

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

City of Sapulpa, Oklahoma, ex rel)
George A. Ritzinger, et al.,)
Plaintiff,)

vs.

No. 491 Civil

Edith Helser, et al.,)
Defendants.)

ORDER GRANTING PLAINTIFF LEAVE TO AMEND COMPLAINT BY STRIKING THEREFROM
CERTAIN PARTIES AS DEFENDANTS

Now on this 11th day of February, 1942 comes on for hearing the motion of plaintiff for an order granting plaintiff leave to amend the complaint filed herein by striking therefrom certain parties as defendant therein, and upon examination of said motion and after hearing argument of counsel and being fully advised in the premises the court finds that said motion is not in any way prejudicial to the interests of any of the defendants in said action, and that no notice of hearing of this motion is required to be served on any of the defendants.

The court further finds that certain defendants are not necessary parties to said action to obtain a full and complete adjudication of the issues herein in that said parties no longer have any right, title, interest, estate or claim in and to said real property described in the following causes of action by reason of the fact that said properties has been sold at tax resale to other parties, and that said motion should be and the same is hereby sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff be and it is hereby granted leave to amend its complaint filed herein in the following particulars, to-wit:

I.

By striking from 1st cause of action the names of Fred D. Helser, Edith Helser, and the heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote of D. H. Helser, deceased as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

II.

By striking from the 5th cause of action the names of F. W. Hart and Myrtle Hart as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

III.

By striking from the 7th cause of action the names of Solomon C. Brown and Mrs. Solomon C. Brown as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

IV.

By striking from the 8th cause of action the name of F. W. Martin as party defendant and by striking said party from the caption of said complaint as defendant in said cause of action.

V.

By striking from the 9th cause of action the names of Corrie G. Hocker and J. W.

Hocker as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

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

ENDORSED: Filed Feb 11 1942
H. P. Warfield, Clerk
U. S. District Court B

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

City of Sapulpa, Oklahoma ex rel
George A. Ritzinger, Brandon Barringer,
and William W. Allen, Jr., Plaintiff,

No. 491 Civil

vs.

Edith Helser, et al., Defendants.

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of February, 1942 the above cause comes on regularly for trial pursuant to assignment thereof the plaintiff appearing by W. Otis Ridings and Frances L. Evans, its attorneys, the defendants, H. L. Payne, County Treasurer of Creek County, Oklahoma and R. C. Booten, appearing in person, and the defendants, W. A. Courtney and Gold W. Courtney, and the Board of County Commissioners of Creek County, Oklahoma, having failed to appear either in person or by attorney, and all other defendants, and each of them, as hereinafter set out, having failed to appear, either in person or by attorney, or having filed disclaimers herein.

Whereupon, the court proceeded to hear the application for default judgment as to certain of the defendants, as filed by the plaintiff herein, and having examined the records and papers on file herein, finds that on the 6th day of February, 1942, the plaintiff filed herein its application for default judgment pursuant to Rule No. 55 of the Rules of Civil Procedure and attached to said application an affidavit in support thereof, stating that plaintiff's claims against the defendants and the property described therein, in each of the several causes of action therein stated are for definite and certain sums, and by computation can be made certain, and alleging further that none of said defendants are infants or incompetent persons and in which affidavit plaintiff set out the definite sum and amount due on or against each of the separate lots and parcels of land to which the defendants are in default, or have filed disclaimers, all in accordance with said Rule 55 of the Rules of Civil Procedure.

The court further finds that the defendant, State of Oklahoma, has filed a disclaimer herein, disclaiming all of their right, title and interest in and to the property hereinafter described.

The court further finds that the defendants, Huber Hughes, Paul E. Allen, J. L. Gordon, Cornelia Gordon, American National Bank of Sapulpa, Oklahoma, a corporation, Sapulpa Federal Savings and Loan Association, a corporation, C. C. Beaver, Sallie Beaver, Sarah E. Greer, R. L. Greer, Emma Gilbert, Sam Sheffel, Lena Sheffel, F. C. Knight, Rena Knight, Herbert P. Johnson, Helen M. Johnson, United Federal Savings and Loan Association, a corporation, Rollie Hughes, Lorienta Hughes, Thomas H. Harper, Bonnie Lee Harper, R. F. Lenschaw, Wyley Asher, Hazel Asher, L. E. Shanks, W. S. Daley, P. A. McNeal, Ruby McNeal, Sarah Naifeh, Ellis A. Naifeh, Raskia Naifeh, S. E. Naifeh, Earle Berryhill,

Selma Berryhill, L. J. Little, Vernal Little and Laura Bell, and each of them, have been duly and properly served with summons and/or Warnings Order more than sixty days prior to this date as required by law, and the court having examined said service finds the same to be due and regular in all respects and approves the same, and the court finds that said defendants, and each of them, have not appeared or filed answers or other pleadings in said action and are in default, and they, and each of them, are hereby declared to be in default; that said defendants, and each of them, are neither infants nor incompetent persons, and that plaintiff's complaint should be taken as confessed as to said defendants.

The court finds that H. P. Johnson is one and the same person as Herbert P. Johnson, and that Ruby McNeal is one and the same person as Ruby E. McNeal, and that W. S. Daley is one and the same person as W. S. Daly.

The court further finds that the defendants, Board of County Commissioners of Creek County, Oklahoma and H. L. Payne, County Treasurer of Creek County, Oklahoma, have or claim no interest in and to the real property hereinafter described except a lien for any unpaid or delinquent ad valorem taxes which may be due and owing on said property.

Said parties having announced ready for trial, the trial of said cause is proceeded with to the court, and the court having heard the evidence of witnesses sworn and examined in open court, and being fully advised in the premises, finds that the allegations of plaintiff's complaint are true and correct as therein set forth and finds all the issues in favor of the plaintiff and against the defendants.

The court finds that the City of Sapulpa, Oklahoma, a municipal corporation, by appropriate legal proceedings and in the manner and form provided by law, created Sapulpa, Oklahoma a, Street Improvement District No. 69 as follows:

EAST BOULEVARD from the South line of Cleveland Avenue to the North line of Taft Avenue,

all within the corporate limits of said City of Sapulpa, Creek County, Oklahoma and issued its Street Improvement Bonds Series No. 69 in the aggregate amount of \$13,975.55, said bonds being numbered 1 to 32, inclusive, bond No. 1 being in the denomination of \$475.55 bonds 2 to 27 being in the denomination of \$500.00 each and bonds numbered 28 to 32 being in the denomination of \$100.00 cash; that said bonds were issued on August 1, 1924, being payable in their numerical order on or before the 1st day of October, 1933.

The court further finds that George A. Ritzinger, Brandon Barringer, and William W. Allen, Jr., are the owners of bonds 16 to 25, inclusive which bonds are outstanding and unpaid, and said relators bring this action in the name of the City of Sapulpa, Oklahoma, a municipal corporation as provided by Chapter 173, Oklahoma Session Laws 1923 for the benefit of themselves and on behalf of all other bondholders in said paying district similarly situated, for the foreclosure of the lien of the delinquent instalments of street improvement assessments against the various lots and tracts of land in said district as set out in said complaint; that the street improvement bonds issued against the security of the assessments of the street improvements are valid and binding obligations of said district aforesaid; that the relators herein are non-residents of the State of Oklahoma and being bona fide holders of bonds of said district are parties authorized by statute to bring this action; that said action has been brought according to law and the statutes applicable thereto; that the amount involved exceeds the sum of \$3000.00 exclusive of interests and costs, and that this court has jurisdiction of the parties and of the subject matter herein.

The court further finds that in the manner and form provided by law, assessments were duly and regularly levied against the lots and tracts of land subject to assessment within said improvement district, as a means of providing revenue for the payment of said bonds and the interest thereon, and that such assessments constitute and are a lien on such lots and tracts of land

co-equal with general or ad valorem taxes and special assessments and prior and superior to all other liens; that the assessments as set forth in plaintiff's complaint on the property hereinafter described are past due and unpaid, and have been due and delinquent for more than twelve months prior to the institution of the this action, and that said delinquent instalments bear penalty interest at the rate of 12% per annum from September 1st of each year in which the respective instalments were due until the date of the filing of this action, to-wit, November 26, 1940, and that the amount owing on each tract of land as set out in said complaint constitutes a valid and subsisting lien thereon, and plaintiff is entitled to have judgment against each of the lots and tracts of land hereinafter described for the said amount owing thereon, and a further judgment foreclosing the said lien and to have the property sold, subject to existing general or ad valorem taxes and other special assessments to satisfy said judgment and costs of this action; and that the defendants mentioned and described in the causes on which this judgment is entered and each and all persons claiming under or through them since the commencement of this action should be barred and foreclosed from all right, title, or interest in and to said property, except by or through the purchase of the property at foreclosure sale.

The court further finds that plaintiff has filed an affidavit herein pursuant to the requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 with reference to the non-military status of the defendants, Huber Hughes, Paul C. Allen, J. L. Gordon, Carmelita Gordon, American National Bank of Sapulpa, Oklahoma, a corporation, Sapulpa Federal Savings and Loan Association, a corporation, C. O. Beaver, Sallie Beaver, Sarah L. Greer, R. L. Greer, Emma Gilbert, Sam Sheffel, Lena Sheffel, E. C. Knight, Rena Knight, Herbert P. Johnson, Helen M. Johnson, United Federal Savings and Loan Association, a corporation, Rollo Hughes, Loriane Hughes, Thomas H. Harper, Bonnie Lee Harper, E. F. Henshaw, Wyley Asher, Hazel Asher, L. E. Shanks, W. S. Delay, P. A. McNeal, Ruby McNeal, Sahand Naifeh, Ellis A. Naifeh, Rethia Naifeh, S. E. Naifeh, Earle Berryhill, Selma Berryhill, L. L. Little, Vernal Little and Laura Bell, and that plaintiff is entitled to judgment by default against said defendants, and it is ordered that such judgment be entered.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the instalments of the assessments levied against the respective lots and parcels of land in Street Improvement District No. 69 of Sapulpa, Oklahoma, as set out in the complaint of plaintiff, and each of them, are hereby decreed to be valid subsisting liens against said respective lots and are decreed to be unpaid and to have been delinquent for more than twelve months prior to the filing of plaintiff's complaint and that the said liens on the property hereinafter described, and each of them, are hereby foreclosed, and that plaintiff have and recover judgment in rem against the respective lots and tracts of land hereinafter described and set out for the amount of the unpaid instalments of the paving assessments herein foreclosed, together with interest and penalty interest owing thereon, and the proportionate part of the court costs properly chargeable to the respective lots and tracts of land, and all as hereinafter set out, to-wit:

1st Cause: Huber Hughes and State of Oklahoma, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
North 22.89 feet of Lot 12, Block 7, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1927 to 1933, inclusive	\$269.72	\$2.00

2nd Cause: American National Bank of Sapulpa, Oklahoma, a corporation, Sapulpa Federal Savings and Loan Association, a corporation, Paul E. Allen, J. L. Gordon, Carmelita Gordon, C. O. Beaver, Sallie Beaver and Sam Sheffel, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 17, Block 7, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$374.55	\$2.75
Lot 18, Block 7, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$374.55	\$2.75
Lot 19, Block 7, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$374.55	\$2.75

3rd Cause: Sarah L. Greer, R. L. Greer and Emma Gilbert, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
West 40 feet of Lot 12, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1931 to 1933, inclusive	\$108.03	\$3.00

4th Cause: Sam Sheffel, Lena Sheffel, E. C. Knight, Rena Knight, and R. C. Rooten, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
East 38 feet of the West 78 feet of Lot 12, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma,	1930 to 1933, inclusive	\$107.08	\$5.00

5th Cause: Herbert F. Johnson, Helen M. Johnson, United Federal Savings and Loan Association, a corporation, Rollo Hughes and Loriena Hughes

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
East 38 feet of the West 116 feet of Lot 12, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$82.40	\$4.00

6th Cause: Thomas H. Harper, Bonnie Lee Harper, R. F. Henshaw, United Federal Savings and Loan Association, a corporation, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
West 38 feet of the East 76 feet of Lot 12, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma,	1928 to 1933, inclusive	\$34.94	\$4.00

7th Cause: Wyley Asher and Hazel Asher, Defendants

Description of Property	Instalments Foreclosed	amount of Judgment	Costs
East 38 feet of Lot 12, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$50.28	\$2.00

8th Cause: R.C. Booten, L. E. Shanks and Herbert P. Johnson, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 13, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$943.65	\$1.00
Lot 19, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$282.31	\$1.00
North 62 feet of Lot 1, Block 21, Fife Place Addition to the City of Sapulpa, Creek County, Oklahoma	1926 to 1933, inclusive	\$1087.15	\$1.00

9th Cause: W. S. Daley who is one and the same person as W. S. Daly, and R. C. Booten, Defendants

Description of Property	Instalments Foreclosed	Amount of	Costs
Lot 14, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$943.65	\$1.00
Lot 15, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma,	1924 to 1933, inclusive	\$943.65	\$1.00

10th Cause: R. C. Booten and Herbert P. Johnson, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 16, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$943.65	\$1.00
Lot 17, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$943.65	\$1.00
Lot 6, Block 20, Fife Place Addition to the City of Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$1320.81	\$1.00

11th Cause: P. A. McNeal, Ruby McNeal and R. F. Henshaw,
Defendants.

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 18, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma,	1930 to 1933, inclusive	\$282.31	\$3.00

12th Cause: W. A. Courtney and Golda M. Courtney, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 20, Block 9, Frank & Root Addition to the City of Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$199.05	\$4.00

13th Cause: Sahand Naifeh, Ellis A. Naifeh, S. E. Naifeh, and Rathia Naifeh, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 6, Block 13, Fife Place Addition to the City of Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$273.49	\$4.00

14th Cause: Earle Berryhill, Selma Berryhill, L. L. Little, and Vernal Little, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 3, Block 21, Fife Place Addition to the City of Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$262.74	\$4.00

16th Cause: P. A. McNeal, Ruby McNeal and Laura Bell, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 7, Block 21, Fife Place Addition to the City of Sapulpa, Creek County, Oklahoma	1926 to 1933, inclusive	\$715.85	\$3.00

and that the amount of said judgments against said properties as above set out bear interest from the 26th day of November, 1940, at the rate of six per cent per annum until paid and costs of this action and that said judgments constitute a valid and subsisting lien on said property, subject only to existing general or ad valorem taxes and other special assessments, if any.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the judgments hereinabove rendered, and each of them, shall be paid and released in the following manner, to-wit, by making payment in cash to the County Treasurer of Creek County, Oklahoma, at Sapulpa, Oklahoma, at any time before an order of sale shall issue, which payment must include the interest thereon and the judgment for costs against each lot as hereinabove provided, and said County Treasurer shall thereupon issue

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, FEBRUARY 11, 1942

his receipt in triplicate, which shall set out (1) the date of payment and name of party making payment, (2) the legal description of the lot or lots upon which the judgment is being paid, (3) the amount of such judgment, (4) the interest at 6% per annum from the 26th day of November, 1940 to date of payment, (5) the amount of costs collected, (6) the number of this case and the number of the cause of action under which the judgment was rendered. The original of such receipt shall be delivered to the party paying same, and the duplicate thereof together with said County Treasurer's official remittance of the costs collected shall be delivered to the attorney for the plaintiff, Norman E. Reynolds, 421 Petroleum Building, Oklahoma City, Oklahoma, and said attorney shall, if said payment is correct, apply to and obtain from this court an order executed by the Clerk of this Court or a Judge thereof releasing such judgment. After order of sale shall issue, any of the judgments herein rendered may be paid and released only after its proportionate part of additional accrued court costs have been paid as shall be determined by the Clerk of this court or agreed upon by plaintiff and defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County Treasurer of Creek County, Oklahoma, shall remit to the City Treasurer of the City of Sapulpa, Oklahoma, all funds so collected upon the judgments herein rendered, except, however, the judgment for costs, which shall first be remitted to the attorney for the plaintiff as aforesaid, and said County Treasurer shall make a monthly report in triplicate of such judgments collected, the original of which shall accompany his remittance to the City Treasurer, the duplicate thereof shall be delivered to the City Clerk of the City of Sapulpa, Oklahoma, who shall upon receipt thereof endorse his records to show the paving instalments against said property in said district reduced to judgment and paid in full, where he has a record of said instalments, and same are shown to be unpaid. Said reports of judgments collected as made by the County Treasurer shall show the description of the properties upon which the judgments have been paid, the years of the paving instalments included in each of such payments, the number of the street improvement district and the amount paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the said judgments so rendered against the above described property, together with the costs of this action, be not paid within six months from the date hereof that a special execution and order of sale issue by the Clerk of this court directed to the United States Marshal for the Northern District of Oklahoma or a Master specially appointed by the court for the purpose of conducting such sale, commanding the United States Marshal or Special Master to levy upon the real property last above mentioned and described, and after having the same appraised as provided by law, he shall proceed to advertise and sell the same according to law, subject to existing general or ad valorem taxes and other special assessments if any, and apply the proceeds arising from said sale as follows:

1. To the payment of the costs of said sale, the accrued costs of this action, and also for all additional costs which plaintiff shall have advanced up to the date of sale.
2. To the Treasurer of the City of Sapulpa, Oklahoma, the amount of the judgment rendered against the respective lots and tracts of land as above set out, together with interest thereon from the 26th day of November, 1940.
3. The residue, if any, shall be paid to the Clerk of this Court to be held subject to the further order of the court.

and that from and after the sale of said property, the said defendants heretofore named, and all persons claiming under or through the said defendants, or any of them, since the commencement of this action, be barred and foreclosed from all right, title or interest in and to said real estate, except such interest as may be acquired in said property by purchase at foreclosure sale and except the right, title or interest acquired by virtue of existing ad valorem taxes and other special assessments, and reserving to the proper tax collecting authorities the right to collect ad valorem taxes and other special assessments, if any, in the manner and form provided by law, and that the sale of said property under the judgment rendered herein for the amount of the delinquent and unpaid instalments of the

paving assessments levied against said property as herein set out, shall constitute full and complete satisfaction and settlement thereof, and all sums due and owing thereon, and the same shall be canceled upon the records in the office of the County Treasurer of Creek County, Oklahoma.

IT IS FURTHER ORDERED that the City Treasurer of the City of Sapulpa, Oklahoma, aforesaid, shall, from the special fund accumulated for the retirement of the bonds in the above mentioned paving district, pay, first, all outstanding and unpaid interest coupons in regular numerical order, and shall thereafter pay and retire the street improvement bonds in regular numerical order with interest thereon at the rate of 10% per annum after maturity to date of payment as by law provided, and in the event a portion of a bond remains unpaid, the City Treasurer is hereby ordered and directed to pay to the holder of the remaining portion of said bond in its regular numerical order, the unpaid principal balance thereof with interest thereon at the rate of 10% per annum as provided by statute from the date interest was last paid thereon to date of payment; and it is further ordered and directed that said City Treasurer shall, on April 1st and on October 1st of each year, pay to the holder of the next bond in line for payment the amount on hand in the separate special fund of said district, by paying first, the interest at 10% per annum as by law provided, and by paying the amount remaining in said account to the principal of said bond.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when the judgments rendered by this court in foreclosure of the delinquent instalments of the street improvement assessments in this district have been collected by payment of said judgments, or by sale of said lots in satisfaction of said judgments, and no further funds may be realized for the payment of the bonds of this district, and there shall not be a sufficient amount on hand to pay in full the next bond in line for payment with interest thereon, said City Treasurer is ordered and directed to pay the amount remaining on hand to the holder of said bond, to be applied, first, to the interest at the rate of 10% per annum from maturity to date of payment, and the remainder of said sum to be applied on the principal of said bond, and when all of the instalments of the assessments against the various lots and parcels of land in said district have been sold to satisfy the judgments of this court, and there remain no further lots or tracts of land against which the liens of the bondholders may operate, and the separate special fund for the retirement of the bonds in this district has been exhausted, the liens of the remaining, outstanding and unpaid street improvement bonds in this district shall have no further rights, claims, liens or equities in or upon any of the lots or tracts of land so assessed for the payment of the bonds in said street improvement district.

IT IS FURTHER ORDERED that this cause be continued as to all lots and tracts of land involved in this action and as to all defendants in this action against whom judgment is not hereby rendered and against whom judgment has not heretofore been rendered herein.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Feb 11 1942
H. P. Warfield, Clerk
U. S. District Court B

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

City of Sapulpa, Oklahoma ex rel
George A. Ritzinger, Brandon Harringer
and William W. Allen, Jr.,

Plaintiff,

No. 492 Civil

vs.

A. J. Whitfield, et al,

Defendants.

ORDER GRANTING PLAINTIFF LEAVE TO AMEND COMPLAINT BY
STRIKING THEREFROM CERTAIN PARTIES AS DEFENDANTS

Now on this 11th day of February, 1942 comes on for hearing the motion of plaintiff for an order granting plaintiff leave to amend the complaint filed herein by striking therefrom certain parties as defendants therein, and upon examination of said motion and after hearing argument of counsel and being fully advised in the premises the court finds that said motion is not in any way prejudicial to the interests of any of the defendants in said action, and that no notice of hearing of this motion is required to be served on any of the defendants.

The court further finds that certain defendants are not necessary parties to said action to obtain a full and complete adjudication of the issues herein in that said parties no longer have any right, title, interest, estate or claim in and to said real estate described in the following causes of action by reason of the fact that said properties had been sold at tax resale to other parties, that other parties were merely tenants and no longer reside on said property, and that said motion should be and the same is hereby sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff be and it is hereby granted leave to amend the complaint filed herein in the following particulars, to-wit:

I.

By striking from the 2nd cause of action the names of Ray Huie and Clyde Huie as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

II.

By striking from the 7th cause of action the names of Bessie Clayton and Vivian Clayton Winbush as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

III.

By striking from the 19th cause of action the names of the unknown heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote of W.H.C. Jones, deceased, and Buena Chronister if living, or if dead, the unknown heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote of Buena Chronister, deceased, as parties defendant and by striking said parties from the caption of said complaint as defendants in said cause of action.

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

ENDORSED: Filed Feb 11 1942
H. P. Warfield, Clerk
U. S. District Court B

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

City of Sapulpa, Oklahoma ex rel)	
George A. Ritzinger, Brandon Barringer,)	
and William W. Allen, Jr.,)	
	)	Plaintiff,
)	
	)	No. 492 Civil
vs.)	
)	
A. J. Whitfield, et al.,)	
	)	Defendants.

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of February, 1942, the above cause comes on regularly for trial pursuant to assignment thereof, the plaintiff appearing by W. Otis Ridings and Frances L. Evans, its Attorneys, the defendants C. W. Mandler appearing by his attorney, E.C. McMichael, and the defendants Geo. T. Oliver and Mayme C. Oliver, Board of County Commissioners of Creek County, Oklahoma appearing neither in person nor by attorney, and the defendants, H. L. Payne, County Treasurer of Creek County, Oklahoma and R. C. Booten, appearing in person, and all other defendants, and each of them, as hereinafter set out, having failed to appear either in person or by attorney, or having filed disclaimers herein.

WHEREUPON, the court proceeded to hear the application for default judgment as to certain of the defendants, as filed by the plaintiff herein, and having examined the records and papers on file herein, finds that on the 8th day of February, 1942, the plaintiff filed herein its application for default judgment pursuant to Rule No. 55 of the Rules of Civil Procedure and attached to said application an affidavit in support thereof, stating that plaintiff's claims against the defendants and the property described therein, in each of the several causes of action therein stated are for definite and certain sums, and by computation can be made certain, and alleging further that none of said defendants are infants or incompetent persons and in which affidavit plaintiff set out the definite sum and amount due on or against each of the separate lots and parcels of land to which the defendants are in default, or have filed disclaimers, all in accordance with said Rule 55 of the Rules of Civil Procedure.

The court further finds that the defendants, A. J. Whitfield, Ola Whitfield, Capitol Federal Savings and Loan Association, a corporation, John Keahey, State of Oklahoma, W. J. Pitman and Myrta Pitman, have filed disclaimers herein, disclaiming all of their right, title and interest in and to the property hereinafter described.

The court further finds that the defendant, Grace I. Henshaw, has entered her general appearance herein, reserving twenty days within which to answer; that the time for answer has long expired; and that said defendant is in default; that said defendant is neither an infant nor an incompetent person, and that plaintiff's complaint should be taken as confessed as to said defendant.

The court further finds that the defendants, R. F. Henshaw, J. H. Whitfield, Pauline Whitfield, Sapulpa Federal Savings and Loan Association, a corporation, C. C. Warren, W. S. Daly, W. D. Theral, Mrs. W. D. Theral, Charlie Clayton, Arnetas Neff, Lucinda Neff, Trustee, Herbert P. Johnson, Helen H. Johnson, J. W. Cowman, Mary Cowman, Winnie Campbell, R. C. Easley, Mrs. R. O. Easley, Leslie C. McDaniel, Helen McDaniel, Claude Masters, Rufie Masters, Mrs. Betty W. Smith, Opal Chasteen, Jess P. Chasteen, John A. Loden, Mrs. H. L. Wilson, H. L. Wilson, Delmar Hodges, Zilla Hodges, Ruby Wood, Florence Rogers, Joan B. Rogers, Harold Whitley, Otis E. Allen, Ruth Allen, Vernie G. Hayter, Frances L. Hayter, Ike Hayter, Margaret A. Hayter, Lucretia Jones, Laura L. Gilbert, W. M. Gilbert, Mrs. W. M. Gilbert, Edgar Maggi, Emmett B. Matthews, Madge Matthews, E. E. Cowman, Edith K. Cowman, Josephine A. Moreau, George Beach, J. R. Robertson, and A. Arrilla Robertson, and each of them, have been duly and properly served with summons and/or Warning Order more than sixty days prior to this date as required by law, and the court having examined said service finds the same

to be due and regular in all respects and approves the same, and the court finds that said defendants and each of them, have not appeared or filed answers or other pleadings in said action and are in default, and they, and each of them, are hereby declared to be in default; that said defendants, and each of them, are neither infants nor incompetent persons, and that plaintiff's complaint should be taken or confessed as to said defendants.

The court finds that Ite Hayter is one and the same person as Isaac I. Hayter.

The court further finds that the defendants, Board of County Commissioners of Creek County, Oklahoma and F. L. Payne, County Treasurer of Creek County, Oklahoma, have or claim no interest in and to the real property hereinafter described except a lien for any unpaid or delinquent ad valorem taxes which may be due and owing on said property.

Said parties having announced ready for trial, the trial of said cause is proceed with to the court, and the court having heard the evidence of witnesses sworn and examined in open court, and being fully advised in the premises, finds that the allegations of plaintiff's complaint are true and correct as therein set forth and finds all the issues in favor of the plaintiff and against the defendants.

The court finds that the City of Sapulpa, Oklahoma, a municipal corporation, by appropriate legal proceedings and in the manner and form provided by law, created Sapulpa, Oklahoma Street Improvement District No. 61 as follows:

Hickory Street from the South line of Dewey Avenue to the Easterly projection of the North line of Fife Place Addition across said Hickory Street; East Boulevard from the Easterly projection of the North line of Fife Place Addition to the North line of Cleveland Avenue, exclusive of the Bryan and McKinley Avenue intersection; also West Cleveland Avenue from the West line of Muskogee Boulevard to the West line of Bixby Street, in the City of Sapulpa, Oklahoma,

all within the corporate limits of said City of Sapulpa, Creek County, Oklahoma and issued its Street Improvement Bonds Series No. 61 in the aggregate amount of \$30,411.59, said bonds being numbered 1 to 65, inclusive, bond No. 1 being in the denomination of \$411.59, and bonds numbered 2 to 60, inclusive, being in the denomination of \$500.00 each, and bonds 61 to 65 being in the denomination of \$100.00 each; that said bonds were issued on August 1, 1924, being payable in their numerical order on or before the 1st day of October, 1933.

The court further finds that George A. Ritzinger, Brandon Berringer and William W. Allen, Jr. are the owners of bonds 42 to 55, inclusive, which bonds are outstanding and unpaid, and said relators bring this action in the name of the City of Sapulpa, Oklahoma, a municipal corporation as provided by Chapter 173, Oklahoma Session Laws 1923, for the benefit of themselves and on behalf of all other bondholders in said paving district similarly situated, for the foreclosure of the lien of the delinquent instalments of street improvement assessments against the various lots and tracts of land in said district as set out in said complaint; that the street improvement bonds issued against the security of the assessments of the street improvements are valid and binding obligations of said district aforesaid; that the relators herein are nonresidents of the State of Oklahoma and being bona fide holders of bonds of said district are parties authorized by statute to bring this action; that said action has been brought according to law and the statutes applicable thereto; that the amount involved exceeds the sum of \$3000.00 exclusive of interest and costs, and that this court has jurisdiction of the parties and of the subject matter herein.

The court further finds that in the manner and form provided by law, assessments were duly and regularly levied against the lots and tracts of land subject to assessment within said

improvement district, as a means of providing revenue for the payment of said bonds and the interest thereon, and that such assessments constitute and are a lien on such lots and tracts of land co-equal with general or ad valorem taxes and special assessments and prior and superior to all other liens; that the assessments as set forth in plaintiff's complaint on the property hereinafter described are past due and unpaid, and have been due and delinquent for more than twelve months prior to the institution of this action, and that said delinquent instalments bear penalty interest at the rate of 12% per annum from September 1st of each year in which the respective instalments were due until the date of the filing of this action, to-wit, November 26, 1940, and that the amount owing on each tract of land as set out in said complaint constitutes a valid and subsisting lien thereon, and plaintiff is entitled to have judgment against each of the lots and tracts of land hereinafter described for the said amount owing thereon, and a further judgment foreclosing the said lien and to have the property sold, subject to existing general or ad valorem taxes and other special assessments to satisfy said judgment and costs of this action; and that the defendants mentioned and described in the causes of action on which this judgment is entered and each and all persons claiming under or through them since the commencement of this action should be barred and foreclosed from all right, title, claim or interest in and to said property, except by or through the purchase of the property at foreclosure sale.

The court further finds that plaintiff has filed an affidavit herein pursuant to the requirements of the Soldiers' and Sailors' Civil Relief Act of 1940 with reference to the non-military status of the defendants, Grace I. Henshaw, R. F. Henshaw, J. H. Whitfield, Pauline Whitfield, Sapulpa Federal Savings and Loan Association, a corporation, C. C. Warren, W. S. Daly, W. D. Theral, Mrs. W. D. Theral, Charlie Clayton, Arnetas Neff, Lucinda Neff, Trustee, Herbert P. Johnson, Helen M. Johnson, J. W. Cowman, Mary Cowman, Winnie Campbell, R. C. Easley, Mrs. R. C. Easley, Leslie C. McDaniel, Helen McDaniel, Claude Masters, Rufie Masters, Mrs. Betty W. Smith, Opal Chasteen, Jess P. Chasteen, John A. Loden, H. L. Wilson, Mrs. H. L. Wilson, Dolmar Hodges, Zilla Hodges, Ruby Wood, Florence Rogers, John B. Rogers, Harold Whitley, Otis E. Allen, Ruth Allen, Vernie G. Hayter, Frances L. Hayter, Ike Hayter, Margaret A. Hayter, Lucretia Jones, Laura L. Gilbert, W. M. Gilbert, Mrs. W. M. Gilbert, Edgar Maggi, Emmett B. Matthews, Madge Matthews, E. E. Cowman, Edith M. Cowman, Josephine A. Moreau, George Beach, J. R. Robertson and A. Arrilla Robertson, and that plaintiff is entitled to judgment by default against said defendants, and it is ordered that such judgment be entered.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the instalments of the assessments levied against the respective lots and parcels of land in Street Improvement District No. 61 of Sapulpa, Oklahoma, as set out in the complaint of plaintiff, and each of them, are hereby decreed to be valid subsisting liens against said respective lots and are decreed to be unpaid and to have been delinquent for more than twelve months prior to the filing of plaintiff's complaint and that the said liens on the property hereinafter described, and each of them, are hereby foreclosed and that plaintiff have and recover judgment in rem against the respective lots and tracts of land hereinafter described and set out for the amount of the unpaid instalments of the paying assessments herein foreclosed, together with interest and penalty interest owing thereon, and the proportionate part of the court costs properly chargeable to the respective lots and tracts of land, all as hereinafter set out, to-wit:

1st Cause: A. J. Whitfield, Cla Whitfield, J. H. Whitfield,
Pauline Whitfield, R. F. Henshaw and Grace I. Henshaw, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 12, Block 1, Arthox Addition to Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$99.88	\$4.00

2nd Cause: Sapulpa Federal Savings and Loan Association, a
corporation, Defendant

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 9, Block 1, Arthox Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$359.82	\$2.50

4th Cause: A. J. Whitfield, Ola Whitfield, R. C. Booten,
C.W. Mandler, C. C. Warren and W. S. Daly,
Defendants.

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 4, Block 2, Arthox Addition to Sapulpa, Creek County, Oklahoma	1921, 1932, 1933	\$177.32	\$2.00
Lot 6, Block 2, Arthox Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$417.85	\$2.00
Lot 7, Block 2, Arthox Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$416.09	\$2.00
Lot 8, Block 2, Arthox Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$416.09	\$2.00

5th Cause: W. D. Theral, Mrs. W. D. Theral and R. C. Booten,
Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 10, Block 2, Arthox Addition to Sapulpa, Creek County, Oklahoma	1928 to 1933, inclusive	\$969.05	\$3.00

6th Cause: R. C. Booten, Defendant

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 11, Block 2, Arthox Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$473.41	\$2.00

7th Cause: Herbert P. Johnson, Helen M. Johnson, J. W.
Cowman, May Cowman, Charlie Clayton, Arnetas
Neff, and Lucinda Neff, Trustee, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 5, Block 2, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$1304.54	\$2.00
Lot 6, Block 2, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$1003.81	\$2.00

8th Cause: Winnie Campbell, Defendant

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
West 15.7 feet of Lot 4, Block 3 Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1925 to 1933, inclusive	\$218.66	\$2.00
East 34.3 feet of Lot 5, Block 3, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1925 to 1933, inclusive	\$544.44	\$2.00

9th Cause: R. G. Easley, Mrs. E. O. Easley, Leslie C.
McDaniel and Helen McDaniel, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
West 15.7 feet of Lot 5, Block 3, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$97.80	\$2.00
Lot 6, Block 3, Frank & Root Addition to Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$294.63	\$2.00

10th Cause: Claude Masters, Rufie Masters and Mrs. Betty W. Smith, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
West 48.13 feet of Lot 4, Block 6, Frank & Root Addition to Sapulpa Creek County, Oklahoma	1930 to 1933, inclusive	\$218.02	\$3.00

11th Cause: Opal Chasteen, Jess P. Chasteen and John A. Loden, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 5, Block 9, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$1176.60	\$3.00

12th Cause: H. L. Wilson and Mrs. H. L. Wilson, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 4, Block 2, West Highland Addition to Sapulpa, Creek County, Oklahoma	1927 to 1933, inclusive	\$148.46	\$1.50
Lot 5, Block 2, West Highland Addition to Sapulpa, Creek County, Oklahoma	1927 to 1933, inclusive	\$148.46	\$1.50
Lot 6, Block 2, West Highland Addition to Sapulpa, Creek County, Oklahoma	1927 to 1933, inclusive	\$148.46	\$1.50

DISTRICT OF OKLAHOMA

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, FEBRUARY 11, 1942

13th Cause: Delmar Hodges, Zilla Hodges, Geo. T. Oliver,
Mayne C. Oliver and Ruby Wood

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 1, Block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$228.82	\$7.00

14th Cause: Capitol Federal Savings and Loan Association,
a corporation and John Keahey, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 2, Block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1933	\$65.36	\$2.00

15th Cause: Florence Rogers and John B. Rogers, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 3, Block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$316.01	\$2.00

16th Cause: Harold Whitley, Defendant

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 4, block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$419.60	\$2.00
Lot 6, Block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$419.60	\$2.00

17th Cause: Otis E. Allen, Ruth Allen, Vernie G. Hayter,
and Frances L. Hayter, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 7, Block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1926 to 1933, inclusive	\$798.08	\$4.50

18th Cause: Ike Hayter and Margaret A. Hayter, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
Lot 8, Block 12, Business Men's Addition to Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$1103.75	\$3.00

19th Cause: State of Oklahoma, Lucretia Jones and Laura
L. Gilbert, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
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Lot 1, Block 1, Fife Place Addition to Sapulpa, Creek County, Oklahoma 1924 to 1933, inclusive \$1302.15 \$3.00

20th Cause: W. M. Gilbert, Mrs. W. M. Gilbert and Edgar Maggi, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
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Lot 3, Block 1, Fife Place Addition to Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$391.78	\$3.00
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21st Cause: Emmett B. Matthews and Madge Matthews, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
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Lot 5, Block 12, Fife Place Addition to Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$285.03	\$2.00
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Lot 6, Block 12, Fife Place Addition to Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$285.03	\$2.00
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22nd Cause: E. E. Cowman, Edith M. Cowman and Josephine A. Moreau, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
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Lot 1, Block 16, Fife Place Addition to Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$395.61	\$1.50
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Lot 2, Block 16, Fife Place Addition to Sapulpa, Creek County, Oklahoma	1931, 1932, 1933	\$157.24	\$1.50
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Lot 3, Block 16, Fife Place Addition to Sapulpa, Creek County, Oklahoma	1930 to 1933, inclusive	\$154.21	\$1.50
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23rd Cause: George Beach, Defendant

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
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Lot 4, Block 1, West Highland Addition to Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$850.65	\$1.50
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Lot 5, Block 1, West Highland Addition to Sapulpa, Creek County, Oklahoma	1924 to 1933, inclusive	\$1018.64	\$1.50
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24th Cause: W. J. Pitman, Myrta Pitman, J. R. Robertson and A. Arrilla Robertson, Defendants

Description of Property	Instalments Foreclosed	Amount of Judgment	Costs
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Lot 6, Block 1, West Highland Addition to Sapulpa, Creek County, Oklahoma	1929 to 1933, inclusive	\$682.14	\$4.00
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REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, FEBRUARY 11, 1942

and that the amount of said judgments against said properties as above set out bear interest from the 26th day of November, 1940, at the rate of six per cent per annum until paid and costs of this action, and that said judgments constitute a valid and subsisting lien on said property, subject only to existing general or ad valorem taxes and other special assessments, if any.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the judgments hereinabove rendered, and each of them, shall be paid and released in the following manner, to-wit: by making payment in cash to the County Treasurer of Creek County, Oklahoma, at Sapulpa, Oklahoma, at any time before an order of sale shall issue, which payment must include the interest thereon and the judgment for costs against each lot as hereinabove provided, and said County Treasurer shall thereupon issue his receipt in triplicate, which shall set out (1) the date of payment and name of party making payment, (2) the legal description of the lot or lots upon which the judgment is being paid, (3) the amount of such judgment, (4) the interest at 6% per annum from the 26th day of November, 1940 to date of payment, (5) the amount of costs collected, (6) the number of this case and the number of the cause of action under which the judgment was rendered. The original of such receipt shall be delivered to the party paying same, and the duplicate thereof, together with said County Treasurer's official remittance of the costs collected shall be delivered to the attorney for the plaintiff, Norman E. Reynolds, 421 Petroleum Building, Oklahoma City, Oklahoma, and said Attorney, shall, if said payment is correct, apply to and obtain from this court an order executed by the Clerk of this Court or a Judge thereof, releasing such judgment. After order of sale shall issue, any of the judgments herein rendered may be paid and released only after its proportionate part of additional accrued court costs have been paid as shall be determined by the Clerk of this court or agreed upon by plaintiff and defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County Treasurer of Creek County, Oklahoma, shall remit to the County Treasurer of the City of Sapulpa, Oklahoma, all funds so collected upon the judgments herein rendered, except, however, the judgment for costs, which shall first be remitted to the attorney for the plaintiff as aforesaid, and that County Treasurer shall make a monthly report in triplicate of such judgments collected, the original of which shall accompany his remittance to the City Treasurer, the duplicate thereof shall be delivered to the City Clerk of the City of Sapulpa, Oklahoma, who shall upon receipt thereof endorse his records to show the paying instalments against said property in said district reduced to judgment and paid in full, where he has a record of said instalments, and same are shown to be unpaid. Said reports of judgments collected as made by the County Treasurer shall show the description of the properties upon which judgments have been paid, the years of the paying instalments included in each of such payments, the number of the street improvement district and the amount paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that in the event the said judgments so rendered against the above described property, together with the costs of this action, be not paid within six months from the date hereof that a special execution and order of sale issue by the Clerk of this Court directed to the United States Marshal for the Northern District of Oklahoma or a Master specially appointed by the court for the purpose of conducting such sale, commanding the United States Marshal or Special Master to levy upon the real property last above mentioned and described, and after having the same appraised as provided by law, he shall proceed to advertise and sell the same according to law, subject to existing general or ad valorem taxes and other special assessments, if any, and apply the proceeds arising from said sale as follows:

1. To the payment of the costs of said sale, the accrued costs of this action, and also for all additional costs which plaintiff shall have advanced up to the date of sale.
2. To the Treasurer of the City of Sapulpa, Oklahoma, the amount of the judgment rendered against the respective lots and tracts of land as above set out, together with interest thereon from the 26th day of November, 1940.
3. The residue, if any, shall be paid to the Clerk of this Court, to be held subject to the further order of the court,

and that from and after the sale of said property, the said defendants heretofore named, and all persons claiming under or through the said defendants, or any of them, since the commencement of this action, be barred and foreclosed from all right, title or interest in and to said real estate, except such interest as may be acquired in said property by purchase at foreclosure sale and except the right, title or interest acquired by virtue of existing ad valorem taxes and other special assessments, and reserving to the proper tax collecting authorities the right to collect ad valorem taxes and other special assessments, if any, in the manner and form provided by law, and that the sale of said property, under the judgment rendered herein for the amount of the delinquent and unpaid instalments of the paving assessments levied against said property as herein set out, shall constitute full and complete satisfaction and settlement thereof, and all sums due and owing thereon, and the same shall be canceled upon the records in the office of the County Treasurer of Creek County, Oklahoma.

IT IS FURTHER ORDERED that the City Treasurer of the City of Sapulpa, Oklahoma, aforesaid, shall, from the special fund accumulated for the retirement of the bonds in the above mentioned paving district, pay, first, all outstanding and unpaid interest coupons in regular numerical order, and shall thereafter pay and retire the street improvement bonds in regular numerical order with interest thereon at the rate of 10% per annum after maturity to date of payment as by law provided, and in the event a portion of a bond remains unpaid, the City Treasurer is hereby ordered and directed to pay to the holder of the remaining portion of said bond in its regular numerical order, the unpaid principal balance thereof with interest thereon at the rate of 10% per annum as provided by statute from the date interest was last paid thereon to date of payment; and it is further ordered and directed that said City Treasurer shall, on April 1st and on October 1st of each year, pay to the holder of the next bond in line for payment the amount on hand in the separate special fund of said district, by paying first, the interest at 10% per annum as by law provided, and by paying the amount remaining in said account to the principal of said bond.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that when the judgments rendered by this court in foreclosure of the delinquent instalments of the street improvement assessments in this district have been collected by payment of said judgments, or by sale of said lots in satisfaction of said judgments, and no further funds may be realized for the payment of the bonds of this district, and there shall not be a sufficient amount on hand to pay in full the next bond in line for payment with interest thereon, said City Treasurer is ordered and directed to pay the amount remaining on hand to the holder of said bond, to be applied, first, to the interest at the rate of 10% per annum from maturity to date of payment, and the remainder of said sum to be applied on the principal of said bond, and when all of the instalments of the assessments against the various lots and tracts of land in said district have been sold to satisfy the judgments of this court, and there remains no further lots or tracts of land against which the liens of the bondholders may operate, and the separate special fund for the retirement of the bonds in this district has been exhausted, the liens of the remaining, outstanding and unpaid street improvement bonds in this district shall have no further rights, liens, or equities in or upon any of the lots or tracts of land as assessed for the payment of the bonds in said street improvement district.

IT IS FURTHER ORDERED that this cause be continued as to all lots and tracts of land involved in this action and as to all defendants in this action against whom judgment is not hereby rendered and against whom judgment has not heretofore been rendered herein.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Feb 11 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Vernon Harris, et al,	Plaintiffs,)
)
vs)
)
Wickham Packing Company, a corporation,)
	Defendant.)

No. 754 - Civil

ORDER APPOINTING SPECIAL OFFICER
TO SERVE PROCESS ON DEFENDANT

Now on this 11th day of February, 1942 this matter comes on for hearing before the Honorable Royce H. Savage, regular Judge of the District Court of the United States for the Northern District of Oklahoma, upon the motion of plaintiffs for the appointment of a special officer to serve process upon the defendant herein; and it appearing to the Court that the appointment of some resident of the City of Sapulpa, where the defendant's general officers and place of business are located, would result in the saving of substantial mileage fees; and it further appearing to the court that Albert Randall of Sapulpa, Oklahoma, a regularly appointed, qualified and acting Deputy Sheriff of Creek County, Oklahoma, is a proper and suitable person to make said service.

IT IS, THEREFORE, ORDERED that Albert Randall of Sapulpa, Oklahoma, be and he is hereby appointed Special Officer of this court to make service of all process upon the defendant herein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 11 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

Floyd C. Bruce	Plaintiff,)
)
Vs.)
)
Oklahoma Utilities Company, a corporation,)
	Defendant.)

No. 755

ORDER APPOINTING SPECIAL OFFICER TO SERVE PROCESS

Now on this 11th day of February, 1942 this matter comes on for hearing before the Honorable Royce H. Savage, regular Judge of the District Court of the United States for the Northern District of Oklahoma, upon the motion of plaintiff for the appointment of a special officer to serve process upon the defendant herein; and it appearing to the Court that the appointment of some resident of the City of Bristow, where the defendant's general officers and place of business are located, would result in the saving of substantial mileage fees; and it further appearing to the court that Lee Johnson of Bristow, Oklahoma, a regularly appointed, qualified and acting Deputy Sheriff of Creek County, Oklahoma, is a proper and suitable person to make said service.

On this 13th day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) No. 652 - Civil
)
15,500 acres of land, more or less, in)
Mayes County, Oklahoma, and John M.)
Niehaus, Jr., et al,	Respondents.)

ORDER OF PARTIAL DISTRIBUTION OF FUNDS TRACT NO. C-29

Now on this 12 day of February, 1942, there comes on for hearing, pursuant to regular application therefor, the matter of the partial distribution of funds in the above entitled and numbered proceeding, with reference to Tract No. C-29.

The Court finds that out of the funds heretofore deposited in Court for said Tract No. C-29, there should be distributed at this time the following amounts to the following persons, to-wit:

- To Z. M. White and Flow White \$2500.00
- To Commissioners of the Land Office of the State of Oklahoma \$ 554.44

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Clerk of this Court issue his checks payable to the above named parties in the amounts set opposite their names; and it is further ordered that said Clerk shall make no charge as commission or poundage for the handling and distribution of said funds.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 13 1942
H. P. Warfield, Clerk
U. S. District Court H

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

WALTER E. DITMAN,

Plaintiff,)

-vs-

) No. 681 Civil)

GEORGE DARNOLD, ART DARNOLD, BRUCE SCOTT and DOCK FINLEY,

) Defendants.)

O R D E R

On oral application by attorneys for plaintiff herein, and for good cause shown in this pending litigation, the Court hereby orders that a statement from the Federal Works Administrator, or the Commissioner, Administrator within the jurisdiction of this Court, showing that work and the amount or extent thereof, if any, was done by Walter E. Dittman, of Dewey, Oklahoma, the plaintiff above named in this civil action, under and for the Works Progress Administration during the period from February 7, 1939, to March 31, 1941, both dates inclusive, be filed with the Clerk of this Court at the earliest possible date, said statement to be used in the trial of this cause under the Fair Labor Standards Act of 1938, which is set for hearing in this court at Tulsa, Oklahoma, at 9 A.M., Friday, February 27, 1942.

And the Court further orders that this order or a certified copy thereof be immediately served by the Clerk of this Court by mailing same to said Administrator or Commissioner.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 13 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to February 14, 1942

On this 14th day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Walt 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 FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Petitioner,)

-vs-

) No. 652 Civil)

15,500 acres of land, more or less, situate in
Mayes County, Oklahoma, and John W. Niehaus, Jr. et al., Respondents.)

No. 652 Civil

O R D E R

Now on this 13th day of February, 1942, this cause came on to be heard upon the oral application of the petitioner to make additional parties respondents, and the Court having been fully advised in the premises, finds that the application of the petitioner should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the State of Oklahoma and the State Highway Commission of Oklahoma be, and they are hereby, joined as additional parties respondent in the above styled cause, and let notice be served upon them.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 14 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to February 16, 1942

On this 16th day of February, 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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
Walt Y. Maury, United States Attorney
John P. Logan, United States Marshal

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

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

UNITED STATES OF AMERICA,

Petitioner,

vs.

No. 174 - Civil

1299.24 acres of land, more or less, in Delaware
County, State of Oklahoma; Annie Stealer, et al.,
Respondents.

ORDER NUNC PRO TUNC

Now on this 16th day of Feb., 1942, there comes on for hearing in the above entitled cause a motion for an Order Nunc Pro Tunc to correct errors in Order of January 3, 1940, in the following items to-wit:

"The \$100.00 deposited as just compensation for Tract No. 30a, in the above entitled proceeding, should be distributed and paid out as follows:

To E. W. Sundermirth, Carrier of the Five Civilized Tribes, for the use and benefit of the heirs of Susan Hummingbird, Cherokee Roll No. 7443, deceased,\$100.00

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition of Condemnation and Declaration of Taking No. 8, and finds that:

- (1) That each and all of the allegations in said Petition and Declaration are true, and the United States of America is entitled to acquire property by eminent domain for the purpose set forth in said petition.
- (2) In said Petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.
- (3) The Petition and Declaration of Taking were filed at the request of Henry L. Stinson, Secretary of War, the person duly authorized by law to acquire the lands described in said documents for the purpose therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings;
- (4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) A statement is contained in said Declaration of Taking for the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Four Hundred Twenty and no/100 Dollars (\$420.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.
- (6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of Henry L. Stinson, Secretary of War, will probably be within any limits prescribed by Congress on the price to be paid therefor.
- (7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking No. 8, the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. Sec. 258a), and acts supplementary thereto and amendatory thereof, and the Act of Congress approved August 18, 1890 (26 Stat. 316) as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), and April 11, 1918 (40 Stat. 518, 50 U.S.C. 171), and the Act of Congress approved April 5, 1941 (Public 29 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full, fee simple title, subject, however, to existing easements for public roads and public utilities, in and to the following described lands was vested in the United States of America upon the filing of said Declaration of Taking No. 8 and the depositing in the Registry of this Court of the said sum of Four Hundred Twenty and no/100 Dollars (\$420.00), and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 18 acres, more or less, and are described as follows, to-wit:

Tracts Nos. D-10 and D-11

All that part of the Southwest quarter of the Southeast quarter of the Northwest quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying west of Pryor Creek, containing 7.5 acres, more or less, and the Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) and the South 33 feet of the Southwest quarter of the Northwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), all in Section Eleventh (14), Township Twenty (20)

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

FRICK-REID SUPPLY CORPORATION, A CORPORATION,

Plaintiff,

vs.

No. 741 Civil

SONKEN-GALAMBA SUPPLY COMPANY, A CORPORATION,
AND W. C. BERRY,

Defendants.

O R D E R

Now on this 16th day of February, 1942, this cause coming on to be heard upon the application of plaintiff for permission to file an amended complaint and for permission to make additional parties defendant, and the court having examined said application and being fully advised in the premises, finds that plaintiff should be permitted to file an amended complaint setting forth the matters contained in said application and that it is necessary for a full determination of the controversy involved in this action that W. C. Berry be made an additional party defendant.

It is therefore ORDERED, ADJUDGED and DECREED that plaintiff be permitted to file an amended complaint. It is further ordered that W.C. Berry be and he is hereby made a party defendant. It is further ordered that the defendant Sonken-Galamba Supply Company, a corporation, be given ten days to plead to said amended complaint dated from the date said amended complaint is served upon it. It is further ordered that this cause be stricken from the trial docket.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Feb 16, 1942
H. P. Warfield, Clerk
U. S. District Court H

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

THE LINCOLN NATIONAL LIFE INSURANCE COMPANY,

Plaintiff

vs.

No. 873 Equity

EXCHANGE NATIONAL COMPANY,

Defendant.

ORDER AUTHORIZING EXECUTION OF RELEASE OF SECOND MORTGAGE

THIS CAUSE COMING on to be heard on this the 16th day of February, 1942, on the verified application of T. P. Farmer, as Receiver of Exchange National Company, for authorization to make, execute and deliver a release of second mortgage covering the following described premises:

W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 20 North, Range 19 East and SE $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30, Township 20 North, Range 19 East, Mayes County, Oklahoma,

executed by Dewart B. Smith and Annie L. Smith, dated January 30th, 1930, upon the payment to him of the money due thereon, 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,

On this 21st day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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. Maury, United States Attorney
John P. Logan, United States Marshal

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

MISCELLANEOUS -- ADMISSION TO BAR.

Now on this 21st day of February, A. D. 1942, it being made satisfactorily to appear that Charles Wm. Barnes 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

Sam Cooper, John Cooper, Kizzie Kelly, John R. Miller, L. O. Lytle, and Roy T. Wildman, a co-partnership doing business under the name and style of Miller, Lytle & Wildman, and George H. Jennings, Plaintiffs,

vs.

Edward Tecumseh, Effie Tecumseh, Mable Tecumseh, Ida Tecumseh, Mary Tecumseh, Israel Tecumseh, Rosella Charles, nee Kelly, Amos Tiger, Josephine Tiger, and William Tiger, a minor, Defendants.

No. 273 Civil

D E C R E E

This cause comes on to be heard on this 4th day of February, 1942, and the Court having heard the evidence and being advised in the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiffs, John R. Miller, L. O. Lytle, Roy T. Wildman and George H. Jennings, are the owners of an undivided seven-twentieths (7/20) interest in and to the lands and premises involved in this action, and described as follows, to-wit:

The Southwest quarter (SW4) of the Southwest quarter (SW4) of Section Twenty-five (25), Township Seventeen (17) North, Range Thirteen (13) East, Tulsa County, Oklahoma, less 6.37 acres heretofore conveyed to the State Highway Department of the State of Oklahoma, for right-of-way purposes;

and that each of the remaining plaintiffs and each defendant is the owner of an undivided one-twentieth (1/20) interest in and to said lands; and that the shares of the forementioned parties, and their respective interests in said lands be, and the same is hereby confirmed; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that partition of said lands be made accordingly; that J. F. Pickens, W. B. Hayes and Charles C. Webber, be, and they are hereby appointed commissioners, and upon taking the oath prescribed by law, shall proceed to make partition, and report the same to this Court.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Feb 21 1942
H. P. Warfield, Clerk
U. S. District Court E

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,
vs.
One 1941 Ford Coupe Automobile, Motor No. 18-6,439,285, and approximately 65 Gallons of Assorted Taxpaid Intoxicating Liquors seized therein; Fred A. Hurt (alias Fred A. Griffing), Roy Hayes, and the Oklahoma Auto Supply Company of Muskogee, Oklahoma, Claimants.

No. 653 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 21st day of February, 1942, this cause of action having come on before the Court, libelant appearing by Whit Y. Kaury, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimants Fred A. Hurt, and Roy Hayes, having heretofore filed their general appearance, waived the issuance and service of monition and process in this cause and consented and stipulated to file pleadings in this cause within ten days after September 20, 1941, in the event they chose to contest such action, and it further appearing to the Court that a petition for remission or mitigation of the forfeiture herein has been submitted by the claimant, Oklahoma Auto Supply Company of Muskogee, Oklahoma, to the Department of Justice, and that on February 18, 1942, such petition by said Department was favorably considered and allowed, conditioned upon payment of all storage charges and expenses incident to the seizure herein, and the Court being otherwise fully advised in the premises, finds that a forfeiture should be decreed as to the property described in this action, insofar as the right, title and interest of the said claimants, Fred A. Hurt and Roy Hayes, and that said forfeiture as to said described automobile should be remitted and mitigated as to the right, title and interest of the claimant, Oklahoma Auto Supply Company of Muskogee, Oklahoma, upon its payment of all storage charges, court costs and expenses incident to the seizure herein.

IT IS, WHEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be and the same is hereby allowed as to the approximately sixty-six (66) gallons of assorted taxpaid intoxicating liquors described in this action, 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 forfeiture herein be and the same is hereby allowed as to the said described 1941 Ford Coupe Automobile, Motor No. 18-6,439,285, insofar as the right, title and interest of said claimants, Fred A. Hurt and Roy Hayes are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that such forfeiture as to

the said described automobile be and the same is hereby remitted and mitigated upon payment by the claimant, Oklahoma Auto Supply Company of Muskogee, Oklahoma, of all storage charges, court costs and expenses incident to the seizure of said automobile, and that upon compliance of such condition and the payment thereof, the United States Marshal for the Northern District of Oklahoma is hereby directed to release and deliver over said described automobile to the claimant, Oklahoma Auto Supply Company of Muskogee, Oklahoma.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 21 1942
H. P. Warfield, Clerk
U. S. District Court E

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

Mitchell Knighten,

Plaintiff,

vs.

Sinclair Prairie Oil Company, a corporation,
Minnehoma Oil and Gas Company, a corporation,
Reserve Development Company, a corporation,
Willie Mayweather, Floyd Mayweather, Ozora
Alexander Lee, Leroy Alexander, Vida Marshall,
Felix Alexander, Isadora Buckner, Booker J.
Williams, Henry H. Vincent, Tommy Cully,
Anna C. Corbin, Odessa Cully, Opal Cully,
Mrs. V. P. Crane, Margaret Witt, Ophelia
Payne, Lucy Payne, O'Dell Glass, Osceola
Glass, Artynsia Glass, Veta Victoria Glass,
John Fay, Jack Bruner, Claudia Edwards, Irene
Bruner, now Edwards, Thelma Bruner, Katie
Bruner, now Beard, Horace Bruner, Elmer Bruner,
Caesar Bruner, Herbert Brown, Thurman Brown,
Marietta Lewis, Jessie James, Rosie James,
Edmon James, Edna James, Polly Ransom (Pollyann
Ransom), Josephine Bruner (Josie Bruner), David
Davis (Bolegs), Dorothy Fields, nee Bolegs,
Ivella Ever Watt, Myrtle Irene Watt, Laverta
C. Watt, Vivian E. Watt, Catherine Watt, Felix
Bruner and Jessie Bruner. The Atlantic Refining
Company, a corporation, J. Paul Getty, Executor
or whoever may be or become representative of the
estate of Sarah G. Getty, deceased.
Marvin T. Johnson, Chas. E. Rogers, John L.
Ward, John L. Ward, Jr., and W. E. Bair, Herman
D. Cornell, Trustee for Kathryn Cornell, Easton Oil
Company, V. V. Harris, C. E. Hyde, H. G. Barnard,
E. G. Hammons, M. F. Mathis, Pearlle Buck, Anglin
and Stevenson, F. P. Swan, Alfred Stevenson, M. T.
Anglin, G. R. Eckles, Administrator of the estate
of J. D. Boxley, deceased, and Fannie C. Holman,
Defendants.

No. 694 Civil

ORDER EXTENDING TIME WITHIN WHICH TO PLEAD

In accord with stipulation filed herein, and for good cause shown, the defendants, Anglin and Stevenson, Alfred Stevenson, W. T. Anglin, Pearlie Buck, V. V. Harris, C. B. Hyde, M. P. Mathis, F. P. Swan, Fannie C. Holman, and George R. Eckles, Administrator of the Estate of J. D. Boxley, deceased, are hereby given until March 20, 1942, within which to plead to the Amended Complaint and the Amendment to the Amended Complaint of the plaintiff filed herein.

DATED this 21 day of February, 1942.

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

ENDORSED: Filed Feb 21 1942
 H. P. Warfield, Clerk
 U. S. District Court

 Court adjourned to February 24, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

TUESDAY, FEBRUARY 24, 1942

On this 24th day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Bower Broadus 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:

MISCELLANEOUS - ORDER EMPANELING PETIT JURY.

On this 24th day of February, A. D. 1942, comes the Marshal and makes return on the Venire heretofore issued out of this court for Petit Jurors for this Regular January 1942 Term of Court, at Tulsa, Oklahoma. Thereupon, the Clerk calls the names of the Jurors so summoned as follows:

William L. Watkins
 Forrest A. Burke
 Paul E. Swaney
 Frank M. Sowle
 John Howard Whitehead
 Joseph W. Warner
 H. A. Walling
 Frank F. Cochran
 H. W. McCoy
 Ed Webb
 Anton Christian Stenegard
 Clint Watkins
 W. C. (Clem) Brown

John D. Curtin
 Clarence W. Newburn
 Arthur Dodge Chouteau
 Clarence Monroe Gill
 C. P. Chouteau
 William F. Goins
 Ralph Chambers
 Robert W. Ducker
 Dexter T. Davis
 Van S. Chandler
 R. S. Doenges
 J. E. Mynatt
 Lon A. Bedice

Charles Dulin Gill
 C. W. Clymer
 William S. Arthurs
 Robert G. Berry
 Arthur Harvey
 William Harvey Carriger
 E. S. Brewer
 Phil C. Franiff
 John W. Bickham
 J. Paul Burtner
 Joe Eagan Morrow
 Ray McAboy
 Roy Brodell
 William Sylvester Stevens

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

Forrest A. Burke
H. A. Walling
Ed Webb
W. C. (Clem) Brown
Clarence W. Newburn
Arthur Dodge Chouteau

William F. Goins
Robert W. Ducker
R. S. Deanges
C. W. Clymer
William E. Arthurs
E. S. Brewer

Joe Fagan Morrow

are excused from service as Jurors for the Term.

And thereupon, it is ordered by the Court that the names of those who were not served

Clarence Monroe Gill

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

Whereupon, the balance of said array are accepted as Petit Jurors for this Regular January 1942 Term of Court.

ENDORSED: Filed In Open Court
Feb 24 1942
H. P. Warfield, Clerk
U. S. District Court

VERDICT

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

BASS H. CLARK,

Plaintiff,

vs.

No. 645 Civil

G. R. KINNEY CO. INC., a corporation,

Defendant.

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

JOHN HOWARD WHITEHEAD
Foreman.

ENDORSED: Filed In Open Court
Feb 24 1942
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,

Petitioner,

vs

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

No. 652 - Civil

ORDER APPOINTING GUARDIAN AD LITEM

Now on this 16th day of February, 1942, the above matter comes on for hearing, pursuant to due notice thereof, and there is presented to the Court the matter of the appointment of a guardian ad litem to represent Marvin Lloyd Smith, Marion Boyd Smith, Naomi Ella Smith, Canaro C. Smith Jr., and Lenora Smith who are minors and not of legal age. It appears to the Court that said minors have an interest in the real estate involved in this proceeding designated as Tract No. C-44. It therefore appears to the Court that it is proper and necessary that a guardian ad litem be appointed for said minors at this time.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Harve N. Langley, Attorney at Law, Pryor, Oklahoma, be, and he is hereby appointed as guardian ad litem for the said Marvin Lloyd Smith, Marion Boyd Smith, Naomi Ella Smith, Canaro C. Smith, Jr., and Lenora Smith, minors, to represent said minors in this proceeding and to do all things to protect their interest herein as prescribed by law.

F. E. KEMMAMER
JUDGE

ENDORSED: Filed Feb 24 1942
E. 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,

Petitioner,

vs.

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

No. 652 - Civil

ORDER OF PARTIAL DISTRIBUTION

Now on this 16th day of February, 1942, this cause came on for hearing, and the Court having been fully advised in the premises, finds that a partial distribution of the funds on deposit should be made as to various tracts involved in this proceeding.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Clerk of this Court issue his checks as to the following tracts of land in the amounts and to the persons and parties as follows, to-wit:

Tract No. A-4

Ethel R. DeLay, Kate DeLay, Christine DeLay Hedrick,
Gladys DeLay Stammer, Winiford Marshal DeLay, Bethel
R. DeLay, Grace DeLay Crissom, Virginia DeLay Lawson,
Paul Edison DeLay, Marie DeLay Blount, Louise DeLay
DeVine, and the County Treasurer of Mayes County,
Oklahoma

\$1,680.00

Tract No. A-5

Neal D. Newton, Mrs. Neal F. Newton, and the County
Treasurer of Mayes County, Oklahoma,

694.00

Neal D. Newton, J. E. Cartwright and Ellen L. Cart-
wright (In full payment of crops)

556.00

Tract No. A-7

Susie T. Gidney, a widow, and the County Treasurer of
Mayes County, Oklahoma

1,784.00

Roy L. Gadsberry, Opal Gadsberry, and Susie T. Gidney
(In full payment of crops)

216.00

Tract No. A-8

W. H. McCollough and Pearl McCollough, husband and
wife, and the County Treasurer of Mayes County,
Oklahoma,

1,456.00

W. H. McCollough and Pearl McCollough, husband and
wife, and J. E. Cartwright and Ellen L. Cartwright,
husband and wife (In full payment of crops)

84.00

Tract No. A-9

Vian Yelton and Marcus E. Yelton, wife and husband,
A. C. Staten, and the County Treasurer of Mayes
County, Oklahoma,

640.00

E. E. Johnson and Olga Johnson, husband and wife,
Vian Yelton and A. C. Staten (In full payment of
crops)

160.00

Tract No. A-10

Cashier of the Five Civilized Tribes for the use and
benefit of Ada Glass, formerly Ada Gonzalis, 3/4
Blood Cherokee Indian, Roll No. 20,488

732.00

W. E. Mayes (In full payment of crops)

28.00

Tract No. A-13

R. H. Mountcastle and Margaret H. Mountcastle, husband
and wife (In full payment for land)

1.00

Tract No. A-14

Otto Rist and Esther Fazel Rist, husband and wife,
Aetna Life Insurance Company, and the County Treasurer
of Mayes County, Oklahoma. 126.00

Henry Troyer (In full payment of crops) 24.00

Tract No. A-15

Tillie G. Williamson, a widow, Laura Roberts, and the
County Treasurer of Mayes County, Oklahoma. 734.40

Walter Goss and Minnie Goss, husband and wife, Tillie
G. Williamson, and Laura Roberts (In full payment of
crops) 185.60

Tract No. A-16

Tillie G. Williamson, a widow, Laura Roberts, and the
County Treasurer of Mayes County, Oklahoma (In full payment
of land) 250.00

Tract No. A-17

Cashier of the Five Civilized Tribes for the use and
benefit of Ada Glass, formerly Ada Gonzalez, 3/4 blood
Cherokee Indian, Roll No. 20,488 419.00

T. C. Bowling (In full payment of Crops) 6.00

Tract No. A-20

James B. Lacey and Tom Steele, a partnership doing
business as Lacey and Steele, The State Life Insurance
Company, and the County Treasurer of Mayes County,
Oklahoma. 2,427.00

James B. Lacey and Tom Steele, a partnership doing
business as Lacey and Steele, and J. F. Filant and
Etta Filant, husband and wife (In full payment of
crops on Tracts Nos. A-20 and A-20) 397.00

Tract No. A-20-A

James B. Lacey and Tom Steele, a partnership doing
business as Lacey and Steele, The State Life Insurance
Company, and the County Treasurer of Mayes County,
Oklahoma, 212.00

James B. Lacey and Tom Steele, a partnership doing
business as Lacey and Steele, and J. E. Cartwright
and Ellen E. Cartwright, husband and wife (In full
payment of crops) 48.00

Tract No. A-23

Doris E. Hedlin, Cora Jane Maxton, and the County
Treasurer of Hayes County, Oklahoma 353.30

Leonard W. Black and Olive J. Black, husband and
wife (In full payment of crops) 78.60

Tract No. A-24

J. C. Pigott and Mary T. Pigott, husband and wife,
and the County Treasurer of Hayes County, Oklahoma 456.00

Leonard W. Black and Olive J. Black, husband and
wife (In full payment of crops) 144.00

Tract No. A-25

Otto Rist and Esther Hazel Rist, husband and wife,
Aetna Life Insurance Company, and the County Treasurer
of Hayes County, Oklahoma 385.00

Henry Troyer (In full payment of crops) 113.00

Tracts Nos. A-23 and A-24

J. C. Pigott and Mary T. Pigott, husband and wife, and
the County Treasurer of Hayes County, Oklahoma 714.00

Leonard W. Black and Olive J. Black, husband and
wife (In full payment of crops) 259.00

Tract No. A-26

Doris E. Hedlin and Cora Jane Maxton, and the County
Treasurer of Hayes County, Oklahoma 1,259.00

Leonard W. Black and Olive J. Black, husband and
wife (In full payment of crops) 35.00

Tract No. A-30

James E. Lacey and Tom Steele, a partnership doing
business as Lacey and Steele, The State Life Insurance
Company, and the County Treasurer of Hayes County,
Oklahoma 1,290.00

Tract No. A-31

J. L. Dixon and Ora L. Dixon, husband and wife, and
The County Treasurer of Hayes County, Oklahoma 1,765.00

J. E. Carn and Ethel C. Carn, husband and wife (In
full payment of crops) 225.00

Tract No. A-32

Sarah H. Cook, Garrett Moore, and the County Treasurer of Mayes County, Oklahoma	24.00
Treasurer of the United States (In payment of relocation loan to C. L. Gabbard and Pearl Gabbard)	306.00
C. L. Gabbard and Pearl Gabbard, husband and wife (In full payment of crops)	130.00

Tract No. A-37

Roxy Horne, William Horne, Ernest Woolsey, Pearl Woolsey, Stella Woolsey, Myrtle Stallcup, James E. Stallcup, Grace Boushell, Milton Boushell, Edith Branch, Earle Branch, Lucy J. Hilton, heirs of Sallie Meyers, deceased, and the County Treasurer of Mayes County, Oklahoma	1,203.00
J. H. Enyart (In full payment of crops)	49.00

Tract No. A-38

Gron Estes and Rosa Estes, husband and wife, and the county Treasurer of Mayes County, Oklahoma	1,298.34
Union Central Life Insurance Company	6,379.66
C. A. Sharp and Corda Sharp, husband and wife (In full payment of crops)	672.00

Tract No. A-39

Sarah H. Cook, Garrett Moore, and the County Treasurer of Mayes County, Oklahoma	309.00
C. L. Gabbard and Pearl Gabbard, husband and wife (In full payment of crops)	326.00

Tract No. A-41

Sarah H. Cook, Garrett Moore, and the County Treasurer of Mayes County, Oklahoma	582.00
C. L. Gabbard and Pearl Gabbard, husband and wife (In full payment of crops)	32.00

Tract No. A-44

V. W. Purcell and Celeste M. Purcell, husband and wife, and the County Treasurer of Mayes County, Oklahoma	392.00
E. E. Johnson and Oma Johnson, husband and wife, (In full payment of crops)	26.00

Tract No. B-1

V. D. Harrington and Sibyl Harrington, husband and wife, and the County Treasurer of Hayes County, Oklahoma 2,749.35

Tract No. B-3

J. C. Stephens (Partial distribution as to crops) 395.03

Orval Casey (Partial distribution as to crops) 532.20

U. B. Rainwater (Partial distribution as to crops) 189.63

Samuel A. Warren (Partial distribution as to crops) 283.15

Tract No. B-4

Lyman E. Bolinger and Margaret H. Bolinger, husband and wife, and the County Treasurer of Hayes County, Oklahoma 529.00

Joe Peters and Verda Peters, husband and wife, and Lyman E. Bolinger (In full payment of crops) 21.00

Tract No. B-5

Lizzie Bean and the County Treasurer of Hayes County, Oklahoma 45.00

Tract No. B-6

Jesse L. Hayes and the County Treasurer of Hayes County, Oklahoma 1,105.00

A. H. Conner and Jesse L. Hayes (In full payment of crops) 80.00

Tract No. B-9

Lizzie Bean and the County Treasurer of Hayes County, Oklahoma 100.00

Tract No. B-10

Alice Bean, Lizzie Bean, and the County Treasurer of Hayes County, Oklahoma 150.00

Tract No. B-13

Ben F. Goss and Flora Goss, husband and wife, the Land Bank Commissioner of Wichita, Kansas, and the County Treasurer of Hayes County, Oklahoma 2,800.00

Tract No. F-15

Ollie Collie and the County Treasurer of Mayes County,
Oklahoma 625.00

Tract No. E-18

W. A. Graham, Roberta Graham, and the County Treasurer
of Mayes County, Oklahoma 1,971.50

S. L. Gabbeard (In full payment of crops) 358.30

John Campbell (In full payment of crops) 115.20

Tract No. E-20

Cashier of the Five Civilized Tribes for the use and
benefit of the heirs of Cora Hitcher, full-blood
Cherokee Indian, Roll No. 25,813, deceased 300.00

Tract No. E-21

Morton Sherl and Effie Sherl, husband and wife, and
the County Treasurer of Mayes County, Oklahoma 1,773.97

Union Central Life Insurance Company 686.03

J. A. Huckaby and Homer Huckaby (In full payment
of crops) 540.00

Tract No. E-22

W. T. Casey, H. A. Campbell and Jas. L. Alvis, as
Trustees of the Church of God of the Postolic Faith,
and and the same as the Church of God of Apostolic
Faith, and the County Treasurer of Mayes County,
Oklahoma 800.00

Tract No. E-24

Laura Watts Vogel, a widow, and the County Treasurer
of Mayes County, Oklahoma 422.00

Sanford Pierson (In full payment of crops) 23.00

Tract No. E-26

Ed Gann and Ethel G. Gann, husband and wife, and
the County Treasurer of Mayes County, Oklahoma 420.00

Tract No. E-29

Hetael Dill and Kermie Dill, husband and wife, and the
County Treasurer of Mayes County, Oklahoma 4,053.30

Huston Humble and Fazel M. Humble, husband and wife (In full payment of crops)	351.20
Womer Moore (In full payment of crops)	180.00
<u>Tract No. B-30</u>	
Cashier of the Five Civilized Tribes for the use and benefit of Charley Hitcher, full-blood Cherokee Indian, Roll No. 20,003	405.00
W. W. Melugin and Edna M. Melugin, husband and wife, (In full payment of crops)	45.00
<u>Tract No. B-32</u>	
Cashier of the Five Civilized Tribes for the use and benefit of Charley Hitcher, full-blood Cherokee Indian, Roll No. 20,068	362.00
W. W. Melugin and Edna M. Melugin, husband and wife (In full payment of crops)	7.00
<u>Tract No. B-34</u>	
John Campbell and Loude Campbell, husband and wife, The Federal Land Bank of Wichita, Kansas, and the County Treasurer of Mayes County, Oklahoma	1,000.00
<u>Tract No. B-35</u>	
Minnie Shutt, a widow, and the County Treasurer of Mayes County, Oklahoma	1,855.00
Fred Walker and Jessie Walker, husband and wife, and Minnie Shutt (In full payment of crops)	642.00
<u>Tract No. B-38</u>	
Clarence E. Castle and Jessie G. Castle, husband and wife, and the County Treasurer of Mayes County, Okla- homa	632.30
W. D. Huckaby (In full payment of crops)	37.17
<u>Tract No. B-39</u>	
Huston Humble and Hazel B. Humble, husband and wife, Amelia Bertlett, and the County Treasurer of Mayes County, Oklahoma	325.00
<u>Tract No. B-40</u>	
Clarence E. Castle and Jessie G. Castle, husband and wife, and the County Treasurer of Mayes County, Okla- homa	1,101.50

W. D. Huckaby (In full payment of crops)	193.50
<u>Tract No. B-41</u>	
North American Life Insurance Company and the County Treasurer of Mayes County, Oklahoma	394.00
Albert T. Walker and Lettie Walker, husband and wife, (In full payment of crops)	6.00
<u>Tract No. B-42</u>	
Maggie Easterly and Joan P. Easterly, wife and husband, and the County Treasurer of Mayes County, Oklahoma	1,534.00
John C. Ramsey and Rachel Ramsey, husband and wife (In full payment of crops)	76.00
<u>Tract No. B-43</u>	
H. A. Howard, Administrator of the Estate of G. L. Howard, deceased, S. W. Howard, June E. Howard, Lewis G. Howard, Mary E. McKenna, Georgia M. Chapman, Roy Chapman, and the County Treasurer of Mayes County Oklahoma	273.00
Kernie Dill and Bethel Dill, husband and wife (In full payment of crops)	33.00
<u>Tract No. B-44</u>	
J. M. Eberting, The Federal Land Bank of Wichita, Kansas, and the County Treasurer of Mayes County, Oklahoma	2,611.90
Mrs. Roland Cann and J. M. Eberting (In full payment of crops)	83.10
<u>Tract No. B-45</u>	
Maggie Easterly and John P. Easterly, wife and husband, and the County Treasurer of Mayes County, Oklahoma	627.55
George Peace and Dessie Peace, husband and wife (In full payment of crops)	237.45
<u>Tract No. B-46</u>	
Cashier of the Five Civilized Tribes for the use and benefit of William Catcher, full-blood Cherokee Indian, Roll No. 27,212	1,387.50
R. E. Seever (In full payment of crops)	12.50
<u>Tract No. B-47</u>	
Maggie Easterly and John P. Easterly, wife and husband, and the County Treasurer of Mayes County, Oklahoma	125.00

Tract No. C-2

Eloise Caroline Brown Kirkpatrick and Kenneth Kirkpatrick, wife and husband, and the County Treasurer of Mayes County, Oklahoma	888.00
C. A. Burke and Max Burke (In full payment of crops)	57.00

Tract No. C-7

Belle Ellsworth and the County Treasurer of Mayes County, Oklahoma	1,385.00
J. E. Cann and Ethel G. Cann, husband and wife (In full payment of crops)	15.00

Tract No. C-9

Eloise Caroline Brown Kirkpatrick and Kenneth Kirkpatrick, wife and husband, and the County Treasurer of Mayes County, Oklahoma	136.00
J. H. Emyart (In full payment of crops)	10.00

Tract No. C-10

Cashier of the Five Civilized Tribes for the use and benefit of the heirs of Charlott Watie, full-blood Cherokee Indian, Roll No. 17,618, deceased	930.00
J. O. Wilson and Mrs. J. O. Wilson (In full payment of crops)	330.00

Tract No. C-13

J. C. Wilkerson and Ruth Ferriss Wilkerson, husband and wife, and J. C. Wickham and Anna Wickham, husband and wife, and the County Treasurer of Mayes County, Oklahoma	851.00
J. E. Cann and Ethel G. Cann, husband and wife (In full payment of crops)	12.00

Tract No. C-15

J. C. Wilkerson and Ruth Ferriss Wilkerson, husband and wife, and J. C. Wickham and Anna Wickham, husband and wife, and the County Treasurer of Mayes County, Oklahoma	2,305.00
J. E. Cann and Ethel G. Cann, husband and wife, D. B. Williams and Nellie C. Williams, husband and wife, J. C. Wilkerson and J. C. Wickham (In full payment of crops)	492.00

Tract No. C-13

J. P. Easterly and Maggie L. Easterly, husband and wife,
and the County Treasurer of Mayes County,
Oklahoma \$ 250.00

Tract No. C-24

J. P. Easterly and Maggie L. Easterly, husband and
wife, and the County Treasurer of Mayes County,
Oklahoma 5,350.91

Ralph Warren (In full payment of crops) 141.96

Roy P. Easterly (In full payment of crops) 422.13

Tract No. C-26

Walter J. Welch and Golda G. Welch, husband and wife,
and the County Treasurer of Mayes County, Oklahoma 1,655.73

L. W. Garrison and Mrs. L. W. Garrison (In full
payment of crops) 255.47

A. C. Couch and Mrs. A. C. Couch (In full payment
of crops) 76.80

T. C. Welch and Mrs. T. C. Welch (In full payment
of crops) 12.00

Tract No. C-27

W. A. Collins and Ella Collins, husband and wife,
C. D. Maron, a single man, and the County Treasurer
of Mayes County, Oklahoma 283.00

J. H. Enyart (In full payment of crops) 9.00

Tract No. C-28

Z. M. White and Flow White, husband and wife, Central
States Life Insurance Company, and the County Treasur-
er of Mayes County, Oklahoma 904.77

School Land Commission of the State of Oklahoma 2.39

Clifford Crow (In full payment of crops) 38.40

Tract No. C-30

P. M. Matthews and Mrs. P. M. Matthews, and the County
Treasurer of Mayes County, Oklahoma 500.00

Tract No. C-33

C. T. Baker and the County Treasurer of Mayes County,
Oklahoma 416.00

A. F. Binam and Mrs. A. F. Binam (In full payment of crops)	19.00
<u>Tract No. C-35</u>	
Cashier of the Five Civilized Tribes for the use and benefit of Ada Glass, formerly Ada Gonzalis, 3/4 blood Cherokee, Indian, Roll No. 20,429, and Dave Gonzalis 3/4 blood Cherokee Indian, Roll No. 20,428	561.50
Z. L. White and Flow White, husband and wife (in full payment of crops)	38.50
<u>Tract No. C-36</u>	
Ethel Ann Barclay, formerly Ethel Ann Patterson, and A. D. Barclay, wife and husband, Verda B. Patterson, T. L. Snodgrass, and the County Treasurer of Mayes County, Oklahoma	2,050.00
<u>Tract No. C-38</u>	
H. A. Garrison and Arzelia G. Garrison, husband and wife, and the County Treasurer of Mayes County, Oklahoma	2,703.00
Owen E. Garrison (In full payment of crops)	97.00
<u>Tract No. C-41</u>	
Callie Roberts Dugger and Pearl Dugger, wife and husband, and the County Treasurer of Mayes County, Oklahoma	160.00
<u>Tract No. C-44</u>	
Canaro C. Smith and Electa Smith, husband and wife, and the County Treasurer of Mayes County, Oklahoma	1,855.00
Canaro C. Smith and Electa Smith, husband and wife, for the use and benefit of their children, living and unborn	1,000.00
<u>Tract No. C-45</u>	
Homer L. Lee and Gussie A. Lee, husband and wife, Oleta W. Stingley and Earl E. Stingley, wife and husband, and the County Treasurer of Mayes County, Oklahoma	1,827.00
E. W. Garrison and Mrs. E. W. Garrison (In full payment of crops)	43.00
<u>Tract No. C-47</u>	
F. W. Wilson and Laura A. Wilson, husband and wife, and the County Treasurer of Mayes County, Oklahoma	177.50

M. A. Garrison and Arzella G. Garrison, husband and wife (In full payment of crops)	7.50
<u>Tract No. C-48</u>	
J.F. Weaver and Florence S. Weaver, husband and wife, the American National Bank of Pryor, and the County Treasurer of Mayes County, Oklahoma	1,300.00
<u>Tract No. C-50</u>	
Walter Wagner and Ruth Wagner, husband and wife, and the County Treasurer of Mayes County, Oklahoma,	640.00
<u>Tract No. D-3</u>	
North American Life Insurance Company, J. B. Whittington, Receiver of Gun Brothers Company, and the County Treasurer of Mayes County, Oklahoma	2,042.00
Albert Walker and Lettie Walker, husband and wife, and the North American Life Insurance Company (In full payment of crops)	458.00
<u>Tract No. D-5</u>	
Marion T. Orvis, Homer G. Tate, and the County Treasurer of Mayes County, Oklahoma	2,006.00
Marion T. Orvis, Homer G. Tate, and Pleston Ramsey (In full payment of crops)	294.00
<u>Tract No. D-7</u>	
John Campbell and Maude Campbell, husband and wife, The Federal Land Bank of Wichita, Kansas, and the County Treasurer of Mayes County, Oklahoma	7,275.00
<u>Tract No. D-8</u>	
Jake Fair and the County Treasurer of Mayes County, Oklahoma	1,066.00
Minnie Davis and Chester Davis, wife and husband (In full payment of crops)	159.00
<u>Tracts Nos. D-10 and D-11</u>	
L. S. Van Brunt and Maid Van Brunt, husband and wife, and the County Treasurer of Mayes County, Oklahoma	355.50
Samuel R. Van Brunt and Minnie Van Brunt, husband and wife (In full payment of crops*)	64.50

Tract No. D-16

Mark A. Garrison and Arzelia G. Garrison, husband and wife, and the County Treasurer of Mayes County, Oklahoma	2,639.76
Commissioners of the Land Office of the State of Oklahoma	1,036.54
David Garrison and Mrs. David Garrison (In full payment of crops)	333.70

Tract No. D-18

J. E. McCracken, W. Roy Saunders and Lorene W. Saunders, husband and wife, and the County Treasurer of Mayes County, Oklahoma	150.00
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Tract No. D-22

W. A. Graham and Roberta Graham, husband and wife, and the County Treasurer of Mayes County, Oklahoma	4,530.33
Treasurer of the United States (In payment of relocation loan to L. W. Chitwood and Margaret Chitwood)	306.00
L. W. Chitwood and Margaret Chitwood, husband and wife (In full payment of crops)	710.30
Glen Campbell, John Campbell, and Maude Campbell, husband and wife, and W. A. Graham, (In full payment of crops)	1,312.82

Tract No. D-23

Virginia Shutt and the County Treasurer of Mayes County, Oklahoma	4,063.31
Commissioners of the Land Office of the State of Oklahoma	4,750.79
Treasurer of the United States (In payment of relocation loan to Robert W. Combs and Ella Combs)	306.00
Robert W. Combs and Ella Combs, husband and wife, and Virginia Shutt (In full payment of crops)	1,473.80

Tracts Nos. D-28 and E-33

C. B. Rutherford and Fennie M. Rutherford, husband and wife, and the County Treasurer of Mayes County, Oklahoma	3,640.02
Austin Conrad and Mrs. Austin Conrad (In full payment of crops)	350.03

Tract No. D-28

Cashier of the Five Civilized Tribes for the use and benefit of Ada Glass, formerly Ada Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,489, and Dave Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,489 245.00

G. L. Morrell and Lizzie Morrell, husband and wife (In full payment of crops) 5.00

Tract No. D-29

County Commissioners of Mayes County, Oklahoma 75.00

Tract No. D-30

D. C. Cartrell, W. P. Kear, Will A. Crockett, and the County Treasurer of Mayes County, Oklahoma 200.00

Tract No. D-31

Edwin C. Johnson and Estelle J. Johnson, husband and wife, Bessie Gilligan, and the County Treasurer of Mayes County, Oklahoma 350.00

Tom Goss and Bessie Goss, husband and wife (In full payment of crops) 120.00

Tract No. D-32

Ethel Rogers Eaton, a single woman, and the County Treasurer of Mayes County, Oklahoma 50.00

Tract No. D-33

Oscar Franklin and Frankie Franklin, husband and wife, and the County Treasurer of Mayes County, Oklahoma 1,280.00

Tract No. D-35

Eva H. Hogan, M. A. Hancock, Neva Gray and Lee Gray, wife and husband, Mrs Kelle and Richard H. Kelle, wife and husband, Penola Hancock, Peaty Dever and L. M. Dever, wife and husband, Mary Ann Hancock Lowry and George A. Lowry, wife and husband, M. Hogan Hancock and Bess Hancock, husband and wife, John Hancock, Rachel Marches, John C. Hogan and Josephine A. Hogan, husband and wife, Karl Hogan and Ruth Hogan, husband and wife, Phillip Hogan and Anne Hogan, husband and wife, Neva B. Tolbot, Ruth Hogan, First National Bank of Pryor, Creek, and the County Treasurer of Mayes County, Oklahoma 22,741.00

Treasure of the United States (In payment of relocation loan to William N. Hendrickson and Bertha Hendrickson)	506.00
William N. Hendrickson and Bertha Hendrickson, husband and wife (In full payment of crops)	4.13
F. S. Washam and Mrs. F. S. Washam (In full payment of crops)	1,757.53
J. H. Franklin and Mary Clive Franklin, husband and wife (In full payment of crops)	290.14
Owen Lewis and Mrs. Owen Lewis (In full payment of crops)	51.30
<u>Tract No. D-40</u>	
Frank Tucker, Loretta Florence, formerly Loretta Tucker, John Tucker, Lucile Maxon, formerly Lucile Tucker, and the County Treasurer of Mayes County, Oklahoma	1,914.50
Oscar Franklin and Frankie Franklin, husband and wife (In full payment of crops)	360.50
<u>Tract No. D-41</u>	
Cosider of the Five Civilized Tribes for the use and benefit of Theodore Roosevelt Bailey, 3/4 blood Cherokee Indian, Roll No. M-1732	1,213.00
G. G. Franklin and Frankie Franklin, husband and wife (In full payment of crops)	432.00
<u>Tract No. D-43</u>	
W. D. Robinson and the County Treasurer of Mayes County, Oklahoma	500.00
<u>Tract No. D-44</u>	
Michael F. Steil and Rosie E. Steil, husband and wife, and the County Treasurer of Mayes County, Oklahoma	50.00
<u>Tract No. D-47</u>	
Charles J. Reece and Iva Reece, husband and wife, Fred W. Steiner, Trustee for Selma M. Lamb Trust, and the County Treasurer of Mayes County, Oklahoma	1,733.10
Mrs. G. E. Husband, a widow (In full payment of crops)	461.90
<u>Tract No. D-48</u>	
W. D. Robinson and the County Treasurer of Mayes County, Oklahoma	750.00

Tract No. D-49

Oron E. Kennard and the County Treasurer of Hayes County, Oklahoma (In full payment of Tract No. D-49) \$ 790.40

C. G. Franklin and Trackie Franklin, husband and wife (In full payment of crops) 2.60

Tract No. D-51

James A. Thompson and Eleanor C. Thompson, husband and wife, and the County Treasurer of Hayes County, Oklahoma 1,190.00

Treasurer of the United States (In payment of relocation loan to Charlie Arthur Lewis and Manervia Lewis) 153.00

Charlie Arthur Lewis and Manervia Lewis, husband and wife (In full payment of crops) 82.00

Tract No. D-58

Arch Bonecutter, W. A. Graham, and the County Treasurer of Hayes County, Oklahoma 2,296.00

D. H. Whorton and One Whorton, husband and wife (In full payment of crops) 4.00

IT IS FURTHER ORDERED that the Clerk of this Court shall make no charge as commission or poundage for handling these funds.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Feb 24 1942
H. P. Warfield, Clerk
U. S. District Court H

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

LUTHER RICHISON,

Plaintiff,)

-vs-

No. 689 Civil.

THE CENTRAL CONSTRUCTION COMPANY, a corporation,

Defendant.)

DISMISSAL WITH PREJUDICE

IT IS HEREBY ORDERED that the above case be dismissed with prejudice, at the cost

a line or lines of poles, h-frame structures, towers or other structures, wires, cables and fixtures for the transmission of electric current, upon, over and across certain lands in the County of Mayes, State of Oklahoma, for use in connection with and for the purpose of generating and supplying power for the manufacture of explosives, munitions of war and otherwise necessary to the safety and defense of the United States, and for other purposes involving the safety of the United States, all pursuant to the provisions of the Acts of Congress and the Executive Order referred to and set out in said petition in condemnation, and for such other purposes as may be authorized by law or executive order.

It appearing to this Court that on the 24th day of February, 1942, the petitioner filed in this cause a declaration of taking, duly executed by the Federal Works Administrator of the Federal Works Agency of the United States of America, covering a perpetual easement for the erection, operation and maintenance of a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current, upon, over and across the lands described in said declaration of taking, together with the perpetual easement and right to cut down and remove and trim any trees that may interfere with or endanger said transmission line or lines, or the maintenance or operation thereof, together with the perpetual easement to set the necessary guy and brace poles and anchors, and to attach all necessary guy wires thereto; and that at the time of the filing of said declaration of taking the petitioner deposited into the registry of this Court the sum of \$983.60, as the estimated just compensation for said perpetual easements and rights taken over said lands for the use and benefit of the persons entitled thereto; and

It further appearing to this Court that under the law applicable in such cases, upon the filing of said declaration of taking and the depositing in the registry of the Court for the use of the persons entitled thereto of the amount of the estimated compensation stated in said declaration the United States of America became vested with a perpetual easement and right for the uses and purposes stated in the declaration of taking, upon, over and across the lands described therein, and that said lands should be deemed to have been condemned and taken for the use of the United States of America, and that the right to just compensation for the same should vest in the persons entitled thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands, situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described by courses and distances as follows, to-wit:

307 - 40.1 (Rev.)
Perpetual easement

A strip of land 100 feet in width in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T 20 N, R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the South boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 808.7 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 1095.5 feet from the SE corner thereof.

307 - 40.2 (Rev.)
Perpetual Easement

All that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said $N\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$; thence Northerly along the East boundary of said $N\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$, a distance of 50.9 feet; thence Southwesterly to a point in the South boundary of said $N\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$; thence Easterly along said South boundary a distance of 33.4 feet to the point of beginning;

307 - 40.4 (Rev.)
Perpetual Easement

A strip of land 100 feet in width in the $N\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$, $SE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, and the $S\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 15, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Tract A:

Beginning at a point in the South boundary of said $N\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$, 169.9 feet from the SW corner thereof, thence Northeasterly to a point in the East boundary of said $N\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$, 331.4 feet from the NE corner thereof; and

Tract B:

Beginning at a point in the South boundary of said $SE\frac{1}{4}$ $NE\frac{1}{4}$, 152.6 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said $SE\frac{1}{4}$ $NE\frac{1}{4}$, 301.7 feet from the SE corner thereof; and

Tract C:

Beginning at a point in the South boundary of said $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 974.2 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said $S\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$, 33.1 feet from the NE corner thereof.

307 - 40.5 (Rev.)
Perpetual Easement

A strip of land 100 feet in width in the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 15, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the West boundary of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 301.7 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 974.2 feet from the Northeast corner thereof.

307 - 42.1
Perpetual Easement

A strip of land 100 feet in width in the $S\frac{1}{2}$ $SW\frac{1}{4}$, Sec. 12, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the South boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$, 535.6 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$, 1534.0 feet from the Northwest corner thereof.

307 - 42.2 and 42.4 (Rev.)
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T 20 N - R 18 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

42.2

Beginning at a point in the South boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 216.5 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 91.2 feet from the NE corner thereof.

42.4

Beginning at a point in the West boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$, 119.1 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 521.1 feet from the SE corner thereof.

307 - 42.3
Perpetual Easement

A strip of land 100 feet in width in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the South boundary of said se $\frac{1}{4}$ nw $\frac{1}{4}$ 91.2 feet from the SE corner thereof, thence Northeasterly to a point in the East boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 119.1 feet from the Southeast corner thereof.

307 - 42.6
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the West boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ 521.1 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ 704 feet from the Northeast corner thereof.

307 - 43.1
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.

S, T 20 N - R 13 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, 44.7 feet from the SE corner thereof; thence Northerly to a point in the East boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, 53.4 feet from the Southeast corner thereof.

307 - 43.2
Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2 T 20 N - R 13 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows to-wit:

Beginning at a point in the West boundary of said E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, 53.4 feet from the Southwest corner thereof; thence Northerly to a point in the East boundary of said E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, 930 feet from the Southeast corner thereof.

307 - 44.1
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 1 T 20 N - R 13 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the West boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ 930 feet from the SW corner thereof; thence Northerly to a point in the North boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ 295.2 feet from the Northwest corner thereof.

307 - 44.2
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SE 10.0 acres of Lot 3, Sec. 1, T 20 N - R 13 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Tract A

Beginning at a point in the South boundary of said SE 10.0 acres of Lot 3, 331.2 feet from the SE corner thereof; thence N. 70° 35' East to a point in the East boundary of said Lot 3, 113.9 feet from the Southeast corner thereof.

Tract B

Beginning at a point in the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 295.2 feet from the Southwest corner thereof; thence Northerly to a point in the East boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, 37.3 feet from the Southeast corner thereof.

307 - 44.3

A strip of land 100 feet in width in the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$, 33.8 feet from the SW corner thereof; thence Northeasterly to a point in said SE $\frac{1}{4}$ NW $\frac{1}{4}$, 10.7 feet and 351.7 West of the NE corner thereof; thence N. 70° 35' East to a point in the North boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 321.2 feet West of the NE corner thereof.

307 - 44.5 (Rev.)

Perpetual Easement

A strip of land 100 feet in width in the SW 10.0 acres of Lot 1 except rights of way for U. S. Highway #69 and W. K. and T. R. R., Sec. 1, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said SW 10.0 acres of Lot 1, 283.1 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said Lot 1, 321.5 feet from the SW corner thereof.

307 - 44.6 (Rev.)

Perpetual Easement

A strip of land 100 feet in width in Lot 2, Sec. 1, T 20 N - R 18 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said Lot 2, 521.5 feet from the SE corner thereof; thence S. 70° 35' W. to a point in the West boundary of said Lot 2, 113.9 feet from the SW corner thereof.

together with the perpetual easement and right to cut down, remove and trim any trees which may interfere with the perpetual easement and right to cut down, remove and trim any trees which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, he, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the taking of the same be, and it is hereby vested in the persons entitled thereto.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED THAT the United States of America be, and it is hereby vested with a perpetual easement, upon, over and across the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement, upon, over and across the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described

heretofore described, surrender and deliver in possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquire on or before the 25 day of February, 1942.

F. E. KERRAMER
JUDGE

RECORDED: Filed Feb 24 1942
H. P. Warfield, Clerk
U. S. District Court B

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CIVIL NO. 763

A certain Parcel of Land in Mayes
County, State of Oklahoma; and Reba
Frances Boyle, et al.,

Defendants.

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard at this term of Court upon the action of the petitioner, the United States of America, to enter judgment on the Declaration of Taking filed in the above entitled cause on February 24, 1942, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof and of the condemnation petition filed herein, said Declaration of Taking, the statutes in such cases made and provided, and the Executive Orders of the President of the United States made pursuant to the authority contained in the Act of June 16, 1920, 41 Stat. 1062 (U. S.C. Title 16, Section 809), and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by Law to acquire the lands described in said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking, state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire lands such as are described in the petition for the purpose of generating and supplying power for the manufacture of explosives or munitions of war or otherwise necessary to the safety and defense of the United States, and for the construction of Public Works; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said Declaration of Taking contains a statement of the estate or interest in the said lands taken for said public use;

SIXTH: That a plan map showing the lands taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$1750.00, and that said sum was deposited in the Registry of this Court, for the use and of the persons entitled thereto, upon, and at the time of the filing of the said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation, for the taking of said property, in the opinion of the said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

Therefore, on this 24th day of February, 1942, IT IS ORDERED, ADJUDGED AND DECREED that the title to

The East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) of Section 22, Township 23 North, Range 21 East of the Indian Base and Meridian, containing twenty (20.0) acres, more or less, in Hayes County, Oklahoma,

in fee simple, subject to existing public easements, if any, in a public road along the North and East side of said East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$) and in a fifty (50) foot public road along the West side of said East Half ($\frac{1}{2}$) of the Northeast Quarter ($\frac{1}{4}$) of the Northeast Quarter ($\frac{1}{4}$), vested in the United States of America upon the filing of said declaration of taking and the depositing in the Registry of this Court of the said sum of \$1750.00, as hereinabove recited, that said lands are deemed to have been condemned and taken for the use of the United States of America and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law, and

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the possession of the above described property shall be delivered to the United States of America on or before the 2nd day of March, 1942, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed Feb 24 1942
 H. F. Warfield, Clerk
 U. S. District Court 2

 Court adjourned to February 25, 1942

On this 25th day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Bower Broadus, 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 an entered, to-wit:

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

REBEKAH McLEAN GARDINER,

plaintiff,)

vs.)

PETROLEUM COATING COMPANY,

defendant.)

CIVIL ACTION NO. 551
Equitable Relief Sought.

D E C R E E

This cause came on to be heard at this term, and thereupon and upon consideration thereof, and with the consent of the parties to this suit, it is ORDERED, ADJUDGED AND DECREED as follows, to-wit:

1. Defendant, and its servants, agents and attorneys, and all those controlled by the defendant, are permanently r-strained and enjoined from further infringement of United States Letters Patent No. 2,034,755 for Improvement of Coating Device.
2. Plaintiff shall not recover damages against defendant, said damages waived by plaintiff.
3. Plaintiff and defendant shall each pay its own costs, the assessment of costs being waived by each of the parties.

Dated this 24th day of February, A. D. 1942.

BOWER BROADUS
District Judge

ENDORSED: Filed Feb 25 1942
H. P. Warfield, Clerk
U. S. District Court H

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

RUTH OTTZENN,)
 Plaintiff,)
 vs.)
) No. 661 Civil
)
 SPARTAN AIRCRAFT COMPANY, a)
 corporation,)
 Defendant.)

ORDER OF DISMISSAL WITH PREJUDICE

This cause came on regularly to be heard upon the dismissal with prejudice, filed herein by the parties thereto, wherein it is made to appear to the satisfaction of the court that said parties have fully and finally compromised and settled said cause and all controversies and difference involved therein, and wherein the said plaintiff has dismissed her petition in said cause with prejudice, at the cost of plaintiff.

IT IS THEREFORE ORDERED AND ADJUDGED by the court that the plaintiff's petition in said cause be and the same is hereby dismissed with prejudice, and that the costs in this court be paid by plaintiff, except that the cost of causing and order of dismissal to be entered by the court, pursuant to stipulation by defendant.

Done in open court this February 25th, 1942.

BOWER BROADBUSH
JUDGE

ENDORSED: Filed Feb 25 1942
H. P. Warfield, Clerk
U. S. District Court B

VERDICT

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

D. H. HARRIS,)
 Plaintiff,)
 vs.)
) Case No. 680 Civil
)
 CLIFFORD HENRY HOLLAND and MID-WEST)
 CHEVROLET COMPANY, a corporation,)
 Defendant.)

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

LON A BEDDOE,
Foreman

ENDORSED: Filed In Open Court
Feb 25 1942
H. P. Warfield, Clerk
U. S. District Court H

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

AETNA LIFE INSURANCE COMPANY,
a corporation,

Plaintiff,

vs.

ALMA HELEN BLASER, ET AL,

DEFENDANTS.

)
)
) No. 759 Civil
)
)
)

ORDER FOR NOTICE BY PUBLICATION

Upon affidavit of Robert J. Woolsey, one of the Attorneys for the plaintiff, and it appearing to the Court that the defendants the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of Edwin E. Blaser, deceased, cannot be identified or ascertained by any means within the control of the plaintiff, and with due diligence summons cannot be served on the defendants so named, and that it is not practical to serve said defendants with summons, and that no one under that classification has voluntarily appeared herein,

It is hereby ordered that said defendants the unknown heirs, executors, administrator devisees, trustees and assigns, immediate and remote, of Edwin E. Blaser, deceased, appear, move or answer the complaint filed by the plaintiff herein by the 23rd day of April, 1942, and that notice thereof be given by publication in the Courier-Dispatch at Pawnee, Oklahoma, once a week for six consecutive weeks.

BOWER BROADDUS
District Judge

ENDORSED: Filed Feb 25 1942
H. P. Warfield, Clerk
U. S. District Court JS

Court adjourned to February 26, 1942

On this 26th day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Bower Broaddus, Judge, present and presiding.

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

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

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

ORDER TO MARSHAL TO OPEN AND ADJOURN COURT

At Tulsa, in said District, on this 26th day of February, A. D. 1942, it is Ordered by the Court that the Marshal in and for the Northern District of Oklahoma, be and he is hereby directed to open the Regular March 1942 Term of the United States District Court for the Northern District of Oklahoma at Vinita, Oklahoma, on Monday, the 2nd day of March, A. D. 1942, at 9:30 o'clock A.M., by proclamation in the manner and form provided by law and the said Marshal adjourn said Court, subject to call.

Said Marshal shall make due return hereof how he has executed this order.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Mar 3 1942
H. P. Warfield, Clerk
U. S. District Court.

Court adjourned to February 27, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, FEBRUARY 27, 1942

On this 27th day of February, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broaddus, 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 - ORDER FOR ADDITIONAL PETIT JURORS.

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

ORDER FOR ADDITIONAL PETIT JURORS

On this 27th day of February, A. D. 1942, it appearing to the Court that there are not sufficient jurors in the panel, it is ORDERED by the Court that the Marshal of said District summon from the bystanders eight (8) good and lawful men, duly qualified, to serve as Petit Jurors for this Regular January 1942 Term of said Court.

BOWER BROADDUS
United States District Judge for the Northern,
Eastern and Western Districts of Oklahoma

ENDORSED: Filed Feb 27 1942
H. P. Warfield, Clerk
U. S. District Court W

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) No. 652 - Civil
)
15,500 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and John M. Niehaus, Jr., et al.,	Respondents.)

DISMISSAL AS TO CERTAIN TRACTS

Now on this 27 day of Feb., 1942, it being made to appear to the Court that title satisfactory to the Government has passed to the United States of America by voluntary deed from the owners of certain tracts, which are more particularly described as follows:

Tract No. A-47

All of that part of the South Half of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4}$) lying East of Oklahoma State Highway Right-of-way, in Section Twelve (12), Township Twenty (20) North, Range Eighteen (18) East of the Indian Base and Meridian, containing 68 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. B-12

The South Half of the Northeast Quarter of the Southeast Quarter ($S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter of the Southeast Quarter ($SE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$); and the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$); and the East Half of the Southwest Quarter of the Southeast Quarter ($E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$), Section Four (4), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma;

Tract No. B-19

The North Half of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. B-31

The East Half of the Southeast Quarter of the Northeast Quarter ($E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter of the Northeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$) of Section Ten (10); and the West Half of the Southwest Quarter of the Northwest Quarter ($W\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$) of Section Eleven (11), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 50 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. B-36

The South Half of the Northeast Quarter of the Southwest Quarter ($S\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 20 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. C-22

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); and the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nineteen (19), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 80 acres, more or less;

Tract No. C-23

The Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$); and the Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$); and the North Half of the Southeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. C-34

The South Half of the Southwest Quarter of the Southeast Quarter ($S\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$); and the Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty (20) Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 30 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. C-56

The East Half of the Southeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-nine (29); and the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); and the South Half of the Northwest Quarter of the Northwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-eight (28), all in Township Twenty (20) North, Range Nineteen (19) East, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-12

The West Half of the Northwest Quarter of the Southwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$); and the Southwest Quarter of the Southwest Quarter of the Northwest Quarter

(SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Fourteen (14), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 30 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-24

The Northeast Quarter of the Northwest Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$); and the West Half of the West Half of the Northwest Quarter (W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$); and the Northwest quarter of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-three (23); East Half of the Southeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-two (22), all in Township Twenty (20) North, Range Nineteen (19), East of the Indian Base and Meridian, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-25

The East Half of the Northeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$); and the Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 30 acres, more or less, situate in Mayes County, Oklahoma;

and for that reason the Court finds that this proceeding should be dismissed as to the tracts hereinabove described.

IT IS, THEREFORE, ORDERED that this cause be and the same is hereby dismissed as to Tracts Nos. A-47, B-12, B-19, B-31, B-36, C-22, C-23, C-34, C-56, D-12, D-24 and D-25, more particularly described hereinabove.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 27 1942
H. P. Warfield, Clerk
U. S. District Court H

U. B. Rainwater, and Ralph H. Poole \$161.00

(full payment of crops)

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 27 1942
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. EXCHANGE NATIONAL COMPANY, a corporation, et al, Defendants. No. 877 Equity

ORDER AUTHORIZING TRUSTEE TO SELL, AND ASSIGN, WITHOUT RECOURSE, NOTE, MORTGAGE, AND CAUSE OF ACTION

On this 24th day of February, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to sell, assign and transfer, without recourse, a certain note, mortgage and pending cause of action; and it appearing that among the assets coming into the hands of the said trustee was a certain real estate mortgage note, dated August 15, 1930, executed by Simon A. Sherrell and Viola E. Sherrell, as makers, to Exchange National Company, upon which the principal sum of Three Thousand Six Hundred Fifty Eight & 40/100 Dollars (\$3,658.40) is due, said note being secured by a real estate first mortgage, dated August 15, 1930, executed by Simon A. Sherrell and Viola E. Sherrell, as makers, to Exchange National Company as mortgagee, covering the following described real estate, to-wit:

The East Fifty (50) feet of the West Two Hundred (200) feet of the South One Hundred Sixty Two and one-half (162 1/2) feet, except the South Twenty (20) feet deeded for street purposes, in Lot Two (2), Block Ten (10), Fair Acres Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

and it further appearing that because of the inability of said trustee to collect said note, he instituted cause No. 60273 in the District Court of Tulsa County, State of Oklahoma, against Simon A. Sherrell, et al, and that said cause and suit is still pending awaiting completion of publication service upon certain defendants therein; and it further appearing that the said trustee has been obtaining rents and income from said real estate described in said mortgage and has made expenditures thereon, and in connection therewith; and it further appearing that certain taxes have been levied and assessed against said real estate and have not been paid by said trustee; and it further appearing that considerable time will be required before judgment can be rendered in said cause, and the said real estate sold to satisfy the same; and it further appearing that it is doubtful whether said note or money judgment can be collected from any source other than from the sale of the said real estate and mortgage to secure the same; and it further appearing that Clarence A. Poulton has offered to purchase from J. H. McBirney, Successor Trustee, the said note, mortgage and cause of action for the sum of

Two Thousand Five Hundred Dollars (\$2,500.00), subject to acceptance of title to said real estate, up to the filing of said cause No. 60273, and permitting the said trustee to retain all funds and sum collected by him as rentals and income from said real estate, and assuming the obligation of completing said foreclosure action No. 60273, and paying all costs, accrued and accruing therein, as well as assuming the payment of all taxes levied and assessed against said property, and unpaid, in the event of his purchase of said real estate at foreclosure sale; and it further appearing that the members of the Advisory Committee have been notified and advised of said offer for the purchase of said note, mortgage and cause of action, without recourse, for the sum of Two Thousand Five Hundred Dollars (\$2,500.00), under the terms herein set forth, and that the members of said Advisory Committee have considered said offer and proposal and have approved the same, and have recommended that the said trustee sell said note, mortgage and cause of action, without recourse, subject to the terms herein contained, for the said sum of Two Thousand Five Hundred Dollars (\$2,500.00); and it further appearing that said trust estate is in liquidation and the said trustee is endeavoring to terminate said trust at the earliest possible date, and to distribute the proceeds of said liquidation to its beneficiaries; and it further appearing that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) is fair and reasonable value of said note, mortgage and cause of action; and it further appearing that one W. L. Blair, a broker in the City of Tulsa, arranged the sale of said note, mortgage and cause of action, and is entitled to compensation for his said services, and that the sum of One Hundred Twenty Five Dollars (\$125.00) is reasonable compensation therefor, and that the said trustee should pay said sum upon completion of the sale of said note, mortgage and cause of action, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized and empowered to sell to Clarence A. Poulton a certain real estate note, dated August 15, 1930, executed by Simon A. Sherrell and Viola E. Sherrell, as makers, to the Exchange National Company, upon which the principal sum of Three Thousand Six Hundred Fifty Eight & 40/100 Dollars (\$3,658.40) is due, together with interest, as well as the real estate mortgage securing the same, bearing date of August 15, 1930, executed by Simon A. Sherrell and Viola E. Sherrell, as mortgagors, to Exchange National Company as mortgagee, covering the land above described, as well as a certain cause of action contained in cause No. 60273, pending in the District Court of Tulsa County, State of Oklahoma, wherein J. H. McBirney, Successor Trustee, is plaintiff, and Simon A. Sherrell, et al, are defendants, upon the following conditions:

- (a) That the endorsement, assignment and transfer of said note, mortgage, and assignment of cause of action, be without recourse or warranty.
- (b) That the purchaser be required to prosecute to conclusion the said cause of action No. 60273, and to bear and pay the court costs, accrued and accruing therein, and that J. H. McBirney, Successor Trustee, be relieved of all other duties and responsibilities in said cause of action, including the duties and responsibilities of his said attorney therein.
- (c) That the purchaser assume and pay whatever taxes and charges that may be levied and assessed against the said property in the event he becomes the purchaser thereof, only the sale of the note, mortgage and cause of action being approved hereby.
- (d) That the said trustee be entitled to retain whatever rentals he has received from said real estate prior to the conclusions of said sale.
- (e) That the purchaser pay therefor, upon his approval of title to the said real estate, to the institution of said foreclosure action No. 60273, the sum of Two Thousand Five Hundred Dollars (\$2,500.00) in cash.

IT IS FURTHER ORDERED that upon payment by Clarence A. Poulton to J. H. McBirney, of the sum of Two Thousand Five Hundred Dollars (\$2,500.00), J. H. McBirney, Successor Trustee, endorse, without recourse, the said note above referred to, to Clarence A. Poulton, and execute and deliver an assignment of the said mortgage and of the said cause of action, in No. 60273, without recourse of warranty, and deliver abstract of title covering said real estate to the said Clarence A. Poulton.

IT IS FURTHER ORDERED that the sale of the said note, mortgage and cause of action referred to herein, by J. H. McBirney, Successor Trustee, to Clarence A. Poulton, for the sum of Two Thousand Five Hundred Dollars (\$2,500.00) 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 W. L. Blair the sum of One Hundred Twenty Five Dollars (\$125.00) as compensation in full for his services as broker herein, upon completion of the sale of said note, mortgage and cause of action.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Feb 27 1942
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. 877 Equity
EXCHANGE NATIONAL COMPANY, a corporation, et al, Defendants.)

ORDER APPROVING SETTLEMENT AND COMPROMISE OF OBLIGATION
OF ETHEL MOREHOUSE AND G. M. MOREHOUSE

On this 24 day of February, 1942, upon the application of J. H. McBirney, Successor Trustee, for approval and ratification of settlement and compromise of indebtedness due to him by Ethel Morehouse and G. M. Morehouse; and it appearing that among the assets coming into the hands of said trustee were notes executed by Ethel Morehouse and G. M. Morehouse in the principal sum of Forty Eight Thousand Three Hundred Fifty Dollars (\$48,350.00), secured by a real estate mortgage covering:

Lot Six (6), Block One (1), in George B. Perryman Addition to the City of Tulsa, Tulsa County, Oklahoma,

said premises being improved with a brick apartment building, as well as a chattel mortgage covering the furniture, furnishings and chattels therein; that the makers of said note procured a loan from The FFB Mortgage Company in the principal sum of Forty Five Thousand Dollars (\$45,000.00) during January, 1936, and paid the proceeds of said loan, to-wit, the sum of Forty Five Thousand Dollars (\$45,000.00) to the said J. H. McBirney, Successor Trustee, and executed and delivered to the said J. H. McBirney, Successor Trustee, an unsecured note in the principal sum of Three Thousand Three Hundred Fifty Dollars (\$3,350.00), for the surrender and cancellation of the notes evidencing the indebtedness in the amount of Forty Eight Thousand Three Hundred Fifty Dollars (\$48,350.00), and releases of the said real estate and chattel mortgages; that the said J. H. McBirney, Successor Trustee, is the owner of

said note, which provided for its retirement by monthly payments; that the makers thereof have not paid said note in accordance with the terms thereof, but have made payments thereon, and that as of February 16, 1942, there was due thereon the principal sum of One Thousand Three Hundred Seventy Five Dollars (\$1,375.00), together with interest thereon from January, 1936.

The Court further finds that the said trustee is endeavoring to liquidate said trust in order that the same may be completely and fully terminated, and that in his endeavor to collect said note was offered the sum of One Thousand One Hundred Dollars (\$1,100.00), in cash, in full and complete payment and satisfaction of said note and the obligation represented thereby; that the said trustee notified two of the members of the Advisory Committee, appointed and designated by this court, upon whom notice shall be given of all matters and transactions affecting the assets of said trust, being unable to notify the third member thereof because of his absence and that the two members of said Advisory Committee considered the said offer and proposal of settlement, and approved the same and recommended to the Trustee that he accept said sum of One Thousand One Hundred Dollars (\$1,100.00) in full and complete payment and satisfaction of said indebtedness.

The court further finds that the said trustee accepted the said sum of One Thousand One Hundred Dollars (\$1,100.00) from Ethel Morehouse and G. M. Morehouse, in full payment and satisfaction of said note and the indebtedness evidenced thereby, and has surrendered and cancelled the said note.

The court further finds that the said trust estate is in liquidation and that efforts are being made to terminate the said trust, and that the acceptance of the sum of One Thousand One Hundred Dollars (\$1,100.00) in full payment and complete satisfaction of said note and the indebtedness represented thereby, is for the best interest of said trust and its beneficiaries, and finds that the acceptance of the sum of One Thousand One Hundred Dollars (\$1,100.00) should be ratified and approved, and for other good cause,

IT IS ORDERED that the acceptance of One Thousand One Hundred Dollars (\$1,100.00) by J. H. McBirney, as Successor Trustee, from Ethel Morehouse and G. M. Morehouse, in full payment and satisfaction of the indebtedness of Ethel Morehouse and G. M. Morehouse, as evidenced by a certain promissory note, execute and delivered by them to J. H. McBirney, Successor Trustee, in January, 1936, upon which the principal sum of One Thousand Three Hundred Seventy Five Dollars (\$1,375.00) was due, as well as interest thereon from the date of the execution of said note, be and the same is hereby ratified and approved.

IT IS FURTHER ORDERED that the surrender of said note by J. H. McBirney, Successor Trustee, to Ethel Morehouse and G. M. Morehouse, upon their payment to him of the sum of One Thousand One Hundred Dollars (\$1,100.00), be and the same is hereby approved.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Feb 27 1942
H. P. Warfield, Clerk
U. S. District Court JS

Court adjourned to February 28, 1942

transportation, deposit and concealment of whiskey, and with intent to defraud the United States of the tax due upon said whiskey; it further appearing that thereupon said property was appraised at less than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein upon transmittal of summary proceedings as provided by law, and requests issuance of monition notifying claimants Grady G. Wood and the Interstate Securities Company of Tulsa, 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 that same be served upon Grady G. Wood and the Interstate Securities Company of Tulsa, Oklahoma, unless notice thereof be waived, and any other person that might claim any interest in said automobile and such untaxpaid whiskey, 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 untaxpaid whiskey 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 in his possession until the further order of thi court and to make his return herein as required by law as to service of monition.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 28 1942
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 Chrysler Windsor Coupe, Motor)
No. C28-21420, and Approximately 135)
Gallons of Assorted Taxpaid Intoxicating)
Liquors seized therein; Alphonso J. Gorges)
and the Interstate Securities Company of)
Wichita, Kansas,	Claimants.)

No. 767 CIVIL

ORDER FOR MONITION

Now on this 28th day of February, 1942, it appearing to the Court that the said 1941 Chrysler Windsor Coupe automobile, Motor No. C28-21420, with approximately one hundred thirty-five (135) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by col me, was seized at a point on United States Highway No. 66 about two (2) miles Southwest of the City of Miami, in Ottawa County, State of Oklahoma, Northern Judicial District of Oklahoma and with the jurisdiction of this Court, on November 2, 1941, by R. A. West, T. R. Husted, Milo Beck and Cliff Goldsmith, Investigators for the Department of Public Safety of the State of Oklahoma, by virtue of authority of their said office, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Alphonso J. Gorges for transportati of such intoxicating liquors from an unknown point in the State of Arkansas into the State of Okla- homa and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has institute libel action heren and requests issuance of monition notifying claimants Alphonso J. Gorges and the Interstate Securities Company of Wichita, Kansas, 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 Alphonso J. Gorges and the Interstate Securities Company of Wichita, Kansas, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Feb 28 1942
H. P. Warfield, Clerk
U. S. District Court H

MISCELLANEOUS

Now on this 28th day of February, A. D. 1942, it is ordered by the Court that the Regular March 1941 Term of Court at Vinita, Oklahoma, in said District be, and it is hereby adjourned Sine Die.

Court adjourned to March 2, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, MARCH 2, 1942

On this 2nd day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Hon. Bower Broadus 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 CIRCUIT COURT OF APPEALS FOR THE TENTH JUDICIAL CIRCUIT
SITTING AT DENVER, COLORADO
FIFTEENTH DAY, JANUARY TERM, THURSDAY, FEBRUARY 26th, A. D. 1942

PRESENT: Honorable Orie L. Phillips, Senior Circuit Judge,
Honorable J. Foster Symes, District Judge,
And other officers as noted on the 12th day of February
A. D. 1942

Before Honorable Orie L. Phillips, Circuit Judge, and Honorable J.
Foster Symes, District Judge.

Grand River Dam Authority, a public corporation,	)	Case No. 329 - Civil Tract No. 2
Appellant,)	
2353 vs.)	
George Squirrel, Pete Squirrel ,	)	Appeal from the District Court of the United
Joe Squirrel, Jess Squirrel,	)	States for the Northern District of Oklahoma
Alex Squirrel, Nancy Thomas, nee)	
Squirrel, Oncie Squirrel, Buby)	
Squirrel Hasson, Billie Lilee)	
Squirrel, and United States of)	
America,	)	Appellees.

This cause came on to be heard on the application of appellant to dismiss the appeal herein and was submitted to the court.

On consideration whereof, and pursuant to a written stipulation of counsel for the parties hereto herein filed, it is now here ordered by the court that the said application be and the same is hereby granted and that the appeal in this cause be and the same is hereby dismissed out of this court at the costs of appellant.

It is further ordered by the court that the clerk of this court forthwith transmit to the clerk of the United States District Court for the Northern District of Oklahoma, a certified copy of this order.

A true copy as of record,
TESTE:

ROBERT B. CARTWRIGHT
CLERK

(SEAL)

Costs of appellee, United States of America.	
Clerk's costs	\$2.50
Attorney's docket fee	<u>20.00</u>
	\$22.50

ENDORSED: Filed Mar 2 1942
H. P. Warfield, Clerk
U. S. District Court H

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

Dewey T. Ross Engineering Corporation,)	
)	
Vs.)	
)	
Grand River Dam Authority, a public corporation,	)	No. 544 Civil
and Hartford Accident and Indemnity Company,)	
a corporation,	)	Defendants
)	
L. B. Fleming and L. E. Lewis,	)	Interveners.

JOURNAL ENTRY OF JUDGMENT

Now, on this 14th day of February, 1942, after a trial of the above and foregoing cause, and after hearing extensive arguments of counsel representing the respective parties herein, and after having made findings of fact and conclusions of law which are on file in this case, the Court finds that the plaintiff is entitled to judgment on the findings of fact and conclusions of law against the defendant, Grand River Dam Authority, a public corporation, on Contract 11-A, in the sum of \$25,232.87, on Contract 11-B, in the sum of \$25,418.78, and on Contract 11-C, in the sum of \$18,033.30, making a total for which plaintiff is entitled to judgment, of \$68,684.95.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the plaintiff, Dewey T. Ross Engineering Corporation, be and it is hereby awarded judgment on the findings of fact and conclusions of law herein found and entered, against the defendant, Grand River Dam Authority, a public corporation, in the total sum of \$68,684.95, for which execution may issue.

F. E. KENNAMER
JUDGE, United States District Court

ENDORSED: Filed Mar 2 1942
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,	Petitioner,)
)
vs.)
)
15,500 acres of land, more or less, situate)
in Mayes County, Oklahoma, and John M. Niehaus,)
Jr. et al.,	Respondents.)

ORDER OF FINAL DISTRIBUTION AS TO TRACT A-43

Now on this 2d day of March, 1942, it being made to appear to the Court that the sum of \$392.00 has been deposited with the Clerk of the Court pursuant to the provision of the deficiency judgment heretofore rendered; and it further appearing that said sum should be distributed;

IT IS, THEREFORE, ORDERED that the Clerk should issue his check payable as follows:

T. C. Bowling and Susie Kate Bowling \$392.00

No charge shall be made for commisson or poundage.

BOWER BROADDUS
JUDGE

ENDORSED: Filed Mar 2 1942
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,	Petitioner,)
)
vs.		) No. 652 Civil
)
15,500 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and John M. Niehaus, Jr. et al.,	Respondents.)

ORDER OF PARTIAL DISTRIBUTION AS TO TRACT B-14

Now on this 2nd day of March, 1942, the Court having been fully advised in the premises, finds that partial distribution of funds should be made as to Tract B-14.

IT IS, THEREFORE, ORDERED that the Clerk issue checks payable as follows:

Treasurer of the United States of America (in full payment of mortgage in favor of Farm Security Administration)	\$3,014.48
Ben Goss and Flora Goss (In full payment of crops)	386.00
John C. Ramsey and Racher Ramsey	284.52

IT IS FURTHER ORDERED that the Clerk shall make no charge for commission or poundage

BOWER BROADDUS
JUDGE

ENDORSED: Filed Mar 2 1942
H. P. Warfield, Clerk
U. S. District Court

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

WALTER E. DITTMAN,	Plaintiff,)
)
vs.		) No. 681
)
GEORGE DARNOLD, ART DARNOLD, BRUCE SCOTT and DOCK FINLEY,	Defendants.)

Did the plaintiff work the hours alleged in the plaintiff's petition?
Answer Yes or No. No.

LON A. BEDDOE
FOREMAN

ENDORSED: Filed In Open Court
Mar 2 1942
H. P. Warfield, Clerk
U. S. District Court H

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

RAY DEATHERAGE,	Plaintiff,)
)
vs.		) No. 703 - Civil
)
JAMES DOAK, ET AL.,	Defendants.)

Did the plaintiff in this case work substantially the number of hours shown in exhibit "A" from October 24, 1938, up to and including February 15, 1940?
Answer Yes or No. No.

JOHN H. WHITEHEAD
Foreman

Did the plaintiff in this case work substantially the number of hours shown in exhibit "A" from February 15, 1940 up to and including June 30, 1940?
Answer Yes or No. Yes.

JOHN H. WHITEHEAD
Foreman

Did the plaintiff in this case work substantially the number of hours shown in exhibit "A" from June 30, 1940, up to and including March 23, 1941?
Answer Yes or No. No.

JOHN H. WHITEHEAD
Foreman

Did the defendants in this case have knowledge of and acquiesce in the plaintiff's working the extra hours shown in exhibit "A" from February 15, 1940 up to and including June 30, 1940?

Answer Yes or No. No.

JOHN H. WHITEHEAD
Foreman

ENDORSED: Filed In Open Court
Mar 2 1942
H. P. Warfield, Clerk
U. S. District Court H

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

WALTER E. DITTMAN,

Plaintiff,)

vs.

) No. 749 - Civil

BRUCE SCOTT

) Defendant.)

How many hours do you find the plaintiff did work per day on the lease in question in this case?

6 hours.

LON A. BEDDOE
Foreman

Did the plaintiff work the hours alleged in the plaintiff's petition?

Answer Yes or No.

LON A. BEDDOE
Foreman

ENDORSED: Filed In Open Court
Mar 2 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to March 3, 1942

On this 3rd day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broadus, Judges, present and presiding.

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

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

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

ARROW DRILLING COMPANY, Plaintiff,)
v.) No. 380 Civil
SHELL OIL COMPANY, INCORPORATED, Defendant.)

ORDER OF DISMISSAL

This matter coming on to be heard on this 7th day of February, 1942, upon the oral application of attorneys for the plaintiff, requesting the Court to enter its order dismissing the above styled and numbered cause with prejudice at the cost of the plaintiff, and the Court being fully advised in the premises finds that said cause should be dismissed as requested.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above styled and numbered cause be dismissed with prejudice and the costs of said action charged against the plaintiff.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 3 1942
H. P. Warfield, Clerk
U. S. District Court

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

CARL R. MATHEWS, NINA MATHEWS, YE OLDE INN, a corporation, and American National Insurance Company of Galveston, Texas, Plaintiffs,)
vs.) No. 531 Civil
Atlas Assurance Company, Limited, of London, England, Hartford Fire Insurance Company of Hartford, Connecticut, and The Phoenix Insurance Company of Hartford, Connecticut, Defendants.)

JOURNAL ENTRY

BE IT REMEMBERED that on this 9th day of February, 1942, the above cause comes for trial on the regular assignment of causes. Plaintiff is present in person and by his attorneys

Kight & Kight and Poe, Lundy, Morgan & Poe, and the defendant, American National Insurance Company, is present by its attorneys, Tucker and Martin, and the defendants, Atlas Assurance Company, Limited, Hartford Fire Insurance Company and The Phoenix Insurance Company, are present by their attorneys, Rittenhouse, Webster, Hanson & Rittenhouse; thereupon, a jury is waived and the cause is submitted to the Court upon the pleadings, evidence and testimony in said cause, and the Court, after hearing all the evidence and the argument of counsel, and being advised in the premises, finds that said cause was duly submitted to the Court on February 16, 1942, and that the judgment herein is of the date

The court further finds the issues as set out in the findings of fact and conclusions of law.

IT IS, THEREFORE, BY THE COURT CONSIDERED, ORDERED AND ADJUDGED that the American National Insurance Company, by virtue of the mortgage clause attached to the policies of insurance sued on herein, do have and recover of and from the defendants, Atlas Assurance Company, Limited, Hartford Fire Insurance Company, and The Phoenix Insurance Company, as loss and damages to the building located on Lots 7 and 8 in Block 128, Claremore, Oklahoma, the sum of \$2,140.00, less the premium due on each policy in the amount of \$148.79, and that it have judgment against said defendants, and each of them, as follows:

Atlas Assurance Company	\$563.83
Hartford Fire Ins. Co.	563.83
Phoenix Insurance Co.	565.97

and that it have judgment for loss and damage to the contents of said building in the sum of \$790.00 less the premium due on each policy in the amount of \$46.48, against said defendants as follows:

Atlas Assurance Company	\$216.85
Hartford Fire Ins. Co.	216.85
Phoenix Assurance Co.	216.86

and that said judgments, as aforesaid, bear interest at the rate of six per cent per annum from February 16, 1942, and that the defendants pay the costs of this action.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiff, Nina Mathews, is not entitled to maintain this action as she has no contractual relations with the defendants, and that the plaintiff, Carl R. Mathews, being indebted to the American National Insurance Company in a sum far in excess of the amount of loss and damage aforesaid, is not entitled to recover herein except for the benefit of the American National Insurance Company, mortgagee.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that the plaintiff, Carl R. Mathews, and the defendant, American National Insurance Company, have judgment against said defendants for the costs of this action.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Mar 3 1942
H. P. Warfield, Clerk
U. S. District Court H

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

Carl R. Mathews and Nina Mathews, Plaintiffs,)
vs.)

Security National Fire Insurance Company of Galveston, Texas; Northwestern Fire and Marine Insurance Company of Minneapolis, Minnesota; The American Insurance Company of Newark, New Jersey; The Travelers Fire Insurance Company of Hartford, Connecticut; American Standard Insurance Company of Oklahoma City, Oklahoma; Norwich Union Fire Insurance Society, Limited; and American National Insurance Company of Galveston, Texas, Defendants.

No. 559 Civil

JOURNAL ENTRY

BE IT REMEMBERED that on this 9th day of February, 1942, the above cause comes on for trial on the regular assignment of causes. Plaintiffs are present in person and by counsel, Kight & Kight, and Poe, Lundy and Morgan, and Poe and the defendant, American National Insurance Company, is present by its attorneys, Tucker & Martin, and the defendants, Security National Fire Insurance Company of Galveston, Texas, Northwestern Fire and Marine Insurance Company of Minneapolis, Minnesota; The American Insurance Company of Newark, New Jersey; The Travelers Fire Insurance Company of Hartford, Connecticut, American Standard Insurance Company of Oklahoma City, Oklahoma, and Norwich Union Fire Insurance Society, Limited, are present by their attorneys, Rittenhouse, Webster, Hanson & Rittenhouse; thereupon, a jury is waived and the cause is submitted to the Court upon the pleadings, evidence and testimony in said cause, and the Court, after hearing all the evidence and the argument of counsel, and being advised in the premises, finds that said cause was duly submitted to the Court on February 16, 1942, and that the judgment herein is of that date.

The Court further finds the issues as set out in the findings of fact and conclusions of law.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiffs and the defendant, American National Insurance Company, take nothing by reason of their cause of action against the defendant, American Insurance Company, and that the American Insurance Company recover its costs herein expended.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the plaintiffs and the American National Insurance Company do have and recover of and from the defendants, Security National Fire Insurance Company, Travelers Fire Insurance Company, Northwestern Fire and Marine Insurance Company, and American Standard Insurance Company, and each of them, on their respective policies covering on the building the following sums, to-wit:

Security National Fire Insurance Company, \$9,000.00 with interest at six per cent per annum from February 16, 1942;

Travelers Fire insurance Company, \$15,000.00, less unpaid premium in the sum of \$537.00, or the sum of \$14,463.00, with interest at six per cent per annum from February 16, 1942/

Northwestern Fire and Marine Insurance Company,
\$5,000.00, less unpaid premium in the sum of \$124.60,
or the sum of \$4,875.40, with interest at six per
cent per annum from February 16, 1942;

American Standard Insurance Company, \$5,000.00, less
unpaid premium in the sum of \$124.60, or the sum of
\$4,875.40, with interest at six per cent per annum
from February 16, 1942.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiff
and the American National Insurance Company do have and recover of and from the defendants,
Security National Fire Insurance Company, Travelers Fire Insurance Company, and Norwich Union Fire
Insurance Society, and each of them, on their respective policies covering contents of said
building, the following sums, to-wit:

Security National Fire Insurance Company, \$2,055.00
with interest at six per cent per annum from February
16, 1942;

Travelers Fire Insurance Company, \$4,110.00, less un-
paid premium in the sum of \$155.60, or the sum of
\$3,954.40, with interest at six per cent per annum
from February 16, 1942;

Norwich Union Fire Insurance Society, \$4,110.00, less
unpaid premium in the sum of \$155.60, or the sum of
\$3,954.40, with interest at six per cent per annum
from February 16, 1942.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the plaintiffs
and the defendant, American National Insurance Company, take nothing by reason of their cause of
action with reference to use and occupancy, and that the defendant, Travelers Fire Insurance Company,
have judgment on said use and occupancy policy; that the plaintiffs and said defendant recover nothing
thereon.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that said defen-
dants pay pro rata the costs of this action.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that execution be
stayed herein for a period of twenty days pending the filing of supersedeas bond in the amount of
said several judgments, plus \$250.00 if given by a surety company admitted to do business in the
State of Oklahoma, and double the amount of said judgments if the sureties on such bonds are indi-
viduals.

ROYCE H. SAYAGE
United States District Judge

ENDORSED: Filed Mar 3 1942
H. P. Warfield, Clerk
U. S. District Court

VERDICT

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

EDGAR D. BALDWIN,	Plaintiff,)	
)	
vs.		)	Case No. 687 Civil
)	
MISSOURI-KANSAS-TEXAS RAILROAD)	
COMPANY, a corp.	Defendant.)	

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

DULIN GILL
Foreman

ENDORSED: Filed In Open Court
Mar 3 1942
H. P. Warfield, Clerk
U. S. District Court H

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

MRS. J. NEIL DANIEL,	Plaintiff,)	
)	
vs.		)	No. 715 Civil
)	
GRIFFITH SOUTHWESTERN THEATRES, INC.,)	
a corporation,	Defendant.)	

D I S M I S S A L

IT IS ORDERED by the court that the above styled and numbered cause be dismissed with prejudice, at the cost of the defendant.

Dated this 3rd day of March, 1942.

BOWER BROADDUS,
U. S. District Judge

ENDORSED: Filed Mar 3 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to March 4, 1942

On this 4th day of March, A.D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broadus, 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

DEWEY T. ROSS ENGINEERING CORPORATION,
a corporation,

Plaintiff,

-versus-

GRAND RIVER DAM AUTHORITY, a public
corporation, and HARTFORD ACCIDENT
AND INDEMNITY COMPANY, a corporation,

Defendants.

L. B. FLEMING and L. E. LEWIS,

Interveners.

No. 544 Civil

ORDER DENYING MOTION OF DEFENDANT GRAND RIVER DAM AUTHORITY FOR
JUDGMENT, AND REFUSING SAID DEFENDANT'S SPECIALLY-REQUESTED
FINDINGS OF FACT AND CONCLUSIONS OF LAW

On this 14th day of February, 1942, the following the reception of all evidence offered by the parties herein, the motion of the defendant Grand River Dam Authority for judgment in its behalf and against plaintiff on plaintiff's complaint herein filed, having been presented and considered,

It is ordered that said motion for judgment in said defendant's behalf be and the same is hereby denied.

Thereupon, the defendant Grand River Dam Authority having submitted its specially-requested Findings of Fact and Conclusions of Law, and the same having been filed with the clerk of this court, and having been considered by the court,

It is ordered that said r-quested Findings of Fact and Conclusions of Law and each of, all, and every one thereof, collectively and severally, be and the same are hereby refused.

F. E. KENNAMER
District Judge

ENDORSED: Filed Mar 4 1942
H. P. Warfield, Clerk
U. S. District Court H

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

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

ORDER AUTHORIZING WITHDRAWAL OF EXHIBITS BY PARTIES

On this 14th day of February, 1942, it appearing to the Court that the exhibits offered by each of the parties in evidence herein are voluminous, consisting of valuable papers and documents not conveniently to be replaced,

It is ordered that plaintiff and defendant Grand River Dam Authority be and they are hereby permitted and authorized to withdraw the original exhibits by them offered which were received in evidence herein, or of which proffer was made, each of the parties to keep safely its respective exhibits and make the same available for inspection by the opposite party, in the office of the clerk or at such other place as the parties may agree upon, upon reasonable notice, not exceeding one week, by each of the parties to the other given in writing.

Provided, further, that if an appeal be taken from the judgment herein entered or to be entered, then, at the request of either party, the opposite party shall make available its exhibits at the office of the clerk for the purpose of incorporating the same into the record on appeal, or for the purpose of transmission to the clerk of the United States Circuit Court of Appeals for the Tenth Circuit, or both.

F. E. KENNAMER
District Judge

ENDORSED: Mar 4 1942
H. P. Warfield, Clerk
U. S. District Court H

VERDICT

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

LILLIAN BARRETT	Plaintiff,)	
vs.)	
SEARS, ROEBUCK & COMPANY, a Corporation,		)	Case No. 695 - Civil
and BLECKER BEAUTY SHOPS, INC. a corporation,)	
	Defendants.)	

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the plaintiff, and assess her damages at Two Hundred Fifty and 00/100 DOLLARS.

ENDORSED: Filed In Open Court
Mar 4 1942
H. P. Warfield, Clerk
U. S. District Court H

FRANK F. COCHRAN
Foreman

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

ALEX H. HENDRICKS,	Plaintiff,)
)
v.		) No. 751
)
PHILLIPS PETROLEUM COMPANY,)
et al.,	Defendants.)

C R D E R

Now on this 4th day of March, 1942, this matter coming on before the court on the application of the United States of America for additional time to intervene in this cause of action, and it appearing to the court that said time should be granted,

IT IS, THEREFORE, THE ORDER OF THE COURT that the United States of America be and it hereby is granted thirty (30) days additional time from March 2, 1942, within which to plead in this cause of action.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 4 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to March 5, 1942

On this 5th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Bower Broaddus, 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:

MISCELLANEOUS - ADMISSION TO BAR.

On this 5th day of March, A. D. 1942, it being made satisfactorily to appear that Mildred Brooks Fitch 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

UNITED STATES OF AMERICA,

Petitioner)

vs.)

15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niehaus, Jr., et al.,

Respondents.)

No. 652 - Civil

ORDER FIXING TITLE

Now on this 16th day of February, 1942, this cause came on to be heard, pursuant to regular assignment, and after due notice being given to all interested parties, and the Court, having heard the evidence and having been fully advised in the premises, finds that the fee simple title, subject to existing easements for public roads and public utilities, as to Tracts Nos. A-4, A-5, A-7, A-8, A-9, A-10, A-13, A-14, A-15, A-16, A-17, A-20, A-20-A, A-22, A-24, A-25, A-26, A-28, A-31, A-32, A-34, A-37, A-38, A-39, A-41, A-44, B-1, B-3, B-4, B-5, B-6, B-9, B-10, B-13, B-14, B-15, B-16, B-18, B-20, B-21, B-22, B-23, B-24, B-26, B-29, B-30, B-32, B-34, B-35, B-36, B-39, B-40, B-41, B-42, B-43, B-44, B-45, B-46, B-47, C-2, C-6, C-7, C-10, C-13, C-15, C-16, C-17, C-18, C-21, C-24, C-26, C-27, C-29, C-30, C-32, C-33, C-35, C-36, C-38, C-41, C-43, C-44, C-45, C-46, C-47, C-48, C-50, C-55, D-3, D-5, D-7, D-8, D-10, D-11, D-16, D-18, D-22, D-23, D-26, D-28, D-29, D-30, D-31, D-33, D-35, D-36, D-38, D-39, D-40, D-41, D-43, D-44, D-45, D-47, D-48, D-49, D-50, D-51, D-58, and D-59, has vested in the United States of America by virtue of Declarations of Taking filed in this cause, and that said title vested upon the deposit of the estimated value of the various tracts by the petitioner herein, the United States of America. The Court further finds that at the time of the vesting of the title in the United States of America, the fee simple title, subject to existing easements for public roads and public utilities, to said various tracts, more particularly hereinafter described, was vested as follows:

TRACT NO. A-4

Ethel R. DeLay, Kate DeLay, Christine DeLay Hedrick, Gladys DeLay Stamper, Winford Marshal DeLay, Bethel R. DeLay, Grace DeLay Grissom, Virginia DeLay Lawson, Paul Edison DeLay, Marie DeLay Blount, and Louise DeLay DeVine, subject only to unpaid taxes, if any.

TRACT NO. A-5

Nearl D. Newton, subject only to unpaid taxes, if any.

TRACT NO. A-7

Susie T. Gidney, subject only to unpaid taxes, if any.

TRACT NO. A-8

W. H. McCollough, subject only to unpaid taxes, if any.

TRACT NO. A-9

Vian Yelton, subject only to unpaid taxes, if any.

TRACT NO. A-10

Ada Glass, formerly Ada Gonzalis, 3/4 blood Cherokee

Indian, Roll No. 20,488, subject to no liens of any kind or character, including taxes.

TRACT NO. A-13

R. M. Mountcastle, subject to no liens of any kind or character, including taxes.

TRACT NO. A-14

Otto Rist and Esther Hazel Rist, husband and wife, subject only to the mortgage lien in favor of the Aetna Life Insurance Company, and unpaid taxes, if any.

TRACT NO. A-15

Tillie G. Williamson and Laura Roberts, subject only to unpaid taxes, if any.

TRACT NO. A-16

Tillie G. Williamson and Laura Roberts, subject only to unpaid taxes, if any.

TRACT NO. A-17

Ada Glass, formerly Ada Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,488, subject to no liens of any kind or character, including taxes.

TRACT NO. A-20

James B. Lacey and Tom Steele, a partnership doing business as Lacey and Steele, subject only to the mortgage lien of the State Life Insurance Company, and unpaid taxes, if any.

TRACT NO. A-20-A

James B. Lacey and Tom Steele, a partnership doing business as Lacey and Steele, subject only to the mortgage lien of the State Life Insurance Company, and unpaid taxes, if any.

TRACT NO. A-22

Doris E. Medlin and Cora Jane Maxton, subject only to unpaid taxes, if any.

TRACT NO. A-24

J. C. Pigott, subject only to unpaid taxes, if any.

Tract No. A-25

Otto Rist and Esther Hazel Rist, husband and wife, subject only to the mortgage lien in favor of the Aetna Life Insurance Company and unpaid taxes, if any.

Tract No. A-26

J. C. Pigott, subject only to unpaid taxes, if any.

Tract No. A-28

Doris E. Medlin and Cora Jane Maxton, subject only to unpaid taxes, if any.

Tract No. A-30

James B. Lacey and Tom Steele, a partnership doing business as Lacey and Steele, subject only to the mortgage lien of the State Life Insurance Company, and unpaid taxes, if any.

Tract No. A-31

J. L. Dixon, subject only to unpaid taxes, if any.

Tract No. A-32

Sarah H. Cook and Garrett Moore, subject only to unpaid taxes, if any.

Tract No. A-34

J. C. Pigott, subject only to unpaid taxes, if any.

Tract No. A-37

Roxie Horne and William Horne, wife and husband, Ernest Woolsey and Stella Woolsey, husband and wife, Myrtle Stallcup and James E. Stallcup, wife and husband, Pearl Woolsey, a single woman, Grace Boushell and Milton Boushell, wife and husband, Edith Branch and Earle Branch, wife and husband, and Lucy J. Hilton, a single woman, subject only to unpaid taxes, if any.

Tract No. A-38

Oron Estes and Rosa Estes, husband and wife, subject only to the mortgage lien in favor of Union Central Life Insurance Company, and unpaid taxes, if any.

Tract No. A-39

Sarah H. Cook and Garrett Moore, subject only to unpaid taxes, if any.

Tract No. A-41

Sarah H. Cook and Garrett Moore, sub ect only to unpaid taxes, if any.

Tract No. A-44

V. W. Purcell, subject only to unpaid taxes, if any.

Tract No. B-1

V. D. Herrington, subject only to unpaid taxes, if any.

Tract No. B-3

John M. Niehaus, Jr., as Trustee for Julia Brown, Alice W. Elliott, Florence Cutright, George A. Shurtleff, Lesser Leshnick, Peoria Investment Corporation, Jefferson Trust & Savings Bank of Peoria, Illinois, Wm. Pulsipher, as Executor of the Estate of Cynthia Pulsipher, deceased, Edith Yale Cramer, and Cora Magil, subject only to unpaid taxes, if any.

Tract No. B-4

Lyman E. Bolinger, subject only to unpaid taxes, if any.

Tract No. B-5

Lizzie Bean, subject only to unpaid taxes, if any.

Tract No. B-6

Jesse L. Mayes, subject only to unpaid taxes, if any.

Tract No. B-9

Lizzie Bean, subject only to unpaid taxes, if any.

Tract No. B-10

Alice Bean and Lizzie Bean, subject only to unpaid taxes, if any.

Tract No. B-13

Ben F. Goss, subject only to the mortgage lien in favor of the Lane Bank Commissioner, and unpaid taxes, if any.

Tract No. B-14

John C. Ramsey and Rachel Ramsey, husband and wife, subject only to the mortgage lien in favor of the Farm Security Administration, and unpaid taxes, if any.

Tract No. B-15

Ollie Collie, subject only to unpaid taxes, if any.

Tract No. B-16

Ralph H. Poole, subject only to unpaid taxes, if any.

Tract No. B-18

W. A. Graham, subject only to unpaid taxes, if any.

Tract No. B-20

Peggie Hitcher, Sallie Phillips, formerly Sallie Hitcher, and Charley Hitcher, sole heirs of Cora Hitcher, full-blood Cherokee Indian, Roll No. 25,813, deceased, subject only to no liens of any kind or character, including taxes.

Tract No. B-21

Morton Sherl and Effie Sherl, husband and wife, subject only to the mortgage lien in favor of the Union Central Life Insurance Company, and unpaid taxes, if any.

Tract No. B-22

County Commissioners of Mayes County, Oklahoma, subject to no liens of any kind or character, including taxes.

Tract No. B-23

W. T. Casey, H. A. Campbell, and Jas. L. Alvis, as Trustees of the Church of God of the Postolic Faith, one and the same as the Church of God of Apostolic Faith, subject to no liens of any kind or character, including taxes.

Tract No. B-24

Laura Watts Vogel, a widow, subject only to unpaid taxes, if any.

Tract No. B-26

Ed Cann, subject only to unpaid taxes, if any.

Tract No. B-29

Bethel Dill, subject only to unpaid taxes, if any.

Tract No. E-30

Charley Hitcher, full-blood Cherokee Indian, Roll

No. 20,068, subject to no liens of any kind or character, including taxes.

Tract No. B-32

Charley Hithcher, full-blood Cherokee Indian, Roll No. 20,068, subject to no liens of any kind or character, including taxes.

Tract No. B-34

John Campbell, subject only to the mortgage lien in favor of the Federal Land Bank of Wichita, Kansas, and unpaid taxes, if any.

Tract No. B-35

Minnie Shutt, a widow, subject only to unpaid taxes, if any.

Tract No. B-38

Clarence E. Castle, subject only to unpaid taxes, if any.

Tract No. B-39

Huston Humble, subject only to the mortgage lien in favor of Amelia Bartlett, and unpaid taxes, if any.

Tract No. B-40

Clarence E. Castle, subject only to unpaid taxes, if any.

Tract No. B-41

North American Life Insurance Company, subject only to unpaid taxes, if any.

Tract No. B-42

Maggie Easterly, subject only to unpaid taxes, if any.

Tract No. B-43

S.W. Howard, June E. Howard, Lewis G. Howard, Marry E. McKenna, Georgia M. Chapman, and Roy Chapman, subject only to unpaid taxes, if any.

Tract No. B-44

J. M. Eberting, subject only to the mortgage lien in favor of the Federal Land Bank of Wichita, Kansas, and unpaid taxes, if any.

Tract No. B-45

Maggie Easterly, subject only to unpaid taxes, if any.

Tract No. B-46

William Catcher, full-blood Cherokee Indian, Roll No. 27,212, subject to no liens of any kind or character, including taxes.

Tract No. B-47

Maggie Easterly, subject only to unpaid taxes, if any.

Tract No. C-2

Eloise Caroline Brown Kirkpatrick, subject only to unpaid taxes, if any.

Tract No. C-6

Mary Williams, subject only to unpaid taxes, if any.

Tract No. C-7

Belle Ellsworth, subject only to unpaid taxes, if any.

Tract No. C-9

Eloise Caroline Brown Kirkpatrick, subject only to unpaid taxes, if any.

Tract No. C-10

Charles Thompson, Stephen Fisher, Anna Dugger, formerly Anna Downing, Lula Skeens, formerly Lula Downing, and Dickie Downing, heirs of Charlott Watie, full-blood Cherokee Indian, Roll No. 17,618, deceased, subject to no liens of any kind or character, including taxes.

Tract No. C-13

J. C. Wilkerson and J. C. Wickham, subject only to unpaid taxes, if any.

Tract No. C-15

J. C. Wilkerson and J. C. Wickham, subject only to unpaid taxes, if any.

Tract No. C-16

Mae B. Jackson Page, subject only to unpaid taxes, if any.

Tract No. C-17

Mabel Morgan, subject only to unpaid taxes, if any.

Tract No. C-18

J. P. Easterly, subject only to unpaid taxes, if any.

Tract No. C-21

Essie J. Hunt, subject only to unpaid taxes, if any.

Tract No. C-24

J. P. Easterly, subject only to unpaid taxes, if any.

Tract No. C-26

Walter J. Welch and Golda G. Welch, subject only to unpaid taxes, if any.

Tract No. C-27

W. A. Collins and C. D. Mayo, subject only to unpaid taxes, if any.

Tract No. C-29

Z. M. White and Flow White, husband and wife, subject only to the mortgage lien in favor of Central States Life Insurance Company, and unpaid taxes, if any.

Tract No. C-30

P. W. Matthews, subject only to unpaid taxes, if any.

Tract No. C-32

August H. Glanmeier, an incompetent, subject only to unpaid taxes, if any.

Tract No. C-33

C. T. Baker, subject only to unpaid taxes, if any.

Tract No. C-35

Ada Glass, formerly Ada Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,488, and Dave Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,489, subject to no liens of any kind or character, including taxes.

Tract No. C-36

Ethel N. Barclay, formerly Ethel N. Patterson, and Verda B. Patterson, subject only to a mortgage lien in favor of T. L. Snodgrass, and unpaid taxes, if any.

Tract No. C-38

M. A. Garrison, subject only to unpaid taxes, if any.

Tract No. C-41

Callie Roberts Dugger, subject only to unpaid taxes, if any.

Tract No. C-43

Dugar B. Smith, subject only to the possible mortgage lien of Rex Watkinson, Receiver of Exchange National Company, and unpaid taxes, if any.

Tract No. C-44

A life estate in Canaro C. Smith and the remainder in Marvin Lloyd Smith, Marion Boyd Smith, Naomi Ella Smith, Canaro C. Smith, Jr., and Lanora Smith, subject only to unpaid taxes, if any.

Tract No. C-45

Life estate in Homer L. Lee and the remainder in Oleta M. Stingley, subject only to unpaid taxes, if any.

Tract No. C-46

Arvil N. Rike, subject only to the mortgage lien in favor of the Commissioners of the Land Office of the State of Oklahoma and the materialman's lien in favor of Rounds & Porter Lumber Company, and unpaid taxes, if any.

Tract No. C-47

F. W. Wilson, subject only to unpaid taxes, if any.

Tract No. C-48

J. F. Weaver, subject only to the mortgage lien in favor of the American National Bank of Pryor, and unpaid taxes, if any.

Tract No. C-50

Walter Wagner, subject only to unpaid taxes, if any.

Tract No. C-55

Board of County Commissioners of Mayes County, Oklahoma, subject to no liens of any kind or character, including taxes.

Tract No. D-3

North American Life Insurance Company, subject only to the outstanding mineral rights of the Receiver of Gum Brothers Company, and unpaid taxes, if any.

Tract No. D-5

Marion T. Orvis and Homer G. Tate, subject only to unpaid taxes, if any.

Tract No. D-7

John Campbell, subject only to the mortgage lien in favor of the Federal Land Bank of Wichita, Kansas, and unpaid taxes, if any.

Tract No. D-8

Jake Fair, subject only to unpaid taxes, if any.

Tracts Nos. D-10 and D-11

L. S. Van Brunt, subject only to unpaid taxes, if any.

Tract No. D-16

M. A. Garrison, also known as Mark A. Garrison, subject only to the mortgage lien in favor of the Commissioners of the Land Office of the State of Oklahoma, and unpaid taxes, if any.

Tract No. D-18

J. E. McCracken and W. Roy Saunders, subject only to unpaid taxes, if any.

Tract No. D-22

W. A. Graham, subject only to unpaid taxes, if any.

Tract No. D-23

Virginia Shutt, subject only to the mortgage lien in favor of the Commissioners of the Land Office of the State of Oklahoma, and unpaid taxes, if any.

Tract No. D-26

O. B. Rutherford, subject only to unpaid taxes, if any.

Tract No. D-28

Ada Glass, formerly Ada Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,488, and Dave Gonzalis, 3/4 blood Cherokee Indian, Roll No. 20,489, subject to no liens of any kind or character, including taxes.

Tract No. D-29

Mayes County, Oklahoma, subject to no liens of any kind or character, including taxes.

Tract No. D-30

D.C. Gartrell, subject only to a mortgage lien in favor of Will A. Crockett, and unpaid taxes, if any.

Tract No. D-31

Edwin C. Johnson, subject only to the mortgage lien of Bessie Gilligan, and unpaid taxes, if any.

Tract No. D-33

Ethel Rogers Tuton, a single woman, subject only to unpaid taxes, if any.

Tract No. D-35

Marlin W. Williams, subject only to the mineral rights of J. T. McMahan, and unpaid taxes, if any.

Tract No. D-36

Oscar Franklin, subject only to unpaid taxes, if any.

Tract No. D-38

O. B. Rutherford, subject only to unpaid taxes, if any.

Tract No. D-39

Mabel Worsham, undivided 1/4 interest; John Hogan, undivided 1/20th interest; Ruth Hogan, undivided 1/20 interest; Karl Hogan, undivided 1/20 interest; Phillip Hogan, undivided 1/20 interest; Eva M. Hogan, undivided 1/20 interest; Neva H. Talbot, undivided 1/4 interest; W. A. Hancock, undivided 1/12 interest; Neva Gray, undivided 1/42 interest; Nina Kello, undivided 1/42 interest; Fonola Hancock, undivided 1/42 interest; Patty Dever, undivided 1/42 interest; Mary Ann Hancock-Lowry, undivided 1/42 interest; W. Hogan Hancock, undivided 1/42 interest; and John Hancock, undivided 1/42 interest, subject to the mortgage lien of the First National Bank of Pryor Creek, and unpaid taxes, if any.

Tract No. D-40

Frank Tucker, Loretta Florence, formerly Loretta Tucker, John Tucker, and Lucile Mazon, formerly Lucile Tucker, subject only to unpaid taxes, if any.

Tract No. D-41

Theodore Roosevelt Bailey, 3/4 blood Cherokee Indian, Roll No. M-1732, subject to no liens of any kind or character, including taxes.

Tract No. D-43

W.D. Robinson, subject only to unpaid taxes, if any.

Tract No. D-44

Michael F. Steil, subject only to unpaid taxes, if any.

Tract No. D-45

Marlin W. Williams, subject only to the mineral rights of J. T. McMahan, and unpaid taxes, if any.

Tract No. D-47

Charles J. Reece, subject only to the mortgage lien in favor of Fred W. Steiner, Trustee for the Selma H. Lamb Trust, and unpaid taxes, if any.

Tract No. D-48

W.D. Robinson, subject only to unpaid taxes, if any.

Tract No. D-49

Oron E. Kennard, subject only to unpaid taxes, if any.

Tract No. D-50

Marlin W. Williams, subject to the outstanding mineral rights of J. T. McMahan, and unpaid taxes, if any.

Tract No. D-51

James A. Thompson, subject only to unpaid taxes, if any.

Tract No. D-58

Arch Bonecutter, subject only to the mortgage lien of W. A. Graham, and unpaid taxes, if any.

Tract No. D-59

State of Oklahoma, subject to no liens of any kind or character, including taxes.

The Court further finds that the title in fee simple, subject to existing easements for public roads and public utilities, as to the hereinafter designated tracts, is vested as follows:

Tract No. A-11

W.A. Graham, subject only to unpaid taxes, if any.

Tract No. A-12

W. A. Graham, subject only to unpaid taxes, if any.

Tract No. A-33

Andy Sexton, subject only to the mortgage lien in favor of W. A. Graham, and unpaid taxes, if any.

Tract No. A-40

Ella Sulteskee, formerly Ella Swimmer, full-blood Cherokee Indian, Roll No. 20,711, subject to no liens of any kind or character, including taxes.

Tract No. B-7

O.D. Mayor, subject only to unpaid taxes, if any.

Tract No. E-28

O. D. Mayor, subject only to unpaid taxes, if any.

Tract No. C-1

Charles Teehee, full-blood Cherokee Indian, Roll No. 15,979, subject to no liens of any kind or character, including taxes.

Tract No. C-3

Illinois Bankers Life Assurance Company, subject only to unpaid taxes, if any.

Tract No. C-11

Stephen Fisher, full-blood Cherokee Indian, Roll No. 17,623, subject to no liens of any kind or character, including taxes.

Tract No. C-12

T.C. Bowling, subject only to unpaid taxes, if any.

Tract No. C-19

Alta Morgan, subject only to unpaid taxes, if any.

Tract No. C-25

Emily F. Brown, subject only to unpaid taxes, if any.

Tract No. C-39

R. W. Hildreth, subject only to unpaid taxes, if any.

Tract No. C-52

Al Vandergrift, subject only to the mortgage lien in favor of the Land Bank Commissioner, and unpaid taxes, if any.

Tract No. C-53

I. E. Angelo and M. F. Angelo, husband and wife, subject only to the outstanding 1/16 of the minerals owned by J. T. Oakley and Edna May Oakley, and unpaid taxes, if any.

Tract No. C-57

Maggie Joyce, formerly Maggie Downing, 3/4 blood Cherokee Indian, Roll No. 3087, subject to no liens of any kind or character, including taxes.

Tract No. D-1

C. F. Stryker, subject only to unpaid taxes, if any.

Tract No. D-17

W. H. Stephens, subject only to the mortgage lien in favor of Lillie M. Rosier, and unpaid taxes, if any.

Tract No. D-20

Maud Van Brunt and Leonard Van Brunt, subject only to the mortgage lien of the Federal Land Bank of Wichita, Kansas, and unpaid taxes, if any.

Tract No. D-52

Maggie Joyce, formerly Maggie Downing, 3/4 blood Cherokee Indian, Roll No. 3087, subject to no liens of any kind or character, including taxes.

Tract No. D-54

Maggie Joyce, formerly Maggie Downing, 3/4 blood Cherokee Indian, Roll No. 3087, subject to no liens of any kind or character, including taxes.

The Court further finds that the tracts hereinabove designated are properly and legally described as follows:

Tract No. A-4

The West Half of the Northwest Quarter of the Northeast Quarter ($W\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$), the North Half of the Northeast Quarter of the Northwest Quarter ($N\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$), the South 20 acres of Lot Four (4), and the North 17.22 acres of Lot Four (4), all in Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 73.96 acres, more or less.

Tract No. A-5

Lot One (1), and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$), in Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 78.68 acres, more or less.

Tract No. A-7

The Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$), and the South Half of the Northeast Quarter of the Northwest Quarter ($S\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$) (sometimes described as South 20 acres of Lot 3), in Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less.

Tract No. A-8

The Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter of the Southwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$), in Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50 acres, more or less.

Tract No. A-9

The North Half of the Southeast Quarter of the Northeast Quarter ($N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. A-10

The South Half of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$), and the East Half of the Northeast Quarter of the Southeast Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$), in Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. A-13

All that part of the Southeast Quarter of the Northwest Quarter of the Southeast Quarter ($SE\frac{1}{4}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$) of Section One (1), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, lying East of the right-of-way of State Highway No. 69, situate in Mayes County, Oklahoma, and containing .5 acre, more or less.

Tract No. A-14

That part of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ $SE\frac{1}{4}$) in Section One (1), Township Twenty (20) North, Range Eighteen (18) East, Mayes County, Oklahoma, lying East of U. S. Highway No. 69, containing 66 acres, more or less.

Tract No. A-15

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$) of Section One (1), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. A-16

The Northwest Quarter of the Southwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. A-17

The West Half of the Northwest Quarter of the Southwest Quarter ($W\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. A-20

The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$), the North Half of the Southwest Quarter of the Southeast Quarter ($N\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$), in Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. A-20-A

The Southeast Quarter of the Northwest Quarter of the Southwest Quarter ($SE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. A-22

The South Half of the Southeast Quarter of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, less 1 square acre in the Southeast Corner thereof for school, containing 19 acres, more or less.

Tract No. A-24

The East Half of the Southeast Quarter of the Southwest Quarter ($E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less.

Tract No. A-25

That part of the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$) of Section Twelve (12), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, which lies East of U. S. Highway No. 69, being more particularly described as follows: Beginning at the Southeast corner of said $NW\frac{1}{4} NE\frac{1}{4}$ of Section 12, thence West 607 feet to the East line of the Highway right-of-way, thence in a Northeasterly direction along said highway 1350.5 feet to a point on the North line of said Section 12, thence East 376 feet to the Northeast corner of said $NW\frac{1}{4} NE\frac{1}{4}$ of Section 12, thence South 80 rods to the point of beginning, containing 13.3 acres, more or less.

Tracts Nos. A-26 and A-34

The Northwest Quarter of the Northwest Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter of the Northwest Quarter ($NW\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$), the West 24.4 acres of Lot One (1), and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter ($SE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), all in Section Seven (7), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50.6 acres, more or less.

Tract No. A-28

The Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$), and the Northeast Quarter of the Southwest Quarter of the Northeast Quarter ($NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), in Section Seven (7), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50 acres, more or less.

Tract No. A-30

The North Half of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of Section Eight

(8), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. A-31

The South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. A-32

The East Half of the Southeast Quarter of the Northwest Quarter ($E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East, Mayes County, Oklahoma, containing 20 acres, more or less.

Tract No. A-37

The South 20.20 acres of Lot Two (2), and all of Lot Three (3), in Section Seven (7), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60.60 acres, more or less.

Tract No. A-38

The Southwest Quarter of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), the East Half of the Northwest Quarter ($E\frac{1}{2} NW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$), the East Half of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) (being Lot Four), less .71 acres deeded for State Highway, all in Section Seven (7), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma and containing 249.69, acres, more or less.

Tract No. A-39

The Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. A-41

The Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. A-44

The West Half of the Southwest Quarter of the Southeast Quarter ($W\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$), and the East Half of the Southeast Quarter of the Southwest Quarter ($E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$), in Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. B-1

The Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$), the South-

west Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4}$), the Northwest Quarter ($NW\frac{1}{4}$), the Southwest Quarter ($SW\frac{1}{4}$), the West Half of the Southwest Quarter of the Southeast Quarter ($W\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$), and the West Half of the Northwest Quarter of the Southeast Quarter ($W\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$), and the Northeast Quarter of the Northwest Quarter of the Southeast Quarter ($NE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$) of Section Four (4), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 450 acres, more or less.

Tract No. B-3

The Southwest Quarter of the Northeast Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$), the South Half of the Northwest Quarter of the Northeast Quarter ($S\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter of the Northeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$), the North Half of the Southwest Quarter of the Northeast Quarter ($N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$), the Northwest Quarter ($NW\frac{1}{4}$), the South Half of the Northwest Quarter of the Southeast Quarter ($S\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$), the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$), and the Southwest Quarter ($SW\frac{1}{4}$) of Section Three (3); and the West Half of the Northwest Quarter of the Southwest Quarter ($W\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$), of Section Two (2), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 540 acres, more or less.

Tract No. B-4

The North Half ($N\frac{1}{2}$) of Lot One (1), (otherwise described as North Half of Northeast Quarter of Northeast Quarter), and the North Half ($N\frac{1}{2}$) of Lot Two (2) described as North Half of Northwest Quarter of Northeast Quarter, of Section Three (3), Township Twenty (20) North, range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. B-5

That part of the West Half ($W\frac{1}{2}$) of Lot Four (4), Section Two (2), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, lying East of the Creek, containing 8 acres, more or less.

Tract No. E-6

Lot Three (3), and the East Half ($E\frac{1}{2}$) of Lot Four (4), Section Two (2), Township Twenty (20) North, Range Nineteen (19) East of the Indian meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less.

Tract No. B-9

The Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$) of Section Three (3), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. B-10

All of that part of the South Half of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$) and of the Northeast Quarter of the Southeast Quarter of the Northeast Quarter ($NE\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$) which lies West of Pryor Creek, all in Section Three (3), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 19.5 acres, more or less.

Tract No. B-13

The West Half of the Northeast Quarter of the Northwest Quarter ($W\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$), the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$), and the Northwest Quarter of the Northeast Quarter of the Southwest Quarter ($NW\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 110 acres, more or less.

Tract No. B-14

The North Half of the North Half of the Northeast Quarter ($N\frac{1}{2} N\frac{1}{2} NE\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter of the Northeast Quarter ($SW\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$), the East Half of the Northeast Quarter of the Northwest Quarter ($E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$), the Southwest quarter of the Northeast Quarter of the Northeast Quarter ($SW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$), and the Southeast Quarter of the Northwest Quarter of the Northeast Quarter ($SE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 100 acres, more or less.

Tract No. B-15

The West Half of the Northwest Quarter of the Northeast Quarter ($W\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter of the Northeast Quarter ($SE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, less and except 2.5 acres out of the Southeast corner of the above-described land, which exceptions are more particularly described as follows: Beginning at a point 20 chains East and 12 chains South of the Quarter Section corner between Section 3 and Section 10, Township 20 North, Range 19 East; thence South 4.47 chains; thence West 4.475 chains; thence North 4.47 chains; thence East 4.475 chains to the point of beginning, containing 2 acres, more or less; also excepting the .5 of an acre tract described as beginning at the Southeast corner of $NW\frac{1}{4} NE\frac{1}{4}$ of said Section 10; thence North 147.3 feet; thence West 147.3 feet; thence South 147.3 feet; thence East 147.3 feet to the point of beginning; all of the above described land being in Mayes County, Oklahoma, and containing 27.5 acres, more or less.

Tract No. B-16

The North Half of the Northeast Quarter of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter of the

Northeast Quarter ($NE\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less.

Tract No. B-18

The West Half of the Southeast Quarter ($W\frac{1}{2}$ $SE\frac{1}{4}$), and all that part of the East Half of the Southeast Quarter ($E\frac{1}{2}$ $SE\frac{1}{4}$) lying South and West of the City of Pryor Water and Power lines, in Section Two (2), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 140 acres, more or less.

Tract No. B-20

The West Half of the Northeast Quarter of the Northwest Quarter ($W\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. B-21

The Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}$ $NW\frac{1}{4}$) and the East Half of the Southwest Quarter of the Northwest Quarter ($E\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$) of Section Eleven (11), and the South Half of the Northeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$) of Section Ten (10), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. B-22

Beginning at a point 20 chains West and 12 chains South of the Northeast corner of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, thence South 4.47 chains, thence West 4.475 chains, thence North 4.47 chains, thence East 4.475 chains, to the point of beginning, lying in Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, in Mayes County, Oklahoma, and containing 2 acres, more or less.

Tract No. B-23

Beginning at the Southeast corner of the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ $NE\frac{1}{4}$), thence North 147.3 feet; thence West 147.3 feet, thence South 147.3 feet; thence East 147.3 feet to the point of beginning, containing 0.5 acres, and described as the Southeast one-half acre of the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ $NE\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East, Mayes County, Oklahoma.

Tract No. B-24

The West Half of the Southwest Quarter of the Northeast Quarter ($W\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter of the Northeast Quarter ($NE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, containing 30 acres, more or less.

Tract No. B-26

The North Half of the Northwest Quarter of the Southeast Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. B-29

The Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ SE $\frac{1}{4}$), the North Half of the Southeast Quarter of the Southeast Quarter ($N\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$), the South Half of the Northwest Quarter of the Southeast Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$), and the East Half of the Northeast Quarter of the Southwest Quarter ($E\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 100 acres, more or less.

Tract No. B-30

The Southwest Quarter of the Southeast Quarter of the Northeast Quarter ($SW\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter ($SE\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. B-32

The North Half of the Northwest Quarter of the Southwest Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter of the Southwest Quarter ($SE\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less.

Tract No. B-34

The East Half of the Northeast Quarter of the Northwest Quarter ($E\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ NW $\frac{1}{4}$), and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. B-35

All of Lots One (1) and Two (2), the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ NE $\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ SE $\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 138.55 acres, more or less.

Tract No. B-38

The Southwest Quarter of the Northwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Northwest Quarter of the Southwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. B-39

The Southwest Quarter of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. B-40

The North Half of the Southeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less.

Tract No. B-41

The South Half of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. B-42

The Southwest Quarter of the Southeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50 acres, more or less.

Tract No. B-43

The East Half of the Southeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less.

Tract No. B-44

The Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Southwest Quarter of the Northwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Sixteen (16), and the North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Seventeen (17); all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 140 acres, more or less.

Tract No. B-45

The Northwest Quarter of the Southwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Sixteen (16), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50 acres, more or less.

Tract No. B-46

The West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$), the East Half of the Southeast Quarter of the Northwest Quarter ($E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), and the Southwest Quarter of the Southeast Quarter of the Northwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), all in Section Sixteen (16) Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 110 acres, more or less.

Tract No. B-47

The Southeast Quarter of the Southwest Quarter of the Northwest Quarter ($SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) of Section Sixteen (16), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-2

The Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4}$) of Section Thirteen (13), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. C-6

The Southeast Quarter of the Southwest Quarter of the Northeast Quarter ($SE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-7

The South Half of the Northwest Quarter ($S\frac{1}{2} NW\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. C-9

The North Half ($N\frac{1}{2}$) of Lot Three (3), Section Eighteen (18), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-10

The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section Eighteen (18), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. C-13

The East Half of the Northeast Quarter of the Southwest Quarter ($E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter of the Southwest Quarter ($SW\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter of the Southwest Quarter ($NW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$), and the East Half of the Northwest Quarter of the Southwest Quarter ($E\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$) of Section

Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing, 60 acres, more or less.

TRACT No. C-15

The Southwest Quarter of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), the North Half of the Northeast Quarter of the Southeast Quarter ($N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter of the Southeast Quarter ($SW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), the North Half of the Southeast Quarter of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$), and the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 140 acres, more or less.

Tract No. C-16

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter ($SE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-17

The South Half of the Southeast Quarter of the Southeast Quarter ($S\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-18

The South Half of the Southeast Quarter of the Southwest Quarter ($S\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-21

Lot One (1) of Section Nineteen (19), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 39.58 acres, more or less.

Tract No. C-24

The Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$), the West Half of the Northeast Quarter of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$), the South Half of the Northeast Quarter ($S\frac{1}{2} NE\frac{1}{4}$), the Southwest Quarter of the Southeast Quarter of the Northwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 160 acres, more or less.

Tract No. C-26

The Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$), the North Half of the Northwest Quarter of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4} NW\frac{1}{4}$), and the Southwest Quarter of the Northwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$), all in Section Twenty (20), Township Twenty

(20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. C-27

The South Half of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$) of Section Nineteen (19), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-29

The North Half of the Northwest Quarter of the Southwest Quarter ($N\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$), the North Half of the South Half of the Northwest Quarter of the Southwest Quarter ($N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$), the West Half of the Northeast Quarter of the Southwest Quarter ($W\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter of the Southwest Quarter ($SE\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$), the North Half of the Southeast Quarter of the Southwest Quarter ($N\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$), the West Half of the Northwest Quarter of the Southwest Quarter ($W\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$), all in Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 110 acres, more or less.

Tract No. C-30

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter ($SE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), the West Half of the Northeast Quarter of the Southeast Quarter ($W\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$), and the East Half of the Northwest Quarter of the Southeast Quarter ($E\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50 acres, more or less.

Tract No. C-32

The East Half of the Southeast Quarter of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-33

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter of the Southeast Quarter ($NE\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-35

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section Nineteen (19) East, Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. C-36

The West Half of the Southwest Quarter of the Southeast Quarter ($W\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$) in Section Twenty-four (24), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-38

The East 20 acres of Lot One (1). (also described as the East Half of the Northwest Quarter of the Northwest Quarter), the North Half of the Northeast Quarter of the Northwest Quarter ($N\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter of the Northwest Quarter ($SW\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$), and the North Half of the Northwest Quarter of the Northeast Quarter ($N\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$) of Section Thirty (30), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. C-41

The Northeast Quarter of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-43

The West Half of the Southeast Quarter of the Northeast Quarter ($W\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-44

The Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ $NE\frac{1}{4}$), and all that part of the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ $SE\frac{1}{4}$) lying North of State Highway No. 33, in Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing 63.47 acres, more or less.

Tract No. C-45

All of that part of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}$ $NW\frac{1}{4}$) lying North of Highway No. 33 right-of-way, all of that part of the North Half of the Northeast Quarter of the Southwest Quarter ($N\frac{1}{2}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$) lying North and East of Highway No. 33 right-of-way, and the Southwest Quarter of the Southeast Quarter of the Northwest Quarter ($SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$) and that part South of the Creek in the Southwest corner of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 59 acres, more or less.

Tract No. C-46

The East Half of the Northeast Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ $NE\frac{1}{4}$), the South Half of the Northwest

Quarter of the Northeast Quarter ($S\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$), the Northeast Quarter of the Southeast Quarter of the Northwest Quarter ($NE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), the West Half of the Southeast Quarter of the Northwest Quarter ($W\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), and that part of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$) lying North and East of the Highway, all in Section Thirty (30), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 204.62 acres, more or less.

Tract No. C-47

The Southeast Quarter of the Northeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) of Section Thirty (30), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-48

The Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) of Section Thirty (30), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-50

The North Half of the Northeast Quarter of the Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty-five (25), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-55

Beginning at a point 3.165 chains South and 3.165 chains West of the Quarter Section corner between Sections Twenty-eight (28) and Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East; thence West 3.165 chains, thence South 3.165 chains, thence East 3.165 chains, thence North 3.165 chains to the point of beginning, in Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 1.02 acres, more or less.

Tract No. D-3

The West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$) of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. D-5

The East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) and the Northeast Quarter of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), less $1\frac{1}{2}$ acres reserved for school purposes in the Northeast corner of the Northeast Quarter of the Northeast Quarter of the Northeast Quarter ($NE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$), in Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing $88\frac{1}{2}$ acres, more or less.

Tract No. D-7

The Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$) and Lot Four (4) of Section Eleven (11); and the North Half of the Northwest Quarter of the Northeast Quarter ($N\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$), Lot Two (2), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$), the North Half of the Southeast Quarter of the Northwest Quarter ($N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), less $16\frac{1}{2}$ feet off the East side of the East Half of the East Half of the Northwest Quarter ($E\frac{1}{2} E\frac{1}{2} NW\frac{1}{4}$) for roadway purposes, and all that part of the Northeast Quarter of the Northwest Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) and the Southwest Quarter of the Southeast Quarter of the Northwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) lying East of Pryor Creek, in Section Fourteen (14), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian situate in Mayes County, Oklahoma, and containing 144.05 acres, more or less.

Tract No. D-8

The South Half of the Northwest Quarter of the Northeast Quarter ($S\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$), the Northwest Quarter of the Southwest Quarter of the Northeast Quarter ($NW\frac{1}{4} SW\frac{1}{2} NE\frac{1}{4}$), the West Half of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter ($SE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$); all in Section Fourteen (14), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 44 acres, more or less.

Tract No. D-10

All of that part of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) lying West of Pryor Creek, in Section Fourteen (14), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 7.5 acres, more or less.

Tract No. D-11

The Northwest Quarter of the Southwest Quarter of the Northwest Quarter ($NW\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) and the South 33 feet of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) in Section Fourteen (14), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10.5 acres, more or less.

Tract No. D-16

The West Half of the West Half of the Southwest Quarter ($W\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$), the East Half of the Northwest Quarter of the Southwest Quarter ($E\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$), the East Half of the Southwest Quarter of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$), and the Southwest Quarter of the Northeast Quarter of the Southwest Quarter ($SW\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$) of Section Sixteen (16), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 130 acres, more or less.

Tract No. D-18

The Southwest Quarter of the Southeast Quarter of the Southwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$) and the East Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter ($E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$), in Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 15 acres, more or less.

Tract No. D-22

The Southwest Quarter of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), the West Half of the West Half of the Southeast Quarter ($W\frac{1}{2} W\frac{1}{2} SE\frac{1}{4}$), the Northeast Quarter of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$), all that part of the East Half of the Southeast Quarter of the Southwest Quarter ($E\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$), lying South and East of Pryor Creek, and all that part of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$) lying South and East of Pryor Creek, in Section Fourteen (14); and the East Half of the Northeast Quarter of the Northwest Quarter ($E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter of the Northwest Quarter ($SW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$), the North Half of the Southeast Quarter of the Northwest Quarter ($N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), and all of that part of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter ($NW\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter of the Northwest Quarter ($NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) lying South and East of Pryor Creek, in Section Twenty-three (23), all in Township Twenty (20) North, Range Nineteen (19) East, Mayes County, Oklahoma, and containing 148.5 acres, more or less.

Tract No. D-23

Lots Six (6) and Seven (7) and the East Half of the West Half of the Southeast Quarter ($E\frac{1}{2} W\frac{1}{2} SE\frac{1}{4}$), of Section Fourteen (14); and all that part of Lot Six (6) lying in the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), (6.90 acres), and the West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$), and Lot Two (2) (19.35 acres), and Lot Three (3), (12.20 acres), in Section Twenty-three (23), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 181.75 acres, more or less.

Tracts Nos. D-26 and D-38

The Northwest Quarter of the Northeast Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$), the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$), the Northeast Quarter of the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter of the Northeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$), all in Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. D-28

The North Half of the Northwest Quarter of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4} NW\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range

Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. D-29

The Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. D-30

The East Half of the Northeast Quarter of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), and the North Half of the Southeast Quarter of the Northeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), and also a strip 33 feet wide off the North side of the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 41 acres, more or less.

Tract No. D-31

The Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southeast Quarter of the Northwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-one (21) Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. D-33

The Northeast Quarter of the Northwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. D-35

The South Half of the Southeast Quarter of the Northwest Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), and the North Half of the South Half of the Southwest Quarter (N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 180 acres, more or less.

Tract No. D-36

The Southeast Quarter of the Northwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$), the South Half of the Northeast Quarter of the Northwest Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), the North Half of the Southeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$), and the West Half of the Southwest Quarter of the Northeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. D-39

All that part of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter of the Northwest Quarter ($NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$) lying North and West of Pryor Creek, the Southwest Quarter ($SW\frac{1}{4}$) less the Northwest Quarter of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter of the Northwest Quarter ($SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$), the South Half of the Southeast Quarter of the Northwest Quarter ($S\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$), the South 3.9 acres of Lot Six (6), Lot Seven (7), in Section Twenty-three (23), containing 260.75 acres, more or less; and the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4} NW\frac{1}{4}$) Lot Three (3), Lot Four (4), Lot Five (5), and Lot Seven (7), in Section Twenty-six (26), containing 116.75 acres, more or less; and the East 9.9 acres of Lot One (1), the East Half of the Northeast Quarter of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) in Section Twenty-seven (27), containing 29.9 acres, more or less; all of the above described land being in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 407.4 acres, more or less.

Tract No. D-40

The North Half of the Southeast Quarter ($N\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. D-41

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter of the Southeast Quarter ($NE\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$) of Section Twenty-two (22); and the Northwest Quarter of the Northeast Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty-seven (27); all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less.

Tract No. D-43

The South Half of the South Half of the Southwest Quarter ($S\frac{1}{2} S\frac{1}{2} SW\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. D-44

The Northeast Quarter of the Southeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. D-45

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$) and the South Half of the Southeast Quarter of the

Southeast Quarter ($S\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less.

Tract No. D-47

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. D-48

The Northwest Quarter of the Northeast Quarter (NW $\frac{1}{2}$ NE $\frac{1}{4}$) and the East Half of the Northeast Quarter of the Northwest Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-seven (27), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less.

Tract No. D-49

The North Half of the Southeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) (also described as the North 20 acres of Lot 3), of Section Twenty-seven (27), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. D-50

The Southwest Quarter of the Northeast Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), the West Half of the Northeast Quarter of the Northwest Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$), the West 11.80 acres of Lot One (1), all of Lot Two (2), the South 19.10 acres of Lot Three (3), all of Lot Four (4), all of Lot Nine (9), and the South Half of the Northwest Quarter of the Southwest Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$), all in Section Twenty-seven (27), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 237.75 acres, more or less.

Tract No. D-51

The Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. D-58

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$), the South Half of the Northwest Quarter of the Southeast Quarter (S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$), and the Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Tract No. D-59

The Southeast Quarter of the Southeast Quarter of the Southwest Quar-

ter ($SE\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10, acres, more or less.

Tract No. A -11

The West Half of the Northeast Quarter of the Southeast Quarter ($W\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ $SE\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ $SW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter of the Southwest Quarter ($NW\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$), Lot Six (6), (also described as the Northwest Quarter of the Southwest Quarter), and the East 20 acres of Lot Seven (7) (also described as the East Half of the Southwest Quarter of the Southwest Quarter), and the Southwest 10.19 acres of Lot Seven (7) (also described as the Southwest Quarter of the Southwest Quarter of the Southwest Quarter), all in Section Six (6), Township Twenty (20) North, Range Nineteen (19), East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 180 acres, more or less.

Tract No. A-12

The Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ $SE\frac{1}{4}$) of Section One (1), Township Twenty (20) North Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 39.5 acres, more or less.

Tract No. A-33

The Southwest Quarter of the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. A-40

The Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ $SW\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Tract No. B-7

All of that part of the East Half of the Northeast Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$) lying South and West of the City of Pryor water and power lines in Section Two (2), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 15 acres, more or less.

Tract No. B-28

The Southwest Quarter of the Northeast Quarter of the Southwest Quarter ($SW\frac{1}{4}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$), the Northwest Quarter of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$), the South Half of the Northwest Quarter of the Southwest Quarter ($S\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter of the Southwest Quarter ($NW\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ $SW\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 90 acres, more or less.

Tract No. C-1

The North Half of the Northwest Quarter of the Northeast Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) and the Southwest Quarter of the Northwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, less 4.68 acres railroad right-of-way, situate in Mayes County, Oklahoma, containing 25.32 acres, more or less.

Tract No. C-3

The North Half of the Southeast Quarter ($N\frac{1}{2}$ SE $\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ SE $\frac{1}{4}$), and the East Half of the Southwest Quarter of the Southeast Quarter ($E\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirteen (13); and the Northeast Quarter (NE $\frac{1}{4}$), the North Half of the Southeast Quarter ($N\frac{1}{2}$ SE $\frac{1}{4}$), the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ SE $\frac{1}{4}$), and the East Half of the Southwest Quarter of the Southeast Quarter ($E\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-four (24), all in Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian; and the North Half ($N\frac{1}{2}$), the East Half of the Southeast Quarter ($E\frac{1}{2}$ SE $\frac{1}{4}$), the South Half of the Southwest Quarter ($S\frac{1}{2}$ SW $\frac{1}{4}$), and the South Half of the Northwest Quarter of the Southwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eighteen (18); and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$), the North Half of the Southeast Quarter of the Northeast Quarter ($N\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4}$ NE $\frac{1}{4}$), the South Half of the Northwest Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$), the Southwest Quarter ($SW\frac{1}{4}$), the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ SE $\frac{1}{4}$), and the South Half of the Northwest Quarter of the Southeast Quarter ($S\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nineteen (19), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, less M. K. & T. Railroad right-of-way, and U. S. Highway No. 69 right-of-way, situate in Mayes County, Oklahoma, and containing 1309.12 acres, more or less.

Tract No. C-11

The West Half of the Southeast Quarter ($W\frac{1}{2}$ SE $\frac{1}{4}$) of Section Eighteen (18), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. C-12

The Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. C-19

The West Half of the Northwest Quarter of the Southwest Quarter ($W\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ SW $\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less.

Tract No. C-25

The East Half of the Northeast Quarter of the Northeast Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Tract No. C-39

The South Half of the South Half of the Northwest Quarter of the Southwest Quarter ($S\frac{1}{2}$ $S\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ $SW\frac{1}{4}$), the Southwest Quarter of the Southeast Quarter of the Southwest Quarter ($SW\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$) of Section Twenty (20); and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter ($NW\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$), the Northwest quarter of the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$), the East Half of the Northeast Quarter of the Northwest Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$), the Southwest Quarter of the Northeast Quarter of the Northwest Quarter ($SW\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$), the East Half of the Northwest Quarter of the Northwest Quarter ($E\frac{1}{2}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$), the Southwest Quarter of the Northwest Quarter of the Northwest Quarter ($SW\frac{1}{4}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$), the North Half of the Southeast Quarter of the Northwest Quarter ($N\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$), and all that part of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$) lying North of the Creek, in Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 179 acres, more or less.

Tract No. C-52

One-half acre in the Northeast corner of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4}$ $SE\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, in Mayes County, Oklahoma; said one-half acre lying North and East of Public Highway No. 33.

Tract No. C-53

The Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ $SW\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, less 1.99 acres for Highway No. 33 right-of-way, situate in Mayes County, Oklahoma, and containing 38.01 acres, more or less.

Tract No. C-57

The Northwest Quarter of the Northwest Quarter of the Northwest Quarter ($NW\frac{1}{4}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. D-1

The East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$), the Southeast Quarter ($SE\frac{1}{4}$), the East Half of the Northeast Quarter of the Southwest Quarter ($E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$), and the Northwest Quarter of the Northeast Quarter of the Southwest Quarter ($NW\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$) of Section Sixteen (16); and the Southeast Quarter of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$) of Section Nine (9); and the Northwest Quarter of the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$) of Section Fifteen (15); and the West Half of the Northwest Quarter of the Northeast Quarter ($W\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter of the Northeast Quarter ($NE\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty-one (21), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 330 acres, more or less.

Tract No. D-17

The South 2 acres of the Northwest Quarter of the Southwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$), and the West Half of the Southeast Quarter of the Southwest Quarter of the Southwest Quarter ($W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$) of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 27 acres, more or less.

Tract No. D-20

The East Half of the Southwest Quarter of the Northwest Quarter ($E\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$), the East Half of the Northwest Quarter of the Southwest Quarter ($E\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$), the West Half of the Northeast Quarter of the Southwest Quarter ($W\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$), the Southeast Quarter of the Northeast Quarter of the Southwest Quarter ($SE\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter of the Southwest Quarter ($NW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$) of Section Fourteen (14), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Tract No. D-52

The Southwest Quarter of the Southeast Quarter of the Northwest Quarter ($SW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Tract No. D-54

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter ($NE\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

the filing of said declaration of taking and the depositing in the registry of the Court for the use of the persons entitled thereto of the amount of the estimated compensation stated in said declaration, the United States of America became vested with a perpetual easement and right for the uses and purposes stated in the declaration of taking, upon, over and across the lands described therein, and that said lands should be deemed to have been condemned and taken for the use of the United States of America and that the right to just compensation for the same should vest in the persons entitled thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands, situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described by courses and distances as follows, to-wit:

TRACT NO. 1

306 - 26.1 Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, T 21 N. R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $W\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, 259 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said $W\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, 1232.6 feet from the NW corner thereof.

TRACT NO. 2

306 - 26.2 Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, $E\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, $W\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the $E\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T 21 N. R 19 E, of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $E\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, 1232.6 feet from the NE corner thereof; thence Southwesterly to a point in said $E\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, 606.7 feet South and 146 feet West of the NE corner thereof; thence South to a point in the South boundary of said $E\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, 146 feet from the SE corner thereof.

TRACT NO. 3

306 - 26.3 Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 26, T 21 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $E\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, 146 feet from the NE corner thereof; thence South to a point in the South boundary of said $E\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, 146 feet from the SE corner thereof.

TRACT NO. 4

306 - 27.1 Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec.

35, T 21 N, R. 19 E. of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $E\frac{1}{2} W\frac{1}{2} NW\frac{1}{4}$, 146 feet from the Ne corner thereof; thence South to a point in the South boundary of said $E\frac{1}{2} W\frac{1}{2} NW\frac{1}{4}$, 139 feet from the SE corner thereof.

TRACT NO. 5

306 - 27.2 Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, Sec. 35, T 21 N, R 19 E. of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $E\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, 139 feet from the NE corner thereof; thence South to a point in the South boundary of said $E\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$, 131 feet from the SE corner thereof.

together with the perpetual easement and right to cut down, remove and trim any trees which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the taking of the same be, and it is hereby vested in the persons entitled thereto.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby vested with a perpetual easement, upon, over and across the lands hereinabove described for the uses and purposes herein stated.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 6th day of March, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 5 1942
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to March 6, 1942

On this 6th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Bower Broadus, 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 IN AND FOR THE NORTHERN DISTRICT
OF OKLAHOMA

JOHNNIE PLUMMER, a minor, by his father and next friend, WILLIAM PLUMMER,	Plaintiff,)	
)	
vs.		)	No. 625 Civil
)	
SLOAN'S MOVING & STORAGE COMPANY, a corporation, et al,	Defendants.)	

ORDER ALLOWING WITHDRAWAL OF MOTION FOR NEW TRIAL

Now on this 6th day of March, 1942, this matter comes on to be heard upon the application of the plaintiff for permission to withdraw his motion for new trial herein, and the court being fully advised in the premises is of the opinion that said permission should be granted.

IT IS THEREFORE ORDERED by this court that the plaintiff be, and he is, given permission to withdraw his motion for new trial now pending in the above styled and numbered cause.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

ENDORSED: Filed Mar 6 1942
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,	Petitioner,)	
)	
vs		)	No. 652 - Civil
)	
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niehaus, Jr. et al.,	Respondents.)	

ORDER APPOINTING GUARDIAN AD LITEM FOR OWNER OF TRACT
G-32

Now on this 6th day of March, 1942, it being made to appear to the Court that August H. Glammeier, the owner of Tract G-32, is an incompetent person, and that Hulda L. Frien, his sister, is his duly appointed guardian in a guardian's proceeding in the State of Nebraska.

It further appearing to the Court that said Hulda L. Prien is a fit person to act as guardian for said incompetent, August H. Glammeier, in the instant proceeding, the Court finds that she should be appointed guardian ad litem.

IT IS, THEREFORE, ORDERED that Hulda L. Prien, be, and she is hereby appointed guardian ad litem for August H. Glammeier.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 6 1942
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,	Petitioner,)
)
vs.)
)
15,500 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and John M. Niehaus, Jr., et al,	Respondents.)

No. 652 - Civil

ORDER OF PARTIAL DISTRIBUTION ASTO TRACT NO. C-32

Now on this 6th day of March, 1942, it appearing to the Court that a partial distribution of funds should be made as to Tract C-32:

IT IS, THEREFORE, ORDERED that the Clerk issue checks as follows:

Hulda L. Prien, Guardian, for the use and benefit of August H. Glammeier, an incompetent	\$301.00
A. F. Binam	19.00

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 6 1942
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,

Petitioner,)

vs

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr. et al,

Respondents.)

ORDER FIXING TITLE AS TO TRACT D-21

Now on this 16th day of February, 1942, this cause came on to be heard pursuant to due notice given. The Court having been fully advised in the premises finds that the fee simple title, subject only to outstanding easements for public roads and public utilities, to Tract No. D-21, which is more particularly described as follows:

All that part of the East Half of the Southeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) lying West of Pryor Creek, in Section Fourteen (14), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 7 acres, more or less.

is vested in the United States of America by virtue of a Declaration of Taking heretofore filed in this case.

The Court further finds that title was vested in Marie Moore and Fern Jandreau, as equal owners, subject only to outstanding taxes, if any.

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED that at the time Tract D-21 was taken by the United States of America, title was vested equally in Marie Moore and Fern Jandreau, subject only to outstanding taxes, if any.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 6 1942
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,	Petitioner,)
)
vs.		) No. 652 - Civil
)
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niehaus, Jr., et al,	Respondents.)

ORDER FOR FINAL DISTRIBUTION AS TO TRACT C-28

Now on this 6th day of March, 1942, it being made to appear to the Court that the amount of the deficiency judgment, heretofore rendered as to this tract, has been deposited with the Clerk of the Court, the Court finds distribution of these funds should be made.

IT IS, THEREFORE, ORDERED that the Clerk issue a check as follows:

C. L. Hunt	\$85.00
(final payment for Tract C-28)	

No charge shall be made for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 6 1942
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,	Petitioner,)
)
vs.		) No. 652 - Civil
)
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niehaus, Jr. et al,	Respondents.)

ORDER CANCELLING CHECKS PREVIOUSLY ISSUED AND
DIRECTING ISSUANCE OF NEW CHECKS

Now on this 6th day of March, 1942, it being made to appear to the Court that Checks No.s 1264 and 1284, in the sum of \$255.47 and \$48.00, respectively, heretofore issued, payable to the order of L. W. Garrison and Mrs. L. W. Garrison, in payment of crops on Tracts Nos. C-26 and C-45, should be cancelled for the reason that L. W. Garrison is an unmarried person, and that new checks should be issued in lieu thereof payable to the order of L. W. Garrison, a single man.

IT IS, THEREFORE, ORDERED that Checks Nos. 1264 and 1284, heretofore issued, payable to the order of L. W. Garrison and Mrs. L. W. Garrison, be and the same are hereby cancelled.

IT IS FURTHER ORDERED that the Clerk issue checks as follows:

L. W. Garrison (full payment of crops on Tract C-26)	\$255.47
--	----------

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

GEORGE W. BRADSHAW, Plaintiff,)
vs.) NO. 709 CIVIL
R. J. GREENWOOD, ET AL, Defendants.)

O R D E R

ON this 6th day of March, 1942, this cause came on for hearing on the separate motions filed herein by the several defendants to dismiss plaintiff's complaint. The plaintiff and each of the defendants appeared in open court by their respective attorneys and pursuant to previous notice given all parties, the Court announced that he was ready to render a decision upon said motions to dismiss after giving careful consideration to the briefs filed herein by the defendants in support of said motion to dismiss and by the plaintiffs in opposition to said motion. The Court found that the said motions to dismiss are not well founded and should be overruled.

IT WAS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED that the said motions be and the same are overruled, to which action and order of the Court the defendants and each of them excepted. It was by the Court ordered that each of the defendants shall have ten days from this date to file answers herein to plaintiff's complaint.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 11 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

THE UNITED STATES, for the use and benefit)
of Tom W. Kelly, Plaintiff,)
vs.) No. 722 Civil
CENTRAL CONSTRUCTION COMPANY, a corporation,)
and Continental Casualty Company, a cor-)
poration, Defendant.)

ORDER GRANTING LEAVE TO C. B. MAXEY TO INTERVENE

Upon the hearing of the motion of C. B. Maxey, for leave to intervene herein, the court having considered the matter and being fully advised,

IT IS ORDERED that said motion be and the same is hereby sustained, and said C. B. MAXEY is hereby granted leave to file his petition in intervention forthwith.

Dated this 6th day of March, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court
Mar 6 1942
H. P. Warfield, Clerk, U. S. District Court

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

United States of America for the use and benefit of Tom W. Kelly, Plaintiff,

vs

The Central Construction Company, a corporation, and Continental Casualty Company, an Insurance Corporation, Defendants.

No. 722 Civil

Amulco Products Incorporated, a Corporation, and Stephenson-Browne Lumber Company, a corporation, Interveners.

ORDER GRANTING LEAVE TO INTERVENE

This cause coming on to be heard on the 6 day of March, 1942, on the Motion of Cities Service Oil Company, a corporation, for leave to intervene in the above entitled cause and to be made a party plaintiff thereto, and the motion having been duly considered and it appearing that a copy of the Motion, the Notice of Motion and the proposed Complaint of Intervention of Cities Service Oil Company was mailed by petitioner's attorney on the 17th day of February, 1942, to the Attorney for the plaintiff, to the Attorney for the defendant, Continental Casualty Company, to the defendant, Central Construction Company, and the Attorneys for the above named Interveners, as shown by Proof of Mailing on file herein, and it further appearing to the court that the claim of the petitioner, Cities Service Oil Company, and the claim of the plaintiff in the main action have a question of law and fact in common:

IT IS THEREFORE ORDERED AND DECREED that the service of the copies of the Motion for Leave to Intervene, the Notice of the Motion and the proposed Complaint of Intervention on the Attorney for the Plaintiff, the Attorney for the defendant, Continental Casualty Company, the defendant, Central Construction Company, and the Attorneys for the above named Interveners by mailing same to said attorneys and to said Central Construction Company is valid, complete and regular in all respects and said service is hereby approved and confirmed by the court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Cities Service Oil Company, a corporation, be and it hereby is granted leave to intervene in said suit as a party plaintiff by filing forthwith its said Complaint in Intervention, copy of same being attached to the Motion for leave to Intervene on file herein.

Dated this 6 day of March, 1942.

ROYCE H. SAVAGE UNITED STATES DISTRICT JUDGE

ENDORSED: Filed In Open Court Mar 6 1942 H. P. Warfield, Clerk U. S. District Court H

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

UNITED STATES OF AMERICA FOR THE USE AND BENEFIT OF TOM W. KELLY, PLAINTIFF,

vs.

NO. 722 C.

CENTRAL CONSTRUCTION COMPANY, A CORPORATION AND CONTINENTAL CASUALTY COMPANY, AN INSURANCE CORPORATION, DEFENDANTS.

ORDER GRANTING LEAVE TO INTERVENE

NOW, on this 6th day of March, 1942, comes on for hearing the petition of the United States of America for the use and benefit of Vaughn Hardware and Lumber Company, a corporation for leave to intervene in the aboe named action, and it appearing that due notice has been given of this hearing to all parties concerned, and there being no objection urged, and none appearing to the court, the United States of America for the use and benefit of Vaughn Hardware and Lumber Company, a corporation, is hereby granted leave to intervene heren, file complaint and proceed to the orderly prosecution of same.

ROYCE H. SAVAGE JUDGE

ENDORSED: Filed Mar 6 1942 H. P. Warfield, Clerk U. S. District Court JS

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

E. W. HUNT, Plaintiff,

vs.

No. 725 Civil

H. T. Fischer, sometimes referred to as H. T. Fischer Company, a trade name and appellation for H. T. Fischer, Defendant.

ORDER FOR SUBSTITUTION OF PLAINTIFF

Now, on this 6th day of March, 1942, the above entitled cause came on regularly for hearing before the undersigned Judge of the above named Court upon the suggestions of the death of the plaintiff, E. W. Hunt, and the motion for substitution of Bessie Hunt, Administratrix of the estate of said decedent, as party plaintiff herein, the said Bessie Hunt appearing by her attorneys and the defendant appearing by his attorney, F. W. Nesbitt, and the Court, having heard said suggestions and motion and the proof offered in support of same and being fully informed and advised in he premises, finds:

That due notice of the hearing on said matter at this time has been given to th defenat, as required by law and the rules of this Court; that the plaintiff, E. W. Hunt, died intestate in the State of Oklanoma on or about the 15th day of February, 1942; that the cause of action as set forth in the plaintiff's complaint herein is one which survives to the estate of said decedent; that the said Bessie Hunt is the duly appointed, qualified and acting administratrix of the estate of said

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

FRICK-REID SUPPLY CORPORATION, a corporation,

Plaintiff,

-vs-

No. 741 Civil

SONKEN-GALAMBA SUPPLY COMPANY, a corporation, and W. C. BERRY,

Defendants.

O R D E R

Now, on this 6th day of March, 1942, there having come on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, a motion to dismiss, filed herein by the defendant, Sonken-Galamba Supply Company, plaintiff being represented by its attorney, John S. Conway, and the defendant, Sonken-Galamba Supply Company by its attorney, Irvine E. Ungerman, and the court having heard the argument of counsel in support and in opposition to said motion to dismiss and being otherwise fully advised in the premises finds that the said motion to dismiss the amended complaint as to count No. 1 and Count No. 2 should be overruled.

IT IS, THEREFORE, ORDERED BY THIS COURT, that the motion to dismiss the amended complaint as to count No. 1 and Count No. 2 filed herein by the defendant, Sonken-Galamba Supply Company, a corporation, be and the same is hereby overruled and exceptions allowed said defendant.

IT IS FURTHER ORDERED BY THIS COURT, that the defendant, Sonken-Galamba Supply Company be given ten days from this date within which to answer to the amended complaint of the plaintiff.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to March 7, 1942

On this 7th day of March, A.D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Bower Broadus, Judges, present and presiding.

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

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

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

EDGAR D. BALDWIN,

Plaintiff,)

vs.)

No. 677 - Civil

MISSOURI, KANSAS AND TEXAS RAILROAD
COMPANY, a corporation,

Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 2nd day of March, 1941, the same being one of the regular court days of the January, 1941, term of this court, the above entitled cause comes on regularly for trial, pursuant to assignment, and the parties plaintiff and defendant appearing by their respective attorneys of record, and the plaintiff appearing in person, and both sides announcing ready for trial: Thereupon a jury of twelve good and lawful men, citizens and residents of said district, is duly and regularly empanelled and sworn to try said action. Thereupon counsel for each of said respective parties make their opening statements to the jury, and the plaintiff proceeds with the introduction of evidence and the hour of adjournment having arrived, the further hearing of said action is adjourned until the following morning at 9:00 A.M.

And now on this 3rd day of March, 1941, the court again convenes, pursuant to adjournment on the previous day, and plaintiff continues with the introduction of evidence on his behalf, and having concluded his said evidence the plaintiff rests. Thereupon the defendant by its counsel moves the court to dismiss the plaintiff's said action on the grounds that the plaintiff had failed to prove facts sufficient to make a prima facie case against defendant, and had failed to prove negligence of the defendant as alleged in his petition, or that negligence of the defendant was the proximate cause of the accident and injury to the plaintiff, and that plaintiff's evidence showed the proximate cause to be the negligence of a responsible third party over whom the defendant had no control. Thereupon the court announced that he would take defendant's motion to dismiss under submission, and required the defendant to put on its evidence.

Thereupon the defendant proceeds with the introduction of evidence upon its behalf, and having concluded same the defendant rests. Thereupon the plaintiff proceeds with the introduction of his evidence in rebuttal and having concluded same the plaintiff rests. Thereupon at the conclusion of all the evidence the defendant moves the Court to instruct the jury to return its verdict in favor of the defendant, on the grounds that no cause of action has been proven in favor of the plaintiff and against the defendant; that the plaintiff has failed to sustain the allegations of negligence alleged in his petition and to prove any negligence of the defendant; that under the evidence the proximate cause of the accident and injury to the plaintiff was the negligence of an independent third person, to-wit: one Miss Bettis, driver of the automobile which struck and injured the plaintiff, and over whom the defendant had no control, and for whose negligence the defendant is not liable. Thereupon the court announced that he would take said motion under submission and reserve his decision thereon, and submit the case to the jury subject to a later determination of the questions raised by the motion. Therefore the respective parties make their arguments to the jury. Each of the parties having submitted written requests for instructions, the court announced that exceptions would be allowed as to the refusal of each and all instructions which were not given in the court's charge to the jury. Thereupon the court proceeds to instruct the jury at the conclusion of which the jury is placed in charge of a sworn bailiff and retires to the jury room to consider their verdict. Thereupon, after due deliberation and having arrived at a verdict, the jury in open court duly returns its verdict in favor of the defendant, signed by one of its number as foreman, which verdict is received and filed, and thereupon the jury is discharged from further consideration of said case, and the court announces that it approves of said verdict and renders judgment in accordance therewith.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the court, in accordance with said verdict of the jury, that the defendant Edgar D. Baldwin recover nothing of and from the

defendant Missouri-Kansas-Texas Railroad Company, a corporation, in this action, and that the defendant go hence without day, and recover of and from the plaintiff herein its costs laid out and expended.

BOWER BROADDUS
JUDGE

ENDORSED: Filed May 7 1942
H. P. Warfield, Clerk
U. S. District Court

RE-FILED IN OPEN COURT
Mar 27 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to March 9, 1942

On this 9th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Bower Broadbus 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 FOR THE NORTHERN DISTRICT
OF OKLAHOMA

Bennett Investment Corporation, a
Delaware corporation,)
Plaintiff,)

v.

Kingwood Oil Company, an Oklahoma
corporation; J. L. McMahon; Hallie
N. King; C. H. Bergquist; and Effingham
State Bank of Effingham, Illinois,)
Defendants.)

No. 745 Civil

O R D E R

On this 2d day of March, 1942, there came on to be heard the separate motions of the defendants to dismiss this action, and the application of the plaintiff for a temporary injunction; and said matters having been fully heard, and the Court finding that the individual defendants are all noncitizens and nonresidents of the State of Oklahoma and of the Northern District thereof, and that the cause of action alleged against them is not one authorized by sec. 118, Title 28, U.S.C.A., to be maintained upon constructive service, and that therefore this court is without jurisdiction over said individual defendants:

R. Nesbitt, and the defendant appearing in person and by his attorney, Irvine E. Ungerman, and the parties hereto having failed to file a formal request for the right to a trial by jury prior to the pre-trial conference on the 4th day of February, 1942, and all parties having announced ready for trial the court proceeded to hear the testimony of witnesses sworn and examined in this cause. The plaintiff introduced his evidence and rested and thereupon the defendant moved of the court to dismiss the cause for insufficient evidence, and the court after considering said motion to dismiss, finds that the same should be overruled and exceptions allowed the defendant. Thereupon, the defendant introduced his evidence and rested. Thereafter, the plaintiff introduced evidence in rebuttal and thereafter both of the parties rested their cause and submitted the cause to the court for his decision.

Thereafter and after due consideration of the evidence submitted to the court, the court finds that the defendant is engaged in Interstate Commerce; that the plaintiff worked the number of hours and received the exact pay as shown by the defendants "Exhibit No. I" introduced in evidence, and that the plaintiff is not entitled to a judgment against the defendant in any sum whatsoever for the reason that the evidence fails to dislose that the plaintiff has not been paid for the labor performed by him for the defendant in accordance with the Fair Labor Standards Act.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this court, that the plaintiff take nothing of and from the defendant herein, and that judgment should be rendered herein for the defendant, and for all the costs herein expended by the defendant; to which judgment of the court the plaintiff excepted and exceptions were allowed.

BOWER BROADDUS
District Judge

ENDORSED: Filed Mar 12 1942
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,	Petitioner,)
)
vs.)
		) No. 652 Civil
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niensus, Jr., et al.,	Respondents.)

ORDER OF DISMISSAL AS TO TRACTS A-2 and A-46

Now on this 10th day of March, 1942, it being made to appear to the Court that title satisfactory to the Government has passed to the United States of America as to Tracts A-2 and A-46, by voluntary deeds from the former owners thereof, and that no reason exists for the continuance of this cause as to Tracts A-2 and A-46;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause be and the same is hereby dismissed as to Tract A-2, more particularly described as follows:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$); and the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); and Lots Two (2), Three (3), Four (4) and Five (5), of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 228.38 acres, more or less, situate in

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

UNITED STATES OF AMERICA,	Petitioner,)
)
vs.)
		) No. 652 - Civil
15,500 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and John M. Niehaus, Jr. et al.,	Respondents.)

ORDER OF PARTIAL DISTRIBUTION AS TO TRACT NO. D-21

Now on this 10th day of March, 1942, it being made to appear to the Court that a partial distribution of the funds as to Tract D-21 should be made;

IT IS, THEREFORE, ORDERED that the Clerk issue checks as follows:

County Treasurer of Mayes County (full payment of taxes as to Tract D-21)	\$114.94
Samuel R. Van Brunt (full payment of crops)	16.00
Leonard Van Brunt	16.00
Marie Moore	4.03
Fern Jandreau	4.03

No charge shall be made for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 10 1942
H. P. Warfield, Clerk
U. S. District Court H

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

United States of America,	Plaintiff,)
)
-vs-		) Civil No. 756
Board of County Commissioners of Delaware County, Oklahoma, et al,	Defendants.)

ORDER EXTENDING TIME TO PLEAD

Now, on this the 10th day of March, 1942, this matter coming on to be heard upon the application of Riley Q. Hunt, County Attorney of Delaware County, Oklahoma, appearing for and upon behalf of the Board of County Commissioners of Delaware County, Oklahoma, and the other defendants who are officials of Delaware County, Oklahoma, for an extension of time in which to file and serve pleading

herein; for good cause shown, it is ther-fore ordered and adjudged that said defendants be, and they are hereby, granted an extension of time of 20 days from this date in which to file and serve a plead- ing upon the plaintiff or its attorneys herein.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

ENDORSED: Filed Mar 10 1942
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to March 11, 1942

On this 10th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1942 Term at Vinita, Oklahoma, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Ben Stanley, Deputy United States Marshal

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

MISCELLANEOUS - REPORT OF REGISTRY FUND.

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

To the Honorable the Judges of the
United States District Court for
the Northern District of Oklahoma.

Sir:

As provided in Section 798, R. S. U. S., I respectfully report the condition of he Registry Fund of the United States District Court for the Northern District of Oklahoma at the close of business March 9, 1942:

Balance in the First National Bank & Trust Company of Tulsa, Oklahoma, at the close of business December 6, 1941		\$ 196,240.32
Cash on hand December 6, 1941		6,196.51
Received since December 6, 1941:		
Dec. 22, 1941	Lawrence J. Deihl, et al.,	3,344.00
Jan. 9, 1942	Treasurer of the United States,	9,157.50
Jan. 17, 1942	Wm. S. Hamilton,	44.00
Jan. 23, 1942	Treasurer of the United States,	40,036.00
Jan. 29, 1942	Federal Works Agency,	46.50
Feb. 4, 1942	Mrs. Belle Woods,	500.00
Feb. 13, 1942	Treasurer of the United States,	420.00
Feb. 24, 1942	" " " " "	1,081.00
	Federal Works Agency,	983.50
	" " "	1,750.00

Feb. 28, 1942	Treasurer of the United States,	85.00
Mar. 2, 1942	" " " " "	392.00
Mar. 5, 1942	Federal Works Agency,	461.60
		<u>\$ 260,737.73</u>

Disbursed since December 6, 1941:

Dec. 18, 1941	County Treasurer of Mayes County, The Federal Land Bank, et al., Dalphurs L. Williams, et al	7.32 319.64 2,673.04
Dec. 22, 1941	W. R. Mitchell, City Treasurer of Shidler,	3,344.00
Dec. 29, 1941	Fred Walker, et al	300.00
Jan. 3, 1942	Loretta Tucker, now Florence	450.00
Jan. 3, 1942	C. L. Hunt, T. C. Bowling, et al.,	500.00 2,200.00
Jan. 5, 1942	The Federal Land Bank, et al., Marlin W. Williams John M. Niehaus, Jr., Trustee, et al	3,702.35 6,297.65 10,000.00
Jan. 19, 1942	W. R. Mitchell, City Treasurer of Shidler,	44.00
Jan. 23, 1942	Roscoe E. Seever, et al Ethel R. DeLay, et al.,	9,157.50 2,250.00
Jan. 28, 1942	C. L. Hunt, G. Ellis Gable,	100.00 306.85
Jan. 31, 1942	J. R. Caudle, Jr., Sadie Ward, Administratrix, etc., H. P. Warfield, Clerk	5,344.16 500.00 55.50
Feb. 3, 1942	Kansas City Life Insurance Co., County Treasurer, Mayes County, Oklahoma, Farm Security Administrator W. K. Melugin	4,207.78 42.87 305.00 145.00
Feb. 13, 1942	Z. M. White, et al., Commissioners of Land Office, Essie J. Hunt,	2,500.00 554.44 835.00
Feb. 24, 1942	Ethel R. DeLay, et al., Neal D. Newton, et al., " " " " " " " " Susie T. Gidney, a widow, et al., Roy L. Gadberrry, et al., W. H. McCollough, et al., " " " " " " " " Vian Yelton, et al., E. E. Johnson, et al., Cashier of the Five Civilized Tribes, etc., W. E. Mayes, R. M. Mountcastle, et al., Otto Rist, et al., Henry Troyer, Tillie G. Williamson, a widow et al., Walter Goss, et al., Tillie G. Williamson, a widow, et al., Cashier of the Five Civilized Tribes, etc. T. C. Bowling, James B. Lacey, et al., " " " " " " " " " " " " Doris E. Medlin, et al., Leonard W. Black, et al.,	1,680.00 694.00 556.00 1,784.00 216.00 1,456.00 94.00 640.00 160.00 732.00 28.00 1.00 126.00 24.00 734.40 185.60 250.00 419.00 6.00 2,423.00 397.00 212.00 48.00 353.20 76.80

J. C. Pigott, et al.,	456.00
Leonard W. Black, et al.,	144.00
Otto Rist, et al.,	385.00
Henry Troyer,	115.00
J. C. Pigott, et al.,	714.00
Leonard W. Black, et al.,	259.00
Doris E. Medlin, et al.,	1,258.00
Leonard W. Black, et al.,	92.00
James B. Lacey, et al.,	1,390.00
J. L. Dixon, et al.,	1,765.00
J. E. Cann, et al.,	235.00
Sarah H. Cook, et al.,	24.00
Treasurer of the United States,	306.00
O. L. Gabbard, et al.,	180.00
Roxy Horne, et al.,	1,202.00
J. H. Enyart	48.00
Oron Estes, et al.,	1,298.34
Union Central Life Insurance Co.,	6,379.66
O. A. Sharp, et al.,	672.00
Sarah H. Cook, et al.,	809.00
O. L. Gabbard, et al.,	226.00
Sarah H. Cook, et al.,	588.00
O. L. Gabbard, et al.,	82.00
V. W. Purcell, et al.,	892.00
E. E. Johnson, et al.,	38.00
V. D. Herrington, et al.,	2,749.35
J. C. Stephens,	395.02
Orval Casey	532.20
U. B. Rainwater,	129.63
Samuel A. Warren,	283.15
Lyman E. Bolinger, et al.,	529.00
Joe Peters, et al.,	21.00
Lizzie Bean, et al.,	45.00
Jesse L. Mayes, et al.,	1,105.00
A. M. Conner, et al.,	80.00
Lizzie Bean, et al.,	100.00
Alice Bean, et al.,	150.00
Ben F. Goss, et al.,	2,800.00
Ollie Collie, et al.,	625.00
W. A. Graham, et al.,	1,971.50
S. W. Gabbard,	358.30
John Campbell	115.20
Cashier of the Five Civilized Tribes, etc.,	300.00
Morton Sherl, et al.,	1,773.97
Union Central Life Insurance Co.,	686.03
J. A. Huckaby, et al.,	540.00
W. T. Casey, et al.,	800.00
Laura Watts Vogel, a widow, et al.,	422.00
Sanford Pierson,	28.00
Ed Cann, et al.,	420.00
Bethel Dill, et al.,	4,053.80
Huston Humble, et al.,	851.20
Homar Moore	180.00
Cashier of the Five Civilized Tribes, etc.,	405.00
W. M. Melugin, et al.,	45.00
Cashier of the Five Civilized Tribes, etc.,	268.00

W. M. Melugin, et al.,	7.00
John Campbell, et al.,	1,000.00
Minnie Shutt, et al.,	1,658.00
Fred Walker, et al.,	642.00
Clarence E. Castle, et al.,	662.83
W. D. Huckaby,	37.17
Huston Humble, et al.,	525.00
Clarence E. Castle, et al.,	1,101.50
W. D. Huckaby,	198.50
North American Life Insurance Co. et al.,	394.00
Albert T. Walker, et al.,	6.00
Maggie Easterly, et al.,	1,534.00
John C. Ramsey, et al.,	76.00
H. A. Howard, Admr. et al.,	278.00
Kernie Dill, et al.,	22.00
J. M. Eberling, et al.,	2,611.90
Mrs. Ronald Cann, et al.,	83.10
Maggie Easterly, et al.,	627.55
George Peace, et al.,	237.45
Cashier of the Five Civilized Tribes, etc.,	1,387.50
R. E. Seever,	12.50
Maggie Easterly, et al.,	125.00
Eloise Caroline Brown Kirkpatrick, et al.,	888.00
C. A. Burke, et al.,	57.00
Belle Ellsworth, et al.,	1,385.00
J. E. Cann, et al.,	15.00
Eloise Caroline Brown Kirkpatrick, et al.,	135.00
J. H. Enyart,	10.00
Cashier of the Five Civilized Tribes, etc.,	930.00
J. G. Wilson,	220.00
J. C. Wilkerson, et al.,	851.00
J. E. Cann, et al.,	12.00
J. C. Wilkerson, et al.,	2,303.00
J. E. Cann, et al.,	492.00
J. P. Easterly, et al.,	250.00
" " "	3,360.91
Ralph Warren,	141.96
Boy F. Halterly,	422.13
Walter J. Welch, et al.,	1,655.73
A. C. Couch, et al.,	76.80
T. C. Welch, et al.,	12.00
W. A. Collins, et al.,	283.00
J. H. Enyart,	9.00
Z. N. White, et al.,	904.77
School Land Commission of the State of Oklahoma	2.39
Clifford Crow,	38.40
P. W. Matthews, et al.,	500.00
C. T. Baker, et al.,	416.00
A. F. Binam, et al.,	19.00
Cashier of the Five Civilized Tribes, etc.,	561.50
Z. N. White, et al.,	38.50
Ethel Ann Barclay, et al.,	2,050.00
M. A. Garrison, et al.,	2,703.00
Owen E. Garrison	97.00
Callie Roberts Jigger, et al.,	160.00
Canaro C. Smith, et al.,	1,855.00
" " " "	1,000.00

Homer L. Lee, et al.,	1,227.00
F. W. Wilson, et al	177.50
E. A. Garrison, et al.,	7.50
J. F. Weaver, et al.,	1,800.00
Walter Wagner, et al.,	640.00
North American Life Insurance Co., et al.,	2,042.00
Albert Walker, et al.,	458.00
Marion T. Orvis, et al.,	2,006.00
" " " "	294.00
John Campbell, et al.,	7,275.00
Jake Fair, et al.,	1,066.00
Minnie Davis, et al.,	159.00
L. S. Van Brunt, et al.,	355.50
Samuel R. Van Brunt, et al.,	64.50
Mark A. Garrison, et al.,	2,639.76
Commissioners of the Land Office of State of Oklahoma	1,026.54
David Garrison, et al.,	333.70
J. E. McCracken, et al.,	150.00
W. A. Graham, et al.,	4,520.38
Treasurer of the United States,	306.00
L. M. Chitwood, et al.,	710.80
Glen Campbell, et al.,	1,212.82
Virgill Shutt, et al.,	4,066.31
Commissioners of the Land Office of State of Oklahoma,	4,750.79
Treasurer of the United States,	306.00
Robert N. Combs, et al.,	1,476.90
C. B. Rutherford, et al.,	3,649.02
Austin Conrad, et al.,	350.98
Cashier of the Five Civilized Tribes, etc.,	245.00
G. L. Norrell, et al.,	5.00
County Commissioners of Hayes County, Okla.	75.00
D. C. Gartrell, et al.,	200.00
Edwin C. Johnson, et al.,	330.00
Tom Goss, et al.,	120.00
Ethel Rogers Tinton, et al.,	50.00
Oscar Franklin, et al.,	1,280.00
Eva M. Hogan, et al.,	23,741.00
William N. Hendrickson, et al.,	4.12
F. S. Washam, et al.,	1,757.53
J. L. Franklin, et al.,	290.14
Owen Lewis, et al.,	51.20
Frank Tucker, et al.,	1,914.50
Oscar Franklin, et al.,	260.50
Cashier of the Five Civilized Tribes, etc.,	1,218.00
O. G. Franklin, et al.,	432.00
W. D. Robinson, et al.,	500.00
Michael F. Steil, et al.,	50.00
Charles C. Reece, et al.,	1,788.10
Mrs. O. E. Husband, a widow,	461.90
W. D. Robinson, et al.,	750.00
Oron E. Kennard, et al.,	790.40
O. G. Franklin, et al.,	9.60
James A. Thompson, et al.,	1,190.00
Treasurer of the United States,	153.00

Charlie Arthur Lewis, et al.,	82.00
Arch Bonecutter, et al.,	2,296.00
D. H. Whorton, et al.,	4.00
Ralph H. Poole, et al.,	439.00
U. E. Rainwater, et al.,	161.00
D. L. Williams, et al.,	1,081.00
Ben Goss, et al.,	386.00
John C. Ramsey, et al.,	284.52
T.C. Bowling, et al.,	392.00
Treasurer of the United States etc.	3,014.48
Treasurer of the United States,	256.25
William H. Hendrickson, et al.,	49.75
L. W. Garrison,	255.47
L. W. Garrison,	48.00
C. L. Hunt,	85.00
Hulda L. Prien, Guardian, etc.,	301.00
A. F. Binam,	19.00
Mrs. Belle Woods,	500.00
Marlin W. Williams,	500.00

Balance on deposit in the First National Bank & Trust Company, Tulsa, Oklahoma, at close of business March 9, 1942.	20,348.72
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Cash on hand	None
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\$260,737.73

Respectfully submitted,

H. P. WARFIELD, CLERK

APPROVED: March 10, 1942 at Vinita, Oklahoma.

F. E. KENNAMER
JUDGE

ENDORSED: Filed In Open Court
Mar 10 1942
H. P. Warfield, Clerk
U. S. District Court

Court adjourned subject to call.

On this 11th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broadus, 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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	No. 652 - Civil
)	
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niehaus, Jr., et al.,	Respondents.)	

ORDER DIRECTING SERVICE OF NOTICE ON CERTAIN RESPONDENTS

Now on this 11th day of March, 1942, it appearing to the Court that the Cherokee Nation, State of Oklahoma, and the State Game and Fish Commission of the State of Oklahoma should be served with notice of the pendency of this cause, and directed to appear herein and assert whatever claim they might have, if any;

IT IS THEREFORE, ORDERED that there be served by the Marshal for the Northern Eastern or Western District of the State of Oklahoma a notice directing the Cherokee Nation, State of Oklahoma, and the State Game and Fish Commission of the State of Oklahoma to appear in this cause and assert whatever claim they might have, if any, within twenty (20) days from the date of service of said notice upon them or be bound by the judgment of this Court, whatever it might be.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 11 1942
H. P. Warfield, Clerk
U. S. District Court H

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

South Penn Oil Company, a corporation,)
et al.,) Plaintiffs,)

vs.)

CIVIL #671)

Phillips Petroleum Company, a corporation,)
et al.,) Defendant.)

O R D E R

On this 6th day of March, 1942, there coming on for hearing the "MOTION TO DISMISS, MOTION TO QUASH SUMMONS, SERVICE THEREOF AND RETURN THEREON OF THE SEPARATE DEFENDANT, SINCLAIR PRAIRIE OIL COMPANY", and upon consideration thereof

IT IS HEREBY ORDERED, that said motion is hereby overruled, to which order movant excepted and exceptions are allowed, and said named defendant is hereby ordered to answer amended complaint of plaintiffs within twenty (20) days from this date.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed Mar 11 1942
H. P. Warfield, Clerk
U. S. District Court H

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

The Prudential Insurance Company of)
America, a corporation,) Plaintiff,)

vs.)

NO. 675 - CIVIL)

T. H. Haugh, administrator of the)
estate of Mary Frances Carroon, deceased,)
T. H. Haugh, administrator of the estate)
of Harold Carroon, deceased, and,)
Wilbur F. Pell, administrator of the estate)
of Harold F. Carroon, deceased,) Defendants

Wilbur F. Pell, as administrator of the)
estate of Mary Frances Carroon,) Intervener.)

ORDER OF CONSOLIDATION

It appearing to the Court that there is now pending Cause No. 639 - Civil, styled Atlas Life Insurance Company, a corporation, plaintiff, versus T. H. Haugh, guardian of Richard Carroon, Wilbur F. Pell, administrator of the estate of Harold F. Carroon, The Shelbyville National Bank of Shelbyville, Indiana, Guardian of Richard F. Carroon, T. H. Haugh, administrator of the estate of Harold Carroon, and T. H. Haugh, administrator of the estate of Mary Frances Carroon,

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

Fannie E. Williams,	Plaintiff,)
)
vs.)
)
Callie Bushyhead, Butler Bushyhead;)
Liddie Bushyhead; Joe Bushyhead;)
Ross Bushyhead; Robert Lee Bushyhead;)
The unknown heirs, executors, administrators,)
devisees, trustees and assigns, immediate and)
remote, of William Bushyhead, deceased; and)
the unknown heirs, executors, administrators,)
devisees, trustees and assigns, immediate)
and remote, of Dennis Bushyhead, deceased,)
	Defendants.)

No. 761 Civil

O R D E R

Now on this 11 day of March, 1942, this matter coming on before the court upon the motion of the United States of America for permission to intervene in this cause of action, and it appearing to the court that this action involves lands purchased with restricted funds for a restricted Cherokee Indian, and that the parties to this action are restricted Cherokee Indians, and that the United States of America should be a party to this action,

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 11 1942
H. P. Warfield, Clerk
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-)
)
A Certain Parcel of Land in Mayes County,)
State of Oklahoma; and Reba Frances Bogle,)
et al.,	Defendants.)

CIVIL NO. 763

ORDER MAKING ADDITIONAL PARTY DEFENDANT

NOW, on this the 11th day of March, 1942, it appears from the application of the petitioner herein that it is necessary to make as additional party defendant in the above entitled proceedings, Public Service Company of Oklahoma, a corporation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the petition for condemnation

filed herein is hereby amended so as to add as an additional party defendant, thereto, Public Service Company of Oklanoma, a corporation,

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Mar 11 1942
H. P. Warfield, Clerk
U. S. District Court AC

Court adjourned to March 12, 1942

On this 12th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broadbans, 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

GEORGE DRYWATER,	Plaintiff,)	
)	
vs.		)	NO. 305 - Civil
SARAH RUSSELL,	Defendant,)	
)	
UNITED STATES OF AMERICA,	Intervener.)	

O R D E R

This matter coming on for hearing this 12th day of March, 1942, upon the application of the United States of America, intervener, and the court being advised in the preases finds that the motion to vacate judgment and dismiss action filed herein by the United States of Americashould be withdrawn.

IT IS THEREFORE ORDERED that the motion to vacate judgment and dismiss action file herein by the United States of America be and the same hereby is withdrawn and stricken from the files.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court B

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

JOHN E. RABBITT,

Plaintiff,)

vs.

NO. 493 - CIVIL

EMMA HOGSHOOTER,

Defendant.)

O R D E R

This matter coming on for hearing this 12th day of March, 1942, upon the application of the United States of America, Intervener, and the court being advised in the premises, finds that the Motion to Vacate Judgment and Dismiss the Action filed herein by the United States of America should be withdrawn.

IT IS THEREFORE ORDERED that the motion to vacate judgment and dismiss the action, filed herein by the United States of America, be and the same hereby is withdrawn and stricken from the files.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U.S. District Court B

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

ANNA WATASHE, nee Jack, et al,

Plaintiffs,)

vs.

NO. 617 CIVIL

FANNY CROSBY, nee Jack, et al,

Defendants.)

O R D E R

This matter coming on for hearing this 12th day of March, 1942, upon the application of the United States of America, intervener, and the court being advised in the premises finds that the motion to vacate judgment and dismiss action filed herein by the United States of America should be withdrawn.

IT IS THEREFORE ORDERED that the motion to vacate judgment and dismiss the action filed herein by the United States of America be and the same hereby is withdrawn and stricken from the files.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
U. S. District Judge

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court B

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

UNITED STATES OF AMERICA,

Petitioner,)

-vs-

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

JUDGMENT ON THE DECLARATION OF TAKING NO. 9

This day comes the petitioner, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America the title in absolute fee simple, subject, however, to existing easements for public roads and public utilities, in and to the property hereinafter described, and described in the Declaration of Taking No. 9, and in the Petition for Condemnation filed herein.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation and Declaration of Taking No. 9, and finds that:

- (1) Each and all of the allegations in said Petition and Declaration are true, and the United States of America is entitled to acquire property by eminent domain for the purpose set forth in said petition.
- (2) In said Petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.
- (3) The Petition and Declaration of Taking were filed at the request of Henry L. Stimson, Secretary of War, the person duly authorized by law to acquire the lands described in said documents for the purpose therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings;
- (4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) A statement is contained in said Declaration of Taking for the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Thirteen Thousand Two Hundred Ninety and no/100 Dollars (\$13,290.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.
- (6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of Henry L. Stimson, Secretary of War, will probably be within any limits prescribed by Congress on the price to be paid therefor.
- (7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking No. 9, the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U. S. C. sec. 258a) and acts supplementary thereto and amendatory thereof, and the Act of Congress approved August 18, 1890 (26 Stat. 316) as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), and April 11, 1918 (40 Stat. 518, 50 U. S. C. 171), and the Act of Congress approved April 5, 1941 (Public 29 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full, fee simple title, subject, however, to existing easements for public roads and public utilities, in and to the following described lands was vested in the United States of America upon the filing of said Declaration of Taking No. 9 and the depositing in the Registry of this Court of the said sum of Thirteen Thousand Two Hundred Ninety and no/100 Dollars (\$13,290.00), and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation for the same thereby vested in the persons entitled thereto the amount of said compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 379 acres, more or less, and are described as follows, to-wit:

Tract No. A-11

The North Half of the Southwest Quarter ($N\frac{1}{2} SW\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter of the Southwest Quarter ($NW\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$); the South Half of the Southwest Quarter of the Southwest Quarter ($S\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$); the Northeast Quarter of the Southwest Quarter of the Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$); and the West Half of the Northeast Quarter of the Southeast Quarter ($S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, containing 180 acres, more or less.

Tract No. C-25

The East Half of the Northeast Quarter of the Northeast Quarter ($E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, containing 20 acres, more or less.

Tract No. C-39

The South Half of the South Half of the Northwest Quarter of the Southwest Quarter ($S\frac{1}{2} S\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$); the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$); and the South Half of the Southeast Quarter of the Southwest Quarter ($S\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$) of Section Twenty (20); and the North Half of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4}$); the Northwest Quarter of the Southeast Quarter of the Northwest Quarter ($NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$); the East Half of the Southeast Quarter of the Northwest Quarter ($E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$) less that part South of the Creek in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), in Section Twenty-nine (29), all in Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, containing 179 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of or claiming any rights whatsoever to the possession of the lands hereinabove described and all and singular the rights, privileges and appurtenances thereunto belonging, are hereby ordered

and directed to deliver up and surrender forthwith full and complete possession thereof to the United States of America, and the United States of America is hereby granted leave to take immediate, full and complete possession of said lands.

This cause is held open for such other and further orders, judgments and decrees as may be necessary.

Entered this 12 day of March, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed at 8:30 A.M.
Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court H

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

LORINDA BUSHYHEAD, et al,	Plaintiffs,)	
)	
vs.)	
		)	NO. 672 - Civil
CHARLIE BUSHYHEAD, et al.,	Defendant.)	
)	
UNITED STATES OF AMERICA,	Intervener.)	

O R D E R

This matter coming on for hearing this 12th day of March, 1942, upon the application of the United States of America, intervener, and the court being advised in the premises, finds that the motion to vacate judgment and dismiss action filed herein by the United States of America should be withdrawn.

IT IS THEREFORE ORDERED that the motion to vacate judgment and dismiss action filed herein by the United States of America be and the same hereby is withdrawn and stricken from the files.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Colorado National Bank of
Denver, Trustee, et al,

Plaintiffs,

No. 717 Civil

vs.

Sapulpa Masonic Building Association,
a corporation, et al,

Defendants.

D E C R E E

This cause comes on for hearing this 12th day of March, 1942, the plaintiff, Colorado National Bank of Denver, Trustee being present by their counsel, W. S. Scarritt and E. S. Champlin, the plaintiffs, S. M. Culbertson, Mrs. Elsie Goldman, Robert W. Jenington, Frank P. Hurd, The Madison Real Estate and Investment Company, G.W. Maleham, Mrs. Anne O'Neill Sullivan, Mrs. Addie Thompson, and Colorado National Bank of Denver, Trustee under an agreement of Virginia M. B. Doulton, being present by their counsel, Walter W. Bloodo and the defendant Sapulpa Masonic Building Association being present by their counsel, Thos. S. Harris.

All parties waive jury and introduce their evidence, including the bonds, mortgage and deed of trust sued on herein, and the cause is fully argued by counsel.

The Court, being fully advised, finds generally that the allegations of the complaint are true, and that the plaintiff is entitled to the relief sought in the complaint.

The Court further finds, without limitation on the above general finding, as follows:

1. The Court has jurisdiction of the subject matter of this action and of all the parties to this action, including the named parties, and as a class, all other owners and holders of bonds issued under the terms of the mortgage and Deed of Trust described in the complaint. The defendant, Harold F. Brown, does not own any of the bonds described in the complaint; he has never been served with summons, and this action should be and hereby is dismissed as to him.

2. The mortgage and Deed of Trust described in the complaint is a valid first lien upon the premises therein set forth, to-wit:

The South one hundred (100) feet of lot numbered five (5), in the block numbered fifty (50), original townsite of Sapulpa; together with all the buildings, structures, appliances, apparatus, engines, boilers, heating, ventilating and lighting plants, elevators, machinery of every kind whatsoever, and all other appliances and improvements, upon the said real property; and all tools, materials, equipment, fittings, and effects, and fixtures and furnishings, of every kind and nature, which may now belong to the Sapulpa Masonic Building Association and used or for use in connection with any of the properties described hereinabove; and any and all improvements and betterments, renewals or replacements upon, constructed in, or in addition to, any of the properties hereinabove described, and all other property owned by the Sapulpa Masonic Building Association which at

any time may have been or may be located upon the real property hereinabove described, or used or capable of use in connection with any of the property hereinabove described, Creek, County, Oklahoma.

The Court finds however, that the Sapulpa Masonic Building Association never at any time owned the furniture and fixtures, such as chairs, desks, and other lodge paraphernalia located in said property.

3. The defendant, Sapulpa Masonic Building Association has executed and delivered to the plaintiff, Colorado National Bank of Denver, Trustee, a good and sufficient quitclaim deed dated January 12, 1942, covering the said premises, thereby vesting fee simple title to the said premises in the plaintiff trustee.

4. By the terms of the mortgage and Deed of Trust described in the complaint, the plaintiff, Colorado National Bank of Denver, Trustee, has the power and authority to accept the above described deed; to receive and hold title to the property therein described for the uses and purposes as set forth in the mortgage and Deed of Trust; and to sell and convey the property to such purchaser, for such sums and on such conditions as in its sole discretion may be for the best interests of the beneficiaries.

5. The above described property is of the fair value of \$10,000.00, which sum should be credited against the sum sued for herein.

6. The sum due and owing from the defendant, Sapulpa Masonic Building Association, to the plaintiff, Colorado National Bank of Denver, Trustee, on the bonds described in the complaint, is \$75,000.00, plus \$47,368.75 interest to November 25, 1941, plus \$783.33 interest on \$75,000.00 at 8% from November 25, 1941, to January 12, 1942, plus \$1000.00 attorneys' fees and 250.00 expenses to be considered as paid and \$500.00 compensation for trustee, all aggregating \$124,902.08, less \$10,000.00 credit as above set forth, making a balance due of \$114,902.08, with interest thereon from January 12, 1942, and the costs of this action.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The plaintiff trustee is the owner in fee simple of the above described property free and clear of the claims of the defendant, Sapulpa Masonic Building Association, and all persons claiming by, through or under them.

2. The plaintiff, Colorado National Bank of Denver, Trustee, has the power and authority under the terms of the mortgage and Deed of Trust described in the complaint to hold title to the above described property and to convey the same to such purchaser, for such sums and on such conditions as, in its sole discretion, may be for the best interests of the beneficiaries, and the Court hereby retains jurisdiction of this cause for the confirmation of any such sale by the plaintiff trustee.

3. The plaintiff, trustee shall and hereby does have judgment against the defendant, Sapulpa Masonic Building Association on the bonds described in the complaint, in the sum of \$114,902.08, with interest thereon at eight per cent per annum (8%) from January 12, 1942 and the costs of this action.

BOWER BROADBENT
United States District Judge

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

United States for the use and benefit of Tom W. Kelly,	Plaintiff,)
)
vs.		) 722 Civil
Central Construction Company, a Corporation, and Continental Casualty Company, a Corporation,	Defendants.)

C R D E E R

Now on this 6th day of March, 1942, the court having heard the motion of the Continental Casualty Company, requiring the Central Construction Company to produce its records and books pertaining to work done and material furnished on work covered by the defendant's bond, and having duly considered same sustains the motion of the Continental Casualty Company.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Central Construction Company produce its records and books pertaining to the work done and the material furnished on the work covered by defendant's bond so that an auditor of the defendant, Continental Casualty Company, can examine said records and the said court orders that the Central Construction Company and its officers comply with this order within ten days.

Done in open court this 11th day of March, 1942.

ROYCE H. SAVAGE

ENDORSED: Filed Mar 12 1942.
H. P. Warfield, Clerk
U. S. District Court E

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

Ella Kneedler,	Plaintiff,)
)
vs.		) No. 732 Civil
Mayme Shirk,	Defendant.)

DECREE QUIETING TITLE AND AWARDED PARTITION

The above case coming on for hearing in its regular order on this the 4th day of March, 1942, the plaintiff Ella Kneedler appearing personally and by her attorney, J. S. Severson, and the defendant, Mayme Shirk, appearing personally and by her attorney G. C. Spillers, and the United States of America appearing by Wm. Knight Powers, Assistant United States Attorney for the Northern District of Oklahoma, and the court having heard the evidence adduced by the plaintiff and the defendant, and having examined the pleadings filed and the exhibits thereto attached, and being fully advised in the premises, finds:

That this action was originally filed in the District Court of Tulsa County, Oklahoma; that the United States of America was served with notice and copies of all pleadings in the above action by service thereof on the Superintendent of the Five Civilized Tribes, under the provision

of the act of congress of April 12, 1926 (44 Stat. 329) and the said United States of America thereafter entered its appearance and filed its complaint in intervention and thereafter, upon proper notice, the said action was removed to this court, and the said intervenor United States of America, on its own behalf and in behalf of the plaintiff Ella Kneedler enrolled opposite Creek Indian Roll No. 2633, as of three-fourths Indian blood, and in behalf of Mayme Shirk, defendant, enrolled opposite Creek Indian Roll No. 2628, of the approved Creek Indian Rolls as of three-fourths Indian blood, and by reason thereof the United States of America, is a party to this action as contemplated by the Act of Congress of June 14, 1918, and by the Act of Congress of April 12, 1926.

The court further finds that the allegations of plaintiff's petition are true and that the land herein involved, to-wit:

The Southwest Quarter of the Southwest Quarter of
Section 19, Township 19 North, Range 13 East, Tulsa
County, Oklahoma,

was a portion of the land originally allotted to Rachel Perryman, now deceased; that said Rachel Perryman was a full-blood Creek Indian; that she died testate on or about the 6th day of February, 1933; that her estate had been duly administered in the County Court of Tulsa County, Oklahoma, her will having been duly admitted to probate and recorded in Administrators' and Executor's Record Volume 10, pages 11 and 12, and that the final decree of distribution has been entered in the County Court of Tulsa County, Oklahoma, said decree being recorded in Probate Volume 41, page 20, of the records of the County Court of Tulsa County, Oklahoma; that said Rachel Perryman was a full-blood Creek Indian enrolled opposite Roll No. 3326; that her will, which devised the premises involved herein to the plaintiff and the defendant in equal portions, was duly approved by the United States Commissioner for the Northern District of Oklahoma, and by virtue thereof the land involved herein, and hereinbefore described, is owned by the plaintiff and the defendant in equal portions, and the title thereof is quieted in them.

The court further finds that the parties to this action, are entitled to have said land partitioned, in accordance with their interests as above set out, so that they may each have and hold the same in severalty 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, and that the appointment of Commissioner's should be deferred and be taken under advisement until March 9th, 1942, and now on this the 9th day of March, 1942, this cause coming on to be heard;

IT IS ORDERED, adjudged and decreed, by the court, that the plaintiff Ella Kneedler and the defendant Mayme Shirk, are entitled to partition of the land herein involved, 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, if partition in kind can be made without manifest injury to the interests of said parties, but, if said real estate cannot be partitioned in kind, then, an appraisal and valuation thereof should be made.

IT IS FURTHER ORDERED, Adjudged and decreed, by the court that Ben O. Kirkpatrick, T. G. Grant and J. C. Pickens, disinterested free holders and residents of Tulsa County, Oklahoma, be and they are hereby appointed commissioners to partition said land in kind, if the same can be done without manifest injury to the interest of the parties thereto; otherwise to make an appraisal and valuation thereof; and the Honorable H. P. Warfield, Clerk of this Court, is directed to issue to said commissioners a Writ of Partition, directing them to make said partition or appraisal without unnecessary delay and file their said report with the Clerk of this Court forthwith.

IT IS FURTHER ORDERED, adjudged and decreed, by the court, that the findings heretofore made, be and the same are hereby, made the judgment of the 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 parties to the action, as provided by the Act of Congress of April 12, 1926, and all other pertinent Acts of Congress in like cases made and provided, pertaining to the lands of the Five Civilized Tribes in Oklahoma.

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

ENDORSED: Filed Mar 12 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to March 13, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, MARCH 13, 1942

On this 13th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Eower Broadbuss, 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

UNITED STATES OF AMERICA,

Petitioner,

vs.

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

No. 652 - Civil

ORDER OF PARTIAL DISTRIBUTION AS TO TRACTS A-11, C-25 and C-39

Now on this 13 day of March, 1942, it being made to appear to the Court that a partial distribution of funds should be made as to Tracts A-11 and C-39;

IT IS, THEREFORE, ORDERED that the Clerk issue checks as follows:

As to Tract A-11

W. A. Graham, and Roberta Graham,
his wife, and the County Treasurer
of Mayes County, Oklahoma,

\$5,765.00

As to Tract C-25

Emily F. Brown, and Ernest R.
Brown, her husband, and the County

Tract No. A-5

Land and Improvements \$1,375.00
Crops 556.00
Total \$1,931.00

Deposited \$1,250.00
Deficiency 681.00
Total \$1,931.00

Tract No. A-7

Land and Improvements \$1,930.00
Crops 216.00
Total \$2,146.00

Deposited \$2,000.00
Deficiency 146.00
Total \$2,146.00

Tract No. A-8

Land and Improvements \$1,550.00
Crops 94.00
Total \$1,644.00

Deposited \$1,550.00
Deficiency 94.00
Total \$1,644.00

Tract No. A-9

Land and Improvements \$ 800.00
Crops 160.00
Total \$ 960.00

Deposited \$ 800.00
Deficiency 160.00
Total \$ 960.00

Tract No. A-13

Land and Improvements \$ 1.00
Crops ---
Total \$ 1.00

Deposited \$ 1.00
Deficiency ---
Total \$ 1.00

Tract No. A-14

Land and Improvements \$ 150.00
Crops 24.00
Total \$ 174.00

Deposited \$ 150.00
Deficiency 24.00
Total \$ 174.00

Tract No. A-15

Land and Improvements \$ 914.40
Crops 185.60
Total \$1,100.00

Deposited \$ 920.00
Deficiency 180.00
Total \$1,100.00

Tract No. A-16

Land and Improvements \$ 250.00
Crops ---
Total \$ 250.00

Deposited \$ 250.00
Deficiency ---
Total \$ 250.00

Tract No. A-17

Land and Improvements \$ 425.00
Crops 6.00
Total \$ 431.00

Deposited \$ 425.00
Deficiency 6.00
Total \$ 431.00

Tract No. A-22

Land and Improvements	\$ 450.00
Crops	<u>76.80</u>
Total Value	\$ 526.80

Deposited	\$ 430.00
Deficiency	<u>96.80</u>
Total	\$ 526.80

Tract No. A-24

Land and Improvements	\$ 600.00
Crops	<u>144.00</u>
Total Value	\$ 744.00

Deposited	\$ 600.00
Deficiency	<u>144.00</u>
Total	\$ 744.00

Tract No. A-25

Land and Improvements	\$ 500.00
Crops	<u>172.00</u>
Total Value	\$ 672.00

Deposited	\$ 500.00
Deficiency	<u>172.00</u>
Total	\$ 672.00

Tracts Nos. A-26 and A-34

Land and Improvements	\$ 975.00
Crops	<u>259.00</u>
Total Value	\$1,234.00

Deposited	\$ 973.00
Deficiency	<u>261.00</u>
Total	\$1,234.00

Tract No. A-28

Land and Improvements	\$1,450.00
Crops	<u>92.00</u>
Total Value	\$1,542.00

Deposited	\$1,350.00
Deficiency	<u>192.00</u>
Total	\$1,542.00

Tract No. A-31

Land and Improvements	\$2,000.00
Crops	<u>235.00</u>
Total Value	\$2,235.00

Deposited	\$2,000.00
Deficiency	<u>235.00</u>
Total	\$2,235.00

Tract No. A-32

Land and Improvements	\$ 510.00
Crops	<u>486.00</u>
Total Value	\$ 996.00

Deposited	\$ 510.00
Deficiency	<u>486.00</u>
Total	\$ 996.00

Tract No. A-37

Land and Improvements	\$1,287.00
Crops	<u>48.00</u>
Total Value	\$1,335.00

Deposited	\$1,250.00
Deficiency	<u>85.00</u>
Total	\$1,335.00

Tract No. A-38

Land and Improvements	\$8,250.00
Crops	<u>754.00</u>
Total Value	\$9,004.00

Deposited	\$8,250.00
Deficiency	<u>754.00</u>
Total	\$9,004.00

Tract No. A-39

Land and Improvements	\$1,035.00
Crops	<u>226.00</u>
Total Value	\$1,261.00

Deposited	\$1,035.00
Deficiency	<u>226.00</u>
Total	\$1,261.00

Tract No. A-41

Land and Improvements	\$ 670.00
Crops	<u>82.00</u>
Total Value	\$ 752.00

Deposited	\$ 670.00
Deficiency	<u>82.00</u>
Total	\$ 752.00

Tract No. B-1

Land and Improvements	\$8,825.00
Crops	<u>1,100.00</u>
Total Value	\$9,925.00

Deposited	\$7,450.00
Deficiency	<u>2,475.00</u>
Total	\$9,925.00

Tract No. B-13

Land and Improvements	\$2,800.00
Crops	<u>360.00</u>
Total Value	\$3,160.00

Deposited	\$2,800.00
Deficiency	<u>360.00</u>
Total	\$3,160.00

Tract No. B-14

Land and Improvements	\$3,685.00
Crops	<u>688.00</u>
Total Value	\$4,373.00

Deposited	\$3,685.00
Deficiency	<u>688.00</u>
Total	\$4,373.00

Tract No. B-15

Land and Improvements	\$ 700.00
Crops	<u>- - -</u>
Total Value	\$ 700.00

Deposited	\$ 625.00
Deficiency	<u>75.00</u>
Total	\$ 700.00

Tract No. B-16

Land and Improvements	\$ 680.00
Crops	<u>161.00</u>
Total Value	\$ 841.00

Deposited	\$ 600.00
Deficiency	<u>241.00</u>
Total	\$ 841.00

Tract No. B-18

Land and Improvements	\$2,445.00
Crops	<u>667.50</u>
Total Value	\$3,112.50

Deposited	\$2,445.00
Deficiency	<u>667.50</u>
Total	\$3,112.50

Tract No. B-20

Land and Improvements	\$ 320.00
Crops	<u>5.00</u>
Total Value	\$ 325.00

Deposited	\$ 300.00
Deficiency	<u>25.00</u>
Total	\$ 325.00

Tract No. B-21

Land and Improvements	\$3,000.00
Crops	<u>540.00</u>
Total Value	\$3,540.00

Deposited	\$3,000.00
Deficiency	<u>540.00</u>
Total	\$3,540.00

Tract No. B-23

Land and Improvements	\$ 880.00
Crops	<u> </u>
Total Value	\$ 880.00

Deposited	\$ 800.00
Deficiency	<u>80.00</u>
Total	\$ 880.00

Tract No. B-26

Land and Improvements	\$ 420.00
Crops	<u>106.00</u>
Total Value	\$ 526.00

Deposited	\$ 420.00
Deficiency	<u>106.00</u>
Total	\$ 526.00

Tract No. B-29

Land and Improvements	\$5,085.00
Crops	<u>1,620.00</u>
Total Value	\$6,705.00

Deposited	\$5,085.00
Deficiency	<u>1,620.00</u>
Total	\$6,705.00

Tract No. B-30

Land and Improvements	\$ 500.00
Crops	<u>45.00</u>
Total Value	\$ 545.00

Deposited	\$ 450.00
Deficiency	<u>95.00</u>
Total	\$ 545.00

Tract No. B-32

Land and Improvements	\$ 300.00
Crops	<u>7.00</u>
Total Value	\$ 307.00

Deposited	\$ 275.00
Deficiency	<u>32.00</u>
Total	\$ 307.00

Tracts No.s B-38 and B-40

Land and Improvements	\$2,235.00
Crops	<u>320.00</u>
Total Value	\$2,545.00

Deposited	\$2,000.00
Deficiency	<u>545.00</u>
Total	\$2,545.00

Tract No. B-39

Land and Improvements	\$ 360.00
Crops	<u>315.00</u>
Total Value	\$ 675.00

Deposited	\$ 325.00
Deficiency	<u>350.00</u>
Total	\$ 675.00

Tracts Nos. B-42, B-45 and B-47

Land and Improvements	\$2,600.00
Crops	<u>443.00</u>
Total Value	\$3,043.00

Deposited	\$2,600.00
Deficiency	<u>443.00</u>
Total	\$3,043.00

Tract No. B-45

Land and Improvements	\$ 330.00
Crops	<u>22.00</u>
Total Value	\$ 352.00

Deposited	\$ 300.00
Deficiency	<u>52.00</u>
Total	\$ 352.00

Tract No. B-46

Land and Improvements	\$1,400.00
Crops	<u>12.50</u>
Total Value	\$1,412.50

Deposited	\$1,400.00
Deficiency	<u>12.50</u>
Total	\$1,412.50

Tract No. C-10

Land and Improvements	\$1,195.00
Crops	<u>260.00</u>
Total Value	\$1,455.00

Deposited	\$1,150.00
Deficiency	<u>305.00</u>
Total	\$1,455.00

Tract No. C-13

Land and Improvements	\$ 863.00
Crops	<u>12.00</u>
Total Value	\$ 875.00

Deposited	\$ 863.00
Deficiency	<u>12.00</u>
Total	\$ 875.00

Tract No. C-15

Land and Improvements	\$3,300.00
Crops	<u>492.00</u>
Total Value	\$3,792.00

Deposited	\$3,300.00
Deficiency	<u>492.00</u>
Total	\$3,792.00

Tract No. C-18

Land and Improvements	\$ 250.00
Crops	<u>- - -</u>
Total Value	\$ 250.00

Deposited	\$ 250.00
Deficiency	<u>- - -</u>
Total	\$ 250.00

Tract No. C-21

Land and Improvements	\$ 935.00
Crops	<u>- - -</u>
Total Value	\$ 935.00

Deposited	\$ 835.00
Deficiency	<u>100.00</u>
Total	\$ 935.00

Tract No. C-24

Land and Improvements	\$3,925.00
Crops	<u>808.30</u>
Total Value	\$4,733.30

Deposited	\$3,925.00
Deficiency	<u>808.30</u>
Total	\$4,733.30

Tract No. C-26

Land and Improvements	\$2,225.00
Crops	<u>503.00</u>
Total Value	\$2,728.00

Deposited	\$2,000.00
Deficiency	<u>728.00</u>
Total	\$2,728.00

Tract No. C-27

Land and Improvements	\$ 292.00
crops	<u>9.00</u>
Total Value	\$ 301.00

Deposited	\$ 292.00
Deficiency	<u>9.00</u>
Total	\$ 301.00

Tract No. C-35

Land and Improvements	\$ 600.00
Crops	<u>22.50</u>
Total Value	\$ 622.50

Deposited	\$ 600.00
Deficiency	<u>22.50</u>
Total	\$ 622.50

Tract No. C-36

Land and Improvements	\$2,060.00
Crops	<u>47.00</u>
Total Value	\$2,107.00

Deposited	\$2,050.00
Deficiency	<u>57.00</u>
Total	\$2,107.00

Tract No. C-38

Land and Improvements	\$2,800.00
Crops	<u>134.00</u>
Total Value	\$2,934.00

Deposited	\$2,800.00
Deficiency	<u>134.00</u>
Total	\$2,934.00

Tract No. C-41

Land and Improvements	\$ 163.00
Crops	<u>- - -</u>
Total Value	\$ 163.00

Deposited	\$ 160.00
Deficiency	<u>3.00</u>
Total	\$ 163.00

Tract No. C-43

Land and Improvements	\$ 305.00
Crops	<u>6.00</u>
Total Value	\$ 311.00

Deposited	\$ 305.00
Deficiency	<u>6.00</u>
Total	\$ 311.00

Tract No. C-44

Land and Improvements	\$2,855.00
Crops	<u>20.00</u>
Total Value	\$2,875.00

Deposited	\$2,855.00
Deficiency	<u>20.00</u>
Total	\$2,875.00

Tract No. C-45

Land and Improvements	\$1,275.00
Crops	<u>48.00</u>
Total Value	\$1,323.00

Deposited	\$1,275.00
Deficiency	<u>48.00</u>
Total	\$1,323.00

Tract No. C-47

Land and Improvements	\$ 185.50
Crops	<u>7.50</u>
Total Value	\$ 193.00

Deposited	\$ 185.00
Deficiency	<u>8.00</u>
Total	\$ 193.00

Tract No. C-48

Land and Improvements \$1,800.00
Crops --
Total Value \$1,800.00

Deposited \$1,800.00
Deficiency --
Total \$1,800.00

Tract No. C-50

Land and Improvements \$ 700.00
Crops 12.00
Total Value \$ 712.00

Deposited \$ 640.00
Deficiency 72.00
Total \$ 712.00

Tract No. D-3

Land and Improvements \$1,258.50
Crops 159.00
Total Value \$1,417.50

Deposited \$1,225.00
Deficiency 192.50
Total \$1,417.50

Tracts No.s D-10 and D-11

Land and Improvements \$ 420.00
Crops 132.00
Total Value \$ 552.00

Deposited \$ 420.00
Deficiency 132.00
Total \$ 552.00

Tract No. D-16

Land and Improvements \$4,000.00
Crops 481.00
Total Value \$4,481.00

Deposited \$4,000.00
Deficiency 481.00
Total \$4,481.00

Tract No. D-18

Land and Improvements \$ 150.00
Crops --
Total Value \$ 150.00

Deposited \$ 150.00
Deficiency --
Total \$ 150.00

Tract No. D-22

Land and Improvements \$6,755.00
Crops 2,904.00
Total Value \$9,659.00

Deposited \$6,750.00
Deficiency 2,909.00
Total \$9,659.00

Tracts Nos. D-26 and D-38

Land and Improvements \$4,000.00
Crops 500.00
Total Value \$4,500.00

Deposited \$4,000.00
Deficiency 500.00
Total \$4,500.00

Tract No. D-28

Land and Improvements \$ 250.00
Crops 5.00
Total Value \$ 255.00

Deposited \$ 250.00
Deficiency 5.00
Total \$ 255.00

Tract No. D-29

Land and Improvements \$ 75.00
Crops --
Total Value \$ 75.00

Deposited \$ 75.00
Deficiency --
Total \$ 75.00

Tract No. D-31

Land and Improvements	\$ 475.00
crops	<u>160.00</u>
Total Value	\$ 635.00

Deposited	\$ 450.00
Deficiency	<u>185.00</u>
Total	\$ 635.00

Tract No. D-33

Land and Improvements	\$ 50.00
Crops	<u>- -</u>
Total Value	\$ 50.00

Deposited	\$ 50.00
Deficiency	<u>- -</u>
Value	\$ 50.00

Tract No. D-39

Land and Improvements	\$26,170.00
Crops	<u>3,555.00</u>
Total Value	\$29,725.00

Deposited	\$26,150.00
Deficiency	<u>3,575.00</u>
Total	\$29,725.00

Tract No. D-40

Land and Improvements	\$2,625.00
Crops	<u>388.50</u>
Total Value	\$3,013.50

Deposited	\$2,625.00
Deficiency	<u>388.50</u>
Total	\$3,013.50

Tract No. D-41

Land and Improvements	\$1,675.00
Crops	<u>432.00</u>
Total Value	\$2,107.00

Deposited	\$1,650.00
Deficiency	<u>457.00</u>
Total	\$2,107.00

Tract No. D-44

Land and Improvements	\$ 50.00
Crops	<u>- -</u>
Total Value	\$ 50.00

Deposited	\$ 50.00
Deficiency	<u>- -</u>
Total	\$ 50.00

Tract No. D-49

Land and Improvements	\$ 785.60
Crops	<u>14.40</u>
Total Value	\$ 800.00

Deposited	\$ 800.00
Deficiency	<u>- -</u>
Total	\$ 800.00

Tract No. D-51

Land and Improvements	\$1,445.00
Crops	<u>321.00</u>
Total Value	\$1,766.00

Deposited	\$1,425.00
Deficiency	<u>321.00</u>
Total	\$1,766.00

Tract No. D-58

Land and Improvements	\$2,300.00
Crops	<u>4.00</u>
Total Value	\$2,304.00

Deposited	\$2,300.00
Deficiency	<u>4.00</u>
Total	\$2,304.00

The Court further finds that each of the tracts have been fully and legally described in the Judgment Fixing Title and elsewhere in these proceedings, and it is unnecessary to again describe said tracts in the instant order other than by tract designation.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the agreed figures as to the various tracts hereinabove set forth be, and the same are hereby, confirmed and approved, and the fair, cash, market values of the lands, and the crops in those instances where there were crops growing upon the lands, are fixed at the figures agreed upon which are specially set forth in the finding of the Court hereinabove.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit with the Clerk of this Court the amounts necessary to cover the deficiencies as to the various tracts hereinabove specifically designated, the amounts of said deficiencies as to the respective tracts being specifically set forth in the finding of the Court hereinabove, and being the total sum as to all tracts of Twenty-Four Thousand Eight Hundred Fifty-Six and 60/100 Dollars (\$24,856.60).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that as to those tracts on which no deficiency is due, as shown in the finding of the Court hereinabove, no further deposit need to be made, said tracts having been heretofore fully paid for by the United States of America.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 13 1942
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,

Petitioner,)

vs.)

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.)

ORDER FIXING TITLE AS TO TRACT NO. C-53

Now on this 16th day of February, 1942, this cause came on to be heard, pursuant to due notice given to all interested parties. The Court having heard the evidence, and having been fully advised in the premises, finds that title to fee simple, subject to existing easements for public highways and public utilities, to Tract C-53, is vested in I. E. Angelo and M. F. Angelo, subject to no lien of any kind or character, except outstanding taxes, if any.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that title in fee simple, subject to existing easements for public highways and public utilities, to Tract C-53, which is more particularly described as follows, to-wit:

The Southwest Quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, less 1.99 acres for Highway No. 33 right-of-way, situate in Mayes County, Oklahoma, and containing 38.01 acres, more or less.

be and the same is hereby quieted in I. E. Angelo and M. F. Angelo, subject to no lien of any kind or

character, except outstanding taxes, if any.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Mar 13 1942
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,	Petitioner,)
)
vs.)
		) No. 652 - Civil
15,500 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and John M. Niehaus, Jr., et al,	Respondents.)

ORDER FIXING TITLE AS TO TRACT D-46

Now on this 16th day of February, 1942, this cause came on for hearing, pursuant to due notice given to all interested parties, and the Court having heard the evidence and having been fully advised in the premises finds that fee simple title to Tract D-46, subject to existing easements for public highways and public utilities, is vested in the United States of America, subject to no lien of any kind or character.

The Court finds that title passed by deed from Will A. Crockett, who was the owner of D-46, that the agreed consideration for said tract has been paid in full, and that no further funds are due in payment of said land.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that title to Tract D-46, more particularly described as follows:

All of the West Half ($W\frac{1}{2}$) of Section Twenty-one (21), except the Northeast Quarter of the Northwest Quarter of the Southwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$) and that part of the East Half of the Southeast Quarter of the Northwest Quarter ($E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$) lying East of the road, and the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-one (21); and the West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$), the Northeast Quarter of the Northwest Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$) and the North Half of the Southeast Quarter of the Northwest Quarter ($N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$) of Section Twenty-eight (28), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 540 acres, more or less,

in fee simple, subject to existing easements for public highways and public utilities, is vested in the United States of America, subject to no lien of any kind or character.

IT IS FURTHER ORDERED that title in fee simple, subject to existing easements

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

BROOKER ENGINEERING COMPANY,
a Michigan Corporation,

Plaintiff,

-versus-

No. 646 Civil

GRAND RIVER DAM AUTHORITY, a corporation
organized under the laws of Oklahoma,
et al.,

Defendants.

ORDER DENYING MOTION OF DEFENDANT GRAND RIVER DAM AUTHORITY
TO DISMISS, AND SUSTAINING IN PART SAID DEFENDANT'S MOTION
FOR A BILL OF PARTICULARS

On this 4th day of March, 1942, this cause coming on to be heard upon motion of defendant Grand River Dam Authority to dismiss plaintiff's complaint and for a better statement and for a bill of particulars; and the parties appearing by counsel, and the Court having considered the complaint, the motion aforesaid, and the arguments thereon, it is ordered:

1. That motion of defendant Grand River Dam Authority to dismiss this cause as to said defendant be and the same is hereby denied.

2. That motion of said defendant for a bill of particulars to be filed herein by plaintiff is hereby sustained in the following parts:

As to the paragraphs of said motion and in the particulars respectively designated as (Figure 1), (Figure 3), Figure (4), and (Figure 5);

that in all other respects the motion of said defendant for a better statement and for a bill of particulars is hereby denied.

3. That plaintiff shall, on or before the expiration of fifteen (15) days from this date, file its bill of particulars setting forth with particularity the matters, facts, and things called for by the aforesaid motion of defendant Grand River Dam Authority in the parts in which said motion is hereby sustained; and that defendant Grand River Dam Authority be and it is hereby given twenty (20) days from and after the expiration of the time aforesaid in which to answer the complaint of plaintiff herein.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Mar 14 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to March 15, 1942

On this 16th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce W. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,)
)
vs.)
)
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John W. Niehaus, Jr., et al,	Respondents.	) No. 652 Civil

JUDGMENT CONFIRMING REPORT OF COMMISSIONERS

Now on this 16 day of March, 1942, this cause came on for hearing upon the application of the petitioner to confirm the valuations made and the awards fixed by the commissioners appointed by the Court as To Tracts Nos. A-44, B-22, C-2, C-7, C-30, C-32, C-33, C-55, D-5, D-34, D-40, D-43, and D-48. The Court, having heard the evidence and having been fully advised in the premises, finds that:

- (1) Each and all of the allegations in said Petition for Condemnation are true, and the United States of America is entitled to acquire property by eminent domain for the uses and purposes therein set forth.
- (2) In said Petition for Condemnation a statement of the authority under which and the public use for which said lands were taken is set forth.
- (3) The said Petition for Condemnation was filed at the request of the Secretary of War, the person duly authorized by law to acquire the lands described in said document for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding.
- (4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said petition for Condemnation, and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) That the returns of service made in this cause by the United States Marshals are true and correct and in accordance with law; that the affidavit of service by publication, the Publication Notice, and the Proof of Publication as filed herein are in all respects in accordance with the law and the orders of this Court, and the same are hereby approved.
- (6) That commissioners were appointed to appraise and fix the fair, cash, market value of the real estate involved in these proceedings by an order of this Court on the 22nd day of December, 1941; that said commissioners duly qualified on the 24th day of December, 1941; and, pursuant to the order of the Court, duly inspected said premises, fixed the value thereof, and made and filed their report in this cause on the 30th day of January, 1942; and that the Report of said Commissioners is in all respects regular and in accordance with law and the order of this Court.

(7) More than thirty days have elapsed since the filing of the Report of Commissioners herein, and no written exceptions to the Report of Commissioners or demands for jury trial have been filed by any of the respondents hereto as to any of the tracts of land hereinafter described and the Report of Commissioners as filed herein should be confirmed and approved in all respects as to each tract of land hereinafter specifically described.

(8) The Court heard evidence, and having fully considered the Petition for Condemnation, and all proceedings had herein, the provisions of the Act of Congress approved August 18, 1890 (26 Stat. 316), as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241) and April 11, 1918 (40 Stat. 518, 50 U.S.C., sec. 171), and the Act of Congress approved April 5, 1941 (Public 29 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it, and that the alleged public purposes and uses, as set out in the said Petition for Condemnation, are hereby adjudged to be in truth and in fact public purposes and uses within the meaning and purpose of the above designated Acts of Congress.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners, as filed herein, is final as to the hereinafter designated and described tracts of land and that the fair, cash, market value as set out and fixed in said Report of Commissioners is final as to the particularly designated and described lands and values and estates therein taken, all as follows, to-wit:

Tract No. A-44

The West Half of the Southwest Quarter of the Southeast Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), and the East Half of the Southeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$), in Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less, in fee simple title, a total fair, cash, market value of \$1,000.00

Tract No. B-22

Beginning at a point 30 chains West and 12 Chains South of the Northeast Corner of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, thence South 4.47 chains, thence West 4.475 chains, thence North 4.47 chains, thence East 4.475 chains, to the point of beginning, lying in Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 2 acres, more or less, in fee simple title, a total, fair, cash, market value of \$ 65.00

Tract No. C-2

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirteen (13), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less, in fee simple title, a total, fair, cash, market value of \$1,000.00

Tract No. C-6

The Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less, in fee simple title, a total, fair, cash, market value of \$ 100.00

Tract No. C-7

The South Half of the Northwest Quarter ($S\frac{1}{2} NW\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less, in fee simple title, a total, fair, cash, market value of

\$1,505.00

Tract No. C-30

The Southeast Quarter of the Northeast Quarter of the Southeast Quarter ($SE\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), the West Half of the Northeast Quarter of the Southeast Quarter ($W\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$), and the East Half of the Northwest Quarter of the Southeast Quarter ($E\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 50 acres, more or less, in fee simple title, a total, fair, cash, market value of

\$ 500.00

Tract No. C-32

The East Half of the Southeast Quarter of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less, in fee simple title, a total fair, cash, market value of

\$ 320.00

Tract No. C-33

The Northwest Quarter of the Southeast Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$) and the Northeast Quarter of the Southwest Quarter of the Southeast Quarter ($NE\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$) of Section Twenty (20), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less, in fee simple title, a total fair, cash, market value of

\$ 460.00

Tract No. C-55

Beginning at a point 3.165 chains South and 3.165 chains West of the Quarter Section corner between Sections Twenty-eight (28) and Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East; thence West 3.165 chains thence South 3.165 chains, thence East 3.165 chains, thence North 3.165 chains to the point of beginning, in Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 1.02 acres, more or less, in fee simple title, a total, fair, cash, market value of

\$ 30.00

Tract No. D-5

The East Half of the Northeast quarter ($E\frac{1}{2} NE\frac{1}{4}$) and the Northeast quarter of the Northeast quarter of the South-

east quarter ($NE\frac{1}{4}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$), less $1\frac{1}{2}$ acres reserved for school purposes in the Northeast corner of the Northeast quarter of the Northeast quarter of the Northeast quarter of the Northeast quarter ($NE\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$), in Section Fifteen (15), Township Twenty North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing $86\frac{1}{2}$ acres, more or less, in fee simple, title, a total, fair, cash, market value of \$2,312.00

Tract No. D-34

The South $\frac{1}{2}$ of the Southeast Quarter of the Northeast Quarter ($S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$) and the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ $SE\frac{1}{4}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less, in fee simple title, a total, fair, cash, market value of \$ 300.00

Tract No. D-40

The North Half of the Southeast Quarter ($N\frac{1}{2}$ $SE\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less, in fee simple title, a total, fair, cash, market value of \$ 2,625.00

Tract No. D-43

The South Half of the South Half of the Southwest Quarter ($S\frac{1}{2}$ $S\frac{1}{2}$ $SW\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less, in fee simple title, a total, fair, cash, market value of \$ 500.00

Tract No. D-48

The Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4}$ $NE\frac{1}{4}$) and the East Half of the Northeast quarter of the Northwest Quarter ($E\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$) of Section Twenty-seven (27) Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 60 acres, more or less, in fee simple title, a total, fair, cash, market value of \$ 750.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken in and to the above described tracts of land is subject to existing easements for public highways and public utilities.

The court further finds that at the time the above described tracts were taken, there were growing crops upon some of them; that these crops were taken by the petitioner, and had been removed from the land and disposed of at the time the commissioners viewed the land; and that for this reason the commissioners, in fixing the values of the various tracts, did not take into consideration the crops that had theretofore been growing on the land.

The Court further finds that the values of the crops taken on the hereinabove described tracts were as follows:

<u>Tract No.</u>	<u>Value of Crops Taken</u>
A-44	\$57.00
B-22	None
C-2	57.00
C-6	None
C-7	15.00
C-30	None
C-32	19.00
C-33	19.00
C-55	None
D-5	294.00
D-34	None
D-40	382.50
D-43	None
D-48	None

The Court further finds that all of the hereinabove designated tracts have been taken under Declarations of Taking, and that there has been heretofore deposited with the Clerk of this Court the gross sum of Eight Thousand Five Hundred Seventy-Five and no/100 Dollars (\$8,575.00) as the estimated fair, cash, market value of said tracts, excluding Tract No. D-40; and that there is a deficiency of Seven Hundred Twenty-eight and no/100 Dollars (\$728.00) between the amount deposited and the actual fair, cash, market value of said tracts, and the growing crops thereon, excluding and excepting, however, the value of Tract No. D-40 and crops thereon, a Judgment as to said Tract No. D-40 having been heretofore rendered in this cause on the 13th day of March, 1942.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the petitioner deposit the further sum of Seven Hundred Twenty-eight and no/100 Dollars (\$728.00) with the Clerk of this Court to complete gross payment for the tracts hereinabove described, excluding Tract No. D-40, an order having heretofore been made as to such tract.

This cause is held open for the purpose of entering such further orders, judgments or decrees as may be necessary in the premises.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 16 1942
H. P. Warfield, Clerk
U. S. District Court H

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

ELIZABETH D. WALLACE, ET AL,

Complainants,

vs.

RICHARD T. DANIEL, JR., ET AL,

Respondents.

No. 1244 Equity

O R D E R

This matter coming on for hearing upon the application of the receiver for instructions in connection with the proposal of the United States of America to lease certain office space in the R. T. Daniel Building, and the court being fully advised in the premises finds that the acceptance of such proposed lease would be to the best interest of said receivership estate.

IT IS, THEREFORE, ORDERED, That A. C. Saunders, receiver for the R. T. Daniel Building, be, and he is hereby authorized and directed to enter into the lease with the United States of America submitted and proposed by the United States of America as shown by a copy thereof which is hereto attached.

Dated this 16th day of March, 1942.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Mar 16 1942
H. P. Warfield, Clerk
U. S. District Court E

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

ELIZABETH DANIEL WALLACE, et al.,

Plaintiffs,

vs.

RICHARD T. DANIEL, JR., et al.,

Defendants.

No. 1244 Equity

ORDER NUNC PRO TUNC

This matter comes on to be heard upon the application heretofore filed herein by A. C. Saunders, receiver, for an order nunc pro tunc correcting an order of this court made on December 1, 1941 reducing tax assessment on the property of the receivership estate hereinafter described. Petitioner A. C. Saunders, receiver, appeared by his attorney, Eben W. Taylor and the respondent parties to said order of December 1, 1941, namely J. E. Gray, Curtis Greer and Ralph F. Morley, County Commissioners of Tulsa County, Oklahoma, and the Board of County Commissioners of the County of Tulsa, State of Oklahoma, and Joe T. Parkinson, County Treasurer of Tulsa County, Oklahoma, and Dan Howe, County Assessor of Tulsa County, Oklahoma, appeared by Dixie Gilmer, County Attorney of Tulsa County, Oklahoma, their attorney of record, and all parties announcing ready for hearing, the court heard the statements of counsel relating to the facts averred in said application and all evidence offered by either party, and upon such statements and evidence finds as follows: That it was the intention and purpose of the parties in the preparation of said order of December 1, 1941, that the said order should recite that it is ordered that Dan Howe, County Assessor of Tulsa County, Oklahoma,

in certifying the valuation to the County Treasurer of Tulsa County, Oklahoma for the year 1942 shall certify the valuation of the said described property, to-wit:

The West One Hundred (100) feet of Lot Five (5),
and the South Twenty-five (25) feet of Lot Six (6),
both in Block One Hundred Six (106), Original
Townsite of the City of Tulsa, Tulsa County, Oklahoma,

for the sum of \$40,000.00 for the value of said real estate or land, and \$52,000.00 for the value of the improvements thereon, making a total of \$92,000.00 for said entire property, and that the said Joe T. Parkinson, County Treasurer, shall calculate the taxes for the year 1942 on a basis of \$92,000.00 valuation for the entire property described above, but that through clerical error and inadvertence said order recited that:

"It is further ordered that Dan Rowe, County Assessor of Tulsa County, Oklahoma, in certifying the valuation to the County Treasurer of Tulsa County, Oklahoma for the year 1942, shall certify the valuation of said above described property the sum of \$90,000.00, instead of the sum of \$191,700.00, as he is contemplating doing, and that the said Joe T. Parkinson, County Treasurer shall calculate the taxes for the year 1942 on the basis of \$90,000.00".

And the court further finds that all of the parties to said order agree that the above quoted recitation was incorrect and that the order should have been as hereinbefore recited showing a separate valuation for the real estate or land and a separate valuation for the improvements thereon.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that that part of said order of December 1, 1941, wherein same refers to the certification of the value of said property by Dan Rowe, County Treasurer of Tulsa County, Oklahoma, for the year 1942 shall be corrected and amended as of said date of December 1, 1941, to read as follows:

It is further ordered that Dan Rowe, County Assessor of Tulsa County, Oklahoma, in certifying the valuation to the County Treasurer of Tulsa County, Oklahoma, for the year 1942, shall certify the valuation of the said described property, to-wit:

The West One Hundred (100) feet of Lot Five (5),
and the South Twenty-five (25) Feet of Lot Six (6),
both in Block One Hundred Six (106), Original
Townsite of the City of Tulsa, Tulsa County, Oklahoma,

for the sum of \$40,000.00 for the value of said real estate and \$52,000.00 for the value of the improvements thereon, making a total of \$92,000.00 for said entire property; that the said Joe T. Parkinson, County Treasurer, shall calculate the taxes for the year 1942 on the basis of \$92,000.00 for the entire property described above, and shall accept said amount as full payment for the taxes for said year.

And that said order of December 1, 1941, shall as to all other parts thereof remain as the same was entered on said date.

DATED at Tulsa, Oklahoma, this 16th day of March, 1942.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Mar 16 1942
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to March 17, 1942

On this 17th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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. Mansy, 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

Consolidated No. 159 Civil

CLYDE ALEXANDER,	Plaintiff,)	
		)	No. 159 Civil
vs.)	
PHILLIPS PETROLEUM COMPANY, a corporation,	Defendants.)	
et al,)	
S. E. VAN WERT,	Plaintiff,	)	No. 160 Civil
)	
vs.)	
PHILLIPS PETROLEUM COMPANY, a corporation, et al,	Defendants.)	

ORDER FOR SUPPLEMENTAL RECORD

Upon oral application of plaintiffs and of the third party plaintiff, it appearing that there have been omitted from the record on appeal heretofore transmitted to the Clerk of the United States Circuit Court of Appeals for the Tenth Circuit, the oral comments of this court of February 20, 1941, immediately upon conclusion of the trial of the above cause, and the written memorandum of the judgment of this court, read in open court by the judge thereof on July 12, 1941;

IT IS HEREBY ORDERED that a supplemental record shall be prepared by the clerk of this court, and certified, and transmitted by him to the clerk of the aforesaid Circuit Court of Appeals, which supplemental record shall include both the above mentioned oral comments of this court of February 20, 1941, and its written memorandum of July 12, 1941.

DATED this 14 day of March, 1942.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed Mar 17 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Ezekiel Big Acorn,

Plaintiff,

vs.

No. Civil 656

Pollie Budder, nee Big Acorn, and the
unknown heirs of the Estate of Tyannee
Grass, deceased,

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 17th day of March, 1942, upon the return and report of the Commissioners heretofore appointed by this court, and upon plaintiffs motion to confirm the same as filed, and it being shown to the court that said report was filed in this court on the 12th day of December, 1941, and that none of the interested parties to this action have elected to accept the same and take the said lands at the appraised value, and is made in compliance with the order and decree rendered by this court on the 5th day of November, 1941.

And the court having heard said motion and being fully advised in the premises, the plaintiff appearing by his attorneys of record John S. Severson and A. Lee Battenfield, and the United States and the defendant appearing by Whit Y. Mauzy, United States Attorney and Chester A. Brewer, Assistant United States Attorney, and the court having examined said report and having heard argument of counsel and being fully advised in the premises finds:

That said Report of Commissioners discloses that the lands involved cannot be partitioned in kind between the plaintiff and defendant, the owners thereof, without manifest injury, and that the valuation placed thereon is fair and reasonable and that said Commissioners' report should in all things be approved and confirmed and made firm and effectual forever, and that said lands should be sold by the United States Marshal for the Northern District of Oklahoma, and the proceeds thereof equally divided between the plaintiff and the defendant herein.

It is therefore Ordered, Adjudged and decreed by the Court, that said Commissioners 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, that a sale of the premises involved should be had.

Therefore, it is further ordered, adjudged and decreed by the court that the Hon. John P. Logan, United States Marshal, for the Northern District of Oklahoma, proceed at once to advertise and sell the said real estate involved herein, described as follows, to-wit:

The Southwest Quarter of the Northeast Quarter
and the Southeast Quarter of the Northwest
Quarter of Section 15, Township 21 North, Range
21 East 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 Oklahoma, and to be made for not less than two thirds of the appraised price as fixed by said Commissioners which was \$800.00, and that said United States Marshal make due return of his proceedings hereunder to this Court for confirmation and further orders of this court, and that this order is 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.

ENTERED: Filed Mar 17 1942

H. P. Warfield, Clerk

U. S. District Court

ROYCE H. SAVAGE

United States Judge for the Northern
District of Oklahoma

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

George Chisholm,	Plaintiff,)
)
vs.		) No. 765 - Civil
)
Sam Buck, Ben Hawkins and Bill Hawkins,	Defendants.)

O R D E R

Now on this 17 day of March, 1942, this matter coming on before the court on the motion of the United States of America for permission to intervene in this cause of action and it appearing to the court that this action involves certain restricted Creek Indian land, and that the United States should be a party to this action.

IT IS THEREFORE, the order of the court that the United States of America be and it hereby is granted permission to intervene.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 17 1942
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to March 19, 1942

On this 19th day of March, 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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. Rauzy, 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 PAT JOHNSON, DEPUTY U. S. MARSHAL

FOR THE NORTHERN DISTRICT OF OKLAHOMA.

I, Pat Johnson, do solemnly swear that I will faithfully execute all lawful precepts directed to the Marshal of the Northern District of Oklahoma, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of Special Deputy United States Marshal of the Northern District of Oklahoma, during my continuance in said office, and take only my lawful fees; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and 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 upon which I am about to enter; SO HELP ME GOD.

PAT JOHNSON

Sworn to and subscribed before me, this 12th day of March, 1942.

EDWARD CROSSLAND (SEAL)
U. S. Commissioner

Tulsa, Okla., Mch. 12, 1942.

I certify that the above-named Special Deputy Marshal, entered upon the performance of his official duties the 12th day of March, 1942.

JNO. P. LOGAN
United States Marshal

ENDORSED: Filed Mar 19 1942
H. P. Warfield, Clerk
U. S. District Court

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

UNITED STATES OF AMERICA,

Petitioner,)

vs.)

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma, and
John M. Niehaus, Jr., et al,

Respondents.)

ORDER CANCELING CHECK AND DIRECTING ISSUANCE OF NEW CHECK AS TO
TRACT NO. D-58

Now on this 19th day of March, 1942, it being made to appear to the Court that Check No. 1340, in the sum of \$2,296.00, payable to the order of Arch Bonecutter, W. A. Graham, and the County Treasurer of Mayes County, Oklahoma, heretofore issued by the Clerk pursuant to the order of the court, should be cancelled and a new check issued.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Check No. 1340, in the sum of \$2,296.00, payable to the order of Arch Bonecutter, W. A. Graham, and the County Treasurer of Mayes County, be and the same is hereby cancelled.

IT IS FURTHER ORDERED that the Clerk issue a check as follows, as to Tract D-58;

Arch Bonecutter, Claire Bonecutter, A. L. Barnett,
Bess L. Barnett, S. L. Reimenschneider, Winifred
Reimenschneider and County Treasurer of Mayes
County, Oklahoma,

\$2,296.00

IT IS FURTHER ORDERED that the Clerk shall make no charge for commission or bondage

ENDORSED: Filed Mar 19 1942
H. P. Warfield, Clerk, U. S. District Court

ROYCE H. SAVAGE
JUDGE

Court adjourned to March 22, 1942

On this 20th day of March, 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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

J. D. SIMMS, Trustee,	Plaintiff,	}	NO. 79 - CIVIL
vs.			
LOUIS P. ANDREWS, Deputy Collector of Internal Revenue, and H. C. JONES, COLLECTOR OF INTERNAL REVENUE,	Defendants.		
UNITED STATES OF AMERICA,	Intervenor.	}	

C O R D E R

This matter coming on for hearing this 20th day of March, 1942, upon the application of the United States of America, Intervenor, for the appointment of a Special Master to sell the following described real estate, to-wit:

The East Half of Southwest Quarter and Southeast Quarter less ten (10) acres, in the Southeast corner of Section Seven (7), Township Nineteen (19) North, Range Fourteen (14) East, Tulsa County, Oklahoma,

and the United States of America appeared by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the court being fully advised in the premises, finds that upon the filing of the application of the United States of America, the court entered an order to J. D. Simms, Trustee, to appear on the 20th day of March, 1942, at 9:30 A.M., to show cause why said application should not be granted. The court finds that the United States Marshal for the Northern District of Oklahoma personally served a copy of said order upon said plaintiff, J. D. Simms, Trustee.

The court being further advised, finds that on the 5th day of December, 1939, a judgment entered in this court and that according to the terms and conditions of said judgment, the said J. D. Simms, Trustee, was ordered to sell at public auction the above-described real estate and turn the proceeds of said sale to H. C. Jones, Collector of Internal Revenue, and the court finds that said Trustee has failed and neglected to comply with the terms and conditions of said aforementioned judgment and that the United States is entitled to the appointment of a Special Master to sell the above-described real estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the application of the United States for the appointment of a Special Master and a direction to the Special Master to sell the above-described real estate be and the same hereby is granted.

Land and Improvements	\$5,765.00	Deposited	\$8,765.00
Crops	<u>745.00</u>	Deficiency	<u>845.00</u>
Total Value	\$6,510.00	Total	\$6,510.00

Tract No. B-4

The North Half ($N\frac{1}{2}$) of Lot One (1) (otherwise described as North Half of Northeast quarter of Northeast Quarter), and the North Half ($N\frac{1}{2}$) of Lot Two (2) (described as North Half of Northwest quarter of Northeast Quarter), of Section Three (3), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma, and containing 40 acres, more or less.

Land and Improvements	\$ 825.00	Deposited	\$ 550.00
Crops	<u>21.00</u>	Deficiency	<u>296.00</u>
Total Value	\$ 846.00	Total	\$ 846.00

Tract No. B-24

The West Half of the Southwest Quarter of the Northeast Quarter ($W\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$); and the Northeast Quarter of the Southwest Quarter of the Northeast Quarter ($NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East, situate in Hayes County, Oklahoma, and containing 30 acres, more or less.

Land and Improvements	\$ 500.00	Deposited	\$ 450.00
Crops	<u>28.00</u>	Deficiency	<u>78.00</u>
Total Value	\$ 528.00	Total	\$ 528.00

Tract No. C-25

The East Half of the Northeast Quarter of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty (20) Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma, and containing 20 acres, more or less.

Land and Improvements	\$ 225.00	Deposited	\$ 225.00
Crops	<u>5.00</u>	Deficiency	<u>5.00</u>
Total Value	\$ 230.00	Total	\$ 230.00

Tract No. C-29

The North Half of the Northwest Quarter of the Southwest Quarter ($N\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$), and the North Half of the South Half of the Northwest Quarter of the Southwest Quarter ($N\frac{1}{2} S\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$); and the West Half of the Northeast Quarter of the Southwest Quarter ($W\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$); and the Southeast Quarter of the Northeast Quarter of the Southwest Quarter ($SE\frac{1}{4} NE\frac{1}{4} SW\frac{1}{4}$); and the North Half of the Southeast Quarter of the Southwest Quarter ($N\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$); and the West Half of the Northwest Quarter of the Southeast Quarter ($W\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4}$); and the Northwest Quarter of the Southwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SW\frac{1}{4}$)

SE $\frac{1}{4}$) all in Section Twenty (20) Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 110 acres, more or less.

Land and Improvements	\$5,000.00	Deposited	\$4,000.00
Crops	<u>1,175.00</u>	Deficiency	<u>2,175.00</u>
Total Value	\$6,175.00	Total	\$6,175.00

Tract No. C-39

The South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Northwest Quarter of the Southwest Quarter (S $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$); and the Southwest quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$); and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$); and the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty (20); and the Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$); and the Northwest Quarter of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$); and the East Half of the Northeast Quarter of the Northwest Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$); and the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$); and the East Half of the Northwest Quarter of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$); and the Southwest Quarter of the Northwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$); and the North Half of the Southeast Quarter of the Northwest Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$); and all that part of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying North of the Creek, in Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 179 acres, more or less.

Land and Improvements	\$7,300.00	Deposited	\$7,300.00
Crops	<u>646.00</u>	Deficiency	<u>646.00</u>
Total Value	\$7,946.00	Total	\$7,946.00

Tract No. D-23

Lots Six (6) and Seven (7) and the East Half of the West Half of the Southeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Fourteen (14), and all that part of Lot Six (6) lying in the Northwest Quarter of the Northeast quarter of the Southeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) (6.90) acres) and the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$); and Lot Two (2) (19.35 acres); and Lot Three (3) (12.20 acres), in Section Twenty-three (23), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 181.75 acres, more or less.

Land and Improvements	\$13,000.00	Deposited	\$10,600.00
Crops	<u>1,732.90</u>	Deficiency	<u>4,182.90</u>
Total Value	\$14,732.90	Total	\$14,732.90

Tract No. D-47

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 40 acres, more or less.

Land and Improvements	\$2,250.00	Deposited	\$2,250.00
Crops	<u>461.90</u>	Deficiency	<u>461.90</u>
Total Value	\$2,711.90	Total	\$2,711.90

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT the valuations, set forth hereinabove as to the various tracts and crops, be and the same are hereby confirmed and adopted by the Court as the fair, cash, market value of said tracts, and the crops growing thereon in those instances where there were crops.

IT IS FURTHER ORDERED that the Petitioner deposit with the Clerk of the Court, as the registry of the Court, the gross sum of \$8,589.80, in payment of the deficiencies as to the various tracts hereinabove set forth.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 20 1942
H. P. Warfield, Clerk
U. S. District Court H

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

CHARLES W. WHITE,	Plaintiff,)	
)	
vs.)	
		)	No. 686 Civil
PHILLIPS PETROLEUM COMPANY, A)	
corporation, THE TEXAS COMPANY, a corporation,)	
and THE KEESER OIL & GAS COMPANY, a)	
corporation,	Defendants.)	

ORDER OF DISMISSAL WITH PREJUDICE

On this 20 day of March, 1942, this matter comes on for hearing on the motion of the plaintiff, Charles W. White, for an order of dismissal with prejudice to a future action and the court being fully advised in the premises, finds that said motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause be and the same hereby is dismissed with prejudice to a future action at the cost of the plaintiff.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Mar 20 1942
H. P. Warfield, Clerk
U. S. District Court NE

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) CIVIL NO. 776
)
CERTAIN PARCELS OF LAND IN ROGERS)
COUNTY, OKLAHOMA: and W. G. Phillips, et al.,)
	Defendants.)

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 20th day of March, 1942, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, the statutes in such cases made and provided, and the Executive Orders of the President of the United States made pursuant to the authority contained in the Act of June 10, 1920, 41 Stat. 1063 (U. S.C. Title 16, Section 309), and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to acquire property by eminent domain for the purposes as set out and prayed in said petition;

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition for the purpose of generating and supplying power for the manufacture of explosives or munitions of war or otherwise necessary to the safety and defense of the United States, and for the construction of Public works; and that the attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings;

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said Declaration of Taking;

FIFTH: That said declaration of Taking contains a statement of the estate or interest in the said lands taken for said public use;

SIXTH: That a plan map showing the lands taken is incorporated in said Declaration of Taking;

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$487.40, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the ultimate award of compensation for the taking of said property, in the opinion of the said Administrator of the Federal Works Agency will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, on this 20th day of March, 1942, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement be erect, operate and maintain a line or lines of poles, h-frame structures, towers or other structures, wires, cables and fixtures for the transmission of electric

current upon, over and across said lands, situate, lying and being in the County of Rogers, State of Oklahoma, and more particularly described by courses and distances as follows, to-wit:

TRACT NO. 1 (302-A-1.0)

Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T 24 N - R 17 E of the Indian Base and Meridian, in Rogers County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at the point on the East boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 724.0 feet from the NE corner thereof; thence Northwesterly to a point in said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 50 feet South and 1064.7 feet West of the NE corner thereof; thence Westerly to a point in the West boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 50 feet from the NW corner thereof.

TRACT NO. 2 (302-A - 1.2)
2.0

Perpetual Easement

The North 100 feet of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, and the North 100 feet of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 26, all in T 24 N, R 17 E of the Indian Base and Meridian, in Rogers County, Oklahoma.

TRACT NO. 3 (302-A - 2.1)
3.0

Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23; all in T 24 N - R 17 E of the Indian Base and Meridian in Rogers County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, 50 feet from the NE corner thereof; thence Northwesterly to a point in the West boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, 144 feet from the Southwest corner thereof.

TRACT NO. 4 (302-A - 4.0)

Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, T 24 N - R 17 E of the Indian Base and Meridian in Rogers County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ 338 feet from the SE corner thereof; thence Northwesterly to a point in the West boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ 728 feet from the Southwest corner thereof.

together with the perpetual easement and right to cut down, remove and trim any trees, which may interest with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, he, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property

and their spouses, if any, of David Eldridge Fleming, sometimes known as D. E. Fleming, deceased; of Martha Fleming, sometimes known as Martha A. Fleming, deceased; and of Jacob Fleming, deceased;

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is therefore necessary that the above named defendants, and any and all other persons, firms, corporations, or legal entities claiming any interest whatever in the real estate herein described and involved, be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE CHELSEA REPORTER, a newspaper printed and of general circulation in Rogers County, Oklahoma, for four (4) consecutive weeks, notifying said defendants and each of them, of the institution of condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners on or before the 18th day of May, 1942, the petitioner, United States of America, will, on the 18th day of May, 1942, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court for the Northern District of Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of this Court to inspect said real property, consider the injury and assess the damages 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 a perpetual easement, upon, over and across the lands involved herein, and that said defendants and each of them may be present if they so desire.

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

ENDORSED: Filed Mar 20 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to March 23, 1942

On this 23rd day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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:

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

United States of America, Libelant,)
vs.)

One 1940 Buick Sedan Automobile, Motor No. 44,013,929, and approximately 16 gallons of assorted taxpaid intoxicating liquors seized therein; Tom J. Cole, Don K. Lankard, General Motors Acceptance Corporation of Tulsa, Oklahoma, and Norton Elliott Motor Company, of Miami, Oklahoma, Claimants.

No. 461 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimants, Tom J. Cole, Don K. Lankard, and the General Motors Acceptance Corporation of Tulsa, Oklahoma, having made their general appearance herein and filed disclaimer of any right, title and interest in and to said described automobile and intoxicating liquors, and the claimant, Norton Elliott Motor Company of Miami, Oklahoma, appearing by its attorney, Perry Porter, and whereupon, libelant presents its evidence and rests, and the claimant, Norton Elliott Motor Company of Miami, Oklahoma, presents its evidence and rests, and the Court, after hearing the arguments of counsel and being fully advised in the premises, finds that a forfeiture should enter as to the said automobile and intoxicating liquors insofar as the claimants, Tom J. Cole, Don K. Lankard, and General Motors Acceptance Corporation of Tulsa, Oklahoma, are concerned, and further finds that such forfeiture should not be remitted and mitigated as to said automobile insofar as the claimant, Norton Elliott Motor Company of Miami, Oklahoma, is concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is, hereby allowed as to the approximately sixteen (16) gallons of assorted taxpaid intoxicating liquors described in this action, 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 a forfeiture herein be, and the same is, hereby allowed as to the said described 1940 Buick Sedan automobile, Motor No. 44,013,926, insofar as the right, title and interest of said claimants, Tom J. Cole, Don K. Lankard, and the General Motors Acceptance Corporation of Tulsa, Oklahoma, are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a remission and mitigation of such forfeiture as to the said described automobile be, and the same is, hereby denied, insofar as the Norton Elliott Motor Company of Miami, Oklahoma, is concerned, and said automobile is

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

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 26 1942
H. P. Warfield, Clerk
U. S. District Court LN

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)
)
vs.		) No. 527 CIVIL
)
C. A. Bingham,	Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause came on to be heard in open court before the Honorable Royce H. Savage, Judge presiding, pursuant to regular assignment, plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and it being shown to the court that the above named defendant has been regularly served with summons and a copy of the complaint in this cause more than twenty (20) days prior to this date, and it further appearing that he has failed to answer or otherwise plead, he is, by the court, found to be in default and the court finds that plaintiff is entitled to judgment in the amount of Four Hundred Twenty-one Dollars and Seventy-three Cents (\$421.73)

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the court that the plaintiff have and recover judgment against the defendant, C. A. Bingham, in the amount of Four Hundred Twenty-one Dollars and Seventy-three Cents (\$421.73) with interest thereon at the rate of Six Per Cent (6%) per annua from March 20, 1941, until paid.

Let execution issue.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 24 1942
H. P. Warfield, Clerk
U. S. District Court H

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMADewey T. Ross Engineering Corporation,
Plaintiff,

vs.

Grand River Dam Authority, a public cor-
poration, and Hartford Accident and
Indemnity Company, a corporation, Defendants.

L. E. Fleming and L. E. Lewis, Interveners.

NO. 544 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now, on this 10th day of March, 1942, upon motion of the defendant, Grand River Dam Authority, a public corporation, that the Findings of Fact and Conclusions of Law, dated February 14, 1942, and filed in this cause March 1, 1942, be revised and modified, and that the judgment rendered herein on February 14, 1942, be corrected and revised, and after hearing on said motion, the Court finds:

After a trial of the above and foregoing cause, and after hearing extensive arguments of counsel representing the respective parties herein, and after having made Findings of Fact and Conclusions of Law, which are on file in this case, the Court finds that the plaintiff is entitled to judgment on the Findings of Fact and Conclusions of Law against the defendant, Grand River Dam Authority, a public corporation, on Contract 11-A, in the sum of \$25,232.87, on Contract 11-B, in the sum of \$25,418.78, and on Contract 11-C, in the sum of \$18,033.30, making a total for which plaintiff is entitled to judgment of \$68,684.95.

That the question of whether said sum of \$68,684.95 is a part of the construction costs of said project be reserved for future determination by this Court.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the plaintiff, Dewey T. Ross Engineering Corporation, be, and it is hereby awarded judgment upon the Findings of Fact and Conclusions of Law as amended and revised, herein found and entered against the defendant, Grand River Dam Authority, a public corporation, in the total sum of \$68,684.95, for all of which execution may issue.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the question of whether said sum of \$68,684.95 is a part of the construction costs of said project, be and the same hereby is expressly reserved for future determination by this Court.

IT IS FURTHER, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the judgment rendered herein on the 14th day of February, 1942, be, and the same hereby is superseded by this judgment.

DATED this 10th day of March, 1942.

F. E. KENNAMER
DISTRICT JUDGE NORTHERN DISTRICT
OF OKLAHOMA

ENDORSED: Filed Mar 23 1942
H. P. Warfield, Clerk
U. S. District Court H

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

KENTUCKY HOME MUTUAL LIFE INSURANCE
COMPANY

Plaintiff,

vs.

GENERAL AMERICAN LIFE INSURANCE COMPANY,
FIRST METHODIST EPISCOPAL CHURCH, a
corporation, et al.,

Defendants.

No. 550 Civil

C R E E R

Now on this 23 day of March, 1942, this matter comes on to be heard upon the stipulation of the General Securities Company for payment to it of the sum of \$108.96, and it appearing to the court that the said General Securities Company is the owner and holder of Bond No. 1 in this proceeding, and that the sum of \$108.96 has been deposited with the Clerk of this Court for payment to the said bondholders, it is therefore

ORDERED that the clerk of this court pay to General Securities Company, the sum of \$108.96 upon surrender of said Bond No. 1; this order not to affect any or all other rights, equities or interests secured by the said General Securities Company by virtue of the judgment herein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 23 1942
H. P. Werfield, Clerk
U. S. District Court ME

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

United States of America,

Plaintiff,

vs.

W. E. Corle,

Defendant.

No. 582 - Civil

J U D G M E N T

Now on this 23rd day of March, 1942, this cause of action coming on before the court pursuant to regular assignment for default judgment, the United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer Assistant United States Attorney for said District, and the defendant appearing neither in person or by attorney, and it appearing to the court that heretofore and on May 23, 1941, the defendant, W. E. Corle, was duly and regularly served in this cause of action by personal service and that said defendant has failed to plead or answer in this cause of action and is in default, the court after hearing statements of counsel, finds that the plaintiff, United States of America, is entitled to judgment as prayed for in its complaint herein.

IT IS THEREFORE THE ORDER AND JUDGMENT OF THE COURT that the plaintiff, the United States of America, have and recover judgment in its own behalf and in behalf of Jack Pettit, Jr., a full-blood Cherokee Indian, appearing opposite Roll No. 29869, against the defendant W. E. Corle,

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

UNITED STATES OF AMERICA,

Petitioner,)

vs.)

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John H. Niehaus, Jr., et al.,

Respondents.)

ORDER FIXING TITLE AS TO TRACT D-27

Now on this 16th day of February, 1942, this cause came on to be heard pursuant to due notice given; and the Court having heard the evidence and having been fully advised in the premises finds that title to fee simple, subject to existing easements for public highways and public utilities, to Tract D-27, is vested in G. L. Norrell, subject to no lien of any kind or character, excepting outstanding ad valorem taxes, if any.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that title in fee simple, subject to existing easements for public highways and public utilities, to Tract D-27, which is more particular described as follows:

The Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-two (22), Township Twenty (20) North, Range Ni eteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less,

be and the same is hereby vested in G. L. Norrell, subject to no lien of any kind or character, excepting outstanding ad valorem taxes, if any.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Mar 25 1942
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,

Petitioner,)

vs.)

No. 652 - Civil

15,500 acres of land, more or less, situate in
Mayes County, Oklahoma, and John H. Niehaus,
Jr., et al.,

Respondents.)

ORDER VACATING JUDGMENT CONFIRMING REPORT OF COMMISSIONERS AS TO TRACT
D-30 AND CONFIRMING STIPULATION

Now on this 23rd day of March, 1942, this cause came on for hearing on the motion of the Petitioner to vacate the Order of March 16, 1942, whereby the Report of the Commissioners as to Tract C-30 was confirmed and the value of \$500.00 was placed on Tract C-30, and upon the motion of the Petitioner to confirm stipulation.

The Court, having been fully advised, finds that P. W. Matthews, the owner of Tract C-30, failed to file a request for a jury trial as to Tract C-30 for the reason that he had made an offer of settlement for the sum of \$625.00, which he though kept the matter open. This offer of the landowner was duly submitted in Washington, and has been found acceptable to the United States.

IT IS, THEREFORE, ORDERED that the Order of March 16, 1942, Confirming the Commissioners' Award as to Tract C-30 be and the same hereby is vacated and set aside.

IT IS FURTHER ORDERED that the stipulation heretofore entered into by and between the Petitioner and the landowner fixing a value of \$625.00 for Tract C-30 be and the same is hereby confirmed and adopted by the Court, and the value of \$625.00 is placed on Tract C-30.

IT IS FURTHER ORDERED that the United States of America deposit the further sum of \$125.00 with the Clerk of the Court to complete the payment for Tract C-30. There has been heretofore deposited with the Clerk the sum of \$500.00.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 23 1942
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 Ford DeLuxe Coupe Automobile, Motor No. 18-6,083,020, and approximately Forty-one (41) gallons of Assorted Taxpaid Intoxicating Liquors Seized Therein; James Arthur Layman, and his wife, Anna Bell Layman, and Universal Credit Company, Tulsa, Oklahoma.
Claimants.

No. 679 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimants James Arthur Layman, Anna Bell Layman and the Universal Credit Company, Tulsa, Oklahoma, having failed, neglected and refused to appear or file any pleadings contesting this litigation although duly notified thereof, and the Court being fully advised in the premises, finds in favor of libelant and against said claimants.

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 1941 Ford DeLuxe Coupe automobile, Motor No. 18-6,083,020, and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that forfeiture herein be and the same is hereby allowed as to the said approximately forty-one (41) 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 all storage charges incident to the seizures herein be, and the same are hereby ordered paid by the Treasury Department.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court
Mar 23 1942
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 1940 Mercury Club Coupe Automobile,
Motor No. 99A-107,503; One still (100-
gallon capacity); 225 gallons untaxpaid
whiskey; 1800 gallons whiskey mash;
36 (50-gallon) Fermenters; One (300 gallon
Cooling Tank; One (60 gallon) Copper coil;
One (20 gallon) Pressure Tank;
Three Gasoline Burners; One (5-gallon) Glass
Bottle containing 2 1/2 gallons of whiskey
coloring; One (30-gallon) steel drum containing
15 gallons of gasoline; 150 feet Water Hose;
One Electric Pump; Three (55-gallon) Barrels;
Five (10-Gallon) Kegs, and other paraphernalia
and materials used in connection therewith;
Edmund L. Penn, Carl Briggs Motor Company,
and the Hess Finance Company, both of
Coffeyville, Kansas, Claimants.

No. 687 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimants Edmund L. Penn, Carl Briggs Motor Company and the Hess Finance Company, of Coffeyville, Kansas, having failed, neglected and refused to appear or file any pleading contesting this litigation although duly notified thereof, and the Court being fully advised in the premises, finds in favor of libelant and against said claimants.

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 1940 Mercury Club Coupe Automobile, Motor No. 99A-107,603, and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court
Mar 23 1942
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 Plymouth Coupe Automobile, Motor
No. P-10,115472, and approximately 34
gallons of Assorted Taxpaid Intoxicating
Liquors seized therein; A. C. Watson, Commercial
National Bank, and the Fast Sheppard Motor
Company, both of Muskogee, Oklahoma, Claimants.

No. 734 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Rauzy, United States Attorney for the Northern District of Oklahoma, and Hoe W. Howard, Assistant United States Attorney for said District and the claimant, A. C. Watson, having failed, neglected and refused to appear and contest this action although duly notified thereof, and the claimants, the Commercial National Bank and Fast Sheppard Motor Company, both of Muskogee, Oklahoma, appearing by their attorney, Charles P. Gotwals, and whereupon, libelant presents its evidence and rests, and the claimants, Commercial National Bank and Fast Sheppard Motor Company, both of Muskogee, Oklahoma, present their evidence and rest, and the Court, after hearing the arguments of counsel and being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors insofar as the claimant, A. C. Watson, is concerned, and finds that such forfeiture should not be remitted and mitigated as to said automobile insofar as the claimants, Commercial National Bank and the Fast Sheppard Motor Company, both of Muskogee, Oklahoma, are concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is, hereby allowed as to the approximately thirty-four (34) gallons of assorted tax paid intoxicating liquors described in this action, 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 a forfeiture herein be, and the same is, hereby allowed as to the said described 1941 Plymouth Coupe automobile, motor No. P-10-115472, insofar as the right, title and interest of said claimant, A. C. Watson, is concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a remission and mitigation of such forfeiture as to the said described automobile be, and the same is, hereby denied, and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 26 1942
H. P. Warfield, Clerk
U. S. District Court LN

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,

vs.

One 1936 Chevrolet Coach Automobile, Motor No. 5,602,399, and approximately 23 gallons of Assorted Taxpaid Intoxicating Liquore seized therein; Winthrop Howard Wilson, Leora Wilson and the Bankers Investment Company of Tulsa, Oklahoma, Claimants.

No. 737 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe V. Howard, Assistant United States Attorney, for said District, and the claimants, Winthrop Howard Wilson and Leora Wilson, having failed, neglected and refused to appear and contest this action although duly notified thereof, and the claimant, the Bankers Investment Company of Tulsa, Oklahoma, appeared herein by its attorney, Frank Hickman; whereupon libelant presents its evidence and rests, and claimant, Bankers Investment Company of Tulsa, Oklahoma, presents its evidence and rests, and the Court, after hearing the arguments of counsel and being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors insofar as the claimants, Winthrop Howard Wilson and Leora Wilson are concerned, and findsthat such forfeiture should be remitted and mitigated as to said automobile insofar as the claimant, Bankers Investment Company of Tulsa, Oklahoma, is concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is, hereby allowed as to the approximately twenty-three (23) gallons of assorted taxpaid intoxicating liquors described in this action, 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 a forfeiture herein be, and the same is, hereby allowed as to the said described 1936 Chevrolet Coach automobile, motor No. 5,602,399, insofar as the right, title and interest of the said claimants, Winthrop Howard Wilson and Leora Wilson are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that such forfeiture as to the said described automobile be, and the same is, hereby remitted and mitigated upon payment by the claimant, the Bankers Investment Company of Tulsa, Oklahoma, of all storage charges and expenses incident to the seizure of said automobile, and that upon compliance of such condition and the payment thereof, the United States Marshal for the Northern District of Oklahoma is hereby directed to release

and deliver over said described automobile to the claimant, the Bankers Investment Company of Tulsa, Oklahoma.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 26 1942
H. P. Warfield, Clerk
U. S. District Court LN

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,

vs.

One 1941 Chevrolet Coupe Automobile, Motor No. AA-317,589, and approximately 23 gallons of assorted taxpaid intoxicating liquors seized therein; Perry T. Rummage, and the Commercial Investment Trust Corporation, Claimants. No. 742 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimant, Perry T. Rummage, having made his general appearance herein, waived the issuance and service of monition and failed, neglected and refused to file any pleadings or contest this action, and because thereof, is, by the Court, found to be in default, and the claimant, Commercial Investment Trust Corporation, appearing by its attorney, E. D. Brewer, and whereupon, libelant presents its evidence and rests and the claimant, Commercial Investment Trust Corporation, presents its evidence and rests, and the Court after hearing the arguments of counsel and being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors, and further finds that the claimant, Commercial Investment Trust Corporation, is the holder, in good faith and after due investigation as to a liquor hazard, of a conditional sales contract upon said automobile with an unpaid balance due on its purchase price of Two Hundred Thirty-nine Dollars and Seventy-six Cents (\$239.76) and that such forfeiture should be remitted and mitigated insofar as said claimant's interest in said automobile is concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is, hereby allowed as to the approximately twenty-three (23) gallons of assorted taxpaid intoxicating liquors described in this action, 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 a forfeiture herein be, and the same is, hereby allowed as to the said 1941 Chevrolet Coupe Automobile, Motor No. AA-317, 589, insofar as the right, title and interest of said claimant, Perry T. Rummage is concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that such forfeiture as to the said described automobile be, and the same is, hereby remitted and mitigated to the extent of the unpaid balance of Two Hundred Thirty-nine Dollars and Seventy-six Cents (\$239.76) due the

claimant, the Commercial Investment Trust Corporation, and that upon payment of such amount to said claimant by libelant, said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 7 1942
H. P. Warfield, Clerk
U. S. District Court JS

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)
)
vs.)
)
One 1939 Studebaker Sedan Automobile,)
Motor No. 31,305 and 2 Gallons of)
Untaxpaid whiskey; Grady G. Wood,)
and the Interstate Securities Company of)
Tulsa, Oklahoma,	Claimants.)

No. 766 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 23rd day of March, 1942, this cause of action having come on before the court, libelant appearing by Whit V. Kenzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimants, Grady G. Wood and Interstate Securities Company of Tulsa, Oklahoma, appearing by their attorneys, E. M. Connor and Clarence Warren, respectively; whereupon libelant presents its evidence and rests and the Court, after hearing the arguments of counsel and being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors insofar as the claimant, Grady G. Wood is concerned, and finds that such forfeiture should be remitted and mitigated as to said automobile insofar as the claimant, Interstate Securities of Tulsa, Oklahoma, is concerned.

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 approximately two (2) gallons of untaxpaid whiskey, which intoxicating liquors are ordered destroyed in the manner provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that a forfeiture herein be, and the same is, hereby allowed as to the said described 1939 Studebaker Sedan Automobile, Motor No. 31,305, insofar as the right, title, and interest of the said claimant, Grady G. Wood is concerned

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that such forfeiture as to the said described automobile be, and the same is, hereby remitted and mitigated upon payment by the claimant, Interstate Securities Company of Tulsa, Oklahoma, of all storage charges and expenses incident to the seizure of said automobile, and upon compliance of such condition and the payment thereof, the United States Marshal for the Northern District of Oklahoma is hereby directed to release

It is therefore ordered, adjudged and decreed that the County Commissioners of Osage County, Oklahoma, are found to be the owners of one-half interest in and to Lot Eleven (11), Block Ten (10), Original Town of Fairfax, Osage County, Oklahoma, and that this plaintiff is the owner of the other one half of said property.

It is further ordered that since Osage County, Oklahoma is collecting the rent each month and have been collecting this rent for months, that said Osage County be directed to pay all of the rent to the plaintiff herein until such time as the plaintiff has received an equal amount of the money paid to the County Commissioners of Osage County, Oklahoma, since July 2, 1941. And after there has been an equalization of said amounts, that thereafter Osage County continue to receive one half of the rent and the other one half be paid to this plaintiff. To all of which the county attorney of Osage County objects and the objection is hereby overruled and exceptions are allowed.

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

ENDORSED: Filed Mar 24 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to March 25, 1942

On this 25th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 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 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

THOMAS W. HOLLAND, ADMINISTRATOR OF THE
WAGE AND HOUR DIVISION UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

CIVIL ACTION NO. 568

v.

HELMERICH & PAYNE, I. C., a corporation, Defendant.

ORDER FOR SUBSTITUTION OF PARTY PLAINTIFF

The parties hereto having stipulated that L. Metcalfe Walling, Administrator of the Wage and Hour Division of the United States Department of Labor, be substituted as party plaintiff herein in the place and stead of Thomas W. Holland, it is

ORDERED that L. Metcalfe Walling, as Administrator of the Wage and Hour Division of the United States Department of Labor, be and hereby is substituted as plaintiff herein in the place and stead of Thomas W. Holland, without prejudice to the proceedings already had in this action and that this cause may be continued and maintained by said L. Metcalfe Walling as successor in office of said Thomas W. Holland.

Dated March 25, 1942.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed Mar 25 1942
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,	Petitioner,)
)
vs.)
		) No. 652 Civil
15,500 acres of land, more or less,)
situate in Hayes County, Oklahoma, and)
John W. Niehaus, Jr., et al.,	Respondents.)

JUDGMENT ON THE DECLARATION OF TAKING NO. 10

This day comes the petitioner, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America the title in absolute fee simple, subject, however, to existing easements for public roads and public utilities, in and to the property hereinafter described, and described in the Declaration of Taking No. 10, and in the Petition for Condemnation filed herein.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation and Declaration of Taking No. 10, and finds that:

- (1) Each and all of the allegations in said Petition and Declaration are true, and the United States of America is entitled to acquire property by eminent domain for the purposes set forth in said petition.
- (2) In said Petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.
- (3) The Petition and Declaration of Taking were filed at the request of Henry L. Stimson, Secretary of War, the person duly authorized by law to acquire the lands described in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings;
- (4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) A statement is contained in said Declaration of Taking for the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of

Five thousand two hundred fourteen and 50/100 Dollars (\$5,214.50), and said sum was deposited in the registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

(6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property is the opinion of Henry L. Stimson, Secretary of War, will probably be within any limits prescribed by Congress as the price to be paid therefor.

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking No. 10, the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. Sec. 258a), and acts supplementary thereto and amendatory thereof, and the act of Congress approved August 18, 1890 (26 Stat. 516), as amended by the Acts of Congress approved July 2, 1917, (40 Stat. 341), and April 11, 1918, (40 Stat. 519, 50 U.S.C. 171), and the Act of Congress approved April 5, 1941 (Public 29 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full, fee simple title, subject, however, to existing easements for public roads and public utilities, in and to the following described lands was vested in the United States of America upon the filing of said Declaration of Taking No. 10, and the depositing in the Registry of this Court of the said sum of Five Thousand Two Hundred Fourteen and 50/100 Dollars (\$5,214.50), and said lands are deemed to have been condemned and taken for the use of the United States and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding, and established by judgment herein pursuant to law.

The lands aggregate 170 acres, more or less, and are described as follows, to-wit:

Tract No. B-24

The Southwest quarter of the Northeast quarter of the Southwest quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$); the Northwest quarter of the Northeast quarter of the Southwest quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$); South Half of the Northwest quarter of the Southwest quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$); Northwest quarter of the Southeast quarter of the Southwest quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$); Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$); all in Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East, Mayes County, Oklahoma, containing 90 acres, more or less.

Tract No. C-18

The Northwest quarter of the Northeast quarter of the Southwest quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East, Mayes County, Oklahoma, containing 10 acres, more or less.

Tract No. C-19

West Half of the Northwest quarter of the Southwest quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) and the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) all in Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East, Mayes County, Oklahoma, containing 30 acres, more or less.

Tract No. D-27

The Northwest Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$), Section Twenty-two (22), Township Twenty (20) North, Range Nineteen (19), East, Nowy County, Oklahoma, containing 10 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of or claiming any rights whatsoever to the possession of the lands hereinabove described, and all and singular the rights, privileges and appurtenances thereunto belonging, are hereby ordered and directed to deliver up and surrender forthwith full and complete possession thereof to the United States of America, and the United States of America is hereby granted leave to take immediate, full and complete possession of said lands.

This cause is held open for such other and further orders, judgments and decrees as may be necessary.

Entered this 25th day of March, 1942.

ROYCE BROADBENT
JUDGE

ENDORSED: Filed Mar 25 1942
H. P. Warfield, Clerk
U. S. District Court E

Court adjourned to March 26, 1942.

On this 26th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce F. Savage, Judge, present and presiding.

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

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

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

CONSOLIDATED CEMENT COMPANY, a
Delaware Corporation,

Plaintiff,

-vs-

No. 201 - Civil

BUILDERS SUPPLY COMPANY, a corporation,

Defendant.

O R D E R

On this 26 day of March, 1942 on application of the receiver herein, joined by Maude A. Kimberlin, Ruth K. Lynch and J. T. Lynch, the latter being all of the stockholders of the Builders Supply Company, and for cause shown, the court hereby authorizes and directs the receiver to pay in full the claims of all of the trade creditors of the Builders Supply Company as of July 18, 1938, having and holding claims in the sum of Three Hundredthirty-seven Dollars (\$337.00) or less.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Mar 26 1942
H. F. Warfield, Clerk
U. S. District Court H

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

NO. 510 CIVIL

Ross Young, et al,

Defendants.

ORDER NUNC PRO TUNC

The above matter coming on before me, the undersigned Judge of said Court, on this 26th day of March, 1942, a regular day of the January, 1942 term of said Court, and there being presented in open court the application of said plaintiff for an order nunc pro tunc herein, correcting the journal entry filed in said cause, and the Court, having heard the evidence and being satisfied that by a clerical error, it was recited in said journal entry that said judgment shall bear interest at the rate of Six Per Cent (6%) per annum from December 1, 1936, instead of September 24, 1941, and it appearing that the proceedings are regular and said mistake should be corrected,

IT IS, THEREFORE OR ERD, ADJUDGED AND DECREED that the journal entry of this Court, filed herein on October 24, 1941, be corrected as of the 24th day of October, 1941, to show that said judgment shall bear interest at the rate of Six Per Cent (6%) per annum from September 24, 1941, instead of December 1, 1936.

F. E. PENNAUER
JUDGE

ENDORSED: Filed Mar 26 1942
H. F. 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,

Petitioner,

vs.

No. 652 Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al

Respondents.

ORDER OF DISMISSAL AS TO CERTAIN TRACTS

Now on this 26 day of March, 1942, it being made to appear to the Court that the petitioner, above named, has acquired title to certain tracts hereinafter more particularly designated by direct purchase from the owners thereof, and that no cause exists for continuing this action to said tracts.

IT IS, THEREFORE, ORDERED that this cause be and the same is hereby dismissed as to Tracts A-42, A-45, B-37, B-37, C-31, C-37, C-40, C-54, D-15 and D-60.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 26 1942
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,

Petitioner,

vs.

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

ORDER CONFIRMING STIPULATIONS AS TO CERTAIN TRACTS

Now on this 26 day of March, 1942, this cause came on for hearing on motion to confirm stipulations as to agreed values as to the following tracts:

Tract No. A-20

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) and the North Half of the Southwest Quarter of the Southeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$); and the Southwest Quarter of the Southwest quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), in Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 70 acres, more or less.

Land	\$3,000.00	Deposited	\$2,920.00
Crops	<u>397.00</u>	Deficiency	<u>577.00</u>
Total	\$3,397.00	Total Value	\$3,397.00

Tract No. A-20-A

The Southeast Quarter of the Northwest Quarter of the Southwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 10 acres, more or less.

Land	\$ 260.00	Deposited	\$ 260.00
Crops	<u>48.00</u>	Deficiency	<u>48.00</u>
Total	\$ 308.00	Total Value	\$ 308.00

Tract No. A-30

The North Half of the Northeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Land	\$1,590.00	Deposited	\$1,290.00
Crops	<u>57.00</u>	Deficiency	<u>357.00</u>
Total	\$1,647.00	Total Value	\$1,647.00

Tract No. B-41

The South Half of the Southeast Quarter of the Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Ten (10), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 20 acres, more or less.

Land	\$ 500.00	Deposited	\$ 400.00
Crops	<u>6.00</u>	Deficiency	<u>106.00</u>
total	\$ 506.00	Total Value	\$ 506.00

Tract No. D-3

The West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$) of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 80 acres, more or less.

Land	\$2,750.00	Deposited	\$2,500.00
Crops	<u>600.00</u>	Deficiency	<u>250.00</u>
Total	\$3,350.00	Total Value	\$3,350.00

The Court finds that there has been an agreed valuation by all interested parties for the land and the crops as hereinabove set forth; that there has been deposited as to the various tracts the amounts above stated and that there is a deficiency as to each of said tracts as shown hereinabove.

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

UNITED STATES OF AMERICA,

Petitioner,

vs.

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

ORDER MAKING ADDITIONAL PARTIES RESPONDENTS

Now on this 26th day of March, 1942, this cause came on to be heard upon the application of the Petitioner to make the following, to-wit:

- Frances E. Seaversas;
- Anna B. Oldham;
- Oklmulgee Supply Corporation,
- J. M. Gambill;
- Roy Peters;
- A. L. Morgan, also known as Alta L. Morgan, (Mrs. David E. Morgan);
- David E. Morgan,
- R. E. Klein;
- Willie Morgan;
- Walter W. Furrey, also known as Walter W. Furey,

parties respondent to this cause, and the Court having been fully advised in the premises finds that they should be joined as additional parties respondent.

IT IS, THEREFORE, ORDERED that the parties hereinabove named be and they are hereby joined as additional parties respondent, and the petition is hereby accordingly amended.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 26 1942
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,

Petitioner,

vs.

No. 652 - Civil

15,500 acres of land, more or less,
situate in Mayes County, Oklahoma,
and John M. Niehaus, Jr., et al.,

Respondents.

C O N D E M N A T I O N

Now on this 28th day of March, 1942, it being made to appear to the Court that the Petitioner has filed its Petition for condemnation in the above styled matter, and that it is

necessary that notices be served on various parties claiming an interest in and to said land. It further appears that to attempt to comply or conform strictly to procedural laws of the State of Oklahoma would cause injustice, unnecessary delay, hardship, and is too burdensome; and, therefore, the Court by this order should and does prescribe its own process, conforming as near as may be to said procedural laws of the State of Oklahoma.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DIRECTED that notices, as attached hereto, be served upon each of the parties named as respondents herein by the United States Marshals for the Northern, Western and Eastern Districts of Oklahoma, and that said Marshals make their returns hereon within fifteen (15) days from this date.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 26 1942
H. P. Warfield, Clerk
U. S. District Court N

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-)
)
)
)
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John W. Niehaus, Jr., et al.,	Respondents.)

No. 652 Civil

PUBLICATION ORDER

Now on this 26 day of March, 1942, it appearing from the affidavit of C. Harold Thweatt, Special Attorney for the Department of Justice, attorney for Petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following names respondents, to-wit:

Walter W. Furrey, also known as Walter W. Furey; F. W. Garbail; R. E. Klein; Anne B. Oldham; Cecar Hayes; Mae B. Jackson Page; Frances E. Seaverns; James W. Sneed; E. C. Stanard, if living, or if any of the above named parties are deceased, their unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote, or their successors in interest, whose names, ages and addresses are unknown; and the following firms and corporations, if existing, or if defunct, their unknown creditors, assigns, or successors, if any, all of whose names, legal status and addresses are unknown and cannot be ascertained by reasonable diligence and search, to-wit: Beall-Black Dry Goods Company, Henry-Beall Dry Goods Company, Conservative Loan and Trust Company, and The Grange Farm Loan Investment Company; and any other persons, firms, corporations, or legal entities claiming any interest whatsoever in the real estate herein designated and involved;

are non-residents of the State of Oklahoma, or with due and reasonable diligence, are not to be found in the State of Oklahoma, and that it is necessary that said respondents, and their unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, be served by publication.

IT IS, THEREFORE, ORDERED that notice by publication be given to the above named parties to appear and assert in this cause whatever right, title or claim that they may have on or before the 23d day of April, 1942, or be bound by whatever judgments the Court may have heretofore rendered or may hereafter render. Said notice shall be published in The Choctaw Enterprise, a weekly newspaper of general circulation in Wagon County, Oklahoma, on the following dates, to-wit: Thursday, April 2, 1942, and Thursday, April 9, 1942, and the service by publication shall be complete upon the filing of an affidavit by the publisher, managing officer or printer of said newspaper that the notice referred to above has been printed and published in said newspaper as hereby directed.

ROYCE H. SAVAGE
JUDGE.

ENDORSED: Filed Mar 26 1942
E. P. Warfield, Clerk
U. S. District Court H

Court adjourned to March 27, 1942

On this 27th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broadbent, Judges, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Whit Y. Leamy, 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 March, A. D. 1942, it being duly and satisfactorily to appear that E. H. Carey is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

United States of America, Plaintiff,)

-vs-

NO. 566 CIVIL

Jannie Daniel, Administratrix of the Estate
of J. V. Daniel, Deceased, Virginia Cooper,
Violet Bellis, Leo Daniel, Rosalie Daniel,
Willie Lee Daniel, and Willie Joe Daniel, and
Jannie Daniel, Defendants.

JOURNAL ENTRY OF JUDGMENT

This matter coming on for hearing pursuant to regular assignment this 27th day of March, 1943, said plaintiff appearing by W. H. Y. Manzy, United States Attorney in and for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney in and for said District, and said defendants appearing by F. J. Lucas, the court after hearing the evidence and arguments of counsel, and being otherwise fully advised in the premises finds in favor of the plaintiff and against each of the said defendants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Mary Linan, nee Terrell, Cherokee Indian of three-quarter blood appearing opposite Roll No. 16458, is the owner in fee simple of the following described property, to-wit:

Southwest quarter of the Northwest quarter
of Section 33, Township 21 North, Range 13
East, Tulsa County, Oklahoma.

IT IS FURTHER ORDERED AND DECREED that the said conveyance executed by Joe T. Parkinson, County Treasurer of Tulsa County, Oklahoma, on April 17, 1939, to J. V. Daniel, deceased, said warranty deed being recorded in Book 1324, page 552 of the records of Tulsa County, Oklahoma is null and void and of no legal effect and conveys no right, title or interest in and to the said J. V. Daniel, deceased, or to his heirs-at-law, the parties to this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said tax deed above referred to is cancelled, set aside and held for naught and that the title to the said Mary Linan, nee Terrell, is hereby quieted and confirmed as against all of said defendants in and to said real estate, and said plaintiff shall have its costs herein expended.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 27 1943
H. P. Warfield, Clerk
U. S. District Court IN

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT
OF OKLAHOMASouthwestern Bell Telephone Company,
a corporation,

Plaintiff,

vs.

John D. Bitinis and Eunie Bitinis,

Defendants.

No. 622 - Civil

FINAL DECREE AND DECLARATORY JUDGMENT

This cause came on for trial before this court on March 9, 1942, the parties being present by their respective counsel of record. It was agreed that the cause be tried to the court without a jury. Plaintiff introduced its evidence and rested, at which time plaintiff waived any claim for recovery of money damages. At the conclusion of plaintiff's evidence, defendants moved to dismiss, which motion was by the court overruled with an exception to defendants. Thereupon defendants introduced their evidence and rested. And the court, after due consideration of said evidence and argument of respective counsel, did on March 10, 1942, enter and file Findings of Fact and Conclusions of Law, determining the issues of fact and law generally in favor of plaintiff and against defendants as therein specifically set forth. Thereafter, and on the 20th day of March, 1942, a Temporary Injunction was entered and filed by the court restraining and enjoining said defendants as set forth and provided therein.

And now on this 27th day of March, 1942, this matter comes on for hearing for entering of Final Decree and Declaratory Judgment, the plaintiff being present by its counsel of record, and the defendants by their counsel of record having heretofore waived their right to be present by counsel and having heretofore waived their right to ask for additional findings of fact;

IT IS BY THE COURT ORDERED, ADJUDGED, DECREED AND DECLARED as follows:

(1) That this court has jurisdiction of the parties and subject-matter of this cause.

(2) That plaintiff owns an easement and right-of-way over, upon, across, and under that strip of land which is hereby fixed by the court as being from the Santa Fe Railroad Right-of-way to the center of the telephone posts of said lines, and in addition thereto, forty (40') feet from said posts as fixed by the survey which has been made and is hereby approved by the court, a copy of which is hereto attached and marked Exhibit "A", said easement and right-of-way being along, over, upon, across, and under the lands of defendants described as follows:

Lot Seven (7), less one and 59/100ths
(1.59) Acres railroad right-of-way, and
Southwest Quarter (SW $\frac{1}{4}$) of the Southeast
Quarter (SE $\frac{1}{4}$) of the Southwest Quarter
(SW $\frac{1}{4}$), all in Section Six (6), Township
Twenty-six (26) North, Range Thirteen
(12), East, in Washington County, Oklahoma,
and

All that part of the Southeast Quarter
(SE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of
Section One (1), Township Twenty-six (26)
North Range Twelve (12) East, in Washington
County, Oklahoma, lying North of the middle
of the channel of Osney River, and East of
the right-of-way of A. T. & S.F. Railroad
Company.

(3) That it is necessary and essential for plaintiff and its successors in interest, in the exercise of the rights and privileges granted under said easement and right-of-way above set forth, to have the right of ingress and egress, repair, alteration, removal of obstructions and clearance of trees, limbs, branches, and brush which interfere, or may interfere, with the communication of messages over and by means of the telephone lines located upon said easement and right-of-way, and that those which endanger said communication lines, and that it is absolutely necessary that trees, limbs, branches, and other obstructions be kept cleared away from said lines in order that plaintiff may continue to enjoy the benefits of its rights and in order that it may continue to perform its functions as one engaged in interstate and intrastate telephone business; that unless defendants, and each of them, their heirs, successors and assigns, are permanently, perpetually, and forever enjoined, restrained and prohibited from in any manner interfering with or molesting plaintiff in its right to the full use, enjoyment and exercise of said easement and right-of-way as above set forth, that irreparable harm and injury would result to plaintiff, and that plaintiff would be unable to continue, or seriously hindered in, the operation of its interstate and intrastate telephone business; that, therefore, the Temporary Injunction heretofore entered and filed by the court in this cause on the 20th day of March, 1942, should be, and is hereby, made permanent and the defendants, and each of them, their heirs, successors and assigns, are hereby permanently, perpetually and forever enjoined, restrained, and prohibited from interfering in any manner with or molesting plaintiff in its lawful right to the free and full use, enjoyment, and exercise of all the rights and privileges granted by said easement and right-of-way as hereinabove specifically set forth.

(4) By way of declaratory judgment, the court hereby declares the rights of plaintiff to be exactly as specifically hereinbefore set out.

(5) That neither party shall recover damages, and the counterclaim of defendants for damages is denied. The costs of which are taxed against the defendants.

Dated this 27th day of March, 1942.

BOWER BROADDUS
District Judge

ENDORSED: Filed In Open Court
Mar 27 1942
H. P. Warfield, Clerk
U. S. District Court H

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

C. R. Busch and L. M. Busch, dba
B & B Supply Company,

Plaintiffs,

vs.

No. 642 - Civil

Employers Casualty Company, a
corporation,

Defendant.

JOURNAL ENTRY

Be It Remembered, that on the 12th day of March, 1942, the above entitled cause came on for trial before the undersigned Judge of the United States District Court, all parties served being present, the plaintiff being represented by attorneys, Everett Petry and LeRoy Allen, the defendant by attorney James C. Cheek.

Leave of court was granted for the defendant to file and the defendant did file instanter an amendment to answer.

Thereupon, both plaintiff and defendant having announced ready for trial, the parties offered evidence in support of the contentions raised by their respective pleadings, and the court having considered the same, makes the following findings:

The parties stipulated upon certain facts which stipulations were in writing numbered 1 to 20 inclusive, and which were filed as a part of the record in this case. Upon said stipulation the court finds the stipulated facts to be as follows, omitting exhibits attached thereto and which were offered in evidence, to which reference will be hereinafter made:

1. It is agreed that this court has jurisdiction of this cause and the parties.
2. The accident out of which this litigation arose occurred January 13th, 1940, in Illinois, same being a collision between a truck occupied by certain individuals who were injured, hereinafter referred to, and a Chevrolet 1939 one and a half ton truck, motor No. T 3531850, serial No. 5 VDC6-8634, owned by Wilson Trucking Company, hereinafter mentioned.
3. That the plaintiffs, C. R. Busch and L. A. Busch, were at all times mentioned partners doing business under the name and style of B & B Supply Company; were residents of Tulsa, Oklahoma; that at all times mentioned they were engaged in the business of motor carrier for hire operating under permits issued by the Corporation Commission or other proper authorities in the states in which they did business, to operate as a common carrier and held such permits to so operate within the states of Oklahoma, Missouri, Kentucky and Illinois; that they also held permit to operate as an interstate motor carrier for hire under the authority of and from the Interstate Commerce Commission in all states in which they held permits to operate as an intra-state carrier; that the plaintiffs, C. R. Busch and L. A. Busch will be hereinafter referred to as B & B Supply Company.
4. G. W. Wilson and John Detamore were at all times mentioned partners doing business under the styled and name of Wilson Truck Company; were residents of Tulsa, Oklahoma, and at all times mentioned they were engaged in the business of motor carrier for hire operating under permits issued by the Corporation Commission or other proper authorities within the states in which they held permit to do business as such common carriers for hire and had such permits to so operate in the states of Oklahoma, Kansas, New Mexico and Missouri, and that they held no permit to so operate within the state of Illinois either intra-state or inter-state; they did have a permit from the Inter-state Commerce Commission to operate in those states in which it held permits. Said Wilson and Detamore will be hereinafter referred to as Wilson Truck Company.
5. The National Mutual Casualty Company is a corporation organized under the laws of the state of Oklahoma, authorized and licensed to do business as an insurance company in the State of Oklahoma, writing automobile liability insurance, including liability insurance for common carriers; that on the 14th day of October, 1939, it issued its policy of liability insurance No. 360155 to said B & B Supply Company, which policy of insurance was in full force and effect on the date of the accident mentioned in paragraph 3 hereof; photostatic copy of

which policy is attached hereto and made a part hereof, marked "EXHIBIT 2", the same being so marked as part of the deposition of O'Bryan and by agreement the same may be detached from the deposition and attached to this stipulation.

Said policy contained as a part thereof an endorsement designated "hired automobiles."

It is agreed that the National Mutual Casualty Company had also qualified to write such liability insurance in Missouri as well as in Oklahoma but that it had not qualified to write such insurance in the states of Illinois or Kentucky.

The National Mutual Casualty Company will hereinafter be referred to as the National Mutual.

6. The Employers Casualty Company was at all times mentioned a corporation organized under the laws of the state of Texas, authorized and licensed to do business in the state of Oklahoma as an insurance company, including the writing of automobile liability for trucks and motor carriers; that on the 18th day of November, 1939, it issued its liability insurance policy No. 290833 to said Wilson Truck Company and which policy was in full force and effect on the date of the accident referred to in paragraph 2 hereof, copy of which policy is attached hereto and made a part hereof, marked "EXHIBIT 1"; that included and described within said policy within the list of automobiles insured thereby is the Chevrolet truck heretofore described as having been involved in the accident in paragraph 2 hereof.

The Employers Casualty Company will hereinafter be referred to as The Employers.

7. That the Virginia Surety Company is a corporation organized under the laws of the state of Virginia and was at all times mentioned authorized to write automobile liability insurance, including liability insurance or liability bonds for common carriers operating within the states of Illinois and Kentucky; that on the 22nd day of June, 1940, the Virginia Surety Company issued to B & B Supply Company its bond of liability insurance effective October 14, 1939, covering the operations of the B & B Supply Company in the states of Illinois and Kentucky, and caused said bond or policy to be filed with the Inter-State Commerce Commission, a copy of said policy or bond and certificate of the Secretary of the Inter-State Commerce Commission is attached hereto and made a part hereof, marked "EXHIBIT 3". The instruments referred to were filed with the court reporter on the pre-trial hearing date.

It is agreed that the National Mutual Casualty Company, as a part consideration for the execution of said bond or policy by the Virginia Surety Company, entered into an agreement to indemnify the latter against any loss which the latter might sustain by reason of the execution of said policy or bond by written instrument exhibited and made a part hereof and marked "EXHIBIT 4". Said exhibit is attached to the deposition of O'Bryan and there marked defendant's Exhibit 1.

8. That on or about the 3rd day of January, 1940, a contract was entered into by the Parker Drilling Company for the haul by truck of certain oil field equipment from Poley, Oklahoma, to Jalen, Illinois.

9. On the 6th day of January, 1940, an instrument was executed by B & B Supply Company, designated therein as lessee, and Wilson Truck Company,

Designated therein as Lesco, which instrument is captioned "Lease of Motor Truck and Equipment"; a photostatic copy of which is attached hereto and made a part hereof, marked "EXHIBIT 5". A copy of said instrument is attached to the deposition of Busch and there marked defendant's Exhibit 2. It is agreed that the said exhibit may be detached from the deposition and attached hereto.

It is agreed that the Employers Casualty Company had no notice or knowledge of the execution of said instrument referred to hereinabove; that no endorsement was issued, as referred to under "Exclusions; Sub-division (a)" as follows: "This policy does not apply: (a) Under any of the above coverages, while the automobile is --- rented under contract or leased, unless such use is specifically declared and described in this policy and premium charged therefor;" and it is agreed that no premium was charged therefor.

10. That the Chevrolet truck heretofore mentioned was loaded and went on the trip in the performance of the contract from Parker Drilling Company, from Holey, Oklahoma, to Salem, Illinois; that on loaded trip it was driven by Lonnie Equals who previously had been in the employ of Wilson Truck Company, and that on his return trip from Salem, Illinois, he and the truck were involved in said accident while within the state of Illinois.

11. It is agreed that B & B Supply Company procured the necessary permits, licenses, and so forth, required, in the name of the B & B Supply Company as an inter-state common carrier, to go through the city of East St. Louis and through the state of Illinois, same having been procured before the trip was made.

It is agreed that B & B Supply Company reported the accident to the Interstate Commerce authorities and to the Division of Highway of Illinois on the usual accident form report required and copies of said reports were filed with the court reporter on pre-trial day and same may be made a part hereof.

12. It is agreed that the individuals Abe Foster and Conrad Wuertz were injured in the accident heretofore referred to; that on or about the 1st day of October, 1940, they filed an action for damages in the Circuit Court of St. Clair County, Illinois, against G. M. Wilson and John Detamore, doing business as Wilson Truck Company, and Gordon Westley Wilson; that notice of filing of such action was given by mail pursuant to some Illinois statute to Wilson Truck Company in Tulsa, Oklahoma, which notice, including copy of summons and copy of complaint was received by Wilson Truck Company October 6th, 1940; that under the process served answer date was November 4, 1940; that on October 31st, 1940, Wilson Truck Company notified Employers Casualty Company's representative in Tulsa that Wilson had been sued in Illinois.

On October 31, 1940, Employers' representative, Wade Mathers, advised Wilson Truck Company as he would look into the matter and let Wilson Truck Company know what position the Employers would take. Thereupon, the Employers employed an attorney in St. Louis to investigate the situation and ascertain the facts. Attorney so employed did on November 4, 1940, procure an extension of time for defendant to answer; copy of the complaint referred to and stipulation and order of extension of time to answer, dated November 4th, 1940, are attached, marked "Exhibit 6; 7; and 8".

13. Before answer date, and upon conclusion of certain investigation of fact, the Employers gave verbal notice to Wilson Truck Company that Employers

would defend said action under a reservation of rights to deny liability under its policy and tried to get Wilson to sign a non-waiver agreement, which Wilson Truck Company refused to sign without further consideration.

On November 23, 1940, Employers' Mr. Wade Mathers prepared a notice of reservation of rights by a letter which he attempted to deliver and serve upon Wilson Truck Company but neither Wilson nor Detamore being present, he served it upon the bookkeeper, which the bookkeeper acknowledged. Copy of that letter is attached and made a part hereof.

Wilson Truck Company thereafter made no objection to such handling, or assent of the case.

14. On January 17, 1941, on and by leave of the Court, the plaintiffs in the Illinois case filed in said cause pending in Illinois "Amended Complaint" wherein C. R. Busch and L. H. Busch, doing business as B & B Supply Company, were named as only defendants. Copy of said amended complaint is attached. Notice of the filing of said action by amended complaint was served, pursuant to Illinois law, by mail upon the defendants B & B Supply Company who received the copy of the summons and a copy of the complaint by mail in Tulsa, Oklahoma, sometime after January 17th, 1941.

Thereupon, said B & B Supply Company delivered said summons and copy of complaint to Wilson Truck Company. Wilson Truck Company delivered the same to one Elmer Hank Hall, an insurance broker in Tulsa, Oklahoma, through whom W. H. A. had produced its policy of insurance. Miss Hank in turn delivered the copy of summons and complaint to Wade Mathers, the adjuster for the Employers Casualty Company in Tulsa, Oklahoma; he in turn, after a conversation with a representative for the National Mutual Casualty Company, delivered the said instruments to the National Mutual.

The answer date according to said process was fixed as February 17th, 1941. Being in receipt of said summons and copy of complaint on February 15th, 1941, National Mutual wrote B & B Supply Company a letter dated February 15, 1941, copy of which is attached, marked "Exhibit 9".

The National Mutual employed attorneys in St. Louis and East St. Louis to defend said action on behalf of B & B Supply Company, who did on answer date, February 17, 1941, procure an extension of time to February 24, 1941, in which to plead and an answer was filed on behalf of the B & B Supply Company within the extension granted.

That on February 21, 1941, an order was made dismissing the action against Wilson Truck Company, as per copy of order attached.

15. That on March 10, 1941, B & B Supply Company wrote to the Wilson Truck Company, copy of which letter is attached, which letter in turn was sent by the Wilson Truck Company to the Employers Casualty Company, and the Employers Casualty Company then returned the letter to Wilson Truck Company with the information that this was not an Employers Casualty Company case. The attorney, Bert E. Strubinger, mentioned in said letter is one of the attorneys of St. Louis who had been employed by the National Mutual to defend for the B & B Supply Company.

The "Agreement" mentioned in the last paragraph of said letter has reference to Exhibit 5, heretofore designated as the "Lease of Motor Truck and Equipment."

16. On the 11th day of June, 1941, said cause came on for trial on the amended complaint and the answer filed by attorneys employed by the National Mutual on behalf of the defendants, B & B Supply Company. Upon the conclusion of the trial judgment was rendered in favor of the plaintiffs and against the defendants C. R. Busch and L. H. Busch, doing business as B & B Supply Company,

for the aggregate sum of \$3,000.00 and costs; that said judgment has become final.

A copy of the amended complaint and a copy of the judgment entered in said court in Illinois are attached hereto and made a part hereof.

17. It is agreed between the parties that that portion of the prayer of the complaint in this action which asks that the plaintiff receive relief or a judgment equivalent to the amount of the expense of the defense of the suit against B & B Supply Company in Illinois is waived by the plaintiffs and is no longer part of this controversy. It is agreed, as a matter of fact, that all of such expense was paid by the National Mutual.

18. Without admitting materiality or relevancy, it is stipulated that Everett Fetty and E. LeRoy Allen are attorneys negaged in the general practice of law and have retained from the National Mutual and do legal work for that company on its request, and it is also agreed that the National Mutual Casualty Company's Mr. J. L. Finegan, acting for the National Mutual, wrote a letter on August 2, 1941, to the Employers Casualty Company at Dallas, copy of which is attached.

19. Without admitting materiality or relevancy, it is also agreed that on February 6, 1941, Wilson and Detamore, of Wilson Truck Company, and C. R. Busch and L. R. Busch, of B & B Supply Company, were indicted in the United States District Court for the Northern District of Oklahoma, copy of which information is attached, in which judgment was rendered as per copy attached, marked "Exhibit 10".

20. Without admitting materiality or relevancy, it is also agreed that upon the trial of the case of Foster, et al, vs. Busch, et al, in the Circuit Court of St. Clair County, Illinois, on the 11th day of June, 1941, the defendants therein (being the plaintiffs herein) introduced evidence, part of which was that of the testimony of C. R. Busch (pages 65 to 74 and 87 to 98) and John Detamore (pages 81 to 87) who testified as per certified copy of transcript attached.

The stipulation of facts and each of the exhibits attached thereto are admitted and filed in evidence.

In addition to the facts stipulated by the parties, the Court makes the following

ADDITIONAL FINDINGS OF FACT

A.

That on a date prior to January 12th, 1940, the plaintiffs, B & B Supply Company, undertook and agreed for a consideration, to haul by trucks, as a common carrier for hire under their I.C.C. permit, certain materials owned by and hauled for the Farmer Brilline Company, from Eoley, Oklahoma, to Salem, Illinois, and that they were engaged in the performance of such contract on January 12th, 1940, when the accident occurred in Illinois.

B.

That in the performance of said contract they (B & B Supply Company) used trucks owned by them and in addition thereto used three trucks leased from Wilson Truck Company, one of which trucks was the Chevrolet involved in said accident; that the contract of hire was reduced in writing, signed by the parties, filed as Exhibit 5 herein which written contract, substantiated by the trial in Illinois, is the true contract of the parties, a lease contract. And I make the general findings

that the evidence in this case in many respects does not weaken the contention that it was a lease contract, but it is consistent with the posit on that it is a lease contract, with the exception of the fact that the testimony of the witness Busch that he had no control over the driver of this car, or any of the other drivers of the cars of Wilson Truck Company, and that is in direct conflict with his testimony heretofore given in the Illinois case.

C.

That said Chevrolet truck was at the time of the accident being operated under the direction and control of the E & B Supply Company.

D.

That the policy of liability insurance (Exhibit 1) issued by the defendant, Employers Casualty Company, to Wilson Truck Company wherein said Chevrolet truck was described and included, contains a provisions excluding coverage "while the automobile is - rented under contract or leased."

E.

As to notice; said policy (Exhibit 1) contains a special condition, in effect, that upon occurrence of an accident, written notice thereof must be given insurer, as soon as practicable by insured, etc. The Court finds that there was no notice given by the plaintiff in this case of the accident and injury. The Court finds that when suit was filed by the injured parties in the Illinois Court in October, 1940, against Wilson Truck Company, notice of said suit was given to the defendant by Wilson, and that the defendant in this case undertook to defend it and did defend it for Wilson Truck Company; and appeared in that case with intent to defend the action under the terms of the policy, but not in any degree inconsistent with denying liability as to the result of that suit concerned insofar as Wilson Truck Company is concerned. If that be a waiver, of the failure of Wilson Company giving prompt written notice of accident, it is not a waiver so far as the plaintiff in this case is concerned.

F.

The Court finds that upon the trial of the case in Illinois against E & B Supply Company, the plaintiff herein (defendants therein) testified

- (1) That the contract of haul being performed at the time of the accident was being performed by E & B Supply Company as an interstate motor carrier;
- (2) That the Chevrolet car involved was leased by E & B Supply Company from Wilson Truck Company under written contract introduced in evidence in that case (Exhibit 5);
- (3) That the driver of said Chevrolet was under the direction and control of E & B Supply Company.

CONCLUSIONS OF LAW

The Court concludes as a matter of law;

- I. That the plaintiff is not entitled to recover.
- II. That the plaintiff has not sustained the burden of proof and has not maintained this suit by a preponderance of the evidence.

III. That by reason of the policy exclusion of liability arising out of the use of trucks hired or the insured to another, the defendant, Employers Casualty Company, is not liable for the payment of the judgment rendered against E & B Supply Company in the Illinois case, or for payment of any expense, cost or attorney fees incident to the defense of that case on behalf of the E & B Supply Company.

IV. That the E & B Supply Company was not an additional insured within the omnibus clause of said policy.

V. That by reason of the failure of the plaintiffs to give notice of the accident as required by the policy terms and by reason of the failure of the plaintiffs to give notice of the suit filed against the plaintiffs, the defendant would be relieved from liability to the plaintiffs under the defendant's policy issued to Wilson Truck Company.

VI. That by the position plaintiff has taken heretofore in the litigation in Illinois, they are estopped to assert or take any contrary and different position at this time; that by having assumed the defense of the case against them in Illinois; and by reason of the evidence adduced upon the trial thereof, and by reason of the judgment rendered against the E & B Supply Company in the Illinois Court, the plaintiffs are now thereby estopped to deny that they were at the time of the accident operating and controlling a truck hired from Wilson Truck Company, in the performance of a contract as an interstate carrier.

VII. That it is not in this case that I can find as a matter of fact, and as result base a conclusion, that the E & B Company does have adequate insurance at other places. I don't believe that, and therefore I do not find they are protected by other insurance that was in effect.

VIII. The court, therefore, concludes and finds that the defendant, Employers Casualty Company, is under no duty to perform and has no liability under its said policy, unto the plaintiffs herein.

The defendants are given judgment for their cost.

Signed at Tulsa, Oklahoma, this 27th day of March, 1942.

HOWER BROADHUS
U. S. District Judge

EMBOSSSED: Filed In Open Court
Mar 27 1942
H. P. Kenfield, Clerk
U. S. District Court H