and taking of said land, and the Grand River Dam Authority did, on the 24th 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 \$8,335.00 for the use of the owner of said land, and that the

Grand River Dam Authority etc., on the 28th 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 11th day of March, 1941, this cause coming on for trial in its regular order before a jury of twelve (12) good men, being duly impaneled and sworn, well and truly to try the issues joined between the petitioner and the defendants, and a true verdict render according to the evidence, having heard the evidence and charges of the Court, and the argument of counsel, upon their oaths say:

"We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths assess damages at 5,000.00 DOLLARS,"

which verdict was returned on the 12th day of March, 1941.

It further appearing to the Court that the petitioner filed its motion to tax the costs and for entry of judgment, praying for judgment against the defendants, A. M. Jarvis, Catherine Robinson, Roy T. Wills, John A. Robinson and C. E. Youse, Trustees of the Estate of James F. Robinson, deceased, for the sum of \$895.00, together with interest thereon at the rate of six per cent from the 2nd day of April, 1940, same being the date that said award was deposited with the Clerk of this Court and that all costs accruing subsequent to the filing of the commissioners' report be assessed and taxed against the defendants; and, it further appearing to this Court that the commissioners' award in the sum of \$5,895.00, which was deposited with the Clerk of this Court, was paid out prior to the jury trial, under orders of this court, as follows, to-wit:

To - A. M. Jarvis	\$2,795.16
To - Catherine Robinson, Roy T. Wills, John A. Robinson and C. E. Youse, Trustees of the Estate of James F. Robinson, deceased - mortgagees	1,120.00
To - Federal Land Bank of Wichita, Wichita, Kansas - mortgagee	1,967.86
To - Russell Doss, County Treasurer of Ottawa County, Oklahoma - taxes ----	11.98

upon the application of the land owner, A. M. Jarvis, and the defendants, Catherine Robinson, Roy T. Wills, John A. Robinson and C. E. Youse, Trustees of the Estate of James F. Robinson, deceased, mortgagees.

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:

TRACE NO. 1 (44 GR-C 290
44 GR-C 322

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

The NW 1/4 of Sec. 3, containing 40.0 acres, more or less; and that part of the SW 1/4 and the S 1/4 SW 1/4 of Sec. 3, particularly described as follows, to-wit:

Beginning at the NE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence Westward along the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the SW corner thereof; thence N. 0 degrees 15' W. along the West boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 323.9 feet to a point 496.4 feet South of the NW corner thereof; thence S. 57 degrees 59' E. 209.8 feet; thence S. 64 degrees 25' E. 291.3 feet; thence S. 69 degrees 15' E. 349.6 feet; thence N. 36 degrees 45' E. 236.4 feet; thence N. 2 degrees 04' W. 597.0 feet; thence N. 15 degrees 28' E. 312.0 feet; thence S. 17 degrees 46' E. 249.2 feet; thence S. 7 degrees 49' E. 717.7 feet; thence S. 12 degrees 41' E. 309.8 feet; thence S. 59 degrees 37' E. 125.9 feet to a point in the East boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and 1036.4 feet South of the NE corner thereof; thence S. 0 degrees 06' E. along said East boundary a distance of 232.9 feet to the point of beginning, containing 61.1 acres, more or less;

All in T 26 N - R 24 E of the Indian Base and Meridian, Quapaw Survey, the whole tract containing in all 61.1 acres, more or less,

Said Tract No. 1, containing a total of 61.1 acres, more or less.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the damages sustained by the defendant and the owner 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 \$5,000.00

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid said damages so assessed in the sum of \$5,000.00 shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to judgment against the defendant land owner, A. H. Jarvis, for the excess of the commissioners' award over the jury verdict, together with interest thereon at the rate of six per cent from the date of this judgment; and that the petitioner is not entitled to recover a judgment against the defendants, Catherine Robinson, Roy T. Mills, John A. Robinson and C. E. Youse, Trustees of the Estate of James F. Robinson, deceased, mortgagees, for the excess of the commissioners' award over the jury verdict; that the petitioner is liable for all court costs in said cause, and that the defendants and neither of them, are liable for said costs or any part thereof.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED BY the Court that as the report of the commissioners filed herein was in the sum of \$5,895.00 and the verdict of the jury returned herein was in the sum of \$5,000.00, the petitioner, Grand River Dam Authority, a public corporation, shall have and it is hereby granted a judgment against the defendant, A. H. Jarvis, in the sum of \$895.00, together with interest thereon at the rate of six per cent from the date of this judgment, said amount of \$895.00 being the difference between the award of commissioners and the verdict of the jury above mentioned for which said sum of \$495.00 and interest thereon execution shall issue in the manner prescribed by law.

The petitioner excepts to the ruling and order of this court refusing to enter judgment in its favor and against the defendants for the costs accruing subsequent to the filing of the report of commissioners, and in refusing to allow interest on said judgment from the date that the commissioners' award was deposited with the Clerk of this Court, and in refusing to enter judgment against the defendants, Catherine Robinson, Roy T. Mills, John A. Robinson and C. E. Youse, Trustees of the Estate of James F. Robinson, deceased - and exceptions were allowed by the Court.

P. H. WENDELL
JUDGE

ENTERED: Filed May 28 1941
H. P. Garfield, Clerk
U. S. District Court



WILLIAM E. KESSEL, Clerk. MAY 12, 1941

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. 322 Tract No. 3 (10 GR-D 492-A)

William E. Kesel; United States of America; Sam Bony; Emma Raven; Arcenie Lincoln; Mamie Lincoln; Mary Blackbird Lincoln, et al., Defendants.

J U D G M E N T

NOW, on this 16th day of April, 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, United States of America, Sam Bony, Emma Raven, Arcenie Lincoln, Mamie Lincoln, and Mary Blackbird Lincoln, appearing by the Honorable Chester A. Bremer, Assistant United States Attorney in and for the Northern District of Oklahoma, and W. E. Foltz, Assistant Probate Attorney, Five Civilized Tribes, Department of Interior; 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 Delaware 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 pre city, road, 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, a public corporation, has heretofore determined and declared that it is necessary for use in the construction, operation and maintenance of the Grand River Dam Project, the following described land, to-wit:

TRACT NO. 3 (10 GR-D 492-A)

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

The S. 20.00 acres of the SW 1/4 NE 1/4 of Sec. 13, T 24 N - R 23 E of the Indian Base and Meridian,

Said Tract No. 3 (10 GR-D 492-A) containing a total of 20.00 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 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 petitioner, Grand River Dam Authority, a public corporation, may acquire title to said land by condemnation.

It further appearing that this Court that the legal and equitable rights required by law have been set forth by the petitioner, Grand River Dam Authority, a public corporation, and the defendants have

... 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 18th day of April, 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, a public corporation, had the authority and right to acquire said land, and finding and determining that the only manner in which the petitioner could acquire said land was by condemnation, and did select and appoint from the regular jury list of names, Ed Scott, Dan Bishop and Henry Hoffman, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and advise the injury which the owners thereof, or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and thereafter did, on the 25th day of October, 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 \$1450.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority did, on the 6th day of November, 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 \$1450.00, for the use of the owners of said land, and that the Grand River Dam Authority did, on the 31st day of October, 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 10th 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, upon their oaths say:

"We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, assess damages at \$900.00"

which verdict was returned on the 10th day of March, 1941.

The petitioner filed its motion praying that judgment be entered in its favor and against the defendants, United States of America, Sam Bony, Emma Raven, Arcene Lincoln, Nannie Lincoln and Mary Blackbird Lincoln, for the sum of \$550.00, said sum being the difference between the commissioners' award and the verdict of the jury, with interest thereon at the rate of six per cent from the 6th day of November, 1940, said date being the day that the commissioners award was deposited with the Clerk of this Court for the use and benefit of said defendants, and that the costs accruing subsequent to the filing of the report of commissioners be assessed and taxed against the defendants hereinabove named.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by this 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 abutment and encumbered fee simple title to the land described as follows, to-wit:

PARCELS 1, 2 (10 22-B 231-A)

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

The S. W. 1/4 of Sec. 17, T. 34 N. - R. 23 E. of the
Indian land of Aridias,

Said Tract No. 3 (10 GR-D 492-A) containing a total of 20.0 acres,
more or less.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the damages sus-
tained by the defendants and the avails 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 \$900.00.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner,
Grand River Dam Authority, a public corporation, having paid the damages so assessed in the sum of
\$900.00, shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is
entitled to recover a judgment for the difference between the award of commissioners and the verdict
of the jury, together with interest thereon from the date of this judgment; that the petitioner is not
entitled to recover a judgment against the defendant, United States of America, and is not entitled
to recover a judgment against the defendants for the costs accruing subsequent to the filing of the re-
port of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of com-
missioners filed herein was in the sum of \$1450.00 and the verdict of the jury returned herein was in
the sum of \$900.00, the petitioner, Grand River Dam Authority, a public corporation, shall have and it is
hereby granted a judgment against the defendant, Sam Bony, Emma Raven, Arcenie Lincoln, Nannie Lincoln
and Mary Blackbird Lincoln, in the sum of \$550.00, together with interest thereon at the rate of six per
cent per from the date of this judgment, said amount of \$550.00, being the difference between the aw-
ard of commissioners and the verdict of the jury above mentioned, for which said sum, execution shall
issue in the manner prescribed by law in the event the sum deposited in the hands of the Clerk of the
United States District Court in and for the Northern District of Oklahoma, representing the amount of
the commissioners' award has been distribute by said Clerk of this Court to the defendant land owners.

IT IS FURTHER ORDERED AND ADJUDGED that in the event the sum deposited in the hands
of the Clerk of this Court, representing the amount of the commissioners' award, has not been distribut-
ed to the defendant land owners, then the Clerk of this Court, be and he is hereby authorized and direc-
ted to pay into the hands of the Grand River Dam Authority, a public corporation, the sum of \$550.00,
together with interest thereon at the rate of six per cent from the date of this judgment, and upon
payment of same to satisfy said judgment; and in the event said award has been paid into the Superinten-
Cent of the Five Civilized Tribes, the Superintendent is hereby directed to pay to the Grand River Dam
Authority, said sum of \$550.00, together with interest thereon at the rate of six per cent from the
date of this judgment.

The petitioner excepts to the ruling and order of this court refusing to enter judg-
ment in its favor and against the defendants for the costs accruing subsequent to the filing of the
report of commissioners, and in refusing to allow interest on said judgment from the date that the
commissioners' award was deposited with the Clerk of this Court, and in refusing to enter judgment ag-
ainst the United States of America - and exceptions are allowed by the Court.

F. E. KENNER
JUDGE

RECORDED: Filed May 29, 1941
May 29, 1941
H. P. Warfield, Clerk
U. S. District Court

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 Trest No. 7 (3 GR-D 90)
 -vs-)
 Peter Barehead, et al.,)
 Defendants.)

ORDER APPOINTING GUARDIAN AD LITEM

NOW, on this 17th day of March, 1941, it appearing to the Judge of this Court that the defendants, Mary Jane O'Field, Kenneth O'Field and Ruth Lee O'Field, are minors, and that said minors have no legal guardian, and that it would be for the best interest of said minors that a guardian be appointed by the Court in this cause - and upon application made - IT IS ORDERED that W. E. Foltz, Assistant Probate Attorney, do, and he is hereby appointed guardian ad litem for the said Mary Jane O'Field, Kenneth O'Field and Ruth Lee O'Field, minors, to represent the said minors in this cause.

NOW, comes the said W. E. Foltz, Assistant Probate Attorney, in open court and accepts said appointment and acknowledges service of the time and place fixed for the hearing of the above styled cause of action.

F. E. KEIMAKER
 J U D G E

ENDORSED: Filed May 29 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,)
 .) CIVIL NO. 329 Trest No. 7
 -vs-) (3 GR-D 90)
 Peter Barehead, Cornelius Buzzard, et al.,)
 Defendants.)

J U D G M E N T

NOW on this 16th day of April, 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 E. Ballard, and the defendants, United States of America, Cornelius Buzzard, Florence Buzzard, Lena Buzzard, Jessie Buzzard, and Dennis O'Field, appearing by the Honorable Charles A. Weaver, Assistant United States Attorney in and for the Northern District of Oklahoma, and the defendants, Mary Jane O'Field, Kenneth O'Field and Ruth Lee O'Field, minors, appearing by W.E. Foltz, Assistant Probate Attorney, guardian ad litem; and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, filed her bill of complaint and a petition for the appointment of the defendants, Mary Jane O'Field, Kenneth O'Field and Ruth Lee O'Field, minors, as legal heirs of the said Mary Jane O'Field, deceased, and the said Grand River Dam Authority, a public

corporation, was created under 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, a public corporation, has heretofore determined and declared that it is necessary for use in the construction, operation and maintenance of the Grand River Dam Project, the following described land, to-wit:

(TRACT NO. 7 (3 GR-D 90))

All that part of the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 8, 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 SE corner of said NW $\frac{1}{2}$ SW $\frac{1}{4}$ thence Westerly along the South boundary of said NW $\frac{1}{2}$ SW $\frac{1}{4}$ to the SW corner thereof; thence Northerly along the West boundary of said NW $\frac{1}{2}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ to the NW corner thereof or said S $\frac{1}{2}$ NW $\frac{1}{4}$; thence S. 89° 59' E. along the North boundary of said S $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 1713.2 feet to a point 928.3 feet West of the NE corner thereof; thence S. 47° 06' W. 198.0 feet; thence S. 17° 26' N. 162.0 feet; thence S. 56° 33' E. 209.5 feet; thence N. 44° 51' E. 185.9 feet; thence S. 20° 21' W. 345.9 feet; thence S. 47° 02' E. 345.9 feet; thence N. 76° 49' W. 394.8 feet; thence N. 71° 36' W. 189.4 feet; thence S. 51° 56' W. 199.8 feet; thence S. 0° 32' E. 264.4 feet; thence N. 47° 42' W. 262.2 feet; thence N. 80° 54' W. 141.6 feet; thence S. 68° 34' W. 171.0 feet; thence S. 41° 34' W. 424.9 feet; thence S. 4° 54' W. 138.9 feet; thence S. 53° 46' E. 134.3 feet; thence S. 21° 23' W. 61.6 feet; thence S. 46° 34' E. 137.7 feet; thence N. 69° 57' E. 175.9 feet; thence S. 11° 04' W. 145.1 feet; thence S. 40° 41' E. 110.1 feet; thence S. 70° 31' E. 346.5 feet; thence N. 37° 24' E. 110.3 feet; thence S. 2° 16' W. 210.0 feet; thence S. 10° 03' E. 112.3 feet; thence S. 41° 16' W. 172.0 feet; thence S. 23° 38' E. 199.8 feet; thence S. 75° 24' E. 94.1 feet to a point in the East boundary of said NW $\frac{1}{2}$ SW $\frac{1}{4}$ and 1144.1 feet South of the NE corner thereof; thence S. 0° 39' W. along said East boundary a distance of 175.6 feet to the point of beginning, containing 72.4 acres, more or less,

Said Tract No. 7 (3 GR-D 90) containing a total of 72.4 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 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 said lands by purchase the entire, unencumbered and absolute fee simple title to the land hereinafter described, and that the only manner in which said Grand River Dam Authority, a public corporation, can acquire title to said land is by condemnation.

THURSDAY, MAY 29, 1941

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners, as prayed for in petitioner's petition and application.

It further appearing that on the 23rd day of April, 1941, the Judge of this Court, after considering the petition and application of the petitioner, made and entered an order finding and restraining that the petitioner, Grand River Dam Authority, a public corporation, had the authority and right to acquire said land, and finding and declaring that the only manner in which the petitioner could acquire said land was by condemnation, and did select and appoint from the regular jury list of names, Ed. Soph, Dan Bishop and Henry E. McGinn, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and consider the injury which the owners thereof, or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land herein above first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and thereafter did, on the 3rd day of July, 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 \$4120.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority did, on the 26th day of August, 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 \$4120.00, for the use of the owners of said land, and that the Grand River Dam Authority did, on the 16th day of July, 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 17th 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, upon their oaths, say:

"We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths assess damages at \$3300.00"

Said verdict was returned on the 18th day of March, 1941.

The petitioner filed herein its motion praying that judgment be entered in its favor and against the defendants, United States of America, Cornelius Buzzard, Florence Buzzard, Lena Buzzard, Jimmie Buzzard, Dennis O' Field and Mary Jane O'Field, Kenneth O' Field and Ruth Lee O'Field, minors, for and in the sum of \$330.00, said sum being the difference between the commissioners' award and the verdict of the jury, with interest thereon from the 26th day of August, 1940, same being the date that the commissioners' award was deposited with the Clerk of this Court for the use and benefit of said defendants, and that the costs accruing subsequent to the filing of the report of commissioners be assessed and taxed against the defendants hereinabove named.

IT IS THEN MORE CONSIDERED, ORAINED 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 herein, described, described real estate and title to the land described hereinabove.

THURSDAY, 7 (3:45-5:00)

All of the cost of this proceeding shall be paid by the defendant, United States of America, and the costs of this proceeding shall be paid by the defendant, United States of America, and the costs of this proceeding shall be paid by the defendant, United States of America.

Beginning at the SE corner of said 1 1/2 SW 1/4, a course westerly along the South boundary of said 1 1/2 SW 1/4 to the SE corner thereof; thence Northerly along the East boundary of said 1 1/2 SW 1/4 and S 1/2 NW 1/4 to the NE corner thereof of said S 1/2 NW 1/4; thence S. 69° 53' E. along the North boundary of said S 1/2 NW 1/4 a distance of 1715.2 feet to a point 938.3 feet East of the NE corner thereof; thence S. 43° 06' W. 198.0 feet; thence S. 17° 26' W. 103.0 feet; thence S. 56° 33' E. 206.3 feet; thence N. 44° 51' E. 125.9 feet; thence S. 20° 21' W. 345.9 feet; thence S. 47° 02' E. 345.9 feet; thence N. 76° 49' W. 394.3 feet; thence N. 71° 34' W. 131.4 feet; thence S. 51° 58' W. 131.2 feet; thence S. 0° 32' E. 264.4 feet; thence N. 47° 42' W. 262.2 feet; thence N. 50° 54' W. 141.6 feet; thence S. 68° 34' W. 171.0 feet; thence S. 41° 34' W. 424.9 feet; thence S. 4° 54' W. 138.9 feet; thence S. 53° 46' E. 134.3 feet; thence S. 21° 23' W. 61.6 feet; thence S. 46° 34' E. 137.7 feet; thence N. 69° 57' E. 175.9 feet; thence S. 11° 04' W. 145.1 feet; thence S. 40° 41' E. 110.1 feet; thence S. 70° 31' E. 246.5 feet; thence N. 27° 24' E. 110.3 feet; thence S. 2° 16' W. 210.0 feet; thence S. 10° 03' E. 112.3 feet; thence S. 41° 16' W. 172.0 feet; thence S. 23° 38' E. 199.9 feet; thence S. 75° 24' E. 94.1 feet to a point in the East boundary of said NW 1/4 SW 1/4 and 1144.1 feet South of the NE corner thereof; thence S. 0° 29' W. along said East boundary a distance of 175.6 feet to the point of beginning, containing 72.4 acres, more or less;

Said Tract No. 7 (3 CR-D 50) containing a total of 72.4 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 \$2500.00.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner Grand River Dam Authority, a public corporation, having paid the damages so assessed in the sum of \$2500.00, shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to recover a judgment for the difference between the award of commissioners and the verdict of the jury, together with interest thereon from the date of this judgment; that the petitioner is not entitled to recover a judgment against the defendant, United States of America, and is not entitled to recover a judgment against the defendants for the costs accruing subsequent to the filing of the report of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of the commissioners filed herein was in the sum of \$4125.00, and the verdict of the jury returned herein in the sum of \$2500.00, the petitioner, Grand River Dam Authority, a public corporation, shall have, and it is hereby granted a judgment against the defendants, Caroline Buzzard, Florence Buzzard, Leola Buzzard, Jessie Buzzard, Della O'Field, and Mary Jane O'Field, Kennedy O'Field and Ruth Lee O'Field, known, for and in the sum of \$620.00, together with interest thereon at the rate of six per cent from the date of this judgment, said amount of \$620.00 being the difference between the commissioners' report and the verdict of above mentioned.

IT IS FURTHER ORDERED AND ADJUDGED that in the event the sum deposited in the Court in the Clerk of the Court, representing the amount of the commissioners' award has not been satisfied,

PART OF TRACT NO. 8 (56 GR-C 754)

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

The North 4.25 acres of the North 5.83 acres of Lot 3, Sec. 2, T 27 N - R 23 E of the Indian Base and Meridian, Cherokee Survey,

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

Said Part of Tract No. 8 (56 GR-C 754) containing a total of 4.25 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 uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners, as prayed for in petitioner's petition and application.

It further appearing that on the 12th day of April, 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, a public corporation, 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 Soth, and Henry E. Hoffman; that the said three commissioners reside within the confines of the United States District Court 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 by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation, irrespective of any benefits accruing to said land from the construction of, or the proposed construction of the Grand River Dam Project, and thereafter did, on the 3rd day of July, 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 \$425.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority did, on the 26th day of August, 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 \$425.00, for the use of the owners of said land, and that the Grand River Dam Authority, a public corporation, did, on the 16th day of July, 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 a written demand for trial by jury.

And, on the 13th day of March, 1941, this case came 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 the law and justice joined between the petitioner and the defendant, and a true verdict rendered according to the evidence, having heard the evidence and charges of the Court, and the argument of counsel, and in their oath, say:

"We, the jury in the above entitled case, duly impaneled and sworn, find in favor of the defendant, and assess the damages to be paid to the petitioner, in the sum of \$425.75 Dollars."

FILED JANUARY 1941

which verdict was returned on the 15th day of March, 1941.

The petitioner filed its motion praying that judgment be entered in its favor and against the defendant, Henry Tincup, for the sum of \$106.25, said sum being the difference between the award of commissioners and the verdict of the jury, together with interest thereon from the 26th day of August, 1940, said date being the day that the commissioners' award was deposited with the Clerk of this Court for the use and benefit of said defendant, and that the costs accruing subsequent to the filing of the report of commissioners be assessed and taxed against the defendant hereinabove named.

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 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:

PART OF TRACT NO. 3 (56 GR-C 754)

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

The North 4.25 acres of the North 8.50 acres of Lot 3, Sec. 3, T 37 N - R 22 E of the Indian Base and Meridian, Cherokee Survey,

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

Said Part of Tract No. 3 (56 GR-C 754), containing a total of 4.25 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 \$313.75.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid the damages so assessed in the sum of \$313.75, shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to recover a judgment for the difference between the award of the commissioners and the verdict of the jury, together with interest thereon from the date of this judgment; and that the petitioner is not entitled to recover a judgment against the defendant for the costs accruing subsequent to the filing of the report of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of the commissioners filed herewith by the sum of \$225.00, and the verdict of the jury returned herein was in the sum of \$313.75, the petitioner, Grand River Dam Authority, a public corporation, shall have, and it is hereby granted a judgment against the defendant, Henry Tincup, in the sum of \$106.25, together with interest thereon at the rate of six percent from the date of this judgment, said amount of \$106.25 being the difference between the award of the commissioners and the verdict of the jury above mentioned, together with said interest of 106.25 and the amount previously paid.

The petitioner is granted the writ of habeas corpus and the Court hereby orders that the

UNITED STATES DISTRICT COURT OF THE DISTRICT OF OKLAHOMA
OKLAHOMA CITY, OKLAHOMA

IN RE: GRAND RIVER DAM PROJECT

OKLAHOMA CITY, OKLAHOMA

THURSDAY, MAY 20, 1941

Said Tract No. 1 (CG GR-D 1919) containing a total of 108.0 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 uses and purposes as may be authorized by law.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the entire, unencumbered and absolute fee simple title to the land hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire title to said land is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal 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 24th day of July, 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, a public corporation, had the authority, and right to acquire said land, and finding and determining that the only manner in which the petitioner could acquire said land was by condemnation, and did select and appoint from the regular jury list of names, Ed Sept, Dan Bishop and Henry E. Hoffman, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and consider the injury which the owners thereof or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land hereinabove first described, and to assess the damages which said owners may sustain by reason of such appropriation irrespective of any benefits accruing to said land from the construction of or proposed construction of the Grand River Dam Project, and thereafter did, on the 25th day of October, 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 \$10,376.00 to the owners of said land for the appropriation and taking of the same and the Grand River Dam Authority, did, on the 6th day of November, 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 \$10,376.00, for the use of the owners of said land, and that said sum of \$10,376.00 was paid by the Clerk of this Court to H. A. Andrews, Superintendent, Kaw-gaw Indian Agency, and that the Grand River Dam Authority did, on the 31st day of October, 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 the defendants, did, on the 29th day of October, 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 17th 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, upon their oaths say:

"We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths assess damages at \$2750.00,"

which verdict was returned on the 17th day of March, 1941.

The said verdict was returned in violation of the provisions of the Act of Congress, approved August 1, 1914, and amended, 38 Stat. 1162, 48 Stat. 1116, 50 Stat. 1116, 52 Stat. 1116, 54 Stat. 1116, 56 Stat. 1116, 58 Stat. 1116, 60 Stat. 1116, 62 Stat. 1116, 64 Stat. 1116, 66 Stat. 1116, 68 Stat. 1116, 70 Stat. 1116, 72 Stat. 1116, 74 Stat. 1116, 76 Stat. 1116, 78 Stat. 1116, 80 Stat. 1116, 82 Stat. 1116, 84 Stat. 1116, 86 Stat. 1116, 88 Stat. 1116, 90 Stat. 1116, 92 Stat. 1116, 94 Stat. 1116, 96 Stat. 1116, 98 Stat. 1116, 100 Stat. 1116, 102 Stat. 1116, 104 Stat. 1116, 106 Stat. 1116, 108 Stat. 1116, 110 Stat. 1116, 112 Stat. 1116, 114 Stat. 1116, 116 Stat. 1116, 118 Stat. 1116, 120 Stat. 1116, 122 Stat. 1116, 124 Stat. 1116, 126 Stat. 1116, 128 Stat. 1116, 130 Stat. 1116, 132 Stat. 1116, 134 Stat. 1116, 136 Stat. 1116, 138 Stat. 1116, 140 Stat. 1116, 142 Stat. 1116, 144 Stat. 1116, 146 Stat. 1116, 148 Stat. 1116, 150 Stat. 1116, 152 Stat. 1116, 154 Stat. 1116, 156 Stat. 1116, 158 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IN THE DISTRICT COURT OF THE TERRITORY OF OKLAHOMA,
HONORABLE DISTRICT COURT NO. 10

WASHER, JANUARY 13 1941

OKLAHOMA, CLARENCE WINNEY, DEFENDANT,
VERSUS
GRAND RIVER DAM AUTHORITY, PETITIONER, MAY 21, 1941

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED 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 (36 GR-D 1916)

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

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

Said Tract No. 1 (36 GR-D 1916) containing a total of 100.0 acres, more or less.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the damages sustained by the defendants and owners of said land by reason of the taking and appropriation of the land herein described by the Grand River Dam Authority, a public corporation, are assessed at \$9750.00.

AND IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid the damages so assessed in the sum of \$9750.00, shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that as the report of the commissioners filed herein was in the sum of \$10,376.00 and the verdict of the jury returned herein was in the sum of \$9750.00, the petitioner, Grand River Dam Authority, a public corporation, shall have and it is hereby granted a judgment against the defendant, Clarence Winney, Seneca Allottee No. 12, in the sum of \$1126.00, together with interest thereon at the rate of six per cent from the date of this judgment, said amount of \$1126.00, being the difference between the award of commissioners and the verdict of the jury above mentioned; that the petitioner is not entitled to recover a judgment against the defendant, United States of America, and is not entitled to recover a judgment against the defendants for the costs accruing subsequent to the filing of the report of commissioners.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that H. A. Andrews, Superintendent of the Quapaw Indian Agency, be, and he is hereby directed to refund to the Grand River Dam Authority, a public corporation, the amount of the judgment entered herein in the sum of \$1126.00, together with interest thereon from the date of this judgment; and in the event said judgment, together with interest thereon from the date hereof is not paid, then execution shall issue in the manner prescribed by law.

The petitioner excepts to the ruling and order of this court refusing to enter judgment in its favor and against the defendants for the costs accruing subsequent to the filing of the report of commissioners, and in refusing to allow interest on said judgment from the date that the commissioners' award was deposited with the Clerk of this Court, and in refusing to enter judgment against the United States of America - and exceptions are allowed by the Court.

F. E. REBERAUBER
JUDGE

RECORDED: Filed May 23 1941
F. P. Griffith, Clerk
U. S. District Court H

IN SENATE
COMMISSIONERS OF LANDS AND MINES
STATE OF OKLAHOMA
MAY 15, 1931

IN SENATE
COMMISSIONERS OF LANDS AND MINES
STATE OF OKLAHOMA

Grand River Dam Authority, a public corporation
Petitioner,

CIVIL NO. 392
Tract No. 7 GR-D 364

United States of America; Eunice O'Field;
Mary Jane O'Field, a minor; Kenneth O'Field
a minor; Ruth O'Field, a minor, et al.,
Defendants.

J U D G M E N T

NOW, on this 16th day of April, 1931, 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, United States of America and Eunice O'Field, appearing by the Honorable Chester A. Brewer, Assistant United States Attorney in and for the Northern District of Oklahoma, and the defendants, Mary Jane O'Field, Kenneth O'Field and Ruth Lee O'Field, minors, appearing by W. E. Folts, Probate Attorney, guardian ad litem; and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, filed herein its petition and application for the requisition of the fee simple title to certain lands located in Delaware County, Oklahoma, 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, 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, a public corporation, has heretofore determined and declared that it is necessary for use in the construction, operation and maintenance of the Grand River Dam Project, the following described land, to-wit:

MAP NO. 7 TRACT NO. GR-D 364

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

The NW 1/4, NE 1/4, NW 1/4 of Sec. 13, T 26 N - R 23 E of the Indian Base and Meridian, containing 30.0 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 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 acquire and acquire by purchase the entire, unencumbered fee simple title to the land hereinabove described, and that the only manner in which the said petitioner can acquire title to said land is by condemnation.

It further appearing to this Court that all legal proceedings required by law hereinafter required by the petitioner, Grand River Dam Authority, a public corporation, and that all of the proceedings have been duly served with copies, either by the civil service or judicial officers, of the corporation of said land, and that all proceedings required by law, and that all of the proceedings

...have had due and sufficient notice of this action and of the appointment of commissioners, as provided for in petitioner's petition and application.

It further appearing that on the 22nd day of July, 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 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 to select and appoint from the regular jury list of names, Ed Boph, Dan Bishop and Henry E. Hoffman, three (3) disinterested freeholders residing within the confines of the United States Judicial District for the Northern District of Oklahoma, to inspect said real property and consider the injury which the owners hereof or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner, of said land heretofore first described, and to assess the damages which said owners may sustain by reason of such appropriation, irrespective of any benefits accruing to said land from the construction of or the proposed construction of the Grand River Dam Project, and, thereafter, did, on the 25th day of October, 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 \$1250.00 to the owners of said land for the appropriation and taking of the same, and the Grand River Dam Authority, did, on the 6th day of November, 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 \$1250.00, for the use of the owners of said land; and that the Grand River Dam Authority did, on the 31st day of October, 1940, within thirty (30) days after the filing of said commissioners' report, file with the Clerk of this Court a written demand for trial by jury; and thereafter, on the 7th day of February, 1941, upon application made, pursuant to the order of this court, said sum of \$1250.00 was paid out and disbursed to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes.

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, upon their oaths say:

"We, the jury in the above entitled cause, duly impaneled and sworn, upon our oaths assess damages at \$950.00,"

which verdict was returned on the 19th day of March, 1941.

The petitioner filed its motion praying that judgment be entered in its favor, and against the defendants, United States of America; Bushyrod O'Field; Mary Jane O'Field, a minor, Kenneth O'Field, a minor, and Ruth O'Field, a minor, for the sum of \$300.00, said sum being the difference between the commissioners' award and the verdict of the jury, with interest thereon from the 6th day of February, 1940, said date being the day that the commissioners' award was deposited with the Clerk of the Court for the use and benefit of said defendant, and that the costs accruing subsequent to the filing of the report of commissioners be assessed and taxed against the defendants heretofore named.

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:

PARAG. 7, TRACT 1, GR-D 201

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

That certain tract of land, to-wit: the land owned by the United States of America, and described as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA
WASHER DISTRICT COURT
WASHINGTON, DISTRICT OF COLUMBIA
MAY 29, 1941

AND IT IS FURTHER ORDERED, CONSIDERED AND ADJUDGED by the Court that the damages sustained by the defendants on the value of said land by reason of the taking and appropriation of the land herein described by the Grand River Dam Authority, a public corporation, are assessed at \$950.00.

AND IT IS FURTHER ORDERED, CONSIDERED AND ORDERED by the Court that the petitioner, Grand River Dam Authority, a public corporation, having paid the damages so assessed in the sum of \$950.00, shall be, and it is hereby 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.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to recover a judgment for the difference between the award of commissioners and the verdict of the jury, together with interest thereon from the date of this judgment; that the petitioner is not entitled to recover a judgment against the defendant, United States of America, and is not entitled to recover a judgment against the defendants for the cost accruing subsequent to the filing of the report of commissioners.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the Court that as the amount of commission as filed herein was in the sum of \$1350.00, and the verdict of the jury returned herein was in the sum of \$950.00, the petitioner, Grand River Dam Authority, a public corporation, shall have, and it is hereby granted a judgment against the defendants, Benjamin O'Field, Mary Jane O'Field, and John Kenneth O'Field, a minor, and Ruth O'Field, a minor, for and in the sum of \$300.00, together with interest thereon at the rate of six per cent from the date of this judgment, said amount of \$300.00 being the difference between the award of commissioners and the verdict of the jury above mentioned, for which said sum execution shall issue in the manner prescribed by law.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the Surrogate of the Five Civilized Tribes be, and he is hereby directed to refund to the Grand River Dam Authority, a public corporation, the amount of the judgment entered herein in the sum of \$300.00, together with interest thereon at the rate of six per cent from the date of this judgment.

The petitioner executes to the ruling and order of this court refusing to enter judgment in its favor and against the defendants for the costs accruing subsequent to the filing of the report of commissioners, and in refusing to allow interest on said judgment from the date that the commissioners' award was deposited with the Clerk of this Court, and in refusing to enter judgment against the United States of America - and exceptions are allowed by the Court.

W. E. KENNAMER
JUDGE

RECORDED: Filed May 29 1941
H. P. Warfield, Clerk
U. S. District Court H

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

FILED MAY 31 1941

Assistant United States Attorney for said District, and to wit: said court that said defendant Sarah Klimesmith, has been duly and regularly served with summons and complaint in this case more than twenty (20) days prior to this date, and that said defendant has failed to answer, demur, or otherwise plead herein, and is in default, the court finds that the plaintiff is entitled to a default judgment in accordance with its application filed herein. The court further finds that the following described land located in Osage County, Oklahoma, to-wit:

All of Lots Ten (10), Eleven (11), Twelve (12) and Thirteen (13), Block Seventeen (17), Original Town of Barnsdall, Osage County, Oklahoma,

is restricted Indian land belonging to the heirs of Wiley Whitewing, deceased Osage Allottee No. 586, and that said land is under the supervision and control of the Secretary of the Interior of the United States of America, and that the defendant Sarah Klimesmith should be restrained and enjoined from interfering with the possession, management and control of said land by the Secretary of the Interior, or his authorized representative, the Superintendent of the Osage Indian Agency.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, Sarah Klimesmith, do and she hereby is permanently restrained and enjoined from interfering with the possession, management and control of the following, described land located in Osage County, Oklahoma, to-wit:

All of Lots Ten (10), Eleven (11), Twelve (12), and Thirteen (13), Block Seventeen (17), Original Town of Barnsdall, Osage County, Oklahoma,

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

ROYCE M. SAVAGE
JUDGE

FILED: Filed May 31 1941
H. P. Warfield, Clerk
U. S. District Court IN

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

UNITED STATES OF AMERICA, Plaintiff,)
vs.) NO. 583 CIVIL
JOHN CONLEY, Defendant.)

FOUR AL ENTRY OF JURY CHECK

Now on this 31st day of May, 1941, this matter coming on before the court upon the application of the Plaintiff, the United States of America, for default judgment, submitted by Whit Y. Savage, United States Attorney for the Northern District of Oklahoma, and Chester A. Grever, Assistant United States Attorney for said District and it being shown to the court that the defendant John Conley, has been duly and regularly served with summons and complaint in this case more than twenty (20) days prior to this date, and that said defendant has failed to answer, demur, or otherwise plead herein, and is in default, the court finds that the plaintiff is entitled to a default judgment in accordance with its application filed herein. The court further finds that the following described land located in Osage County, Oklahoma, to-wit:

Lot 10 (1/2) of the Barnsdall plat (17/1)
and the South Half (N/D) of the Barnsdall plat
(17/1) Original Town of Barnsdall, Osage County,

The court in its said judgment, the First Methodist Episcopal Church of Columbia, D.C., herein referred to as defendant Church, on or about March 1, 1932, executed and issued for a good and valuable consideration, 103 bonds numbered 1 to 103, inclusive, for the aggregate sum of \$85,000.00, wherein defendant Church promised to pay to bearers of said bonds the face amounts thereof at the respective maturity dates thereof with interest at the rate of 5%; that all of said bonds in said aggregate amount are at outstanding and unpaid, with unpaid interest coupons attached to the notes at the respective maturities of said bonds, and are owned and held, as follows, to-wit:

Plaintiff owns and holds Bonds No. 2 due March 1, 1934; No. 10 due March 1, 1935; Nos. 20 and 21 due March 1, 1937; Nos. 24 to 27, inclusive, due March 1, 1938; Nos. 28 to 32, inclusive, due March 1, 1939; Nos. 34 to 39, inclusive, due March 1, 1940; Nos. 40 to 45, inclusive, due March 1, 1941; Nos. 49 to 83, inclusive, due March 1, 1942; Nos. 79 to 93, inclusive, due March 1, 1943; each of the foregoing number 3 bonds being in the principal amount of \$1,000.00; and Nos. 94 to 103, inclusive, due March 1, 1944, each in the amount of \$500.00; the aggregate amount of all the bonds held by the Plaintiff being \$50,000.00; with unpaid interest coupons due on March 1, 1930, and thereafter.

General American Life Insurance Company, Bonds Nos. 54 to 73, inclusive, each for \$1,000.00, of the aggregate par value of \$25,000.00, all due March 1, 1943; with unpaid interest coupons due on March 1, 1930, and thereafter.

Edward D. Jones, Bond No. A-2, due March 1, 1931; Bond No. B due March 1, 1932; Bonds Nos. 5 and 6 due March 1, 1933; Bond No. 12 due March 1, 1933; Bonds Nos. 10 and 17, due March 1, 1936; Bonds Nos. 13 and 19, due March 1, 1937; each bond being of the par value of \$1,000.00, all of the aggregate value of \$9,000.00; with unpaid interest coupons on Bonds Nos. 2, 6, 16, 17, 18 and 19 due September 1, 1930, and thereafter; on Bonds Nos. 5 and 6 due March 1, 1939, one due March 1, 1930, and thereafter; and on Bonds No. 13 due September 1, 1933, and thereafter, but also including lost coupons for period from March 1, 1930, to March 1, 1937.

Mrs. W. L. Wilkinson, Bond No. 4 for \$500.00 due March 1, 1932, with interest coupons due on September 1, 1930, and thereafter.

Bank of Cattaraugus, New York, Bond No. 3 for \$1,000.00; Bond No. 2 for \$500.00, both due March 1, 1934, with interest coupons due on September 1, 1930, and thereafter.

Keary Wein, Bond No. 11 for \$1,000.00 due March 1, 1933, with interest coupons due on September 1, 1930, and thereafter.

Edward D. Jones, Bond No. 11 for \$1,000.00 due March 1, 1933, with interest coupons due on September 1, 1930, and thereafter.

IN RE THE ESTATE OF THE BANK OF OKLAHOMA, INC. A CORPORATION OF OKLAHOMA

IN SENATE, FEBRUARY 21, 1930. OKLAHOMA, SENATE, FEBRUARY 21, 1930. OKLAHOMA, SENATE, FEBRUARY 21, 1930.

Dr. Alfred W. Alden, Bond No. 15, for \$1,000.00 due March 1, 1936, with interest coupons due on September 1, 1940, and thereafter.

Elizabeth A. Theis, Bond No. 22 for \$500.00, due March 1, 1937; Bond No. 33 for \$500.00, due March 1, 1939; Bond No. 46 for \$500.00 due March 1, 1941; with interest coupons due on Sept. 1, 1930, and thereafter.

Edward Rakel, Bond No. 38 for \$1,000.00 due March 1, 1938, with interest coupons due on September 1, 1930, and thereafter.

George Osmond, Bond No. 48 for \$1,000.00 due March 1, 1942, with interest coupons due on September 1, 1930, and thereafter.

Ida H. Goedeel, Bond No. 13, for \$500.00 due March 1, 1935, with interest coupons due on March 1, 1931.

The names of the owners and holders of Bonds Nos. 1 and 47 for \$1,000.00 each, due March 1, 1930 and March 1, 1942, respectively, are unknown, with interest coupons due on March 1, 1930 and thereafter.

On each of the foregoing bonds up to their respective due dates are past due interest coupons of \$27.50 each on the \$1,000.00 bonds and \$13.75 each on the \$500.00 bonds, payable on the first days of March and September, commencing as of the dates above specified, each interest coupon representing the semi-annual interest payment on said bond at the rate of 5 1/2% for the preceding semi-annual period. The interest on said coupons and on said bonds has not been paid up to the present time.

The court further finds that defendant Church executed and delivered its mortgage indenture dated March 1, 1928, to the bank of Tennessee, a corporation, and P. P. Diatkar, of Nashville, Tennessee, as trustees, to secure the payment of said bonds, which trust indenture was duly recorded on March 29, 1928, in Book 360, Page 309, in the office of the County Clerk of Creek County, Oklahoma, the mortgage registration tax thereon having been paid; that in said mortgage indenture, defendant Church granted, conveyed and mortgaged unto said Trustee the following described real estate, situated in the County of Creek State of Oklahoma, to-wit:

The North 92.2 feet of Lot No. Two (2) in Block No. Seventy-three (73) in the Town of Sapulpa, Oklahoma, together with all appurtenances, improvements, buildings and structures, erected and to be erected and constructed upon said property or any part thereof; and all fixtures, furnishings, furniture and equipment, which may be placed in the structures and buildings now or hereafter situated thereon, whether the same be now owned by the owner or hereafter acquired;

to hold in trust for securing to the holders of said bonds and coupons the payment thereof, all as in said mortgage indenture more particularly set forth. Said mortgage indenture was given for the equal proportionate and divisible benefit of all the holders of said bonds secured thereby with due regard to seniority. P. P. Diatkar and E. A. Galloway, appointed trustees of said mortgage indenture on February 3, 1930, were removed in accordance with the terms of the mortgage indenture in January 1931, and no successor trustee was appointed. The said mortgage indenture and as amended, with specific trust, South Union and Oklahoma, Company, Inc., a corporation, located in the District of Columbia, was duly recorded in the office of the County Clerk of Creek County, Oklahoma, on March 1, 1931, and the same is assigned to and under the control of the court.

IN SENATE, FEBRUARY 11, 1944.
COMMISSIONERS OF REVENUE,
ST. LOUIS, MISSOURI, PETITIONERS,
vs.
THE CHURCH, DEFENDANT.

... of the mortgage to an individual.

The court further finds that the defendant Church has defaulted in the terms and conditions of its said mortgage, in that it has failed to pay the principal and interest on said bond indebtedness as same matured, all interest coupons and interest since the respective dates hereinbefore set forth being unpaid; and that the St. Louis Union Trust Company, then the corporate trustee, did on January 6, 1941, elect to declare the entire indebtedness due and as notified the defendant Church, all in accordance with the terms and conditions of the said bond and said mortgage indenture, and that all of said indebtedness is represented by the bonds and coupons, and the interest thereon, to be due, including those bonds which have not yet matured according to their own terms.

The court further finds that the plaintiff properly brought this suit as a class suit for and on behalf of itself and all other owners and holders of bonds secured by said mortgage indebtedness and that judgment and a decree of foreclosure should be entered herein for the equal and rateable benefit of all holders of bonds secured by said mortgage indenture; that it is not necessary for the foreclosure of this mortgage that there be a trustee; and that all of the owners of bonds are before the court, except the owners and holders of the two bonds as being bonds Nos. 1 and 47 as above stated, and that this court may in this decree direct the sale of said premises, free and clear of all interest of all bondholders and should direct that the proceeds of the sale of the property of the sale of said premises be held by the Court Clerk for the use of said unknown holders when they appear; and that this court has jurisdiction to decree foreclosure and sale of said mortgaged premises, free and clear of the lien of said mortgage in this suit.

The court further finds that the plaintiff has advanced and paid the sum of \$2,430.50 for fire insurance premiums upon the mortgaged premises, and that the plaintiff has further paid the sum of \$233.33 for paying taxes, and that the defendant, General American Life Insurance Company has paid the sum of \$1,017.20 for fire insurance premiums and \$116.67 for paying taxes, and that they are entitled to recover said sums and that the mortgage indenture secures payment thereof; that said payments were made to preserve the mortgage property for the use and benefit of all bondholders and that reimbursement therefor should be made to the plaintiff and the General American Life Insurance Company out of the proceeds of this sale before distribution is made to the bondholders.

The court further finds that the plaintiff is entitled to institute this suit on its own behalf and on behalf of all the other holders and owners of bonds similarly situated, and that this court has jurisdiction over this action, and over the foreclosure of the property on such class suit even though the holders of the two bonds, Nos. 1 and 47, are absent and are not parties hereto.

The court further finds that the allegations contained in the bill of complaint and the counterclaims and cross-claims of the defendant other than the defendant Church are true and that judgment and a decree should be entered for the plaintiff and other defendants, and for the use and benefit of all the holders of bonds, and for the foreclosure of said mortgage against the defendant Church, all as prayed for by the plaintiff in its bill of complaint, and in the counterclaims and cross-claims of the other defendants and as consented to in the pleadings of the defendant Church.

The court further finds that the plaintiff has employed as its attorneys, Jerome M. Harner, Bradford T. Williams and Wendell Boasche, and that the plaintiff has filed suit for and on behalf of itself and all other holders of bonds similarly situated, and plaintiff is entitled to be allowed to litigate its attorney's fee in this court hereinafter awarded for the payment of its attorney's fee in this case, and that each attorney's fee should be a part of the proceeds of the sale before the distribution of said proceeds to bondholders.

IT IS ORDERED, ADJUSTED AND DECREED that the plaintiff recover judgment against the defendant Church in the sum of \$2,430.50 for fire insurance premiums, and that it recover the sum of \$233.33 for paying taxes, and that the defendant, General American Life Insurance Company, pay to the plaintiff the sum of \$1,017.20 for fire insurance premiums and \$116.67 for paying taxes; and that the plaintiff be reimbursed for said sums out of the proceeds of the sale of the mortgaged premises, free and clear of the lien of said mortgage, before distribution is made to the bondholders.

IN SENATE, FEBRUARY 11, 1914. REPORT OF THE COMMISSIONER OF THE LAND OFFICE, STATE OF MICHIGAN, FOR THE YEAR 1913. PART II. LANDS BELONGING TO THE STATE. CHAPTER I. LANDS BELONGING TO THE STATE. SECTION 1. LANDS BELONGING TO THE STATE. SUBSECTION 1. LANDS BELONGING TO THE STATE.

That the said Special Master shall give notice of such sale by publishing in a newspaper printed and regularly issued and having a general circulation in the County of Ogemaw and State of Michigan, the first publication of such notice to be at least thirty days prior to the date of sale, all in accordance with the provisions of the Statutes of this State, relating to sale of real estate on execution.

IT IS FURTHER ORDERED AND DECIDED that Byron V. Boone be and he is hereby assigned as Special Master to carry the sale herein ordered and decreed, to cause the property to be appraised and to give notice and conduct the sale as herein directed, to deliver a return thereof to this court for confirmation, and to execute and deliver a deed of conveyance of the property so to be sold to the purchaser of the benefits thereof, on the order of the court or of the Judge thereof confirming such sale; the court reserving the right to appoint in term time or chambers another person as Special Master with like powers.

IT IS FURTHER ORDERED AND DECIDED that the funds derived from such sale shall be applied in the following order to the extent of the proceeds thereof, as follows:

- (1) To the payment of all proper expenses attendant upon said sale, including expense outlays, and compensation of a Special Master to carry such sale, as such expense, outlays and compensation may be hereinafter fixed and allowed;
- (2) To the payment of costs of this suit and all charges and expenses as may hereafter be fixed and allowed by the court including the attorney's fees in the amount of \$375.00 herein ordered to be paid to Hayes, William & Boesche.
- (3) To the payment to plaintiff of the sum of \$2,655.33 for fire insurance premiums paid by it for paying taxes paid by it, being the principal without interest; and to the General American Life Insurance Company the sum of \$1,135.87, for fire insurance premiums and paying taxes paid by it, being the principal without interest.
- (4) (a) To the payment pro rata to the above named bondholders the sum of \$95,000.00 representing the principal amount of said bonded indebtedness;
- (b) To the payment pro rata to the above named bondholders the sum of \$50,919.37 representing unpaid interest coupons and interest to this date; and to the plaintiff in the amount of \$335.40, and to the General American Life Insurance Company in the amount of \$417.51 in advances for fire insurance premiums and paying taxes paid by them.
- (c) To the payment pro rata of interest from date heretofore at the rate of 6% per annum upon the amounts herein decreed to be paid, until the same are paid; Provided that the amount to be paid to the bondholders of the two \$1,000.00 bonds, Nos. 1 and 47 above recited, shall be made to the clerk of this court to await the further order of this court for the use and benefit of such bondholders when they may appear.
- (d) Should all of the foregoing items be paid, then the balance shall be paid hereinafter be directed by the further order of this court.

The Special Master shall receive the proceeds of the sale and shall deliver the same as herein directed. The judgment shall be entered in favor of the plaintiff and the defendant and the balance to the extent of the proceeds of the sale of the real estate shall be paid to the plaintiff.

It is ordered that the plaintiff be and he is hereby appointed receiver of the proceeds of the sale of the real estate and shall receive the same and shall deliver the same as herein directed. The judgment shall be entered in favor of the plaintiff and the defendant and the balance to the extent of the proceeds of the sale of the real estate shall be paid to the plaintiff.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

U. S. DISTRICT COURT

MAY 31, 1941

U. S. DISTRICT COURT

ROYCE H. SAVAGE
JUDGE

RECORDED: Filed May 31 1941
H. P. Warfield, Clerk
U. S. District Court DE

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

J. E. STURGES, INCORPORATED,

Plaintiff,)

No. 560 Civil

vs.
Cotton River Dam Authority, a public corporation,

Defendant.)

C O M P L A I N T

Now, on this 31 day of May, 1941, it appearing to the Court from the Stipulation of the parties of record for the Plaintiff and Defendant that the parties to the above styled cause have agreed that the Plaintiff may have until the 10th day of June, 1941, within which to prepare and file an Amended Complaint, and that the defendant may have until the 1st day of July, 1941, within which to plead to such Amended Complaint.

Now, therefore, it is HEREBY ORDERED BY THE COURT that said Stipulation be, and the same is hereby, approved and the Plaintiff is hereby allowed until June 10, 1941, within which to prepare and file Amended Complaint and the defendant is hereby allowed until July 1, 1941, within which to plead to such Amended Complaint.

ROYCE H. SAVAGE
JUDGE

RECORDED: Filed May 31 1941
H. P. Warfield, Clerk
U. S. District Court DE

Court adjourned to June 2, 1941

DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA
CIVIL ACTION FILE NO. 198

LILLIA QUAPAW HANSON, Plaintiff,

vs.

Agnes Quapaw Hoffman, Jean Anna Quapaw
Hoffman, an infant, Henry E. Hoffman, as
Guardian of Jean Anna Quapaw Hoffman, an
infant, and Henry E. Hoffman, Defendants.

ORDER OVERRULING MOTION TO INTERVENE

Now to-wit on this 2nd day of June, 1941 the amended Motion of Stella White, Ada Farley, Ida Gwin, Ella Cooper, Lola Arnold, Fred Baker, George Baker & Eddie Bair to be permitted to intervene as plaintiffs in the above entitled cause and the objections thereto came on to be heard.

The plaintiff Lillia Hanson appeared by her attorney Dick Rice, Miami, Oklahoma, the defendants appeared by their attorneys Vern E. Thompson and Loyd E. Roberts, Joplin, Missouri and Byron Hoffman, Miami, Oklahoma, and the movants by their attorney Chas. E. McPherron, Oklahoma City, Oklahoma.

After argument of counsel for the respective parties and being well and fully advised in the premises the Court in its discretion finds that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the amended motion of Stella White, Ada Farley, Ida Gwin, Ella Cooper, Lola Arnold, Fred Baker, George Baker and Eddie Bair for permission to intervene be and the same hereby is overruled, to which ruling of the Court the said movants are allowed an exception.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to June 3, 1941

REGULAR JANUARY 1941 TERM TULSA, OKLAHOMA TUESDAY, JUNE 3, 1941

On this 3rd day of June, 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:

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 3, 1941

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, et al,	) Defendants,	
)	
The United States of America,	) Intervenor.	

ORDER APPROVING COMMISSIONERS REPORT AND DIRECTING
SALE OF LAND

Now on this 2nd day of June, 1941, comes on to be heard the motion of the plaintiffs herein for an order of this court approving the report of the commissioners heretofore appointed to view and appraise the following land located in Tulsa County, Oklahoma, to wit:

The Southeast Quarter of the Northeast Quarter of Section 35, Township 17 N, Range 13 E, and being 40 acres more or less,

and it appearing to the court that said commissioners have made their report in writing and filed the same in this cause, and there appearing to be no objections filed to said report,

It is therefore the order of the court that the appraisement of the commissioners, filed herein be and the same is approved; and it is the further order of the court that the United States Marshall for the Northern District of Oklahoma, be and he is hereby directed to proceed to advertise and sell the above described land as provided by law in such cases made and provided and report his doings therein for further order of this court.

ROYCE H. SAVAGE
DISTRICT JUDGE

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

Court adjourned to June 9, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 9, 1941

On this 9th day of June, 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 IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA

REGULAR JANUARY 1941 TERM

MONDAY, JUNE 9, 1941

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

Grand River Dam Authority, a public
corporation,)
Petitioner,)
CIVIL NO. 329
-vs-)
George Squirrel, et al.,)
Defendants.)

JOURNAL ENTRY OF JUDGMENT
(Tract No. 2: 13 GR-D 666)

The above entitled proceeding came on for trial in the United States District Court for the Northern District of Oklahoma, sitting at Vinita, in said district, on the 11th day of March, 1941, the petitioner, Grand River Dam Authority, a public corporation, appearing by Mr. Jesse L. Ballard one of its attorneys of record, and the defendants, United States of America, George Squirrel, et al., appearing by Mr. Chester A. Brewer, Assistant United States District Attorney for the Northern District of Oklahoma, and Mr. S. R. Lewis; and the respective parties announcing ready for trial, a jury composed of twelve men then and there was duly impaneled and sworn well and truly to try the issues between said named petitioner and defendants and a true verdict render according to the evidence adduced at the trial. Whereupon the trial proceeded; and the jury, after hearing and considering the evidence adduced by and on the part of the respective parties and after hearing and considering the arguments of counsel and the charges of the court, on said 11th day of March, 1941, returned into court and in this proceeding their unanimous verdict wherein it is recited and stated, that,

We, the jury in the above entitled case, duly impaneled and sworn,
upon our oaths, assess damages at Thirty Two Hundred and no/100 Dollars"

and thereupon the court ordered that said verdict be received, filed, recorded and become a part of the permanent records in said proceeding.

And thereafter came the petitioner Grand River Dam Authority and on the 13th day of March, 1941, filed in said court and in said proceeding its motion for a new trial.

And thereafter, on March 25, 1941, there came on for hearing in said court and in said proceeding the petitioners aforementioned motion for a new trial, the plaintiff then and there appearing by Mr. Jesse L. Ballard one of its attorneys of record, and the defendants, United States of America, George Squirrel, et al, appearing by Mr. Chester A. Brewer, Assistant United States District Attorney for the Northern District of Oklahoma, and Mr. S. R. Lewis. And the Court, after hearing and considering said motion for a new trial and the arguments of counsel thereon, did then and there overrule and deny said motion, to which action on the part of said court the petitioner then and there timely excepted. Whereupon the defendants counsel moved for judgment in accordance with the verdict of the jury. And the court thereupon and precedent to rendering judgment upon the verdict of the jury, did find as follows:

(1) That the petitioner Grand River Dam Authority is a corporate agency and instrumentally of the State of Oklahoma, created by an enactment of the Oklahoma Legislature approved April 26, 1935, Okla. Sess. Laws, 1935, Ch. 70, Art. 4, Sec. 1; 82 Okla. St. Ann. Sec. 861; and under and by virtue of the provisions of said enactment said Grand River Dam Authority is authorized and empowered, among other things, to control, store and preserve the waters of Grand River Dam 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 the electric energy so produced.

(2) That under and by virtue of the provisions of the aforementioned enactment said Grand River Dam Authority is also authorized and empowered, among other things, to acquire by condemnation, in the manner provided by general law with respect to

condemnation, and and all property of any kind, real, personal, or mixed, or any interest therein, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by said enactment.

(3) That prior to the date of the commencement of this proceeding the plaintiff, Grand River Dam Authority, for the purpose of flood control and development of hydro-electric power, had commenced the construction of a large dam and power plant on Grand River, near the town of Pensacola, in Mayes County, Oklahoma; and said project includes the necessitates a basin or reservoir area which extends about 55 miles upstream from the aforementioned dam and is co posed of approximately 52,000 acres of land.

(4) That in the construction and subsequent maintenance and operation of the project aforementioned it became necessary for said Grand River Dam Authority to acquire title to and possession of all of the lands situated within the aforementioned basin or reservoir area, lying and being below elevation 750 mean sea level, including the tract of land described as follows, to-wit:

TRACT NO. 2; (13 GR-D 666)

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

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

Beginning at the SW corner of said $S\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$, thence Easterly along the South bounday of said $S\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$ and $S\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ to the SE corner of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$; thence Northerly along the East boundary of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 418.0 feet to a point 239.5 feet South of the NE corner thereof; thence N. 59° 30' W. 29.0 feet; thence N. 87° 03' W. 291.5 feet; thence S. 81° 50' W. 419.5 feet; thence S. 74° 28' W. 429.3 feet; thence S. 87° 56' W. 372.6 feet; thence N. 85° 31' W. 476.1 feet; thence S. 67° 24' W. 140.1 feet; thence N. 47° 35' W. 196.2 feet; thence N. 74° 13' W. 399.7 feet to a point in the West boundary of said $S\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$; thence Southerly along said West boundary a distance of 409.5 feet to the point of beginning, containing 19.2 acres, more or less;

All in T 25 N - R 22 E of the Indian Base and Meridian, the whole tract containing 39.2 acres, more or less.

(5) That being unable, after diligent effort made, to acquire and secure the absolute, entire and unencumbered fee simple title in and to the aforementioned and described tract of land by purchase or amicable agreement, the petitioner Grand River Dam Authority commenced and has maintained and prosecuted this proceeding with a view to acquiring said tract of land and the unencumbered fee simple title thereto, by condemnation.

(6) That in this proceeding, and after each of the defendants herein named, together with all other persons, firms and corporations named as defendants in said proceeding, had been duly and timely served in a manner authorized and prescribed by law with notice of the institution of said proceeding and of the time and place fixed and designated for the appointment of commissioners therein, the judge of this court upon considering the petitioners petition and application on file in said proceeding, selected and appointed commissioners to inspect the tract of land aforementioned and described, and to consider the injury which the owners thereof, or those having any right, title or interest therein, might sustain by reason of the condemnation and appropriation by said Grand River Dam Authority of the absolute entire and unencumbered fee simple title to said tract of land and to assess the

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

REGULAR JANUARY 1941 TERM

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damages to said tract of land which the owners thereof may sustain by such taking and appropriation, irrespective of any benefit from any improvements proposed. And that on the 16th day of April, 1940, said commissioners took the oath of office as such commissioners to perform their duties impartially and justly, and thereafter did actually go upon and view and inspect the tract of land hereinabove mentioned and described, and did actually view and inspect the improvements aforementioned, and did consider the injury which the owners and those having any right, title or interest therein might sustain in the premises, and did assess and fix the damages at and in the sum of \$2700.00; and, that on July 3, 1940, said commissioners made and filed in this proceeding their report in writing.

(7) That thereafter, within thirty days after the filing of said commissioners report, and on the 16th day of July, 1940, the petitioner Grand River Dam Authority, made and filed in this court and in this proceeding its written demand for a trial by jury.

(8) That after the commissioner's report aforementioned had been made and filed in this proceeding, and on August 26, 1940, the petitioner Grand River Dam Authority, paid over to and deposited with the clerk of this court, for the use and benefit of the owners and those having any right, title or interest in and to the tract of land hereinbefore mentioned and described, the commissioners award herein to-wit: The sum of \$2700.00.

AND THEREAFTER ON THE 25th day of MARCH, 1941, IN SAID COURT AND IN THIS PROCEEDING IT WAS CONSIDERED, ORDERED AND ADJUDGED BY THE COURT:

(a) That the petitioner Grand River Dam Authority, a corporate agency and instrumentality of the State of Oklahoma, had the right and authority, and it is necessary and convenient, to acquire by condemnation for use in relation to the construction, operation, and maintenance of the Grand River Dam Project, the entire, absolute and unencumbered fee simple title to the following described tract of land, to-wit:

TRACT NO. 2: (13 GR-D 666)

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

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

Beginning at the SW corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence Easterly along the South boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the SE corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$; thence Northerly along the East boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 418.0 feet to a point 239.5 feet South of the N E corner thereof; thence N. 59° 30' W. 29.0 feet; thence N. 87° 03' W. 291.5 feet; thence S. 81° 50' W. 419.5 feet; thence S. 74° 28' W. 429.3 feet; thence S. 87° 56' W. 372.6 feet; thence N. 85° 31' W. 476.1 feet; thence S. 67° 24' W. 140.1 feet; thence N. 47° 35' W. 196.2 feet; thence N. 74° 13' W. 399.7 feet; to a point in the West boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence Southerly along said West boundary a distance of 409.5 feet to the point of beginning, containing 19.2 acres, more or less,

All in T 25 N - R 22 E of the Indian Base and Meridian, the whole tract containing 39.2 acres, more or less.

(b) That, as and for the damages sustained and as just compensation to the owners and any and all persons having any right, title or interest in and to the aforementioned tract of land (Tract No. 2: 13 GR-D 666), by reason of the taking and appropriation of said tract of land by said Grand River Dam Authority, the following sums and amounts are fixed, assessed, awarded and allowed, to-wit: the sum of \$3,200.00; subject however to a credit in the amount of \$2,700.00, which amount the petitioner has heretofore paid over to and deposited with the clerk of this court on August 26, 1940, in payment and satisfaction of the commissioners award made herein.

AND IT WAS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT:

That upon payment in full of the amount due and provided by this judgment into the office of the clerk of this court, the petitioner Grand River Dam Authority, a corporate agency and instrumentality of the State of Oklahoma, shall forthwith be and become vested with the absolute, entire and unencumbered fee simple title in and to the aforementioned and described tract of land (Tract No. 2: 13 GR-D 666), together with all rights incident and appertaining to ownership thereof; and,

That the costs of this proceeding be assessed against the plaintiff Grand River Dam Authority.

To all of said award, and judgment, the plaintiff Grand River Dam Authority then and there excepted and said exceptions were by the court allowed.

F. E. KENAMER
JUDGE

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

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

DEWEY T. ROSS ENGINEERING CORPORATION, Plaintiff,)
)
 vs.)
)
 GRAND RIVER DAM AUTHORITY, a corporation,) No. 544 - Civil
 HARTFORD ACCIDENT AND INDEMNITY COMPANY,)
 a corporation, Defendants)
)
 L. B. FLEMING and L. E. LEWIS, Interveners.)

ORDER GRANTING ENLARGEMENT OF TIME IN WHICH TO
ANSWER CROSS-PETITION

Now, on this 9th day of June, 1941, application having been made by the defendant Hartford Accident and Indemnity Company, a corporation, for an enlargement of time in which to answer the defendant Grand River Dam Authority's cross-petition 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.

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 10, 1941

On this 10th day of June, 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. Manzy, United States Attorney
John P. Logan, United States Marshal

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

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

CREEK NATION OF INDIANS, by ALEX NOON,)
Principal Chief,) Plaintiff,)
vs.) No. 367 - Civil
NANCY BARNETT, nee GRAYSON, et al.,)
Defendants.)

ORDER GRANTING IZORA ALEXANDER LEE, ET AL,
ADDITIONAL TIME FOR PLEAS OR ANSWER

For good cause shown, IT IS HEREBY ORDERED that the defendants, Izora Alexander Lee, et al, represented in this cause by Chas. B. Rogers, attorney, be and they are hereby granted an additional 20 days from the 11th day of June, 1941, in which to file their pleas or answer to the Amended Cross-Complaint of Jim Payne Woods.

DATED: this 10 day of June, 1941.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jun 10 1941
H. P. Warfield, Clerk
U. S. District Court JS

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

Creek Nation of Indians, by Alex)
Noon, Principal Chief,) Plaintiff,)
vs) No. 367 - Civil
Nancy Barnett, nee Grayson, et al,)
Defendants.)

ORDER EXTENDING TIME TO PLEAD TO
AMENDED CROSS CLAIM OF JIM PAYNE WOODS

For good cause shown defendants, H. G. Barnard and V. V. Harris, are given until June 20, 1941, within which to plead or answer to the amended cross claim of Jim Payne Woods filed herein

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jun 10 1941
H. P. Warfield, Clerk
U. S. District Court LN

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 10, 1941

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

Walter Reed, Jr.,	Plaintiff,)
)
vs.		) No. 488 Civil
)
Nash-Kelvinator Corporation, a corporation,)
G.I.T. Corporation, a corporation, Kinnebrew)
Motor Company, a corporation,	Defendants.)

ORDER EXTENDING TIME TO PLEAD TO SECOND AMENDED PETITION

On this, the 10th day of June, 1941, upon application of the defendants and for good cause shown:

IT IS ORDERED by the court that the defendants be and they are hereby granted an additional five days from and after this date in which to plead to the second amended petition of the plaintiff, or fifteen days in which to answer said second amended petition.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jun 10 1941
H. P. Warfield, Clerk
U. S. District Court B

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

ELLA CARR, ET AL,	Plaintiffs,)
)
vs.		) No. 552 Civil
)
LEE HOOVER, ET AL,	Defendants.)
)
United States of America,	Intervenor.)

ORDER FIXING COMMISSIONERS FEES

Now on this 10th day of June, 1941, it appearing to the Court that on the 16th day of May, 1941, this Court appointed A. C. Wise, John Gardner and Walter Wetzel, of Bixby, Oklahoma, as commissioners in the above entitled cause to make partition of the following land in Tulsa County, State of Oklahoma, among the heirs and owners of said land; that said commissioners qualified by taking oath and have performed their duties as such commissioners and made their report in writing and same is now on file in this cause, The land being the SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 35, Twp. 17 N, R 13 E,

It is therefore the order of this court that said appraisers be paid for their services, each, \$5.00 per day, together with their necessary mileage; that said fees and mileage be taxed and paid as a part of the costs of this action.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jun 10 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

TUESDAY, JUNE 10, 1941

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

ETHEL BROOKS SHAW,	Complainant,)
)
-vs-		) NO. 2053 Law
)
C. R. Hunte , John L. Beauchamp and)
O. S. Hopping,	Defendants.)

ORDER OF REVIVOR OF JUDGMENT

The above entitled cause coming on regularly to be heard before the Honorable Royce H. Savage, Judge of the above named court, at his chambers, in the city of Tulsa, in the county of Tulsa in the Northern District of the State of Oklahoma, on the 10th day of June, 1941, upon the petition of Ethel Brooks Shaw, plaintiff, for an order reviving the judgment in the above entitled cause, No. 2053 Law, which judgment was rendered in the United States District Court for and in the Northern District of Oklahoma, in the county of Tulsa, it appearing to the satisfaction of the court that due notice or the filing of said petition and application of reviver and that the hearing of the same was set on the 6th day of June, at the hour of 9 a.m., and it further appearing to the court that no Judge of said court was present at said time, and that due notice was given to the defendant C. R. Hunter that the matter would be taken upon this date.

And the court, being further satisfied that said judgment rendered in said cause on the 3rd day of June, 1935, and hat thereafter execution was issued out of the office of the Clerk of the United States District Court, at Tulsa, State of Oklahoma, on the 13th day of June, 1935, and that said judgment against said C. R. Hunter ought to be revived, in the sum of \$14,879.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said judgment be and the same is hereby revived, in the sum of \$14,879.00, to which order and ruling of the court the defendant C. R. Hunter then and there excepts.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 10 1941
H. P. Warfield, Clerk
U. S. District Court

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

Maryland Casualty Company of Baltimore, Md., a corp.,	Plaintiff,)
)
vs.		) No. 1290 Equity
)
E. A. Kelleam, et al,	Defendants.)

ASSIGNMENT

We, the undersigned defendants in the above and foregoing litigation, having heretofore recovered judgment for costs in and by the Supreme Court of the United States and this Honorable Court, and being well and truly indebted to Glenn O. Young for services rendered and performed in our behalf, for and in consideration of said services and in part payment ther for, have and by these present do assign, transfer and set over to said Glenn O. Young, all right, title, interest, equity or estate

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE TERRITORY OF
DISTRICT OF OKLAHOMA
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vested in us in any judgment or judgments rendered or to be rendered herein in our behalf, and to covenant and agree that he may in our name, place and stead take any and all other or further steps necessary for the collection of said judgment, collect, receipt for and release the same as fully and with like effect as we ourselves might do but for this assignment.

Dated this 2 day of June, 1941.

EAK E. A. KELLEAM
NS NELL SOUTHARD
JEK JOE E. KELLEAM
RJS R. J. SOUTHARD, JR.

ENDORSED: Filed Jun 10 1941
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to June 11, 1941

REGULAR JANUARY 1941 TERM

WEDNESDAY, JUNE 11, 1941

TULSA, OKLAHOMA

On this 11th day of June, 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

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.)

ORDER CONFIRMING SALE

NOW on this day comes Horace M. Rider as Commissioner duly appointed by order of this court dated May 3, 1941, to make sale of the property described in the final decree in this cause dated March 26, 1941, and to carry out the orders and provisions thereof and makes report of this acts and doings thereunder. And the court having examined the same and the motion to confirm the sale filed by the Relator herein and finding that said Commissioner has in every respect carried out the orders in said decree contained and in strict confirmation with law and that the sale was fairly made and finding that Relator is entitled to the monies now held by the City Clerk and Treasurer, W. C. Glenn, to the credit of the City of Miami Refunding Street Improvements Bonds, Series No. 14, in the amount of \$46.73, and finding that W. C. Glenn, City Clerk and Russell Doss, County Treasurer, should endorse a cancellation of the installments of paving assessments which have been foreclosed in this action and the court being fully advised in the premises.

IT IS THEREFORE CONSIDERED ORDERED, ADJUDGED AND DECREED that the proceedings, sale, and report of the Commission be, and the same are hereby confirmed and approved in all respects. That the amount of his charges for making the sale of said property having been duly paid and received that he execute a Commissioner's Deed for said property to W. J. Meredith, the purchaser of said property. That upon execution said Commissioner's Deed be delivered to the purchaser, W. J. Meredith, and that the Clerk of the court forthwith cancel the said City of Miami Refunding Street Improvement Bonds, Series No. 14, Numbers five to eight, inclusive, now in his hands and that he deliver same forthwith to W. C. Glenn, City Clerk and Treasurer, for cancellation by him. That W. C. Glenn, City Clerk and Treasurer, forthwith pay to W. J. Meredith the sum of \$46.73, to the credit of City of Miami Refunding Street Improvement Bonds, Series No. 14, That W. C. Glenn, City Clerk, and Russell Doss, County Treasurer, forthwith endorse the legend, "Canceled by foreclosure in Federal Court" upon the books and records in their respective offices as to all installments of assessments securing the payment of City of Miami Refunding Street Improvement Bonds, Series No. 14.

Done in Chambers at Tulsa, Oklahoma, this, the 11 day of June, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 11 1941
H. P. Warfield, Clerk
U. S. District Court B

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

THE CITY OF MIAMI, OKLAHOMA, a municipal
corporation, ex rel, W. J. MEREDITH, Plaintiff,)
Civil Action No. 361
vs.)
LAURA A. WILSON, et al Defendants.)

ORDER CONFIRMING SALE

NOW on this day comes Horace M. Rider as Commissioner duly appointed by order of this court dated May 3, 1941, to make sale of the property described in the final decree in this cause, dated March 26, 1941, and to carry out the orders and provisions thereof and makes report of his acts and doings thereunder. And the court having examined the same and the motion to confirm the sale filed by the Relator herein and finding that said Commissioner has in every respect carried out the orders in said decree contained and in strict confirmation with Law and that the sale was fairly made and finding that Relator is entitled to the monies now held by the City Clerk and Treasurer, W. C. Glenn, to the credit of City of Miami Refunding Street Improvement Bonds, Series No. 11, in the amount of \$82.72 and finding that W. C. Glenn, City Clerk, and Russell Doss, County Treasurer, should endorse a cancellation of the installments of paving assessments which have been foreclosed in this action and the court being fully advised in the premises,

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the proceedings, sale, and report of the Commission be, and the same are hereby confirmed and approved in all respects. That the amount of his charges for making the sale of said property having been duly paid and received that he execute a Commissioner's Deed for said property to W. J. Meredith, the purchaser of said property. That upon execution said Commissioner's Deed be delivered to the purchaser, W. J. Meredith, and that the Clerk of this court forthwith cancel the said City of Miami Refunding Street Improvement Bonds, Series No. 11, Numbers six to ten and twelve to twenty, inclusive, now in his hands and that he deliver same forthwith to W. C. Glenn, City Clerk and Treasurer for cancellation by him. That W. C. Glenn, City Clerk and Treasurer, forthwith pay to W. J. Meredith the sum of \$82.72 to the credit of City of Miami Refunding Street Improvement Bonds, Series No. 11. That W. C. Glenn, City Clerk, and Russell Doss,

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
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County Treasurer, forthwith endorse the legend, "Canceled by foreclosure in Federal Court" upon the books and records in their respective offices as to all installments of assessments securing the payment of City of Miami Refunding Street Improvement Bonds, Series No. 11.

Done in chambers at Tulsa, Oklahoma, this the 11th day of June, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed JJun 11 1941
H. P. Warfield, Clerk
U. S. District Court B

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. 362
J. J. SMITH et al, Defendants.)

ORDER CONFIRMING SALE

NOW on this day comes Horace M. Rider as Commissioner duly appointed by order of this court dated May 3, 1941, to make sale of the property described in the final decree in this cause dated March 28, 1941, and to carry out the orders and provisions thereof and makes report of his acts and doings thereunder. And the court having examined the same and the motion to confirm the sale filed by the Relator herein and finding that said Commissioner has in every respect carried out the orders in said decree contained and in strict confirmation with law and that the sale was fairly made and finding that Relator is entitled to the monies now held by the City Clerk and Treasurer, W. C. Glenn, to the credit of City of Miami, Refunding Street Improvement Bonds, Series No. 15, in the amount of \$_____ and finding that W. C. Glenn, City Clerk, and Russell Doss, County Treasurer, should endorse a cancellation of the installments of paving assessments which have been foreclosed in this action and the court being fully advised in the premises,

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED that the proceedings sale, and report of the Commission be, and the same are hereby confried and approved in all respects. That the amount of his charges for making the sale of said property having been duly paid and received that he execute a Commissioner's Deed for said property to W. J. Meredith, the purchaser of said property. That upon execution said Commissione 's Deed be delivered to the purchaser, W. J. Meredith, and that the Clerk of this court forthwith cancel the said City of Miami Refunding Street Improvement Bonds, Series No. 15, Numbers two to eight, inclusive, now in his hands and that he deliver same forthwith to W. C. Glenn, City Clerk and Treasurer for cancelation by him. That W. C. Glenn, City Clerk and Treasurer, forthwith pay to W. J. Meredith the sum of \$_____ to the credit of City of Miami, Refunding Street Improvement Bonds, Series No. 15. That W. C. Glenn, City Clerk, and Russell Doss, County Treasurer, forthwith endorse the legenc, "Canceled by foreclosure in Federal Court" upon the books and records in their respective offices as to all installments of assessments securing the payment of City of Miami, Refunding Street Improvement Bonds, Series No. 15.

Done in chambers at Tulsa, Oklahoma, this, the 11 day of June, 1941.

ENDORSED: Filed Jun 11 1941
H. P. Warfield, Clerk, U. S. District Court

ROYCE H. SAVAGE
United States District Judge

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, JUNE 11, 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. 363
vs.)	
S. M. GALLOWAY, et al,	Defendants.)	

ORDER CONFIRMING SALE

NOW on this day comes Horace M. Rider as Commissioner duly appointed by order of this court dated May 3, 1941, to make sale of the property described in the final decree in this cause dated March 26, 1941, and to carry out the orders and provisions thereof and makes report of his acts and doings thereunder. And the court having examined the same and the motion to confirm the sale filed by the Relator herein and finding that said Commissioner has in every respect carried out the orders in said decree contained and in strict confirmation with law and that the sale was fairly made and finding that Relator is entitled to the monies now held by the City Clerk and Treasurer, W. C. Glenn, to the credit of the City of Miami Refunding Street Improvements Bonds, Series No. 17, in the amount of \$ _____ and finding that W. C. Glenn, City Clerk and Russell Doss, County Treasurer, should endorse a cancellation of the installments of paving assessments which have been foreclosed in this action and the court being fully advised in the premises.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the proceedings be sale, and report of the Commissioners, and the same are hereby confirmed and approved in all respects. That the amount of his charges for making the sale of said property having been duly paid and received that he execute a Commissioner's Deed for said property to W. J. Meredith, the purchaser of said property That upon execution said Commissioner's Deed be delivered to the purchaser, W. J. Meredith, and that the Clerk of the court forthwith cancel the said City of Miami Refunding Street Improvement Bonds, Series No. 17, Numbers five to nine, inclusive, now in his hands and that he deliver same forthwith to W. C. Glenn, City Clerk and Treasurer, for cancellation by him. That W. C. Glenn, City Clerk and Treasurer, forthwith pay to W. J. Meredith the sum of \$ _____ to the credit of City of Miami Refunding Street Improvement Bonds, Series No. 17, that W. C. Glenn, City Clerk, and Russell Doss, County Treasurer, forthwith endorse the legend, "Canceled by foreclosure in Federal Court" upon the books and records in their respective offices as to all installments of assessments securing the payment of City of Miami Refunding Street Improvement Bonds, Series No. 17.

Done in chambers at Tulsa, Oklahoma, this, the 11 day of June, 1941.

ROYCE H. SAVAGE

ENDORSED: Filed Jun 11 1941
H. P. Warfield, Clerk
U. S. District Court B

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.)	

ORDER CONFIRMING SALE

NOW on this day comes Horace M. Rider as Commissioner duly appointed by order of

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, JUNE 11, 1941

court dated May 3, 1941, to make sale of the property described in the final decree in this cause dated March 26, 1941, and to carry out the orders and provisions thereof and makes report of his acts and doings thereunder. And the court having examined the same and the motion to confirm the sale filed by the Relator herein and finding that said Commissioner has in every respect carried out the orders in said decree contained and in strict confirmation with law and that the sale was fairly made and finding that Relator is entitled to the monies now held by the City Clerk and Treasurer, W. C. Glenn, to the credit of the City of Miami Refunding Street Improvement Bonds, Series No. 9, in the amount of \$60.98, and finding that W. C. Glenn, City Clerk and Russell Doss, County Treasurer, should endorse a cancellation of the installments of paying assessments which have been foreclosed in this action and the court being fully advised in the premises.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the proceedings, sale, and report of the Commission be, and the same are hereby confirmed and approved in all respects. That the amount of his charges for making the sale of said property having been duly paid and received that he execute a Commissioner's Deed for said property to W. J. Meredith, the purchaser of said property. That upon execution said Commissioner's Deed be delivered to the purchaser, W. J. Meredith, and that the clerk of the court forthwith cancel the said City of Miami Refunding Street Improvement Bonds, Series No. 9, Numbers 2 to 8, inclusive, now in his hands and that he deliver same forthwith to W. C. Glenn, City Clerk and Treasurer, for cancellation by him. That W. C. Glenn, City Clerk and Treasurer, forthwith pay to W. J. Meredith the sum of \$60.98, to the credit of City of Miami Refunding Street Improvement Bonds, Series No. 9. That W. C. Glenn, City Clerk, and Russell Doss, County Treasurer forthwith endorse the legend, "Canceled by foreclosure in Federal Court" upon the books and records in their respective offices as to all installments of assessments securing the payment of City of Miami Refunding Street Improvement Bonds, Series No. 9, except those against City of Miami property.

Done in chambers at Tulsa, Oklahoma, this, the 11 day of June, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 11 1941
H. P. Warfield, Clerk
U. S. District Court B

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

SAMMONS-ROBERTSON COMPANY, a corporation,)
Plaintiff,)
v.) No. 443 Civil
Massman Construction Company, a corporation)
Grand River Dam Authority, et al., Defendants.)

ORDER

For good cause shown, the time for filing reply to answers herein is hereby extended to the 1st day of July, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 11 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.

ORDER FOR HEARING MOTION FOR CONFIRMATION OF RECEIVER'S SALE,
AND RECEIVER'S APPLICATION FOR DISBURSEMENT OF
PROCEEDS

It appearing to the Court that M. C. TRIMBLE, the duly appointed, qualified and acting Receiver herein, has filed in this cause Return of Sale of personal property; his motion for confirmation thereof and his application for disbursement of proceeds realized from the sale of said personal property, and said matter should be set for hearing and notice thereof duly given to the County Treasurer of Tulsa County, Oklahoma; and for good cause shown, it is, by the Court,

ORDERED:

(1) That the Receiver's Return of Sale of Personal Property, motion for confirmation thereof, and application for disbursement of proceeds realized from said sale, be, and the same is hereby, set for hearing before this Court at ten o'clock A.M., on the 24 day of June, 1941.

(2) That notice of said hearing be given to the County Treasurer of Tulsa County, Oklahoma, by service of a copy of the Receiver's Application and a copy of this order, which notice, when given, shall be deemed sufficient.

ENTERED this the 11 day of June, 1941,

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 11 1941
H. P. Warfield, Clerk
U. S. District Court JS

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

HAZEL D. WOODWARD BRADSHAW,

Plaintiff,

)
)
) No. 508 Civil

vs.

UNITED STATES OF AMERICA,

Defendant.

JOURNAL ENTRY

This matter coming on for trial this 11th day of June, 1941, in its regular order and the plaintiff appearing in person and by her counsel, Harold E. Rorschach, Jack Rorschach and John W. Goldesberry, and the United States of America appearing by Whit Y. Mauzy, United States Attorney,

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

REGULAR JANUARY 1941 TERM

WEDNESDAY, JUNE 11, 1941

for the Northern District of Oklahoma, and both sides announcing ready for trial, the court directs that said action proceed to trial.

The court, after the introduction of evidence and after statements by respectively counsel for the parties hereto, finds that the plaintiff voluntarily paid to Louis P. Andrews, Deputy Collector of Internal Revenue, the sum of Twenty-five Hundred Dollars (\$2,500.00) to apply upon her outstanding tax liability which was then owed to the United States of America and further finds that said plaintiff is not entitled to receive said sum from the United States.

The court further finds that all issues involved in favor of the defendant United States of America, and further finds that judgment should be entered in favor of said defendant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that judgment be entered in favor of the defendant, United States of America, and that plaintiff take nothing and that defendant be discharged.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the costs of this action be taxed against the plaintiff and if not paid, execution duly issue.

To all of which the plaintiff excepts and exceptions is allowed by the court.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

KENTUCKY HOME MUTUAL LIFE INSURANCE COMPANY, a corporation, Plaintiff,
vs.
THE FIRST METHODIST EPISCOPAL CHURCH OF SAPULPA, OKLAHOMA, a corporation, et al, Defendants.
No. 550 Civil

ORDER DIRECTING CANCELLATION OF BONDS AND COUPONS

Now on this 11th day of June, 1941, upon the application of plaintiff, it is ordered that the Clerk of this Court be and he is hereby directed to cancel the bonds of the defendant, The First Methodist Episcopal Church of Sapulpa, Oklahoma, dated March 1, 1928, being numbered 1 to 103, inclusive, with the exception of Nos. 1 and 47, which are missing, and the coupons thereto attached, being the bonds and coupons upon which the decree of foreclosure entered herein on May 31, 1941, and to return the same, after they have been duly cancelled, to the plaintiff.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jun 11 1941
H. P. Warfield, Clerk
U. S. District Court JS

Court adjourned to June 12, 1941

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, JUNE 12, 1941

On this 12th day of June, 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. Manzy, United States Attorney
John P. Logan, United States Marshal

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

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

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
vs.)	
)	
140 Acres of land in Delaware County State of		)	Civil No. 143
Oklahoma, et al, (Civil No. 143); 490.995 acres		)	Civil No. 13
of land more or less in Delaware County, Oklahoma,		)	Civil No. 174
(Tract No. 3 Civil No. 13); et al; 1299.44 Acres of		)	Civil No. 218
land more or less in Delaware County, Oklahoma,		)	Civil No. 98
(Civil No. 174) et al; 1262.75 Acres of land in)	
Delaware County, Oklahoma, Tracts 34, 34A, 34B,)	
34D, 34E, 34F, 34G, 34J, and 30, 30A, 92, 111,)	
122A, 56A, 56B, and 56C, Civil No. 218) et al;)	
119.62 acres of land more or less in Delaware)	
County, Oklahoma, (Civil No. 98) et al.	Defendants.)	

ORDER DIRECTING CLERK TO ISSUE DUPLICATE REGISTRY OF COURT
CHECKS TO RE-PLACE DESTROYED CHECKS NUMBERED 569, 584,
675, 714 and 960

NOW, on this the 12th day of June, 1941, this matter coming on to be heard upon the application of Riley Q. Hunt, County Attorney of Delaware County, Oklahoma, who appears in person and it being made to appear to this court that certain registry of court checks hereinafter numbered and identified were, while in the possession of John Curtis, County Treasurer of Delaware County, Oklahoma, destroyed by fire in the Courthouse fire in the town of Jay, Delaware County, Oklahoma, on the 22nd day of February 1941, and that because of such destruction said checks have not been, and cannot be, presented for payment and that the purpose for which said checks were issued have not been accomplished.

IT IS THEREFORE ORDERED AND ADJUDGED by the court that the Clerk of this Court be, and he is hereby, ordered and directed to forthwith issue duplicate registry of court checks, in the following numbered actions and amounts to re-place the following registry of court checks having the following numbers and dates, in the following numbered actions and amounts to-wit:

Checks No.	Date	Case	Amount
569	8-22-39	143-Civil	\$ 80.00
584	11-13-39	13-Civil	20.00
675	1-25-40	174-Civil	109.77
714	2-21-40	218-Civil	1701.61
960	7-29-40	98- Civil	74.59

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, JUNE 12, 1941

District of Oklahoma, before you, or some of you in a cause between United States of America, libellant, and One 1939 Model DeSoto Coupe Automobile, Motor No. S-6-27,687 and approximately 63 gallons of assorted taxpaid intoxicating liquors seized therein; D. A. (Dan) Myers and Commercial Investment Trust Corporation, claimants, No. 340, Civil, the judgment of the said district court in said cause, entered on May 14, 1940, was in the following words, viz:

* * * * *

"It is therefore ordered, adjudged and decreed by the court that a forfeiture herein be and the same is hereby allowed as to the said described 1939 Model DeSoto Coupe Automobile, Motor No. S6-27,687, insofar as the interest and rights of Claimant D. A. (Dan) Myers are concerned.

"It is further ordered, adjudged and decreed by the court that forfeiture herein be and the same is hereby allowed as to the said approximately sixty-three (63) gallons of assorted taxpaid 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 the claim of the Commercial Investment Trust Corporation be and the same is hereby allowed upon its payment of the sum of Fifty Dollars (\$50.00), all storage charges and other costs sustained by said claimant as an incident to the seizure and forfeiture proceedings as are instituted thereon and therein, and the cost of any instruments filed herein by said claimant, and the United States Marshal for the Northern District of Oklahoma is directed to deliver over to said Commercial Investment Trust Corporation, said described automobile upon its furnishing receipts reflecting such payments, and the application for delivery of said automobile 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, is and the same is hereby denied, to which ruling of the court Libellant excepts."

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

AND WHEREAS, at the 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 this court that the judgment of the said district court in this cause be and the same is hereby reversed; and that this cause be and the same is hereby remanded to the said district court with instructions to proceed in accordance with the views expressed in the opinion of this court; and that United States of America, appellant, have and recover of and from Commercial Investment Trust Corporation, appellee, its costs herein and have execution therefor.

-- March 18, 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 the 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, this 9th day of June, in the year of our Lord one thousand nine hundred and forty-one.

COSTS OF	APPELLANT	ROBERT B. CARTWRIGHT
Clerk	\$27.45	Clerk of the United States Circuit Court
Printing record	51.15	of Appeals, Tenth Circuit

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, JUNE 12, 1941

Attorney \$ 20.00
\$98.60

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

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 12th day of June, 1940, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that among the assets coming into the hands of the trustee was a note, executed by R. D. Teasley, as maker, to the Exchange National Company, dated October 16, 1929, for the principal sum of Three Thousand Six Hundred Dollars (\$3,600.00), upon which there was due the principal sum of Three Thousand One Hundred Forty-Six & 46/100 Dollars (\$3,146.46) and that said note was secured by a first and prior real estate mortgage covering the following described real estate; to-wit:

Lot Twenty (20) in Block Two (2) in Reservoir Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

The court further finds that because of the inability of the trustee to collect said note, he instituted cause No. 61042 in the District Court of Tulsa County, Oklahoma, and obtained judgment therein on the 9th day of July, 1936, for the principal sum of Three Thousand One Hundred Forty Six & 46/100 Dollars (\$3,146.46), together with interest from the 1st day of March, 1932, to the date of the judgment, in the amount of One Thousand Three Hundred Seventy One & 13/100 Dollars (\$1,371.13) and for the further sum of Three Hundred Fifteen Dollars (\$315.00) as attorney fees, said judgment being entitled to a credit of Four Hundred Forty Nine & 18/100 Dollars (\$449.18), the net amount received from rentals, and for the foreclosure of the real estate mortgage; that pursuant to appropriate proceedings therefor said real estate was sold by the Sheriff of Tulsa County, Oklahoma, and was purchased by J. H. McBirney, Successor Trustee, the amount bid therefor being credited upon said judgment, and the court further finds that the said J. H. Mc Birney, Successor Trustee, is the present owner and holder of legal title to said real estate.

The court further finds that the said real estate above described is improved with a stone veneer, one story, shingle roof, dwelling, 30' x 36', containig 5 rooms, and agreakfast room, and is further improved with a one story garage, containing shingle roof, 18' x 18', and that the said property is located at number 2443 North Boston Place, and further finds that the improvements upon the said premises are in good condition.

The court further finds that J. H. McBirney, Successor Trustee, has an offer from Lawrence Tauben and Sophie Tauben for the purchase of said real estate and improvements, for the sum of Three Thousand Dollars (\$3,000.00) in cash; that the members of the Advisory Committee have been duly notified of the offer of purchase submitted by Lawrence Tauben and Sophie Tauben, and have approved said offer and recommended that J. H. McBirney, Successor Trustee, sell said real estate for said cash consideration.

The court further finds that the said trust estate is in liquidation; that the trustee recommends the sale of said real estate for said cash consideration, and that it is probably for the best interest of the trust estate and its beneficiaries to sell said real estate for said cash consideration.

The court further finds that the sale of said real estate was arranged by Mrs. C. C. Russ, a real estate broker in the City of Tulsa, who is entitled to compensation for her said services, and that reasonable compensation for said services is five per cent (5%) of the said cash consideration, or the sum of One Hundred Fifty Dollars (\$150.00),

The court finds that the said application should be granted, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell the land, together with the improvements thereon, above described, to Lawrence Tauben and Sophie Tauben, for the sum of Three Thousand Dollars (\$3,000.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver his special trustee's deed, transferring and conveying title to the premises above described to Lawrence Tauben and Sophie Tauben, upon payment by them to him of the sum of Three Thousand Dollars (\$3,000.00).

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

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to Mrs. C. C. Russ, a real estate brokerage commission of the sum of One Hundred Fifty Dollars (\$150.00) conditioned upon the final completion of the sale hereby authorized.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

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

Court adjourned to January 14, 1941

On this 14th day of June, 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 IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

SATURDAY, JUNE 14, 1941

IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA

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

ORDER AUTHORIZING SALE

THIS CAUSE COMING on to be heard on this the 14th day of June, 1941, on the verified application of T. P. Farmer, as receiver of Exchange National Company, for an order authorizing directing and empowering him to sell at public sale the following described premises, to-wit:

North 22 feet of South 32 feet of Lot 5, Block 7, Original Townsite of Tulsa

Lot 16 Block 1 Kraatz Gerlach Addition to the City of Tulsa

Lot 11 Block 16 Cherokee Heights Addition to the city of Tulsa

Lot 5 Block 12 Burgess Hill Addition to the city of Tulsa

Lots 40 and 41 Block 4 College View Addition to the city of Tulsa

Lot 9 Block 6 Buena Vista Park Addition to the City of Tulsa

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

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED and DECREED that said application of T. P. Farmer, as receiver of Exchange National Company be and the same is hereby sustained, and the said T. P. Farmer, as receiver of Exchange National Company, be and he is hereby directed, authorized and empowered forthwith to offer for sale at public sale the aforescribed premises and improvements thereon situate.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that notice of said sale shall be given for at least four weeks prior to such sale in the Tulsa Daily Legal News, a newspaper printed, regularly issued, and having a general circulation in Tulsa County, Oklahoma, and which said county is in the Northern Judicial District of the United States District Court.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that if after said sale has been so advertised and said public sale conducted, the said G. H. Ingle, or any other person, firm or corporation, shall pay unto the said T. P. Farmer, as receiver of Exchange National Company, not less than the sum of \$7250.00 cash, and provided such person is the highest and best bidder at said sale, the said T. P. Farmer, as receiver of Exchange National Company shall thereupon make, execute and deliver unto said purchaser a good and sufficient conveyance passing all of the title of the said T. P. Farmer as receiver of Exchange National Company and the Exchange National Company in and to said property unto said purchaser at said sale.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 14 1941
H. P. Warfield, Clerk
U. S. District Court IN

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

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

ORDER AUTHORIZING COMPROMISE

THIS CAUSE COMING on to be heard on this the 14th day of June, 1941, on the verified application of T. P. Farmer, as receiver for Exchange National Company, for an order directing, authorizing and empowering him to release that certain judgment owned by Exchange National Company prior to receivership and now among the purported assets of Exchange National Company in receivership, and the same being Central Life Assurance Society vs. Gilliam, No. 19698, Okmulgee County, Oklahoma, and the Court having read said application and finding that it has jurisdiction to entertain the same and enter an order thereon, and being fully advised in the premises finds that said application should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that said application be and the same is hereby sustained and the said T. P. Farmer, as receiver of Exchange National Company be and he is hereby directed, authorized and empowered forthwith to execute and deliver a release and satisfaction of said aforescribed judgment and to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of the application and this order.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to June 16, 1941

On this 16th day of June, 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, Hon. F. E. Kennamer and Hon. R. L. Williams, Judges, present and presiding.

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

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

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 16, 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.)

O R D E R

Now on this 16th day of June, 1941, the same being a regular judicial day of the above court, the application of Noble C. Hood, Receiver of the Seminole Provident Trust, for authority to pay expenses incurred in the operation of the Seminole Provident Trust came on regularly for hearing and the Court, being fully advised in the premises, finds that said application should be in all things allowed; NOW, WHEREFORE,

IT IS HEREBY ORDERED by the Court that the Receiver be and he is hereby authorized and directed to pay to the persons named the amounts hereinafter set opposite their names:

- | | |
|--|-------|
| 1. To Noble C. Hood, for postage advanced to send out report to unitholders | 18.00 |
| 2. To Miller Printing Co., for printing and mailing 600 reports to unitholders | 26.10 |
| 3. To Fred Daniel & Co., rent for month of May, 1941 | 35.00 |
| 4. To Scott-Rice Co., for stationery | 14.51 |
| 5. To Tulsa Daily Legal News, for running 10 days notice to creditors, claimants and unitholders | 10.75 |

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

ENDORSED: Filed Jun 16 1941
H. P. Warfield, Clerk
U. S. District Court H

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

M. E. GILLIOZ, INC.,	Plaintiff,)
)
vs.		) Case No. 560
)
GRAND RIVER DA. AUTHORITY, a corporation,	Defendant.)

O R D E R

Now, on this 16 day of June, 1941, it appearing to the Court from the Stipulation of the attorneys of record for the plaintiff and defendant, that the parties to the above styled cause have agreed that plaintiff may file its Amended Complaint out of time and may have until the 16th day of June, 1941, within which to file said Amended Complaint.

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

REGULAR JANUARY 1941 TERM TUESDAY, JUNE 17, 1941

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,)	
	)	No. 39 Civil
vs.)	
)	
GYPSY OIL COMPANY, et al,	)	Defendants.

O R D E R

IT IS HEREBY ORDERED that the time in which the defendants F. A. Gillespie and F. A. Gillespie and Sons Company may file their brief is extended from this date to the 8th day of July, 1941.

Dated at Tulsa, Oklahoma, this 17 day of June, 1941.

ROYCE H. SAVAGE
 U. S. District Judge

ENDORSED: Filed Jun 17 1941
 H. P. Warfield, Clerk
 U. S. District Court LN

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

Lily Brown,	)	Plaintiff,
)	
-v-	)	No. 507 - C
)	
Midland Valley Railroad Company, a corporation,	)	Defendant.

JOURNAL ENTRY

Now on this 7th day of May, 1941, the above entitled case coming on for trial in its regular order, all parties appearing and announcing ready for trial, a jury being impanelled and sworn and the plaintiff having introduced her evidence and rested, and the defendant moving the Court to dismiss plaintiff's case for the reason that the evidence of plaintiff is insufficient to establish a right on the part of the plaintiff to recover against the defendant and the Court reserving ruling on said motion to dismiss, adjourned to the following day; and on the 8th day of May, 1941, said case coming on for further hearing, all parties being present the defendant introduced its evidence and rested, and the plaintiff introduced her evidence in rebuttal and rested, and the defendant moves the Court to dismiss said case for the reason that the evidence as a whole is insufficient to establish a right on the part of the plaintiff to recover against the defendant and the Court reserving ruling on said motion, after argument of counsel, instructs the jury. The jury having retired to consider their verdict, and having reported that they were unable to agree upon a verdict, said jury is discharged. The Court further reserving ruling upon the motions to dismiss. Now, on this 17th day of June, 1941, the court having under consideration the motion to dismiss heretofore made, the parties having filed briefs, and the court being fully advised in the premises, finds that said motion to dismiss should be sustained.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court, that said motion to dismiss, made at the close of the evidence, be and it is hereby sustained, and this action is

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

REGULAR JANUARY 1941 TERM

TUESDAY, JUNE 17, 1941

WITNESS my hand as Judge, this 9th day of May, 1941.

ROYCE H. SAVAGE
Judge

ENDORSED: Filed Jun 17 1941
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to June 18, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, JUNE 18, 1941

On this 18th day of June, 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. R. L. Williams and Hon. Royce H. Savage, 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 18th day of June, A. D. 1941, it being made satisfactorily to appear that Charles M. McKnight is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of this court.

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

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

ORDER AND JUDGMENT

This cause comes on to be heard on the petition of Charlotte J. Landrum, and James Steed, defendants in this action, for the distribution of the condemnation money on hands and for the cancellation of a re-sale tax deed made to Delaware County, Oklahoma, and upon a stipulation by and between the defendant, Charlotte J. Landrum and the County Treasurer of Delaware County, Oklahoma, and the Board of County Commissioners of Delaware County, Oklahoma, and upon the application of said Board of County Commissioners, to be made a party defendant in this action.

It is shown to the satisfaction of the court that the land described as the North Half of Southeast Quarter of Northeast Quarter and the Southeast Quarter of Southeast Quarter of Northeast Quarter of Section 3, Township 24 North, Range 22 East, Lee Railroad right-of-way the M. O. & G.

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

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WEDNESDAY, JUNE 18, 1941

Railroad Company, in Delaware County, Oklahoma,

was owned by the defendant Charlotte J. Landrum, and a portion of said land is designated as tract one, map number eleven, tract 548 in the petition for condemnation filed by the plaintiff, herein.

That John Curtis, the County Treasurer of Delaware County, Oklahoma, was made a party defendant to this action and after said proceeding was filed and in May, 1940, the said County Treasurer, at a tax re-sale held by him in said county in May, 1940, sold said property to Delaware County, and executed and delivered a deed to said county for said land.

That it was claimed by the said Charlotte J. Landrum and James Steed, her mortgagee, that said re-sale tax deed was void because of the pendency of these proceedings and because due and legal notice of the sale of said lands for delinquent taxes and due and legal notice of the re-sale of said lands were not given for the time and in the manner provided by law. That thereafter the said Charlotte J. Landrum and the said County Treasurer of Delaware County and the Board of County Commissioners of Delaware County, Oklahoma, entered into a written stipulation by the terms of which it was agreed that out of the condemnation money now on hands, in this court in the sum of \$810.00, that the amount of \$228.47 be paid to the County Treasurer of Delaware County, Oklahoma, the same being the amount of tax penalty and costs due on said lands at the time of the re-sale, and the remaining part of the condemnation money be paid to the said Charlotte J. Landrum, and her mortgagee, and that this court should make and enter an order, judgment and decree cancelling said re-sale tax deed, and the same has been filed and made of record in this court and that the Board of County Commissioners of Delaware County, Oklahoma, have filed their written plea of intervention herein, and ask to be made parties to the end that judgment may be rendered cancelling said tax deed. That the said Charlotte J. Landrum and the said James Steed, her mortgagee, have agreed that the remaining part of the condemnation money be distributed equally between them. The court finds that said stipulation should be approved, the Board of County Commissioners be permitted to intervene and judgment rendered in accordance with the stipulations.

It is therefore, ordered, adjudged that out of the \$810.00 condemnation money the sum of \$228.47 be paid to the County Treasurer of Delaware County, Oklahoma. That the remaining part, being \$581.53, be distributed equally to the said James Steed and the said Charlotte J. Landrum, and out of the share payable to the said Charlotte J. Landrum the sum of \$96.92 be paid to Paul O. Simms, for his legal services in representing the said Charlotte J. Landrum, and out of the share payable to the said James Steed, the sum of \$96.92 be paid to Carey Caldwell for legal services in representing said defendant in this action.

It is further ordered, adjudged and decreed that the re-sale tax deed made by the County Treasurer of Delaware County, Oklahoma, to the Board of County Commissioners of Delaware County, Oklahoma, and to the County of Delaware, Oklahoma, made in pursuance to tax re-sale held by the County Treasurer of Delaware County, in May, 1940, and covering the said real property hereinbefore described be, and the same is hereby cancelled, set aside and held for naught, and the title to said lands less that part taken by the Grand River Dam Authority, the plaintiff herein, in this action, is quieted in the said Charlotte J. Landrum, free and clear of all claims of Delaware County, Oklahoma, under said tax deed.

Done in Open court this the 18th day of June, 1941.

F. E. KENNEDY
JUDGE

ENDORSED: Filed Jun 18 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to June 19, 1941

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, JUNE 30, 1941

On this 20th day of June, A. D. 1941, the District Court of the United States in and for the Northern District of Oklahoma, sitting in Regular January 1941 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. R. L. Williams, 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,)
VS) No. 367 Civil
NANCY BARNETT, ET AL, DEFENDANTS.)

ORDER GRANTING CROSS CLAIMANT, JIM PAYNE WOODS LEAVE TO
REPLY TO ANSWERS FILED HEREIN

For good cause shown, cross claimant and defendant, Jim Payne Woods, is granted leave to reply to the several answers of defendants filed herein to cross claimants amended cross claim, and is given 30 days from this date within which to so reply.

In chambers, this 20 day of June, 1941.

ROYCE H. SAVAGE

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

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

ODIS GREENCE, Plaintiff,)
vs.) No. 601 CIVIL
M. A. ROSS, a Sole Trader d/b/a TULSA)
RENDERING CO., 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 said plaintiff for permission to file his complaint on his pauper's affidavit, as provided by law, it appearing on to the Court that said plaintiff is unable to pay said filing fee or to obtain money wherewith to pay such fee, and that he has executed his affidavit as provided by law,

IT IS HEREBY ORDERED that the Court Clerk receive and file said complaint on such affidavit, as provided by law.

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, JUNE 20, 1941

Dated this 20th day of June, 1941.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

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

Court adjourned to June 23, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 23, 1941

On this 23rd day of June, 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

B. C. RUSSELL, et al,	Plaintiffs,)	
)	
vs.		)	441 Civil
)	
FRUEHAUF TRAILER COMPANY, a corporation,	Defendant.)	

CONSOLIDATED WITH

CHARLES JOHNSON,	Plaintiff,)	
)	
vs.		)	378 Civil
)	
FRUEHAUF TRAILER COMPANY, a corporation	Defendant.)	

JOURNAL ENTRY

On this 16th day of June, 1941, there coming on for trial the above entitled causes as consolidated; plaintiffs and defendant appearing by their attorneys of record, and each having announced ready for trial, the plaintiffs proceed to introduce evidence.

On this 17th day of June said cause is not concluded, but all parties file and present in open court a written stipulation for judgment in accordance with their compromise and settlement. Thereupon the court hears the testimony in open court of the various plaintiffs, and claimants and interveners and the statement of counsel, and being fully advised in the premises, approves the stipulation of settlement and enters judgment accordingly.

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 23, 1941

IT IS THEREFORE ORDERED that Thomas O. Hodges be added as a party plaintiff in the consolidated action pursuant to said stipulation, and that the plaintiffs and several claimants and interveners hereinafter named, do have and recover of and from the defendant, Fruehauf Trailer Company, a corporation, in full for all overtime, minimum wages, penalties, damages and attorneys fees, the sum of money set opposite the name of each, to-wit:

George J. Gelruth	\$697.46
B. C. Russell	563.93
Clifford G. Byrne	314.98
Clyde W. St. Clair	269.79
Bob Daniel	81.60
Emma Davis	80.00
R. V. McMillan	60.00
Robert Bradley	160.00
Clifford Grisham	326.84
Ulyesses Birmingham	25.44
A. W. Channell	92.15
Jack Bates	106.67
Orville D. Clonce	600.00
Sterling Acton	194.54
Charles Johnson	333.34
Thomas O. Hodges	<u>480.00</u>
Total judgment for employees	\$ 4,386.71

and that said claimants further have and recover judgment for attorney's fees for the benefit of the attorneys for plaintiffs, claimants, and interveners in the amounts set opposite the name of each, to-wit:

W. L. Shirey	\$ 893.89
Lamoin Oldham	200.00
Hughes Baker	<u>120.00</u>
Total Attorneys' fees	\$1,213.29

together with costs herein expended, for all of which let execution issue.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to June 24, 1941

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 24, 1941

On this 24th day of June, 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. R. L. Williams, 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 24th day of June, A. D. 1941, it being made satisfactorily to appear that Dwight E. Davis is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

GEORGE W. BALKWILL and LOUIS G. PARKER)
and GEORGE A. YOST, Trustees of the Estate)
of George C. Lucas, deceased, Plaintiffs,) No. 358 Civil
vs.)
OSCAR S. ANDERSON, OSCAR S. ANDERSON, JR.,)
E. E. THOMPSON, SAM. A. DENYER, and D. C.)
SELLERS, Defendants.)

ORDER DISMISSING CASE WITH PREJUDICE

Now on this 24th day of June, 1941, upon application of the plaintiffs, George W. Balkwill, and Louis G. Parker and George A. Yost, Trustees of the Estate of George C. Lucas, deceased, this case is hereby dismissed, with prejudice, at the costs of the plaintiffs.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

City of Pawhuska, Oklahoma, a municipal corporation,)	
)	
	)	No. 373 Civil
vs.)	
)	
United States of America et al,	)	Defendants.

ORDER APPROVING REPORT OF COMMISSIONERS

This cause came on for hearing on this 24th day of June, 1941, upon the report of the commissioners filed herein. And the Court having heard the evidence and being fully advised in the premises, finds that the taking and condemnation of the property described in the petition herein to-wit:

A part of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, township 25 North, Range 8 East.

more particularly described as follows:

A strip of land 1 rod wide lying 1/2 upon each side of the following described line to-wit, beginning at a point 93' North of the SE corner of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 13, township 25 North, range 8 East. Thence south 66° 25' East a distance of 367'. Thence south 43° 01' East a distance of 458' to a point on the East line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 13, township 25 North, range 8 East, approximately 280' North of the SE corner of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 13, township 25 North, range 8 East in Osage County, Oklahoma.

is necessary for the purposes of the plaintiff. That said property is owned one-half by A. S. Sands a white man, one-fourth by Wah-lell Ware, unallotted Osage, a minor, and Gladys Ware, unallotted Osage an incompetent. The plaintiff has heretofore obtained right of way from the said A. S. Sands. That both of the said unallotted members of the Osage Tribe are restricted members of the Osage Tribe of Indians, that the United States of America is an indispensable party to this law suit, and that permission to bring this action has been granted to plaintiff herein by the Secretary of the Interior as shown by a certain letter dated May 1, 1940, addressed to Mr. Charles L. Ellis, Superintendent of the Osage Agency, Pawhuska, Oklahoma, a copy of which letter is attached to the complaint of the plaintiff filed herein. That due and legal notice of the application of the plaintiff for the appointment of commissioners herein was served upon the defendants. That said commissioners were duly appointed on the first day of July, 1940 and duly qualified on the 19th day of July, 1940 by taking their oath of office. That thereafter the said commissioners after inspection of the premises, filed their report herein on the 24th day of June, 1941,. That said proceedings and report is in all respects regular and in accordance with law; that no exceptions have been filed to said report; and that the same should be confirmed.

And it further appearing that said plaintiff has duly paid to the clerk of this court the amount ordered by the report of said commissioners, to-wit: \$25.00, the said property is hereby ordered taken and condemned for the purpose that plaintiff has specified in the petition herein.

It is further ordered that the amount deposited to the clerk of this court be paid as follows: 1/2 to the Superintendent of the Osage Indian Agency, Pawhuska, Oklahoma, to be held to the credit of Wah-lell Ware, unallotted Osage Minor, and 1/2 to the Superintendent of the Osage Indian

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

REGULAR JANUARY 1941 TERM

ELSA, OKLAHOMA

TUESDAY, JUNE 24, 1941

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

ROBERT M. PETTY and J. L. CRAWFORD,)
Plaintiffs,)
versus) Civil No. 473
SKELLY OIL COMPANY, a corporation,)
Defendant.)

O R D E R

Now on this 24th day of June, 1941, this cause was called up for consideration and disposition by the Court, pursuant to assignment, because of the failure of the attorney for the said plaintiffs, in keeping with the undertaking given by him at pre-trial conference herein, to file an amended complaint in this cause; and the said plaintiffs appearing by their attorney, H. L. Smith, and the defendant appearing by its attorney, Alvin F. Molony; and thereupon the said attorney for the plaintiffs offered certain explanations for his failure to file said amended complaint, and the court having heard and considered said explanations, it is

ORDERED BY THE COURT that the said plaintiffs shall have ten (10) days from the date hereof within which to file an amended complaint herein, and it is further ordered that in event of their failure so to do, this cause shall be dismissed by the Court at the cost of the said plaintiffs.

Made and entered in open court the day and year first aforesaid.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Jul 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,)
-vs-) No. 505 Civil
WERTZBERGER DERRICK COMPANY, a corporation,)
et al., Defendants.)

ORDER CONFIRMING RECEIVER'S SALE OF PERSONAL PROPERTY
AND DIRECTING DISBURSEMENT OF PROCEEDS THEREFROM

This cause coming on for hearing this date upon the return of M. C. Trimble, Receiver of the sale of certain personal property herein at private sale and motion for confirmation thereof and the Receiver's application for disbursement of the proceeds derived from said sale, at which time the Receiver appeared in person and by his counsel, Luther Bohanon and Lynn Adams.

The Court finds that heretofore and on or about the 27th day of May, 1941, this Court made and entered its order herein authorizing said Receiver to sell certain personal property at private sale. Thereafter, said Receiver, in pursuance of said order, did sell the personal property set out in full in said order of sale, to the Star Manufacturing Company for a consideration of \$6,000.00, and has

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

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TULSA, OKLAHOMA

TUESDAY, JUNE 24, 1941

duly filed his return of sale herein showing said property has been delivered, and said Receiver now has the consideration received therefor in his possession.

The Court further finds that in said return of sale said Receiver set out there were certain unpaid taxes on said personal property sold by said Receiver, due to Tulsa County, Oklahoma.

The Court further finds that heretofore and on the 11th day of June, 1941, this Court made and entered its order herein setting for hearing on this date said Receiver's return of sale and motion for confirmation thereof and ordering and directing that the Treasurer of Tulsa County, Oklahoma, be given notice hereof, and be required to appear herein and assert any claim for taxes that Tulsa County, Oklahoma, might have against the proceeds realized from the sale of said personal property.

The Court further finds the Board of County Commissioners of Tulsa County, Oklahoma, has filed a claim herein for taxes, and appears at said hearing by Dixie Gilmer, County Attorney, and John F. Conway, Assistant County Attorney.

And the Court, after hearing the evidence of witnesses sworn and examined in open court, is satisfied that said sale of said personal property has been performed in all respects in conformity to law, and is satisfied with the legality thereof, and no objections or exceptions having been filed thereto, finds that said sale should be in all things approved and confirmed.

The Court further finds that there is due to the Board of County Commissioners of Tulsa County, Oklahoma, for taxes for the year 1941, on said personal property, a total sum of \$184.00, and that Tulsa County, Oklahoma, has no other or further claim against the proceeds realized from the sale of said personal property, save and except taxes for the year 1941 in the amount of \$184.00, and that after payment of said sum to the Treasurer of Tulsa County, Oklahoma, said Receiver should pay the balance thereof after payment of the costs of said sale, to the plaintiff herein to be applied on the indebtedness due and owing from the Wertzberger Derrick Company, a corporation, to the Reconstruction Finance Corporation; and for good cause shown, it is, by the Court,

ORDERED:

(1) That said private sale of personal property by M. C. TRIMBLE, the duly appointed, qualified and acting Receiver herein, be, and the same is hereby, in all things, approved and confirmed, and said Receiver is hereby ordered and directed to execute and deliver to said purchaser sufficient bills of sale and assignments (without warranty) as shall be necessary to convey title to said personal property to the purchaser, Star Manufacturing Company.

(2) That the Board of County Commissioners of Tulsa County, Oklahoma, is entitled to be paid the taxes due on said personal property only for the year 1941, in the sum of \$184.00, and the claim of the Board of County Commissioners of Tulsa County, Oklahoma, for said sum of \$184.00, is hereby allowed and said Receiver is ordered and directed to pay the same.

(3) That after the payment of any expense incurred in the preservation and protection of any property coming into the possession of said Receiver, the costs of the sale of said personal property so sold, and the taxes hereinabove determined to be due, said M. C. TRIMBLE Receiver herein, is ordered and directed to pay the balance of the proceeds realized from the sale of said personal property to the RECONSTRUCTION FINANCE CORPORATION, to be applied upon the indebtedness due and owing from the Wertzberger Derrick Company to the Reconstruction Finance Corporation.

ENTERED this the 24th day of June, 1941.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 24, 1941

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

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
-vs-		)	No. 591 - CIVIL
)	
JARBOE LIVESTOCK COMMISSION COMPANY,)	
TULSA, OKLAHOMA,	Defendant.)	

O R D E R

For good cause shown the defendant is hereby given until July 26th within which to plead or answer in this cause.

ROYCE H. SAVAGE
JUDGE

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

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

Superior Broiler Company, a co-partnership,)	
composed of J. J. Sutrick and F. S. Sutrick,)	
	Plaintiff,)	
vs.		)	No. 599 CIVIL
)	
Southwestern Bell Telephone Company,)	
a corporation,	Defendant.)	

O R D E R

NOW on this 24th day of June, 1941, upon motion of the plaintiff and for good cause shown,

IT IS HEREBY ORDERED that the above styled and numbered cause, and each and every claim of the plaintiff herein, be and the same is hereby dismissed with prejudice at the cost of the defendant.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

Court adjourned to June 25, 1941.

action, be and he hereby is directed to purchase fire insurance on the building located on the premises involved in this cause of action for the sum of \$72.99, and to pay for said insurance out of funds in his hands as such receiver.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

Court adjourned to June 27, 1941.

On this 27th day of June, 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. R. L. Williams, 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 27th day of June, A. D. 1941, it being made satisfactorily to appear that Flavel Robertson and Warren E. Slagle are duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorneys are declared admitted to the Bar of the Court.

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

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

JOURNAL ENTRY

Now on this 27th day of June, 1941, the above cause came on for hearing on the motion and amended motion for more definite statement or bill of particulars on the first and second causes of action contained in plaintiff's amended petition. The movant appeared by George M. Green. The plaintiff appeared by Whit Y. Mauzy, United States Attorney.

Thereupon, the defendant presented its motion and the court, after due consideration and argument of counsel, overruled said motion, to which ruling the defendant then and there excepted and still excepts.

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

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FRIAY, JUNE 27, 1941

Thereupon, defendant asked and was granted twenty (20) days from this date, in which to plead to plaintiff's amended petition.

ROYCE H. SAVAGE
JUDGE

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

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

United States of America, Plaintiff,)
)
vs.) No. 354 - CIVIL
)
MISSOURI, KANSAS, TEXAS, RAILROAD)
COMPANY, a corporation, Defendant.)

JOURNAL ENTRY

Now, on this 27th day of June, 1941, comes on for hearing the defendant's motion for a more definite statement or bill of particulars of the first and second causes of action in plaintiff's amended petition, both parties appearing by counsel, and on request of plaintiff's counsel, plaintiff is given leave to amend instanter paragraph V of its first cause of action by interlineation, as follows, to-wit: Beginning at the seventh line from the end of said paragraph: "in Section 32, Township 29, R e e 10, and traverses said county in a northeasterly direction for a distance of approximately 65 miles and leaves the Osage Reservation in Section 16, Township 26, Range 12." and the Court having seen defendant's motion and heard the argument of counsel, and being fully advised in the premises, finds that said motion should be overruled as to each said cause of action, to which defendant excepts, and defendant is given twenty days from this date in which to plead.

ROYCE H. SAVAGE
JUDGE

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

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

Simon Jewelry Company, Inc., a corporation,)
Plaintiff,)
-vs-) No. 455 Civil
)
St. Paul Fire and Marine Insurance Company of)
Saint Paul, Minnesota, a corporation,)
Defendant.)

ORDER OVERRULING MOTION FOR NEW TRIAL

Now on this 27th day of June, 1941, the above cause comes on for hearing upon the defendant's motion for new trial, the plaintiff appearing by its attorney, Frank Nesbitt, and the defendant appearing by its attorneys, Rittenhouse, Webster, Hanson & Rittenhouse, and the Court having heard arguments of counsel thereon and being fully advised in the premises, finds that the same should be and

and is hereby overruled, to which the defendant excepts.

IT IS FURTHER ORDERED AND ADJUDGED that the defendant file herein supersedeas bond in the manner provided by the rules of this Court, with surety to be approved by this Court, in the sum of \$6500.00, within ten days from this date, during which time and after the filing and approval of which execution on the judgment herein shall be and is hereby stayed pending the final determination of this cause by the Circuit Court of Appeals for the Tenth Circuit.

ROYCE H. SAVAGE
J u d g e

ENDORSED: Filed Jun 27 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

Milton Roe Sabin and Bertha Florence)	
Sabin,	Plaintiffs,)
		) No. 552 - Civil
-vs-)
)
Home Owners' Loan Corporation, a corporation,)	
et al.,	Defendants.)

JOURNAL ENTRY OVERRULING MOTION FOR A NEW TRIAL AND MOTION TO
REMAND

Now on this 27th day of June, 1941, the motion for a new trial of the plaintiffs, Milton Roe Sabin and Bertha Florence Sabin, having been regularly set for hearing before the Honorable Royce Savage, Judge of the United States District Court for the Northern District of Oklahoma, the same came on for hearing, and the plaintiffs, Milton Roe Sabin and Bertha Florence Sabin, being present in person and representing themselves, and the defendants, Home Owners' Loan Corporation, a corporation, A. Garland Marrs, S. Morton Rutherford, and Cal Crum, appearing by their attorneys, O. K. Wetzel, S. Morton Rutherford, and Hudson and Hudson, and all parties having announced ready for trial, the said motion was thereupon duly presented to the Court, and the Court, being fully advised in the premises, finds that said motion of the plaintiffs, for a new trial should be overruled. That thereupon the plaintiffs presented a motion to remand which the Court, after hearing argument of the plaintiffs and being fully advised in the premises, finds that said motion to remand should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the motion for a new trial of the plaintiffs, Milton Roe Sabin and Bertha Florence Sabin, be and the same is hereby overruled, to which ruling the plaintiffs excepted and gave notice of their intention to appeal.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion of the plaintiffs, Milton Roe Sabin and Bertha Florence Sabin, to remand be and the same is hereby overruled. To which ruling of the Court the plaintiffs excepted and gave notice of appeal.

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

ENDORSED: Filed Jun 30 1941
H. P. Warfield, Clerk
U. S. District Court LN

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, JUNE 27, 1941

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

CHARLEY THOMPSON, Plaintiff,)
)
 vs.) No. 526 Civil
)
 Joe Thompson, and Lucy Smith, nee Thompson,)
 et al., Defendants.)

ORDER CONFIRMING COMMISSIONERS REPORT AND DIRECTING THE SALE OF REAL ESTATE

This case coming on to be heard in its regular order this the 27th day of June, 1941, upon the return and report of the Commissioners heretofore appointed by this court, and upon plaintiff's motion to confirm the same as filed, and it being shown to the court that the defendants Joe Thompson and Lucy Smith, nee Thompson, have filed herein their joint waiver of notice of hearing said report and have requested that said report be in all things approved and confirmed and that an order be made by this court directing that the United States Marshall for the Northern District of Oklahoma, advertise and sell the lands involved in this action as provided by law, and the United States of America appearing not, and

It appearing from said report of Commissioners, which is duly verified, no objections or exceptions having been filed to the same, from argument of counsel and documentary evidence introduced that the parties hereto, plaintiff and defendants are the joint owners of the land involved in equal one third portions, and that said land cannot be partitioned in kind among them without manifest injury, and that the valuation placed thereon is fair and reasonable and that said Commissioner's report should in all things be approved and confirmed and that said land should be sold by the United States Marshall for the Northern District of Oklahoma, and the proceeds thereof equally divided after payment of co attorney fees and other expenses.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that said Commissioner's report be, and the same is hereby, in all things approved and confirmed, and made firm and effectual forever, and in as much as neither of the parties to this action have elected to take the same at the appraised value thereof, but have specifically waived the said right and have asked for a sale of the lands involved, now

THEREFORE, IT is further ordered, adjudged and decreed by the court that the Hon. John P. Logan, United States Marshall for the Northern District of Oklahoma, proceed at once to advertise and sell the real estate involved herein and described as follows, 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 17, Township 19 North, Range 20 East, in Mayes County, State of Oklahoma,

the same to be sold for cash, in the same manner as in sales of real estate on execution under the laws of the State of Oklahoma, the said sale to be made for not less than two-thirds of the appraised price, to-wit: the sum of \$300.00, and that said United States Marshall make due return of his proceedings hereunder to this court for confirmation and further orders of this court, and that this order be made pursuant to the jurisdiction conferred on this court by the acts of Congress and in accordance with the procedural provisions of the Statutes of the State of Oklahoma, in like cases made and provided.

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

ENDORSED: Filed In Open Court
Jun 27 1941
H. P. Warfield, Clerk
U. S. District Court H

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 27th day of June, 1941, comes on for hearing defendant's motion to dismiss and for summary judgment, both parties being present by counsel, and thereupon counsel for plaintiff is granted leave to serve and file affidavits in support of plaintiff's response to defendant's said motion, and the court having seen said motion to dismiss and for summary judgment, and plaintiff's said response, and the affidavits in support of said motion and response, and heard argument of counsel thereon, and being fully advised in the premises, finds that defendant's said motion to dismiss and for summary judgment should be overruled.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the court that defendant's motion to dismiss and for summary judgment be, and the same is, hereby overruled, to which finding and ruling of the court the defendant excepts.

It is further considered, ordered and adjudged that the defendant be, and it is hereby given 20 days in which to file answer.

ROYCE H. SAVAGE
 JUDGE

ENDORSED: Filed Jun 30 1941
 H. P. Warfield, Clerk
 U. S. District Court AC

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF THE
 STATE 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 27th day of June, 1941, comes on for hearing defendant's motion to dismiss and for summary judgment, both parties being present by counsel, and thereupon counsel for plaintiff is granted leave to serve and file affidavits in support of plaintiff's response to defendant's said motion, and the court having seen said motion to dismiss and for summary judgment, and plaintiff's said response, and the affidavits in support of said motion and response, and heard argument of counsel thereon, and being fully advised in the premises, finds that defendant's said motion to dismiss and for summary judgment should be overruled.

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

REGULAR JANUARY 1941 TERM

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IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the court that defendant's motion to dismiss and for summary judgment be, and the same is, hereby overruled, to which finding and ruling of the court the defendant excepts.

It is further considered, ordered and adjudged that the defendant be, and it is hereby given 20 days in which to file answer.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jun 30 1941
H. P. Warfield, Clerk
U. S. District Court AC

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

Mabel O. Miller,

Plaintiff,

v.

Sinclair Prairie Oil Company, a corporation;
Gulf Oil Corporation, a corporation;
Mid- continent Petroleum Corporation, a corporation;
Cromwell-Franklin Oil Company, a corporation;
Carter Oil Company, a corporation; Continental Oil
Company, a corporation; Empire Oil & Refining
Company, a corporation; Standard Oil Company of
Kansas, a corporation; Phillips Petroleum Company,
a corporation; Twin State Oil Company, a corporation,
and Sun Oil Company, a corporation;

Defendants.

No. 549 Civil

ORDER OVERRULING PORTIONS OF MOTION TO MAKE MORE DEFINITE AND CERTAIN AND OF MOTION TO STRIKE AND SUSTAINING SAID MOTION IN PART

This matter coming on for hearing on this 27th day of June, 1941, upon the motion of defendants for a more definite statement from plaintiff, and for further particulars upon the supplement of the defendants to said motion, and the court having heard argument from the defendants and plaintiff upon said motion and said supplement, IT IS ORDERED, ADJUDGED and DECREED that numbered paragraph (1) of said motion is in all things sustained, except as to the last indented paragraph thereof, upon pages 2 and 3 of said motion, and said last indented paragraph of said numerical paragraph (1) of said motion is in all things overruled;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that numbered paragraph (2) of said motion is in all things overruled;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that numbered paragraph (3) of said motion is in all things sustained;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that numbered paragraphs (4), (5), (6) (7) and (8), be and the same are, in all things, overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that paragraph numbered 1, of defendants' supplement be and it is, in all things, overruled;

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

Grand River Dam Authority, a public corporation, Petitioner,
-vs-
Sadie Spicer, sometimes known as Sadie Jamison Vigil, et al., Defendants.
CIVIL NO. 563

ORDER APPOINTING COMMISSIONERS

NOW, on this 27th day of June, 1941, there coming on for hearing the application of the petitioner as embodied in its petition for condemnation as amended, for an order appointing commissioners to ascertain the injury and assess the damages sustained by the above named defendants by the appropriation of their lands for the uses and purposes set out and described in said petition.

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

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

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

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

TRACT NO. 1 (35 GR-D 1792)

All that part of the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 20, T 25 N - R 25 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

TRACT A:

Beginning at the SW corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence N. 0° 20' E. along the West boundary of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 284.7 feet to a point 378.8 feet South of the NW corner thereof; thence S. 43° 51' E. 13.1 feet; thence S. 64° 57' E. 237.4 feet; thence S. 74° 25' E. 205.0 feet; thence S. 70° 19' E. 308.3 feet; thence S. 51° 04' E. 30.2 feet to a point in the South boundary of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and 587.7 feet West of the SE corner thereof; thence S. 89° 10' W. along said South boundary a distance of 737.1 feet to the point of beginning, containing 2.4 acres, more or less;

TRACT B:

Beginning at the NW corner of said S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, thence N. 89° 50' E. along the North boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 490.0 feet to a point 835.0 feet West of the NE corner thereof; thence S. 34° 15' W. 298.2 feet; thence S. 34° 51' W. 494.2 feet; thence S. 9° 28' W. 168.0 feet; thence S. 54° 53' W. 18.9 feet to a point in the west boundary of said S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and 168.7 feet

North of the SW corner thereof; thence N. 0° 17' E. along said West boundary a distance of 496.6 feet to the point of beginning, containing 3.8 acres, more or less;

The two tracts containing in all 6.2 acres, more or less.

TRACT NO. 2 (37 GR-D 2010)

All that part of the W. 12.95 acres of Lot 5 of Sec. 21, T 25 N - R 25 E of the Indian Base and Meridian, Seneca Survey, in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said W. 12.95 acres of Lot 5, thence Southerly along the East boundary of said W. 12.95 acres of Lot 5 to a point 484.5 feet North of the Se corner thereof; thence N. 38° 10' W. 301.1 feet; thence N. 42° 53' W. 289.0 feet to a point in the North boundary of said Lot 5 and 230.1 feet East of the NW corner thereof; thence Easterly along said North boundary to the point of beginning, containing 2.0 acres, more or less,

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

And that such commissioners ought to be appointed.

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

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

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

IT IS FURTHER ORDERED that the Marshal of the Northern District of Oklahoma, immediately summon said commissioners to the performance of their duties by reporting to the offices of the Grand River Dam Authority, Vinita, Oklahoma, on the 2 day of July, 1941, taking the oath - each summons to be made by delivering to each of said commissioners a certified copy of this order.

WITNESS my hand and the seal of this Court this 27th day of June, 1941.

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

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

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

Grand River Dam Authority, a public corporation,)
Petitioner,)
) CIVIL NO. 563
-vs-)
Sadie Spicer, sometimes known as Sadie Jamison, et al.,)
Defendants.)

ORDER APPOINTING GUARDIAN AD LITEM

WHEREAS, at the 26th day of April, 1941, the petitioner, Grand River Dam Authority, a public corporation, filed its petition and application for the condemnation and appropriation and for the appointment of commissioners to inspect and assess the damages to the owners of certain lands described in said petition and amendment thereto, and it appearing that the defendants, Hubert Brady, Sidney E. Jamison, Marcus D. Jamison, Billie Hugh Jamison and Alice Bernice Jamison, minors, have, or claim to have some right, title or interest in and to said lands described in said petition and the amendment thereto; and

WHEREAS, the defendants, Hubert Brady, Sidney E. Jamison, Marcus D. Jamison, Billie Hugh Jamison, and Alice Bernice Jamison, minors, have been served with notice of this action, and of the appointment of commissioners; and it appearing to the Court that said minors have no legal guardian, and that it would be for the best interest of said minors that a guardian ad litem in this cause be appointed by the Court.

IT IS THEREFORE ORDERED that M. S. Robertson, Probate Attorney, be, and he is hereby appointed guardian ad litem for the said Hubert Hardy, Sidney E. Jamison, Marcus D. Jamison, Billie Hugh Jamison, and Alice Bernice Jamison, minors, to represent them in this cause.

DATED this 27th day of June, 1941.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jun 27 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

State of Oklahoma for the use and benefit of the Board of County Commissioners of Creek County,)
State of Oklahoma,)
Plaintiffs,) No. 583 - Civil
vs.)
E. O. Wolffarth and the Standard Accident Insurance Company,)
Defendants.)

ORDER OVERRULING MOTION TO MAKE DEFINITE AND CERTAIN

This cause having come on for hearing this 27th day of June, 1941, and the Court, having heard the motion by the defendant, Standard Accident Insurance Company, to make the plaintiff's petition more definite and certain, and being fully advised, finds that the same should be overruled.

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

FRIDAY, JUNE 27, 1941

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

CITY OF TULSA, OKLAHOMA, a Municipal corporation, Plaintiff,

vs.

No. 603-C

AARON COHEN, M. W. SMITTLE, EDITH H. SMITTLE, D. A. HILES, JOHN M. INGRAM, S. R. LEWIS and WATER IMPROVEMENT DISTRICT No. 5, Tulsa County, Oklahoma, a municipal corporation, Defendants.

ORDER APPOINTING COMMISSIONERS

This cause coming on to be heard on this 25th day of June, 1941, after removal of the above entitled and numbered cause from the District Court of Tulsa County, State of Oklahoma, to this court, upon the Petition of the plaintiff herein for an Order appointing Commissioners in this cause; and the plaintiff appearing by E. M. Gallagher, City Attorney, and the defendant Aaron Cohen appearing his counsel, Max Cohen, and it appearing to the Court that due Notice has been heretofore legally and properly served upon the defendants, and each of them, and it further appearing to the Court that plaintiff herein is a municipal corporation organized and existing under and by virtue of the laws of the State of Oklahoma, and possesses by Statute the power to exercise the right of eminent domain to acquire an additional airport and flying field, and that it is necessary for the plaintiff, in the acquisition of an additional site for an airport and flying field, to condemn the following described property, to-wit:

"The West Half (W 1/2) of the Northeast Quarter (NE 1/4) of Section Twenty-four (24), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian, in the County of Tulsa, State of Oklahoma, according to the U. S. Government survey thereof;"

that plaintiff has been unable to acquire the above described property by purchase, and that Commissioners should be appointed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that A. E. BRADSHAW, T. STEARNS COX and KENNETH CROUCH, disinterested freeholders, whose names appear on the regular jury list of this Court, and who are not interested in a like question, be, and they are hereby appointed as Commissioners to inspect the real property, hereinabove described, and consider the injury that said defendants above named, as the owners thereof may sustain by reason of the appropriation of the land above described, irrespective of any benefits from any improvements proposed; and said Commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law, and to forthwith inspect said property and make their report, in writing, to the Clerk of this Court, setting forth the quantity, boundaries, and the value of the property taken, and the amount of injury done to the property, directly, or indirectly, which they assess, to the above named defendants as owners thereof.

ROYCE H. SAVAGE DISTRICT JUDGE

ENDORSED: Filed Jun 27 1941 H. P. Warfield, Clerk U. S. District Court B

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

Grand River Dam Authority, a public corporation,)	
	Petitioner,)
)	
-vs-	)	CIVIL NO. 604
)	
Jesse Hummingbird, Cherokee Roll No. 27460, et al.)	
	Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 27 day of June, 1941, the above entitled and numbered cause coming on to be heard upon the affidavit and application of the petitioner for an order authorizing that notice by publication be given to the defendants, the heirs, executors, administrators, devisees, legatees, creditors, trustees, and assigns, immediate and remote known and unknown, and their spouses, if any, of Nancy Ragsdale Hummingbird, Cherokee, Roll No. 6890, deceased, and of Webster Bark, Cherokee, Roll No. 18201, deceased; petitioner appearing by Q. B. Boydston, Assistant Counsel for the Grand River Dam Authority, a public corporation, and it appearing to the Judge of this Court that the petitioner herein was, with due diligence, unable to serve personally upon the said defendants hereinabove named, notice of the institution of condemnation proceedings, and that if said defendants do not apply to the Judge of this Court, on or before the 25 day of August, 1941, the petitioner herein will on said 25 day of August, 1941, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, for an order appointing three disinterested referees or commissioners to inspect the lands as described in the petition for condemnation filed herein, and consider the injury which each of the said defendants, as owners of said lands, or of any right, title or interest therein may sustain by reason of the appropriation of an absolute, entire and unencumbered perpetual easement for the construction of a line or lines of pole wires and fixtures for the transmission of electric energy, upon, over and across the lands described in the petition for condemnation.

It further appearing that the petitioner herein has filed its affidavit and application, duly verified, setting up that the defendants hereinabove named, and each of them, are non-residents, of the State of Oklahoma; and that the petitioner, after due diligence, has been unable to ascertain the whereabouts or addresses of said defendants, and has been unable to serve said defendants within the State of Oklahoma, with notice of the condemnation proceedings and of the time and place for determining the right and necessity of the condemnation and appropriation of said lands, and for the appointment of commissioners or referees; and the Judge of this Court, being fully advised in the premises, finds that the petitioner's application for service of notice by publication upon said defendants hereinabove named, and each of them, should be granted.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the defendants, the heirs, executors, administrators, devisees, legatees, creditors, trustees and assigns, immediate and remote, known and unknown, and their spouses, if any, of Nancy Ragsdale Hummingbird, Cherokee, Roll No. 6890, deceased, and of Webster Bark, Cherokee, Roll No. 18201, deceased, and each of them, by publication, notifying them of the institution of the condemnation proceedings herein; and that said notice be signed by the attorneys for the petitioner herein, duly attested by the Clerk of this Court, and that said notice be published in the PRYOR JEFFERSONIAN, a newspaper printed and of general circulation in Mayes County, Oklahoma, the County wherein said lands are located, for four (4) weeks, notifying said defendants, and each of them, of the institution of condemnation proceedings; and further if they do not apply to the Judge of this Court for an order appointing three (3) disinterested referees or commissioners, on or before the 25 day of August, 1941, the petitioner, Grand River Dam Authority, a public corporation, will, on said 25 day of August, 1941, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court in and for the Northern District of Oklahoma, for an order determining the right and necessity for the condemnation and appropriation of a perpetual easement for transmission line, upon, over and across said lands, and

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

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for an order appointing three disinterested referees or commissioners, who shall be selected by the Judge of this Court, to inspect said real property and appraise the value of an absolute, entire and unencumbered perpetual easement, upon, over and across the lands described in the petition for condemnation filed heren and consider the injury which said defendants, as the owners thereof or having any right, title or interest therein, may sustain by reason of the condemnation and appropriation of said perpetual easement, and that said defendant, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Jun 27 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

Grand River Dam Authority, a public corporation, Petitioner,)
) CIVIL NO. 604
-vs-)
)
Jesse Hummingbird, Cherokee, Roll No.,)
27460, et al., Defendants.)

ORDER FIXING TIME FOR DETERMINING THE RIGHT AND NECESSITY FOR THE CONDEMNATION AND APPROPRIATION AND FOR THE APPOINTMENT OF COMMISSIONERS AND PRESCRIBING FORM OF NOTICE

NOW, on this 27 day of June, 1941, the above entitled and numbered cause coming on to be heard upon the application of petitioner herein for an order of this court fixing the date for the appointment of three disinterested referees or commissioners to inspect said real property involved herein and consider the injuries sustained by reason of the condemnation and appropriation of an absolute, entire and unencumbered perpetual easement for public use and benefit, as alleged in the petition filed herein, and for an order of 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 referees or commissioners; the petitioner appearing by Q. 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 of an absolute, entire and unencumbered perpetual easement, to erect, operate and maintain a transmission line for the transmission of electric energy, upon, over and across the lands described in the petition heretofore filed, for use in the maintenance and operation of the Pensacola Dam and Hydroelectric power plant, and for the purpose of distributing and marketing the electric energy generated by said power plant.

It appearing to the Judge of this Court that under the law applicable in such cases, it is necessary that the Judge of this Court appoint three disinterested referees or commissioners, to be selected by the Judge of this Court according to law, to inspect the lands upon, over and across which said perpetual easement and right-of-way shall cross and consider the injuries sustained by reason of the condemnation and appropriation of said right-of-way and perpetual easement for public use and benefit.

It further appearing that the Judge of this Court shall prescribe the notice to be

given in said cause of the time and place that the Judge of this court will appoint said referees or commissioners.

IT IS THEREFORE ORDERED, 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, interest, title or possession in and to the land involved personally, by serving a copy of said notice upon said defendant 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 that said notice be signed by 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 plaintiff for the appointment of three disinterested referees or 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 25 day of August, 1941, at the hour of 10 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 of this proceeding upon any of the defendants in said action, notifying them of the hearing of the petitioner's application for the appointment of three disinterested referees or commissioners, as aforesaid, that the petitioner may apply to the Judge of this Court for an order directing the publication of such notice as he may prescribe to such defendants.

ROYCE H. SAVAGE
JUDGE

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

IN THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF OKLAHOMA

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

ORDER GIVING NOTICE

THIS CAUSE COMING on to be heard on this the 25th day of June, 1941, on the verified application of T. P. Farmer, as Receiver for Exchange National Company, for authorization to sell at private sale the following described premises, to-wit:

Southeast Quarter of Northeast Quarter of Section 13, Township Twenty-two (22)
Range Twelve (12) Tulsa County, State of Oklahoma,

and the Court having examined said application and finding that it has jurisdiction to entertain the same and enter an order thereon, and being fully advised in the premises, finds that notices of a hearing on said application so to sell should be given as by law required.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that notice of the hearing on said

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
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application be given by posting in three public places in the County of Tulsa and State of Oklahoma for a period of ten days prior to said hearing and that said application be and the same hereby set for hearing on the 10th day of July, 1941.

ROYCE H. SAVAGE
United States District Judge

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

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

Wiley Watashe, Eliza Watashe-Esmond,)	
Lofahye Watashe, Barney Watashe, James)	
Watashe and Martha Watashe-Dunn, Plaintiffs,	)	No. 1292 In Equity
)	
vs.)	
)	
Nancy Watashe, now Roland, Johnny Watashe,)	
Lucille Watashe and Jessie Watashe, minors,)	
Ethel Watashe, Guardian, Defendants.)	
)	
United States of America, Intervenor.)	

ORDER CONFIRMING SALE AND MAKING DISTRIBUTION OF THE PROCEEDS OF THE SALE

Now on this 27th day of June, 1941, the Motion of the Defendants, by Miller, Lytle & Wildman their attorneys, concurred in by the Plaintiffs by James J. Mars, their Attorney, came on for hearing for confirmation of the sale of the real estate involved in this action, which sale was made by the Honorable John P. Logan, as Special Master, appointed by this Court, to advertise and sell the real estate under the appraisement made by the Commissioners, appointed by this Court, which said real estate located and situated in Creek County, State of Oklahoma, and more particularly described as follows, to-wit:

The East Half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Twenty-nine (29) Township Eighteen (18) North, Range Eleven (11) East.

The Plaintiffs appearing by James J. Mars, their attorney, defendants appearing by John R. Miller of the law firm of Miller, Lytle & Wildman, their Attorneys, and the Intervenor United States of America appearing by Whit Y. Mauzy, the United States District Attorney for the Northern District of Oklahoma and Chester A. Brewer, Deputy United States District Attorney, all parties announced ready to proceed with the hearing of said Motion.

The Court having examined the pleadings, files and records in this case finds that there has not been any objection filed to the confirmation of said sale or any Motion to set aside said sale aside.

The Court further finds that pursuant to the Judgment and Order of this Court and the Mandate of the United States Circuit Court of Appeals for the Tenth Circuit and the Judgment entered thereon, a Special Execution and Order of Sale was duly issued by the Clerk of this Court directed to the Honorable John P. Logan, as Special Master to advertise and sell said above described real estate at public auction at the North Front Door of the Court House in the City of Sapulpa, Creek County, State of Oklahoma, under the appraisement made by the Commissioners, appointed by this Court, and that by said appraisement the value of said above described real estate was fixed at the sum of \$500.00.

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

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The Court further finds that the said John P. Logan, as such Special Master, pursuant to the commands contained in said Special Execution and Order of Sale, did proceed to carry out said orders and did advertise and sell said property as required by law, and did set the time for said sale in said notice of advertisement on the 26th day of May, 1941, at the hour of Ten O'clock A.M. of said day, and at the North Front Door of the Court House, in the City of Sapulpa, Creek County, State of Oklahoma, and that pursuant to said advertisement the said John P. Logan, as such Special Master, did at the time and place specified offer said property for sale to the highest and best bidder for cash in hand; and did sell said property, subject to confirmation by this court, to Ralph L. Buckley and Pearl Buckley and for the sum of Five Hundred and Seventy-five Dollars (\$575.00); and that the said Ralph L. Buckley and Pearl Buckley was the highest and best bidder therefor; and that being the highest and best bid obtainable, and being more than two-thirds of the appraised value. That all of said facts are shown by the return of the Special Master on said Special Execution and Order of Sale.

The Court further finds that all of the proceedings had in connection with said sale, the advertising of the same, the offering for sale and the selling of the same, were in all respects legal and in due conformity with law and should be and the same are hereby in all respects approved and confirmed.

The Court further finds that the costs of advertising and making said sale amounts to the sum of \$28.10 which has been paid by said Special Master out of the funds received by him and which payment is hereby approved and confirmed.

The Court further finds that James J. Mars, Attorney for said Plaintiffs, has incurred actual expense in making a trip to Wichita, Kansas, to present oral argument in the United States Circuit Court of Appeals in the above entitled action, and that his actual expense of said trip was the sum of Twenty Two Dollars (\$22.00); and that he should be reimbursed out of the funds derived from said sale of said real estate for said expense in the sum of \$22.00. That the said James J. Mars, attorney for said plaintiffs, is entitled to an Attorney's fee for instituting this action in the District Court of Creek County, State of Oklahoma, and continuing the prosecution of this action in the United States District Court for the Northern District of Oklahoma and in the United States Circuit Court of Appeals for the Tenth Circuit; and that a reasonable attorney's fee for the said James J. Mars, as Attorney for the said Plaintiffs, is the sum of One Hundred (\$100.00) Dollars, and that said sum should be paid out of the funds received from the sale of said real estate.

The Court further finds that the law firm of Miller, Lytle & Wildman, Attorneys for Defendants in this action, and the said John R. Miller, Guardian ad litem for the minor defendants, the children of Joe Watashe, deceased, and Ethel Watashe, who owned an interest in said real estate, and attorneys for Ethel Watashe, as Guardian of her said minor children defendants herein, have incurred actual expense in trips from Sapulpa, Oklahoma to Tulsa in the handling of said case in the United States District Court for the Northern District of Oklahoma, the printing of the briefs, of Plaintiffs and Defendants, who were appellees in the United States Circuit Court of Appeals for the Tenth Circuit, and expense of the said John R. Miller in going to Wichita, Kansas, to present oral argument in this action then pending in the United States Circuit Court of Appeals for the Tenth Circuit in the total sum of \$57.71; and that said expense should be paid out of the proceeds of the sale of said real estate. That the said Miller, Lytle & Wildman, attorneys for said Defendants and John R. Miller, a member of the firm of Miller, Lytle and Wildman and Guardian ad litem for the minor children, defendants hereinbefore referred to, are entitled to an attorneys' fee for representing said Defendants in said cause as pending in the District Court of Creek County, State of Oklahoma, and thereafter removed to the United States District Court for the Northern District of Oklahoma, and thereafter appealed to the United States Circuit Court of Appeals for the Tenth Circuit and thereafter affirmed and remanded to this Court; and that a reasonable attorneys' fee for the services so performed in behalf of said defendants is the sum of Seventy-five (\$75.00) Dollars; and that expenses and attorneys' fees should be paid out of the funds derived from the sale of said real estate.

THEREFORE IT IS BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the sale so made by the Honorable John P. Logan, as Special Master, on the 26th day of May, 1941, to Ralph L.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
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Buckley and Pearl Buckley for the said sum of \$575.00 be and the same is hereby in all respects approved and confirmed; and the said Honorable John P. Logan is hereby ordered and directed to make, execute sign and deliver to the said Ralph L. Buckley and Pearl Buckley his Special Master's deed conveying to the said Ralph L. Buckley and Pearl Buckley said real estate located and situate in Creek County, State of Oklahoma, and more particularly described as follows, to-wit:

The East Half ($\frac{1}{2}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-nine (20), Township Eighteen (18) North, Range Eleven (11) East,

and confirming the title thereto as fully and to all intents, purposes and extent that he as Special Master should or ought to convey and confirm title to the same.

IT IS FURTHER BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED that the expense in the sum of \$28.10, so paid out of said funds by the said Honorable John P. Logan, as such Special Master in conducting said sale, be and the same is hereby approved and confirmed as a valid charge against said fund. That the Special Master of this Court is hereby directed to deduct from the funds in his hands so paid to him as such Special Master, from the proceeds of said sale, and pay to the Clerk of this Court all costs chargeable against the plaintiffs and defendants herein in the sum of \$78.70; and he is hereby directed to procure an Internal Revenue Stamp in the sum of \$1.10 from funds in his hands paid to him as Special Master, which said Revenue Stamps are to be placed on the Deed so executed by him the said John P. Logan, as Special Master, conveying said above described property to the purchasers at said sale.

IT IS FURTHER BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the expense item of the said James J. Mars, attorney for Plaintiffs, in the sum of \$22.00 be and the same is hereby allowed; and the said James J. Mars is further allowed the sum of One Hundred (\$100.00) Dollars as his Attorney fee for representing said plaintiffs in the Courts hereinbefore referred to; and that the Special Master is hereby directed to pay to the said James J. Mars the said item of expense and attorney's fee in the sum of One Hundred Twenty-two (\$122.00) Dollars.

That the items of expense of the said firm of Miller, Lytle and Wildman and John R. Miller, as attorneys for defendants and as guardian ad litem for the minor defendants herein, as hereinbefore referred to, in the sum of \$57.71 is a valid charge against the funds derived from the sale of said property; and that the said attorneys for defendants and guardian ad litem for the minor defendants be and they are hereby awarded an attorney's fee in the sum of Seventy Five (\$75.00) Dollars; that the Special Master be and he is hereby ordered and directed to pay to the said Miller, Lytle & Wildman the amount of said expense items and attorneys' fees in the sum of One Hundred Thirty-two and Seventy-one (\$132.71) dollars out of the funds derived from the sale of said real estate.

IT IS FURTHER BY THE COURT CONSIDERED, ORDERED, ADJUDGED AND DECREED, that the Special Master make distribution of the balance of said funds derived from said sale as follows, to A. M. Landman, Superintendent of the Five Civilized Tribes Agency; for distribution to the following heirs:

- | | |
|--|----------|
| Wiley Watashe Thirty & Thirty-four/100 | Dollars |
| Eliza Watashe-Esmond Thirty & 34/100 | Dollars |
| Lofahye Watashe Thirty & Thirty-four/100 | Dollars |
| Barney Watashe Thirty & Thirty-four /100 | Dollars |
| Martha Watashe-Dunn Thirty & 34/100 | Dollars |
| James Watashe Thirty & 34/100 | Dollars |
| Nancy Watashe now Roland Seven & 58/100 | Dollars |
| Johnny Watashe, a minor Seven & 59/100 | Dollars |
| Lucille Watashe, minor Seven & 59/100 | Dollars |
| Jessie Watashe, minor Sever. & 59/100 | Dollars. |

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jun 27 1941
H. P. Warfield, Clerk
U. S. District Court AC

Court adjourned to June 28, 1941

On this 28th day of June, 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

UNITED STATES OF AMERICA, Plaintiff,)
)
-vs-) No. 607 Civil
)
Three (3) Packages, more or less, Mary Luckie Original Hair Tint Jet Black, Defendant.)

ORDER FOR MONITION

NOW, on this 28th day of June, 1941, there having been filed herein a petition in libel on behalf of the United States of America and against Three (3) Packages, more or less, Mary Luckie Original Hair Tint Jet Black, 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 Marly Company, of Kansas City, Missouri, to A. L. Sterne Company, Inc., Tulsa, Oklahoma,

And it further appearing from said petition that said merchandise is in an adulterated condition to 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 Marly Company of Kansas City, Missouri and A. L. Sterne Company, Inc., 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 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 A. L. Sterne Company, Inc., 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 Jun 28 1941
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to June 30, 1941.

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 30, 1941

On this 30th day of June, 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. F. E. Kennamer and Hon. Royce H. Savage, 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:

MISCELLANEOUS - ASSIGNMENT OF JUDGE.

IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE TENTH JUDICIAL CIRCUIT SITTING AT DENVER, COLORADO. THIRTY-FOURTH DAY, APRIL TERM, MONDAY, JUNE 23rd, A. D. 1941.

PRESENT: Honorable Orie L. Phillips, Senior Circuit Judge, Honorable Sam G. Bratton, Circuit Judge, Honorable Walter A. Huxman, Circuit Judge, Honorable Alfred P. Murrah, Circuit Judge,

And other officers as noted on the 28th day of April, A. D. 1941.

Before Honorable Orie L. Phillips, Honorable Sam G. Bratton and Honorable Walter A. Huxman, Circuit Judges.

IN THE MATTER of the Assignment of Judges.)

At this day it appearing that the public interest requires the designation and appointment of a district judge or this circuit to assist in holding the Circuit Court of Appeals of the United States for the Tenth Judicial Circuit in aid of the judges of this circuit;

Therefore, the Honorable Franklin E. Kennamer, United States District Judge for the Northern District of Oklahoma, is hereby designated and appointed to assist in holding the Circuit Court of Appeals of the United States for the Tenth Judicial Circuit for the remainder of the April Term, 1941, in aid of the judges of said Tenth Judicial Circuit.

A true copy as of record,

TESTE:

ROBERT B. CARTWRIGHT
CLERK

(SEAL)

ENDORSED: Filed Jun 30 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

GRAND RIVER DAM AUTHORITY, Plaintiff,)
))
vs.) NO. 329 Civil Tract No. 7
))
LUCY BUZZARD, Deceased, et al, Defendants.)

DECREE OF HEIRSHIP

NOW, on this 30th day of June, 1941, this cause of action having come on before the court on April 16, 1941 on application for determination of heirs, the Grand River Dam Authority appearing by Q. B. Boydston, the heirs of Lucy Buzzard, deceased, appearing by Whit Y. Mauzy, United States attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and W. E. Foltz, Probate Attorney, and the court having heard statements of counsel and testimony of witnesses duly sworn and examined in open court, finds that the land involved in this cause of action was allotted to Lucy Buzzard, full-blood Cherokee Indian appearing opposite Roll No. 19368; and that the said Lucy Buzzard died on September 27 1936, a resident of Delaware County, Oklahoma, and left as her sole and only heirs at law the following persons, who inherited the following interests in the land involved in this cause of action:

- Husband, Cornelius Buzzard, full-blood Cherokee, Roll No. 19367, 1/3rd interest;
- Daughter, Nancy Buzzard, full-blood Cherokee, N-4877, 2/15ths interest;
- Daughter, Florence Buzzard, full-blood Cherokee, NE, 2/15ths interest;
- Daughter, Lena Buzzard, full-blood Cherokee, NE 2/15ths interest;
- Son, Jim Buzzard, full-blood Cherokee, NE, 2/15ths interest;
- Daughter, Mary Buzzard, full-blood Cherokee, NE, 2/15ths interest;

The court further finds that Nancy Buzzard died on December 3, 1936, a resident of Delaware County, Oklahoma and left as her sole and only heirs at law the following persons who inherited the following interests:

Husband, Bushyhead O'Field, Cherokee, Roll No. 18621, 1/3rd interest of the 2/15ths interest of Nancy Buzzard;

Daughter, Mary Jane O'Field, full-blood Cherokee, NE, who inherited a 2/9ths interest of the 2/15ths interest of Nancy Buzzard;

Son, Kenneth O'Field, full-blood Cherokee, NE, who inherited a 2/9ths interest of the 2/15ths interest of Nancy Buzzard;

Daughter, Ruth Lee O'Field, full-blood Cherokee, NE, who inherited a 2/9ths interest of the 2/15ths interest of Nancy Buzzard.

The court further finds that Florence Buzzard died on August 16, 1939 leaving as her sole and only heirs at law the following persons, who inherited the following interests:

Husband, Charlie Glass, full-blood Cherokee, who inherited a 1/2 interest of the 2/15ths interest of Florence Buzzard;

Daughter, Phillis Jane Buzzard, full-blood Cherokee, NE, who inherited a 1/2 interest of the 2/15ths interest of Florence Buzzard.

The court further finds that Mary Buzzard died on September 14, 1938; that she was born on January 13, 1920 and was more than eighteen years of age at the time of her death. That she was single and unmarried and died without issue and left as her sole and only heir her father, Cornelius Buzzard, who inherited her 2/15ths interest in the land involved herein.

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

FRED W. SEYMOUR, TRUSTEE,	Plaintiff,)
)
vs.		) No. 1277 Equity
)
GILMORT OIL COMPANY, a corporation,	Defendant.)
)
PRODUCERS PIPE & SUPPLY CO., a corporation, et al.,	Intervenors.)

ORDER CONFIRMING SALE

NOW on this 12th day of June, 1941, comes on for hearing the motion of L. L. Wiles and Wilbur J. Holleman, Receivers of the Gilmort Oil Company, and Fred W. Seymour, Trustee, plaintiff herein, to confirm the sale made herein on the 22nd day of May, 1941 at 10:00 o'clock A.M. at the West front door of the Courthouse in Tulsa, Oklahoma, all of the land, premises, oil and gas leases, trucks, furniture, fixtures, royalties and other property of whatsoever kind or nature described in the judgment heretofore entered in this cause and after due and proper legal notice, as required by this Court, the properties were sold as follows:

1. Lease No. 101, known as the Una Johnson Lease, included in the TAYLOR GROUP of leases, described as

An irregular tract being about 4 acres off of the West end of the S $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; that part of Lot 8 of Section 78, lying South of the S. L. S. F. Ry. being about 20 acres; Lots 9 and 10, of Section 7, less railroad right of way, and less Price Sand Company, tract, being about 25 acres, all in Township 19 N. Range 12 E. lots 1 and 2 less Railroad right of way; NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ less railroad right of way; N $\frac{1}{2}$ of NW $\frac{1}{4}$ of N $\frac{1}{2}$ of S $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, being about 54 acres in Section 18, Township 19 North, Range 12 East; Lot 5 of Section 13, less railroad right of way, and that part of Lot 6 lying North of S.L.S.F. Ry. Township 19 N. Range 11 E. being about 17 acres, of Section 13, Township 19 N., Range 11 E., containing 120 acres, more or less, Tulsa County, Oklahoma.

N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of NE $\frac{1}{4}$; SW $\frac{1}{4}$ of NE $\frac{1}{4}$; W $\frac{1}{2}$ of W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 18 (being about 32.5 acres); S $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; S $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; S $\frac{1}{2}$ of N $\frac{1}{2}$ of S $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of NW $\frac{1}{4}$ (being about 57.5 acres); W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$; West 1/2 of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ (being about 7.5 acres), of Section 18, Township 19 N. Range 12 E. containing 107.5 acres; more or less, Tulsa County, Oklahoma.

including a string of 7" O.D. 20 lb. casing containing 2509' removed from Lease 101 to Well No. 5 on Lease no. 118, known as the Jefferson Lease, together with one 72' angle wire, Tulsa Rig and Reel Derrick; One 15 $\frac{1}{2}$ " gasoline water drip 40' long welded; two 1" gate valves; 560' of 8 $\frac{1}{4}$ " casing; one 8 $\frac{1}{4}$ " swedge nipple; and 742' 4" of one inch tubing, which property was bid in by and sold to the Iverson Tool Company for the sum of \$1,000.00; it being the highest and best bidder therefor.

2. Lease No. 107 known as the Covey Lease, included in the TAYLOR GROUP of leases, described as the

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SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 13; E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 14;
E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 23, all in Township 18 North, Range
12 East, Tulsa County, Oklahoma.

and two 100 barrel wood tanks now located on Lease No. 113, known as Parks "A" Lease, which property was bid in by and sold to the Iverson Tool Company for \$350.00; it being the highest and best bidder therefor.

3. All of the equipment, materials and supplies salvaged from Lease No. 112, known as the Donaldson Lease, included in the TAYLOR GROUP of leases, being approximately 220' of 6 5/8" 24 lb. casing, now located on Well No. 6 on Lease No. 118, known as the Jefferson Lease, included in the TAYLOR GROUP of leases, which property was bid in by and sold to the Iverson Tool Company for \$800.00 cash; it being the highest and best bidder therefor.

4. Leases Nos. 113 and 116, known as the Fronia Parks and Parks "B" Leases, included in the TAYLOR GROUP of leases, described as

East Half of the Northwest Quarter of Section 13, Township
18 North, Range 12 East, Tulsa County, Oklahoma.

North Half of North Half of Southwest Quarter of Section 13,
Township 18 North, Range 12 East, Tulsa County, Oklahoma,

which property was bid in by and sold to Jacob Feell for \$1,250.00; he being the highest and best bidder therefor.

5. Lease No. 118, known as the Jefferson Lease, included in the TAYLOR GROUP of leases, described as

E $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$; SE $\frac{1}{4}$ of NE $\frac{1}{4}$; and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section
23, and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 24, all in
Township 19 North, Range 11 East, Tulsa County, Oklahoma,

which property was bid in by and sold to Producers Pipe & Supply Co. for \$1,000.00; it being the highest and best bidder therefor.

6. Lease No. 152, known as the Maggie London Lease, included in the TAYLOR GROUP of leases, described as

SE $\frac{1}{4}$ of Section 13, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

which property was bid in by and sold to Jacob Feell for \$2,775.00; he being the highest and best bidder therefor.

All of the above described properties and oil and gas leases have been designated as the TAYLOR GROUP of leases by the judgment of this Court on the 19th day of September, 1939.

The Court further finds that by judgment and decree heretofore entered in this cause Roland L. Taylor, Trustee, was held to be a mining partner with the Gilmort Oil Company in all of the above TAYLOR GROUP of leases and by consent of Roland L. Taylor, Trustee, and his counsel the 30% interest which was owned by Roland L. Taylor, Trustee, in said TAYLOR GROUP of leases has passed into the hands of the Receivers and has been administered as part of the receivership assets and the said Roland L. Taylor, Trustee, concurring in and approving the order of sale of said assets, including his 30% interest in said leases and by reason of such consent and approval the Court finds that his 30% interest was sold as part of the assets in the hands of the Receivers and the purchasers above named shall therefore receive all of the right, title and interest of Roland L. Taylor, Trustee, as well as all of the right, title and interest of the Gilmort Oil Company in and to the hereinabove described leases, leasehold estates, together with all the chattels, goods, materials, equipment and properties thereon.

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5. Lease No. 118, known as the Jefferson Lease, included in the TAYLOR GROUP of Leases, described as

$E\frac{1}{2}$ of $W\frac{1}{2}$ of $NE\frac{1}{4}$; $SE\frac{1}{4}$ of $NE\frac{1}{4}$; and $N\frac{1}{2}$ of $SE\frac{1}{4}$ of Section 23, and $EW\frac{1}{4}$ of $NW\frac{1}{4}$ and $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 24, all in Township 19 North, Range 11 East, Tulsa County, Oklahoma,

which property was bid in by and sold to Producers Pipe & Supply Co. for \$11,000.00; it being the highest and best bidder therefor.

6. Lease No. 152, known as the Maggie London Lease, included in the TAYLOR GROUP of leases, described as

$SE\frac{1}{4}$ of Section 13, Township 19 North, Range 11 East, Tulsa County, Oklahoma,

which property was bid in by and sold to Jacob Fell for \$2,775.00; he being the highest and best bidder therefor.

All of the above described properties and oil and gas leases have been designated as the TAYLOR GROUP of leases by the judgment of this Court on the 19th day of September, 1939.

The Court further finds that by judgment and decree heretofore entered in this cause Roland L. Taylor, Trustee, was held to be a mining partner with the Gilmort Oil Company in all of the above TAYLOR GROUP of leases and by consent of Roland L. Taylor, Trustee, and his counsel the 30% interest which was owned by Roland L. Taylor, Trustee, in said TAYLOR GROUP of leases has passed into the hands of the Receivers and has been administered as part of the receivership assets and the said Roland L. Taylor, Trustee, concurring in and approving the order of sale of said assets, including his 30% interest in said leases and by reason of such consent and approval the Court finds that his 30% interest was sold as part of the assets in the hands of the Receivers and the purchasers above named shall therefore receive all of the right, title and interest of Roland L. Taylor, Trustee, as well as all of the right, title and interest of the Gilmort Oil Company in and to the hereinabove described leases, leasehold estates, together with all the chattels, goods, materials, equipment and properties thereon.

All of the following properties constitute the SEYMOUR GROUP of leases, including the oil, mining leases, leasehold estates, equipment, materials; chattels, goods, oil, and all other properties and assets thereon, subject to the following:

- (a) Vendor's lien and oil payment of the Sand Springs Home;
- (b) Oil payment or oil security of Roland L. Taylor, Trustee;
- (c) Oil payment or oil security of Fred W. Seymour, Trustee,

described as follows:

1. Lease No. 105, covering:

Southeast Quarter of Section 23, Township 20 North, Range 11 East, in Osage County, Oklahoma.

2. Lease No. 117, covering:

Southeast Quarter of Section 2, Township 20 North, Range 10 East, in Osage County, Oklahoma.

3. Lease No. 120, covering:

Southwest Quarter of Section 23, Township 20 North, Range 11 East, in Osage County, Oklahoma.

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4. Lease No. 121, covering:

Northeast Quarter of Section 15, Township 20 North, Range 11 East, Osage County, Oklahoma.

5. Lease No. 132, covering:

A tract of land containing 160 acres more or less beginning at the Tenth mile corner on the South boundary line of the Osage Nation; thence East along said South boundary line a distance of 2640 feet; thence North at right angles to said boundary line a distance of 2640 feet; thence West parallel to said South boundary line a distance of 2640 feet; thence South at right angles to said South boundary line a distance of 2640 feet to the point of beginning located in Section 31, Township 20 North, Range 11 East, and Section 36, Township 20 North, Range 10 East, Osage County, Oklahoma.

6. Lease No. 133, covering:

A tract of land containing 160 acres more or less described as a tract of land beginning at the Ninth mile corner on the South boundary line of the Osage Nation; thence West along said South boundary line a distance of 2640 feet; thence North at right angles to said South boundary line a distance of 2640 feet; thence West parallel to said South boundary line a distance of 2640 feet; thence South at right angles to said South boundary line a distance of 2640 feet to the point of beginning, all in Section 31, Township 20 North, Range 11 East, Osage County Oklahoma.

7. Lease No. 134, covering:

Southwest Quarter of Section 32, Township 20 North, Range 11 East, Osage County, Oklahoma.

8. Lease No. 135, known as the LULA WHITE lease, covering:

Northeast 9.94 acres of Lot 3, Section 5, Township 19 North, Range 11 East, Tulsa County, Oklahoma.

9. Lease No. 137, known as E. B. Rabey lease, covering:

Southwest Quarter of Section 6, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

10. Lease No. 138, known as the J. Bruner Lease, covering:

West Half of Southeast Quarter of Section 6, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

11. Lease No. 139, known as the L. Brown lease, covering:

South Half of Northwest Quarter of Section 5, Township 19 North, Range 12 East, Tulsa County, Oklahoma.

12. Lease No. 142 covering:

Northeast Quarter of Section 5, Township 20 North,
Range 11 East, Osage County, Oklahoma.

13. Lease No. 144, covering:

Southeast Quarter of Section 21, Township 20 North,
Range 11 East, Osage County, Oklahoma.

14. Lease No. 150, covering:

a fractional part of the Northwest Quarter of Section
31, Township 20 North, Range 11 East, Osage County,
Oklahoma, more particularly described as: The North
Half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) and the North
Half ($N\frac{1}{2}$) of the North Half ($N\frac{1}{2}$) of the South Half ($S\frac{1}{2}$)
of the Northwest Quarter ($NW\frac{1}{4}$)

15. Lease No. 151, known as the Richard Mayberry Lease, covering:

South Half of Northeast Quarter of Section 5, Township
19 North, Range 11 East, Tulsa County, Oklahoma.

16. Lease No. 184, covering:

Northwest Quarter of Section 39, Township 20 North,
Range 11 East, Osage County, Oklahoma.

which properties were bid in by and sold to the Reliable Oil Company, a corporation, for the sum of \$17,500.00; it being the highest and best bidder therefor.

All the balance of the assets of the Gilmort Oil Company, including:

1. The warehouse and warehouse inventory located on Lease No. 159, known as the Mitchell Lease, as described in said order of sale, together with all machinery, equipment, material and supplies, except only such equipment or warehouse inventory as was moved from any lease in the TAYLOR GROUP of leases or SEYMOUR GROUP of leases or either of them, as are described in the order of sale, and excluding all vehicles of transportation, office furniture, fixtures and equipment of said Gilmort Oil Company. One No. 2 National drilling mast located on Lease No. 118, known as the Jefferson Lease, but including all other oil and gas equipment, materials, tools and supplies belonging to the Gilmore Oil Company, located within this jurisdiction.

2. One 1938 Ford Pickup Truck.

3. One 1939 $1\frac{1}{2}$ ton Ford Truck with winch.

4. All of the oil and gas equipment, machinery, materials, tools and supplies salvaged from Lease No. 156, known as the Suthie Bell Lease, which equipment, materials, tools and supplies were removed from said Suthie Bell Lease to the warehouse and were marked and held apart as belonging to the said Suthie Bell lease.

5. Lease No. 159, known as the Mitchell Lease, covering the

North Half of the Southwest Quarter and the East Half
of Southeast Quarter of Northwest Quarter and Lot 6

(less 3.30 acres in M. K. & O. Railroad) Lot 7 (less 6.64 acres in M. K. & O. Railroad) and Northeast Quarter of Southeast Quarter of Northeast Quarter of Southwest Quarter and East Half of Northeast Quarter of Northeast Quarter of Southwest Quarter of Section (5) and Lot 1 (less 3.82 acres in M. K. & O. Railroad) of Section 8; all in Township 19 North, Range 11 East, Tulsa County, Oklahoma, containing 161 acres more or less.

6. One No. 2 National Drilling Mast located on Lease No. 118, known as the Jefferson Lease.

7. All of the office furniture and office equipment of the Gilmort Oil Company, being

- 1 Marvel Punch
- 1 Waste Basket
- 4 Straight back chairs
- 1 Mahogany typewriter desk
- 1 Sunstrand Adding Machine
- 1 Metal legal file cabinet
- 1 4-drawer metal safe file
- 1 Royal typewriter
- 1 Steel cabinet
- 1 Check protector
- 1 Airflow typewriter chair
- 1 Corduroy upholstered typewriter chair

8. The Friday Fulton royalty, being an undivided one-fourth of the minerals subject to an existing oil and gas lease covering the Southwest Quarter of Section 9, Township 18 North, Range 12 East, Tulsa County, Oklahoma,

9. Fred Quandt royalty, being an undivided interest in the minerals subject to an existing oil and gas lease covering lands located in Section 30, Township 18 North, Range 8 East, Creek County, Oklahoma.

10. Salina Land royalty, being an undivided three-sevenths of the minerals subject to an existing oil and gas lease covering the Northeast Quarter of the Northwest Quarter of Section 13, Township 18 North, Range 11 East, Tulsa County, Oklahoma, together with all the balance of the assets of the Gilmort Oil Company situated within the jurisdiction of this Court of whatsoever kind or nature, including tanks, lines, fixtures, buildings, machinery, equipment, chattels and all other property not hereinabove specifically described within the jurisdiction of this Court, was bid in by and sold to the Reliable Oil Company for the sum of \$6,400.00; it being the highest and best bidder therefor.

And the Court having carefully examined the proceedings of the Receivers under the judgment and order of sale is satisfied that the same have been performed in all respects in conformity to law and as ordered by this Court, that due and legal notice of said sales were given by publication for more than thirty days prior to said sale in Tulsa Daily Legal News, a daily newspaper published in Tulsa and of general circulation in Tulsa County, State of Oklahoma and by due and legal notice in the Daily Journal Capitol, a daily newspaper published at Pawhuska and of general circulation in Osage County, State of Oklahoma, once a week for four consecutive weeks prior to said sale, as shown by the proof of said publication on file herein and as ordered by this Court and that the day fixed therein, to-wit: The 22nd day of May, at 10:00 o'clock A.M. at the West front door of the County Courthouse in Tulsa, Oklahoma, said properties were sold as hereinabove set out, the purchasers being the highest and best bidders therefor and the Clerk is accordingly directed to

make entry on the Journal of this Court that the Court is satisfied of the legality of said sales, and each of them, and no exceptions being filed nor objections made, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said sales, and each of them, and the proceedings, be and they are hereby approved and confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the sale of any of the leases in the TAYLOR GROUP of leases shall include all right, title and interest of Roland L. Taylor, Trustee, therein and the title to said interest is hereby approved and confirmed in the purchases the same as the interest of the Gilmort Oil Company.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that L. L. Wiles and Wilbur J. Holliman, receivers of the Gilmort Oil Company, make, execute, and deliver to the respective purchasers of the royalty interests sold, good and sufficient conveyances therefor, and that they execute and deliver to the purchasers of the personal property sold, bills of sale therefor and the said receivers are further directed to make, execute, and deliver to the purchasers of the several leases in the Taylor and General groups, assignments of all right, title, and interest of the Gilmort Oil Company and of said receivers in and to said leases, including in the assignments of each lease in the Taylor group of leases both the interest owned by Gilmort Oil Company and the interest owned by Roland L. Taylor, Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said receivers make, execute and deliver to the purchasers of all leases in the Seymour Group, which do not require departmental approval, proper assignments therefor, subject to the vendor's lien, oil payments, and oil securities and determined and adjudged by this court in its decree of September 19, 1939, and said receivers are further instructed to execute transfer and division orders to the purchasers of said leases in accordance with said decree.

It being brought to the attention of the court that it is contrary to the practices of the Department of the Interior to approve assignments of oil mining leases in the Osage Nation, subject to oil payments or other conditions, IT IS ORDERED that said receivers make, execute and deliver to the Reliable Oil Company, unconditional assignments of all mining leases in the Seymour Group located in Osage Nation, upon the usual form of assignment required by the rules and regulation of the Department of the Interior, and to present the same for approval in accordance with the said rules and regulations of the Department of Interior; notwithstanding said unconditional assignments however, said leases, when the said assignments shall have been approved by the Department of the Interior, shall be held and owned by the Reliable Oil Company subject to the Vendor's lien and oil payment of the Sand Springs Home, and the oil payments and oil securities of Roland L. Taylor, Trustee and of Fred W. Seymour, Trustee, as set out and specified in the aforesaid decree of September 19th, 1939, and as to said Osage Leases, said receivers shall execute transfer and division orders to said Reliable Oil Company in accordance with said decree.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the purchasers take possession of the oil and gas leases and properties which they purchased as of 7:00 A.M., Friday, June 13th, 1941

Dated the day and year first above written.

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

ENDORSED: Filed Jun 30 1941
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to July 1, 1941

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

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TUESDAY, JULY 1, 1941

to present and make proof of their respective claims and file the same with Eben L. Taylor, Receiver herein, at Room 509, R. T. Daniel Building, in the City of Tulsa, Tulsa County, Oklahoma, which said claims or demands shall be supported by affidavit, and shall set out the amount and nature of any security or lien held by the claimant, or to which the claimant is entitled, and also any claim to preference in payment from the assets in the hands of the Receiver.

IT IS FURTHER ORDERED that the said Receiver shall publish once each week, for four consecutive weeks, in the Tulsa Daily Tribune, a newspaper published and of general circulation in the Northern District of Oklahoma, a copy of this order, and shall also give not less than 30 days notice by mail to all creditors and claimants of the above named persons and against the above described properties of whose names and addresses he may be informed.

IT IS FURTHER ORDERED that said Receiver shall, as soon as he conveniently can after the 18th day of August, 1941, report to the Court a list of all such claims as may have been presented to and filed with him, which at the time of making said report shall not have been paid under any authority heretofore conferred upon him, and shall file with such report all papers filed with him in connection with said paid claims.

F. E. KENNAMER
DISTRICT JUDGE

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

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

Fred W. Seymour, Trustee,	Plaintiff,)	
)	
vs.)	
Gilmort Oil Company, a corporation,	Defendant.	)	No. 1277 Equity
)	
Producers Pipe & Supply Company, a corporation, et al,	Interveners.)	

JOURNAL ENTRY

Now on this 1st day of July, 1941, the plaintiff being present by Lawrence Mills, its attorney; Producers Pipe & Supply Company being present by Claude Rosenstein, its attorney; Iverson Tool Company being present by Duff & Manatt, its attorneys; and other creditors being present by their respective attorneys; thereupon, Producers Pipe & Supply Company and Iverson Tool Company request the court to enter herein the judgment and findings heretofore made with reference to the priority of the five per cent oil security of Roland L. Taylor, Trustee, over the rights and securities of the plaintiff, Fred W. Seymour, Trustee,

The court, having heard evidence and argument of said matter, and having examined the journal entry of judgment made and entered on the 13th day of September, 1939, did find and adjudge that the five per cent oil security of Roland L. Taylor, Trustee, was and is prior and superior to any and all of the rights of Fred W. Seymour, Trustee; and at this time, the court, having heard additional argument in the matter and being further advised in the premises, finds that a formal finding and judgment should be entered herein at this time, definitely settling the matter.

IT IS THEREFORE, ORDERED, ADJUDGED, AND DECREED by the court that the five per cent oil security of Roland L. Taylor, Trustee, be and the same is hereby found and adjudged to be senior and superior to any and all of the rights of Fred W. Seymour, Trustee; that is to say, that the said Roland L. Taylor, Trustee, is entitled to five per cent of the production derived from the Seymour

The United States presented its opening argument, reviving the questions of fact and law involved in the suit and thereupon the defendants presented their arguments on the questions of law and fact embraced in the cause and the hearing not being concluded, the same was continued until 9:30 o'clock A.M., of July 2nd, and, after the close of the argument, the Court proceeded to determine the questions of fact and law arising on the stipulations of fact, the oral testimony and the record of the congressional proceedings in regard to leasing the oil and gas content of the lands belonging to the Osage Nation and, after considering the same, the Court makes the following findings of facts:

1. On the 16th day of March, 1896, acting under the authority of the Act of Congress of February 28, 1891, as amended by the Act of August 15, 1894 (28 Stat. 335) James Bigheart, as Principal Chief of the Osage Nation, executing a mining lease to Edwin B. Foster covering the entire Osage Reservation, now Osage County, Oklahoma, amounting to about one million five hundred thousand (1,500,000) acres, for a period of ten (10) years, for the production of petroleum and natural gas on and bearing a royalty of one-tenth (1/10th) of all crude petroleum mined or produced on or from the land.

2. Congress, by Act of March 3, 1905, (33 Stat. 1048) renewed the Foster Lease, which was then owned by the Indian Territory Illuminating Oil Company, and assignments and sub-leases thereof made or to be made for a period of ten (10) years from the 16th day of March, 1906, gave the President power to determine the amount of royalty and reduced the acreage covered by the lease to six hundred eighty thousand (680,000) acres.

3. The Gypsy Oil Company, by assignment or sublease, acquired leasehold estates in a number of tracts of land embraced in the Foster lease, among which was the

Southeast Quarter (SE $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) and the Southwest Quarter (SW $\frac{1}{4}$) and the Northwest Quarter (NW $\frac{1}{4}$) of Section 1, Township 21 North, Range 7 East,

divided into Tracts No. 100, 101, 102 and 103, with a separate lease on each of said tracts, and complied with the Rules and Regulations of the Secretary of the Interior effective August 26, 1915, to enable it to bid at and become a purchaser of oil leases to be offered for sale on and after the expiration of the term of the renewed Foster Lease expiring on March 16, 1916.

4. As of January 1, 1915, there had been drilled on the lands covered by the renewed Foster Lease two thousand six hundred sixty six (2,666) oil wells, one hundred and seventy three (173) gas wells, nine hundred fifty six (956) dry holes, making a total of three thousand seven hundred and ninety-five (3,795) wells with a production of oil of a little more than nine million barrels.

5. On June 17, 1915, the Osage Tribal Council, at a meeting in Washington in conjunction with and with the advice of the Secretary of the Interior and the Commissioner of Indian Affairs, adopted resolutions in regard to making new mineral leases on the tracts of land covered by the Foster Lease which would expire on March 16, 1916, and in the fifth paragraph of such resolutions provided that certain lands be offered for public leasing subject to the approval and under the Rules and Regulations of the Secretary of the Interior. Among the tracts covered by such resolution were Tracts No. 100, 101, 102, and 103. Under the sixth paragraph of the resolution the rate of royalty was to be one-sixth (1/6th), except in cases where the average daily production on any quarter-section should equal one hundred (100) barrels per calendar month period and in such cases the royalty was to be one-fifth (1/5th).

6. On May 22, 1916, Section 7 of the Rules effective August 26, 1915, was amended to read as follows:

"In the event that no acceptable bid is received at public sale for any producing oil unit, any such unit shall thereafter be disposed of or leased in such manner as the Secretary of the Interior may direct."

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7. By advertisement dated January 12, 1916, there was to be offered for sale at public auction to the highest bidder leases on approximately one hundred quarter-sections of land -- fractional quarter-sections, to begin Tuesday, February 15, 1916, at 12:00 o'clock P.M. The notice of such auction provided that if no acceptable bids should be received the present operators would be given new leases as provided by the regulations approved August 26, 1915.

8. The auction sale advertised for February 15, 1916, on account of the pressure of business in the Department of Interior, was continued to April 20, 1916, and on March 13, 1916, the Interior Department, by a letter from Franklin K. Lane, Secretary of the Interior, to J. Geo. Wright, Superintendent of the Osage Indian Agency, informed such Superintendent that it would be impossible to have leases executed and approved by March 17, 1916, and in order to protect the properties of the Osage Tribe pending the final disposition to be made thereof, gave authority to all sub-lessees to continue the development and operation of lands included in the proposed new leases, and also authorized such lessees to operate such leases and sell the oil produced therefrom to purchasers, and purchasers were authorized to run the oil and to pay the operators five-sixths (5/6ths) of the gross proceeds and to pay to the Superintendent for the use of the Osage Tribe one-sixth (1/6th) of the gross proceeds of all oil run and taken, save in cases where the royalty would be one-fifth (1/5th) as provided in the leases and regulations, royalty in that amount should be paid, and such order was made applicable to operators in possession of land under leases expiring March 16, 1916, which were advertised for lease at public auction on February 15, 1916, but which sale had been postponed, the authority to expire at midnight, April 16th, 1916. On March 15, 1916, Cato Sells, Commissioner of Indian Affairs, wrote a letter to George N. Wise, Clerk in Charge of the Osage Indian Agency, implementing and carrying into effect the directions contained in the letter of the Secretary of the Interior of date March 13, 1916.

9. Notice of the authority to continue production was given to the Gypsy Oil Company and the Gulf Pipe Line Company of Oklahoma, the purchaser of the oil produced from the Gypsy Oil Company on Tracts 100, 101, 102 and 103 and the Gypsy Oil Company continued to produce said oil and run the same to the Gulf Pipe Line Company of Oklahoma under the terms of such order from and after the 16th day of March, 1916, to the 20th day of June, 1916, except that on the request of the Interior Department the Gypsy Oil Company and the Gulf Pipe Line Company of Oklahoma, the purchaser of such oil, consented on March 21, 1916, that the purchaser, the Gulf Pipe Line Company of Oklahoma, retain the proceeds of the oil awaiting the further determination of the Secretary of the Interior, which request was made for and on behalf of the Secretary of the Interior through letter dated March 21, 1916, from J. Geo. Wright, Superintendent of the Osage Agency, W. A. Williams, and Robert J. Hall. In accordance with the terms contained in the letters of the Secretary of the Interior and the Commissioner of Indian Affairs, the Gypsy Oil Company remained in possession of the above named tracts, operated the same for the production of oil from the 16th day of March, 1916, to the 20th day of June, 1916, during which period, less royalty interest paid to the Superintendent of the Osage Indian Agency for the use and benefit of the Osage Tribe, one hundred forty-five thousand seven hundred and fifty (145,750) barrels of oil of the approximate value of One and 55/100 Dollars (\$1.55) per barrel, or a total value of Two Hundred Twenty five Thousand Nine Hundred and Twelve and 50/100 Dollars (\$225,912.50). The authority to operate such leases contained in the letters of March 13th and 14th was continued from time to time until midnight of the 15th day of May, 1916, and thereafter the leases were operated by tacit agreement of all parties from said day to the 20th day of June, 1916.

10. On April 20, 1916, auction sales were had, some of the leased tracts sold, and Tracts No. 100, 101, 102 and 103 were offered for sale, but the bids therefor being rejected, not sold. On May 26, 1916, notice of a public auction sale of certain leases described therein, containing the four above mentioned tracts of land, was advertised to be had at Pawhuska on Tuesday, June 20th, 1916, at 2:00 o'clock P.M. In such notice all the leases offered for sale except Tracts No. 100, 101, 102, and 103 were to be for cash, twenty five per cent (25%) of which was to be paid down on the day of sale and the balance of the purchase price on the filing of the lease. As to other lots, bids were to be on a barrel basis of the average daily production less royalty interest, twenty five per cent (25%) of the amount bid to be in cash based on the production as shown in the notice, of which twenty per cent (20%) was to be paid on the date of sale and the balance with the filing of the lease, the remainder to be paid from sixty per cent (60%) of the gross proceeds from sale of oil in

addition to the stipulated royalty and, if such proceeds should prove insufficient to complete the payments due within four (4) years from date of approval of lease, any balance of the purchase price was to be paid in cash and a bond equal in amount to fifty per cent (50%) of the deferred payments guaranteeing such payments within the time specified should be filed with the lease or the bidder, if preferred, could pay all cash for any of the above numbered tracts, in which event twenty percent (20%) was to be paid on the day of sale and the balance paid with the filing of the lease, such payments to be based on the production shown in the advertisement but to be adjusted on completion on the basis of the ten day test to be made.

After the leasing the average daily production from such tracts of land was to be determined by a ten day pumping test, wells to be pumped ten days prior to the beginning of the test or so much longer as considered necessary by the representative of the Department to bring production to normal before starting the ten day pumping test. All tests to be under the direction of the Department.

Successful bidders other than the present operators were to furnish certified check payable to the order of George N. Wise, Disbursing Agent, in an amount sufficient to purchase the casing mentioned in the advertisement and, in addition, Fifteen Hundred Dollars (\$1,500.00) for a producing well to cover cost of necessary equipment for operation.

The advertisement also stated:

"Should the present operator of any tract not be the successful bidder he may continue to operate the properties from and after June 21, 1916, until new leases are executed and new leases takes possession, and he shall be reimbursed in a reasonable amount for expenses of operations during such time by the successful bidder, and certified checks for equipment shall be held by the Disbursing Agent until full settlement has been made for equipment and expenses in operation."

and also provided:

****provided that the present sublessee who is now operating any tract included in the following list will be permitted to bid upon such tract independent of present acreage held by him."

The auction advertisement gave the number of wells on each of the above tracts, the pipe line runs from April 1st to April 15th, 1916, inclusive, and the assessed value of the casing for which purchasers other than the present operators would be required to pay.

11. At the auction sale on June 20, 1916, the Gypsy Oil Company was the highest bidder for each of said tracts, bidding an aggregate amount of One Million One Hundred Fifty Three Thousand Six Hundred and Five and 78/100 Dollars (\$1,153,605.78). After such four tracts of land were awarded to the Gypsy Oil Company as the highest bidder, it made the deposits required by the advertisement and execute leases covering each of said tracts and delivered the same to the Superintendent of the Osage Tribe for transmission to the Tribal Council for approval, June 21, 1916. On the 27th day of June, 1916, the Tribal Council did not in words reject or disapprove such leases, but, passed a resolution transmitting such leases to the Secretary of the Interior for approval on the payment in cash by Gypsy Oil Company of the total sum of One Million One Hundred Fifty Nine Thousand Eight Hundred and Forty Five and no/100 Dollars (\$1,159,845.00), credit to be given for advance payments made at date of sale, leases to be subject to the Regulations of August 26, 1915.

12. Following the forwarding of the leases purchased at the sale of June 20, 1916 to the Secretary of the Interior for approval, together with the resolution of the Tribal Council of June 27, 1916, in regard to the approval of such leases, negotiations were had by George S. Davison, President of the Gypsy Oil Company and the Gulf Pipe Line Company of Oklahoma, and the Secretary of the Interior in reference to Gypsy Oil Company accepting such leases on the terms set out in the resolution of the Council, and negotiations were continued and culminated in an agreement carried into execution on July 6, 1916, wherein it was agreed that Gypsy Oil Company would accept the leases on

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the terms of the resolution of the Tribal Council if the Secretary would make an order directing the Gulf Pipe Line Company of Oklahoma to release to the Gypsy Oil Company the proceeds of the oil run in accordance with the letter of March 13, 1916, of the Secretary of the Interior to J. George Wright, Superintendent of the Osage Indian Agency, less the royalty interest, and direct the royalty interest to be paid to the Superintendent of the Osage Indian Agency and allow a deduction in the purchase price to correct the error made by the Council in calculating the per barrel basis on which it based the purchase price caused by failure to observe the sliding scale of royalties. This agreement was accepted and carried into effect on July 6, 1916. The Gypsy Oil Company delivered to the Secretary of the Interior its check in the amount of Eight Hundred Eighty One Thousand Eight Hundred Forty Five and no/100 Dollars (\$881,845.00) which, with the deposit of Two Hundred Seventy-Eight Thousand and no/100 Dollars (\$278,000.00) made on June 20, 1916, exceeded the purchase price named in the Council's resolution by Six Thousand Two Hundred Thirty Nine and 22/100 Dollars (\$6,239.22), which excess was afterward refunded by the Osage Tribal Council. On the receipt of such check it was cashed and the amount thereof passed to the credit of the Osage Tribe of Indians in accordance with the Rules and Regulations of the Department of the Interior. On the delivery of the checks of the Gypsy Oil Company, the oil and gas mining leases covering Lots 100, 101, 102, and 103, were approved by the Secretary of the Interior and delivered to the Gypsy Oil Company, the Gulf Pipe Line Company of Oklahoma directed to release the detained proceeds of the oil withheld under the letter of the Secretary of March 13, 1916, in accordance with the terms thereof which was done.

13. On March 16, 1916, the Gypsy Oil Company had drilled on the leased land Forty seven (47) wells producing on the average about two thousand (2,000) barrels of oil per day, and had equipment thereon necessary for the operation of the wells of great value, and casing in the wells in the aggregate value of Eighty One Thousand Two Hundred Thirty and 52/100 Dollars (\$81,230.52), and from March 16, 1916, to June 20, 1916, both dates inclusive, had expended in the necessary expenses of operation of the leases the sum of Forty Thousand and no/100 Dollars (\$40,000.00). On operating the leased tracts under the letter of March 13, 1916, and making the agreement and settlement of July 6, 1916, and the payment of the accrued royalty to the Osage Superintendent for the benefit of the Osage Tribe and the payment of the proceeds of the oil run from such leases from March 16, 1916 to June 20, 1916, the Gypsy Oil Company and the Gulf Pipe Line Company of Oklahoma and the Secretary of the Interior in all things acts in good faith, believing that the Secretary of the Interior had full power and authority to make the order contained in his letter of March 13, 1916, and to make the settlement of July 6, 1916.

14. The Osage Tribe and Its Tribal Council had full notice and knowledge of the operations of the leased tracts under the letter of March 13, 1916, a copy of which letter was presented to the Osage Tribal Council and, together with the other communications in regard thereto, was spread of record on the proceedings of the Council.

15. On and before the making of the order contained in the letter of the Secretary of the Interior of March 13, 1916, it was accepted as a fact in Oklahoma and other oil producing states and proved by the oral evidence on the trial that the shutting in of oil wells for any length of time would greatly impair, if not entirely destroy, the wells as oil producing properties the amount of impairment in value of the wells depending on the length of time such wells were shut in, and such shutting in would make the wells subject to encroachment of water, and it was in order to prevent damage to the producing oil wells on the lands in Osage County and to hold such properties in the high state of efficiency they then were in that the Secretary made the order contained in his letter of March 13, 1916. That such fear of damage on the part of the Secretary of the Interior to oil properties arising from shutting in the wells was well founded is shown by the fact that oil producing sands in Osage County, and especially the sand under Tracts 100, 101, 102, and 103 were subject to invasion by water and that water was present in the sands under the lots mentioned.

16. In producing oil from the leased tracts from the expiration of the Postal Lease to the making of the new leases under the sale of June 20, 1916, the Gypsy Oil Company was doing so with the consent, knowledge and acquiescence of the Osage Tribe, its Tribal Council, and that of the Interior Department, and in so doing cannot be held as a trespasser or be guilty of conversion.

17. The oil, the value of which is sought to be recovered in this action, was produced between March 16, 1916, and June 20, 1916, and the present action was commenced on May 10, 1939, and the Gypsy Oil Company was served May 11, 1939.

18. It was essential to the preservation of producing wells on leases expiring March 16, 1916, subject to sale by public auction, that they be continually operated so as to prevent waste and impairment of value.

19. That the Gulf Oil Corporation was a successor in interest of the Gypsy Oil Company by becoming the purchaser of most of the property of the Gypsy Oil Company.

20. The expiration of the extension of the Foster Lease on March 16, 1916, without any of the lands covered by it being offered for leasing at public auction or otherwise presented a condition not covered by any of the provisions of the Act of June 28, 1906, and created an emergency which called for action by the Secretary of the Interior to protect and preserve the value of the mineral interest of the Osage Nation in the lands belonging to said Tribe.

21. The Court, after inspecting and reading the stipulation of facts agreed on by counsel and heretofore filed in this cause, adopts such stipulation of facts as a part of these findings of fact to the same extent and with like effect as if they were incorporated herein.

From the above and foregoing findings of fact the Court makes the following conclusions of law:

1. The Secretary of the Interior under the general power and jurisdiction granted and conferred on him to subserve and protect the interest of Indians and their property by Section 403, Title 25, United States Code Annotated, and Section 485, Title 5, United States Code Annotated, and under the special authority granted and conferred on him by Sections 3 and 12 of the Act of June 28, 1906, had full power and jurisdiction to make the order contained in his letter to the Superintendent of the Osage Indian Agency March 13, 1916, and the Gypsy Oil Company, having accepted the conditions of such order and produced the oil thereunder, the value of which is sought to be recovered in this action, and, having complied with all the requirements contained in said order, an action for the recovery of the value of the proceeds of the oil produced, less the royalty interest, does not lie and judgment should be entered in favor of the defendants and against the United States and the Osage Tribe of Indians.

2. The bids of the Gypsy Oil Company at the auction sale of June 20, 1916, not being accepted by the Osage Tribal Council as made, the Secretary of the Interior under the law and the Rules and Regulations of August 26, 1915, had full power to negotiate the making of leases with the Gypsy Oil Company and, as an incident thereto, to carry into execution and completion the order contained in the letter of the Secretary of the Interior of March 13, 1916, and direct payment of the proceeds of the oil run from March 16, 1916, to June 20, 1916, to the Gypsy Oil Company for agreeing to take the leases on the changed terms of the Osage Council's Resolution of June 27, 1916, and no recovery can be had against the Gypsy Oil Company or the Gulf Oil Corporation for paying out the proceeds of oil run in accordance with such order and the agreement or settlement of July 6, 1916.

3. The United States, on behalf of the Osage Tribe of Indians, under the agreed facts in this cause, is not entitled to recover against the defendants or either of them.

4. In writing the letter of March 13, 1916, to J. George Wright, Superintendent of the Indian Agency at Pawhuska, in the making of the settlement of July 6, 1916, and approving the oil leases on Tracts 100, 101, 102 and 103, in directing the release of the proceeds of the oil retained by the Gulf Pipe Line Company of Oklahoma under the letter of March 13, 1916, Franklin K. Lane was acting in his official capacity as Secretary of the Interior and in so doing he was officially construing Section 485 of the United States Code, Title 5 (U.S.C.A. Chap. 8, Page 217) and Section 2 of Chapter 1, Title 25, United States Code (5 F.C.A., Page 403; U.S.C.A. Title 25, Chap. 1, Sec. 2).

and the Act of June 28, 1906, as giving him power to make the orders contained in his letter of March 13, 1916, and to do the Acts performed by him in connection with authorizing the continued production on Osage producing leases expiring on March 16, 1916, which had been advertised for sale at public auction to be held February 15, 1916. Numerous Osage leases, believing the Secretary of the Interior had power to direct the continuance of the production of such leases, as was done in the letter of March 13, 1916, under the acts of Congress and his general power and discretion as Secretary of the Interior to protect and defend the interests of the Osage Tribe, relied upon such construction and continued to operate such leases for oil in accordance with the terms of the letter of March 13, 1916, and its direct and indirect extensions, and expended large sums of money in the operation of such leases on the faith of the letter of March 13, 1916, believing the exercise of such authority by the Secretary of the Interior was a valid exercise of authority. The official construction placed on said Acts of Congress by the Secretary of the Interior remained unquestioned for about twenty (20) years and was recognized as the correct and proper construction of such laws by the Department of the Interior and the Osage lessees and should now be recognized and accepted as a proper construction of said Acts of Congress.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the findings of fact and conclusions of law heretofore requested by the United States be and the same hereby are rejected and denied. It is further ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing by its said suit and the defendants go hence without day and said cause be and the same hereby is dismissed with prejudice to bringing another suit.

DATED this the 2nd day of July, 1941.

ALFRED P. MURRAH
United States Circuit Judge

ENDORSED: Filed Jul 8 1941
H. P. Warfield, Clerk
U. S. District Court ME

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

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

ORDER CONFIRMING SALE

Now, on this 2nd day of July, 1941, comes the complainants by its attorney, Rex H. Holden, and moves the court to confirm the sale of real estate made by the Special Master herein on the 24th day of June, 1941, to the following parties, under an order of sale issued out of the office of the court clerk of the United States District Court for the Northern District of Oklahoma, dated the 19th day of May, 1941, of the following property situated in the Town of Fairfax, Oklahoma, to-wit:

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PURCHASER</u>	<u>AMOUNT</u>
15	18	Original town	Mrs. Jessie McInroy	\$100.00

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

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REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 2, 1941

11	10	Original Town	Almeda Durgée	\$400.00
2	19	Original Town	Almeda Durgée	\$ 26.00
3	19	Original Town	AlmedaDurgée	\$ 21.00
14	23	Original Town	Almeda Durgée	\$ 21.00
25	7	Tall Chief	Almeda Durgée	\$123.34
26	7	Tall Chief	Almeda Durgée	\$123.34
27	7	Tall Chief	Almeda Durgée	\$ 36.00
1	18	Original Town	Almeda Durgée	\$130.00

and the court having carefully examined the proceedings of sale Special Master under said order of sale is satisfied that the same have been performed in all respects in conformity to law; that due and legal notice of said sale was given by publication in Osage County News, a newspaper published and of general circulation in said county and state wherein said property is located, as required by law and as shown by proof of publication on file herein, and that on the day fixed therein, to-wit: the 24th day of June, 1941, said lots were sold separately to the above named parties, subject to existing and ad valorem taxes and special assessments not herein foreclosed, they being the highest and best bidders therefor; and the clerk is accordingly directed to make an entry on the journal of said court that the court is satisfied of the legality of said sale; and, no objections being made or exceptions filed,

IT IS ORDERED, ADJUDGED AND DECREED, that said sale and the proceeds thereof be, and the same are hereby approved and confirmed, and a Special Master is granted permission to pay the appraisers' fees in the sum of \$6.00 and expenses in the sum of \$3.60, publisher's fees in the sum of \$28.00, and a fee of \$75.00 is hereby allowed to John R. Pearson, Special Master.

IT IS FURTHER ORDERED that John R. Pearson, Special Master, make and execute to the said purchasers at the said sale good and sufficient deeds for the respective premises so sold, and pay all funds on hand to the City Treasurer of Fairfax, Oklahoma.

IT IS FURTHER ORDERED that the said purchasers of said premises, lands and tenements at said sale, aforesaid, be immediately let into possession of said premises, and each and every part thereof; and the clerk of this court is ordered to issue a writ of assistance to the U. S. Marshall of the Northern District of Oklahoma, directing him to place the said purchasers in full possession of said premises; and the defendants, and each of them, since the commencement of this action, shall, upon presentation of such writ of assistance, immediately deliver possession thereof to the said purchasers, and each of them, and the refusal of said defendants, or any of them, or any one in possession of said premises or any part thereof under them or any of them, as aforesaid, to deliver immediate possession of said premises to said purchasers, shall constitute contempt of this court.

IT IS FURTHER ORDERED THAT THE ASSESSMENTS SUED ON IN COMPLAINANTS' complaint, be merged in the respective judgments and said respective judgments on the properties described be marked satisfied by Special Master's sale; all to be shown on the delinquent paving records in the office of the County Treasurer of Osage County, Oklahoma.

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

ENDORSED: Filed Jul 2 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, JULY 2, 1941

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

United States of America,	Plaintiff,)
)
vs.		) No. 345 Civil
)
Barnsdall Oil Company, incorporation,)
	Defendant.)

J U D G M E N T

This cause coming on regularly for trial on this 1st day of July, 1941, pursuant to assignment; the plaintiff, United States of America, appearing by its attorneys, Aubrey Lawrence, Special Assistant to the Attorney General, Whitfield Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, Henry R. Duncan, Ingraham D. Hook and Harry L. Thomas, Special Counsel for the Osage Tribe of Indians; and the defendant appearing by its attorneys, Kirk, Lee and Fleetwood, of Tulsa, Oklahoma. Thereupon both parties announced ready for trial, evidence was presented and the Court heard argument of counsel, and said cause was continued over for further argument and decision to July 2, 1941.

Now, on July 2, 1941, after having heard argument of counsel, the Court makes findings of fact and conclusions of law, and denies the requested findings of fact and conclusions of law submitted on behalf of plaintiff except to the extent that the same are covered and included in the findings of fact and conclusions of law herein filed. On the evidence, the Court finds that judgment should be rendered for the defendant Barnsdall Oil Company.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff do nothing by this action, and that the defendant go hence without day.

To all of said findings of fact and conclusions of law and the judgment herein rendered the plaintiff, United States of America, excepts and exceptions are allowed by the Court.

Dated this 5th day of July, 1941.

ALFRED P. MURRAH
 Judge of the United States Circuit Court of Appeals for the Tenth Circuit, Assigned as Judge of the United States District Court for the Northern District of Oklahoma

ENDORSED: Filed Jul 8 1941
 H. P. Warfeld, Clerk
 U. S. District Court H

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

UNITED STATES OF AMERICA, Plaintiff,
v.
WOLVERINE PETROLEUM CORPORATION, a corporation,
and SHELL OIL COMPANY, INCORPORATED, a
corporation, Defendants.

NO. 440 - CIVIL

ORDER OF DISMISSAL

On July 1, 1941, all parties to the captioned case stipulated and agreed to the dismissal of Wolverine Petroleum Corporation as a party defendant and, being fully advised in all the premises, the Court is of the opinion that an order of dismissal should be entered forthwith.

It is, therefore, ORDERED, ADJUDGED and DECREED that Wolverine Petroleum Corporation be, and hereby is, dismissed from the captioned case as a party defendant and discharged from any and all possible liabilities thereunder.

DATED this second day of July, 1941.

ALFRED P. MURRAH
JUDGE

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

Court adjourned to July 3, 1941

On this 3rd day of July, 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 IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 3, 1941

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

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
vs.	)	NO. 50 - CIVIL
)	
TRAVELERS MUTUAL CASUALTY COMPANY, a)	
corporation,	Defendant.)	

O R D E R

This matter coming on for hearing this 3rd day of July, 1941 upon the motion of the United States of America to dismiss this cause of action and the court finds that said cause should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said cause of action be and the same is dismissed, a settlement having been consummated between plaintiff and defendant.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

HAZEL D. WOODWARD BRADSHAW,	Plaintiff,)	
	)	NO. 508 - CIVIL
vs.)	
)	
UNITED STATES OF AMERICA,	Defendant.)	

O R D E R

This matter coming on for hearing this 27th day of June, 1941 and the plaintiff appearing by her counsel, Harold E. Rorschach, Jack Rorschach and John M. Goldesberry, and the defendant, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the court being fully advised in the premises and after argument of counsel, finds that the plaintiff's motion for new trial and motion to amend findings of fact and conclusions of law should be denied.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff's motion for new trial and motion to amend findings of fact and conclusions of law be and it hereby is overruled, to which action of the court, plaintiff excepts which exceptions are duly allowed.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 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

THURSDAY, JULY 3, 1941

The Court further finds that the parties to this action are entitled to have said land partitioned so that they may each have in severalty one-half of the same, in value, if the same can be done without manifest injury to said estate and that Commissioners should be appointed to partition said land in accordance with the laws of the State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the findings heretofore made, be and the same are hereby made the judgment of this court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff Ella Kneedler and the defendant Mayme Shirk, are entitled to partition of the land involved herein, and hereinbefore described, including all mineral rights in and under the same so that each of them may have and hold a one-half portion 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 expenses, be paid into the Clerk of this Court, to abide the further order of this Court; and that T. Stearne Cox, T. G. Grant and J. F. Pickens, disinterested freeholders and residents of Tulsa County, Oklahoma, be and they are hereby appointed Commissioners to partition said land if the same can be done without manifest injury to the interests of the parties hereto; otherwise to make an appraisement and valuation thereof and to file herein their report forthwith; and the Hon. 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, and to file their said report with the Clerk of this Court.

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 intent as such decree is binding on all other parties to this action, as provided by the Act of Congress of April 12, 1926, and all other pertinent Acts of Congress pertaining to the lands of the Five Civilized Tribes in Oklahoma, and the notice served pursuant thereto on the Hon. A. M. Landman, Superintendent of the Five Civilized Tribes, at Muskogee, Oklahoma.

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

EMDORSED: Filed Jul 3 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. 609 CIVIL
TWENTY-FOUR (24) BOXES, more or less,
SLEND-R-FORM THE NEW CANDY FOOD, Defendant.)

ORDER FOR MONITION

NOW, on this 3rd day of July, 1941, there having been filed herein a petition in libel on behalf of the United States of America and against Twenty-four (24) boxes, more or less of Slend-R-Form The New Candy Foods 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

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 5, 1941

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petition in libel that said merchandise was shipped in interstate commerce by the Riley Products Inc., Chicago, Illinois, on or about April 8, 1941, via Universal Carloading & Distributing Co., Inc. to Vandever Dry Goods Company, Tulsa, Oklahoma.

And it further appearing from said petition that said merchandise is misbranded in violation of said Act of Congress and should be seized under and by virtue of said Act of Congress and that said Riley Products, Inc., and Vandever Dry Goods Company 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 motion upon the Vandever Dry Goods Company, 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 Jul 3 1941
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to July 7, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JULY 7, 1941

On this 7th day of July, 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, R. L. Williams and 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 IN AND FOR THE
NORTHERN DISTRICT OF
OKLAHOMA

In the Matter of the Re-Appointment of Conciliation Commissioners for the Various Counties in the Northern District of Oklahoma

O R D E R

Now on this 5th day of July, A. D. 1941, the Court's attention being called to the fact that the appointment of C. E. Baldwin, as Conciliation Commissioner of Tulsa County having expired on this date, it is therefore

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

RECONSTRUCTION FINANCE CORPORATION,
a corporation, Plaintiff,

No. 505 - Civil

-vs-

WERTZBERGER DERRICK COMPANY, a corporation,
et al., Defendants.

O R D E R

This cause coming on to be heard this date upon the Monthly Reports of M. C. TRIMBLE the duly appointed, qualified and acting Receiver in this cause, wherein said Receiver has prayed for instructions as to whether or not he should secure and carry fire and hazard insurance upon the buildings located upon the premises owned by the Wertzberger Derrick Company.

It appearing to the Court that said buildings are fireproof and there is no great danger of any loss or damage to said mortgaged property by reason of fire, and it further appearing to the Court that the plaintiff herein, as mortgagee of said real estate and buildings, does not care to have said Receiver carry any hazard insurance upon said property subject to said mortgage, and that there is very little likelihood of there being any equity in said real estate and buildings over and above the balance of the judgment indebtedness due and owing to said plaintiff, it is not necessary that any hazard insurance be carried upon said premises; and for good cause shown, it is, by the Court,

ORDERED:

That M. C. TRIMBLE, the duly appointed, qualified and acting Receiver hereis, is hereby given permission not to carry any hazard insurance upon the premises now in his possession covered by the mortgage executed by the Wertzberger Derrick Company to the plaintiff herein.

ENTERED this the 7th day of July, 1941.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

Court adjourned to July 8, 1941.

On this 8th day of July, 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. R. L. Williams, 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:

MISCELLANEOUS - OATH OF CHARLES B. PETERS, JURY COMMISSIONER.

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

OATH OF OFFICE

I, Charles B. Peters, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of Jury Commissioner for the Northern Judicial District of Oklahoma, on which I am about to enter: SO HELP ME GOD.

CHAS. B. PETERS

Subscribed and sworn to before me this 8th day of July, A. D. 1941.

ROYCE H. SAVAGE
JUDGE, U. S. District Court

ENDORSED: Filed Jul 8 1941
H. P. Warfield, Clerk
U. S. District Court

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.) No. 39 Civil
GYPSY OIL COMPANY, et al, Defendants.)

O R D E R

IT IS HEREBY ORDERED that the time in which the defendants F. A. Gillespie and F. A. Gillespie and Sons Company may file their brief is extended from this date to the 18th day of July, 1941.

Dated at Tulsa, Oklahoma, this 8th day of June, 1941.
ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

ENDORSED: Filed Jul 8 1941
H. P. Warfield, Clerk
U. S. District Court

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

LEE HOWELL, GUARDIAN OF LEONA FOX,
 nee Richard, incompetent, Plaintiff,
 vs. NO. 175 - CIVIL
 JOHN W. PORTER, ET AL, Defendants.
 UNITED STATES OF AMERICA, Intervenor.

O R D E R

NOW, on this 8th day of July, 1941, this matter coming on before the court on application of the plaintiff to dismiss this cause of action and it appearing to the court that said cause of action has been compromised and settled and that the court costs have been paid and that the same should be dismissed.

IT IS THEREFORE THE ORDER OF THE COURT that said cause of action be and the same hereby is dismissed.

ROYCE H. SAVAGE
 UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 8 1941
 H. P. Warfield, Clerk
 U. S. District Court H

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

Walter Reed, Jr., Plaintiff,
 vs. No. 488 Civil
 Nash-Kelvinator Corporation, a corporation, et al., Defendants.

ORDER EXTENDING TIME WITHIN WHICH TO PREPARE AND FILE BRIEF

This matter coming on for hearing on this 7th day of July, 1941, on the request of the defendants for additional time to prepare and file a brief in support of their motions to dismiss, and the Court being fully advised in the premises, finds that such order should issue.

IT IS THEREFORE ORDERED AND DECREED that the time for the defendants' herein to prepare and file a brief in support of their motions to dismiss be, and the same is, hereby extended for fifteen (15) days or until July 22nd, 1941.

ROYCE H. SAVAGE
 U. S. DISTRICT JUDGE

ENDORSED: Filed Jul 8 1941
 H. P. Warfield, Clerk
 U. S. District Court 12E

Court adjourned to July 9, 1941

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

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 9, 1941

On this 9th day of July, 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, R. L. Williams and 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

ALIAS ORDER AUTHORIZING COMPROMISE

THIS CAUSE COMING on to be heard on this the 8th day of July, 1941, on the verified application of T. P. Farmer, as receiver for Exchange National Company, heretofore filed in this cause, upon which an order was entered directing, authorizing and empowering him to release that certain judgment owned by Exchange National Company in receivership, and the Court having in said previous order authorized the acceptance of the sum of \$25.00 in compromise of a certain judgment in Okmulgee County, Oklahoma, in cause No. 19698, and it now appearing to the Court that said offer of compromise was for the full and complete judgment of the Exchange National Company in Causes 19698, Okmulgee County, and 8640 Hughes County, rather than merely 19698 Okmulgee County, and the Court finding that it has jurisdiction to entertain the same and enter a judgment thereon, and being fully advised in the premises, finds that an alias order should be entered authorizing the acceptance of said sum in full settlement of said judgments.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that the said T. P. Farmer, as receiver for Exchange National Company, be and he is hereby directed, authorized and empowered to execute and deliver a full and complete release and satisfaction of the judgment in cause No. 19698 Okmulgee County, and Exchange National Company vs. Gilliam, No. 8649 Hughes County, upon the payment to him of the sum of \$25.00 and to do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of the application originally filed and this alias order.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to July 10, 1941.

On this 10th day of July, 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 - OATH OF C. E. BALDWIN, CONCILIATION COMMISSIONER.

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

OATH OF OFFICE

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

SO HELP ME GOD.

C. E. BALDWIN

Subscribed and sworn to before me this 8th day of July, 1941.

LUCILLE JONES
Notary Public

My commission expires - Nov 29 1941
(SEAL)

ENDORSED: Filed Jul 10 1941
H. P. Warfield, Clerk
U. S. District Court

MISCELLANEOUS - BOND OF C. E. BALDWIN, CONCILIATION COMMISSIONER

BOND OF CONCILIATION COMMISSIONER

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

Signed and sealed this 8 day of July, A. D. 1941.

The condition of this obligation is such that whereas the said C. E. Baldwin has been on the 5 day of July, A. D. 1941, re-appointed the Honorable Royce H. Savage, Judge of the District Court of the United States for the northern District of Oklahoma a conciliation commissioner under Section 75 of the Bankruptcy Act, in and for the County of Tulsa, in said District;

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
 DISTRICT OF OKLAHOMA
 REGULAR JANUARY 1941 TERM TULSA, OKLAHOMA THURSDAY, JULY 10, 1941

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

Signed and sealed in the presence of

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

Approved this 10 day of July, 1941.

ROYCE H. SAVAGE
 DISTRICT JUDGE

ENDORSED: Filed Jul 10 1941
 H. P. Warfield, Clerk
 U. S. District Court

 Court adjourned to July 11, 1941

REGULAR JANUARY 1941 TERM TULSA, OKLAHOMA FRIDAY, JULY 11, 1941

On this 11th day of July, 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

C. J. LAURISCH, TRUSTEE, Plaintiff,)
 vs.) NO. 205 CIVIL
 C. T. THOMPSON, ET AL, Defendants.)

O R D E R

Now on this 11th day of July, 1941, the same being a regular judicial day of the above court, the application of Noble C. Hood, Receiver of the Seminole Provident Trust, for authority to pay expenses incurred in the operation of the Seminole Provident Trust came on regularly for hearing and the Court, being fully advised in the premises, finds that said application should be in all things allowed; NOW, THEREFORE,

IT IS HEREBY ORDERED by the Court that the Receiver be and he is hereby authorized and directed to pay to the persons named the amounts hereinafter set opposite their names;

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

REGULAR JANUARY TERM

WELLS, OKLAHOMA

FRIDAY, JULY 11, 1941

- 1. To Fred Daniel & Co., rent for month of June, 1941 \$ 35.00
- 2. To Scott-Rice Company .61

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

ENDORSED: Filed Jul 11 1941
H. P. Warfield, Clerk
U. S. District Court B

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 11th day of July, 1941, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that the said trust estate consisted of notes, secured by real estate mortgages, against which the Exchange National Company had issued guaranteed first lien participation certificates; and it further appearing that the said Successor Trustee has been engaged, since the entry of the decree herein on the 4th day of December, 1933, in the collection of said notes and the liquidation of the assets of said trust estate; and that the said trustee has made distributions to the owners of said guaranteed first lien participation certificates, the beneficiaries of said trust estate; and it further appearing that among the assets and properties coming into the hands of said trustee were the following loans, evidenced by real estate mortgage notes, in the principal amounts and secured by first and prior mortgages covering the real estate described herein, which said mortgages were foreclosed, in the District Courts in the counties in which said real estate is located, resulting in judicial sales thereof, and the purchase thereof by the said trustee, J. H. McBirney, who is the present owner and holder of legal title to the said lands and premises, to-wit:

LOAN NO. 6935-M BOSSARD

NOTE DATED: June 11, 1929
EXECUTED BY: Fred E. Bossard
Estella T. Bossard

FOR PRINCIPAL SUM OF: \$2,500.00

upon which there was due the principal sum of \$2,198.32, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

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West Fifty (50) feet of Lot 5 in Block 9, Highlands Second Addition, and North Sixty-one (61) feet of the West Fifty (50) feet of Lot 5 in Block 16 in Highlands First Addition to the City of Tulsa, Tulsa County, Oklahoma.

LOAN NO. 7404-M DIRHOLD

NOTE DATED:
EXECUTED BY:
FOR PRINCIPAL SUM OF

January 24, 1930
Lula Dirhold
\$3,300.00

Upon which there was due the principal sum of \$2,654.91, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lot Eight (8) in Block Four (4) of Lloyd Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

LOAN NO. 8350-M GAMMON

NOTE DATED:
EXECUTED BY:
FOR PRINCIPAL SUM OF:

April 15, 1931
S. R. Gammon
Jewter K. Gammon
\$4,500.00

Upon which there was due the principal sum of \$4,234.06, together with interest, said note being secured by a first and prior mortgage, covering the following described real estate, to-wit:

Lot Three (3) in Block Two (2) T. T. T. Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 8069-M HORSTER

NOTE DATED:
EXECUTED BY:
FOR PRINCIPAL SUM OF:

December 26, 1930
W. H. Horster
Olga Horster
\$6,000.00

Upon which there was due the principal sum of \$1,500.00, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

That certain parcel of real estate situated in said County of Tulsa, State of Oklahoma, more particularly described as follows: Commencing at a point in the Easterly boundary of Wheeling Avenue, as now constituted, in the City of Tulsa, Tulsa County, Oklahoma, 308½ feet North of the intersection of the said easterly line of Wheeling Avenue with the northerly line of the right-of-way of the St. L. & S. F. Ry. Co. as now constituted; thence in an easterly direction at right angles with said Easterly line of Wheeling Avenue, a distance of 265 feet, thence Northerly and parallel with the Easterly line of said Wheeling Avenue, a distance of 250 feet; thence westerly at right angles to the said easterly line of Wheeling Avenue, a distance of 265 feet; thence southerly along the said easterly line of said Wheeling Avenue, a distance of 250 feet to the point of beginning, being

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a tract of 250 feet by 265 feet in the East Half of the Northwest Quarter
(NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-one (31), Township
Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian,

LOAN NO. 8606-9 JOHNSTON

NOTES DATED:

Executed by:

FOR PRINCIPAL SUM OF:

August 17, 1931

B. H. Johnston

Mabel F. Johnston

\$3,600.00 and \$750.00

Upon which there was due the principal sum of \$4,350.00, together
with interest, said notes being secured by a first and prior mortgage
covering the following described real estate, to-wit:

Lot One (1) in Block Six (6), in Sunrise Terrace Addition to the City
of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 5628-9 KISER

NOTES DATED:

EXECUTED BY:

FOR PRINCIPAL SUM OF:

July 29, 1927

W. H. Kiser

Flora E. Kiser

\$12,500.00

Upon which there was due the principal sum of \$7,500.00, together
with interest, said notes being secured by a first and prior mortgage
covering the following described real estate, to-wit:

Lot Three (3), Block Three (3), Friend and Gillette Addition to the
City of Tulsa, Tulsa County, State of Oklahoma, according to the
recorded plat thereof.

LOAN NO. 8437-M MARR

NOTE DATED:

EXECUTED BY:

FOR PRINCIPAL SUM OF:

May 25, 1931

Ren D. Marr

\$5,850.00

Upon which there was due the principal sum of \$5,626.76, together with
interest, said note being secured by a first and prior mortgage
covering the following described real estate to-wit:

All of Lot Twenty-five (25) in Block One (1) of Boston Addition to the
City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 7342-M MEYER

NOTE DATED:

EXECUTED BY:

FOR PRINCIPAL SUM OF:

November 1, 1929

Martin R. Meyer

Wilna Meyer

\$6,350.00

Upon which there was due the principal sum of \$5,924.93, together with
interest, said note being secured by a first and prior mortgage
covering the following described real estate, to-wit:

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Lot Twelve (12) in Block Four (4) in Reservoir Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 6894-M OFFENBACHER

NOTE DATED:

May 18, 1929

EXECUTED BY:

Emile Offenbacher

FOR PRINCIPAL SUM OF:

\$2,500.00

Upon which there was due the principal sum of \$1,761.52, together with interest, said note being secured by a first and prior mortgage covering the following described real estate to-wit:

Lots Nine (9) and Ten (10) in Block Five (5) of the Resubdivision of Blocks Four (4), Five (5) and Twelve (12) of Childers Heights Addition, and Blocks One (1), Nine (9), Ten (10) and Fourteen (14) of Norvell Park Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 8086-M PARKER

NOTE DATED:

December 31, 1930

EXECUTED BY:

Cora M. Parker

FOR PRINCIPAL SUM OF:

James P. Parker

\$2,300.00

Upon which there was due the principal sum of \$2,077.35, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lot Two (2) in Block One (1) of Oak Grove Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 7693-M RADSCHWEIT

NOTE DATED:

June 28, 1930

EXECUTED BY:

E. A. RADSCHWEIT

FOR PRINCIPAL SUM OF:

\$3,000.00

Upon which there was due the principal sum of \$2,597.48, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

The East Half (E $\frac{1}{2}$) of Lot Ten (10) in Block Fourteen (14) in Highland Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 1256-1 RHEA

NOTE DATED:

May 13, 1931

EXECUTED BY:

Walter P. Rhea

Sallie Rhea

Grover C. Rhea

Hattie Rhea

FOR PRINCIPAL SUM OF

\$3,000.00

Upon which there was due the principal sum of \$2,900.00, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10) Township Ten (10) North, Range Nine (9) East, Okfuskee County, State of Oklahoma.

LOAN NO. 6835-M ROSE

NOTE DATED: April 19, 1939
EXECUTED BY: Boone Rose
Calla Rose
FOR PRINCIPAL SUM OF: \$6,000.00

Upon which there was due the principal sum of \$5,020.30, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lot Twenty (20) in Block Thirty Six (36) in Original Town of Sand Springs, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 5587-8 STEINER

NOTE DATED: July 14, 1927
EXECUTED BY: Maurice A. DeVinna
Etta M. DeVinna
Fred W. Steiner

FOR PRINCIPAL SUM OF: \$2,500.00

Upon which there was due the principal sum of \$2,500.00, together with interest, said notes being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) Seven (7), Eight (8), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17), in Block One (1); Lots One (1) to Fourteen (14) inclusive in Block Two (2); Lots One (1) to Twelve (12) inclusive in Block Three (3), and Lots One (1) to Nine (9) inclusive in Block Four (4), Tower View Addition to the City of Tulsa, Tulsa County, Oklahoma, being a part of that part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) lying South of the Missouri-Kansas & Texas Railroad Company right-of-way in Sect on 3, Township 19 North, Range 12 East, according to the United States Government survey thereof.

LOAN NO. 7658-8 STEINER

NOTES DATED: June 4, 1930
EXECUTED BY: Lois H. Steiner
Fred W. Steiner
FOR PRINCIPAL SUM OF: \$4,000.00

Upon which there was due the principal sum of \$3,750.00, together with interest, said notes being secured by a first and prior mortgage covering the following described real estate, to-wit:

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Lot Thirteen (13) in Block Seventeen (17) in Oak Cliff Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

LOAN NO. 7946-M SUNDERWIRTH

NOTE DATED: November 13, 1930
EXECUTED BY: O. A. Sunderwirth
Gladyse Sunderwirth
FOR PRINCIPAL SUM OF: \$2,400.00

Upon which there was due the principal sum of \$2,003.01, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lot Fifteen (15), Block Sixteen (16) of Wells Subdivision of Block Sixteen (16) of the Gillette and Hall Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 7577-M TEASLEY

NOTE DATED: April 12, 1930
EXECUTED BY: R. D. Teasley
FOR PRINCIPAL SUM OF: \$3,600.00

Upon which there was due the principal sum of \$3,440.10, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

South Fifty (50) feet of Lots Six (6) and Seven (7) in Block Eight (8) in Reservoir Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

And it further appearing that among the assets coming into the hands of said trustee were real estate mortgage notes, in the principal sums set out herein, secured by first and prior real estate mortgages, covering the real estate hereinafter described, in which the trustee, J. H. McBirney, pursuant to authority conferred upon him by the decree entered herein, and upon notice and advice from the Advisory Committee appointed by this Court, accepted and received transfers and conveyances of fee title to the said lands and premises, in satisfaction of the said mortgage indebtedness, and that the said J. H. McBirney is the present owner and holder of legal title thereto, to-wit:

LOAN NO. 6948-M BROACH

NOTE DATED: June 14, 1929
EXECUTED BY: Goldie Gladys Broach
(formerly Prichard)
Fred S. Broach
FOR PRINCIPAL SUM OF: \$2,500.00

Upon which there was due the principal sum of \$2,059.65, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

West Seventeen (17) feet of Lot 3, and all of Lot 4 in Block 4, Burnett Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 8087-M CONNER

NOTE DATED:
EXECUTED BY:

January 5, 1931
Kate E. Conner
O. L. Conner
\$4,800.00

FOR PRINCIPAL SUM OF:

Upon which there was due the principal sum of \$4,531.70, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lot Thirteen (13) in Block Two (2) of Ridgewood Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 6493-M DUGA-LONG

NOTE DATED:
EXECUTED BY:

October 25, 1928
F. S. Duga
Bertha G. Duga
\$5,500.00

FOR PRINCIPAL SUM OF:

Upon which there was due the principal sum of \$4,368.71, together with interest, said note being secured with a first and prior mortgage covering the following described real estate, to-wit:

South Forty-five (45) feet of Lot 1, in Block 22, Morningside Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Amended Plat of the amended plat thereof.

LOAN NO. 8245-M EDELEN

NOTE DATED:
EXECUTED BY:

March 11, 1931
W. L. Edelen
Lillah Edelen
\$2,500.00

FOR PRINCIPAL SUM OF:

Upon which there was due the principal sum of \$2,137.85, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

The North Seventeen (17) feet of Lot 29 and the South Twenty-four (24) feet of Lot 30 in Block 10, in Park Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the amended plat thereof.

LOAN NO. 7790-M LONG-DUGA

NOTE DATED:
EXECUTED BY:

August 18, 1930
A. Y. Boswell
Lillian Maude Boswell
Mattie Jane Boswell
\$2,700.00

FOR PRINCIPAL SUM OF:

Upon which there was due the principal sum of \$2,454.68, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lot Twenty Three (23), except the North Twelve (12) feet of the East Sixty (60) feet, and the West Eighty (80) feet of the South Five (5) feet of Lot Twenty-four (24) all in Block Two (2), Boswell's Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

LOAN NO. 7607-M LADNER

NOTE DATED:	May 5, 1930
EXECUTED BY:	John Ladner Agnes O. Ladner
FOR PRINCIPAL SUM OF:	\$4,000.00

Upon which there was due the principal sum of \$3,701.58, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

That part of Lot Three (3) in Block Six (6) in the original Townsite of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: Commencing at a point where alley line of said Lot 3 crosses line between Creek and Cherokee Nations, thence South to a point Forty (40) feet North of the Southeast corner of said Lot 3, running thence at right angles, and parallel to the southerly line of said Lot 3, One Hundred Forty (140) feet to the westerly lot line of Lot 3, thence North to a point thirteen (13) feet from the Northwest corner of Lot 3, thence at right angles or a distance to a point on the Creek and Cherokee Nation line Thirty One (31) feet easterly, thence along said line to the point of beginning, Tulsa County, Oklahoma, according to the official plat thereof.

Also that part of Lot Seven (7) in Block Twenty (20) in North Tulsa, beginning at the Southeast corner of Lot Seven (7) in Block 20, thence Northwest along the alley line forty-eight and seven tenths (48.7) feet, thence Southwest parallel to and eighty-eight (88) feet from line between Lots Seven (7) and Eight (8) to boundary line, thence East along boundary line to place of beginning, all situated in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

LOAN NO. 6570-12 PICKERING

NOTE DATED:	December 11, 1928
EXECUTED BY:	S. D. Pickering Dr. T. A. Penney Charles T. Abbott
FOR PRINCIPAL SUM OF:	\$3,500.00

Upon which there was due the principal sum of \$3,500.00, together with interest, said note being secured by a first and prior mortgage covering the following described real estate, to-wit:

Lots Twenty Two (22), Twenty Three (23) and Twenty Four (24), in Block eight (8) in Rosemont Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

And it further appearing that at and prior to the appointment of J. H. McBirney as Successor Trustee herein, the Exchange Trust Company of Tulsa, Oklahoma, had acquired title to the real estate hereinafter described, when in truth and in fact the said real estate constituted an asset of the said trust involved herein, and that after the appointment of the said J. H. McBirney as Successor Trustee, he acquired, by transfer and conveyance, title to said real estate from the Exchange Trust Company, or its successors, and the said J. H. McBirney, Successor

Trustee, is the present owner and holder of legal title thereto, to-wit:

A tract of land in Section Seven (7) Township Eighteen (18) North, Range Fourteen (14) East, described as following: beginning at the Southwest Corner of Lot Two (2) of said Section 7: thence running East a distance of 635.6 feet; thence North a distance of 2639.83 feet; thence West a distance of 325.7 feet; thence South a distance of 702.8 feet; thence West a distance of 309.9 feet; thence South to the place of beginning, tula County, Oklahoma.

And it further appearing that the books and records of the said trust estate disclose an investment or a charge of said trust estate of the following sums in the following numbered loans, and in effect an investment or cost in the said real estate described under the loan numbers herein, to-wit:

<u>LOAN NO.</u>	<u>NAME</u>	<u>AMOUNT</u>
6935-M	Bossard	\$ 2,451.55
6948-M	Broach	2,562.88
8087-M	Conner	4,550.86
7404-M	Dirhold	2,476.81
6493-M	Duga-Long	3,092.12
8245-M	Edelen	1,995.11
8350-M	Gannon	4,418.06
8069-M	Horster	2,008.94
8606-M	Johnston	3,187.46
5628-9	Kiser	7,431.68
7790-M	Long-Duga	2,451.38
7607-M	Ladner	3,703.45
8437-M	Marr	6,083.18
7342-M	Meyer	5,731.28
6894-M	Offenbacher	1,963.54
8086-M	Parker	3,453.17
6570-12	Pickering	3,317.50
7693-M	Radschweit	1,520.78
1256-1	Rhea	3,639.29
6835-M	Rose	4,411.78
5587-8	Steiner	2,544.50
7658-8	Steiner	3,354.05
7946-M	Sunderwirth	2,805.21
7577-M	Teasley	2,347.55
5607-9	Coomes	1,194.94

that the total cost or investment of said trust in and to all of the several properties referred to and described herein, is Eighty Six Thousand Eight Hundred Eighty One & 28/100 Dollars (\$86,881.28).

And it further appearing that Tom L. Jackson and Roy Deaton have submitted an offer and proposal for the purchase of all of the real estate and properties hereinabove described, in the amount of Thirty Four Thousand Two Hundred Dollars, conditioned upon J. H. McBirney, Successor Trustee having all rents, profits and income from said real estate to the 1st day of July, 1941, and Tom L. Jackson and Roy Deaton to be entitled to all rents, profits and income from said real estate from and after the 1st day of July, 1941, and that all insurance policies held by the said J. H. McBirney, Successor Trustee, covering improvements upon the real estate above described, as well as all rents from said real estate and premises, be adjusted as of the 1st day of July, 1941, the benefits thereof going to the said J. H. McBirney, Successor Trustee, prior to the said 1st day of July, 1941, and to Tom L. Jackson and Roy Deaton from and after the 1st day of July, 1941, and that the said Tom L. Jackson and Roy Deaton assume the payment of all taxes levied and assessed against the said real estate above described for the year 1941 and following years; and it further appearing that after

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after receipt of said offer and proposal, the said J. H. McBirney, as Successor Trustee, duly notified the members of the Advisory Committee of said offer and proposal, and after receiving said notice and after considering said offer and proposal, the said Advisory Committee was assembled in session with the said Trustee, his manager and attorney, and after due and careful deliberation the said Advisory Committee approved said offer and recommended that the said Trustee sell said real estate for said cash consideration of Thirty Four Thousand Two Hundred Dollars (\$34,200.00) and it further appearing that the said real estate above described, and for which said offer and proposal of purchase was made, were appraised by the manager for the said trustee, as well as by an independent appraiser, and that the appraisals showed and disclosed valuations greatly in excess of the amount offered for the purchase of said real estate; and it further appearing that it is contemplated that the purchaser of said real estate attempt to realize and obtain a profit upon his purchase, and probable subsequent sale of said real estate, and that the amount bid for said real estate is not disproportionate to the valuations placed thereon under the circumstances involved herein, to-wit, the purchase of a large number of said properties for the purpose of either investment or re-sale; and it further appearing that the real estate above described constituted all of the real estate now held by J. H. McBirney, Successor Trustee, except one parcel of real estate improved by a large building now occupied and used as a machine shop and known as the Horster Building and property on North Peoria Avenue in the City of Tulsa, which said property is not included in this said sale; and it further appearing that the other assets of said trust estate consist of a few mortgages in force and in which no titles to real estate have yet been acquired, notes, accounts receivable and cash on deposit, and that said trust estate is in liquidation and the sale of the real estate hereinabove described has been rendered difficult by reason of the refusal of the trustee to sell said real estate upon deferred payments extending into future years, which would have delayed the final liquidation of said trust estate; and it further appearing that the said trustee has not had a higher or better offer for all of the said real estate above described, but that the said trustee has not endeavored to sell the said parcels of real estate separately at prices probably represented by the total sum bid for all of the said parcels of real estate described herein; and it further appearing that the price and sum bid for all of the said parcels of real estate is fair, as has been approved by the Advisory Committee, and has been recommended by the trustee, and is in furtherance of the liquidation of said trust estate; and it further appearing that bids were required from firms and persons deemed interested in acquiring said real estate, and that the highest and best sum bid and offered was the one described herein, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Tom L. Jackson and Roy Deaton, for the sum of Thirty Four Thousand Two Hundred Dollars (\$34,200.00), the following described real estate, to-wit:

West Fifty (50) feet of Lot 5 in Block 9, Highlands Second Addition, and North Sixty-one (61) feet of the West Fifty (50) feet of Lot 5 in Block 16 in Highlands First Addition to the City of Tulsa, County, Oklahoma;

West Seventeen (17) feet of Lot 3, and all of Lot 4, in Block 4, Burnett Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lot Thirteen (13) in Block Two (2) of Ridgewood Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lot Eight (8) in Block Four (4) of Lloyd Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

South Forty-five (45) feet of Lot 1, in Block 22, in Homingside Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the Amended Plat of the Amended Plat thereof;

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The North Seventeen (17) feet of Lot 29 and the South Twenty-four (24) feet of Lot 30 in Block 10, in Park Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the amended plat thereof;

Lot Three (3) in Block Two (2) T.T.T. Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

That certain parcel of real estate situated in said County of Tulsa, State of Oklahoma, more particularly described as follows: Commencing at a point in the Easterly boundary of Wheeling Avenue, as now constituted in the City of Tulsa, Tulsa County, Oklahoma, 308 $\frac{1}{2}$ feet North of the intersection of the said easterly line of Wheeling Avenue with the northerly line of the right-of-way of the St. L. & S. F. Ry. Co., as now constituted; thence in an easterly direction at right angles with said Easterly line of Wheeling Avenue, a distance of 265 feet, thence Northerly and parallel with the Easterly line of said Wheeling Avenue, a distance of 250 feet; thence Westerly at right angles to the said easterly line of Wheeling Avenue, a distance of 265 feet; thence Southerly along the said easterly line of said Wheeling Avenue, a distance of 250 feet to the point of beginning, being a trust of 250 feet by 265 feet in the East half of the Northwest Quarter (NW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty One (31), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian;

Lot One (1) in Block Six (6) in Sunrise Terrace Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lot Three (3), in Block Three (3), Friend and Gillette Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

Lot Twenty Three (23), except the North Twelve (12) feet of the East Sixty (60) feet, and the West Eighty (80) feet of the South Five (5) feet of Lot Twenty Four (24) all in Block Two (2), Boswell's Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

That part of Lot Three (3) in Block Six (6) in the original Townsite of Tulsa, Tulsa County, Oklahoma, more particularly described as follows: commencing at a point where alley line of said Lot 3 crosses line between Creek and Cherokee Nations. thence South to a point Forty (40) feet North of the Southeast corner of said Lot 3, running thence at right angles, and parallel to the southerly line of said Lot 3, One Hundred forty (140) feet to the westerly lot line of Lot 3, thence North to a point thirteen (13) feet from the Northwest corner of Lot 3, thence at right angles or a distance to a point on the Creek and Cherokee Nation line Thirty One (31) feet easterly, thence along said line to the point of beginning, Tulsa County, Oklahoma, according to the official plat thereof; Also that part of Lot Seven (7) in Block Twenty (20) in North Tulsa, beginning at the Southeast corner of Lot Seven (7) in Block Twenty (20), thence Northwest along the alley line forty-eight and seven tenths (48.7) feet, thence Southwest parallel to and eighty-eight (88) feet from line between lots Seven (7) and Eight (8) to boundary line, thence East along boundary line to place of beginning, all situated in Tulsa County, State of Oklahoma, according to the recorded plat thereof;

All of Lot Twenty Five (25) in Block One (1) of Boston Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lot Twelve (12) in Block Four (4) in Reservoir Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lots Nine (9) and Ten (10) in Block Five (5) of the Resubdivision of Blocks Four (4), Five (5) and Twelve (12) of Childers Heights Addition, and Blocks One (1), Nine (9), Ten (10) and Fourteen (14) of Norvell Park Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lot Two (2) in Block One (1) of Oak Grove Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lots Twenty Two (22), Twenty Three (23) and Twenty Four (24), in Block Eight (8) in Rosemont Heights Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

The East Half ($E\frac{1}{2}$) of Lot Ten (10) in Block Fourteen (14) in Highland Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

Southeast Quarter ($SE\frac{1}{4}$) of Section Ten (10), Township Ten (10) North, Range Nine (9) East, Okfuskee county, State of Oklahoma;

Lot Twenty (20) in Block Thirty Six (36) in Original Town of Sand Springs, Tulsa County, Oklahoma, according to the recorded plat thereof;

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), and Seventeen (17) in Block One (1); Lots One (1) to Fourteen (14) inclusive in Block Two (2); Lots One (1) to Twelve (12) inclusive in Block Three (3), and Lots One (1) to Nine (9) inclusive in Block Four (4) Tower View Addition to the City of Tulsa, Tulsa County, Oklahoma, being a part of that part of the Southwest Quarter ($SW\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) lying South of the Missouri-Kansas & Texas Railroad Company right-of-way in Section 3, Township 19 North, Range 12 East, according to the United States Government, Survey thereof;

Lot Thirteen (13) in Block Seventeen (17) of Oak Cliff Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

Lot Fifteen (15), Block Sixteen (16) of Wells Subdivision of Block Sixteen (16) of the Gillette and Hall Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

South Fifty (50) feet of Lots Six (6) and Seven (7) in Block Eight (8) in Reservoir Hill Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

A tract of land in section Seven (7), Township Eighteen (18) North, Range Fourteen (14) East, described as follows: Beginning at the Southwest corner of Lot Two (2) of said Section 7; thence running East a distance of 635.6 feet; thence North a distance of 2639.23 feet; thence West a distance of 325.7 feet;

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

TULSA, OKLAHOMA

FRIDAY, JULY 11, 1941

thence South a distance of 702.8 feet; thence West a distance of 309.9 feet; thence South to the place of beginning, Tulsa County, Oklahoma.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver a trustee's special warranty deed to Tom L. Jackson and Roy Deaton, transferring and conveying title to the real estate above described, upon payment to him of the sum of Thirty Four Thousand Two Hundred Dollars (\$34,200.00), after allowing credit thereon for the sum of One Thousand Dollars (\$1,000.00) deposited with the said sum and bid.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee shall be entitled to all of the rents, profits and income from all of the real estate and properties above described prior to the 1st day of July, 1941, and that Tom L. Jackson and Roy Deaton be entitled to all income, profits and rents from said real estate from and after the 1st day of July, 1941, and that all policies of insurance covering the improvements upon the real estate above described, as well as all rents hereof before paid, or accounts for rent unpaid, be adjusted as of the 1st day of July, 1941, J. H. McBirney, Successor Trustee, being entitled to the benefits thereof prior to the 1st day of July, 1941, and Tom L. Jackson and Roy Deaton being entitled thereto from and after the 1st day of July, 1941.

IT IS FURTHER ORDERED that Tom L. Jackson and Roy Deaton shall assume the payment of all taxes levied and assessed against the real estate above described for the year 1941, and thereafter, and that J. H. McBirney, Successor Trustee, shall have no responsibility or liability on account of any taxes levied or assessed against the said real estate above described, or any part thereof, for the said year 1941, and following years.

IT IS FURTHER ORDERED that the sale of the real estate above described, by J. H. McBirney, Successor Trustee, to Tom L. Jackson and Roy Deaton, be and the same is hereby ratified, confirmed and approved.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 11 1941
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to July 12, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

SATURDAY, JULY 12, 1941

On this 12th day of July, 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, 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 read and entered, to-wit:

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

GRAND RIVER DAM AUTHORITY, Plaintiff,)
vs.) NO. 329 CIVIL
PETER BAREHEAD, et al, Defendants.)

O R D E R

This matter coming on for hearing upon the application of the United States of America and the court being advised, finds that designation of the record was filed in this cause on July 3, 1941 and that for good cause shown, the United States should be allowed an extension of Fifteen (15) days in which to file counter-designation of record on appeal to the Circuit Court of Appeals for the Tenth Circuit if the United States deems that advisable.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the United States be and it hereby is allowed a Fifteen (15) days extension of time in which to file counter-designation of contents of record on appeal to the Circuit Court of Appeals for the Tenth Circuit.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,)
vs.)
One 1941 Model Oldsmobile Sedan Automobile,) NO. 612 Civil
Motor No. G-273,879; 2 stills, 135 gallon)
capacity, set up, 3750 gallons of whiskey)
mash, 80 fifty gallon wood barrel fermenters,)
6 fifty-gallon wood barrels, 37 fifty-gallon steel)
drums, 11 kegs, 80 gallons untaxpaid whiskey,)
and other paraphernalia and materials used in)
connection with such distilleries; Merida Kimber)
(Mertie) Hughes, and the Commercial National)
Bank of Muskogee, Oklahoma, Claimants.)

ORDER FOR MONITION

Now on this 14th day of July, 1941, it appearing to the court that the above named automobile, described herein as a 1941 Model Oldsmobile Sedan Automobile, Motor No. G-273,879 and the above described property was seized on premises known as the "Wacker" farm, located about Nine (9) miles Northeast of the town of Claremore, in Rogers County, Oklahoma, on March 23, 1941, by Edgar A. Maloney, Investigator of the Alcohol Tax Unit, Bureau of Internal Revenue of the United States for the Northern District of Oklahoma, or virtue of the authority of his said office, while said automobile was being used by Merida Kimber (Mertie) Hughes for the transportation, concealment and concealment of whiskey, rum, and other valuable articles for use in the manufacture thereof and with intent to

defraud the United States of the tax due upon said whiskey; it further appearing that thereupon said automobile was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has institute libel action herein and requests issuance of monition notifying claimants Merida Kimber (Mertie) Hughes and the Commercial National Bank of Muskogee, Oklahoma, and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and the same be served upon Merida Kimber (Mertie) Hughes and the Commercial National Bank of Muskogee, Oklahoma, unless notice thereof be waived, and any other person that might claim any interest in said automobile and such other described seized property therewith, requiring them to appear in said court on or before Twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and property should not be forfeited to libelant under provisions of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma be so directed to detain said automobile to his possession until the further order of the court and to make his return herein as required by law as to service of monition.

ROYCE H. SAVAGE
JUDGE

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

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

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

ALIAS ORDER AND DECREE OF SALE

THIS CAUSE COMING on to be heard on this the 10th day of July, 1941, on the verified applications of T. P. Farmer, as Receiver for Exchange National Company, sworn to by him on the 13th day of February, 1941, and on the 26th day of June, 1941, for an order and decree of sale of the

Southeast Quarter of Northeast Quarter of Section 13, Township Twenty-two (22) Range Twelve (12) Tulsa County, State of Oklahoma,

together with the improvements thereon and appurtenances thereto including less an oil and gas lease dated September 7th, 1915, to Eastern Oil Company and a Pipe Line Right of Way Grant to Yarhola Pipe Line Company, and said receiver having informed the Court that he had been offered therefor the sum of \$400.00 cash and the Court having read said application and finding that it has jurisdiction to entertain said application and enter an order thereon, and being fully advised in the premises, finds that the best interests of the estate will be conserved by said sale and that said application to sell said aforescribed property should be sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that the said application of T. P. Farmer, as receiver of Exchange National Company be and the same is hereby sustained.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that said land shall

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

DISTRICT OF OKLAHOMA

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IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that said land shall be sold at private sale for cash and the said T. P. Farmer, as Receiver of Exchange National Company and he is hereby directed, authorized and empowered to sell to the said applicants, Bill McCoy and Beryl McCoy, his wife, said aforedescribed premises and improvements less oil and gas mining lease and right of any grant for the sum of \$400.00 cash, provided no person shall offer to pay and pay unto the said T. P. Farmer ten per cent (10%) in excess of said sum prior to the confirmation of said sale by this Court and the said T. P. Farmer, as said receiver, be and he is hereby directed, authorized and empowered to do all things necessary and proper in order fully and effectually to accomplish the letter and spirit of the application and this order.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to July 14, 1941

REGULAR JANUARY 1941 TERM

TULSA, OKLAHOMA

MONDAY, JULY 14, 1941

On this 14th day of July, 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, Honorable 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 - ADMISSION TO BAR.

Now on this 14th day of July, A. D. 1941, it being made satisfactorily to appear that Mary J. Halley and Troye Almyril Kennon are duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorneys are declared admitted to the Bar of this Court. (R.H.S.J)

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

United States of America, Libelant,)
)
-vs-) No. 249 Civil
)
One 1939 Model DeSoto Coupe Automobile,)
Motor No. S6-27,627, and Commercial)
Investment Trust Corporation, Claimants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 14th day of July, 1941, it appearing to the Court that an appeal was taken from the order of this Court entered herein on April 30, 1940, allowing the claim of the Commercial Investment Trust Corporation and in mitigation of forfeiture herein, directing that said automobile be delivered over to the said Commercial Investment Trust Corporation in Tulsa, Oklahoma, on its compliance with certain conditions therein, and it further appearing to the Court that such appeal has been upheld, and that a mandate of the Circuit Court of Appeals has been spread of record, directing that judgment be entered herein in conformity with the opinion of that Court, and that execution for costs be allowed against said Commercial Investment Trust Corporation, and it further appearing to the Court that on July 22, 1940, a supersedeas bond was allowed and approved whereby said automobile was released by libelant to the said Commercial Investment Trust Corporation on condition that in case of reversal of its judgment upon such appeal, said automobile be returned to the libelant, together with the amount of difference of its appraisal, when released on bond and the appraisal upon its return to said libelant, or in the event of default, the sum of \$450.00 in lieu thereof, and the Court being fully advised in the premises, finds in favor of the libelant and against the claimant, the Commercial Investment Trust Corporation.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that in accordance with the forfeiture decree entered herein on April 30, 1940, in conformity with the terms and conditions of said supersedeas bond, and as directed by such mandate of the Circuit Court of Appeals and to the end that said mandate may be carried into complete effect, libelant have judgment against said Commercial Investment Trust Corporation for the return and delivery of said described automobile and compensation for any difference between its appraised value when released on bond and that upon its return to libelant in accordance hereto, and in the event of default in such return of said automobile, the amount of said supersedeas bond in the said sum of \$450.00 is hereby forfeited to libelant in lieu thereof.

IT IS FURTHER ORDERED that upon return of said automobile, it shall be delivered to the Secretary of the Treasury 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, and that execution is allowed against said Commercial Investment Trust Corporation for payment of all costs herein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 14 1941
H. P. Warfield, Clerk
U. S. District Court JS

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA WEDNESDAY, JULY 14, 1941

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

KENTUCKY HOME MUTUAL LIFE INSURANCE COMPANY, a corporation, Plaintiff,
vs. THE FIRST METHODIST EPISCOPAL CHURCH OF SAPULPA, OKLAHOMA, a corporation, et al. Defendants.
No. 550 Civil

ORDER CONFIRMING SPECIAL MASTER'S SALE

Now upon this 14th day of July, 1941, there came on regularly for hearing the motion of the plaintiff and others to confirm the sale of Byron V. Boone, Special Master herein, and also the return of sale made by Byron V. Boone heretofore appointed Special Master herein to conduct such sale, and the court being fully advised in the premises, finds that the said sale should be confirmed and that said sale was had in every respect in conformance with the decree of this court and with law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale by Byron V. Boone, Special Master, of the following described premises situated in Creek County, State of Oklahoma, to-wit:

The North 92.9 feet of Lot Two (2) in Block No. Seventy-three (73) in the Town of Sapulpa, Oklahoma, together with all appurtenances, improvements, buildings and structures, erected and to be erected and constructed upon said property or any part thereof; and all fixtures, furnishings, furniture and equipment, which may be placed in the structures and buildings now or hereafter situated thereon, whether the same be now owned by the owner or hereafter acquired,

to David E. Van Damm and Ben R. Swank, Trustees for bondholders be and the same is hereby confirmed; and Byron V. Boone as Special Master is hereby directed to execute and deliver to them his Special Master's deed therefor.

ROYCE H. SAVAGE
JUDGE

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

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

KENTUCKY HOME MUTUAL LIFE INSURANCE COMPANY, a corporation, Plaintiff,
vs. THE FIRST METHODIST EPISCOPAL CHURCH OF SAPULPA, OKLAHOMA, a corporation, et al. Defendants.
No. 550 Civil

ORDER ALLOWING SPECIAL MASTER'S FEES AND DIRECTING DISBURSEMENT OF FUNDS AND APPOINTMENT OF CREDIT AND CREDITING DEFICIENCY ACCOUNT

Now upon this 14th day of July, 1941, upon the return of Special Master herein,

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

DISTRICT OF OKLAHOMA

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JANUARY, 1941

it is hereby directed to pay to himself the sum of \$150.00 as his fee for Special Master herein.

It is further ORDERED, ADJUDGED AND DECREED that Byron V. Boone as Special Master is hereby directed to disburse the sum of \$1078.97 cash received by him herein in the following manner:

To Byron V. Boone as his fee as Special Master	\$150.00
To the Sapulpa Herald, Sapulpa, Oklahoma, for publishing publication notice	34.25
For payment of appraisers	15.00
For payment of court costs remaining unpaid or yet to be paid to the Court Clerk	None
To the plaintiff for reimbursement of court costs advanced by plaintiff	36.80
To Harper, Williams & Boesche in payment of their attorney fees in this case as attorneys for plaintiff	625.00
To the Clerk of this court to hold for the use of and to pay to, the owner of Bond No. 1 of the First Methodist Episcopal Church of Sapulpa, Oklahoma, when such bondholder appears	108.96
To the Clerk of this court to hold for the use of and to pay to, the owner of Bond No. 47 of the First Methodist Episcopal Church of Sapulpa, Oklahoma, when such bondholder appears	108.96
To the plaintiff and the General American Life Insurance Company to apply pro rata on the sum of \$2,653.83 and \$1,133.87 due them respectively for fire insurance premiums and paying taxes paid by them	Credit as below

Total to be disbursed \$1078.97

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the credit in the sum of \$13921.00 tendered by the judgment creditors on the sale made herein, be and the same is hereby applied upon the respective claims of the judgment creditors as follows:

Kentucky Home Mutual Life Insurance Company on its judgment for fire insurance premiums and paying taxes paid in the principal amount thereof	\$2,653.83
General American Life Insurance Company on its judgment for fire insurance premiums and paying taxes paid in the principal amount thereof	1,133.87

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

REGULAR JANUARY TERM.

THIENSA, OKLAHOMA

WEDNESDAY, JULY 26, 1941

Kentucky Home Mutual Life Insurance Company on its judgment on the principal amount of the bonds held by it	5448.03
General American Life Insurance Company on its judgment on the principal amount of the bonds held by it	2724.01
Edward D. Jones on his judgment on the principal amount of the bonds held by him	980.65
Mrs. W. L. Wilkinson on her judgment on the principal amount of the bonds held by her	54.48
Bank of Cattaraugus on its judgment on the principal amount of the bonds held by it	163.44
Harry Theis on his judgment on the principal amount of the bonds held by him	108.96
Donald H. Wattley on his judgment on the principal amount of the bonds held by him	108.96
Dr. Alfred W. Milden on his judgment on the principal amount of the bonds held by him	108.96
Elizabeth A. Theis on her judgment on the principal amount of the bonds held by her	163.44
Edward Rakel on his judgment on the principal amount of the bonds held by him	108.96
George Osmond on his judgment on the principal amount of the bonds held by him	108.96
Ida M. Goedel on her judgment on the principal amount of the bonds held by her	54.48

AND IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the foregoing credits be and they are hereby applied upon the principal amount of the indebtedness due each one of the judgment creditors and that each of the judgment creditors have deficiency judgment against The First Methodist Episcopal Church of Sapulpa, Oklahoma, in the principal amount of their respective claims, less such credits, together with interest; and also that the Kentucky Home Mutual Life Insurance and the General American Life Insurance Company have a deficiency judgment for the interest on the amount of their respective claims of \$2,653.33 and \$1,133.87 for fire insurance premiums and saving taxes paid by them.

ROYCE H. SAVAGE
JUDGE

RECORDED: Filed JUL 26 1941
U. P. Garfield, Clerk
U. S. District Court N

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

KENTUCKY HOME MUTUAL LIFE INSURANCE COMPANY, a corporation, Plaintiff,)

-vs-

No. 550 Civil

THE FIRST METHODIST EPISCOPAL CHURCH OF SAPULPA, OKLAHOMA, a corporation, et al, Defendants.)

ORDER RESERVING JURISDICTION

NOW on this 14th day of July, 1941, at the time of the confirmation of the Special Master's sale herein, Roscoe E. Harper one of the attorneys for the plaintiff, stated that Mr. Mars and Mr. Lytle, attorneys of Sapulpa, had told him orally that they expected to intervene on behalf of Mrs. Eva Maude Bartlett in the above case to claim the organ installed in the Church building being part of the mortgaged premises foreclosed and sold, and the plaintiff consenting to this order;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the court reserve jurisdiction of this case for the purpose of determining the question of whether or not the organ installed in the Church building situated on the foreclosed premises is the property of or subject to the lien of Mrs. Eva Maude Bartlett, or is a part of the mortgaged premises and passes to the purchaser at the foreclosure sale as part thereof. This court reserves jurisdiction for such purpose for a period of 15 days from this date within which claimants may file such claim as they may have.

ROYCE H. SAVAGE
JUDGE

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

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

Elizabeth Daniel Wallace, et al., Plaintiffs,)

v.)

No. 1244 - Equity

Richard T. Daniel, Jr., et al, Defendants.)

O R D E R

On this 1st day of July, 1941, it appearing to the Court that Dr. John Lee, a tenant of the R. T. Daniel Building, one of the receivership properties herein, died on July 1, 1941, and that the office equipment and other effects of said decedent are still in the office occupied said decedent in said R. T. Daniel Building; that one Mrs. Marian L. Ridge appears to have authority in writing from the sisters of said decedent to have all of said property delivered to her possession; and it appearing that no other person or persons have made any claim to said property, and no administrator has been appointed therefor, and said property now being in said office in possession of Eben

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

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TULSA, OKLAHOMA

MONDAY, JULY 14, 1941

L. Taylor, receiver herein, except one pistol which is now in the possession of E. G. Hughes of the Tulsa Police Department, or in the possession of said Tulsa Police Department, and said receiver desires said property removed from said office,

IT IS ORDERED by the court that Eben L. Taylor, receiver herein, be and he is hereby authorized and directed to turn over and deliver to the said Marian L. Ridge all of said property of said Dr. John Lee, decedent, upon the said Mrs. Marian L. Ridge giving said receiver an itemized receipt for all property so delivered to her.

F. E. KENNAMER
JUDGE

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

Court adjourned to July 15, 1941.

CONTINUED TO JOURNAL IV.