

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

GEORGE D. FOSTER,	Plaintiff,)
)
vs.		) No. 768 Civil
)
THE TRAVELERS INSURANCE)
COMPANY, a corporation,)
	Defendant.)

O R D E R

It appearing to the court that the defendant above named has paid in to the clerk, Three Thousand Five Hundred Ninety-three and 27/100 Dollars (\$3,593.87), the amount due upon the judgment rendered herein on the 22d of June, 1942, in favor of the plaintiff herein, and the court being fully advised in the premises finds that said sum of money should be paid by the clerk to the plaintiff in satisfaction of said judgment.

IT IS THEREFORE ORDERED by this court, that the clerk of this court pay to plaintiff the sum of Three Thousand Five Hundred Ninety-three and 27/100 (\$3,593.87) Dollars, in payment of said judgment.

DATED this 30th day of June, 1942.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jun 30 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-		) CIVIL NO. 822
)
CERTAIN PARCELS OF LAND IN MAYES COUNTY,)
OKLAHOMA; and James S. Freeman, et al,)
	Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 30th day of June, 1942, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

- Annie E. Campbell, also known as Alma E. Campbell;
- D. H. Kinzer;
- Viola Jackson;
- Helen Lee;
- Willie McCoy;
- Waddie McCoy;
- Henrietta Walton, now Walker;

Ruth Claggett;
 Edgar N. Frye;
 J. Elmer Frye;
 Leander Frye;
 Vance Vernon Frye;
 Faye Opal Frye, now Harris;
 Augustus Buffington;
 Blanche Buffinton, now Holder;
 Eva Buffington;
 Osie Buffington;
 Lucille Buffington;
 Herman Buffington;
 Jewel Buffington, now Wickliff;
 Ernest Buffington;
 Juanita Buffington, now Morrison;
 Roy Rogers;
 Ethel Rogers;
 Clarence Weber;

Lucien Rogers, James S. Freeman, and E. G. Hedges, if living, or if deceased, their known and unknown heirs, administrators, executors, devisees, legatees, trustees, or assigns, immediate and remote, and their spouses, if any;

Land Bank Commissioner;
 Federal Farm Mortgage Corporation, a corporation;
 The Federal Land Bank of Wichita, a corporation, agent and attorney-in-fact and for said Land Bank Commissioner and Federal Farm Mortgage Corporation, a corporation;

and

The known and unknown heirs, executors, administrators, devisees, legatees, trustees, and assigns, immediate and remote, and their spouses, if any, of William Bean, Cherokee Freedman, Roll No. 1849, deceased; of C. S. Kenzer, also known as C. S. Kinzer and Christian S. Kinzer, deceased; of L. B. Campbell, deceased; of Carrie McCoy, deceased; of Mary Jane Bowman, deceased; of Milly Frye, 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, to 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 their 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 Pryor Jeffersonian, a newspaper printed and of general circulation in the Northern District of 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 24th day of August, 1942, the petitioner, United States of America will, on the 24th day of August, 1942, at the hour of ten o'clock A.M., or as soon thereafter as course 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

On this 1st day of July, 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 WITHIN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,)

-vs-

One 1942 Super Deluxe Ford Coupe)
Automobile, Motor No. 18-6798820;)
Maurice Martin, and Universal Credit)
Company, Tulsa, Oklahoma, Claimants,)

NO. 815 CIVIL

Fairfax Motor Company, Intervener.

JOURNAL ENTRY

This matter coming on for hearing on this 1st day of July, 1942, before the Honorable Royce H. Savage, the United States of America appearing by Whit Y. Mauzy, United States Attorney in and for the Northern District of Oklahoma, and Wm. Knight Peers, Assistant United States Attorney in and for said District, and it appearing to the court that Maurice Martin has been served with motion in said cause of action more than twenty (20) days heretofore, and having failed to file any pleadings whatsoever in answer to said libel of information, the court finds the said Maurice Martin to be wholly in default, and Universal Credit Company, claimant herein, have filed heretofore on the 29th day of June, 1942, its disclaimer of any right, title or interest in and to said described automobile, and the Fairfax Motor Company having filed its application and petition to intervene on the 29th day of June, 1942, the court finds that said Fairfax Motor Company is obligated upon certain note and mortgage connected with the financing of said above-described automobile, and that the said Fairfax Motor Company is a party of interest and has a lien and claim upon said automobile, the petition of intervention of the Fairfax Motor Company is proper, and hereby allowed.

WHEREFORE, Fairfax Motor Company is being permitted to intervene herein, and having made an offer in mitigation in this cause of action, the court therefore libels and forfeits the interest of said Maurice Martin, and to said above-described automobile, and orders delivery of said automobile, to the Fairfax Motor Company upon the payment into the office of the Clerk of the United States District Court for the Northern District of Oklahoma, the sum of One Hundred Dollars (\$100.00), and the further payment of the costs in this action, and the storage charges accrued.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said automobile be libeled and forfeited herein and that upon the payment of said sum of One Hundred Dollars (\$100.00) together with costs and storage charges, same be ordered delivered to the Fairfax Motor Company upon their application of intervention.

ENDORSED: Filed Jul 1 1942
H. P. Warfield, Clerk
U. S. District Court LN

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) No. 831 Civil
)
Certain Parcels of Land situate in County)
of Tulsa, State of Oklahoma, and Cyrus S.)
Avery, et al.,	Respondents.)

ORDER FOR PAYMENT TO COMMISSIONERS

Now on this 30th day of June, 1942, it appears to the Court that on the 12th day of June, 1942, Ben O. Kirkpatrick, T. G. Grant and Kenneth Crouch were appointed by the Court as appraisers in the above entitled and numbered cause, and pursuant to said appointment did serve as appraisers and fix the value of the real estate being taken by eminent domain and filed their report herein on the 1st day of July, 1942.

It further appears to this Court that the above named are entitled to compensation for such services rendered, in the following amounts set opposite each of their names, respectively:

Ben O. Kirkpatrick	\$150.00
T. G. Grant	\$150.00
Kenneth Crouch	\$150.00

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said Ben O. Kirkpatrick, T. G. Grant, and Kenneth Crouch receive for their services rendered in the above entitled and numbered cause, as appraisers, the sums and amounts set opposite each of their names hereinabove.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 1 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to July 2, 1942

On this 2nd day of July, 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:

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

T. W. Springer, Harold Williams and)	
Lloyd Neil, in person, and for all)	
other persons similarly situated,	)	Plaintiffs,
)	
vs.	)	No. 750 Civil
)	
B. E. Garrison, a sole trader doing)	
business under the firm and trade name)	
of Garrison Produce Company, of Welch,)	
Oklahoma,	)	Defendant.

JOURNAL ENTRY AND DECREE OF JUDGMENT

This action having been heretofore set for trial on this 15th day of June, 1942, and the court having heard all of the sworn testimony of the plaintiffs and the defendant herein and the matter having been fully presented and this court having found and entered herein its Findings of Fact and having separately stated and entered herein its Conclusions of Law based thereon and after final and full considerations of this matter the court finds in favor of the defendant.

It is therefore, the order, judgment and decree of this court that the Findings of Fact and the Conclusions of Law entered herein by this court are in favor of the defendant and judgment is herein entered accordingly for said defendant.

It is the further judgment of this court that the complaint of the plaintiffs be and the same is hereby dismissed and judgment is entered for the defendant and all costs herein are assessed against the plaintiffs.

F. E. KENNAMER
U. S. District Judge

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

Court adjourned to July 3, 1942

On this 3rd day of July, 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.

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 3rd day of July, A. D. 1942, it being made satisfactorily to appear that Thomas Arch Landrith is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is duly admitted to the Bar of the Court.

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

In the Matter of the Re-Appointment of Conciliation Commissioners for the Various Counties in the
Northern District of Oklahoma

O R D E R

Now on this 3rd day of July, A. D. 1942, the Court's attention being called to the fact that the appointment of C. E. Baldwin, as Conciliation Commissioner of Tulsa County will expire on July 5, 1942, it is therefore

ORDERED that C. E. Baldwin be and he is hereby re-appointed Conciliation Commissioner of Tulsa County, effective July 5, 1942, for a period of One (1) Year and that he make bond in the sum of Five Hundred (\$500.00) Dollars.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

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

MISCELLANEOUS - RE: ALIEN HEARING OFFICER.

I, M. A. Breckenridge, do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of Hearing Officer, under authority of letter dated May 8, 1942, to serve as a member of a Hearing Board for the Northern District of Oklahoma for the purpose of making recommendations to the Attorney General as to the permanent detention, parole or release of alien enemies who have been apprehended, on which I am about to enter; So help me God.

MAURICE ANTHONY BRECKENRIDGE

Subscribed and sworn to before me this 3rd day of July, A. D. 1942.

DOROTHY LONGERGAN

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

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

James Marshall and Noah Hagie,	Plaintiffs,)	
)	
v.		)	616 Civil
)	
Ben Hagie, et al,	Defendants.)	

O R D E R

This matter coming on for hearing on this 3rd day of July, 1942, on the motion of the United States of America to dismiss this action insofar as it pertains to partition, and the plaintiffs appearing by their attorneys Wilkins & Smith, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the court after hearing said motion and argument of counsel and being fully advised in the premises, finds that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United States of America to dismiss this action insofar as it pertains to partition be and the same hereby is overruled.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Ernest Hays, et al,	Plaintiffs,)	
)	
v.)	
		)	No. 660 Civil
William Scullawl, et al.,	Defendants.)	
)	
United States of America,	Intervener.)	

O R D E R

This matter coming on for hearing on this 3rd day of July, 1942, on the motion of the United States of America to dismiss this action insofar as it pertains to partition, and the plaintiffs appearing by their attorney, Richard K. Harris, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the Court after hearing said motion and argument of counsel and being fully advised in the premises, finds that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United States of America to dismiss this action insofar as it pertains to partition be and the same hereby is overruled.
AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10, 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 of America,	Plaintiff,)	
)	
vs.		)	No. 756 Civil
)	
The Board of County Commissioners, of Delaware County, Oklahoma, et al,	Defendants.)	

O R D E R

Now on this 3rd day of July, 1942, this matter coming on to be heard upon the application of Riley Q. Hunt, County Attorney of Delaware County, Oklahoma, for the defendant's above named, for permission of the court to withdraw the Motion to Dismiss heretofore filed herein and praying an order of this court extending said defendants ten (10) days from the date hereof in which to file an Answer and the court being fully advised in the premises, finds that said application should be allowed.

IT IS THEREFORE ORDERED AND ADJUDGED by the court, that the said defendants and be, they are, hereby permitted to withdraw the Motion to Dismiss heretofore filed herein and in their behalf without prejudice to the rights of said defendants, and said defendants are granted an extension of time of ten (10) days from this date in which to file and serve an Answer in this cause.

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

ENDORSED: Filed In Open Court
Jul 3 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 55-gallon Steel Drum Still, 300 Gallons of Whiskey Mash, 27 50-gallon Fermenting Barrels, 3 10-gallon Empty Kegs, One 5-gallon Keg, One 10-gallon Pressure Tank, One Coleman Boiler, 2 5-gallon buckets, One Washtub, One 1941 Chevrolet Truck, Motor No. A D-531,292; Ernest Rawlings,	Claimants.	)	No. 845 CIVIL

ORDER FOR MONITION

Now on this 3rd day of July, 1942, it appearing to the Court that the above named automobile, described herein as a 1941 Chevrolet Truck, motor No. A D-531,292, and the above described property was seized on premises located about Nine (9) miles Northwest of the City of Tulsa, in Osage County, Northern District of Oklahoma, within the jurisdiction of this Court, on or about June 11, 1942, by Edgar A. Maloney and John W. Sawyer, Investigators for the Alcohol Tax Unit, Treasury Department of the United States, by virtue of the authority of their said office, while said

Parcel 1

Being a strip, piece or parcel of land lying in that part of the East one-half of Lot 1 lying South and East of the present location of U. S. Highway No. 75, Section 1, Township 19 North, Range 13 East, Tulsa County, Oklahoma, particularly described as follows: Beginning at the Southeast corner of said Lot 1, running thence West along the South line of said Lot 1 a distance of 559.8 feet to a point being the Southwest corner of said East one-half of Lot 1; thence North along the West line of the said East one-half of Lot 1 a distance of 54.5 feet to a point in the center line of U. S. Highway No. 75; thence North 69 degrees 09 minutes East along the center line of said present highway a distance of 56.5 feet to a point which is 75 feet North of the South line of said Lot 1; thence South 89 degrees 50 minutes East a distance of 355.3 feet to a point; thence North 45 degrees 06 minutes East a distance of 130 feet to a point on said present highway center line; thence Northeasterly along said center line a distance of 277 feet to a point in the East line of said Lot 1; thence South along said East line a distance of 367 feet to the point or place of beginning, containing 1.55 acres, more or less, of new right-of-way, the remaining area included in the above description being the present 16.5 feet section line right-of-way; as shown by plat "Lands proposed to be acquired through condemnation proceedings for Access Road Project Tulsa County, Oklahoma, Oklahoma Project DA-WI 4-A (1)", copy of which is attached to the Declaration of Taking filed herein.

unto the United States of America on or before the 13th day of June, 1942.

It is shown to the Court that Cyrus S. Avery and H. Rollans, parties respondent to this proceeding, although by order of this Court have been ordered to vacate the real estate hereinabove specifically described, have refused and neglected to do so, and that the said Cyrus S. Avery and H. Rollans, although requested by the United States of America, petitioner herein, on many occasions to vacate and surrender said premises, have refused to so vacate and surrender same.

NOW, THEREFORE, the United States Marshal for the Northern District of Oklahoma is hereby commanded to forthwith place the United States of America, petitioner herein, in full and complete possession of the said above described real estate and premises, and make return of this writ, with his certificate thereon showing the manner in which he has executed the same within five (5) days hereof.

IN WITNESSE WHEREOF, I have hereunto set my hand this 8th day of July, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 8 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to July 9, 1942

On this 9th day of July, 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:

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

United States of America,	Plaintiff,)	
)	
vs.		)	No. 812 Civil
)	
Watie Turtle,	Defendant.)	

J U D G M E N T

This matter coming on for final hearing this 9th day of July, 1942 before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the defendant appearing by Ernest R. Brown, Attorney, Pryor, Oklahoma, and the Court having heretofore entered its findings of fact and conclusions of law, finds:

That the defendant Watie Turtle entered into possession of certain land located in Delaware County, Oklahoma, and designated as Kenwood Project Tract No. 30, on April 16, 1940, under a temporary assignment and occupancy permit.

That the defendant Watie Turtle has been occupying certain land other than the land included in Kenwood Project Tract No. 30, and should be permanently restrained and enjoined from using said land or interfering with the occupancy and use of said land by the occupant of Kenwood Project Tract No. 31, or any of the Government agencies in relation thereto.

The Court further finds from the evidence that the defendant, Watie Turtle has refused to cooperate with the Government officials and officials of the Five Tribes Indian Agency in the conduct of said project which he occupies and that he has at various times been antagonistic to said officials and has offered to fight said officials at various times, that said defendant should be restrained and enjoined from such actions and required to cooperate at all times with all agencies of the Government of the United States and employees thereof having supervision and control of said Kenwood Project.

The Court further finds that the agents and employees of the United States Government and the Five Civilized Tribes Indian Agency have attempted to build certain fences upon Kenwood Project Tract No. 30 and that said defendant has resisted the building of said fences and has refused to permit said agent and employees of the Government of the United States and the Five Tribes Indian Agency from coming upon said Project and premises at any time with the purpose of building said fences or making suggestions with reference to the conduct of said Kenwood Project Tract No. 30 or any other tract in said Project.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that said defendant, Watie Turtle, is hereby permanently restrained and enjoined from interfering with the possession and control of any part of Kenwood Project No. 31.

It is the further order of the Court that the said defendant Watie Turtle is hereby restrained and enjoined from interfering with the construction and maintenance of a fence by the officers, agents, and employees of the Five Tribes Indian Agency or the United States of America in the construction of a fence between Kenwood Project No. 30 and Kenwood Project No. 31.

It is the further order of the Court that the said defendant Watie Turtle is hereby restrained and enjoined from interfering with the construction and maintenance of a fence by the officers, agents, and employees of the Five Tribes Indian Agency or the United States of America in the construction of a fence between Kenwood Project No. 30 and Kenwood Project No. 31.

It is the further order of the court that the said Watie Turtle be and he hereby is ordered to desist from fighting or offering to fight in any manner the agents or employees of the Government of the United States or the Agents and employees of the Superintendent of the Five Civilized Tribes, or from willfully or maliciously interfering with the officers, agents or servants of the Government in the control and management of Unit No. 300.

It is the further order of the Court that the plaintiff, the United States of America, recover its costs herein against the defendant, Watie Turtle.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 9 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to July 10, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 10, 1942

On this 10th day of July, 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:

MISCELLANEOUS - OATH OF C. E. BALDWIN, CONCILIATION COMMISSIONER.

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

OATH OF OFFICE

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

SO HELP ME GOD.

C. E. BALDWIN

Sworn to and subscribed before me this
8th day of July, 1942.

(SEAL)

KATHLEEN PATTON
Notary Public

My commission expires -
November 14, 1944.

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court

MISCELLANEOUS - BOND OF C. E. BALDWIN, CONCILIATION COMMISSIONER.

FORM NO. 69
BOND OF CONCILIATION COMMISSIONER

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

Signed and sealed this 8th day of July, A. D. 1942.

The condition of this obligation is such that whereas the said C. E. Baldwin, has been on the 3rd day of July, A. D. 1942, re-appointed by the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma, a conciliation commissioner under Section 75 of the Bankruptcy Act, and for the County of Tulsa in said District:

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

Signed and sealed in the presence of

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

APPROVED: This 9th day of July, 1942.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court

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

John E. Rabbit,	Plaintiff,)
)
v.		) No. 493 Civil
)
Emma Hogshooter,	Defendant,)
)
United States of America,	Intervener.)

C R D E R

This matter coming on for hearing this 3rd day of July, 1942, upon the motion of Intervener, United States of America, to vacate judgment and dismiss action insofar as it seeks partition on the grounds that the United States was an indispensable party defendant and that the State Court wherein this action was filed had no jurisdiction and therefore the Federal Court upon removal obtained no jurisdiction, and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the Court being fully advised in the premises, finds that said motion should be overruled;

And this matter coming on for hearing on the motion of the United States to dismiss this action insofar as it pertains to partition, and the United States being represented by same counsel, and the Court after being fully advised in the premises finds that no purchaser can be found for said land and that the judgment relating to partition may work a hardship on said Indians involved and thus said motion should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion to dismiss on jurisdictional grounds be and the same hereby is overruled.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the motion of the United States to dismiss this action insofar as it seeks a partition of the real estate described in said judgment heretofore entered be and the same hereby is sustained and said judgment be and it hereby is vacated insofar as it refers to partition and this action is dismissed insofar as it pertains to partition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment entered on January 20, 1941, in all other respects remain in full force and effect, particularly as to determination of the heirs of Jack Rabbit, deceased, and the judgment quieting title in said heirs.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

ELLA SAWNEY,	Plaintiff,)
-vs-)
J. A. Downing, et al.,	Defendants.)
United States of America,	Intervener.)

No. 562 Civil

O R D E R

This matter coming on for hearing this 3rd day of July, 1942, upon the motion of the United States to dismiss this action insofar as it seeks a partition of the land involved, and the plaintiff appearing by Harve M. Langley, her attorney, and the United States of America appearing by Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, and the Court having heard said motion and argument of counsel and being fully advised in the premises finds that said motion to dismiss for lack of jurisdiction should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the motion of the United States of America to dismiss be and the same hereby is overruled.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Complaint in Intervention heretofore filed in this cause by the United States of America on the 13th day of May, 1941, be and the same hereby is ordered refiled.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court IN

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

Lucy Sawney, et al,	Plaintiffs,)
v.)
Heirs of Samuel Sawney, et al,	Defendants.)
United States of America,	Intervener.)

No. 699 Civil

O R D E R

This matter coming on for hearing on this 3rd day of July, 1942, on the motion of the United States of America to dismiss this action insofar as it pertains to partition, and the plaintiffs appearing by their attorney H. F. Folling, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the Court after hearing said motion and argument of counsel and being fully advised in the premises, finds that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United States of America to dismiss this action insofar as it pertains to partition be and the same is hereby overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be and hereby is granted twenty (20) days in which to plead.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Betsie Beaver,	Plaintiff,)	
)	
v.)	
		)	No. 705 Civil
LeRoy Proctor,	Defendant.	(
		(
United States of America,	Intervener.	(

O R D E R

This matter coming on for hearing on this 3rd day of July, 1942, on the motion of the United States of America to dismiss this action insofar as it pertains to partition, and the plaintiff appearing by her attorney, Ernest R. Brown, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the Court after hearing said motion and argument of counsel and being fully advised in the premises, finds that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United States of America to dismiss this action insofar as it pertains to partition be and the same hereby is overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be and hereby is granted twenty (20) days in which to plead.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court

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

William Beaver,	Plaintiff,)	
)	
v.)	
Jack Wagon, et al,	Defendants.	)	No. 724 Civil
)	
United States of America	Intervener.)	

O R D E R

This matter coming on for hearing on this 3rd day of July, 1942, on the motion of the United States of America to dismiss this action insofar as it pertains to partition, and the plaintiff appearing by his attorney, Ernest R. Brown, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the Court after hearing said motion and argument of counsel and being fully advised in the premises, finds that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United States of America to dismiss this action insofar as it pertains to partition be and the same hereby is overruled.

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the United States of America be and hereby is granted twenty (20) days in which to plead.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Katie Bowen, nee Terrell, et al.,	Plaintiffs,)	
)	
v.)	
The unknown heirs, executors, administrators,		)	No. 727 Civil
devisees, trustees and assigns, immediate)	
and remote of William Terrell, Deceased, et al,)	
	Defendants.)	
)	
United States of America,	Intervener.)	

O R D E R

This matter coming on for hearing on this 3rd day of July, 1942, on the motion of the United States of America to dismiss this action insofar as it pertains to partition,

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

Steve Downing,	Plaintiff,)	
)	
v.)	
		)	No. 782 Civil
Maggie Joyce, nee Downing, et al.,	Defendants.)	
)	
United States of America,	Intervener.)	

ORDER OVERRULING MOTION TO DISMISS

The above cause coming on for hearing this 3rd day of July, 1942, upon the motion of the United States to dismiss the above-entitled action insofar as it pertains to partition, and the plaintiff appearing by his attorney, J. S. Severson, and the United States of America appearing by Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, and the Court having heard said motion and argument of counsel, and after being fully advised in the premises, finds that said motion to dismiss should be overruled,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, that the motion to dismiss of the United States be and the same hereby is overruled.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Annie R. Mahan,	Plaintiff,)	
)	
vs.		)	No. 824 -
)	
Acme Lumber Company, an Oklahoma Corporation,)	
and Mahan, McCarty & Besse, Inc., an Oklahoma)	
Corporation,	Defendants.)	

ORDER OF DISMISSAL

Now on this 10 day of July, 1942, there coming on for hearing the motion of plaintiff to dismiss the above entitled action without prejudice, the plaintiff appearing by her attorney, Eugene O. Monnet, and the defendant, Mahan, McCarty & Besse, Inc., by its attorney, Valjean Biddison, which defendant in open court consents to the dismissal of said action, as prayed;

And it appearing to the court that the defendant, Acme Lumber Company, and all of the stockholders of Acme Lumber Company, other than the plaintiff, have waived notice of hearing the application to dismiss said action and consented to its dismissal, all in writing;

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED THAT THE above entitled action

be, and the same is hereby dismissed without prejudice at the cost of the plaintiff.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Ned Puppy, et al.	Plaintiffs,)	
)	
v.		)	No. 837 Civil
)	
The Heirs of Annie Sawney, Deceased, et al.,	Defendants.)	
)	
United States of America,	Intervener.)	

O R D E R

Now on this 10th day of July, 1942, this matter coming on before the Court upon motion of the United States of America for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to a restricted Cherokee Indian, and that the parties to this action are restricted Cherokee Indians and the United States of America should be a party to this action,

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

Court adjourned to July 13, 1942

On this 13th day of July, 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. F. E. Kennamer, Judges, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-)	
		)	CIVIL NO. 785
CERTAIN PARCELS OF LAND IN MAYES COUNTY,)	
OKLAHOMA; and Laura E. Jones, et al.,)	
	Defendants.)	

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 18 (306 - 23.3)

NOW, on this 13th day of July, 1942, there coming on for hearing the application of the defendants, John L. V. Thomas and Myrtle Thomas, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 18 (306 - 23.3), and the Court being fully advised in the premises, finds:

That the defendants, John L. V. Thomas and Myrtle Thomas, were the owners of the land designated as Tract No. 18 (306 - 23.3) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited with the registry of this Court the estimated just compensation in the sum of \$40.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendants, John L. V. Thomas and Myrtle Thomas, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$40.00, which was accepted by the petitioner,

The Court further finds that the sum of \$40.00 is just compensation for the injuries and damages sustained by said defendants, John L. V. Thomas and Myrtle Thomas.

The Court further finds that no person, firm, corporation, or taxing subdivision of the State, other than said defendants, have any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants John L. V. Thomas and Myrtle Thomas, were the owners of the land designated as Tract No. 18 (306 - 23.3) when this proceeding was commenced, and that the sum of \$40.00, is just compensation for the damages sustained by the defendants, John L. V. Thomas and Myrtle Thomas, and that said damages are the only persons having any right, title or interest in and to said just compensation.

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

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
vs.		)	NO. 834 - CIVIL
MRS. GRACE DIXON,	Defendant.)	
)	
	<u>O R D E R</u>		

This matter coming on for hearing this 13th day of July, 1942, upon the application of the defendant for additional time in which to plead, the court being duly advised in the premises and upon good cause shown, finds that said defendant should have additional time in which to plead

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant be and hereby is granted an extension of time of ten (10) days from the 13th day of July, 1942, in which to plead in this cause.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

Calvin Eben Paxton,	Plaintiff,)	
)	
v.		)	No. 841 Civil
)	
Louis L. Brown, et al,	Defendants.)	

O R D E R

Now on this 13th day of July, 1942, this matter coming on before the Court upon the Motion of the United States of American for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to restricted Cherokee Indian, and that the United States of America should be a part of this action,

IT IS THEREFORE THE ORDER OF THIS COURT that the United States be and it is hereby granted permission to intervene in this cause of action.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to July 15, 1942

On this 15th day of July, 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, U. S. District Court present and presiding.

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

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

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

C. R. Williamson,	Plaintiff,)	
)	
vs.)	
)	
Puritan Dairy Products Co., a		)	No. 684 - Civil
fictitious name, whether it be a)	
corporation, individuals or trade)	
name, but doing business under the)	
style, appellation and trade name)	
of Puritan Dairy Products Co.,)	
	Defendant.)	

ORDER DISCHARGING AND RELEASING REDELIVERY BOND

Now on this 15th day of July, 1942, this matter comes on to be heard upon the application of the defendant for an order of this court discharging redelivery bond.

And the court being fully advised in the premises finds that on the 2nd day of August, 1941, the defendant, Puritan Dairy Products Company, filed in this cause its redelivery bond, executed by the Hartford Accident & Indemnity Company as surety, in the amount of \$3,500.00, and it further appearing to the court that the plaintiff, C. R. Williamson, did on the 1st day of Dec., 1941, dismiss the above entitled numbered cause of action with prejudice to the bringing of a future action and that an order of this court was made dismissing said action with prejudice and that, therefore, said redelivery bond should be released and the parties on said bond discharged.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that the redelivery bond executed by the defendant, Puritan Dairy Products Company, as principal, and by the Hartford Accident & Indemnity Company as surety, dated August 2, 1941, be, and the same is hereby released and said principal and surety are hereby discharged from any further liability upon or under said bond.

ROYCE H. SAVAGE
U. S. District Judge

ENDORSED: Filed Jul 15 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

UNION PACIFIC RAILROAD COMPANY, A Corporation,	Plaintiff,)	
)	
vs.		)	No. 706 Civil
)	
VULCAN STEEL TANK CORPORATION, a Corporation,	Defendant.)	

J U D G M E N T

This cause came on to be heard the 15th day of July, 1942 and each of the parties being represented by their respective counsel and being heard upon the pleadings and the evidence adduce by the parties, and thereupon upon consideration thereof,

IT IS NOW ORDERED, ADJUDGED AND DECREED that, pursuant to this Court's findings of fact and conclusions of law, made and entered this day and now incorporated by reference herein, that the Union Pacific Railroad Company have and recover of and from the defendant, Vulcan Steel Tank Corporation, on its First Cause of Action the sum of \$359.68, with interest thereon at the rate of six per cent (6%) per annum from the 18th day of November, 1938 until paid and on its Second Cause of Action the sum of \$585.70, with interest thereon at the rate of six per cent (6%) from the 6th day of December, 1938 until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said plaintiff have and recover from said defendant its Court costs accrued and accruing, including the Court Reporter's fee of \$10.00.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Jul 20 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

L. W. ALRED,	Plaintiff,)	
)	
vs.		)	No. 718 Civil
)	
Great Lakes Pine Line Company, a corporation,	Defendant.)	

O R D E R

On account of the unusual delay in the mails and for good cause shown, it is

ORDERED that the Clerk of this Court file plaintiff's affidavits in support of his motion for new trial and his suggested amendments to the findings of fact and conclusions of law on the date first received, to-wit, May 5, 1942.

Dated this 15th day of July, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 15 1942
H. P. Warfield, Clerk U. S. District Court ME

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

William Beaver,	Plaintiff,)	
)	
v.		)	No. 724 Civil
)	
Jack Wagnon, et al.,	Defendants.)	

O R D E R

Now on this 15th day of July, 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 allotted to restricted Cherokee Indians, and that the United States of America should be a part of this action,

IT IS THEREFORE THE ORDER OF THIS COURT that the United States be and it is hereby granted permission to intervene in this cause of action.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 15 1942
H. P. Warfield, Clerk
U. S. District Court ME

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN THE MATTER OF)	
THE ESTATE OF PETER MICCO, DECEASED,	)	NO. 826 CIVIL
UNITED STATES OF AMERICA, INTERVENER.)	

O R D E R

Now on this 15th day of July, 1942, this matter coming on before the Court upon 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 title to certain lands and the distribution of restricted funds in Tulsa County, Oklahoma, belonging to the estate of Peter Micco, a three-fourths blood Seminole Enrollee appearing opposite Roll No. 1600, and a determination of the heirship, which consists of restricted Indians, and that the United States of America should be made a party to this action, and for good cause should be permitted to file its complaint in intervention out of time.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 15 1942
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to July 16, 1942.

On this 16th day of July, 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:

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

Nellie Littledave, now Jumper,)	
Annie Littledave, now Twist,)	
Myrtle Littledave, and)	
Lizzie Littledave,)	
	)	Plaintiffs,
)	
v.)	
)	
Nora Littledave, Idella Littledave,	)	No. 657 Civil
William Beaver, and D. C. Fryer,)	
State of Oklahoma, and the unknown)	
heirs, executors, administrators,)	
devisees, trustees, creditors and)	
assigns, immediate and remote of)	
Isaac Littledave, deceased, and)	
of Susie Beaver, formerly Little-)	
dave, deceased,	)	Defendants.
)	
United States of America,	)	Intervener.

D E C R E E

Now on this the 16th day of July, 1942, the above styled and numbered cause came on to be heard before the Honorable Royce H. Savage, United States District Judge in and for the Northern District of Oklahoma, the plaintiffs appearing in person and by their attorneys of record Ben L. Murdock and John S. Severson, the United States of America appearing by Whit Y. Mauzy, United States Attorney, for the Northern District of Oklahoma, for and in behalf of the United States and the restricted Indians, the defendant D. C. Fryer, appearing in person, the defendants, Nora Littledave and Idella Littledave, minors, also were represented by their guardian ad litem, W. E. Foltz, United States Probate Attorney, he being present in person, the plaintiff dismissing the case as to the State of Oklahoma, and it appearing to the Court that this is an action to quiet title, determine heirs, and to partition the following described lands situated in Mayes County, Oklahoma, to-wit:

The West Half of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 14, Township 21 North, Range 19 East;

said suit having been originally instituted in the District Court of Mayes County, Oklahoma, thereafter the United States intervened in said Court, and under the provision of the Act of Congress, properly removed said cause to this Court.

And it appearing to the Court that the defendants, Nora Littledave, Idella Littledave, William Beaver and D. C. Fryer have been regularly and legally served in person with summons in

said cause more than twenty days prior to this date; that the unknown heirs, executors, administrators devisees, trustees, creditors and assigns, immediate and remote of Isaac Littledave and Susie Beaver, formerly Littledave, deceased, were duly and legally served with summons by publication, according to law, and printed in the Mayes County Democrat, a newspaper published and of general circulation in Mayes County, Oklahoma. That upon examination of the same, the Court finds that said summons by publication was good, valid and sufficient and does hereby approve the same. The said defendants, the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns, immediate and remote of Isaac Littledave and Susie Beaver, formerly Littledave, deceased, appeared not, but made default and are hereby adjudged in default.

Thereupon the plaintiffs introduced oral proof by witnesses sworn and examined in open Court, and upon consideration of said testimony, and after examining the files and records in said cause, and being fully advised in the premises, the Court finds:

The real property involved in this action and hereinabove described was the allotment of Isaac Littledave, deceased, a full-blood restricted Cherokee Indian, enrolled opposite Roll No. 29690, who died intestate while a resident of Mayes County, Oklahoma on or about September 27, 1934. That the time of his death he was the owner and in possession of said property.

The Court finds that the said Isaac Littledave, deceased, left surviving him as his only heirs at law the following named persons and none other:

Susie Littledave, surviving wife
Annie Littledave, now Twist
Nellie Littledave, now Jumper
Myrtle Littledave
Lizzie Littledave
Nora Littledave
Idella Littledave, also known as
Idealla Littledave, daughters.

That the said Susie Littledave, surviving wife, inherited an undivided one-third interest in and to the property hereinabove described, and that the said Annie Littledave, now Twist, Nellie Littledave, now Jumper, Myrtle Littledave, Lizzie Littledave, Nora Littledave and Idella Littledave, surviving daughters each inherited an undivided one-ninth interest each in and to said property.

The Court further finds that the said Susie Beaver, formerly Littledave, died intestate on or about the 21st day of June, 1940, while the owner of her undivided one-third interest in and to the property; that at the time of her death she left surviving her as her heirs at law the following named persons, and none other:

William Beaver, surviving husband
Nellie Littledave, now Jumper
Annie Littledave, now Twist
Myrtle Littledave
Lizzie Littledave
Nora Littledave and
Idella Littledave, daughters.

That the said William Beaver, surviving husband, inherited from his said wife, Susie Beaver, formerly Littledave, deceased, an undivided 1/21 interest in and to the property hereinabove described, and each of the above named children inherited an undivided 1/21 interest in and to said property from their mother.

The Court further finds that the title in and to said property is now vested in Nellie Littledave, now Jumper, Annie Littledave, now Twist, Myrtle Littledave, Lizzie Littledave, Nora Littledave, Idella Littledave and William Beaver, each owning an undivided interest in the amount

set opposite their names, to-wit:

Nellie Littledave, now Jumper, an undivided 10/63
Annie Littledave, now Twist, an undivided 10/63
Myrtle Littledave, an undivided 10/63
Lizzie Littledave, an undivided 10/63
Nora Littledave, an undivided 10/63
Idella Littledave, an undivided 10/63 and
William Beaver, an undivided 3/63.

Said title, however, is subject to a lease, dated January 1, 1940, and expiring December 31, 1944, in favor of the defendant, D. C. Fryer.

The Court further finds that a period of more than three years has elapsed since the date of the death of the said Isaac Littledave, deceased, and that no Court of competent jurisdiction has ever entered its decree judicially determining the individual identity of the heirs at law left surviving the said Isaac Littledave, deceased; that no Court of competent jurisdiction has ever entered its order judicially determining the individual identity of the heirs at law left surviving the said Susie Beaver, formerly Littledave, deceased, and that said property having been the homestead allotment of the said Isaac Littledave, deceased, was not subject to administration for payment of debts. The Court finds, however, that said land is not now being used by any of the heirs as a homestead and has never been so used.

The Court further finds that the above named heirs are now in the actual, quiet, peaceable possession of the property hereinabove described by tenant; that they are the legal and equitable owners thereof in the respective shares as above set forth; that their title thereto is good, valid, and perfect and should be quieted.

The Court further finds that the land hereinabove described should be partitioned

It is, therefore, the order, judgment and decree of the Court that the service of summons upon all of the defendants named, except the State of Oklahoma, is declared to be good, valid and sufficient, and that the Court has jurisdiction of this action.

It is the further order, judgment and decree of the Court that the land hereinabove described was allotted to Isaac Littledave, a full-blood, restricted Cherokee Indian, enrolled opposite No. 29690. That the said Isaac Littledave died intestate on or about September 17, 1934, while the owner of and in possession of the above described land; that he left surviving him as his heirs at law the following named persons, and none other:

Susie Littledave, his wife
Annie Littledave, now Twist
Nellie Littledave, now Jumper
Myrtle Littledave
Lizzie Littledave
Nora Littledave, and
Idella Littledave,

That upon his death, the said heirs inherited the property hereinabove described in the amounts hereinabove set forth.

It is further ordered, adjudged and decreed by the Court that the said Susie Beaver, formerly Littledave, surviving wife of Isaac Littledave, deceased, departed this life in the month of September 1940 while the owner of an undivided one-third interest in and to the property hereinabove described; that at the time of her death she left surviving her as her heirs at law the following named persons, and none other:

William Beaver, surviving husband
 Nellie Littledave, now Jumper
 Annie Littledave, now Twist
 Myrtle Littledave
 Lizzie Littledave
 Nora Littledave, and
 Idella Littledave, daughters.

That upon the death of the said Annie Littledave, deceased, the above named heirs each inherited an undivided 1/21 interest in and to said property.

It is further ordered by the Court that the said last above named heirs are the legal and equitable owners thereof in the respective shares or interests as hereinafter set out:

Nellie Littledave, now Jumper, and
 undivided 10/63, Annie Twist, undivided 10/63,
 Myrtle Littledave, an undivided 10/63,
 Lizzie Littledave, an undivided 10/63
 Nora Littledave, an undivided 10/63
 Idella Littledave, an undivided 10/63, and
 William Beaver, an undivided 3/63,

That their title in and to said property is good, valid and perfect as against all other persons whomsoever, except the same is subject to the least hereinabove mentioned in favor of D. C. Fryer, and that their title in and to said land is forever quieted against all other persons, and the known heirs, executors, administrators, devisees, creditors, trustees and assigns, of Isaac Littledave, deceased, and of Susie Beaver, formerly Littledave, deceased, and are forever barred and enjoined from asserting or claiming any right, title or interest in or to said property, adverse to the known heirs mentioned herein.

It is the further order, judgment and decree of the Court that the land hereinabove described be partitioned and the respective shares of each of the owners be set apart to them in kind, if the same is susceptible of being partitioned in kind; that if the same cannot be equitably partitioned in kind, then said Commissioners should make and return an appraisement to the said land, the same to then be sold according to law, and the proceeds thereof after the payments of the costs and attorney fees should be divided among the parties as their interests appear, except that any proceeds of any restricted Indian be paid to the United States of America for the use and benefit of said Indian, unless one of said owners should elect to take the same at its appraised value. If no election be made by one of the owners to take said land at its appraised value, then in that event the same to be advertised and sold and the proceeds distributed as above set forth.

It is further ordered, adjudged and decreed by the Court that J. F. Pickens, T. L. Snodgrass and Thomas J. Harrison are hereby appointed as Commissioners to view and appraise said land and make partition of the same in kind, if the same can be equitably done, otherwise, make an appraisement and return the same under oath to this Court without unnecessary delay.

It is further ordered, adjudged and decreed that the motion of the United States to dismiss on the grounds that the court is without jurisdiction to partition said aforedescribed real estate be and the same is hereby overruled.

ROYCE H. SAVAGE
 UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 17 1942
 H. P. Warfield, Clerk
 U. S. District Court B

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

IN THE MATTER OF)
THE ESTATE OF) No. 826 Civil
PETER MICCO,)
DECEASED.)

ORDER AUTHORIZING PAYMENT OF SPECIAL EXPENSES,
SPECIAL COURIER FEES, COURT REPORTER'S
FEE AND BOND PREMIUM

NOW, TOWIT: On this 16th day of July, 1942, this matter coming on to be heard before me the undersigned Judge of the United States District Court, in and for the Northern District of Oklahoma, upon the petition of N. B. Day and G. Ellis Gable, co-administrators, of the Estate of Peter Micco, deceased, requesting authority to pay certain expenses incurred during the last illness and expenses in connection with the funeral arrangements and funeral of the said Peter Micco, deceased, together with expenses necessarily incurred in connection with the administration and conservation of the estate of said deceased, and praying for authority to pay surety fee on said administrators Official Bond for the current year; and for authority to pay G. U. McKinney, Court Reporter, the sum of Twenty Five Dollars (\$25.00), for his certain services in cause No. 70731 in the District Court of Tulsa County, Oklahoma; and the Court having heard oral testimony of witnesses and having been fully advised in the premises and, upon consideration thereof, finds: that said items, and each of them, have been necessarily incurred in protecting and conserving said estate and should therefore be forthwith paid.

IT IS THEREFORE ORDERED that N. B. Day and G. Ellis Gable, co-administrators herein, be, and they are hereby authorized and directed to pay the following named persons the sums and amounts set opposite their respective names, to-wit:

Art Spinks	\$20.00
G. U. McKinney	25.00
N. B. Day	71.55
The Frates Company	65.00

IT IS FURTHER ORDERED, that the Department of the Interior be, and it is hereby authorized and directed to furnish the said co-administrators out of the funds in its custody belonging to said estate sufficient funds to pay the same.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to July 17, 1942

On this 17th day of July, 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 among other proceedings were had and entered, to-wit:

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

NED WILSON, also Kenney Vann by Ned Wilson,)
his next friend,) Plaintiffs, substituted)
for Lila Gourd Wilson, deceased.)

vs.)

Looney R. Gourd, Leon Bird, Daniel Houston,)
William McKey, Nellie R. Gourd, Emma Wickett,)
Eliza Fourd Bird, and Sadie Bird Houston, if)
living and if dead, the heirs and unknown)
heirs, executors, administrators, devisees, trustees,)
and assigns, immediate and remote, of said Nellie)
R. Gourd, Emma Wickett, Eliza Bourd Bird, and)
Sadie Bird Houston, all deceased. And the Test)
Oil Company, C. Earl Woodard, B. F. Pallett,)
K. J. Montgomery, and the State of Oklahoma, and)
W. R. Bowman, and A. F. Jones, and United States of)
America,) Defendants.)

NO. 629 CIVIL

JOURNAL ENTRY

Now on this 17th day of July, 1942 come the plaintiffs, by H. F. Fulling, their attorney and comes also the United States of America by Whit Y. Mauzy, and Chester A. Brewer, United States Attorney and Assistant United States Attorney and appears that on the 10th day of November, 1941, evidence was heard in this cause and the heirs determined and title quieted to the real estate involved herein and hereinafter described but partition of said real estate was not ordered because the intervenor, United States of America, has filed a motion to dismiss this case as to partition for want of jurisdiction, which motion was on January 5, 1942, overruled by this court and exception allowed and no appeal or further action has been taken by said intervenor, United States of America and now upon the motion of the plaintiff said order determining the heirs and quieting title is set aside and vacated.

It further appears and the court finds that this action was commenced in the District Court of Washington County, Oklahoma, on May 14, 1941, upon the petition filed by Lila Gourd Wilson as plaintiff, Case No. 10903 at which time an affidavit attached to the petition was filed to obtain service by publication on all the defendants above named and on the same date a precept was filed for summons to be directed to the Sheriff of Cherokee County, Oklahoma, to notify the defendants, Looney R. Gourd, Leon Bird, Daniel Houston, William McKey, Nellie R. Gourd, Emma Wickett, Eliza Gourd Bird and Sadie Bird Houston and to issue summons to the Sheriff of Washington County, Oklahoma, for the defendants, Test Oil Company, a corporation, C. Earl Woodard, B. F. Pallett and K. J. Montgomery and to issue summons to the sheriff of Oklahoma County, Oklahoma, for the defendant, State of Oklahoma, by serving the Oklahoma Tax Commissioner, State Capitol Building, Oklahoma City,

Oklahoma; that they had been sued and must answer the petition in said court on or before June 20, 1941, which affidavit for publication and precepe for summons the court finds to be proper and as required by law, and on the same day a duplicate notice to the Superintendent of the Five Civilized Tribes was filed in said court, containing certified copies of all pleadings up to that time in said cause, certified by said clerk as required by law; that pursuant to said affidavit to obtain service by publication the clerk of said District Court of Washington County, Oklahoma, gave notice by publication in the Morning Examiner, a newspaper published in Bartlesville, Washington County, Oklahoma, and authorized to make legal publications, requiring all the defendants to appear and answer the petition in said cause and court, on or before the 3rd day of July, 1941, or said petition would be taken as true and judgment to determine the heirs, to quiet title and for partition and possession of the real estate involved herein and hereinafter described, would be rendered according to the allegations and prayer of said petition, which notice was published in said newspaper for three consecutive weeks, the first publication being May 15, 1941, and the last on May 29, 1941, all of which is more fully shown by the proof of publication made and filed in said District Court of Washington County, Oklahoma, in said cause which notice by publication the court finds to be proper and given as required by law; that within six days after the first publication of said notice the plaintiffs sent all the defendants whose addresses were known to them copies of said notice and of the petition filed in said cause; that summons was issued by the clerk of said District Court in accordance with said precepe and said summons so directed to the Sheriff of Cherokee County, Oklahoma, the court finds, was personally served by said Sheriff upon the Defendants, Looney R. Gourd, Levi Bird, Daniel Houston, and William McKay but not served upon the defendants Nellie R. Gourd, Emma Wickett, Eliza Gourd Bird and Sadie Bird Houston; that the summons to the Sheriff of Washington County, Oklahoma, the court finds, was personally served upon the defendants, C. Earl Woodard, B. F. Pallett and K. J. Montgomery and the summons directed to the Sheriff of Oklahoma County, Oklahoma, was personally served on the State of Oklahoma by serving said summons upon the Tax Commissioner of the State of Oklahoma, and the notice to the Superintendent of the Five Civilized Tribes was served upon him by the United States Marshal for the Eastern District of Oklahoma on May 16, 1941, as required by the Acts of Congress approved April 12, 1926, providing for notice to the Superintendent of the Five Civilized Tribes for the United States of America to appear; that each and all of said summonses and notices were and are regular, proper and as required by law; that this action was removed by the United States of America from the District Court of Washington County, Oklahoma, on July 19, 1941, at which time the time for the defendants Looney R. Gourd, Leon Bird, Daniel Houston, William McKay, Nellie R. Gourd, Emma Wickett, Eliza Gourd Bird, Sadie Bird Houston, the heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of said Nellie R. Gourd, Emma Wickett, Eliza Gourd Bird and Sadie Bird Houston, deceased and defendant C. R. Woodard to answer the petition in said cause had expired and none of said defendants had appeared or answered and have not done so to this time and they are each now adjudged to be in default and are defaulted.

That on the 29th day of May, 1941, the defendant, B. F. Pallett, appeared in said District Court of Washington County, Oklahoma by Allen R. Shaw, his attorney and filed his answer showing that he had a valid agricultural lease upon the west half of the southeast quarter of the southwest quarter and the southeast quarter of the southeast quarter of the southwest quarter of Section 24, Township 27 North, Range 13 East of the real estate involved in this action, record in Book 138, Page 166, County Clerk's Office of Washington County, Oklahoma, which lease would not expire until December 31, 1942, and which agricultural lease the court now finds to be valid and subsisting on the real estate therein described until November 31, 1942.

That on June 11, 1941, the defendant K. J. Montgomery by Glass and Chappell, his attorneys, filed in said cause in the District Court of Washington County, Oklahoma, his answer alleging that he had and held a valid and subsisting agricultural lease upon the southwest quarter of the southwest quarter of the Southwest Quarter of Section 20 and the Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 19 and the southwest quarter of the northwest quarter and the south half of the northwest quarter of the northwest quarter and the northeast quarter of the northwest quarter of the northwest quarter of Section 29, all in Township 27 North, Range 14 East, commencing January 1, 1940, and ending December 31, 1944, recorded in Book 156, Page 261, County Clerk's Office of Washington County, Oklahoma, which lease the court now finds to be valid, subsisting and in full force and effect until and on December 31, 1944.

The court further finds that on June 12, 1941, the State of Oklahoma, appeared and filed its disclaimer in said motion in the District Court of Washington County, Oklahoma, disclaiming any right, title, or interest in or to the property involved in this action.

That on the 19th day of May, 1942, the defendant, Test Oil Company, appeared in this action in this court by Ray S. Fellows, its attorney and filed its disclaimer of any right, title, or interest whatsoever in the lands involved in this action and on the same day to-wit May 19, 1942, the defendants W.R. Bowman and A.F. Jones appeared by Ray S. Fellows in this Court and filed their answer showing that on January 15, 1942, they obtained and the Secretary of the Interior approved, a departmental assignment from the Test Oil Company to said defendants, Bowman and Jones of an oil and gas mining lease dated September 7, 1905, insofar as said original lease covers the south half of the southeast quarter of the southwest quarter and northwest quarter of the southeast quarter of the southwest quarter of Section 24, Township 27 North, Range 13 East, Washington County, Oklahoma, containing 30 acres more or less, and that they disclaimed any right, title, or interest in and to all the other lands involved in this action and described in the amended petition and praying that their title to said oil and gas mining lease and assignment upon said last described 30 acres of real estate be quieted and the court now finds that said W. R. Bowman and A. F. Jones have and hold a valid and subsisting oil and gas mining lease by reason of said assignment upon said real estate hereinafter last described and set out in their answer and the court further finds that when this action was commenced the defendant Test Oil Company was the owner of an oil and gas Departmental lease dated September 7, 1905, recorded in Book I, Page 116, of the records of Washington County, Oklahoma, covering all of the real estate involved in this action and that since the commencement of this action the said Test Oil Company has assigned to R. W. Bowman and A. F. Jones, its right, title, and interest in and to said lease insofar as it covers the 30 acres shown in its appearance and disclaimer and the appearance and answer of R.W. Bowman and A. F. Jones as hereinbefore set out and the court further finds that long before the commencement of this action the defendant, Test Oil Company had abandoned and ceased to operate said Departmental lease upon the following described real estate therein and in the plaintiff's amended petition described to-wit:

Northeast quarter of the northwest quarter of the southeast quarter of Section 19, and the southwest quarter of the southwest quarter of the southwest quarter of Section 20 and the east half of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of Section 29, All in Township 27 North, Range 14 East containing 90 acres more or less.

and because of said abandonment and by reason of the disclaimer of the defendant, Test Oil Company filed by it on May 19, 1942, as herein before set out said oil and gas lease upon said last described real estate has been abandoned and said Test Oil Company the owner having disclaimed any interest therein, said lease is therefore ended and should be cancelled and held for naught insofar as it covers said last described real estate but held in full force and effect as to the part assigned to said R. W. Bowman and A. F. Jones.

The court now further finds that it has jurisdiction of all the parties to this action and of the subject matter involved herein and having heretofore heard the evidence and further evidence and statement of counsel at this time, and being sufficiently advised finds:

That Emma Wickett was a full blood Cherokee Indian, Roll No. 32552 and as such there was allotted to her by the United States Government, the real estate involved in this action and described in the plaintiffs original petition and amended complaint and located in Washington County, Oklahoma, to-wit:

The south half of the southeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of the southwest quarter in Section 24, Township 27 North, Range 13 East, containing 30 acres more or less.

Also the northeast quarter of the northwest quarter of the southeast quarter of Section 19 and the southwest quarter of the southwest quarter of the southwest quarter of Section 20 and the east half of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of Section 29, all in Township 27 North, Range 14 East, containing 90 acres more or less.

That by reason of said allotment she became the owner of said real estate in fee simple and continued such owner until her death intestate in Cherokee County, Oklahoma, on January 16, 1922; that upon her death she left no husband or children or father surviving and left as her only heir at law, her mother, Nellie R. Gourd who inherited all of said real estate in fee simple and continued as such owner until her death intestate in Cherokee County, Oklahoma, on November 29, 1925; that the said Nellie R. Gourd had been married to Jack Rattlinggourd who died long before the death of Emma Wickett and before the death of his wife, Nellie R. Gourd and the said Nellie R. Gourd left no husband surviving and left as her only heirs at law two daughters namely: Lila Gourd Wilson, the original plaintiff in this case, the defendant Eliza Gourd Bird, also deceased, and one son, the defendant, Looney R. Gourd; that the said Eliza Gourd Bird died intestate in Cherokee County, Oklahoma, on May 5, 1934, and left no husband surviving and left as her only heirs at law, one son, the defendant, Leon Bird and she had one daughter, the defendant Sadie Bird Houston, deceased, who died before her mother, Eliza Gourd Bird, intestate, in Cherokee County, Oklahoma, in July 1933 and left no husband surviving and left as her only heirs at law her two sons, the defendants, Daniel Houston and William McKey, who are both minors, and for whom the court now appoints Eugene Rust, as guardian ad litem who appears and files his answer for them.

That at the time this action was commenced the only heirs at law of the said Emma Wickett, deceased, the original allottee and of said Nellie R. Gourd, deceased and of said Eliza Gourd Bird, deceased and of said Sadie Bird Houston, deceased, were the original plaintiffs, Lila Gourd Wilson and the defendants, Looney R. Gourd, Leon Bird, William McKey and Daniel Houston, who inherited all of said real estate and were, when this action was commenced, the owners of said real estate in fee simple subject however to the agricultural and oil and gas mining leases thereon as heretofore found.

The court further finds that the original plaintiff, Lila Gourd Wilson was a full blood Cherokee Indian, Roll No. 18249 and that after this action was commenced and had been removed to and while pending in this court, the said Lila Gourd Wilson died intestate in Cherokee County, Oklahoma, on August 22, 1941, the owner in fee simple of an undivided one-third interest in and to said real estate; that the said Lila Gourd Wilson left no husband surviving and left as her only heirs at law one son, the plaintiff, Ned Wilson, and she had one daughter named Selsie Wilson but said daughter, Selsie Wilson died intestate in Cherokee County, Oklahoma, on October 18, 1940, and left no husband surviving and left as her only heir at law her son, the plaintiff, Kenney Vann, a minor, that thereafter on September 18, 1941, by order of this court said Ned Wilson in his own proper person and the said Kenney Vann, a minor five years of age by Ned Wilson, his next friend, were substituted as plaintiffs instead of and for the said Lila Gourd Wilson, the original plaintiff and were given ten days in which to file and within said time they filed, their amended complaint to which the intervener, the United States of America, appeared and filed its amended complaint of intervention and this cause has since been and is now being prosecuted by the said Ned Wilson in his own proper person and by Kenney Vann, a minor, by Ned Wilson, his next friend as plaintiffs as and they are the only heirs at law of the said Lila Gourd Wilson deceased, the original plaintiff herein; that the said Ned Wilson and Kenney Vann are both full blood Cherokee Indians and are the only heirs at law of the original plaintiff Lila Gourd Wilson and as such inherited the undivided one-third interest of the said original plaintiff, Lila Gourd Wilson, deceased, and are now the owners thereof in fee simple subject to the agricultural and oil and gas leases hereinbefore found.

That since the death of the former plaintiff, Lila Gourd Wilson, the only heirs at law now of the said Emma Wickett, deceased, Nellie R. Gourd, deceased, Sadie Bird Houston, deceased, Selsie Wilson, deceased, Lila Gourd Wilson, deceased, are the plaintiffs Ned Wilson and Kenney Vann, and the defendants, Looney R. Gourd, Leon Bird, Daniel Houston and William McKey who inherited all of said real estate and are now the owners in fee simple in the proportions hereinafter found and set out subject only to said agricultural and oil and gas leases.

That there has never been any determination of the heirs of or any administration upon the estate of the said Emma Wickett, deceased, Nellie R. Gourd, deceased, Sadie Bird Houston, deceased, Selsie Wilson, deceased, Lila Gourd Wilson, deceased and none is necessary as far as the real estate involved herein is concerned because they were and are full blood Cherokee Indians and said real estate was at all times and still is restricted against voluntary alienation or encumbrances or any claim of any kind or taxes whatsoever, against said real estate and said real estate and the respective interests of past, deceased, and present owners thereof were not and have not been and are not now subject to any administration or any claim against said real estate or said parties or their interest therein.

The court further finds that said real estate has at all times been and is now exempt from all taxes and has at all time been and is now of less than \$15,000 in value and that the State of Oklahoma has no right, title or interest therein for inheritance or transfer taxes and the court further finds that the defendant, State of Oklahoma, has filed its disclaimer herein and claims no interest therein.

The court further finds that the plaintiffs Ned Wilson, Kenney Vann, and the defendants Looney R. Gourd, Leon Bird, Daniel Houston and William McKey are the owners of said real estate in fee simple subject to said agricultural and oil and gas leases in the following proportions to-wit:

the plaintiff Ned Wilson an undivided 1/6 interest,
the plaintiff Kenney Vann an undivided 1/6 interest,
the defendant Looney R. Gourd, an undivided 1/3 interest,
the defendant Leon Bird an undivided 1/6 interest,
the defendant Daniel Houston an undivided 1/12 interest,
the defendant William McKey an undivided 1/12 interest,

that the heirs, except those found to be the owners of said real estate herein, and the unknown heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote of said Emma Wickett, deceased, Nellie R. Gourd, deceased, Eliza Gourd Bird, deceased, and Sadie Bird Houston, deceased and all and each of them have no right, title or interest in or to said real estate.

The court further finds that the defendant, C. Earl Woodard, defaulted herein and has no right, title or interest in and to said real estate by reason of any agricultural, grazing, or oil or gas leases on said real estate or any part thereof and the titles of the owners of said real estate as herein found should be quieted against the same; that the titles of the plaintiffs and defendants, Looney R. Gourd, Leon Bird, Daniel Houston and William McKey in and to their respective interests in said real estate should be quieted against all the other parties to this action except the defendants, W. R. Bowman, A. F. Jones, B. F. Palette, and K. J. Montgomery and the United States of America; that the owners of said real estate as herein found are entitled to have partition of said real estate and their respective interests set off to each of them if that can be done without manifest injury, subject to said agricultural and oil and gas leases and commissioners should be appointed for that purpose as provided by law and if partition of said real estate can be made, said owners are entitled to possession of their respective interests against all the other defendants except the owners of said agricultural and oil and gas leases and the United States of America and if said real estate cannot be partitioned without manifest injury, said commissioners should appraise the value thereof and report back to this court as required by law.

It is therefore considered, adjudged, and decreed by the court that the plaintiffs Ned Wilson and Kenney Vann and the defendants, Looney R. Gourd, Leon Bird, Daniel Houston and William McKey are the only heirs at law of Emma Wickett, deceased, Nellie R. Gourd, deceased, Eliza Gourd Bird, deceased, Sadie Bird Houston, deceased, Selsie Wilson, deceased, and Lila Gourd Wilson, deceased, and as such heirs inherited and are now the owners of fee simple of all of said real estate subject to said agricultural and oil and gas leases; that they own said real estate in the proportions hereinbefore found and set out and their titles to their respective interests should be and are hereby quieted and forever set at rest against all other defendants in this action and all persons claiming by, under, or through them except the owners of said agricultural and oil and gas leases, and

the United States of America; that they are entitled to have partition of said real estate if that can be done without manifest injury and if not, to have said property appraised as provided by law and for that purpose the court now appoints J. F. Pickens and Elmer Vick and C. C. Weber as commissioners who are directed to take the oath required by law and view said property and partition the same in accordance with the finding and judgment of this court if it can be done without manifest injury and if not, that they appraise said real estate and each respective interest and report back to this court as provided by law.

It is further considered, adjudged, and decreed by the court that the Departmenta lease executed by Emma Wickett on September 7, 1905, the original allottee to the defendant, Test Oil Company and recorded in Book I, Page 116 of the records of Washington County, Oklahoma, insofar as it covers the following described real estate involved herein to-wit:

The south half of the southeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of the southwest quarter of Section 24, Township 27 North, Range 13 East, Washington County, Oklahoma.

is in full force and effect and was by said Test Oil Company duly assigned to the defendants, W. R. Bowman, and A. F. Jones, on January 15, 1942, with the approval of the Secretary of the Interior and said W.R.Bowman and A.F. Jones are now owners of said oil and gas lease insofar as it covers the last described real estate and any partition or sale of said real estate should be subject to said oil and gas lease held by said Bowman and Jones and the title of said W. R. Bowman and A. F. Jones in and to said oil and gas lease insofar as it covers said last described real estate should be and the same is hereby quieted and forever set at rest against all plaintiffs and co-defendants in this action; that the said W.R.Bowman and A. F. Jones have no right, title, or interest in and to said oil and gas lease upon the other real estate described and involved in this action.

It is further considered, adjudged and decreed by the court that said oil and gas lease so executed by the said Emma Wickett, allottee, on September 7, 1905, and recorded in Book I, Page 116 of the records of Washington County, Oklahoma, given to the defendant, Test Oil Company, who were record owners thereof at the time this action was commenced, because of having been abandoned by said Test Oil Company and its disclaimer filed herein, should be and the same is hereby cancelled and held for naught insofar as it covers the following described real estate involved herein to-wit:

The northeast quarter of the northwest quarter of the southeast quarter of Section 19, and the southwest quarter of the southwest quarter of the southwest quarter of Section 20 and the East half of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of Section 29, all in Township 27 North, Range 14 East, containing 90 acres more or less.

and the titles of the plaintiffs, Ned Wilson and Kenney Vann and the defendants Looney R. Gourd, Leon Bird, Daniel Houston and William McKey in and to their respective interest as hereinbefore found should be and the same is hereby quieted and forever set at rest against said Test Oil Company and all persons claiming by under or through it, and any partition or sale of said last described 90 acres should be and it hereby declared free and clear of said oil and gas lease on said 90 acres.

It is further considered, adjudged and decreed by the court that the defendant K. J. Montgomery has and holds a valid agricultural lease upon said last above described 90 acres of real estate executed by the former plaintiff Lila Gourd Wilson and the defendants, Looney R. Gourd, Leon Bird, Daniel Houston, and William McKey on June 27, 1940, beginning January 1, 1940, and ending December 31, 1944, recorded in Book 156, Page 261 of the records of Washington County, Oklahoma, and any partition or sale of said real estate should and the same is ordered subject to said lease.

FRIDAY, JULY 17, 1942

It is further considered, adjudged, and decreed by the court that at the time this action was commenced the defendant B. F. Palette had and held and still holds an agricultural lease, recorded in Book 138, Page 166 which is still a valid and subsisting lease upon the following real estate involved herein to-wit:

The west half of the southeast quarter of the southwest quarter and the southeast quarter of the southeast quarter of the southwest quarter, Section 24, Township 27 North, Range 13 East,

That said lease will not expire until November 31, 1942, and any partition or sale of said real estate should and it is ordered to be made subject to said lease upon said real estate herein last described.

It is further considered, adjudged, and decreed by the court that the State of Oklahoma because all of said real estate is exempt from taxes and because of its disclaimer filed herein, has no right, title or interest in or to said real estate or any part thereof for inheritance or transfer taxes and the titles of the owners of said real estate as herein found, are quieted against the State of Oklahoma,

It is further considered, adjudged, and decreed by the court that the defendant, C. Earl Woodard has no right, title or interest in or to said real estate or any part thereof on account of a certain oil and gas and agricultural lease given to him by Looney R. Gourd, Lila Wilson, Lee Bird and Osie R. Gourd, Guardian of Daniel Houston and William McKey on May 21, 1937 recorded in Book 131, page 266, on the southwest quarter of the northwest quarter and the East Half of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of the northwest quarter of Section 29 and the southwest quarter of the southwest quarter of the southwest quarter of Section 2-East, containing 90 acres more or less, and the titles of the owners of said real estate as hereinbefore found are hereby quieted and forever set at rest against said C. Earl Woodard and said lease or leases so given and recorded and against all persons claiming by, under or through said C. Earl Woodard or said lease or leases and any partition or sale of said real estate shall be and is ordered to be made free and clear of said lease or leases to said C. Earl Woodard or anyone claiming by, through or under him.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 17 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to July 20, 1942

On this 20th day of July, 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. F. E. Kennamer, Judges, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 785
)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY,)	
OKLAHOMA; and Laura E. Jones, et al.,)	
	Defendants.)	

ORDER FIXING INTEREST, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION OF FUNDS AS TO TRACT NO. 29 (306 - 25.3)

NOW, on this 20th day of July, 1942, there coming on for hearing the application of the defendant, Ben Murdock, for an order fixing interest, decreeing just compensation and making distribution as to Tract No. 29 (306 - 25.3), and the Court being fully advised in the premises, finds:

That the defendant, Ben Murdock, is the tenant on the land described as Tract No. 29 (306 - 25.3); that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$77.60 for the taking a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, Ben Murdock, tenant on Tract No. 29 (306 - 25.3) in writing, agreed to release and discharge the petitioner from any and all demands and claims for damages upon the payment of the sum of \$5.00, which was accepted by the petitioner.

The Court further finds that the sum of \$5.00 is just compensation for the injuries and damages sustained by said defendant, Ben Murdock, as tenant on Tract No. 29 (306 - 25.3).

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Ben Murdock, is the tenant upon the land described as Tract No. 29 (306 - 25.3), and that the sum of \$5.00, is just compensation for the damages sustained by the defendant, Ben Murdock, tenant upon said Tract No. 29 (306 - 25.3).

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized, and directed to make distribution from the funds deposited as just compensation for the taking of said tract, as follows, to-wit:

Ben Murdock, tenant, Tract No. 29 (306 - 25.3)	\$5.00
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ENDORSED: Filed Jul 20 1942
H. P. Warfield, Clerk
U. S. District Court B

F. E. KENNAMER
J U D G E

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

UNITED STATES OF AMERICA,

Petitioner,)

-vs-

CERTAIN PARCELS OF LAND IN MAYES COUNTY,
OKLAHOMA; and Strick Armstrong, et al.,

Defendants.)

CIVIL NO. 794

ORDER APPOINTING COMMISSIONERS

NOW, on this 20th day of July, 1942, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appearing to the Court that the United States of America has the power the authority to acquire, by eminent domain the lands hereinafter described and the acquisition of said lands is necessary for the management, operation and maintenance of the Grand River Dam Project, and for 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.

The Court finds that pursuant to the Act of August 1, 1888, 25 Stat. 357 (U.S.C. Title 40, Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 (U.S.C. Title 40, Secs. 258 (a) to 258 (e)); Title II of the Act of June 16, 1933, 48 Stat. 195, 200 (U.S.C. Title 23, Sec. 9 (b) and Title 40, Secs. 401-407, 409, 411, 413 and 414), as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 809); and Executive Order No. 8944, dated November 19, 1941, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States of America, title to all lands and interests necessary for carrying out the purposes and objects set forth in said Executive Order No. 8944.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes 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, together with the perpetual easement and right to cut down, remove or trim any trees that may interfere with or endanger said transmission line or lines or the maintenance of operation thereof, together with the perpetual easement, right and privilege to set the necessary guy and brace poles and anchors and to attach all necessary guy wires thereto, upon, over and across the lands situate, lying and being in the County of Mayes, in the Northern District of Oklahoma, and within the jurisdiction of this Court, and more particularly described by courses and distances, as follows, to-wit:

TRACT NO. 1 (306 - 12.3)
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T 23 N, R 20 East 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$, 675.3 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, 634.0 feet from the SW corner thereof.

TRACT NO. 2 (306 - 13.1)
Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 31, T 23 N, R 20 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 $E\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$, 634.0 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said $SE\frac{1}{4}$ $SE\frac{1}{4}$, 628 feet from the Southeast corner thereof.

TRACT NO. 3 (306 - 14.1)
Perpetual Easement

A strip of land 100 feet in width in the North 18.64 acres of Lot 1, Sec. 6, T 22 N, R 20 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 Lot 1, 628 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said North 18.64 acres of Lot 1, 821.2 feet from the Southeast corner thereof.

TRACT NO. 4 (306 - 14.2)
Perpetual Easement

A strip of land 100 feet in width in the SW 10.0 acres of Lot 1, Sec. 6, T 22 N, R 20 East 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 SW 10.0 acres of Lot 1, 161.2 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said Lot 1, 221.1 feet from the SW corner thereof.

TRACT NO. 5 (306 - 14.3)
Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ and the $SE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 6, T 22 N, R 20 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 $W\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 370.7 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $SE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, 129.8 feet from the SE corner thereof.

TRACT NO. 6 (306 - 14.4)
Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$ Sec. 6, T 22 N, R 20 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 $E\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, 129.8 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $E\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, 548.9 feet from the SE corner thereof.

TRACT NO. 7 (306 - 14.5)
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 6, T 22 N, R 20 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$ 548.9 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 352 feet from the SW corner thereof.

TRACT NO. 8 (306 - 15.1)
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 7, T 22 N, R 20 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 $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 352.0 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ 201.7 feet from the SW corner thereof.

TRACT NO. 9 (306 - 15.2)
Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 7, T 22 N, R 20 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 $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ 1521.7 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, 479.0 feet from the Southeast corner thereof.

TRACT NO. 10 (306 - 15.3)
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T 22 N, R 20 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 NE $\frac{1}{4}$ SW $\frac{1}{4}$ 479.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 894.5 feet from the SE corner thereof.

TRACT NO. 11 (306 - 15.4)
Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ and the East 20 Acres of Lot 4, Sec. 7, T 22 N, R 20 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 $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, 234.5 feet from the NE corner thereof; thence Southwesterly to a point in said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, 373.5 feet North and 128.1 feet East of the SW corner thereof; thence Southwesterly to a point in the South boundary of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, 5.8 feet from the SW corner thereof.

TRACT NO. 12 (306 - 16.1)
Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, East 20.0 acres of Lot 1, and the North 18.81 acres of Lot 2, Sec. 18, T 22 N, R 20 East 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 $W\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, 5.8 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said North 18.81 acres of Lot 2, 591.6 feet from the SW corner thereof.

TRACT NO. 13 (306 - 16.2)
Perpetual Easement

A strip of land 100 feet in width in the South 18.81 acres of Lot 2, the West 17.78 acres of Lot 3 and the West 17.92 acres of Lot 4, Sec. 18, T 22 N, R 20 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 South 18.81 Acres of Lot 2, 591.6 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said Lot 3, 173.3 feet from the SW corner thereof.

TRACT NO. 14 (306 - 17.1 Rev.)
Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2}$ $E\frac{1}{2}$ $SE\frac{1}{4}$, Sec. 13, T 22 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 $E\frac{1}{2}$ $E\frac{1}{2}$ $SE\frac{1}{4}$ 1493.3 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said $E\frac{1}{2}$ $E\frac{1}{2}$ $SE\frac{1}{4}$ 489.0 feet from the SE corner thereof.

MONDAY, JULY 20, 1942

It further appears that all of those persons claiming any interest in and to said lands adverse to the United States of America, and which said persons are defendants in this proceeding have been duly served with notice of the hearing of the application for the appointment of commissioners by this Court, according to law.

The Court specifically finds that the returns of the Marshals filed herein showing service of notice of the hearing on the application and petition for the appointment of commissioners are true and correct, and service was had as stated in said returns.

The Court further specifically finds that publication service was had according to order and the law made and provided in such cases, and the affidavit of the publisher as filed herein is hereby accepted and approved by the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that W. L. Mayes, of Mayes County, Oklahoma, C. E. Marshal of Tulsa County, Oklahoma and Elmer Vick of Tulsa, County, Oklahoma, each a disinterested freeholders in the Northern District of the State of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular jury list of names in this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants as the owners thereof or having any right, title or interest therein will sustain by reason of the condemnation and appropriation of 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, together with the perpetual easement and right to cut down, remove and trim any trees that 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 and anchors and to attach all of the necessary guy wires thereto, upon, over and across said lands, by the petitioner, irrespective of any benefits from any improvements proposed, and said commissioners shall forthwith report in writing to the Clerk of this Court, setting forth the quantity and boundaries of said tracts, separately, and assessing the injury and damages to the owner or owners thereof.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report to the office of the Clerk of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 24th day of July, 1942, at 10 o'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

IT IS FURTHER ORDERED that said commissioners so selected and appointed shall receive as compensation for their services the sum of Ten Dollars (\$10.00) per day, each, for each day of service in the performance of their duties, and in addition thereto five cent (\$0.05) per mile for each mile traveled in the performance of their duties.

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

ENDORSED: Filed Jul 20 1942
H. B. Warfield, Clerk
U. S. District Court B

UNITED STATES DISTRICT COURT IN AND FOR THE PORTLAND DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Petitioner,)

CIVIL NO. 186

GERARD PARCELS OF LAND I AYES CEMETERY, OREGON; and Dora E. Turner, et al.,

Defendants.)

ORDER MIXING INTEREST, DECREASING JUST COMPENSATION AND MAKING DISTRIBUTION OF FUNDS AS TO TRACT NO. 3 (306 - 7.3)

On, and in 20th day of July, 1943, there came on for review the application of the defendant, P. J. Basling, for an order fixing interest, decreasing just compensation and making distribution as to Tract No. 3 (306 - 7.3), and the Court being fully advised in the premises finds:

That the defendant, P. J. Basling, is the tenant on the land described as Tract No. 3 (306 - 7.3); that the petitioner filed a Declaration of Taxin, and deposited in the registry of this Court the estimated just compensation in the sum of \$149.00 for the taking of a perpetual easement for transmission line purposes across said tract of land; and that this Court entered a judgment upon said Declaration of Taxin, filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, P. J. Basling, tenant on Tract No. 3 (306 - 7.3) in writing, agreed to release and discharge the petitioner from any and all demands and claims for damages with the payment of the sum of \$15.00, which was accepted by the petitioner.

The Court further finds that the sum of \$15.00 is just compensation for the injuries and damages sustained by said defendant, P. J. Basling as tenant on Tract No. 3 (306 - 7.3).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that the defendant, P. J. Basling, is the tenant upon the land described as Tract No. 3 (306 - 7.3), and that the sum of \$15.00, is just compensation for the damages sustained by the defendant, P. J. Basling, tenant upon said Tract No. 3 (306 - 7.3).

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution from the funds deposited as just compensation for the taking of said tract, as follows, to-wit:

P. J. Basling,
tenant,
Tract No. 3 (306 - 7.3)

\$15.00

F. E. WILKINSON
JUDGE

ENDORSED: Filed Jul 22 1943
H. F. Warfield, Clerk
U. S. District Court E

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

DAVID R. BOB

SERIAL PARCELS OF LAND IN CRAIG COUNTY,
OKLAHOMA; and Charles Sanders, 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, together a judgment on the Declaration of Taking filed in the above entitled cause on the 20th day of July, 1942; and for an order fixing the date when possession of the property hereinafter 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 Order of the President of the United States made pursuant to the authority contained in the Act of June 10, 1930, 41 Stat. 1063 (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 the 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 said lands taken for and to be taken;

SIXTH: That a plan map showing the land 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 to be required to be paid for compensation for said lands, in the amount of \$498.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and as of the date of the filing of said Declaration of Taking;

EIGHTH: That a statement is contained in said Declaration of Taking that the amount of the balance of said compensation for said lands, of said property, in the custody of said Administrator of the Federal Works Agency, is the sum of \$498.00, and that said sum is to be paid to the persons entitled thereto as to the same as to the said property;

IT IS ORDERED, ADJUDGED AND DECREED, That the said Declaration of Taking be and the same shall be confirmed, and that the said lands be and the same shall be taken for the use and benefit of the United States of America, and that the said sum of money be and the same shall be paid to the persons entitled thereto as to the same as to the said property.

granting certain rights and interests in certain lands and buildings in the County of Craig, State of Oklahoma, to the several parties herein named, to-wit: (1) the heirs and assigns of the late John A. ... (2) the heirs and assigns of the late ... (3) the heirs and assigns of the late ... (4) the heirs and assigns of the late ... (5) the heirs and assigns of the late ... (6) the heirs and assigns of the late ... (7) the heirs and assigns of the late ... (8) the heirs and assigns of the late ... (9) the heirs and assigns of the late ... (10) the heirs and assigns of the late ... (11) the heirs and assigns of the late ... (12) the heirs and assigns of the late ... (13) the heirs and assigns of the late ... (14) the heirs and assigns of the late ... (15) the heirs and assigns of the late ... (16) the heirs and assigns of the late ... (17) the heirs and assigns of the late ... (18) the heirs and assigns of the late ... (19) the heirs and assigns of the late ... (20) the heirs and assigns of the late ... (21) the heirs and assigns of the late ... (22) the heirs and assigns of the late ... (23) the heirs and assigns of the late ... (24) the heirs and assigns of the late ... (25) the heirs and assigns of the late ... (26) the heirs and assigns of the late ... (27) the heirs and assigns of the late ... (28) the heirs and assigns of the late ... (29) the heirs and assigns of the late ... (30) the heirs and assigns of the late ... (31) the heirs and assigns of the late ... (32) the heirs and assigns of the late ... (33) the heirs and assigns of the late ... (34) the heirs and assigns of the late ... (35) the heirs and assigns of the late ... (36) the heirs and assigns of the late ... (37) the heirs and assigns of the late ... (38) the heirs and assigns of the late ... (39) the heirs and assigns of the late ... (40) the heirs and assigns of the late ... (41) the heirs and assigns of the late ... (42) the heirs and assigns of the late ... (43) the heirs and assigns of the late ... (44) the heirs and assigns of the late ... (45) the heirs and assigns of the late ... (46) the heirs and assigns of the late ... (47) the heirs and assigns of the late ... (48) the heirs and assigns of the late ... (49) the heirs and assigns of the late ... (50) the heirs and assigns of the late ... (51) the heirs and assigns of the late ... (52) the heirs and assigns of the late ... (53) the heirs and assigns of the late ... (54) the heirs and assigns of the late ... (55) the heirs and assigns of the late ... (56) the heirs and assigns of the late ... (57) the heirs and assigns of the late ... (58) the heirs and assigns of the late ... (59) the heirs and assigns of the late ... (60) the heirs and assigns of the late ... (61) the heirs and assigns of the late ... (62) the heirs and assigns of the late ... (63) the heirs and assigns of the late ... (64) the heirs and assigns of the late ... (65) the heirs and assigns of the late ... (66) the heirs and assigns of the late ... (67) the heirs and assigns of the late ... (68) the heirs and assigns of the late ... (69) the heirs and assigns of the late ... (70) the heirs and assigns of the late ... (71) the heirs and assigns of the late ... (72) the heirs and assigns of the late ... (73) the heirs and assigns of the late ... (74) the heirs and assigns of the late ... (75) the heirs and assigns of the late ... (76) the heirs and assigns of the late ... (77) the heirs and assigns of the late ... (78) the heirs and assigns of the late ... (79) the heirs and assigns of the late ... (80) the heirs and assigns of the late ... (81) the heirs and assigns of the late ... (82) the heirs and assigns of the late ... (83) the heirs and assigns of the late ... (84) the heirs and assigns of the late ... (85) the heirs and assigns of the late ... (86) the heirs and assigns of the late ... (87) the heirs and assigns of the late ... (88) the heirs and assigns of the late ... (89) the heirs and assigns of the late ... (90) the heirs and assigns of the late ... (91) the heirs and assigns of the late ... (92) the heirs and assigns of the late ... (93) the heirs and assigns of the late ... (94) the heirs and assigns of the late ... (95) the heirs and assigns of the late ... (96) the heirs and assigns of the late ... (97) the heirs and assigns of the late ... (98) the heirs and assigns of the late ... (99) the heirs and assigns of the late ... (100) the heirs and assigns of the late ...

PLAT NO. 1 (303 - 32.1)

Perpetual Easement

A strip of land 100 feet in width in the S 1/4 Sec. 14, T 24 N, R 23 E of the Indian Meridian in Craig County, Oklahoma, the center line of which is described as follows, to-wit:

Begin at a point on the West boundary of said S 1/4 Sec. 14, 100 feet East of the N 1/4 corner thereof; thence Southwesterly to a point in said S 1/4 Sec. 14, 80.0 feet East and 101.5 feet South of the N 1/4 corner thereof; thence S 1° 13' W, a distance of 3546.3 feet to a point on the South boundary of said S 1/4 Sec. 14, and 80.0 feet East of the N 1/4 corner thereof.

PLAT NO. 2 (303 - 33.2)

Perpetual Easement

A strip of land 100 feet in width in the N 1/4 Sec. 15, T 24 N, R 23 E of the Indian Meridian in Craig County, Oklahoma, the center line of which is described as follows:

Begin at a point on the West boundary of said N 1/4 Sec. 15, 100 feet East of the N 1/4 corner thereof; thence S 0° 06' 30" West to a line parallel to said N 1/4 Sec. 15, 80.0 feet East of the West boundary of said tract a distance of 346.8 feet; thence Southwesterly to a point on said N 1/4 Sec. 15, 101.5 feet South and 100.0 feet East of the N 1/4 corner thereof; thence S 0° 03' 30" West a distance of 3501.8 feet; thence S 0° 04' 30" West a distance of 3521.8 feet to a point on the South boundary of said tract and 100.0 feet East of the N 1/4 corner thereof.

PLAT NO. 3 (303 - 34.1)

Perpetual Easement

The West 100 feet of the N 1/4 Sec. 16, T 24 N, R 23 E of the Indian Meridian in Craig County, Oklahoma.

PLAT NO. 4 (303 - 35.2)

Perpetual Easement

The West 100 feet of the N 1/4 Sec. 17, T 24 N, R 23 E of the Indian Meridian in Craig County, Oklahoma.

PLAT NO. 5 (303 - 36.1)

Perpetual Easement

A strip of land 100 feet in width in the N 1/4 Sec. 18, T 24 N, R 23 E of the Indian Meridian in Craig County, Oklahoma, the center line of which is described as follows, to-wit:

beginning at a point in the South boundary of said Lot 4, 80 feet from the SW corner thereof; thence Northerly to a point in said Lot 4, 80 feet East and 2370 feet North of the SW corner thereof; thence Northerly to a point in the North boundary of said Lot 4, 80 feet from the SW corner thereof.

TRACT NO. 6 (305 - 40.2)
Perpetual Easement

A strip of land 100 feet in width in Lot 4, Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, the center line of which is described as follows, to-wit:

beginning at a point in the South boundary of said Lot 4, 80.5 feet from the SW corner thereof; thence Northerly to a point in the North boundary of said Lot 4, 80.5 feet from the SW corner thereof.

TRACT NO. 7 (705 - 41.1)
Perpetual Easement

A strip of land 100 feet in width in the SW 1/4 SE 1/4, Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, the center line of which is described as follows, to-wit:

beginning at a point in the South boundary of said SW 1/4 SE 1/4, 912.2 feet from the SW corner thereof; thence Northerly to a point in the North boundary of said SW 1/4 SE 1/4, 912.4 feet from the SW corner thereof.

together with the perpetual easement and right to cut down, remove and trim dry trees, wild and interfere with or obstruct said transmission lines or lines, or the maintenance and operation thereof, together with the perpetual easement for all the necessary guy and anchor poles, anchors and to attach all necessary guy wires thereto, subject only to all easements and rights heretofore acquired and held by the Grand River Dam Authority, a public corporation, and now in the possession and under the control of the Administrator of the Federal Works Agency, or any one who may lawfully be 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 persons entitled thereto, and the amount of compensation shall be and shall be awarded to the persons and established by judgment herein pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the parties and those in possession or having any title, title or interest in or 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 public and civil rights hereby acquired, on and before the 22nd day of July, 1942, and this cause is held open for such further orders, judgments and decrees as may be necessary to the premises.

F. B. HENNINGER
JUDGE OF THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF OKLAHOMA

RECORDED: Filed July 22, 1942
F. B. Henninger, Clerk
U. S. District Court - OK

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,

No. 877 Equity

vs.

EXCHANGE NATIONAL COMPANY,
a corporation, et al,

Defendants.

ORDER ALLOWING FINAL FEES AND COMPENSATION TO TRUSTEE AND ATTORNEY,
AND DIRECTING PAYMENT OF LIQUIDATING DIVIDEND

On this 20th day of July, 1942, there came on for hearing the determination of the final fees for J. H. McBirney, Successor Trustee, and F. A. Bodovitz, for said trustee, the matter of distribution to certificate holders, and the termination of the trust; and it appearing that said matter had been previously assigned for hearing for July 13, 1942, and had been continued to this date, and that notice of said hearing had been given by publication in the Tulsa Tribune, Tulsa, Oklahoma, as more fully appears from the proof of publication on filed herein; and the trustee, J. H. McBirney, appearing in person, and by his attorney, F. A. Bodovitz, and the member of the Advisory Committee, appointed and designated by this court, upon whom notice of hearings and transactions affecting said trust should be given, were present in person, to-wit: Charles R. Krause and Fred S. Cook; and John Rogers, W. C. Cross and Robert Griffith appeared on behalf of other interested holders of guaranteed first lien participation certificates; and it appearing to the court that the trustee has on hand a sum in excess of One Hundred Twenty Five Thousand Dollars (\$125,000.00), and is in the course of liquidating other assets in the approximate sum of Seven Thousand Dollars (\$7,000.00), and that there is pending against said trustee, proceedings in error in a suit in which the said trustee was named as defendant, and which said suit was decided in favor of said trustee in the District Court of Tulsa County, Oklahoma, but an appeal is being perfected to the Supreme Court of the State of Oklahoma, and that said trustee cannot be discharged until the termination of said liquidation and the disposition of other assets held by said trustee; and it appearing that the determination of final fees is necessary before providing for a distribution to holders of guaranteed first lien participation certificates; and upon the trustee presenting a statement of the services performed by him, and statements from those present as to the reasonable value of services performed by said trustee,

The Court finds and determines that the said trustee should be paid the sum of Ten Thousand Dollars (\$10,000.00), which, together with compensation heretofore paid said trustee, shall be and constitute a full compensation for all services heretofore performed by said trustee, and all services required of said trustee until the final determination of said trust, and that said trustee shall not be entitled to any other or further compensation.

The court further finds, upon showing as to the services performed by F. A. Bodovitz, attorney for the trustee, as well as from those present, that F. A. Bodovitz should be paid the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00), which, together with compensation heretofore paid said attorney, shall be and constitute full and complete compensation for the services heretofore rendered by said attorney, and services hereafter required of him in connection with the final liquidation of said estate, and that he shall not be entitled to any other or further compensation in this said matter.

The Court further finds that the trustee, J. H. McBirney, has sufficient funds to pay a liquidating dividend of three per cent (3%), and that he may obtain, from further liquidation funds from which he will enable to pay a sum in addition to three per cent (3%), and that the said trustee should complete the liquidation of assets now in the process of liquidation within the near future, and distribute all funds available for distribution, reserving only funds sufficient for the contingency of the pending suit, as well as a reasonable sum for the expenses probably necessary for the defense of said suit; and

The court further finds that jurisdiction of this said cause should be retained until the final liquidation and final termination of pending litigation in said trust estate, and for other good cause,

IT IS ORDERED, AS FOLLOWS:

1. That J. H. McBirney, Trustee herein, be and he is hereby allowed and awarded the sum of Ten Thousand Dollars (\$10,000.00), which, together with compensation heretofore received by said trustee, shall be and constitutes full, final and complete payment for all services heretofore rendered, and services to be rendered, as trustee herein, and that no other compensation be payable to said trustee.
2. That F. A. Bodovitz, attorney for the trustee, be and he is hereby allowed and awarded the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00), which, together with compensation heretofore received by said attorney, shall be and constitute full, final and complete payment for all services heretofore rendered, and services to be rendered, as attorney herein, and that no other compensation be payable to said attorney.
3. That J. H. McBirney, Trustee, be and he is hereby authorized to pay to himself, as such trustee, Ten Thousand Dollars (\$10,000.00), as ordered and provided in paragraph numbered 1 hereof, and to pay to F. A. Bodovitz the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00) as ordered and provided in paragraph numbered 2 hereof, from funds in the hands of said trustee, and that the payment of said sums shall constitute expenses of said trust estate, and shall be allowed as such.
4. That J. H. McBirney, Successor Trustee, retain the sum of Five Thousand Dollars (\$5,000.00) for the contingency of the suit pending in the District Court of Tulsa County, Oklahoma, which is in the process of appeal to the Supreme Court of the State of Oklahoma, and that upon completion of the liquidation of the assets now in the process of liquidation, the said trustee distribute to all holders of guaranteed first lien participation certificates, all remaining funds in the hands of said trustee, and that said distribution be made as soon as said assets in the process of liquidation be fully liquidated.
5. That the trustee be not discharged until the termination of pending liquidation and the full and complete distribution of all assets of said trust.
6. That this court retain jurisdiction over said trustee, and of this said cause and trust, pending the further order of the court.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Jul 20 1942
H. P. Warfield, Clerk
U. S. District Court B

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

THE FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA,
Successor Trustee for MARY FRANCES WALTER,
Plaintiff,

vs.

OKLAHOMA HOSPITAL, I.C., a corporation; OKLAHOMA
HOSPITAL CORPORATION, a corporation; OKLAHOMA
HOSPITAL, a corporation; FRED S. CLINTON and
JANE H. CLINTON, his wife; EXCHANGE TRUST COMPANY,
a corporation; HOWARD C. JOHNSON, Bank Commissioner
of the State of Oklahoma; THE FIRST NATIONAL BANK
AND TRUST COMPANY OF TULSA, Successor Trustee of
the Frank H. Reed and Isabella S. Reed Trust; THE
FIRST NATIONAL BANK AND TRUST COMPANY, Successor
Trustee for John Francis Malloy; J. C. DENTON,
C. H. SWEET and F. M. SOWLE, as Trustees; VIRGINIA
HAGAN HINTON, Successor Trustee for S. L. Canterbury;
FEDERAL NATIONAL BANK OF SHAWNEE, OKLAHOMA, a corporation,
Guardian of the Estate of Charline Naomi Crossland,
a minor; PHILLIPS UNIVERSITY, a corporation; MOLLIE
DAVIS, nee Jones; HAROLD T. WRIGHT, FRANK G. COUPER,
TULSA GENERAL HOSPITAL; FLORENCE M. WILSON; and MAUDE
C. MARKHAM, Executrix of the Estate of John H. Markham,
Deceased, Defendants.

In Equity No. 1195

DECREE ORDERING SALE OF PROPERTY

NOW on this 20th day of July, 1942, comes the complainant and presents its application for decree ordering the sale of the property described in the Decree of Foreclosure and sale rendered herein on September 17, 1917; and it appearing to the Court that neither complainant nor the cross-petitioners for whom judgment was rendered in said decree have been paid the amount or amounts of the indebtedness due them from the defendants, Oklahoma Hospital, a corporation, Oklahoma Hospital Corporation, a corporation, Oklahoma Hospital, Inc., a corporation, Fred S. Clinton and Jane H. Clinton, his wife, nor any part thereof, as decreed by this court on said date of September 17th, 1937, and that no attempt has been made by said defendants, nor any of them, nor by any person in their behalf or acting under them, to pay said indebtedness since the rendition of said decree;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that George Lessley, Special Master, as appointed and designated in said Decree of September 17, 1937, be, and he hereby is, directed to forthwith proceed with the holding of the foreclosure sale of the property set forth in said Decree, which sale shall be conducted in the manner and in accordance with the directions set forth in said Decree of foreclosure and sale; it is ORDERED, however, that the complainant and/or cross-petitioners, who are judgment creditors under the terms of said decree, shall have the right to bid in said property at said sale, in such case, no advance deposit shall be required to accompany the bid of it or them.

DONE in open court on this the day and year above set forth.

ENDORSED: Filed Jul 20 1942
H. P. Warfield, Clerk
U. S. District Court ME

ROYCE H. SAVAGE
District Judge

Court adjourned to July 21, 1942

Cora E. Metheny
John Martin
W. S. Nelson
Osage & Oklahoma Company, if existing, and if defunct, its
unknown creditors, successors and assigns, if any
Orpha Wanda Purser
Leo P. Quinn
Oklahoma Tax Commission
State of Oklahoma ex rel. Bank Commissioner
Mary A. Shaw
J. T. Sanders
Julia A. Stitt
Lillian J. Snider
Lillian Snyder
Lillian Snider, an incompetent,
Union Trust Company, if existing, and if defunct, its
unknown creditors, successors and assigns, if any
E. G. Van Dorn
Cora B. Ward
J. T. Williams
Anna O. Williams (Mrs. J. T. Williams)
Willie J. Williams

The Court having been duly advised in the premises finds that said parties should be joined hereto as parties respondent.

IT IS, THEREFORE, ORDERED that the parties above named in the finding of the Court be, and they are hereby, made additional parties respondent to this cause, and the Petition and the proceedings are amended accordingly.

ROYCE H. SAVAGE
JUDGE

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

it hereby is granted permission hereafter in this course of action.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 22 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Leonard Berryhill,	Plaintiff,)	
)	
vs)	
)	
Willie Berryhill, otherwise known as		)	No. 731 Civil
William Berryhill, Stanley Berryhill,)	
Samie Berryhill, otherwise known)	
as Sam Berryhill, Edna Berryhill,)	
Pearl B. Jackson, and the Unknown)	
Heirs, Executors, Administrators, Devisees,)	
Trustees and Assigns, immediate and remote)	
of Willie Berryhill, deceased,	Defendants.)	

JOURNAL ENTRY OF JUDGMENT

The above case coming on for hearing on this the 22nd day of July, 1942, before the Honorable Royce H. Savage, United States District Judge in and for the Northern District of Oklahoma the plaintiff appearing by his attorney John S. Severson, and also in person, the defendant Samie Berryhill, appearing by the Hon. M. S. Robertson, his legal guardian ad litem, appointed by this court, he also appearing in his official capacity as United States Probate Attorney, the defendant Pearl B. Jackson, appearing by her Attorney of record Frank Leslie, the United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, for and in behalf of the United States, and the restricted Indian defendants, and the court having heard the evidence adduced, both oral and documentary, and being fully advised in the premises after inspecting the pleadings and hearing argument of counsel, does find and decree:

That the land the subject matter of this action and described as follows:

The North half of the Northwest Quarter of Section
One (1) Township 18 North, Range 10 East, Creek County
Oklahoma, was duly allotted to Willie Berryhill Creek
Indian Roll No. 6418,

and that the plaintiff and the defendants Berryhill, as his heirs are in the actual and peaceable possession of the same.

The court further finds that this action was originally filed in the District Court of Creek County, Oklahoma, and that all of the defendants named in the caption hereof were lawfully served personally with summons issued out of said State Court except the defendant Pearl B. Jackson, who entered her appearance and filed her answer in this court, and that service by publication was had, issued and served as provided by the State Statutes prior to removal to this court, said publications being made in the Sapulpa Legal News for four consecutive Thursdays issues in said

paper of the following dates, to-wit: October 23 and 30, and November 6 and 13, 1941, the first of said publications being more than 41 days from the answer date as set out in said publication, proof of said publication is shown by proper affidavit and the same is by the court examined and approved.

The court further finds that proper petition was filed by the United States in the State District Court to remove this action to this court, and that the case is and was properly removable under the act of Congress of April 12, 1926 and that this court has jurisdiction of the persons and the subject matter of this action.

The court further finds from the evidence that the land involved herein was duly allotted to Willie Berryhill a full blood Creek Indian, and that he died intestate, and left him surviving no wife or issue of deceased issue, but left as his sole heirs five sons, to-wit: Leonard Berryhill, the plaintiff, he being the child of his first marriage to a non-citizen of the Creek Nation, and not of Indian blood; that the defendants, to-wit: Willie Berryhill, Sammie Berryhill, Tommie Berryhill, and Charley Berryhill, are sons by his second and last marriage, their mother being a full blood Creek Indian, and that the land involved herein descended to and became vested equally share and share alike in said plaintiff and said defendants his said five sons.

The court further finds said persons are now vested with full and complete title to said land except that the plaintiff did on the 17th day of February, 1938, sell out of his undivided interest in said land, on undivided ten acre interest in and to all of the oil, gas and minerals in and under the said land, and that said mineral interest is now owned by the grantee under said mineral deed, the defendant Pearl B. Jackson, and her said interest is hereby confirmed and relegated to the purpart assigned to said plaintiff in case of partition in kind, but if partition by sale is ordered then said interest shall be separately appraised and the value thereof charged to the interest of said plaintiff.

The court further finds that the plaintiff and the defendants Berryhill, are entitled to have partition of said land so that they might each own their interests in severalty, but if the same cannot be partitioned in kind then the same should be appraised and a sale of the land ordered; that J. F. Pickens, Joseph Bruner and Lester H. Childers are hereby appointed Commissioners make partition in kind among the plaintiff and the defendants Berryhill, in equal one-fifth interests, but if such partition in kind cannot be equitable made then said Commissioners shall return an appraisal and valuation thereof, and shall make a separate appraisal of the ten acre royalty interest owned by the defendant Pearl B. Jackson, to be charged against the interest of the plaintiff, in case of a sale otherwise to be relegated to the purpart assigned to the plaintiff.

The Court further finds that the adverse claims of the defendants the Unknown Heirs, Executors, Administrators, devisees, Trustees and assigns, both immediate and remote of Willie Berryhill, deceased Creek Indian Roll No. 6418, are void and without right as against the plaintiff and the defendants Berryhill, and as such should be cancelled set aside and held for naught, and they should be jointly and severally barred and adjoined from claiming or setting up any adverse claims against said land and the title of plaintiff and said defendants Berryhill should be quieted against them and each of them, and that the names of addresses of said unknown persons are not now known the plaintiff, and he has been unable to ascertain such facts since the filing of this suit or since the publication of the first notice to said unknown defendants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by the court that the foregoing findings be made the judgment of this court as fully as if herein specifically set out and restated, and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that if said land cannot be equitably divided and a sale is ordered according to law, that the proceeds thereof after the payment of costs and attorney fees should be divided among the plaintiff and the defendants Berryhill, equally, except that the proceeds going to the defendants Berryhill, they being restricted Indians be paid to the United States of America for their use and benefit.

It is further ordered that the Commissioners make and file without unnecessary delay a report of their proceedings with the Clerk of this Court under oath.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 23 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to July 23, 1942

On this 23rd day of July, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, at pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

Lester O. Welch,	Plaintiff,)	
)	
v.		)	No. 501 - Civil
)	
Oscar (Van) Chuwalocky, et al.,	Defendants.)	
)	
United States of America,	Intervener.)	

O R D E R

This matter coming on for hearing this 3rd day of July, 1942, upon the motion of the United States for a new trial and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the plaintiff appearing by Harry Seaton, and the Court being fully advised in the premises and after argument of counsel, finds that said motion for a new trial should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United State for a new trial in this action be and thesame hereby is overruled.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 23 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Lester O. Welch,	Plaintiff,)	
)	
v.)	
Oscar (Vann) Chuwalooky, etal,	Defendants.	)	No. 501 Civil
United States of America,	Intervener.)	

O R D E R

This matter coming on for hearing this 3rd day of July, 1942, upon the motion of the United States of America to vacate judgment and dismiss action insofar as partition is concerned and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the plaintiff appearing by Harry Seaton, and the Court being fully advised in the premises, finds that said motion to vacate judgment and dismiss action should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the United States of America to vacate judgment and dismiss action be and the same hereby is overruled.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 23 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Aetna Life Insurance Company, a corporation,	Plaintiff,)	
)	
vs.)	
Alma Helen Blaser; Lester Edwin Blaser; Elmer David Blaser; Dorris Alma Blaser; The unknown heirs, executors, administrators, devises, trustees and assigns, immediate and remote, of Edwin E. Blaser, deceased; Aaron M. Rust;	Defendants.	)	No. 759 Civil

JUDGMENT AS TO THE DEFENDANT AARON M. RUST:

ON THIS 23rd day of July, 1942, the above matter comes on for hearing on the motion of the plaintiff for judgment by default against the defendant Aaron M. Rust, and it being shown to the Court that said defendant has been regularly and properly served with summons but has failed to appear, plead or defend, although the time within which such defense was required by the summons serve has expired,

IT IS HEREBY ORDERED, Adjudged and decreed that said defendant, Aaron M. Rust,

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

THOMAS D. TAYLOR,	Plaintiff,)
)
vs.		) No. 47 Civil Action
)
TULSA TRIBUNE COMPANY, a corporation,	Defendant.)

ORDER DENYING NEW TRIAL

This cause came on for hearing on the 3rd day of July, 1942, on the motion of plaintiff herein for a new trial of the issue submitted by the defendant in defense of plaintiff's amended complaint, heard on the 17th day of April, 1942, and briefs having heretofore been filed in support of said motion and in opposition thereto, and after hearing counsel in support of said motion, and in opposition thereto.

IT IS ORDERED, ADJUDGED AND DECREED that a new trial of this action be and the same is hereby denied, to which ruling of the court plaintiff excepts.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jul 24 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. Nie-)
haus, Jr., et al,	Respondents.)

ORDER OF FINAL DISTRIBUTION AS TO TRACT D-47

Now on this 24th day of July, 1942, the Court having been fully advised in the premises, finds that final distribution of funds should be made as to Tract D-47.

IT IS, THEREFORE, ORDERED that the Clerk issue check payable as follows, to-wit:

Mell Lewis, Administrator of the Estate of Charles J. Reese,
deceased, \$461.90.

IT IS FURTHER ORDERED that the Clerk shall make no charge for commission or pound-
age.

ROYCE H. SAVAGE
JUDGE

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

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

Betsie Beaver,	Plaintiff,)	
)	
vs.		)	No. 705 Civil
)	
LeRoy Proctor,	Defendant.)	

ORDER OF REVIVOR

AND NOW on this the 24th day of July, 1942, the same being a judicial day of a regular term of the United States District Court for the Northern District of Oklahoma, the above entitled and numbered cause comes on for hearing, in its regular order, before the undersigned Judge of said court, upon the petition of W. Harrison, as administrator of the estate of Betsie Beaver deceased, for an order of revivor, and it appearing to the satisfaction of the court that subsequent to the date of the commencement of this action Betsie Beaver, the plaintiff, departed this life and that W. Harrison is now the duly appointed, legally qualified and acting administrator of the estate of Betsie Beaver, deceased, and that this is one of the class of cases that survives and that said cause should be revived in the name of W. Harrison, administrator of the estate of Betsie Beaver, deceased, and being fully advised in the premises:

IT IS ORDERED that said cause be and the same is hereby revived in the name of W. Harrison, as administrator of the estate of Betsie Beaver, deceased, and henceforth to proceed as such.

ROYCE H. SAVAGE
United States Judge

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

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

B. A. BAKER,	Plaintiff,)	
)	
vs.		)	NO. 818
)	
A. H. KASISHKE, CARALENA OIL COMPANY, a Delaware Corporation, and OLIVE DRILLING COMPANY, an Oklahoma Corporation,	Defendants.)	

O R D E R

Now on this 23rd day of July, 1942, upon the oral request of plaintiff's attorney plaintiff is given ten days additional time in which to file his amended petition.

ROYCE H. SAVAGE

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

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

UNITED STATES OF AMERICA,	Petitioner,)
)
vs.		) No. 861 Civil
)
580 acres of land, more or less, situate in)
Mayes County, Oklahoma, and John O. Allen,)
et al,	Respondents.)

ORDER GRANTING POSSESSION

Now on this 24 day of July, 1942, the United States of America, by Curtis P. Harris Special Attorney for the Department of Justice, appeared before this Court and presented the verified petition for condemnation in the above entitled proceeding, in which it is prayed that this Court ente an order granting to the United Statesof America immediate possession of the ands described in the Petition.

And the Court having considered the matter, and having examined all papers and documents filed herein, finds that said Petition for Condemnation has been duly filed in this proceed- ing at the request and under the authority of the Secretary of War and the Attorney General of the Unite Statesof America; that it is necessary that the United States of America take immediate possession of the lands hereinafter described; that funds have been appropriated and made available for the payment of just compensation for the lands to the persons entitled thereto; and that pursuant to the provisions of Title 50, U.S.C. 171, and the Act of Congressapproved March 27, 1942 (Public Law 507 - 77th Congress, the United States of America is entitled to the immediate possession of the lands described in said Petition.

IT IS, THEREFORE, ORDERED AND DECREED that any and all persons now in possession of or claiming any rights to the possession of the lads described as follows, to-wit:

That portion of Section One (1) and the East Half (E $\frac{1}{2}$) of Section Two (2), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridm, situate in Mayes County, Oklahoma, described as follows:

Beginning at a point n section line common to Section Thirty-six (36) and said Section One (1) on West side of North and South road to Markham's Ferry and approx- imately 7.2 chains West of Northeast corner of Section One (1); thence West along aforementioned section line, aproxintely 92.8 chains, to Northwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of said Section Two (2); thence South approximately 12 chains; thence in a Southeasterly direction along East boundary of Oklahoma Ordnance Plant property approxi- mately 66.4 chains to a point on section line common to Section Two (2) and Section One (1); thence South ap- proximately 4.8 chins to section corner common to Sec- tion One (1), Sectdon Two (2), Section Eleven (11), and Section Twelve (12); thence East along section line com- mon to Section One (1) and Section Twelve (12) approxi- mately 11.2 chains to the center of Grand River; thence in a Northeasterly direction along the center of Grand River approximately 69.6 chins to We t side of Markham's Ferry Road; thence North along West side of Markham's Ferry Road 56.0 chains to point of beginning, and con- taining 580 acres, more or less.

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, to the extent of the estate hereby taken, and the United States of America is hereby granted leave to take immediate possession of said lands.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to July 25, 1942

On this 25th day of July, 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:

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

Helen L. Avery,

Plaintiff,)

v.)

No. 809 Civil)

Gordon Denton, Executor of the Estate
of Mollie Davis, and Millie Wilson, now
Harjo,

Defendants.)

O R D E R

Now on this 25th day of July, 1942, this matter coming on before the court on the application of the United States of America for additional time to plead in this cause of action, and it appearing to the court that this is an action in which service of notice has been had on the Superintendent of the Five Civilized Tribes pursuant to the provisions of the Act of Congress of April 12, 1926, and that certain information is required by the United States in order to plead in this action, and that such information has not been obtained and that the time should be extended for the United States to plead herein.

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 July 25, 1942, within which to plead in this cause of action.

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

ROYCE H. SAVAGE
JUDGE

IN THE UNITED STATES COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

Stella White, Ada Farley, Ida Gwin, Ella Cooper,
Lola Arnold, Fred Baker, George Baker, and
Eddie Bair, Plaintiffs,

vs.

No. 861 Civil

Agnes Quapaw Hoffman, Jean Ann Quapaw Hoffman,
and Henry E. Hoffman and all unknown parties
claiming to be heirs at law of Benjamin Quapaw,
deceased, Defendants.

ORDER AUTHORIZING SERVICE BY PUBLICATION ON UNKNOWN PERSONS
CLAIMING TO BE HEIRS TO THE ESTATE OF BENJAMIN QUAPAW,
DECEASED.

On this the 25th day of July, 1942, the complaint, and the affidavit for Service by Publication heretofore filed herein, was presented to the court, and it appearing, and the court finding, that this action is one in which service by publication is authorized on all unknown persons claiming, or who may claim, to be heirs to the estate of Benjamin Quapaw, deceased, which is hereby involved, and the heirship to and ownership of, the assets thereof, will be determined, and quieted herein.

It is therefore ordered that such service by publication is authorized in the manner provided by law.

ROYCE H. SAVAGE
Judge U. S. Court for the Northern
District of Oklahoma

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

Court adjourned to July 27, 1942

On this 27th day of July, 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:

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

Lucy Sawney, Polly Sawney, Neva Sawney, Joe Sawney,)
and Franklin Sawney, the last three being minors,)
by Luch Sawney, their next friend, Plaintiffs,)

vs.

Samuel Awney, if living, and if dead, the heirs,
and unkown heirs, executors, administrators,
devisees, trustees and assigns, immediate and
remote of Samuel Sawney, deceased; and the State
of Oklahoma, and J. A. Bockman and E. J. McAdams,
Defendants.

NO. 699 CIVIL.

United States of America, Intervener.

JOURNAL ENTRY

Now on this 27th day of July, 1942, come the plaintiffs by H. F. Fulling, their attorney and comes also the United States of America by Whit Y. Mauzy, United States Attorney and it appears and the court finds that this action was commenced in the District Court of Tulsa County, Oklahoma, as Cause No. 70171 on the 6th day of September, 1941, by the plaintiffs filing their petition in said court and a praecipe for summons and an affidavit to obtain service by publication upon all of the defendants except the defendant, State of Oklahoma, and J. A. Bockman and E. J. McAdams and pursuant to said praecipe for summons the clerk of the district court of Tulsa County, Oklahoma, issued a summons for the defendants, J. A. Bockman and E. J. McAdams and the State of Oklahoma, to be served on the Oklahoma Tax Commissioner and at the time gave notice by publication in The West Tulsa News of Tulsa County, Oklahoma, a newspaper authorized to make legal publications to the said defendant, Samuel Sawney, if living, and if dead, the heirs and unknown heirs, executors, administrators, devisees and assigns, immediate and remote of Samuel Sawney, deceased, requiring each of them to be and appear in said court on or before the 24th day of October, 1941, or said petition would be taken as true and judgment rendered in accordance with the allegations thereof to quiet title to and for partition and possession of the real estate involved herein which affidavit for publication and notice given, are shown by the proof of publication filed in said cause and appearing in the transcript are proper and as required by law.

The court further finds that said summons was not served upon the defendants, J. A. Bockman and E. J. McAdams and upon the motion of the plaintiffs this cause is dismissed as to said two defendants.

The court further finds that said summons was duly issued and served upon the State of Oklahoma by serving the Tax Commissioner as required by law and that the defendant, State of Oklahoma, has filed its disclaimer of any right, title, or interest in the real estate involved herein and has no interest therein on account of inheritance or transfer taxes.

The court further finds that at the time said action was commenced, notice was duly issued and served upon the Superintendent of the Five Civilized Tribes by the United States Marshal as required by law and that pursuant to said notice the United States of America appeared in said action in the State Court and first obtained an extension of time to plead and then filed its petition to remove this cause from the State to the Federal Court which petition and motion were sustained and this cause was removed, and is now properly in this court, and this court has jurisdiction of this cause and the parties.

The court further finds that the time for the defendants, Samuel Sawney, if living, and if dead, the heirs and unknown heirs, executors, administrators, devisees, trustees and assigns,

immediate and remote, of Samuel Sawney, deceased, were each and all of them duly and properly served by publication notice as required by law and none of them have answered in the State Court from which this cause was removed or in this court and that they are each and all of them in default and so adjudged by the court. The court further finds that after this cause was removed to this court, the United States of America, appearing by the United States Attorney, moved this court to dismiss this cause of action insofar as it seeks partition of the land involved herein for the reason that this action was instituted in the District Court of Tulsa County, Oklahoma, and that said court was without jurisdiction and the United States was an indispensable party to said action which motion was by the court overruled on the 3rd day of July, 1942, and exception duly allowed to the United States of America.

That thereafter to-wit on July 20, 1942, an order was made upon the motion of the United States of America, to permit it to intervene in this cause and thereupon it filed its complaint in intervention and thereafter this cause was duly and regularly assigned and set for trial on this date and this cause coming on for hearing is now submitted to the court and the court having heard the evidence and being duly advised finds that upon the plaintiffs petition and the complaint of intervention of the United States of America that the plaintiffs Lucy and Polly Sawney were at the time this action was commenced of full age, and that Neva, Joe, and Franklin Sawney were and still are minors and that this action is brought and prosecuted in behalf of said minors by their next friend, Lucy Sawney, who is their mother.

That the defendant, Samuel Sawney was a full blood Cherokee Indian, Roll Number 27219 and as such there was allotted to him by the United States Government the following described real estate in Tulsa County, Oklahoma, to-wit:

The northwest quarter of the northwest quarter of Section 15, Township 22 North, Range 13 East, containing 40 acres more or less,

and by reason thereof he became the owner in fee simple and continued to be such owner up to and at the time of his death; that he died intestate in Adair County, Oklahoma, on March 23, 1935, the wner in fee simple of said real estate; that there has been no determination of the heirs of said decedent and that he left as his only heirs at law, his widow, Lucy Sawney, plaintiff herein, a full blood Cherokee Indian, Roll Number 3773, who was and is his second wife; that he left one child by a former marriage namely: the plaintiff, Polly Sawney, whose mother died before the death of Samuel Sawney, leaving no other children surviving; that by his marriage with the plaintiff, Lucy Sawney, he left as his children the plaintiffs, Neva Sawney, Joe Sawney and Franklin Sawney, all minors; that the plaintiffs, Lucy Sawney, Polly Sawney, Neva Sawney, Joe Sawney, and Franklin Sawney are all full blood Cherokee Indians and are the only heirs at law of the said Samuel Sawney, deceased.

That upon the death of the said Samuel Sawney said real estate was inherited by and descended to the plaintiffs as follows:

To the plaintiff, Lucy Sawney, his widow	an undivided one-fifth interest,
To Polly Sawney,	an undivided one-fifth interest,
To Neva Sawney,	an undivided one-fifth interest,
To Joe Sawney,	an undivided one-fifth interest,
To Franklin Sawney,	an undivided one-fifth interest,

and that each of them since the death of said Samuel Sawney, have been and are now the owners in fee simple of said real estate in the proportions set out.

That there has never been any administration upon the estate of Samuel Sawney, deceased, and none was or is necessary because said real estate was restricted against any and all encumbrances and more than three years have elapsed since his death and all claims against any of his estate are barred by limitation;

that said real estate is all tax exempt land and descended to the plaintiffs free and clear of any and all claims, liens, encumbrances or taxes of whatsoever kind or nature.

That the State of Oklahoma was made a party to answer as to its claim for inheritance and transfer taxes but the court finds that said real estate and all of the estate of said decedent is of less value than \$15,000 and entirely tax exempt and the State of Oklahoma has filed its disclaimer and therefore has no right, title or interest therein.

The court further finds that the plaintiffs are entitled to have the titles to their respective interest in and to said real estate quieted and forever set at rest against each and all of the defendants.

The court now further finds against the intervenor, United States of America, upon that part of its complaint in intervention alleging in paragraph 6 thereof that said real estate is not subject to partition for the reason that the court has no jurisdiction to partition because this action was instituted in the State Court and that this court has no jurisdiction to partition restricted lands involved herein and upon that issue the court finds that it does have jurisdiction to partition said real estate among the parties to which finding the intervenor, United States of America, excepts.

The court further finds that the plaintiffs are entitled to immediate possession of said real estate and their respective interests therein as against each and all of the defendants.

It is therefore considered, adjudged and decreed by the court that the plaintiffs are the only heirs at law of the said Samuel Sawney, deceased, and as such became the owners upon his death of said real estate in fee simple in proportions hereinbefore set out; that the titles to their respective interests in and to said real estate be and the same is hereby quieted and forever set at rest against each and all of the defendants above named except the defendants, Bockman and McAdams, as to whom this said action was dismissed and the title quieted as to all persons claiming by, under, or through any of said defendants; that the plaintiffs have immediate possession of said real estate and of their respective interests therein; that the plaintiffs are entitled to have partition of said real estate if it can be done without manifest injury and if not, to have said real estate appraised and sold as provided by law and for that purpose the court now hereby appoints J. F. Pickens and Elmer Vick, and C. C. Weber as commissioners to make partition of said real estate in accordance with the interest herein found, if that can be done without manifest injury and if not, that they make appraisements of said real estate; that they take oath and report back to this court as provided and required by law; and that if and when said lands are sold the proceeds be paid to the United States of America for the use and benefit of said Indians involved herein.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Jul 27 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 OF AMERICA,	Petitioner,)
)
-vs-		) CIVIL NO. 776
)
CERTAIN PARCELS OF LAND IN ROGERS COUNTY, OKLAHOM; and W. G. Phillips, et al.,	Defendants.)

C R D E R

NOW, on this 27th day of July, 1942, this cause comes on for hearing on the affidavit filed by the petitioner asking for an order directing and authorizing the entering of a judgment in the above entitled cause against the following defendants:

W. G. Phillips; Maude B. Phillips; Donald M. Phillips; Ross M. Phillips; Laurence G. Phillips; Paul M. Phillips; John W. Phillips, a minor; Reville Phillips; Laura Phillips; Fred Miller; Myrtle Miller; Geneve S. Caldwell; Charles L. Caldwell; Ruth Caldwell Conn; Joe Morris; W. R. Bell;

Lottie Dunlap, Charles Fleming, Jesse M. Fleming, Harry F. Fleming, Louanna Brown, Murray Fleming, Viola Fleming, Bell McLaughlin, Gilbert C. Fleming, Oroville Fleming; Ethel Fleming; Roxie McFarland; if living, of if deceased, their unknown and known heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any;

the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, 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;

and each of them, and it appearing to the Court that the petitioner is unable to determine whether or not said defendant, or any of them, are in the military service of the United States; and it further appearing to the court that it is unlikely that any interest of said defendants or any of them would be affected by the entry of such order, and that no attorney should be appointed for them, or any of them.

IT IS THEREFORE ORDERED AND DIRECTED by this Court that judgment be entered as requested in this cause.

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

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

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.)	

J U D G M E N T

NOW, on this 27th day of July, 1942, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding as to the real estate involved in this proceeding and hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, the petition for condemnation, report of commissioners, and all others matters herein, and finds that:

(1) Each and all of the allegations of 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) The said petition for condemnation was filed at the request of the Administrator of the Federal Works Agency, the person duly authorized by law to acquire the estate in 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.

(3) In said petition for condemnation, a statement of the authority under which and the public use for which the estate in said lands were taken was set forth.

(4) A proper description of the lands 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) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and the affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such case made and provided and the same are hereby approved by this Court.

(6) The Court finds that said commissioners appointed herein to appraise and fix the value of the estate taken in the real estate involved in this proceeding, duly qualified on the 25th day of May, 1942, by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the fair market value of the estate taken, filed their report herein on the 25th day of May, 1942, wherein they fixed the fair, cash, market value of the estate herein taken, and all damages to the remainder, if any, as to the lands involved in this proceeding, as more particularly designated and described as follows, to-wit:

TRACT NO. 1 (302-A - 1.0)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the NW $\frac{1}{4}$ 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 a point in the East boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 724.0 feet from the N E 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY,

\$42.00

TRACT NO. 2 (302 - A - 1.2 and 2.0)
Perpetual Easement

The North 100 feet of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, and the North 100 feet of the N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 26, all in Township 24 N - Range 17 East of the Indian Base and Meridian in Rogers County, Oklahoma.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY

\$195.00

TRACT NO. 3 (302-A - 2.1 and 3.0)
Perpetual Easement

A strip of land 100 feet in width in the N $\frac{1}{2}$ 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 N $\frac{1}{2}$ 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY

\$50.40

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. 22, 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 $\frac{1}{4}$ 726 feet from the Southwest corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) and ALL DAMAGES TO THE REMAINDER, IF ANY	\$200.00
TOTAL	\$487.40

and said report and proceedings are in all respects regular and in accordance with the law and the orders of this Court.

(7) More than sixty days have elapsed since the filing of the Report of Commissioners herein, and no written exceptions thereto nor demands for jury trial have been filed by the petitioner or defendants herein, and the said report of commissioners filed herein should be confirmed and approved in every respect.

(8) The United States of America did on March 20, 1942, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the persons entitled thereto the following sums, to-wit:

Tract No. 1 (302-A - 1.0)	\$ 42.00
Tract No. 2 (302-A - 1.2 and 2.0)	195.00
Tract No. 3 (302-A - 2.0 and 3.0)	50.40
Tract No. 4 (302-A - 4.0)	<u>200.00</u>
TOTAL	\$487.40

(9) The Court having fully considered the petition for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1933, 48 Stat. 195, 200 (U.S.C. Title 40, Secs. 401-407, 409, 411, 413, and 414), as amended and supplemented; The Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 809); and Executive Order No. 8944, dated November 19, 1941, is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate taken therein vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purport of the above designated Acts of Congress.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED THAT THE report of commissioners filed herein as to said lands particularly designated and described therein, is final, and the fair cash, market value of the estate taken and the damages sustained as set out and fixed in said report of commissioners is final as to said lands, values and estate therein taken, all as follows, to-wit:

Tract No. 1 (302-A - 1.0) the sum of	\$ 42.00
Tract No. 2 (302-A - 1.2 and 2.0) the sum of	195.00
Tract No. 3 (302-A - 2.1 and 3.0) the sum of	50.40
Tract No. 4 (302-A - 4.0) the sum of	<u>200.00</u>
TOTAL	\$487.40

and the estate taken is 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 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

\$50.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, M. E. Cook, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$45.00, which was accepted by the petitioner.

The Court further finds that the sum of \$45.00, is just compensation for the injuries and damages sustained by said defendant, M. E. Cook.

The Court further finds that no person, firm, corporation, or taxing subdivision of the State, other than said defendants, have any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, M. E. Cook, was the owner of the land designated as Tract No. 10 (306 - 10.3), when this proceeding was commenced, and that the sum of \$45.00 is just compensation for the damages sustained by the defendant, M. E. Cook, and that said defendant is the only person having any right, title or interest in and to said just compensation.

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution from the funds deposited as just compensation for the taking of said tract as follows, to-wit:

TO: M. E. Cook, Owner
TRACT NO. 10 (306 - 10.3)

\$45.00

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

United States of America, Libelant,)
)
 vs.)

One 55-gallon steel drum still, 300 gallons of
whiskey mash, 27 50-gallon fermenting barrels,
3 10-gallon empty kegs, one 5-gallon keg,
one 10-gallon pressure tank, one Coleman Boiler,
2 5-gallon buckets, one washtub, one 1941 Chevrolet
Truck, Motor No. AD-531,292; Ernest Rawlings,
Claimants.

NO. 845 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 27th day of July, 1942, this cause of action having come on regularly before the court, libelant appearing by Whit Y. Mauzy, United States Attorney in and for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney in and for said District, and the claimant Ernest Rawlings appearing in person and by his attorney, W. P. Smith, whereupon libelant offers its evidence and rests, and the court being fully advised in the premises finds that the evidence is insufficient insofar as the forfeiture of said 1941 Chevrolet Truck is concerned, and finds in favor of libelant insofar as the other described property is concerned.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that a forfeiture herein be and the same is hereby denied as to the said one 1941 Chevrolet Truck, Motor AD-531,292, and said motor vehicle is hereby ordered delivered to the claimant Ernest Rawlings, upon his payment of all storage charges incident to its seizure herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT, that forfeiture herein be and the same is hereby allowed as to all property described in the libel of information filed herein, except said truck and such other property is hereby ordered destroyed in the manner provided by law.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to July 28, 1942.

On this 28th day of July, 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 F. E. Kennamer, Judges, present and presiding.

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

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

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

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

D E C R E E

This matter came on to be heard this the 27th day of July, 1942, on the amended proof of claim for capital stock taxes filed by the Treasury of the United States, and upon advice that the Internal Revenue Department has refused the offer of compromise heretofore made by the Receiver in the sum of Eight Hundred Dollars (\$800.00) as full settlement.

The receiver appeared by his attorney, Charles A. Coakley, and the Department of Internal Revenue appeared by the District Attorney for this District.

After hearing the matter the court finds that the persons who were controlling, operating and managing the provident Trust and the properties now included in the Associated Petroleum Properties, a trust estate, were operating the same in fraud of the unit holders and of the persons who had their capital invested in these companies, and that the persons who had their capital invested and who now own the companies, and who must stand this loss, had no knowledge of and were not guilty of any negligence in the failure of the officers of said companies to file capital stock returns and pay capital stock taxes for the years 1935 to 1940, inclusive, and it would therefore be an injustice to assess these unit-holders or stock-holders with penalties by reason of failure to pay the capital stock taxes.

Said receiver has tendered into court the sum of Thirteen Hundred Seventy Eight Dollars Ninety One Cents (\$178.91), being payment in full of the tax and interest.

IT IS THEREFORE BY THE COURT ORDERED AND DECREED that said tender be and it is hereby accepted and approved and that said receiver pay to the Treasurer of the United States the sum of Thirteen Hundred Seventy Eight Dollars Ninety One Cents (\$178.91) and that the sums assessed as penalty, to-wit the sum of Two Hundred Fifteen Dollars Twenty Five Cents (\$215.25) actual penalty, and the sum of Fifty Nine Dollars Forty Two Cents (\$59.42), penalty for failure to pay on demand, be and the same are hereby disallowed. The District Attorney excepts to that part of the order of the court disallowing penalties.

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

F. E. KENNAMER
United States District Judge

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

FRED W. SEYMOUR, TRUSTEE,	Plaintiff,)
)
vs.)
)
GILMORT OIL COMPANY, a corporation, et al.,	Defendants.)
)
PRODUCERS PIPE & SUPPLY CO.,	Intervenors.)
a corporation, et al,)

No. 1277 Equity

O R D E R

Now on this 27th day of July, 1942, at Vinita, Oklahoma, came on regularly for hearing, the final report of L. L. Wiles and Wilbur J. Holleman, Receivers of the Gilmort Oil Company; the claim of the Sand Springs Home for sales tax and the application of R. E. Hughes for a fee. L. L. Wiles and Wilbur J. Holleman, the Receivers for the Gilmort Oil Company, appointed by this Court in the above entitled cause, were present in person and represented by their counsel, Lawrence Mills and E. J. Doerner, and the Court having duly considered said final report and no objections being made hereto, finds that the said report in all things should be confirmed.

The Court further finds that proper notice and publication was given of this hearing as required by this Court.

The Court further finds that L. L. Wiles and Wilbur J. Holleman, Receivers, have in all respects managed the properties placed in their charge, received the income, paid out certain expenses and disbursements and disposed of the properties, all according to the orders and directions of this Court and that they, and each of them, are entitled to be discharged and their bondsmen released from further liability.

The Court further finds that R. E. Hughes should be paid a reasonable fee for preparing income tax returns for the Gilmort Oil Company in the sum of \$265.00.

The Court further finds that the claim of the Sand Springs Home for reimbursement for sales tax paid should be denied.

The Court further finds that the Receivers and their attorneys should be paid their expenses for attending this hearing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that R. E. Hughes be paid the sum of \$265.00.

IT IS FURTHER ORDERED that the claim of the Sand Springs Home for reimbursement for sales tax paid be and it is hereby denied.

IT IS FURTHER ORDERED that all moneys, after paying expenses of the receivership herein ordered, be disbursed as heretofore ordered by this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the report of L. L. Wiles and Wilbur J. Holleman, Receivers herein, be and the same is hereby approved and that the said L. L. Wiles and Wilbur J. Holleman, and each of them, are hereby discharged as such Receivers and that the sureties on their bonds are released from further liability.

ENDORSED: Filed Jul 28 1942 H. F. Warfield, Clerk U. S. District Court B

F. E. KENNAMER
JUDGE

Court adjourned to July 30, 1942.

On this 30th day of July, 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. Foyce H. 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 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.)
Wiehaus, Jr. et al,	Respondents.)

ORDER OF DISMISSAL AS TO CERTAIN TRACTS

Now on this 30 day of July, 1942, it being made to appear to the Court that certain tracts have been acquired by direct purchase from the owners thereof, and that no cause exists for the continuance of this case as regards said tracts;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause be and the same is hereby dismissed as to the following tracts,

Tract No. A-6

The Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$); and the East 19.16 acres of Lot Two (2); and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{2}$) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East, situate in Mayes County, Oklahoma, and containing 99.16 acres, more or less.

Tract No. A-21

Beginning at the Southeast Corner of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East, thence North 12.66 rods, thence West 12.66 rods, thence South 12.66 rods, thence East 12.66 rods to point of beginning, situate in Mayes County, Oklahoma, and containing 1.0 acre, 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, containing 40 acres, more or less, situate in Mayes County, Oklahoma;

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, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. C-42

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 Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East, containing 10 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-1

The East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$); and the Southeast Quarter ($SE\frac{1}{4}$); and the East Half of the Northeast Quarter of the Southwest Quarter ($E\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4}$); 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 ($W\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$); and 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, containing 330 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-4

The Northeast 1.5 acres of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, described as follows: Beginning at the Northeast corner of said Section, thence South 208 feet; thence West 312 feet; thence North 208 feet; thence East 312 feet to point of beginning, containing 1.5 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-20

The East Half of the Southwest Quarter of the Northwest Quarter ($E\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$); and the East Half of the Northwest Quarter of the Southwest Quarter ($E\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$); 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 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, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-42

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

Tract No. D-55 and Tract No. D-56

The North Half of the Northwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-seven (27) and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-eight (28), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing sixty (60) acres, more or less, situate in Mayes County, Oklahoma.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Jul 30 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Aetna Life Insurance Company,)
a corporation,) Plaintiff,)
) No. 759 Civil
vs.)
)
Alma Helen Blaser, et al,) Defendant.)

ORDER APPROVING SALE

NOW on this 30 day of July, 1942, there comes on to be heard in this action, the motion of the plaintiff for the confirmation of the sale of the real estate involved in said action, made by the United States Marshal to Aetna Life Insurance Company, a corporation, on the 16th day of July, 1942, under an order of sale issued in said action by the Clerk of this Court, for the following described land:

Southeast Quarter (SE $\frac{1}{4}$) of Section Ten (10), Township Twenty-two (22), North, Range Four (4) East, Pawnee County, Oklahoma

The Court, after aving examined the proceedings herein, and the proceedings of said Marshal, and his return of said order of sale herein, finds that the sale has been conducted and performed in all respects in conformity with law and judgment of the Court; that the bid reported by the Marshal in his return of sale, was the highest and best bid that could be obtained; that said sale was made after due and regular notice of the time and place thereof as required by law, and same should be approved and confirmed.

IT IS, therefore, Considered, Ordered and Adjudged by the Court, that the Clerk of the court make entry in the journal that the Court is satisfied with the legality of said sale.

It is further ordered and decreed by the Court that said sale, and all proceedings herein in relation thereto be, and same as hereby in all respects approved and confirmed; that the United States Marshal for the Northern District of Oklahoma is hereby ordered and directed to make, execute and deliver to said purchaser a good and sufficient deed for said lands and tenements.

It is further ordered and decreed by the Court that said purchaser be placed in immediate possession of said premises and each and every part thereof, and the Clerk of this Court is ordered to issue a writ of assistance to the Marshal of said Northern District, directing him to place the purchaser in full possession thereof; and said defendants, and each of them, and every person who has come into possession of said premises, or any part thereof under said defendants, or any of them, shall upon the presentation of such writ of assistance, immediately deliver possession thereof to said purchaser, and the refusal of said defendants or any of them, or anyone in possession of said premises or any part thereof under them, or any of them, to deliver immediate possession of said premises to the purchaser, shall constitute contempt of this court.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Jul 30 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

ANNA BUCK,)
Plaintiff,)
vs.) No. 774 - Civil
J. C. Penney Company, a corporation,)
Defendant.)

ORDER PERMITTING WITHDRAWAL OF COUNSEL

This matter coming on to be heard before me, the undersigned Judge of the District Court for the Northern District of Oklahoma, upon the application of Clarence Campbell and M. S. Sawyer, attorneys for the above named plaintiff, asking permission to withdraw as attorneys of record in this cause, and the Court having found that the plaintiff has been duly notified of such application and the hearing of same, and has given her permission to such withdrawal, finds that the application should be granted.

IT IS THEREFORE ORDERED by the Court that the application of Clarence Campbell and M. S. Sawyer to withdraw as attorneys of record for plaintiff in this cause, be and the same is hereby granted by the Court, and the Clerk is hereby ordered to make such showing upon the docket of of this Court.

So ordered this 30 day of July, 1942.

ROYCE H. SAVAGE
Judge, United States District Court

ENDORSED: Filed Jul 30 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. 833
)
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA; and G. R. Bracken, et al.,	Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 29th day of July, 1942, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

Viola Jackson; Helen Lee; Willie McCoy; Waddie McCoy;
Henrietta Walton, now Walker; Ruth Claggett; Edgar N. Frye;
J. Elmer Frye; Leander Frye; Vance Vernon Frye; Faye Opal Frye, now Harris;
Augustus Buffington; Blance Buffington, now Holder; Eva Buffington;
Osie Buffington; Lucille Buffington; Herman Buffington; Jewel Buffington,
now Wickliff; Ernest Buffington; Juanita Buffington, now Morrison;
Roy Rogers; Ethel Rogers; Clarence Weber; John Kraft; Mary Kraft;
Alice Wells; Orville Haddock; Ruth Haddock, now Lytle; O. B. Garver;
Sarah Benton; Samuel A. Dye; Joseph E. Dye; Minnie E. Dye; Lee H. Dye;

Lucien Rogers and Tobias Bea, Cherokee Roll No. 3773, if living
or if deceased, their known and unknown heirs, administrators,
executors, devisees, legatees, trustees, or assigns, immediate
and remote, and their spouses, if any;

Land Bank Commissioner;
Federal Farm Mortgage Corporation, incorporation;
The Federal Land Bank of Wichita, a corporation, agent and
attorney-in-fact for said Land Bank Commissioner and Federal
Farm Mortgage Corporation, a corporation;

and

The known and unknown heirs, executors, administrators, devisees,
legatees, trustees, and assigns, immediate and remote, and their
spouses, if any, of Andy Frye, Cherokee Freedman, Roll No. 1960,
deceased; of Milly Frye, deceased; of Mary Jane Bowman, deceased;
of Carrie McCoy, deceased; of Homer L. Haines, Cherokee Roll No.
30981, deceased; of Henry C. Haddock, deceased; of Mary E. Dyck
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, to 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 MAYES COUNTY DEMOCRAT,

statement of quantity of contents and in violation of Section 343 (I) (1) in that the labels fail to bear common or usual name of food.

And it further appears to the court that Banfield System, Inc., of Sapulpa, Oklahoma, and Rogers Bread Company of Sapulpa, Oklahoma claim some interest in said merchandise.

IT IS THEREFORE THE ORDER OF THE COURT that process of this court be duly issued, directing the United States Marshal of the Northern District of Oklahoma to seize and arrest said merchandise, take and safely keep same in his custody until the further order of the court and that he serve such warrant and motion upon all parties known to be interested in said merchandise and particularly, Banfield System, Inc., Sapulpa, Oklahoma and Rogers Bread Company, Sapulpa, Oklahoma, commanding them to appear in said cause and show cause, if any there be, why said merchandise should not be forfeited to this plaintiff.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jul 30 1942
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to July 31, 1942

On this 31st day of July, 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 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

Ruby Lee Eucker, and the following named)	
persons, all similarly situated;)	
Margie Van Sickle, Bobbie Hoffman, Thelma Boyd,)	
Gwendolyn Smith, Pauline Butler, Bethyl Brandon	)	Civil No. 746
Roberts,	)	Plaintiffs,
vs.)	
)	
The First National Bank of Miami, Oklahoma,)	
	)	Defendant.

JOURNAL ENTRY OF JUDGMENT

Now on this 29th day of July, 1942, the above entitled matter having heretofore been submitted to the Court for judgment upon the evidence and the briefs of counsel for plaintiffs and defendant filed herein and the matter coming on for judgment upon this date;

On this 1st day of August, 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, U. S. District Court, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Plaintiff,)	
)	
vs.		)	NO. 59 CIVIL
)	
MARION H. PEASE, CHARLES A. GARTER AND MINNIE A. PEASE,	Defendants.)	

ORDER OF DISMISSAL

NOW, on this 31st day of July, 1942, this matter coming on before the court on application of Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, to dismiss said cause and the court being advised in the premises, for good cause shown, finds that said cause should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause be and the same hereby is dismissed.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 1 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

M. M. Valerius,	Plaintiff,)	
)	
vs.		)	No. 832 Civil
)	
The Unknown Heirs of Ce-Kei-Carseluke, deceased, et al,	Defendants.)	

O R D E R

NOW, on this 31 day of July, 1942, this matter coming on before the court on the application of the United States of America for additional time to plead and it appearing to the court, for good cause shown 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 fifteen (15) days additional time from August 1, 1942, in which to plead and in this cause of action.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Aug 1 1942
H. P. Warfield, Clerk
U. S. District Court LN

Court adjourned to August 3, 1942

On this 3rd day of August, 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. F. E. Kennamer, Judges, present and presiding.

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

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

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

UNITED STATES OF AMERICA,

Petitioner,)

-vs-

CIVIL NO. 798

CERTAIN PARCELS OF LAND IN MAYES COUNTY,
OKLAHOMA; Dora E. Warner, et al,

Defendants.)

ORDER APPOINTING COMMISSIONERS

NOW, on this 3 day of Aug., 1942, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain the lands hereinafter described and the acquisition of said lands is necessary for the management, operation and maintenance of the Grand River Dam Project, and for 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.

The Court finds that pursuant to the Act of August 1, 1888, 25 Stat. 357 (U.S.C. Title 40, Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 (U. S. C. Title 40, Secs. 258 (a) to 258 (e)); Title II of the Act of June 16, 1933, 48 Stat. 195, 200 (U. S. C. Title 23, Sec. 9 (b) and Title 40, Secs. 401 - 407, 409, 411, 413, 414), as amended and supplemented; the Act of June 10, 1930, 41 Stat. 1062 (U. S. C. Title 16, Sec. 809); and Executive Order No. 8944, dated November 19, 1941, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States

title to all lands and interest in lands necessary for carrying out the purposes and objects set forth in said Executive Order No. 8944.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes 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, together with the perpetual easement and right to cut down, remove or 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, right and privilege to set the necessary guy and brace poles and anchors and to attach all necessary guy wires thereto, upon, over and across the land situate, lying and being in the County of Mayes in the Northern District of the State of Oklahoma, and within the jurisdiction of this Court, and more particularly described by courses and distances as follows, to-wit:

TRACT NO. 1 (306 - 7.1)
Perpetual Easement

A strip of land 100 feet in width in the $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 15, T 23 N - R 20 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 $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 212 feet from the N E corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 204.8 feet from the Northwest corner thereof.

TRACT NO. 2 (306 - 7.2)
Perpetual Easement

A Strip of land 100 feet in width in the $N\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 15, T 23 N - R 20 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 $N\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, 204.8 feet from the NE corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, 197.5 feet from the Northwest corner thereof.

TRACT NO. 3 (306 - 7.3)
Perpetual Easement

A strip of land 100 feet in width in the $N\frac{1}{2}$ $S\frac{1}{2}$ $NW\frac{1}{4}$, Sec. 15, T 23 N - R 20 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the centerline of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $N\frac{1}{2}$ $S\frac{1}{2}$ $NW\frac{1}{4}$, 197.5 feet from the N E corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ $S\frac{1}{2}$ $NW\frac{1}{4}$, 183 feet from the Northwest corner thereof.

TRACT NO. 4 (306 - 8.1
9.1)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ $S\frac{1}{2}$ $N\frac{1}{2}$, Sec. 16, and the $SE\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 17, T 23 N - R 20 E of the Indian Base

and Meridian in Mayes County, Oklahoma, the centerline of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $N\frac{1}{2} S\frac{1}{2} N\frac{1}{2}$, 183 feet from the N E corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} S\frac{1}{2} N\frac{1}{2}$, 104 feet from the Northwest corner thereof; thence Westerly to a point in said $SE\frac{1}{4} NE\frac{1}{4}$, Sec. 17, 75 feet West and 1220 feet North of the SE corner thereof; thence Southwesterly to a point in the South boundary of said $SE\frac{1}{4} NE\frac{1}{4}$, 398.5 feet from the Se corner thereof.

TRACT NO. 5 (306 - 9.2)

Perpetual Easement

A strip of land 100 feet in width in the $N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, Sec. 17, T 23 N - R 20 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 $N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, 398.5 feet from the N E corner thereof; thence Southwesterly to a point in the South boundary of said $N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, 573.5 feet from the Southeast corner thereof.

TRACT NO. 6 (306 - 9.3(Rev.))

Perpetual Easement

A strip of land 100 feet in width in the $S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, and the $N\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$, Sec. 17, T 23 N, R 20 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 $S\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, 573.5 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $N\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$ 396.5 feet from the SW corner thereof.

TRACT NO. 7 (306 - 9.4)

Perpetual Easement

A strip of land 100 feet in width in the $SE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$, Sec. 17, T 23 N - R 20 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 $SW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$, 396.5 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said $SW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$, 221.5 feet from the SW corner thereof.

TRACT NO. 8 (306 - 10.1)

Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$, Sec. 20, T 23 N - R 20 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 $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$, 221.5 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$, 492.1 feet from the Southwest corner thereof.

TRACT NO. 9 (306 - 10.2)
Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2} W\frac{1}{2} NE\frac{1}{4}$ and the $NW\frac{1}{4} SE\frac{1}{4}$, Sec. 20, T 23 N - R 20 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 $E\frac{1}{2} W\frac{1}{2} NE\frac{1}{4}$, 327.9 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $NW\frac{1}{4} SE\frac{1}{4}$, 837.5 feet from the SE corner thereof.

TRACT NO. 10 (306 - 10.3)
Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2} SW\frac{1}{2} SE\frac{1}{4}$, Sec. 20, T 23 N - R 20 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 $W\frac{1}{2} SW\frac{1}{2} SE\frac{1}{4}$, 177.5 feet from the NE corner thereof; thence Southwesterly to a point in said $W\frac{1}{2} SW\frac{1}{2} SE\frac{1}{4}$, 825.0 feet North and 298.3 feet East of the SW corner thereof; thence Southwesterly to a point in the South boundary of said $W\frac{1}{2} SW\frac{1}{2} SE\frac{1}{4}$ 100.0 feet from the SW corner thereof.

TRACT NO. 11 (306 - 11.1)
Perpetual Easement

A Strip of land 100 feet in width in the $N\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, Sec. 29, T 23 N - R 20 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 $N\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, 100.7 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said $N\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$ 317.6 feet from the NW corner thereof.

TRACT NO. 12 (306 - 11.2)
Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2} E\frac{1}{2} NW\frac{1}{4}$, Sec. 29, T 23 N - R 20 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 $E\frac{1}{2} E\frac{1}{2} NW\frac{1}{4}$ 317.6 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said $E\frac{1}{2} E\frac{1}{2} NW\frac{1}{4}$ 240.7 feet from the SW corner thereof.

TRACT NO. 13 (306 - 11.3)Perpetual Easement

A strip of land 100 feet in width in the $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, Sec. 29, T 23 N - R 20 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 $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, 240.7 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, 76.4 feet from the SE corner thereof.

TRACT NO. 14 (306 - 11.4)Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2}$ $E\frac{1}{2}$ $SW\frac{1}{4}$, Sec. 29, T 23 N - R 20 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 $W\frac{1}{2}$ $E\frac{1}{2}$ $SW\frac{1}{4}$, 76.4 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said $W\frac{1}{2}$ $E\frac{1}{2}$ $SW\frac{1}{4}$, 799.6 feet from the SW corner thereof.

TRACT NO. 15 (306 - 11.5)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. 29, T 23 N - R 20 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 $E\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$, 799.6 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said $E\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$, 253.5 feet from the SE corner thereof.

TRACT NO. 16 (306 - 12.1)Perpetual Easement

a strip of land 100 feet in width in the $E\frac{1}{2}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$, Sec. 32, T 23 N - R 20 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 $E\frac{1}{2}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$, 409.0 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said $E\frac{1}{2}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$, 47.5 feet from the SW corner thereof.

TRACT NO. 17 (306 - 12.2)Perpetual Easement

A strip of land 100 feet in width in the $W\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$, Sec. 32, T 23 N - R 20 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 $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, 47.5 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, 15.3 feet from the SE corner thereof.

It further appears that all of those persons claiming any interest in and to said lands adverse to the United States of America, and which said persons are defendant in this proceeding, have been duly served with notice of the hearing of the application for the appointment of commissioners by this Court, according to law.

The Court specifically finds that the returns of the Marshals filed herein showing service of notice of the hearing on the application and petition for the appointment of commissioners are true and correct, and service was had as stated in said returns.

The Court specifically finds that publication service was had according to order and the law made and provided in such cases, and the affidavit of the publisher as filed herein is hereby accepted and approved by the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that W. L. Mayes, C. E. Marshall & C. C. Weber, each a disinterested freeholder in the Northern District of the State of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular jury list of names in this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants as the owners thereof or having any right, title or interest therein will sustain by reason of the condemnation and appropriation of a perpetual easement for the erection, operation and maintenance of a line or lines of poles, h-frame structures, or other structures, wires, cables and fixtures for the transmission of electric current, together with the perpetual easement and right to cut down, remove and trim any trees that 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 and anchors and to attach all of the necessary guy wires thereto, upon, over and across said lands, by the petitioners, irrespective of any benefits from any improvements proposed, and said commissioners shall forthwith report in writing to the Clerk of this Court, setting forth the quantity and boundaries of said tracts, separately, and assessing the injury and damages to the owner or owners thereof.

IT IS FURTHER ORDERED That the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons, forthwith, each of said commissioners, and that said commissioners report to the Office of the Clerk of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 6 day of Aug., 1942, at 10 O'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

IT IS FURTHER ORDERED that said commissioners so selected and appointed shall receive as compensation for their services the sum of Ten Dollars (\$10.00) per day, each, for each day of service in the performance of their duties, and in addition thereto five cents (\$0.05) per mile for each mile traveled in the performance of their duties.

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

ENDORSED: Filed Aug 8 1942
H. P. Warfield, Clerk
U. S. District Court IN

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) No. 798 - CIVIL
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA, and Dora E. Warner, et al,	Defendants.)

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION
AS TO TRACT NO. 16 (306 - 12.1)

NOW, on this 3rd day of August, 1942, there coming on for hearing the application of the defendants, Cyrus C. Koger, Bertha L. Koger, and The Federal Land Bank of Wichita, a corporation, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 16, (306 - 12.1), and the Court being fully advised in the premises, finds:

That the defendants, Cyrus C. Koger and Bertha L. Koger, were the owners of the land designated as Tract No. 16 (306 - 12.1) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$82.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across this tract of land; that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendants, Cyrus C. Koger and Bertha L. Koger, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$82.00, which was accepted by the petitioner.

The Court further finds that the sum of \$82.00 is just compensation for the injuries and damages sustained by the defendants, Cyrus C. Koger and Bertha L. Koger.

The Court further finds that no person, firm, corporation, or taxing sub-division of the State, other than said defendants, Cyrus C. Koger and Bertha L. Koger, have any right, title, or interest in and to said just compensation, except the defendant, The Federal Land Bank of Wichita, a corporation, which holds a mortgage upon said premises, and said defendants, Cyrus C. Koger and Bertha L. Koger, have requested that said just compensation be paid to said mortgagee to apply on their said mortgage indebtedness.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Cyrus C. Koger and Bertha L. Koger, were the owners of the lands designated as Tract No. 16 (306 - 12.1), when this proceeding was commenced, and that the sum of \$82.00 is just compensation for the damages sustained by the defendants, Cyrus C. Koger and Bertha L. Koger, and The Federal Land Bank of Wichita, corporation, and that said defendants are the only persons, firms, corporations, or taxing subdivision of the State having any right, title or interest in and to said just compensation; and that said defendants, Cyrus C. Koger and Bertha L. Koger, have requested that said just compensation in the sum of \$82.00 be paid to said mortgagee to apply on their mortgage indebtedness.

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution from the funds deposited as just compensation for the taking of said tract as follows:

TO; The Federal Land Bank of Wichita, a corporation,

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

E. H. GUBSER, TRUSTEE IN BANKRUPTCY OF LIBERTY
ROYALTIES CORPORATION, a corporation,
Plaintiff,

v.

No. 1296 - E

M. H. WATTS, FRED H. MORTON and A. B. ROWLEY,
Individually and as Trustees of UNITED ROYALTY
COMPANY, an Express Trust,
Defendants.

ORDER OF DISMISSAL

Now, on this 3rd day of August, 1942, it appearing to the Court that the issues in this cause were adjudicated by an order and judgment made and entered on the 26th day of May, 1941, in this cause, consolidated with cause No. 4465-B,

IT IS HEREBY ORDERED that this cause be and the same hereby is dismissed.

F. E. KENNAMER
United States District Judge

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

Court adjourned to August 4, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 4, 1942

On this 4th day of August, 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 4th day of August, 1942, it being made satisfactorily to appear that Louis H. Brady and Jack Langford are duly qualified for admission to the Bar of this Court, the oath prescribed by law is administered and said attorneys are declared admitted to the Bar of this Court.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)
)
vs.		) NO. 350 CIVIL
)
Marie Dahlgren Foster, Executrix of the)
Estate of H. V. Foster, deceased,	Defendant.)

O R D E R

This matter coming on for hearing upon the application of the United States to dismiss this action without prejudice, and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendant Marie Dahlgren Foster, Executrix, appearing by Villard Martin, of the firm of Martin, Logan, Williams and Boesche, and the court being advised in the premises finds that the application of the United States to dismiss without prejudice should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this action be, and the same is hereby dismissed without prejudice.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 4 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. 440 CIVIL
)
Wolverine Petroleum Corporation, a corporation,)
	Defendant.)

O R D E R

This matter coming on for hearing upon the application of the United States to dismiss this action without prejudice, and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendant Wolverine Petroleum Corporation, a corporation, appearing by Ralph J. May, and the court being advised in the premises finds that the application of the United States to dismiss without prejudice should be granted.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this action be, and the same is hereby dismissed without prejudice.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

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

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

Sarah Perryman, nee Jacobs, Creek 276, and Newman Perryman, Creek NE,	) ) ) Plaintiffs,	) No. 723 Civil
-vs-)	
Okemah Reynolds, nee Perryman, Creek NE-149, et al.,	) ) ) Defendants.	

ORDER DISMISSING CROSS-PETITION WITHOUT PREJUDICE

On this 4 day of August, 1942, this matter comes on to be heard upon the application of defendants and cross petitioners, Okemah Reynolds, nee Perryman, L. W. Henebergh, Okemah Reynolds, administratrix of the estate of Ophia Maxine Henebergh, deceased, and Newman Jacobs, administrator of the estate of George B. Perryman, deceased, for an order dismissing their cross-petition filed in the above styled and numbered cause against the defendant, Seth Hughes, without prejudice, and upon the application of the defendant and cross-petitioner, Seth Hughes, for an order dismissing his cross-petition filed in said cause against the defendant, Newman Jacobs, administrator of the estate of George B. Perryman, deceased, without prejudice, and said first named defendants and cross-petitioners appearing by their attorney, Kavanaugh Bush of Yancey, Bush & Gotwals, and the defendant, Seth Hughes, appearing by his attorney, Richard P. Ryan of Martin, Logan, Williams & Boesche, and the court being well and sufficiently advised;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said cross-petition of the defendants and cross-petitioners first named against the defendant, Seth Hughes, and that the cross-petition of the defendant, Seth Hughes, against the defendant, Newman Jacobs, administrator of the estate of George B. Perryman, both filed in the above styled and numbered cause, be, and hereby are, dismissed without prejudice and at the cost of said first named defendants.

ROYCE H. SAVAGE
Judge

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

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

THE CORALENA OIL COMPANY, a corporation,	) ) ) Plaintiff,	) No. 791 Civil
vs.)	
A. H. KASISHKE, OLIVE M. KASISHKE, A. H. KASISHKE, TRUSTEE, and A. H. KASISHKE, JR.,	) ) ) Defendants.	

O R D E R

For good cause shown, IT IS HEREBY ORDERED BY THE COURT that the time for the filing of a memorandum of authorities and a memorandum brief on behalf of the defendants in the above-entitled and numbered cause is hereby extended to August 12, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 4 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.)

No. 842 Civil

One 1939 Ford Coach Automobile, Motor No.
18-4,752,693; Jessie James, and Barry
Investment Company, Tulsa, Oklahoma,

Claimants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of August, 1942, this cause having come on before the Court, libelant appearing by Whit Y. Manzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney for the Northern District of Oklahoma, and the claimants, Jessie James and the Barry Investment Company of Tulsa, Oklahoma, having made their general appearance herein and filed their answer to the Libel of Information on file herein and appearing at this time by their attorney, Frank Hickman, whereupon it being stipulated by all parties hereto as to the facts and circumstances in connection with the case, and the Court being fully advised in the premises, finds that a forfeiture should enter as to said automobile, insofar as the claimant, Jessie James, is concerned, and finds that such forfeiture should be remitted and mitigated as to said automobile, insofar as the claimant, Barry 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 said described automobile.

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, Barry Investment Company of Tulsa, Oklahoma, of all storage charges and expenses incident to the seizure of said automobile and upon compliance with 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 automobile to the claimant, Barry Investment Company of Tulsa, Oklahoma.

ROYCE H. SAVAGE
JUDGE

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

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

CHESTER L. DUNN, JOHN REX WHITE, BEN)
WALKINGSTICK and LEWIS PRYOR, for them-)
selves and for all other persons similarly)
situate, Plaintiffs,) No. 848 - Civil

-vs-

THE GOODYEAR TIRE & RUBBER COMPANY, INC.,)
a corporation, Defendant.)

O R D E R

NOW, on this 4 day of August, 1942, there came on for hearing the application of the defendant above named for an order enlarging the time within which it shall file an answer to the complaint of the plaintiffs above named, filed herein, and it appearing to the court for a good cause shown that such application should be granted,

IT IS THEREFORE ORDERED that the defendant, The Goodyear Tire & Rubber Company, Inc., a corporation, have until the 4 day of Sept., 1942, in which to file herein its answer to the complaint of the plaintiffs.

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,)
vs.) NO. 849 CIVIL
J. M. Kurn and J. G. Lonsdale, Trustees,)
St. Louis-San Francisco Railway Company,)
Defendants.)

JOURNAL ENTRY

This matter coming on for hearing this 4th day of August, 1942, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendants and each of them appearing by their attorney, Jack Langford, and both parties announce ready for trial and the court after the introduction of evidence, and after being fully advised in the premises finds that the defendant hauled a certain box car over its line of railway within the jurisdiction of this court, when the running board on the roof of said car was insecure and not equipped in accordance with safety standards as provided in Section 11 to 16, inclusive of Title 45, U.S.C.A., and that another car was operated by said defendants on its line of railway when the coupling and uncoupling apparatus was out of repair, and in-operative, contrary to and in violation of the provisions of the Acts of Congress pertaining thereto; the court further finds that the defendants are liable to the United States in its First Cause of Action in the sum of One

in the sum of One Hundred Dollars (\$100.00), and in the Second Cause of Action in the sum of One Hundred Dollars (\$100.00).

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States of America have and recover judgment against the defendants in the sum of One Hundred Dollars (\$100.00) on the First Cause of Action, and One Hundred Dollars (\$100.00) on the Second Cause of Action, or a total of Two Hundred Dollars (\$200.00), together with the costs of this action.

On all of which Let Execution Issue.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 6 1942
H. P. Warfield, Clerk
U. S. District Court ME

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)	
)	
vs.)	
)	
One 1940 DeSoto Coach Automobile, Motor		)	No. 864 CIVIL
No. 57-54,642, and approximately One)	
Gallon Untaxpaid Whiskey seized therewith;)	
G. A. Alberty and the United Tire & Invest-)	
ment Company of Tulsa, Oklahoma,	Claimants.)	

ORDER FOR MONITION

Now on this 4th day of August, 1942, it appearing to the Court that the above named automobile, described herein as a 1940 DeSoto Coach, Motor No. 57-54,642, and one gallon of untaxpaid whiskey were seized on premises located at 1332 West 18th Street, in West Tulsa, in Tulsa County, Northern District of Oklahoma, and within the jurisdiction of this court, on or about May 2, 1942, by Henry R. Smith and William F. Wolverton, Investigators, Alcohol Tax Unit, Treasury Department, by virtue of the authority of their said offices, while said automobile was being used by John Thomas Alberty for the transportation, deposit and concealment of one gallon of whiskey, on which the tax had not been paid, and with the unlawful intent to defraud the United States of the tax thereon; it further appearing that thereupon said automobile was appraised at more than Five Hundred Dollars (\$500.00), whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants G. A. Alberty and the United Tire & Investment 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 G. A. Alberty and the United Tire & Investment Co pany 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 this Court and to make his return herein as required by law as to service of monition.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 4 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.)
		) No. 865 Civil
One 1941 Ford Coach Automobile, Motor No.)
18-6,390,667, and approximately 3)
gallons of Taxpaid Intoxicating Liquor)
seized therewith,	Claimants.)

ORDER FOR MONITION

Now on this 4th day of August, 1942, it appearing to the Court that the above named automobile described herein as one 1941 Ford Coach Automobile, Motor No. 18-6,390,667, was seized near the Tulsa Country Club, in Osage County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this Court, on or about April 17, 1942, by Edgar A. Maloney, Investigator, Alcohol Tax Unit Bureau of Internal Revenue, by virtue of the authority of said office while said automobile was being used by Max Weisband and L. G. Bell for the introduction of approximately 3 gallons of taxpaid whiskey into Indian County, to-wit: Osage County, Oklahoma, from the City of Tulsa, Oklahoma, at which time the said Max Weisband fled, and neither he nor the said L. G. Bell have been located nor their whereabouts ascertained through diligent search by the officers since, and that no person has appeared nor claimed any interest, right, nor title in and to said automobile since such seizure; and it further appearing that thereupon, said automobile was appraised at more than the sum of Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requested issuance of monition, notifying such persons as may be found and interested therein 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 any person found that might claim any interest in said automobile, requiring them to appear in said Court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquor should not be forfeited to libelant under provisions of Sections 246 and 247, Title 25, U.S.C.A.

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 required by law as to service of notice.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to August 5, 1942.

On this 5th day of August, 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:

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 843
)	
CERTAIN PARCELS OF LAND IN CRAIG COUNTY, OKLAHOMA; and Lena Carr, an incompetent, et al.,	Defendants.)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 5th day of August, 1942, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

Pauline E. Pfeiffer; Margaret J. Wade; Stephen Kozel;
Frances Kozel; L. B. Dixon; Amanda Garcia; Sue Neal;
Mabel Worrell; Vance Grimes; Daisy Laird; Howard Grimes;
Hazel Barr; Stella Horner; Blanche Watters; Glenn Farrar;
Ila F. Challener; Doris K. Moore, Guardian of Lena Carr,
an incompetent; James F. McCullough; Walter M. McManus;
Mollie Madden; Robert McManus; T. S. Lawless; Caroline Lawless;
Julisa (or Julia) McGartland; William Lawless; W. T. Crawford;
F. M. Waldrep; Mary A. Lawless; if living, or if dead, their known
and unknown heirs, administrators, executors, devisees, legatees,
creditors, trustees and assigns, immediate and remote, and their
spouses, if any;

and

The known and unknown heirs, administrators, executors, devisees,
legatees, creditors, trustees and assigns, immediate and remote,
and their spouses, if any, of J. W. McManus, deceased, and of Sarah J.
McManus, 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 VINITA DAILY JOURNAL, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4)

consecutive weeks, notifying the 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 28th day of September, 1942, the petitioner, United States of America, will, on the 28th day of September, 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 H. SAVAGE
JUDGE OF THE UNITED STATES DISTRICT
COURT, NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Aug 5 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

J. R. LAWRENCE, Plaintiff,)
vs.) No. 851 Civil
Keokuk Steel Casting Company, a)
corporation, Defendant.)

ORDER DISCHARGING GARNISHEES

It now appearing to the Court that in pursuance of the order of this Court entered herein on the 13th day of July, 1942 fixing the amount of the bond to be executed by the defendant in the sum of \$35,000.00 for the purpose of discharging all garnishment herein, the said bond has been executed and the same has been approved by the Judge of this Court, and that the defendant has complied with the said order and is entitled to have all garnishments discharged;

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the garnishees, MCKISSICK PRODUCTS CORP., a corporation, A. H. NEILSON MFG. CO., a corporation, SURFACE EQUIPMENT CO., a corporation, TULSA SHOCK ABSORBER INC., a corporation, TULSA WINCH CO., a corporation, WHEATLEY BROS. PUMP & VALVE MFGS., a corporation, and any and all other garnishees, if any, served with garnishment summons but not specifically named herein, be, and they are hereby discharged as garnishees herein.

DATED this the 5 day of August, 1942.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 5 1942
H. P. Warfield, Clerk
U. S. District Court ME

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)
)
vs.)
)
One Hundred Sixty-two (162) unlabeled)
cans each containing Thirty (30) pounds)
frozen mixed egg whites and yolks,)
	Defendant.)

No. 862 Civil

AMENDED
ORDER FOR MONITION

NOW, on this 5th day of August, 1942, there having been filed herein an amended complaint on behalf of the United States of America against One Hundred Sixty-two (162) unlabeled cans each containing Thirty (30) pounds frozen mixed egg whites and yolks, praying the usual process and monition of this court for an order condemning and forfeiting said articles to said plaintiff under provisions of 21 U.S.C., Section 334, and it appearing from said complaint that on or about June 25, 1942, said articles were transported in interstate commerce by W.B. Jordan, of Jordan Produce Company, Sapulpa, Oklahoma from Dallas, Texas and delivered to Banfield System, Inc., to be stored to the account of Rogers Bread Company, Sapulpa, Oklahoma.

And it further appearing in said complaint that said One Hundred Sixty-two (162) unlabeled cans each containing Thirty (30) pounds frozen mixed egg whites and yolks are adulterated in violation of 21 U. S.C., Section 342 (A) (3) in that they show presence of decomposed eggs and contain chicken excreta and large pieces of egg shell and consist wholly or in part of filthy and decomposed substance.

And it further appearing in said complaint that said merchandise is misbranded in violation of 21 U. S.C., Section 343 (E) (1) in that same is in package form and fails to bear label containing name and place of business of manufacturer, packer or distributor and in violation of Section 343 (E) (2) in that same is in package form and fails to bear label containing accurate statement of quantity of contents and in violation of Section 343 (I) (1) in that the labels fail to bear common or usual name of food.

And it further appears to the court that Banfield System, Inc., of Sapulpa, Oklahoma and Rogers Bread Company of Sapulpa, Oklahoma claim some interest in said merchandise.

IT IS THEREFORE, THE ORDER OF THE COURT that process of this court be duly issued directing the United States Marshal of the Northern District of Oklahoma to seize and arrest said merchandise, take and safely keep same in his custody until the further order of the court and that he serve such warrant and monition upon all parties known to be interested in said merchandise and particularly, Banfield System, Inc., Sapulpa, Oklahoma and Rogers Bread Company, Sapulpa, Oklahoma, commanding them to appear in said cause and show cause, if any there be, why said merchandise should not be forfeited to this plaintiff.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 5 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
vs.)	
		)	No. 867 Civil
Certain Parcels of land situate in the County)	
of Tulsa, State of Oklahoma, and Frank Jones,)	
et al.,	Respondents.)	

JUDGMENT ON THE DECLARATION OF TAKING

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 fee simple title to the lands described hereinafter, and described in the Declaration of Taking and in the Petition for Condemnation filed herein.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation, and the Declaration of Taking, 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 the Federal Works Administrator, 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 and estate thereon sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Petition for Condemnation;

(5) A statement is contained in said Declaration of Taking of the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Six Thousand Five Hundred and no/100 Dollars (\$6,500.00), 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 lands, in the opinion of the Federal Works Administrator, 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, the Act of Congress of August 1, 1888, (25 Stat. 357; U.S.C. Title 40, Sec. 257); the Act of February 26, 1931 (46 Stat. 1421; 40 U.S.C. Sec. 258a), and Acts supplementary thereto and amendatory thereof, and the Act of November 19, 1941, authorizing the construction of roads urgently needed for the national defense, 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 fee simple title to the lands hereinafter described was 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 Six Thousand Five Hundred and no/100 Dollars (\$6,500.00), 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 are described as follows:

Tracts of land lying and being in the County of Tulsa, State of Oklahoma, and more particularly described as follows:

TRACT NO. 7

Being a strip, piece or parcel of land lying in Lot 4 of Section 6, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, particularly described as follows: Beginning at the northwest corner of said Lot 4; running thence East along the north line of said Lot 4 a distance of 80 feet to a point; thence South 0 degrees 03 minutes West a distance of 315.9 feet to a point; thence South 44 degrees 57 minutes East a distance of 347.2 feet to a point 325.5 feet east of the west line of said Lot 4 and 100 feet north of the south line of said Lot 4; thence East on a line parallel to and 100 feet north of said south line a distance of 674.9 feet to a point; thence due south a distance of 40 feet to a point; thence East on a line parallel to and 60 feet north of the south line of said Lot 4 a distance of 240 feet to a point on the east line of said Lot 4; thence South along said east line a distance of 60 feet to the southeast corner of said Lot 4; thence West along the south line of said Lot 4 a distance of 1240 feet to the southwest corner of said Lot 4; thence North along the west line of said Lot 4 a distance of 660.3 feet to the point or place of beginning, containing 3.02 acres, more or less, of new right-of-way, the remaining area included in the above description being the present 33-foot right-of-way along the west side of said Lot 4 and the present 30-foot right-of-way along the south side of said Lot 4, as shown by plat "Lands proposed to be acquired through condemnation proceedings for Access Road Project Tulsa County, Oklahoma, Oklahoma Project DA-WI 4-A(1)", copy of which is attached to the Declaration of Taking filed herein.

TRACT NO. A-7

Being a strip, piece or parcel of land lying in Lot 4 of Section 6, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, particularly described as follows: Beginning at a point 490 feet East of the west line of said Lot 4 and 100 feet north of the south line of said Lot 4; running thence due East a distance of 210 feet to a point; thence North 0 degrees 15 minutes East a distance of 560.3 feet to a point on the north line of said Lot 4; thence West along said North line a distance of 110 feet to a point; thence South 0 degrees 15 minutes West a distance of 560.3 feet to the point of place of beginning; ALSO, Beginning at a point 60 feet East of the West line of said Lot 4 and 289.8 feet south of the north line of said Lot 4; running thence South 0 degrees 03 minutes West a distance of 26.1 feet to a point; thence South 44 degrees 57 minutes East a distance of 35.4 feet to a point; thence North 0 degrees 03 minutes East a distance of 51.1 feet to a point; thence due West a distance of 255 feet to the point or place of beginning; containing in both parcels 2.72 acres, more or less, as shown by plat "Lands proposed to be acquired through condemnation proceedings for Access Road Project Tulsa County, Oklahoma, Oklahoma Project DA-WI 4-A (1)", copy of which is attached to the Declaration of Taking filed herein.

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 possession thereof to the United States of America on or before the 10th day of Aug., 1942, and the United States of America is hereby granted leave to take possession of said lands at said time.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshal for the Northern District of Oklahoma, shall place the United States of America in full and complete possession of said premises on or before the last above-mentioned date.

This cause is held open for such other and further orders, judgments and decrees as may be necessary.

Entered this 5th day of August, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 5 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 AUTHORIZING TRUSTEE TO SETTLE AND DISCHARGE
MORTGAGE INDEBTEDNESS

On this 3rd day of August, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to settle and adjust mortgage indebtedness; and it appearing to the court that among the assets coming into the hands of said trustee was a certain note, execute by C. J. Bullers and Blanche C. Bulle s, makers, to Exchange National Company, a corporation, dated January 14, 1929, which saidnote was secured by a real estate mortgage, of even date, covering

Lot Seven (7), in Block Seven (7), Lynch and Forsythe Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof;

that the said real estate above described has been conveyed to Bessie A. Henderson, but the said Bessie A. Henderson did not assume said indebtedness, having purchased said real estate subject to said indebtedness; and further finds that approximately the sum of Three Thousand Nine Hundred Dollars (\$3,900.00) is due upon said indebtedness, and that the said real estate above described has an appraised value of the approximately amount due, but that the said real estate has a cash value sale greatly less than said indebtedness; and further finds that said trust is in liquidation, and that many months will be required for the full payment of said note under the present plan of payment.

The Court further finds that the said trustee has endeavored to liquidate said note indebtedness, and has engaged J. E. Blair, a real estate broker in the City of Tulsa, to obtain the re-financing of said indebtedness for Bessie A. Henderson, and that said Bessie A. Henderson, through the efforts of J. E. Blair, has obtained a loan in the principal sumof Two Thousand Dollars (\$2,000.00).

The court further finds that the members of the advisory committee have been consulted with respect to said indebtedness, and have approved the acceptance of the proceeds of a new loan as payment and satisfaction in full of said mortgage indebtedness.

The court further finds that the trustee has not been able to sell said note and

REGULAR JANUARY 1942 TERM

DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA

WEDNESDAY, AUGUST 5, 1942

and the mortgage securing the same for a greater sum, and has not been able to obtain a commitment for a greater sum for the refinancing of said indebtedness, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to accept the sum of Two Thousand Dollars (\$2,000.00), as payment and satisfaction in full for the mortgage indebtedness of C. J. Bullers and Blanche C. Bullers, as makers of said note and mortgage, and Bessie A. Henderson as the present owner of the real estate securing said indebtedness.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, surrender said note evidencing said indebtedness executed by C. J. Bullers and Blanche C. Bullers, and execute and deliver a release of the real estate mortgage covering the real estate above described, dated January 14, 1929, upon payment to him of the sum of Two Thousand Dollars (\$2,000.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to J. E. Blair the sum of One Hundred Dollars (\$100.00) as compensation in full for his services as real estate broker in said transaction.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Aug 5 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to August 6, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

THURSDAY, AUGUST 6, 1942

On this 6th day of August, 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. Manzy, United States Attorney
John P. Logan, United States Marshal

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

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

ELLA KNEEDLER,)
v.) No. 732 Civil
Mayme Shirk,)
Plaintiff,)
Defendant.)

J U D G M E N T

Now on this 3rd day of July, 1942, this matter coming on for hearing on the motion of the United States of America for confirmation of report of commissioners, and the United States

of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and the plaintiff appearing by J. S. Severson, and the Court being fully advised in the premises finds that Ben O. Kirkpatrick, T. G. Grant, and J. F. Pickens were duly appointed as commissioners in this action and that they have taken the oath prescribed by law, which has been regularly and duly filed herein, and that they have duly gone upon and personally inspected the real estate and premises involved in this action described as follows, to-wit:

The Southwest Quarter of the Southwest Quarter of Section 19,
Township 19 N., Range 13 E., Tulsa County, State of Oklahoma,

and have duly found and reported that said aforescribed real estate and premises can be partitioned without manifest injury to the owners thereof, and the Court finds that the motion to confirm the report of commissioners should be sustained.

The Court further finds that plaintiff, Ella Kneedler, should receive as her share of the property involved in this action the following real estate, to-wit:

The Southwest Quarter of the Southwest Quarter of the Southwest Quarter
and the Northeast Quarter of the Southwest Quarter of the Southwest
Quarter of Section 19, Township 19 N, Range 13 E, Tulsa County, State of
Oklahoma;

and that the defendant, Mayme Shirk, should receive as her share the following described real estate, to-wit:

The Southeast Quarter of the Southwest Quarter of the Southwest Quarter,
and the Northwest Quarter of the Southwest Quarter of the Southwest Quarter
Section 19, Township 19 N, Range 13 E, Tulsa County, State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the report of commissioners is hereby in all things ratified, confirmed and approved by the Court and that the real estate and premises involved in this action are hereby ordered partitioned among the parties hereto as follows:

To Ella Kneedler - The Southwest Quarter of the Southwest Quarter of the
Southwest Quarter and the Northeast Quarter of the Southwest Quarter
of the Southwest Quarter of Section 19, Township 19 N, Range 13 E, Tulsa
County, State of Oklahoma;

To Mayme Shirk - The Southeast Quarter of the Southwest Quarter of the
Southwest Quarter, and the Northwest Quarter of the Southwest Quarter of the
Southwest Quarter, Section 19, Township 19 N, Range 13 E, Tulsa County,
State of Oklahoma;

such partition to be and remain final and effectual forever.

It is further ordered that the costs and expenses herein, including fees allowed the commissioners, be assessed in equal proportion to the plaintiff and the defendant.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 6 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

ALEX H. HENDRICKS,	Plaintiff,)
)
vs.		) No. 751 Civil
)
Phillips Petroleum Company, acorporation,)
et al.,	Defendants.)

ORDER APPOINTING GUARDIAN AD LITEM FOR THE DEFENDANT CLAY H. FORTNEY

Now on this the 6 day of August, 1942, there coming on for hearing the motion of the plaintiff for an order appointing a Guardian Ad Litem, for the defendant Clay H. Fortney, and the court having heard said motion, the proof offered, and the argument of counsel and being fully advised finds:

That said defend nt was duly and properly served with summons according to law by the United States Marshal of the Northern District of Oklahoma, and that said defendant is an Incompetent person, all of which appears from the return of said Marshal dated the 22nd day of June, 1942, and that it is necessary that a guardian ad litem be appointed in his behalf.

It is therefore ordered adjudged and decreed by the court that Eugene Rust a competent person, and an attorney of this court be and he is hereby appointed Guardian Ad Litem for said defendant Clay H. Fortney, and that he make proper defense in his behalf.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 6 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. 831 - Civil
)
Certain Parcels of Land situate in the County)
of Tulsa, State of Oklahoma, and Cyrus S. Avery,)
et al.,	Respondents.)

ORDER AMENDING PROCEEDINGS AS TO TRACT NO. 13-A

Now on this 6 day of August, 1942, there is presented to this Court a Stipulation and Agreement for Amendment to Proceedings as to Tract No. 13-A in the above entitled proceeding;

The Court finds that said proceedings should be amended so that as to the said Tract 13-A the estate to be acquired in the lands by this proceeding shall be only the full recognition of the right of the United States temporarily to use the said trust to permit drainage during construction of the highway and public works for which order lands involved in this proceeding are being acquired.

of the following described real estate in Washington County, Oklahoma, to-wit:

The south half of the southeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of the southwest quarter in Section 24, Township 27 North, Range 13 East, containing 30 acres more or less,

and also,

The northeast quarter of the northwest quarter of the southeast quarter of Section 19 and the southwest quarter of the southwest quarter of the southwest quarter of Section 20 and the East half of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of the northwest quarter and the southwest quarter of the northwest quarter of Section 29, all in Township 28 North, Range 14 East, containing 90 acres more or less,

And it further appears that the court appointed J. F. Pickens, Elmer Vick, and C. C. Weber as commissioners to make partition of said real estate in accordance with the order of court and pursuant thereto said commissioners took the oath as required by law and viewed said real estate and have filed their report on August 4, 1942, from which it appears that they found and reported that said real estate cannot be partitioned in accordance with the interests of the parties as found by the court without manifest injury and thereupon they made a valuation and appraisement of said real estate and appraised and valued the first above described thirty acres at \$450 and the second above described ninety acres at \$1,670.

And the Court further finds that time should be given for any one of the parties to elect to take said real estate at its appraised value if so desired as provided by law.

IT IS THEREFORE considered, adjudged and ordered by the court that further action upon the report of said commissioners be and the same is hereby withheld and the interested parties are now given five days from this date in which to elect to take said property at its appraised value as provided by law.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 7 1942
H. P. Warfield, Clerk
U. S. District Court H

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

BROOKER ENGINEERING CO., a Michigan Corp.,	Plaintiff,)	
		)	No. 646 Civil
vs.)	
GRAND RIVER DAM AUTHORITY, a corp. et al,	Defendants.)	

"O R D E R"

On this 7th day of August, 1942 this matter comes on for hearing on the Motion of the defendant Massman Construction Company, a corporation, to dismiss for failure to state a cause, and the Court having had this matter under advisement for several weeks, and having examined the authorities, finds that said Motion should be sustained.

BE IT THEREFORE, ORDERED, ADJUDGED AND DECREED that the Motion of the Massman Construction Company to dismiss the petition of the plaintiff against it for failure to state a cause, be and the same is hereby sustained, to which action of the Court in sustaining said motion plaintiff excepts, and its exception is noted and saved.

DATED the day and year first above written.

ROYCE H. SAVAGE
JUDGE

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

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

Lucy Sawney, Polly Sawney, Neva Sawney, Joe Sawney, and Franklin Sawney, the last three being minors, by Lucy Sawney, their next friend,	Plaintiffs,)	
vs.		)	NO. 699 Civil
Samuel Sawney if living, and if dead, the heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Samuel Sawney, deceased; and the State of Oklahoma and J. A. Bockman and E. J. McAdams,	Defendants.)	
United States of America,	Intervener.)	

JOURNAL ENTRY

Now on this 7 day of August, 1942 come the plaintiffs by H. F. Fulling, their attorney and comes also the United States of America by Whit Y. Mauzy, United States Attorney and it appears and the court finds that on the 27th day of July, 1942, this court made an order for the partition of the following described real estate in Tulsa County, Oklahoma, to-wit:

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

ALFRED J. DIESCHER, ET AL,	Plaintiffs,)
)
vs.		) No. 857
)
Sinclair Prairie Oil Company, a corporation,)
et al.,	Defendants.)

O R D E R

Now on this 7th day of August, 1942, this cause coming on for determination upon the motion filed by the plaintiffs to remand this cause to the District Court of Tulsa County, Oklahoma, the plaintiffs appearing by their attorneys and the defendant Sinclair Prairie Oil Company appearing by its attorneys, and said cause having been argued and submitted to the Court, and the Court having been fully advised in the premises does hereby overrule said motion to remand;

And this cause coming on for further hearing upon the special appearance and objection to the jurisdiction of the person of the defendant Phillips Petroleum Company, filed herein by Phillips Petroleum Company, and the special appearance and objection to the jurisdiction of the person of the defendant Sinclair Prairie Oil Company filed herein by the defendant Sinclair Prairie Oil Company, the Court, after hearing the argument of counsel and being fully advised in the premises, hereby overrules each of said motions and orders that said defendants file their respective answers in this cause within thirty (30) days from the date hereof; exceptions allowed, both plaintiffs and defendants.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Aug 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

Court adjourned to August 8, 1942

On this 8th day of August, 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:

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

United States of America,	Plaintiff,)	
)	
vs.		)	No. 652 Civil Tract No. A-44,
		)	V. W. Purcell
John M. Niehaus, Jr., et al,	Defendants.)	

ORDER VACATING JUDGMENT AS TO V. W. PURCELL AND
GRANTING HIM RIGHT TO TRIAL BY JURY

This cause coming on for hearing before me, Royce H. Savage, Judge of the said Court, on the application of V. W. Purcell for an order modifying the decree heretofore entered by vacating the same insofar as movant V. W. Purcell is concerned and granting him the right to trial by jury;

And the plaintiff appearing by Whit Y. Mauzy, United States Attorney, and the defendant V. W. Purcell appearing by his attorneys, Merle G. Smith and Spillers & Spillers by B. C. Spillers;

And all parties having announced ready to proceed, and the court having heard the arguments of counsel and being fully advised in the premises finds that the motion should be sustained.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the motion of V. W. Purcell for an order vacating the decree heretofore entered in this cause insofar as he is concerned and granting him the right to trial by jury be, and the same is hereby sustained, and the decree heretofore entered insofar as it affects the rights of the defendant V. W. Purcell be and the same is hereby vacated, set aside and held for naught, and the said defendant V. W. Purcell is hereby granted the right to trial by jury, the date of the setting of the trial to be hereafter made in regular jury assignment.

Dated this the 7th day of August, 1942.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 8 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to August 10, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, AUGUST 10, 1942

On this 10th day of August, A. D. 1942, the District Court of the United States in and for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer and Hon. Royce H. Savage, Judges, present and presiding.

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

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

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 DISTRIBUTION AS TO TRACT B-28

Now on this 10 day of August, 1942, this cause came on to be heard, and the Court having been fully advised in the premises finds that a distribution of funds in partial payment for the crops growing on Tract B-28 at the time of taking should be made.

IT IS, THEREFORE, ORDERED that the Clerk issue a check in the sum of \$200.00 payable to the order of Roy Peters.

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 10 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 OF AMERICA,

Petitioner,)

-vs-)

CIVIL NO. 798

CERTAIN PARCELS OF LAND IN MAYES COUNTY,
OKLAHOMA: and Dora E. Warner, et al., Defendants.)

ORDER FIXING INTEREST, DECREERING JUST COMPENSATION AND MAKING
DISTRIBUTION OF FUNDS AS TO TRACT NO. 1 (306 - 7.1)

NOW, on this 10th day of August, 1942, there coming on for hearing the application of the defendant, J. Q. Foote, for an order fixing interest, decreeing just compensation and making distribution as to Tract No. 1 (306 - 7.1), and the Court being fully advised in the premises, finds:

That the defendant, J. Q. Foote, is the tenant on the land described as Tract No. 1 (306 - 7.1); that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$84.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, J. Q. Foote, tenant on Tract No. 1 (306 - 7.1) in writing, agreed to release and discharge the petitioner from any and all demands and claims for damages upon the payment of the sum of \$20.00, which was accepted by the petitioner.

The Court further finds that the sum of \$20.00 is just compensation for the injuries and damages sustained by said defendant, J. Q. Foote, as tenant on Tract No. 1 (306 - 7.1).

IT IS, THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant J. Q. Foote, is the tenant upon the land described as Tract No. 1 (306 - 7.1), and that the sum of \$20.00 is just compensation for the damages sustained by the defendant, J. Q. Foote, tenant upon said Tract No. 1 (306 - 7.1).

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution from the funds deposited as just compensation for the taking of said tract, as follows, to-wit:

J. Q. FOOTE	
tenant,	
Tract No. 1 (306 - 7.1)	\$20.00

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court
Aug 10 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 OF AMERICA,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 798
)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA;)	
and Dora E. Warner, et al.,	Defendants.)	

ORDER FIXING TITLE, DECREEBING JUST COMPENSATION AND MAKING
DISTRIBUTION AS TO TRACT NO. 2 (306 - 7.2)

NOW, on this 10th day of August, 1942, there coming on for hearing the application of the defendant, Georgia Nall, one and the same person for an order fixing title, decreeing just compensation and making distribution as to Tract No. 2 (306 - 7.2), and the Court being fully advised in the premises, finds:

That the defendant, Georgia Nall, one and the same person, as Ada N. Ricks, nee Nall, was the owner of the land designated as Tract No. 2 (306 - 7.2) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$80.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

WorksAgency, of counsel; and the Court being fully advised in the premises, and having heard the statements of counsel finds.

That the objections of the defendant H. P. Warfield, requiring the petitioner to make a more definite statement setting forth the character and extent of the use of the lands taken by the petitioner, should be denied; that the request of the defendant for permission to present that part of his objections, as to the necessity, utility and expediency of the taking of the defendant's land for the purposes set forth in the petition, after the commissioners appointed herein have made and filed their report, should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the objections of the defendant, H. P. Warfield, for a more definite statement as to the character and extent of the use of the lands taken by petitioner, be, and they are hereby denied.

IT IS FURTHER ORDERED that the defendant, H. P. Warfield, is hereby granted the right to present his objection questioning the necessity, utility and expediency of the taking of his land by the petitioner, after the filing of the commissioners' report in this proceeding.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 10 1942
H. P. Warfield, Clerk
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.)
		) NO. 802 Civil
Phylis Brokey, E. E. Richardson, and Unknown)
Heirs, Executors, Administrators, Devisees,)
Trustees and Assigns, immediate and remote,)
of Mabel Brokey, deceased,	Defendants.)

JOURNAL ENTRY

This matter coming on for hearing this 10 day of August, 1942, in its regular order, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendant Phylis Brokey, a minor, appearing by her duly appointed, qualified and acting guardian ad litem, C. S. Fenwick, and all parties present announce ready for trial; the court finds that the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Mabel Brokey, deceased, have been duly and lawfully notified of the pendency of this action as required by law, by means of publication service, and that all of said parties are in default; the court further finds that the defendant E.E. Richardson is dead, and was deceased at the time of the institution of this action; the court after the introduction of the evidence and after being fully advised in the premises, finds that Phillip Brokey is the owner of the following described real estate, to-wit:

Lot Twelve (12), Block Twelve (12), Riverside Drive Addition to the City of Tulsa, Tulsa, County, Oklahoma, according to the third (3rd) amended recorded plat thereof.

free and clear of any claim of any of the defendants whatsoever.

The court further finds that Mabel Brokey left as her sole and surviving heirs.

Phillip Brokey, and an adopted daughter, Phylis Brokey; the court further finds that Phylis Brokey possesses no Indian blood and therefore is disqualified from inheriting any Osage Indian property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sole and surviving heirs of Mabel Brokey, deceased, are Phillip Brokey, surviving husband, and Phylis Brokey, an adopted daughter, who possesses no Indian blood and is incapable of inheriting any Osage restricted property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Phillip Brokey is the owner of the following described real estate, to-wit:

Lot Twelve (12), Block Twelve (12), Riverside Drive Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the third (3rd) amended recorded plat thereof,

free and clear of any interest whatsoever of any of the defendants in and to said real estate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Phillip Brokey is entitled to possession of said afore-described property, free and clear of any claim of any of the defendants to this action, and said defendants, or anyone, claiming by, through or under them, be and they hereby are, forever barred and estopped from asserting or attempting to assert any interest in or to said real estate of any part thereof.

IT IS THE FURTHER ORDER OF THE COURT that C. S. Fenwick guardian ad litem, be and he hereby is allowed the sum of \$100.00 for services rendered as guardian ad litem for the defendant Phylis Brokey, a minor, and

IT IS THE FURTHER ORDERED that said fee be assessed as costs and the same be and hereby is ordered paid.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 10 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-		) CIVIL NO. 806
)
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA; and R. D. Hudson, et al.,	Defendants.)

ORDER APPOINTING COMMISSIONERS

NOW, on this 10 day of Aug., 1942, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appearing to the Court that the United States of America has the power and authority to acquire, by eminent domain the lands hereinafter described and the acquisition of said lands is necessary for the management, operation and maintenance of the Grand River Dam Project, and for 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.

The Court finds that pursuant to the Act of August 1, 1888, 25 Stat. 357 (U.S.C. Title 40, Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 (U.S.C. Title 40, Secs. 258 (a) to 258 (e)); Title II of the Act of June 16, 1933, 48 Stat. 195, 200 (U.S.C. Title 23, Sec. 9 (b) and Title 40, Secs. 401-407, 409, 411, 413 and 414), as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 309); and Executive Order No. 8944, dated November 19, 1941, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States of America, title to all lands and interests in lands necessary for carrying out the purposes and objects set forth in said Executive Order No. 8944.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes 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, together with the perpetual easement and right to cut down, remove or trim any trees that may interfere with or endanger said transmission line or lines or the maintenance of operation thereof, together with the perpetual easement, right and privilege to set the necessary guy and brace poles and anchors and to attach all necessary guy wires thereto, upon, over and across the lands situate, lying and being in the County of Mayes, in the Northern District of the State of Oklahoma, and within the jurisdiction of this Court, and more particularly described by courses and distances, as follows, to-wit:

TRACT NO. 1 (306 - 1.3 Rev)
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T 23 N, R 21 E of the Indian Base and Meridian, in Mayes County, Oklahoma (except the following described tract of land, to-wit: "Beginning at the NE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, thence W 970 feet; thence S 300 feet; thence E 370 feet; thence N 267 feet; thence E 600 feet; thence N 33 feet to the point of beginning") the center line of which is described as follows, to-wit:

TRACT A:

Beginning at a point in the East boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 891.4 feet from the NE corner thereof; thence Northwesterly to a point in the West boundary of the East 600 feet of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 270.6 feet from the NW corner thereof.

TRACT B:

Beginning at a point in the West boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 1238.6 feet from the SW corner thereof; thence Southeasterly to a point in the West boundary of the East 970 feet of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 173.2 feet from the NW corner thereof.

TRACT NO. 2 (306 - 1.3A)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the following described tract of land, to-wit: "Beginning at the NE corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 16, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, thence W 970 feet; thence S 300 feet; thence E 370 feet; thence N 267 feet; thence E 600 feet; thence N 33 feet to the point of beginning, the center line of said 100-foot strip being described as follows, to-wit:

Beginning at a point in the West boundary of the E 600 feet of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ 270.6 feet from the NW corner thereof; thence Northwesterly to a point in the West boundary of the East 970 feet of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ 173.2 feet from the NW corner thereof.

TRACT NO. 3 (306 - 2.0)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ AND THE SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T 23 N, R 21 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 NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 81.2 feet from the NE corner thereof; thence Northwesterly to a point in the West boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ 87.7 feet from the SW corner thereof.

TRACT NO. 4 (306 - 2.1)

A strip of land 100 feet in width in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 16, T 23 N, R 21 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 SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ 87.7 feet from the SE corner thereof; thence Northwesterly to a point in the West boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ 256.6 feet from the SW corner thereof.

TRACT NO. 5 (306 - 2.2)
Perpetual Easement

A strip of land 100 feet in width in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 16, T 23 N, R 21 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 SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ 256.6 feet from the SE corner thereof; thence Northwesterly to a point in the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ 425.5 feet from the SW corner thereof.

TRACT NO. 6 (306 - 2.3)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $W\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$ and the $NE\frac{1}{4}$ $SW\frac{1}{4}$, Sec. 16, T 23 N, R 21 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 $W\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$ 425.5 feet from the SE corner thereof; thence Northwesterly to a point in the West boundary of said $NE\frac{1}{4}$ $SW\frac{1}{4}$ 932.2 feet from the SW corner thereof.

TRACT NO. 7 (306 - 2.4)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$, Sec. 16, T 23 N, R 21 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 $N\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$, 272.2 feet from the SE corner thereof; thence Northwesterly to a point in the West boundary of said $N\frac{1}{2}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$, 50 feet from the NW corner thereof.

TRACT NO. 8 (306 - 3.1)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ and the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, Sec. 17, T 23 N, R 21 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 $N\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ 50 feet from the NE corner thereof; thence Northwesterly to a point in the West boundary of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 300 feet from the SW corner thereof.

TRACT NO. 9 (306 - 3.3)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $SW\frac{1}{4}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ $NW\frac{1}{4}$, $N\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$, and the $S\frac{1}{2}$ $NW\frac{1}{4}$ $NW\frac{1}{4}$, Sec. 17, T 23 N, R 21 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 $SW\frac{1}{4}$ $NE\frac{1}{4}$ 300 feet from the SE corner thereof; thence Northwesterly to a point in the North boundary of said $N\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$ 126 feet from the NW corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$ 4.4 feet from the NW corner thereof.

TRACT NO. 10 (306 - 4.1 Rev)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ South of the K. O. & G. R. R., Sec. 18, T 23 N, R 21 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 $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 4.4 feet from the NE corner thereof; thence Westerly a distance of 224 feet to a point in the East right-of-way line of said K. O. & G. R. R. right-of-way; said center line of the 100 feet right-of-way if projected Westerly would intersect the West boundary of said $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ at a point 50.4 feet South of the NW corner thereof.

TRACT NO. 11 (306 - 4.1 A Rev)
PERPETUAL EASEMENT

All that part of the $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ North of the I. O. & G. R. R. and the $S\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ except the K. O. & G. R. R. right of way, Sec. 18, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, particularly described as follows, to-wit:

TRACT A:

A strip of land 100 feet in width, the center line of which is described as follows, to-wit:

Beginning at a point in the West boundary of said $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, 50.4 feet from the NW corner thereof; thence Easterly a distance of 953 feet to a point in the West right-of-way line of said K. O. & G. R. R. right-of-way; said center line of the 100-ft strip if projected Easterly would intersect the East boundary of said $N\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ at a point 4.4 feet South of the NE corner thereof.

TRACT B:

The South 46 feet of that part of said $S\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ lying South of the K. O. & G. R. R.

TRACT NO. 12 (306 - 4.2)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$ and the $N\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, Sec. 18, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follow, go-wit:

Beginning at a point in the East boundary of said $N\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, 50.4 feet from the Northeast corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, 142.4 feet from the Northwest corner thereof.

TRACT NO. 13 (306 - 4.3)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ of Lot 2, Sec. 18, T 23 N, R 21 East 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 Lot 2, 142.4 feet from the Northeast corner thereof; thence Westerly to a point in the west boundary of said $N\frac{1}{2}$ of Lot 2, 182 feet from the Northwest corner thereof.

TRACT NO. 14 (306 - 5.1)PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$, Sec. 13, T 23 N, R 20 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 $N\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$, 182 feet from the N E corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} S\frac{1}{2} NE\frac{1}{4}$, 241.6 feet from the N W corner thereof.

TRACT NO. 15 (306 - 5.2)PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$, Sec. 13, T 23 N, R 20 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 $N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$, 241.6 feet from the NE corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$, 271.4 feet from the Northwest corner thereof.

TRACT NO. 16 (306 - 5.3)PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$, Sec. 13, T 23 N, R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows:

Beginning at a point in the East boundary of said $N\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$, 271.6 feet from the NE corner thereof; thence Westerly to a point in said $N\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$, 277 feet South and 1062 feet East of the NW corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} SW\frac{1}{4} NW\frac{1}{4}$, 266 feet from the NW corner thereof.

TRACT NO. 17 (306 - 6.1)PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$, Sec. 14, T 23 N, R 20 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 $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$, 266 feet from the NE corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$, 252.5 feet from the Northwest corner thereof.

TRACT NO. 18 (306 - 6.2)PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$, Sec. 14, T 23 N, R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, the centerline of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$, 252.5 feet from the Northeast corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$, 239 feet from the Northwest corner thereof.

TRACT NO. 19 (306 - 6.3)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$, Sec. 14, T 23 N, R 20 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 $N\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$, 239 feet from the Northeast corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$, 212 feet from the Northwest corner thereof.

It further appears that all of those persons claiming any interest in and to said lands adverse to the United States of America, and which said persons are defenants in this proceeding, have been duly served with notice of the hearing of the applicattion for the appointment of commissioners by this Court, according to law.

The Court specifically finds that the returns of the Marshals filed herein showing service of notice of the hearing on the application and petition for the appointment of commissioners are true and correct, and service was had as stated in said returns.

The Court further specifically finds that publication service was had according to order and the law made and provided in such cases, and the affidavit of the publisher as filed herein is hereby accepted and approved by the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that W. L. Mayes, of Mayes County, Oklahoma, C. E. Marshall, of Tulsa, County, Oklahoma and Elmer Vick, of Tulsa County, Oklahoma, each a disinterested freeholder in the Northern District of the State of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular jury list of names in this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants as the owners thereof or having any right, title or interest therein will sustain by reason of the condemnation and appropriation of a perpetual easement for the erection, operation and maintenance of a line or line of poles, h-frame structures, towers, or other structures, wires, cables and fixtures, for the transmission of electric current, together with the perpetual easement and right to cut down, remove and trim any trees that 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 and anchors and to attach all of the necessary guy wires thereto, upon, over and across said lands, by the petitioner, irrespective of any benefits from any improvements proposed, and said commissioners shall forthwith report in writing to the Clerk of this Court, setting forth the quantity and boundaries of said tracts, separately, and assessing the injury and damages to the owner or owners thereof.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report to the office of the Clerk of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 12 day of Aug., 42, at 10 o'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

IT IS FURTHER ORDERED that said commissioners so selected and appointed shall receive as compensation for their services the sum of Ten Dollars (\$10.00) per day, each, for each day of service in the performance of their duties and in additional thereto five cents (\$0.05) per mile for each mile traveled in the performance of their duties.

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

ENDORSED: Filed In Open Court
Aug 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
vs.)	
		)	No. 867 Civil
Certain Parcels of Land situate in the County)	
of Tulsa, State of Oklahoma, and Frank Jones,)	
et al.,	Respondents.)	

ORDER APPOINTING COMMISSIONERS

Now on this 10 day of August, 1942, the above cause comes on for hearing upon the petition of the United States of America for an order appointing commissioners in said cause. And it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain the lands hereinafter described, and that the acquisition of said lands is necessary for the United States of America for the construction and improvement of access roads to the Tulsa Aircraft Plant, and for such other uses as may be authorized by Congress or by Executive Order, under and by reason of the Acts of Congress, as set forth in the Petition for Condemnation filed herein.

Petitioner has heretofore instituted proceedings for the taking of said lands herein involved, and hereinafter described, by eminent domain.

It further appears that it is necessary, convenient, and expedient in the furtherance of justice that commissioners be appointed to appraise said real estate at this time without further delay.

Said lands are described as follows:

Tracts of land lying and being in the County of Tulsa, State of Oklahoma, and more particularly described as follows:

TRACT NO. 7

Being a strip, piece or parcel of land lying in Lot 4 of Section 6, Township 19 North, Range 14 East, in Tulsa, County, Oklahoma, particularly described as follows: Beginning at the northwest corner of said Lot 4; running thence East along the north line of said Lot 4 a distance of 80 feet to a point; thence South 0 degrees 03 minutes West a distance of 315.9 feet to a point; thence South 44 degrees 57 minutes East a distance of 347.2 feet to a point 325.5 feet East of the west line of said Lot 4 and 100 feet north of the south line of said Lot 4; thence East on a line parallel to and 100 feet north of said south line a distance of 674.9 feet to a point; thence due south a distance of 40 feet to a point; thence East on a line parallel to and 60 feet north of the south line of said Lot 4 a distance of 240 feet to a point on the east line of said Lot 4; thence South along said east line a distance of 60 feet to the southeast corner of said Lot 4; thence West along the south line of said Lot 4 a distance of 1240 feet to the southwest corner of said Lot 4; thence North along the west line of said Lot 4 a distance of 660.3 feet to the point or place of beginning, containing 3.62 acres, more or less, of new right-of-way, the remaining area included in the above description being the present 33-foot right-of-way along the west side of said Lot 4 and the present 30-foot right-of-way along the south line of said Lot 4, as shown by plat "Lands proposed to be acquired through condemnation proceedings for Access Road Project Tulsa County, Oklahoma, Oklahoma Project DA-WI 4-A (1)", copy of which is attached to the Declaration of Taking filed herein.

Tract No. A-7

Being a strip, piece or parcel of land lying in Lot 4 of Section 6, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, particularly described as follows; Beginning at a point

490 feet east of the west line of said Lot 4 and 100 feet north of the south line of said Lot 4; running thence due East a distance of 210 feet to a point; thence North 0 degrees 15 minutes East a distance of 560.3 feet; to a point on the North line of said lot 4; thence West along said north line a distance of 210 feet to a point; thence South 0 degrees 15 minutes West a distance of 560.3 feet to the point or place of beginning; ALSO, Beginning at a point 80 feet east of the west line of said Lot 4 and 289.8 feet south of the north line of said Lot 4; running thence South 0 degrees 03 minutes West a distance of 26.1 feet to a point; thence South 44 degrees 57 minutes East a distance of 35.4 feet to a point; thence North 0 degrees 03 minutes East a distance of 51.1 feet to a point; thence due West a distance of 25 feet to the point or place of beginning; containing in both parcels 2.72 acres, more or less, as shown by plat "Lands proposed to be acquired through condemnation proceedings for Access Road Project Tulsa County, Oklahoma, Oklahoma Project DA-WI 4-A(1)", copy of which is attached to the Declaration of Taking filed herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Ben O. Kirkpatrick of the City of Tulsa, Tulsa County, Oklahoma; T. G. Grant of the City of Tulsa, Tulsa County, Oklahoma; and Kenneth Crouch of the City of Tulsa, Tulsa County, Oklahoma, disinterested freeholders of said district, and not interested in any like question, be, and they are hereby appointed as commissioners to forthwith inspect said real property hereinabove described, and consider the fair, cash, market value of said real estate, and estate therein taken, and award said fair, cash, market value to the respondents in this cause.

Said Commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law, and to immediately inspect said property as provided by law, and file their report herein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 10 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.) No. 877 Equity
EXCHANGE NATIONAL COMPANY, a corporation,)
et al., Defendants.)

ORDER AUTHORIZING TRUSTEE TO SELL NOTE AND ASSIGN MORTGAGES

On this 10th day of August, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to sell the note and assign the mortgages securing the same; and it appearing that heretofore, pursuant to an appropriate order entered herein, the said J. H. McBirney, Successor Trustee, was authorized to settle and adjust the indebtedness of Tankersley Investment Company for the sum of Ninety Thousand Dollars (\$90,000.00), the proceeds of a loan obtained by the Tankersley Investment Company from The RFC Mortgage Company, and the execution and delivery by Tankersley Investment Company of a note, payable to J. H. McBirney, Successor Trustee, for the principal sum of Twenty Two Thousand Five Hundred Dollars (\$22,500.00), said note to be secured by a real estate and chattel mortgage, subject to the prior and superior mortgages executed by Tankersley Investment Company and delivered to The RFC Mortgage Company; and it further appearing that the only maker of said note is

Tankersley Investment Company, and that the only assets of Tankersley Investment Company consist of the said apartment building and the furniture and furnishings therein contained, described in the application on file herein; and it further appearing that no payments have been made upon said note by Tankersley Investment Company; and it further appearing that the mortgages obtained by J. H. McBirney, Successor Trustee, restrict foreclosure of said mortgage and require the affirmative consent to foreclose from The RFC Mortgage Company; and it further appearing that there is due upon said first and prior mortgage held by the RFC Mortgage Company the approximate sum of Seventy Five Thousand Nine Hundred Twenty Six & 50/100 Dollars (\$75,026.50); and it further appearing that said trust is in liquidation, and it is to the best interest of the said trust and its beneficiaries to dispose of all of the assets of said trust; and it further appearing that J. H. McBirney, Successor Trustee, has an offer from Mary Tankersley for the purchase of said note and the mortgages securing the same, for the sum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00), and that said sum is the highest and best sum offered said trustee for said note and mortgages; and it further appearing that the members of the Advisory Committee have been notified of said offer of purchase, and have approved the same and recommended that the trustee sell said note and the mortgages securing the same, for said sum, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Mary Tankersley that certain promissory note, execute by Tankersley Investment Company, on the 11th day of April, 1939, for the principal sum of Twenty Two Thousand Five Hundred Dollars (\$22,500.00), for the sum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00), said sale to be without recourse in any event.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to endorse said note, without recourse in any event, as well as to assign, without recourse, the said real estate mortgage and chattel mortgage, of even dates, executed by Tankersley Investment Company, securing said promissory note, and to deliver the same to Mary Tankersley, upon payment to him of the sum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00).

F. E. KENNAMEY
United States District Judge

ENDORSED: Filed Aug 10 1942
H. P. Warfield, Clerk
U. S. District Court LN

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,)
		) No. 877 - Equity
vs.)
)
EXCHANGE NATIONAL COMPANY, a corporation,)	
Defendants.)	

ORDER FIXING AMOUNT OF LIQUIDATING DIVIDEND

On this 10th day of August, 1942, upon the oral application of J. H. McBirney, Successor Trustee, for a determination of the amount to be immediately paid as a liquidating dividend, and it appearing that an order has heretofore been entered herein requiring the said trustee to pay a final liquidating dividend in the amount of three per cent (3%), or more; and it appearing that it will be necessary for the trustee to retain certain funds because of the pendency of a case on appeal to the

Supreme Court of the State of Oklahoma, as well as for future contingent liabilities and litigation; and it appearing that the said trustee should pay only a threeper cent (3%) dividend as of the date hereof, and for other good cause,

IT IS ORDERED, that J. H. McBirney, Successor Trustee, be and he is hereby authorized and directed to pay to the holders of guaranteed first lien participation certificates, issued by the Exchange National Company, a liquidating dividend of three per cent (3%), and that he retain and hold the remainder of the funds of said trust pending the further order of the court.

IT IS FURTHER ORDERED that J. H. Mc Birney, Successor Trustee, immediately take all necessary action for the payment of said dividend hereinabove fixed.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Aug 10 1942
H. P. Warfield, Clerk
U. S. District Court

Court adjourned to August 12, 1942

On this 12th day of August, 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:

MISCELLANEOUS - ORDER APPOINTING W. PORTER SMITH, U. S. COMMISSIONER.

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

In the matter of the)
Appointment of United)
States Commissioner,)
Tulsa, Oklahoma.)

O R D E R

The Court being sufficiently advised in the premises does hereby appoint W. Porter Smith of Tulsa, Oklahoma, United States Commissioner in and for the Northern District of Oklahoma with headquarters at Tulsa, Oklahoma, for the discharge of duties of said office as provided below.

IT IS THEREFORE by the Court that said W. Porter Smith be, and he is hereby appointed United States Commissioner for the Northern District of Oklahoma, with headquarters at Tulsa, Oklahoma, for the term of four (4) years, commencing the 12th day of August, A. D. 1942, or until the

checks issued payable to the individual parties.

IT IS , THEREFORE, ORDERED that Check No. 1475, in the sum of \$3,757.00 be, and the same is hereby cancelled, and the Clerk is directed to cancel same.

IT IS FURTHER ORDERED THAT THE Clerk issue checks as follows:

Mabel Worsham	\$893.75
John Hogan	178.75
Ruth Hogan	178.75
Karl Hogan	178.75
Phillip Hogan	178.75
Eva M. Hogan	178.75
Neva H. Talbot	893.75
W. A. Hancock	297.91
Neva Gray	85.12
Nina Kellø	85.12
Fonola Hancock	85.12
Patty Dever	85.12
Mary Ann Hancock Lowry	85.12
W. Hogan Hancock	85.12
John Hancock	85.12

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 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

ROY P. HULL, Trustee in Bankruptcy of George W. Sprenger, Bankrupt,	Plaintiff,)	
		)	Civil No. 859
vs.)	
Anna Brehm,	Defendant.)	

ORDER EXTENDING TIME TO FILE ANSWER

Now on this 12 day of August, 1942, on the application of the attorney for the defendant, the defendant is given twenty days from August 14, 1942, in which to file an answer herein.

Done in open court at Tulsa, Oklahoma, the day and year above written.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed Aug 12 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to August 13, 1942

On this 13th day of August, 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:

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

RALPH W. WHITE, ADMINISTRATOR, ET AL., Plaintiffs,)
vs.) No. 836 Civil
Sinclair Prairie Oil Company, et al.,)
Defendants.)

O R D E R

The above cause comes on for hearing upon various motions. The parties appearing by their counsel of record and after argument of counsel and the court being duly advised in the premises, it is

ORDERED that plaintiffs' motion to remand be, and it is hereby overruled and denied and exception allowed plaintiffs.

It is further ORDERED that following the word "premises" the last four lines of paragraph seven of plaintiff's petition be stricken, and the balance of defendants' four separate motions be overruled and exceptions allowed both plaintiffs and defendants.

It is further ORDERED that defendants be granted twenty days from this date within which to answer plaintiff's petition. Dated August 7, 1942.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed Aug 13 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. 867 Civil
)
Certain Parcels of Land situate in the)
County of Tulsa, State of Oklahoma, and)
Frank Jones, et al,	Respondents.)

ORDER FOR PAYMENT TO COMMISSIONERS

Now on this 13th day of August, 1942, it appears to the Court that on the 10th day of August, 1942, Ben O. Kirkpatrick, T. G. Grant and Kenneth Crouch were appointed by the Court as appraisers in the above entitled and numbered cause, and pursuant to said appointment did serve as appraisers and fix the value of the real estate being taken by eminent domain and filed their report herein on the 10th day of Aug., 1942.

It further appears to this Court that the above named are entitled to compensation for such services rendered, in the following amounts set opposite each of their names, respectively:

Ben O. Kirkpatrick	\$50.00
T. G. Grant	\$50.00
Kenneth Crouch	\$50.00

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said Ben O. Kirkpatrick, T. G. Grant, and Kenneth Crouch receive for their services rendered in the above entitled and numbered cause, as appraisers, the sums and amounts set opposite each of their names hereinbefore.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to August 14, 1942

On this 14th day of August, 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:

MISCELLANEOUS - ORDER APPOINTING PROBATION CLERK.

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

IN THE MATTER OF THE APPOINTMENT)
Of Probation Stenographer)

O R D E R

I, Royce H. Savage, Judge of the United States Court for the Northern District of Oklahoma, do hereby appoint Catharine Jeanne Fixmer of Tulsa, Oklahoma, Stenographer - Clerk in the Probation Office for the Northern District of the State of Oklahoma, to serve until further order of Court, beginning August 15, 1942.

ROYCE H. SAVAGE
United States District Judge

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

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

Betsie Beaver, Plaintiff,)
v.) No. 705 Civil ✓
Leroy Proctor, Defendant.)

O R D E R

Now on this 14 day of Aug., 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 allotted to a restricted Cherokee Indian, 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 THIS COURT that the United States of America be and it hereby is granted permission to intervene in this cause of action.

ROYCE H. SAVAGE
JUDGE

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

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

M. M. VALERIUS,

Plaintiff,)

v.)

NO. 832 CIVIL

THE UNKNOWN HEIRS, EXECUTORS, ADMINISTRATORS,
DEVISEES, TRUSTEES, AND ASSIGNS, IMMEDIATE
AND REMOTE OF CE-KIE CARSELUKE, DECEASED,

Defendants.)

O R D E R

Now on this 14 day of Aug., 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 allotted to a restricted Cherokee Indian, and that the United States of America should be a party to this action,

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

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to August 17, 1942

On this 17th day of August, 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. 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 - APPOINTMENT OF ROY W. SMITH, PROBATION OFFICER.

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

IN THE MATTER OF THE APPOINTMENT OF PROBATION OFFICER.

O R D E R

At Tulsa, in the Northern District of Oklahoma on the 17th day of August, 1942,

before Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma; NOW, on this day comes on for consideration the matter of the appointment of a United States probation officer for the Northern District of Oklahoma and that Roy W. Smith of Tulsa, Oklahoma, is a suitable person to serve as probation officer within the jurisdiction of this court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Roy W. Smith of Tulsa, Oklahoma be appointed probation officer for the Northern Judicial District of Oklahoma until the further order of the Court.

DATE at Tulsa, Oklahoma, this 17th day of August, 1942.

ROYCE H. SAVAGE
Judge, U. S. District Court

ENDORSED: Filed Aug 17 1942
H. P. Warfield, Clerk
U. S. District Court

MISCELLANEOUS - OATH OF ROY S. SMITH, PROBATION OFFICER.

OATH OF OFFICE

U. S. DISTRICT COURT

PROBATION OFFICE

I, Roy W. Smith, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. SO HELP ME GOD.

ROY W. SMITH

Subscribed and sworn to before me this 17th day of August, A. D. 1942 at Tulsa, Oklahoma.
(SEAL)

ROYCE H. SAVAGE
United States District Judge

Position to which appointed - Probation Officer
Date of entrance on duty - August 17, 1942

ENDORSED: Filed Aug 17 1942
H. P. Warfield, Clerk
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Plaintiff,)
)
vs.		) NO. 516 Civil ✓
)
FRED G. DRUMMOND, ET AL,	Defendants.)

O R D E R

IT IS ORDERED this 17th day of August, 1942, that the above entitled action be re-opened and that the government be and hereby is, permitted to offer in evidence photostatic copy of the exceptions filed to the report of R. C. Drummond, guardian of Myron Bangs, a minor, and same be and hereby is admitted in evidence in said cause.

AND IT IS SO ORDERED.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Aug 17 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 ✓
		) Tracts No. D-35, D-45 and D-50
15,500 acres of land, more or less, situate in Mayes County, Oklahoma, and John M. Niehaus, Jr., et al,	Respondents.)

ORDER OF DISTRIBUTION ON TRACTS NO. D-35, 45 and 50

On this the 17th day of August, 1942, upon the application for an Order directing the Clerk of this Court to pay to Marlin W. Williams the sum of \$1350.00, being the amount due and unpaid upon the judgment entered herein in favor of Marlin W. Williamson the 8th day of June, 1942, at Vinita, Oklahoma, and it appearing that funds have been deposited in the registry of Court for the payment of balance of said judgment, and for other good cause.

IT IS ORDERED that H. P. Warfield, Clerk of this Court be and he is hereby authorized and directed to pay the sum of \$1350.00 to Marlin W. Williams from funds deposited in the Registry of the Court, in full payment and satisfaction of the balance due upon said judgment.

F. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 17 1942
H. P. Warfield, Clerk
U. S. District Court H

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

Lorinda Bushyhead, Myrtle Plunkett, nee Spaniard,)
Iva Ezell, nee Spaniard and Annie Nedson, now)
Mankiller, Plaintiffs,)

vs.)

NO. 672 CIVIL ✓

Charlŕe Bushyhead, if living, and Jack Spaniard,)
if living, and if dead, the heirs and unknown heirs,)
Executors, Administrators, Devisees, Trustees and)
Assigns, immediate and reote, of Charlie Bushyhead,)
deceased, and Jack Spaniard, deceased, and the)
State of Oklahoma and the United States of America,)
Defendants.)

JOURNAL ENTRY

Now on this 17 day of August, 1942, comes the plaintiffs by H. F. Fulling, their attorney and comes also the United States of America, Intervener, by Whit Y. Mauzy, United States Attorney, and plaintiff's motion to confirm report of commissioners and order sale of property is presented to the court from which it appears and the court finds that on the 29th day of October, 1941, this court made an order withholding approval of the report of the commissioners in partition filed herein on that date and gave ten days from that day for any of the parties to elect to take the real estate involved herein at its appraised value and it further appears that on the 17th day of April, 1942, an order was made approving said report and directing the sale of the following described real estate involved herein in Tulsa County, Oklahoma, to-wit:

The north half of the northeast quarter of the northeast quarter and the southeast quarter of the northeast quarter of the northeast quarter of Section 32, Township 22 North, Range 13 East, containing 30 acres more or less,

And the following described real estate in Washington County, Oklahoma, involved herein to-wit:

The northeast quarter of the Southwest Quarter of the northeast quarter and the west half of the southwest quarter of the northeast quarter and the southeast 10 acres of Lot 2 and the southwest 10 acres of Lot 2 and the north 20.85 acres of lot 2, Section 5, Township 27 North, Range 13 East, containing 70.85 acres more or less,

and appointed John P. Logan, United States Marshal for the Northern District of Oklahoma as Special Commissioner to sell said real estate who advertised said real estate and received a bid of \$301 for the real estate in Tulsa County but received no bid for the real estate in Washington County; that Fred E. Cooper bid the sum of \$301 for said real estate in Tulsa County, subject to the approval of title and of this Court but he objected to the title because the order directed the sales to be made at the Federal Buildings and were made at the County Court Houses and thereupon this court on June 29, 1942, disaffirmed said sale and vacated in its entirety the order made on April 17, 1942, and the plaintiff's motion to confirm said report of commissioners filed on October 29, 1941 and order the sale of said real estate in Tulsa County is now presented to the court and the court being duly advised finds that said motion should be sustained.

The court now further finds that at the time of said report of commissioners was filed herein on October 29, 1941, ten days were given for any of the parties to elect to take said real

estate at the appraised value and that said time has long since past and no election has been made and no objections made or appearing to said report of said commissioners.

IT IS THEREFORE considered, ordered, adjudged and decreed by the court that the report of J. F. Pickens, W. L. Mayes and Elmer Vick, commissioners appointed herein filed in this court on October 29, 1941, that said real estate involved and described herein cannot be partitioned among the parties without manifest injury and the appraisement thereof made by them be and the same is hereby in all things approved and affirmed.

It is further considered, ordered, adjudged and decreed by the court upon the said motion of the plaintiffs that said real estate in Tulsa County, Oklahoma, herein first above described should be and the same is hereby ordered sold in the same manner as in sales of real estate on execution as provided by law and now John P. Logan, United States Marshal for the Northern District of Oklahoma, is hereby appointed by the court as Special Commissioner to sell said real estate in Tulsa County, Oklahoma, at public sale at the Court House of Tulsa County, Oklahoma, the county in which said real estate is located for not less than two-thirds of \$450 the appraised value fixed by said commissioners; that he make previous publication of notice of such sale once a week for at least four weeks prior to such sale in at least one newspaper printed, regularly issued, and having a general circulation in said Tulsa County, Oklahoma, and that he sell said real estate to the highest bidder for cash in hand subject to the approval of title and the approval of this court and report his actions to this court and a certified copy of this order shall be his authority to act in the premises.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Aug 17 1942
H. P. Warfield, Clerk
U. S. District Court B

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

Ned Puppy, known also as Ned Flinn,
Maud Puppy, Lula Puppy, known also as
Lillie Puppy, Jack Puppy, Polly Puppy,
Whooley Puppy, Seeley Puppy, Lucy Puppy,
Ancy Puppy, Louise Puppy, and Sarah Puppy,
the last six being minors, and appear
and bring this action by Ned Puppy, their
next friend, Plaintiffs,

NO. 837 CIVIL

vs.

The Heirs, Executors, Administrators, Devisees,
Trustees and Assigns, immediate and remote
known and unknown of Annie Sawney, known also
as Annie Sawney Puppy and Annie Sawney Flinn,
deceased, and Freeman E. Hartzel, Sigmund H.
Rosenblatt, Helene Rosenblatt, Commodore Carr,
Chas. Sturdevant, E. H. Weber, Fred F. Pfeiffer,
A. E. Newell, Jesse R. Brown, B. H. Barber,
F. C. Zoelzer, Ella J. Burnham, William J. Baxter,
Geo. T. Chappee, W. W. Warnock, J. A. Hirsch,
Ben Canis, Karolina Schneider, Frank Skender,
Chas. A. Kuhn, Chas. Brase, Wm. R. Bardelmeier,

Henry A. Engleman, Rosannah Barco,)
 C. B. Wunderlich, Philip J. McCormick,)
 Mrs. Pearle Lukenbill, Mrs. Pearlie Lukenbill,)
 Mary C. Dripps, Margaretta McKinley,)
 Matilda Dripps, Chas. P. Renner, Toni Kagar,)
 Peter Zegar, M. C. Rossman,)
 and)
 Mathias C. Rossman, if living, and if dead,)
 their heirs and unknown heirs, executors, admin-)
 istrators, devisees, trustees and assigns,)
 immediate and remote;

and

the J. E. Crossman Oil and Development Company,
 a Corporation, if in existence, and if dissolved,
 its successors and unknown successors, trustees
 and assigns;

the State of Oklahoma and the United States of
 America, Defendants.

JOURNAL ENTRY

Now on this 17th day of August, 1942, come the plaintiffs by H. F. Fulling, their attorney and comes also the United States of America by Whit Y. Mauzy, United States Attorney and this cause having been regularly assigned for trial and hearing on this date comes on to be heard in its regular order and it appears and the court finds that this action was commenced by the plaintiffs in the District Court of Washington County, Oklahoma, on the 21st day of April, 1942, by the filing of their petition to which was attached two affidavits of H. F. Fulling, their attorney, to obtain service by publication upon all of the defendants except the State of Oklahoma and the United States of America and at the same time a praecipe for summons was filed and summons issued by the Clerk of said court to be served upon the State Tax Commissioner for service upon the defendant, State of Oklahoma, and at the same time original duplicate copies of notice to the Superintendent of the Five Civilized Tribes certified to by the Clerk of said Court, one of which the court finds was duly filed in said cause and one to be served by the United States Marshal upon the Superintendent of and for the Five Civilized Tribes at Muskogee, Oklahoma; that the affidavits to obtain service by publication were and are in all respects proper and as required by law; that the notice to and served upon the Superintendent of the Five Civilized Tribes was in all respects proper and as required by the Act of Congress approved April 12, 1926, and the same was duly and properly served by the United States Marshal upon the said Superintendent of the Five Civilized Tribes; that said summons was duly and properly served upon the State of Oklahoma as required by law and pursuant thereto the State of Oklahoma appeared and filed its disclaimer of any right, title, or interest in and to the property involved herein; that pursuant to said affidavit for publication, the Clerk of said District Court of Washington County, Oklahoma, gave notice by publication in the Morning Examiner of Bartlesville, Oklahoma, on April 23, 30, and May 7, 1942, all of which is more fully shown by the affidavit of the publisher of said paper and the court finds that said paper was authorized to make publication and that said notice by publication to all of said defendants was and is in all respects proper and as required by law and required said defendants to be and appear in said court and answer the petition of plaintiffs on or before the 4th day of June, 1942, or said petition would be taken as true and judgment given to determine the heirs of the decedent, Annie Sawney Puppy, known also as Annie Sawney Flinn and to quiet title to and for partition and possession of the real estate involved in this action; that within six days after the first publication of said notice the plaintiffs filed an affidavit showing that they did not know and with due diligence were unable to obtain the name or place of business of each and all of said defendants except the State of Oklahoma, and the United States of America; that by reason of said summons so issued and served upon the Tax Commissioner for the State of

Oklahoma, the notice to and served upon the Superintendent of the Five Civilized Tribes and the affidavit of notice given by publication to all of the other defendants, and each and all of them proper, in due form and as required by law, the District Court of Washington County, Oklahoma, obtain full and complete jurisdiction of all of said defendants.

The court now further finds that pursuant to the notice given to the Superintendent of the Five Civilized Tribes the United States of America filed its petition in said District Court of Washington County, Oklahoma, for removal of this cause and pursuant thereto this cause was by order of said court removed from the District Court of Washington County, Oklahoma, to this court and the same has been properly removed and now pending in this court and this court has full jurisdiction of this cause and all of the parties thereto.

The court further finds that none of the defendants have appeared either in person or by counsel or made any answer in the District Court of Washington County, Oklahoma, or in this court, except the defendant, State of Oklahoma, and the United States of America and that all of the defendants named above except the State of Oklahoma and the United States of America are, and are hereby adjudged to be, in default.

The court further finds that on July 10, 1942, the United States of America obtained and was given permission to file its complaint in intervention, and in paragraph six of which the United States of America objects to the jurisdiction of this court on the ground that this action was filed in the District Court of Washington County, Oklahoma, and removed to this court and that this court does not have jurisdiction to partition the real estate involved in this action, which objection of the United States of America is now by the court overruled, to which ruling the said United States of America excepts.

Evidence is now introduced upon the plaintiff's petition and the intervening petition of the United States of America and the court having heard all the evidence and being duly and sufficiently advised finds for the plaintiff that the material allegations of their petition are true; that the plaintiff, Ned Puppy, is also known as Ned Flinn and is a half-blood Cherokee Indian, Roll No. 30525; that he and Annie Sawney known also as Annie Flinn, a full blood Cherokee Indian, Roll No. 2130 were duly married in 1911 and lived together as husband and wife until her death; that as such full blood Cherokee Indian the United States of America allotted to the said Annie Sawney on March 31, 1909, by allotment deed recorded in Book "A" and "h" 14 at Page 349 in the office of the County Clerk of Washington County, Oklahoma, the following described real estate in Washington County, Oklahoma, to-wit

The northeast quarter of the southwest quarter
and the southeast quarter of the northwest quarter
of Section 5, Township 27 North, Range 14 East, containing 80 acres more or less,

and the said Annie Sawney then and there became the owner of said real estate in fee simple and so continued until the time of her death intestate in Adair County, Oklahoma, on March 30, 1939; that the said Annie Sawney known also as Annie Flinn upon her death left as her only heirs at law, the plaintiff Ned Puppy, her surviving husband and the plaintiffs, Maud Puppy now Eagle, and Lula Puppy, known also as Little Puppy, Jack Puppy, Polly Puppy, Whooley Puppy, Seeley Puppy, Lucy Puppy, Ancy Puppy, Louise Puppy and Sarah Puppy, their surviving and only children; that the last six above named children are minors and this action is brought for them by their father, and next friend, Ned Puppy; that all of said real estate was at the time of the death of Annie Sawney Puppy, restricted against alienation and encumbrances of whatsoever kind and tax exempt; that no administration has ever been had upon the estate of the said Anna Sawney Puppy and none is necessary as far as said real estate is concerned because it was restricted and tax exempt and no claim against her, or her estate, would be a claim or alien against said real estate and for the further reason that all claims against her or her estate, have been and are fully paid; that upon her death, the plaintiff, Ned Puppy, inherited, became and is now, the owner in fee simple of an undivided one-third (1/3) interest in and to said real estate and the other plaintiffs children of the said Annie Sawney Puppy, and Ned Puppy, each inherited, became and are now each the

owners in fee simple of an undivided one-fifteenth (1/15) interest therein; That said Ned Puppy is a half blood and said children each three-quarter blood Cherokee Indians.

The court further finds that on March 15, 1907, the said Annie Sawney Puppy purported to execute an oil and gas mining lease to the defendant, Freeman E. Hertzell, upon said real estate recorded in Book "G" at Page 71, in the office of the County Clerk, Washington County, Oklahoma, to run for fifteen (15) years, and as much longer as oil and gas should be produced in paying quantities, and on August 23, 1912, the said Freeman E. Hertzell, executed a release, purporting to release the oil and gas mining lease upon the said real estate, but the date of said lease is incorrectly given in said release as October 9, 1905, when he evidently intended to release the oil and gas mining lease dated March 15, 1907; that said release was recorded on August 26, 1912, in release record 2 at Page 365 in the office of the County Clerk of Washington County, Oklahoma, and the said Freeman E. Hertzell if living, and if dead, his heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, are each made parties to answer to any claim they, or any of them, have, or desire to make by reason of said Oil and Gas lease, and the court further finds that none of said parties have appeared or answered and have herein been adjudged in default and that the said Freeman E. Hertzell, if living, or his unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, have no right, title or interest in or to said real estate and that the plaintiffs are entitled to have said oil and gas lease cancelled and held for naught, and their title quieted against said parties and said lease.

The court further finds that on September 29, 1911, the defendant, Sigmund H. Rosenblatt, purported to execute a general Warranty deed to the defendant, Helene Rosenblatt for all of said real estate so allotted to and owned by the said Annie Sawney Puppy which deed is recorded in Deed Book 18, Page 553, in the office of the County Clerk, Washington County, Oklahoma; that said Sigmund H. Rosenblatt was not the owner of said real estate, and had no interest therein at the time he executed said general warranty deed, and said deed conveyed no interest in said real estate to the defendant, Helene Rosenblatt, and said deed, insofar as it pertains to said real estate of said Annie Sawney Puppy and the plaintiffs herein, should be cancelled and declared null and void; that the defendants Sigmund H. Rosenblatt and Helene Rosenblatt, if living, and if dead, their heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, are made parties to answer any claim they have or desire to make by reason of said deed or otherwise, but the court finds that they have defaulted herein and have no right, title, or interest in and to said real estate and the title of the plaintiffs should be quieted against each and all of them.

The court further finds that on April 21, 1916, said Annie Sawney, then Puppy, executed an oil and gas lease on said real estate to the defendants, Commodore Carr and Chas. Sturdevant recorded January 27, 1917, in Lease Book 8, Page 299 in the Office of the County Clerk of Washington County, Oklahoma, to run 10 years and as much longer as oil or gas is found in paying quantities and on May 19, 1925, the defendant, E. H. Weber, executed a release recorded June 16, 1925, in Mis. Rec. 54, Page 488, purporting to release said oil and gas lease but there is no assignment of record from said Commodore Carr and Chas. Sturdevant, to the said E. H. Weber or connecting chain of title to the said E. H. Weber, and the said Commodore Carr and Chas. Sturdevant and E. H. Weber, if living, and if dead, their heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, are made parties defendants, to answer as to any claim they or either of them may have or desire to make, against said real estate, because of said oil and gas lease and in this connection the court finds that said defendants have each defaulted herein and have no right, title, or interest in or to said real estate by reason of said oil and gas lease or otherwise, and said oil and gas lease should be declared cancelled and released and held for naught and the title of the plaintiffs quieted against the same and against the said defendants, Commodore Carr, Chas. Sturdevant and E. H. Weber, if living, and if dead, their heirs and unknown heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote.

The Court further finds that the defendant, J. E. Crossman Oil and Development Company, a corporation, executed General Warranty Deeds for undivided interests in the production from six leases, claimed to be owned by said Company on said real estate, to defendants, on the dates, and recorded in books at pages shown below to-wit:

To the defendant, Fred F. Pfeiffer, November 31, 1919, recorded February 21, 1920, Deed Book 42, Page 71, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, Fred F. Pfeiffer, December 11, 1919, recorded February 21, 1920, deed book 42, Page 76, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, M. E. Newall, January 10, 1920, recorded February 21, 1920, Deed Book 42, Page 75, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, M. E. Newell, August 13, 1920, recorded September 1, 1920, Deed Book 42, Page 417, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Jesse R. Brown, January 10, 1920, recorded February 21, 1920, Deed Book 42, Page 73, County Clerk's office Washington County, Oklahoma; and

To the defendant, B. H. Barber, December 10, 1919, recorded February 21, 1920, Book 42, Page 77, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, F. C. Zoelzer, March 5, 1920, recorded March 22, 1920, Book 42, Page 156, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Ella J. Burnham, November 12, 1919, recorded April 7, 1920, Deed Book 42, Page 166, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, William J. Baxter, March 5, 1920, recorded April 8, 1920, Deed Book 42, Page 171, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Geo. T. Chappee, December 11, 1919, recorded April 8, 1920, Deed Book 42, Page 175, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, W. W. Warnock, March 29, 1920, recorded April 12, 1920, Deed Book 42, Page 212, County Clerk's Office, Washington County, Oklahoma; and

To the defendant J. A. Hirsch, January 21, 1920, recorded August 25, 1920, Deed Book 42, Page 397, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, J. A. Hirsch, June 21, 1920, recorded August 25, 1920, Deed Book 42, Page 399, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Ben Canis, June 15, 1920, recorded August 25, 1920, Deed Book 42, Page 400, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Karoline Schneider, March 9, 1920, recorded August 26, 1920, Deed Book 42, Page 406, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, Karoline Schneider, March 24, 1921, recorded August 26, 1920, Deed Book 42, Page 406, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Frank Skender, on March 10, 1920, recorded August 26, 1920, Deed Record 42, Page 408, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, Frank Skender, March 24, 1921, recorded September 19, 1921, Deed Book 42, Page 379, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Chas. A. Kuhn, August 13, 1920, recorded September 1, 1920, Deed Book 42, County Clerk's Office, Washington County, Oklahoma; and

To the defendant Chas. Brase, August 13, 1920, recorded September 1, 1920, Deed Book 42, Page 420, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Wm. E. Bardelmeier, August 13, 1920, recorded September 7, 1920, Deed Book 42, Page 426, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Henry A. Engleman, on August 25, 1920, recorded September 25, 1920, Deed Book 42, Page 458, County Clerk's Office, Washington County, Oklahoma; and

To the defendat, Rosannah Barco, September 20, 1920, recorded January 14, 1921, Deed Book 42, Page 521, said County Clerk's Office, Washington County, Oklahoma; and

To the defendant, C. B. Wunderlich, July 23, 1920 recorded January 20, 1921, Deed Book 42, Page 629, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, C. B. Wunderlich, July 21, 1920, recorded January 21, 1921, Deed Book 42, Page 629, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Philip J. McCormick, October 1, 1920, recorded January 21, 1921, Deed Book 42, Page 630, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Mrs. Pearle, known also as Pearlie Lukenbill, March 5, 1920, recorded February 11, 1921, Deed Book 47, Page 20, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Mary C. Dripps, August 5, 1920, recorded February 21, 1921, Deed Book 47, Page 38, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, Mary C. Dripps, and the defendant, Matilda

Dipos, March 5, 1920, recorded February 21, 1921, Deed Book 47, Page 41, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Margaretta McKinley, April 14, 1920, recorded February 21, 1921, Deed Book 47, Page 39, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Chas. P. Renner, September 11, 1920, recorded March 30, 1921, Deed Book 47, Page 121, County Clerk's Office, Washington County, Oklahoma; and

To the same defendant, Chas. P. Renner, August 13, 1920, recorded March 30, 1921, Deed Book 47, Page 122, County Clerk's Office, Washington County, Oklahoma; and

To the defendants, Toni Zagar and Peter Zagar, January 13, 1921, recorded September 19, 1921, Deed Book 47, Page 381, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, H. C. Rossman, July 1, 1920, recorded October 14, 1922, Deed Book 50, Page 214, County Clerk's Office, Washington County, Oklahoma; and

To the defendant, Mathias C. Rossman, March 8, 1921, recorded October 14, 1922, Deed Book 50, Page 215, County Clerk's Office, Washington County, Oklahoma, and,

And the court further finds with reference to said purported conveyance by the defendant, J. E. Crossman Oil and Development Company, to said defendants as above set out that each and all of them were and are null and void because said Company had no right, title, or interest or lease in or upon said real estate and conveyed no interest whatsoever to said defendants but each of said Deeds casts a cloud upon the title of the plaintiffs and said defendant Company, and all of said defendants, grantees, above shown, have been made parties to answer as to any interest or claim they or any of them may have or desire to make, if in existence or living, and if said corporation is out of existence, or dissolved its successors, or unknown successors, trustees, and assigns, and said defendants, grantees in said instruments, if dead, their heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, are and all of them made parties to answer as to their interest or claim in or to said real estate, and each and all of them having failed to appear, and been adjudged in default, and the court finds that each and all of them have no right, title or interest in or to said real estate and all of said purported conveyances and instruments should be cancelled and held for naught and the title of the plaintiffs should be quieted against each and all of them.

The court further finds that the defendant, State of Oklahoma, was made a party to this action to answer as to any claim it might have or desire to make for inheritance or transfer taxes herein and in this connection, the court finds that the State of Oklahoma has appeared and filed its disclaimer and that all of the real estate of the said Annie Sawney Pupoy was worth less than \$15,000 and restricted and tax exempt and that the State of Oklahoma has no right, title, or interest in or to said real estate and the title of plaintiff should be quieted against the State of Oklahoma.

The Court further finds that each and all of the defendants named in the plaintiff's petition and in the complaint of intervention of the United States of America, if living, and if dead, their heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote and the J. E. Crossman Oil and Development Company, a Corporation, if in existence and if out of existence, or dissolved, its successors and unknown successors, trustees and assigns, have no right, title or interest in or to said real estate; that each and all of said defendants have been duly and properly served with notice of the pendency of this cause and have been defaulted and made no

appearance except the defendant, State of Oklahoma, by filing its disclaimer and the United States of America by filing its complaint in intervention; that the title of the plaintiffs in and to said real estate should be quieted and forever set at rest against each and all of said defendants, except the United States of America, and all persons claiming by, through or under them.

The court further finds upon the plaintiffs second cause of action, that they are entitled to have partition of said real estate if that can be done without manifest injury and commissioners appointed for that purpose and if said real estate cannot be partitioned in kind in accordance with the interests of the parties as herein found, that the commissioners make an appraisalment of said real estate as required by law and report back to this court.

The court further finds that the plaintiff's are entitled to immediate possession of said real estate and their respective interests, if partitioned in kind, but if sold, that said real estate be free of any right of possession of the plaintiffs.

IT IS THEREFORE, Considered, Adjudged and Decreed by the Court that the said real estate was duly, properly, and legally allotted to the said Annie Sawney Puppy, known also as Annie Sawney Flinn, who was a full-blood Cherokee Indian, Roll No. 2130 and by reason thereof she became the owner of said real estate in fee simple and died the owner thereof on March 30, 1939, and left as her only heirs at law, the plaintiffs, Ned Puppy, known also as Ned Flinn, her husband and her children, Maud Puppy, now Eagle, Lula Puppy, known as Lillie Puppy, Jack Puppy, Polly Puppy, Whooley Puppy, Seeley Puppy, Lucy Puppy, Ancy Puppy, Louise Puppy and Sarah Puppy, who inherited said real estate in fee simple and have each since been and are now the owners thereof in fee simple; that the plaintiffs Ned Puppy, known also as Ned Flinn, as a surviving husband, is the owner of an undivided one-third interest in said real estate and the other plaintiffs as children are each the owners of an undivided one-fifteenth interest therein; that said real estate was at all time and still is restricted and tax exempt and not subject to any claim against the said Annie Sawney Puppy or her estate; that no administration has been had upon her estate and none was or is necessary and that the plaintiffs inherited said real estate free and clear of all liens, claims, or encumbrances against the said Annie Sawney Puppy, or her estate, that the title of the plaintiffs in and to said real estate as herein found and adjudged be and the same is hereby quieted and forever set at rest against each and all of the above named defendants and all persons claiming by, under, or through them, except the United States of America; that all of the instruments or evidences of title of any of the defendants to any other person or persons, as herein before found, be and the same are each and all of them cancelled and held for naught and the title of the plaintiffs as herein found be and the same are hereby quieted and forever set at rest against each and all of them and against said instruments appearing of record; that the plaintiffs are entitled to have partition of said real estate and their respective interests set off to each of them if that can be done without manifest injury and for that purpose the court now appoints J. F. Pickens and Elmer Vick and C. C. Weber as commissioners, to make partition of said real estate and in case they find that the same cannot be partitioned in kind without manifest injury they are directed to make an appraisalment of said real estate; that they take the oath and report back to this court all as required by law; that in case partition of said real estate can and is made the plaintiffs have immediate possession of their respective interests against each and all of the defendants.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 17 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,

No. 877 Equity

vs.

EXCHANGE NATIONAL COMPANY, a corporation,
et al,

Defendants.

ORDER REDUCING TRUSTEE'S BOND

On this 17th day of August, 1942, it appearing that J. H. McBirney, Trustee herein, in conformity with the requirements of the order appointing said J. H. McBirney, Successor Trustee, entered herein, the said J. H. McBirney has obtained and maintained in force and effect a surety bond in the principal sum of Fifty Thousand Dollars (\$50,000.00); and it appearing that the said trust is in liquidation, and that substantially all of the assets of value have been liquidated; and it further appearing that the trustee has disbursed proceeds of said liquidation to the holders of the Guaranteed First Lien Participation Certificates issued by the Exchange National Company, all in accordance with orders entered herein; and it further appearing that the trustee has on hand a sum in excess of One Hundred Thousand Dollars (\$100,000.00), as of the date hereof, but that said trustee has been ordered to disburse a sum equal to three per cent (3%) of the face amount of said outstanding Guaranteed First Lien Participation Certificates, as well as the interest, as heretofore provided; and it further appearing that said disbursements to holders of said Guaranteed First Lien Participation Certificates shall be made on the 1st day of September, 1942, and that the said J. H. McBirney, Successor Trustee, shall distribute and disburse, on or about said date, a sum in excess of Ninety Thousand Dollars (\$90,000.00), and shall have on hand the approximate sum of Ten Thousand Dollars (\$10,000.00); and it further appearing that it is costly and burdensome to said trust estate to maintain in effect a surety bond in the amount of Fifty Thousand Dollars (\$50,000.00), and that after the disbursement ordered and directed as of September 1, 1942, a surety bond in the amount of Fifty Thousand Dollars (\$50,000.00) will be unnecessary, and that the said trustee should be required to maintain in effect a surety bond thereafter in the sum of Ten Thousand Dollars (\$10,000.00), and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby directed to surrender and cease to continue in effect a surety bond in the amount of Fifty Thousand Dollars (\$50,000.00), as heretofore ordered and directed by a decree herein, from and after September 15, 1942.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby required to execute and to file with the Clerk of this Court, a surety bond in the principal sum of Ten Thousand Dollars (\$10,000.00), on or before the 15th day of September, 1942.

F. E. MENTAMER
United States District Judge

ENDORSED: Filed Aug 17 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

Elizabeth Daniel Wallace, et al,	Plaintiffs,)	
)	
vs.		)	No. 1244 Equity
)	
Richard T. Daniel, Jr., et al,	Defendants.)	
)	
	<u>O R D E R</u>		

WHEREAS, A. C. Saunders, the duly appointed acting and qualified receiver, having on this the 17th day of August, 1942, filed in this court his final report as receiver, alleging that all of the indebtedness of said receivership has been paid, and that the receivership estate is ready to be closed and requests approval of his final report and his discharge as the receiver and a discharge of the bondsman of said receivership in its entirety.

It is hereby ordered that this matter be and the same is set for hearing in Vinita, Oklahoma, on the 26th day of August, 1942, and at the hour of nine-thirty o'clock A.M., and the receiver is ordered and directed to give notice of such hearing upon the final report of said receiver by publication in the Tulsa Daily Legal News, one issue and one time prior to the date of said hearing.

Dated this 17th day of August, 1942.

F. E. KENNAMER
JUDGE

ENDORSED: Filed Aug 17 1942
H. P. Warfield, Clerk
U. S. District Court JS

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)	
)	
vs.		)	No. 883 Law
)	
T. J. Ellis, Jr.,	Defendant.)	
)	
	<u>O R D E R</u>		

Now on this 17th day of August, 1942, this matter comes on before the Court, pursuant to regular assignment, the plaintiff, United States of America, appearing by Whit Y. Mauzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, T. J. Ellis, Jr., appearing in person and by his attorney, Norman, Barker, and after hearing statements and arguments on behalf of the plaintiff and on behalf of the defendant, and being fully advised in the premises, the Court finds that the motion on behalf of the plaintiff, United States of America, to revive the dormant judgment entered herein should be overruled because such motion was filed with neither the consent of the defendant nor within one (1) year after it became dormant as provided by Sections 1072 and 1078, Title 12, of the Oklahoma Statutes Annotated.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that said motion be,

and the same is, hereby overruled, to which the plaintiff excepts, and exception is, by the Court, allowed.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 18 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to August 18, 1942

On this 18th day of August, 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:

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

City of Barnsdall, Oklahoma, a Municipal)
corporation, Plaintiff,)
) No. 697 Civil
v.)
)
Cities Service Oil Company, a)
corporation, et al., Defendants.)

O R D E R

This matter came on for hearing on the Motion to Remand on December 5, 1941, with the parties present by their attorneys of record. After being continued from time to time for further argument and the court being fully advised in the premises, it is,

ORDERED that plaintiff's Motion to Remand be and it is hereby sustained and said cause is remanded to the District Court of Osage County, Oklahoma.

Dated August 18, 1942.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Aug 18 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Plaintiff,)
		) NO. 816 - CIVIL
vs.)
)
FRED W. GARDNER, ET AL,	Defendants.)

J U D G M E N T

This matter coming on for hearing this 18 day of August, 1942, and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and the court being fully advised in the premises, finds that due and lawful service has been obtained upon C. E. Page and Leonard Allsman, defendants, and that said defendants are in default. That this action should be dismissed as to Fred W. Gardner for the reason that he is deceased.

The court further finds that neither the defendant, C. E. Page nor Leonard Allsman are in the armed services of the United States.

The court further finds that by virtue of the terms and conditions of a farm and grazing lease entered into by Fred W. Gardner with the Osage Indians, that said Fred W. Gardner agreed to pay Three Hundred Dollars (\$300.00) per year rental for the following described real estate, to-wit:

West Half of Northeast Quarter and Northeast Quarter of Southeast Quarter and thirty (30) acres of the Northeast Quarter of Northwest Quarter of Northwest Quarter of Section One (1), Township Twenty-three (23), North, Range Eight (8) East.

That by the terms and conditions of said lease, the defendants C. E. Page and Leonard Allsman, as sureties, obligated themselves and agreed to pay to the plaintiff any sum due on said lease, default which might be made by the lessor, Fred W. Gardner, and that said defendants are jointly and severally liable for any unpaid rent. That the said Fred W. Gardner failed to pay the rent due October 1, 1930 in the sum of One Hundred Fifty Dollars (\$150.00), and that said defendants, C. E. Page and Leonard Allsman, by virtue of the execution of said lease agreement and the failure of said lessor to pay said rent are indebted for the said One Hundred Fifty Dollars (\$150.00) rental, with interest thereon at the rate of 6% per annum from the 1st day of October, 1930, until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have and recover judgment against the defendants, C. E. Page and Leonard Allsman, and each of them in the sum of One Hundred Fifty Dollars (\$150.00), with interest at the rate of 6% per annum from October 1, 1930 until paid and for all costs of this action.

For all of which let execution issue.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 18 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. 829 - Civil
)
Certain Parcels of Land near the Town of)
Pryor, County of Mayes, State of Oklahoma,)
and Belle Ashbrook, et al.,	Respondents.)

ORDER APPOINTING COMMISSIONERS

Now on this 18 day of August, 1942, the above cause comes on for hearing upon the petition of the United States of America for an order appointing commissioners in said cause. And it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain the lands hereinafter described, and that the acquisition of said lands is necessary to the United States of America for use in connection with the Defense Housing Project near Pryor, Oklahoma, and for such other uses as may be authorized by Congress or by Executive Order, under and by reason of the Acts of Congress as set forth in the petition for Condemnation filed herein.

Petitioner has heretofore instituted proceedings for the taking of said lands herein involved and hereinafter described by eminent domain.

It further appears that it is necessary, convenient and expedient in the furtherance of justice that commissioners be appointed to appraise said real estate at this time without further delay.

Said lands are described as follows:

A tract of land situate in the Southeast Quarter (SE $\frac{1}{4}$) of Section Eighteen (18), Township Twenty-one (21) North, Range Nineteen (19) East, near Pryor, County of Mayes, State of Oklahoma, described as follows:

Beginning at a point 33 feet West of the East line of Section Eighteen, Township 21 North, Range 19 East, and 260.2 feet South of the North line of the Southeast Quarter of said Section 18; thence South parallel to and 33 feet West of the East line of said Section 18 a distance of 2382.9 feet, more or less, to the South line of said Section 18; thence West along the South line of said Section 18 a distance of 2525 feet; thence Northeast on a line at an angle of 52 degrees 29.2 minutes with the said South line of Section 18, a distance of 384.6 feet; thence on a line making a deflection angle of 5 degrees 52 minutes to the right with reference to the last-mentioned course, a distance of 1550 feet; thence on a line making a deflection angle of 1 degree 25 minutes to the right with reference to the last-mentioned course, a distance of 756.5 feet; thence on a line making a deflection angle of 2 degrees 40 minutes to the left with reference to the last-mentioned course, a distance of 665.5 feet; more or less, to a point 260.2 feet South of the North line of said Southeast quarter of Section 18; thence East parallel to the said North line of the said South-

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

UNITED STATES OF AMERICA,

Petitioner,

vs.

No. 831 - Civil

Certain Parcels of Land situate in the County of Tulsa, State of Oklahoma, and Cyrus S. Avery, et al.,

Respondents.

ORDER MAKING ADDITIONAL PARTIES RESPONDENT

Now on this 18 day of August, 1942, this cause came on to be heard upon the oral application of the petitioner to join the following as additional parties respondent, to-wit:

- American Telephone and Telegraph Company of the Indian Territory, if existing, and if defunct, its unknown creditors, successors and assigns, if any,
- G. T. Braden,
- Frank J. Bearden,
- G. F. Bartlett,
- Oliver Bagby,
- Bankers Trust Company of New York, if existing, and if defunct, its unknown creditors, successors and assigns, if any,
- J. W. Boley,
- The Belvedere Oil & Gas Co., if existing, and if defunct, its unknown creditors, successors and assigns, if any,
- D. C. Bryan
- Known and unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote of Mary E. Bryan, deceased,
- George H. Coe,
- Artie Coby,
- J. C. Cook,
- Known and unknown heirs, executors, administrators, devisees, legatees, trustees, and assigns, immediate and remote of Mollie Davis, nee Jones, deceased,
- Gordon Denton, Executor of the Estate of Mollie Jones, deceased,
- Thad O. Day,
- Known and unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote of Mollie Davis, deceased,
- Gordon Denton, Executor of the Estate of Mollie Davis, deceased,
- C. L. Dawson,
- Deep Rock Oil Corporation,
- Exchange Trust Company, if existing, and if defunct, its unknown creditors, successors and assigns, if any,
- Exchange Trust Company, Trustee for Mollie Davis, nee Jones, if existing, and if defunct, its successors in interest,
- Exchange Trust Company, Trustee for Paul Malloy, if existing, and if defunct, its successors in interest,
- W. R. Eaton,
- The First National Bank and Trust Company of Tulsa, Oklahoma, Trustee for Paul Malloy.
- First Federal Savings & Loan Association of Shawnee, if exist, and if defunct, its unknown creditors, successors and assigns, if any,
- W. D. Flournoy,
- A. L. Farmer, Trustee and His Unknown beneficiaries,

The Fourth National Bank of Tulsa,
The First National Bank & Trust Company of Tulsa,
W. E. Groves,
H. N. Gardner,
B. G. Goble,
J. M. Gillette,
Freeman E. Hertzell,
Hickernell-Wilcox Oil Company, if existing, and if defunct, its unknown
creditors, successors and assigns, if any,
G. W. Hickernell,
Home Building & Loan Association,
John W. Helterbrand,
John M. Hall,
Ike Hamburger,
H. E. Hanna, doing business as Tulsa Used Lumber & Wrecking Company,
The Iron Mountain Oil Company, of Auglaize County, Ohio, if existing,
and if defunct, its unknown creditors, successors and assigns, if any,
Jessie Oil Company, if existing, and if defunct, its unknown creditors,
successors and assigns, if any,
Geo. E. R. Kinnear,
G. E. R. Kinnear,
The Lucas Oil Company, if existing, and if defunct, its unknown creditors,
successors and assigns, if any,
Leavell Coal Company,
O. F. Lawless,
A. S. Landrum, Superintendent of the Five Civilized Tribes,
McCoy Oil & Development Co., if existing, and if defunct, its unknown
creditors, successors and assigns, if any,
M. F. Mainard, Jr.,
H. D. Murdock,
Mildren & Bartlett, if existing, and if defunct, their unknown creditors,
successors and assigns, if any,
L. J. Mildren,
The Morris Plan Company of Oklahoma.
Paul Malloy,
J. F. Malers,
G. C. Miller,
S. S. Owen,
Phoenix Mutual Life Insurance Company,
The Peoples Mutual Oil and Gas Company, if existing, and if defunct, its
unknown creditors, successors and assigns, if any,
Public Service Company of Oklahoma,
Lane Poe,
Pauline Poe (Mrs. Lane Poe),
J. E. Piersol,
Ira D. Pilcher,
Henry Ross,
Floyd L. Rheam,
L. S. Randolph,
J. A. Ray,
O. J. Smith,
N. J. Smith,
Sinclair Prairie Pipe Line Company, if existing, and if defunct, its
unknown creditors, successors and assigns, if any,
Thomas R. Shaw,
S. Maxwell Smith,

S. T. Schooley,
 Mrs. Margaret Ramsey Smartt (Mrs. John Doe Ramsey Smartt)
 John Doe Ramsey Smartt,
 Tidewater Oil Sales Corporation, if existing, and if defunct,
 its unknown creditors, successors, and assigns, if any,
 Togo Oil Company, if existing, and in defunct its unknown creditors,
 successors and assigns, if any,
 Tribune Company, of Tulsa, Oklahoma, if existing, and if defunct, its
 unknown creditors, successors and assigns, if any,
 K. M. Vaughn Lumber Company, if existing, and if defunct, its unknown
 creditors, successors and assigns, if any,
 Natt Wagner,
 Victor B. Walker,
 F. D. Wilcox,
 Elizabeth S. Wilcox, acting as Trustee for Helen Neet, et al.,
 Annie V. Wilson,
 Jack Wolf,
 Emma Wallace, (Mrs. J. W. Wallace),
 James Woolley,
 James J. Zofness,
 State of Oklahoma, ex rel Bank Commissioner,
 State of Oklahoma, exrel Oklahoma Highway
 Commission.

The Court having been fully advised in the premises finds that said parties should be joined hereto as parties respondent.

IT IS, THEREFORE, ORDERED that the parties above named in the finding of the Court be and they are hereby made additional parties respondent to this cause, an the Petition and the proceedings are amended accordingly.

ROYCE H. SAVAGE
 JUDGE

ENDORSED: Filed Aug 18 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. 831 - Civil
Certain Parcels of Land situate in the County of)	
Tulsa, State of Oklahoma, and Dyrus A. Avery,)	
et al.,	Respondents.)	

O R D E R

Now on this 18 day of August, 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 it 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 heren within fifteen (15) days from this date.

ROYCE H. SAVAGE

Notice attached to original

ENDORSED: Filed Aug 18 1942
H. P. Warfield, Clerk
U. S. District Court H

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

H. H. VALERIUS,	Plaintiff,)	
)	
-vs-)	
		)	No. 8 3 2 Civil
The Unknown Heirs, executors, administrators,)	
devises, trustees and assigns, immediate and)	
remote, of GE-KIE CARSELUKE, Deceased,	Defendants.)	
)	
UNITED STATES OF AMERICA,	Intervener.)	

C R D E R

Now on this 18 day of August, 1942, this matter coming on before the Court upon a motion of the plaintiff herein for permission to file an amended petition, and it appearing to the Court that the ends of justice require such permission,

IT IS THEREFORE THE ORDER of this Court that said plaintiff be and he is hereby granted permission to file an amended petition in the above cause within fifteen days from the date hereof.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 18 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to August 19, 1942

On this 19th day of August, 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:

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 858
)	
CERTAIN PARCELS OF LAND IN CRAIG COUNTY, OKLAHOMA, and Charles Sanders, et al.,	Defendants.)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 19th day of August, 1942, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

- Charles Sanders;
- George Sanders;
- B. F. Bowers, Executor of the Estate of John Sanders, deceased;
- Commissioner of Insurance of the State of Kansas;
- Chester A. Rozell, also known as Chester A. Rozelle, F. R. Rozelle, Ellen W. Rozelle, and F. C. Christensen, if living, or if deceased, their known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any;
- The Central Life Insurance Company, a corporation;
- The Peoples Bank of Maitland, also known as Peoples Bank of Maitland, Mo; Four Ace Oil & Gas Company; and San Antonio Oil & Gas Company, if existing, or if not in existence, their trustees, creditors, successors and assigns, if any;
- and
- the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors, and assigns, immediate and remote, and their spouses, if any, of John Sanders, deceased; of Thomas Sanders, deceased; of William Sanders, Deceased; and of Lillie B. Deitrick, 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 therein whatever in the real estate herein described and involved, to 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 VINITA DAILY JOURNAL, a newspaper printed and of general circulation in the Northern District of 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 12th day of October, 1942, the petitioner, United States of America, will, on the 12th day of October, 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 H. SAVAGE
J U D G E

ENDORSED: Filed Aug 19 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to August 20, 1942

On this 20th day of August, 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:

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

George Drywater,	Plaintiff,	) No. 305 Civil
v.)	
Sarah Russell,	Defendant.	
United States of America,	Intervener.)

O R D E R

This matter coming on for hearing this 20 day of August, 1942, upon the motion of the United States to dismiss for lack of prosecution and the Court being fully advised in the premises; finds that a purchaser of said real estate involved herein has been found and the attorneys for the plaintiff request permission to proceed with said suit, the Court finds said action should proceed.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the motion of the United States to dismiss be and the same hereby is overruled.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 20 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

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

ORDER OF DISTRIBUTION AS TO VARIOUS TRACTS

Now on this 20 day of August, 1942, this cause came on to be heard, and the Court having been fully advised in the premises finds that distribution should be made as to certain tracts involved in this proceeding.

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

Tract No. A-10

Treasurer of the United States	\$468.00
(for the use and benefit of Ada Bonzalis)	
(a 3/4 blood Cherokee Indian)	

Tract No. B-3

J. C. Stephens	\$192.03
Orval Casey	258.73
U. E. Rainwater	92.17
Samuel A. Warren	137.65
Investors Liquidating Corporation	80.51
John W. Niehaus, Jr., as Trustee for Julia Brown, Alice W. Ellicott, 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	4,222.91

Tracts Nos. B-5, B-9 & B-10

Lizzie Bean and Alice Bean	\$455.00
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Tracts Nos. B-34 and D-7

John Campbell and Maud Campbell	975.00
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Tract No. B-44

J. M. Eberting	\$705.00
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Tract No. C-9

Eloise Caroline Brown Kirkpatrick	\$215.00
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Tract No. C-46

Arvil H. Rike	\$825.00
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Tract No. D-30

D. C. Gartrell	\$110.00
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Tract No. D-36

Oscar Franklin	\$220.00
----------------	----------

Tract No. D-59

State of Oklahoma	\$ 88.00
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The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED:

Filed Aug 20 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

ALEX H. HENDRICKS, Plaintiff,)

vs.)

Phillips Petroleum Company, a corporation,)
G. H. Scudder, G. E. Carpenter, T. B. Swanson,)
The Unknown Heirs, Claimants, Executors,)
Administrators, Devisees, Trustees and Assigns,)
both immediate and remote of the following named)
persons, to-wit: Susan Hendricks, nee Daniels,)
deceased, Charles Hendricks, deceased,)
John DiSalvo Jr., deceased, Clara)
DiSalvo and Rose DiSalvo, his known heirs,)
H. L. Fortney, deceased, and his known heirs,)
George W. Fortney, Alma Nolan, Clay H.)
Fortney, Mary Dudley, Edd Fortney, Frank)
Fortney, Helen Anderson, and W. L. Roberts,)
Defendants.)

no. 751 Civil

DECREE QUIETING TITLE, DETERMINING HEIRSHIP AND ADJUDGING
DAMAGES.

The above case coming on for hearing on this the 20th day of August, 1942, the plaintiff Alex H. Hendricks, appearing by J. S. Severson, his attorney, and by the Honorable Whit Y. Mauzy, United States District Attorney, for and in behalf of the United States of America, and the defendant Clay H. Fortney, appearing by his Guardian Ad Litem, Eugene Rust, and the defendants, G. E. Carpenter and G. H. Scudder, appearing personally, and upon motion of the plaintiff and said action is dismissed as to Phillips Petroleum Company, a corporation, T. B. Swanson and H. L. Roberts;

And it being first duly shown to the Court that the defendants G. E. Carpenter G. H. Scudder, George W. Fortney, Clay H. Fortney, an incompetent person, Mary Dudley, Edd Fortney, Frank Fortney and Helen Anderson, have been duly and lawfully served with summons, personally, more than thirty days prior to this date, and that the defendant Alma Nolan, has filed herein her entry of appearance and waiver of summons, said waiver being dated more than thirty days prior hereto, and it being further shown that the unknown, heirs, claimants, executors, administrators, devisees, trustees and assigns, both immediate and remote, of the following deceased persons to-wit: Susie Hendricks, nee Daniels, deceased, Charles Hendricks, deceased, John DiSalvo, Jr., deceased, and his known heirs Clara DiSalvo and Rose DiSalvo was made by publication, said publication being made on the October 30th, and November 6th, 13th and 20th of the year 1941, in the Morning Examiner, a newspaper published in Bartlesville, Washington County, Oklahoma, and that the answer day as fixed in said publication was more than 41 days after the date of the said first publication and said publication having been made by the court examined in all things approved; that copies of the first publication of said notice together with copies of said said petition were severally mailed to the defendants Rosa DiSalvo and Clara DiSalvo, at their address in Kansas City, Missouri, on the 4th day of November, 1941, by registered mail, copies of such Registry receipts showing receipt thereof being introduced in evidence; and it being further shown that the said plaintiff has been unable to obtain the names or addresses of any of the unknown heirs of the deceased persons herein named since the making of his affidavit asking for publication service to issue, and since the first publication of such notice and therefore notices to them or any one of them could not be mailed, therefore all of said service is by the court approved.

And the Court having heard all of the evidence adduced by all the parties appearing in said action, both oral and documentary, and having examined the files and all pleadings in said cause and after having heard argument of counsel and being fully advised in the premises finds:

That the land involved in this action was duly allotted to one Susan Hendricks, nee Daniels, full blood Cherokee Indian Roll No. 27,712; that she died intestate on the 30th day of August, 1913, and left as her sole and only heirs her husband Charles Hendricks, Cherokee Indian of the full blood who was duly enrolled opposite Cherokee Indian Roll No. 17,078, and the plaintiff herein their only child who is not enrolled, he having been born subsequent to the closing of the Cherokee rolls for allotment purposes; that Charles Hendricks aforesaid, the father of plaintiff Alex H. Hendricks, died intestate on or about the 31st day of January, 1939, and left as his sole and only heir plaintiff herein his son, he being the only child born to him; that his said father never re-married after the death of his said wife the mother of this plaintiff.

That upon the death of his said father Charles Hendricks, plaintiff became the owner of the undivided one half interest by him inherited in the land in controversy from his wife Susan Hendricks, the mother of plaintiff, and thereby became the sole owner of the land involved herein described as follows, to-wit:

Lot Four (4), otherwise described as the Southwest Quarter of the Southwest Quarter of Section Thirty (30), Township Twenty-eight (28), North, Range Fourteen (14) East, Washington County, Oklahoma, containing 31.35 acres, according to the Government Survey;

That his said mother Susan Hendricks, died seized and possessed of the title to the entire tract of land above described, and his father died seized and possessed of the undivided one-half interest in said land inherited from his wife the said Susan Hendricks.

The court further finds that the deed made by Alex Hendricks, the same person as Alex H. Hendricks, plaintiff herein to H. L. Fortney, dated February 19, 1930, Recorded in Book, 68 at Page 460, of the records of the County Clerk of Washington County, Oklahoma, is void and should be cancelled set aside and held for naught, the same never having been approved by any Federal Agency as required by the Acts of Congress, the same grantor being a full blood Cherokee Indian, and the lands sought to be conveyed being restricted lands under the acts of Congress pertaining to the inherited lands of full blood members of the Five Civilized Tribes in Oklahoma.

The court further finds that the deed executed by the plaintiff herein on the 14th day of May, 1931, as Alexander Hendricks, being the identical person as the plaintiff herein, to H. L. Fortney, which said deed is recorded in Book 103 at page 403, of the records of the County Clerk of Washington County, State of Oklahoma, is void and should be cancelled, set aside and held for naught, the same never having been approved by any Federal Agency, as required by the Acts of Congress, the said grantor being a full blood Cherokee Indian, and the lands sought to be conveyed being restricted under the Acts of Congress pertaining to the sale of inherited lands of full blood members of the Five Civilized Tribes of Oklahoma.

The Court further finds that the deed to the lands involved in this action, made by Charles Hendricks, the identical person as Charles Hendricks, the father of the plaintiff herein and the husband of Susan Hendricks; jointly with the plaintiff herein as Alexander Hendricks, on the 19th day of November, 1932, to John DiSalvo, Jr., et al., of Jackson County, Missouri, recorded in Book 108 at page 509, of the records of the County Clerk of Washington County, Oklahoma, is void, and should be cancelled, set aside and held for naught, the same never having been approved by any Federal Agency as required by the Acts of Congress, the said grantors being full blood Cherokee Indians, and the lands sought to be conveyed being restricted lands under the acts of Congress pertaining to the sale of inherited lands of members of the Five Civilized Tribes in Oklahoma.

The Court further finds that the defendant, G. H. Scudder used and occupied the land herein for grazing purposes for the years 1940, and that the reasonable rental value therefore is fifty-cents per acre or the sum of \$15.68 for which amount judgment should be rendered; that the defendant G. E. Carpenter is now in possession of the land and was in such possession for the year 1941, and that the reasonable rental value therefor is the sum of Fifty Cents per acre per annum, or the total sum of \$31.36 for the years 1941 & 1942, for which amount judgment should be rendered; that no costs should be awarded against said defendants, or either of them.

The court further finds that the United States of America was made a party to this suit pursuant to the act of Congress of June 14th, 1918, as well as the act of Congress of April 26th, 1926, by notice properly served on the Hon. A. M. Landman, Supt. of the Five Civilized Tribes, Muskogee, Oklahoma, and that the United States properly intervened in this action, and that this court has jurisdiction of the of the persons and the subject matter of this action by virtue of proper removal on behalf of the United States of America, of said action from the District Court of Washington County, Oklahoma.

The court further finds that the title to the land involved in this action should be quieted in the plaintiff Alex H. Hendricks, as the sole heir of his deceased father and mother as hereinbefore set out and that all of the defendants should be barred and enjoined from asserting any adverse claims against the same.

It is therefore ordered, adjudged and decreed by the court that the service by publication as made herein and the proof thereof now on file is valid and perfect and constitutes valid and lawful service; that the waiver of issuance of summons and service thereof as executed by the defendant Alma Nolan, and filed herein constitutes valid service and appearance the same as if regularly served with summons, and that all the defendants so served by publication, and by entry of such waiver, not having made appearances and having filed no answers or other pleadings, are hereby adjudged in default and the all gations of the said petition as to them and each of them are taken and considered as confessed; that the service of the Supt. of the Five Civilized Tribes, the Hon. A. M. Landman, by the United States Marshal of the Eastern District of Oklahoma, constitutes valid service under the Acts of Congress, and that the subsequent removal of said action from the District Court of Washington County, Oklahoma, by the United States of America, gives and vests this court with full jurisdiction of the persons and the subject matter of this suit,

It is further ordered, adjudged and decreed by the court, that the plaintiff Alex H. Hendricks, as an heir of his mother Susan Hendricks and the sole heir of his father Charles Hendricks, both deceased as set out in the findings hereof is the sole owner of the land involved in this action, and that his title thereto is hereby quieted against the adverse claims of all the defendants herein, the said land is described as follows, to-wit:

Lot 4, otherwise described as the Southwest Quarter of the Southwest Quarter of Section 30, Township 28 North, Range 14 East, Washington County, Oklahoma, containing 31.35 acres, according to the Government Survey.

It is the further order, adjudged and decreed by the Court, that the conveyances made by the Plaintiff herein, Alex H. Hendricks, to H. L. Fortney, as more fully set out in the findings hereof, which said conveyances are recorded in Book 68 Page 460 and in book 103 Page 403 of the records of the County Clerk of Washington County, Oklahoma, seeking to convey the lands involved herein to the said H. L. Fortney, be and the same are hereby cancelled, set aside and adjudged to be void, same being made in violation of the Federal Statutes pertaining to the sale of inherited land of Full Blood Indians of the Five Civilized Tribes, and not being approved by any proper Federal Agency; that the conveyance made by the plaintiff herein, and his father Charles Hendricks, to John DiSalvo, Jr., of Jackson County, Missouri, seeking to convey the land herein involved, which deed is recorded in Book 108 Page 509 of the records of the County Clerk of Washington County, Oklahoma, be and the same is hereby declared void, cancelled and set aside; same being made in violation of the Federal Statutes pertaining to the sale of inherited lands of full blood Indians of the Five Civilized Tribes, the said conveyance not having been approved by any proper Federal Agency.

It is further ordered, adjudged and decreed by the Court that the adverse claims of the unknown heirs, claimants, executors, administrators, devisees, trustees and assigns, both immediate and remote, of Susie Hendricks, deceased, and of Charles Hendricks, deceased, and of H. L. Fortney, deceased, and the known heirs of H. L. Fortney, deceased, being George W. Fortney, Alma Nolan, Clay H. Fortney, Mary Dudley, Edd Fortney, Frank Fortney and Helen Anderson, as well as the claims of

On this 21st day of August, 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. Manzy, United States Attorney
John P. Logan, United States Marshal

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

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

SAMMONS-ROBERTSON COMPANY, a corporation,	Plaintiff,)	
		)	No. 443 Civil
-versus-)	
)	
MASSMAN CONSTRUCTION COMPANY, a corporation, et al.,	Defendants.)	

ORDER ENLARGING TIME FOR REPLYING TO PLAINTIFF'S REQUEST FOR ADMISSIONS OF FACT

On this 21 day of August, 1942, on the application of the defendants herein, it is hereby ordered that each and all of the defendants herein be and they are given to and including the 1st day of October, 1942, wherein to file herein their responses as provided by Rule 36 of the Federal Rules of Civil Procedure, to the request of the plaintiff for certain admissions of fact heretofore served on said defendants.

ROYCE H. SAVAGE
District Judge

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

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

SAMMONS-ROBERTSON COMPANY, a corporation,	Plaintiff,)	
		)	No. 443 Civil
-versus-)	
)	
MASSMAN CONSTRUCTION COMPANY, a corporation, et al.,	Defendants.)	

ORDER PERMITTING THE FILING OF OBJECTIONS AND MOTION TO SUPPRESS CERTAIN REQUESTED ADMISSIONS OF MATTERS OF FACT

On application of the defendant Grand River Dam Authority, it is ordered that said defendant be and it is hereby given leave and permission to file herein objections and motion to suppress certain requests for admissions of fact heretofore served on defendants by plaintiffs on or before the expiration of ten days from this date, the same to be disposed of in any event before said defendant shall

be required to submit its response under Rule 36 of the Federal Rules of Civil Procedure as to such requests challenged by said objections and motion.

ROYCE H. SAVAGE
District Judge

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

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

UNITED STATES OF AMERICA for the use and benefit of Tom W. Kelly,	Plaintiff,)
)
vs.		) No. 722 Civil
)
THE CENTRAL CONSTRUCTION COMPANY, a corporation, and CONTINENTAL CASUALTY COMPANY, an Insurance Corporation,	Defendants.)

ORDER APPOINTING SPECIAL MASTER

Now, on this 21st day of August, 1942, comes on for hearing the pre-trial conference in the above styled and numbered cause; the plaintiff, defendants and interveners appearing by their respective attorneys of record, and it being suggested to the court that the issues in said cause are complicated, and that a considerable amount of time would be saved by the appointment of a Special Master to take and report the testimony in the above cause, and to report on all issues, both of law and fact, involved in said litigation.

And it appearing to the court that Byron V. Boone, a duly licensed attorney, admitted to practice in the United States District Court for the Northern District of Oklahoma, is a proper person to be appointed Special Master in this cause.

IT IS THEREFORE, BY THE COURT, ORDERED that Byron V. Boone, of Tulsa, Oklahoma, be and is hereby appointed Special Master to take and report the testimony in the above styled cause, with powers of an examiner to take said testimony and to report on all issues, both of law and fact, involved in said litigation, and is given the power to regulate the proceedings before him and to take all manners necessary for the proper performance of his duties under this order.

ROYCE H. SAVAGE
United States District Judge

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

REGULAR JANUARY 1942 TERM

DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA

FRIDAY, AUGUST 21, 1942

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

United States of America,	Plaintiff,)
)
v.)
		) No. 878 Civil
Four (4) cans of pistachio nuts labeled in)
part "Sun Brand American Pistachio Inc.,)
New York, Extra Quality Pistachio Nuts",)
	Defendant.)

ORDER FOR MONITION

NOW, on this 21st day of August, 1942, therehaving been filed herein a complaint on behalf of the United States of America against four (4) cans of pistachio nuts labeled in part "Sun Brand American Pistachio Inc., New York, Extra Quality Pistachio Nuts", praying the usual process and monition of this court for an order condemning and forfeiting said articles to said plaintiff under provisions of 21 U. S. C., Section 342, and it appearing from said complaint that on or about July 2, 1942, said articles were transported in interstate commerce by Universal Carloading and Distributing Company, from 111 Reade Street, New York, N. Y., to Tulsa, Oklahoma, and delivered to Armour & Company.

And it further appearing in said complaint that said four (4) cans of pistachio nuts labeled in part "Sun Brand American Pistachio Inc., New York, Extra Quality Pistachio Nuts" are adulterated in violation of 21 U. S. C., Section 342 (A) (3) in that they consist wholly or in part of filthy and decomposed substances.

And it further appearing in said complaint that said Armour & Company of Tulsa, Oklahoma, claim some interest in said merchandise.

IT IS THEREFORE THE ORDER OF THE COURT that process of this court be duly issued, directing the United States Marshal of the Northern District of Oklahoma to seize and arrest said merchandise, take and safely keep same in his custody until the further order of the Court and that he serve such warrant and monition upon all parties known to be interested in said merchandise and particularly, Armour & Company, Tulsa, Oklahoma, commanding it to appear in said cause and show cause, if any there be, why said merchandise should not be forfeited to this plaintiff.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to August 22, 1942

On this 22nd day of August, 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 FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)
)
vs.)
		) No. 862 Civil
One Hundred Sixty-two (162) unlabeled cans)
each containing Thirty (30) pounds)
frozen mixed egg whites and yolks,)
	Defendant.)

JOURNAL ENTRY OF JUDGMENT

This matter comes on for hearing this 21st day of August, 1942, pursuant to regular setting, and the plaintiff appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, and the Court being fully advised in the premises finds that no action or other pleading has been filed in this cause; the Court further finds that the plaintiff duly filed its Petition in Libel against One Hundred Sixty-two (162) unlabeled cans each containing Thirty (30) pounds of frozen mixed egg whites and yolks, and that on or about the 25th day of June, 1942, the said cans of eggs were transported by W. B. Jordan of Jordan Produce Company of Sapulpa Oklahoma, by way of truck of said W. B. Jordan from Dallas, Texas to Sapulpa, Oklahoma, and were delivered to the Banfield System, Inc., to be stored to the account of the Rogers Bread Company of Sapulpa, Oklahoma, and at the time of the filing of said complaint, were in possession of the Banfield System, Inc., at Sapulpa, Oklahoma, situate in the Northern District of Oklahoma; the Court further finds that said cans of eggs, when shipped in interstate commerce, at the time they were seized, were adulterated in violation of 21, U. S. C., Section 342 (A) (3), in that there was present in said cans decomposed eggs and chicken excreta and large pieces of eggshell and that said cans were wholly and in part of filthy and decomposed substance; the Court further finds that said cans of eggs were misbranded in violation of 21 U. S. C., Section 343 (E) (1) in that they were in package form and failed to bear any label containing names and places of business of manufacturer, packer or distributor and that said eggs were also shipped in violation of 21 U. S. C., Section 343 (E) (2) in that they are in package form and failed to bear any label containing an accurate statement of quantity of contents and also were shipped in violation of 21 U. S. C., Section 343 (I) (1) in that no labels were on said cans showing a common or usual name of food; the Court further finds that said One Hundred Sixty-two (162) cans of eggs should be condemned, forfeited, confiscated and destroyed.

IT IS, THEREFORE, ORDERED, JUDGED AND DECREED that said One Hundred Sixty-Two (162) unlabeled cans of frozen mixed egg whites and yolks each containing approximately thirty (30) pounds, be, and the same hereby are condemned, forfeited and confiscated.

IT IS THE FURTHER ORDER AND JUDGMENT of the Court that the said One Hundred Sixty-two (162) unlabeled cans of frozen mixed egg whites, and yolks each containing thirty (30) pounds, be destroyed, and John P. Logan, United States Marshal for the Northern District of Oklahoma, be, and he is hereby instructed and directed to destroy said frozen mixed egg whites and yolks and report his act under this order to this Court within ten (10) days from this date.

IT IS THE FURTHER ORDER AND JUDGMENT of the Court that the plaintiff, United States of America, recover the costs of this action from the Rogers Bread Company.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Aug 22 1942
H. P. Warfield, Clerk
U. S. District Court B

Court Adjourned to August 24, 1942

On this 24th day of August, 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. 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

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 CHECK AS TO TRACT C-46 AND
DIRECTING THE ISSUANCE OF A NEW CHECK

Now on this 24th day of August, 1942, this cause came on to be heard, and the Court having been fully advised in the premises finds that Check No. 1541, payable to the order of Arvil N. Rike, should be cancelled for the reason that there is an outstanding mortgage which has not yet been paid in full. The Court further finds that a new check should be issued payable to the Commissioners of the Land Office of the State of Oklahoma, mortgagee.

IT IS, THEREFORE, ORDERED that Check No. 1541, payable to the order of Arvil N. Rike, be, and the same is hereby cancelled, and the Clerk is directed to cancel same on his records.

IT IS FURTHER ORDERED that the Clerk issue a new check as to Tract C-46, payable to the order of Commissioners of the Land Office of the State of Oklahoma, in the sum of \$325.00, in final distribution as to this tract.

That the defendants, Geneva S. Caldwell, Chas. L. Caldwell and Ruth Caldwell Conn, were the owners of the land designated as Tract No. 3 (302-A - 2.1 and 3.0) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this court the estimated just compensation in the sum of \$50.40 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendants, Geneva S. Caldwell, Chas. L. Caldwell and Ruth Caldwell Conn, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$50.40 which was accepted by the petitioner.

The Court further finds that the sum of \$50.40 is just compensation for the injuries sustained by said defendants Geneva S. Caldwell, Chas. L. Caldwell and Ruth Caldwell Conn.

The Court further finds that no person, firm, corporation, or taxing subdivision of the State, other than said defendants, have any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Geneva S. Caldwell, Chas. L. Caldwell and Ruth Caldwell Conn, were the owners of the land designated as Tract No. 3 (302-A - 2.1 and 3.0), when this proceeding was commenced, and that the sum of \$50.40 is just compensation for the damages sustained by the defendant, Geneva S. Caldwell, Chas. L. Caldwell and Ruth Caldwell Conn, and that said defendants are the only persons having any right, title or interest in and to said just compensation.

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution from the funds deposited as just compensation for the taking of said tract as follows, to-wit:

TO: Geneva S. Caldwell (Owner of an undivided 1/3rd interest)	\$16.80
Charles L. Caldwell (Owner of an undivided 1/3rd interest)	\$16.80
Ruth Caldwell Conn (Owner of an undivided 1/3rd interest)	\$16.80
TRACT NO. 3 (302 - A - 2.1 and 3.0)	
Total	\$50.40

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Aug 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. 822
)
CERTAIN PARCELS OF LAND IN MAYES COUNTY,)
OKLAHOMA; and James S. Freeman, et al .	Defendants.)

ORDER APPOINTING COMMISSIONERS

NOW, on this 24th day of August, 1942, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain in lands hereinafter described and the acquisition of said lands is necessary for the management, operation and maintenance of the Grand River Dam Project, and for 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.

The Court finds that pursuant to the Act of August 1, 1888, 25 Stat. 357 (U. S. C. Title 40, Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 U. S. C. Title 40, Secs. 258 (e) to 258 (e); Title II of the Act of June 16, 1933, 48 Stat. 195, 200 (U. S. C. Title 23, Sec. 9 (b) and Title 40, Secs. 401-402, 409, 411, 413, 414), as amended and supplemented; the Act of June 10, 1930, 41 Stat. 1062 (U. S. C. Title 16, Sec. 809); and Executive Order No. 8944, dated November 19, 1941, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States of America, title to all lands and interest in lands necessary for carrying out the purposes and objects set forth in said Executive Order No. 8944.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes 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, together with the perpetual easement and right to cut down, remove, or 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, right and privilege to set the necessary guy and brace poles and anchors and to attach all necessary guy wires thereto, upon, over and across the lands situate, lying and being in the County of Mayes, in the Northern District of the State of Oklahoma, and within the jurisdiction of this Court, and more particularly described by courses and distances as follows, to-wit:

TRACT NO. 1 (305 - 32.4)
PERPETUAL EASEMENT

The East 50 feet of the $W\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the West 40 feet of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 23 North, Range 21 East of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 2 (305 - 32.5)
Perpetual Easement

The East 50 feet of the West $\frac{1}{2}$ of the SE $\frac{1}{4}$ N W $\frac{1}{4}$ and the West 50 feet of the East $\frac{1}{2}$ of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T 23 North, Range 21 East of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 3 (305 - 32.6)
PERPETUAL EASEMENT

The East 50 feet of the $W\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, and the West 50 feet of the $SE\frac{1}{2}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, Section 15, Township 23 North, Range 21 East of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 4 (305 - 33.1 & 32.7)
PERPETUAL EASEMENT

The West 50 feet of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 15 and the West 50 feet of the $SE\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ and the East 50 feet of the $SW\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 10, all in Township 23 North, Range 21 East of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 5 (305 - 33.2 Revised)
PERPETUAL EASEMENT

The East 50 feet of the $SW\frac{1}{4}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$; the East 50 feet of the $NW\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$; the West 50 feet of the $NE\frac{1}{4}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$; and the West 50 feet of the $SE\frac{1}{2}$ $NE\frac{1}{4}$ $SW\frac{1}{4}$, all in Section 10, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma.

It further appears that all of those persons claiming any interest in and to said lands adverse to the United States of America, and which said persons are defendants in this proceeding have been duly served with notice of the hearing of the application for the appointment of commissioners by this Court, according to law.

The Court specifically finds that the returns of the Marshals filed herein showing service of notice of the hearing on the application and petition for the appointment of commissioners are true and correct; and service was had as stated in said returns.

The Court further specifically finds that publication service was had according to order and the law made and provided in such cases, and the affidavit of the published as filed herein is hereby accepted and approved by the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY the Court that W. D. Mayes, C. E. Marshall and C. C. Weber each a disinterested freeholder in the Northern District of the State of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular jury list of names in this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants as the owners thereof or having any right, title or interest therein will sustain by reason of the condemnation and appropriation of a perpetual easement for the erection, operation and maintenance of a line or lines of poles h-frame structures, or other structures, wires, cables and fixtures for the transmission of electric current, together with the perpetual easement and right to cut down, remove and trim any trees that 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 and anchors and to attach all of the necessary guy wires thereto, upon, over and across said lands, by the petitioners, irrespective of any benefits from any improvements proposed, and said commissioners shall forthwith report in writing to the Clerk of this Court, setting forth the quantity and boundaries of said tracts, separately, and assessing the damages to the owner or owners thereof.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be and he is hereby directed to summons, forthwith, each of said Commissioners, and that said Commissioners report to the office of the Clerk of the United States District Court in and for the Northern District of Oklahoma in the Federal Building, at Tulsa, Oklahoma, on the 26th day of August, 1942, at 10 o'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

IT IS FURTHER ORDERED that said commissioners so selected and appointed shall

On this 25th day of August, 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:

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

Ga-Lo-La-Di Chicken,	Plaintiff,)	
)	
v.		)	No. 655 Civil
Jennie Chicken, et al.,	Defendants.)	
)	
United States of America,	Intervener.)	

O R D E R

Now on this 24th day of August, 1942, this matter coming on for hearing on exceptions of the United States of America to the Commissioners' report, the Court finds said exceptions should be overruled.

IT IS THEREFORE THE ORDER OF THIS COURT that the exceptions of the United States of America to report of Commissioners be and the same hereby are overruled.

ROYCE H. SAVAGE
JUDGE

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

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

Ga-Lo-La-Di Chicken,	Plaintiff,)	
)	
vs.		)	No. 655 - Civil
Jennie Chicken, et al.,	Defendants.)	

ORDER CONFIRMING COMMISSIONER'S REPORT

AND NOW on this the 24th day of August, 1942, the above entitled and numbered cause comes on for hearing, in its regular order, upon the motion of the plaintiff for an order confirming the commissioners' report heretofore filed herein; and, it appearing to the satisfaction of the Court that said commissioners have duly, regularly and lawfully appraised the premises according to law, and that said appraisal is, in all respects, regular and that the appraised value of said

premises, as fixed by said appraisers, is not disproportionate to the actual value thereof and that the said report of said commissioners should be approved, ratified and confirmed and that, after a reasonable length of time, if any of the parties should neglect to elect to take said property at its appraised value said lands should be sold as under execution, and being fully advised in the premises:

IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE OF THIS COURT: That the report of commissioners and the appraisal of the premises involved herein, filed herein on the 5th day of August, 1942, be, and the same is hereby approved, ratified and confirmed and if neither of the parties elect to take said premises at its appraised value, within ten days from the date hereof, it is ordered that the Marshal proceeding to advertise and sell the premises, involved herein, as under execution, all in the manner and form provided by law, and the orders of this court.

ROYCE H. SAVAGE
United States Judge

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

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

Nellie Littledave, now Jumper, et al.,
v.
Nora Littledave, et al.,
United States of America,
Plaintiffs,
Defendants,
Intervener.)
No. 657 Civil)

O R D E R

Now on this 24th day of August, 1942, this matter coming on for hearing on exceptions of the United States of America to the Commissioners' report, the Court finds said exceptions should be overruled,

IT IS THEREFORE THE ORDER OF THIS COURT that the exceptions of the United States of America to Report of Commissioners be and the same hereby is overruled.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 26 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

Nellie Little Dave, now Jumper, et al.,)	
	Plaintiffs,)
vs	)	No. 657 Civil
)	
Nora Little Dave, et al.,	Defendants.)
)	
United States of America,	Intervener.)

ORDER CONFIRMING COMMISSIONERS' REPORT AND
DIRECTING THE SALE OF REAL ESTATE

This case coming on to be heard in its regular order, this the 25th day of August, 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 is in all things made and directed by the order of the court made in this cause, and duly filed, and that there are no objections or exceptions filed to the same, and that none of the interested parties have elected to take the lands involved at the appraised price, the plaintiffs appearing by their attorneys Ben L. Murdock and John S. Severson.

And the court having heard said motion and being fully advised in the premises, the United States appearing by Whit Y. Manzy, in his official capacity as United States District Attorney, as well for the Government as the Full Blood Indians parties to said action, and having examined said report and the pleadings filed in said case and the argument of counsel and being fully advised finds:

That said report of commissioners discloses that the lands involved cannot be partitioned in kind between the plaintiffs and the defendants, the owners thereof, without manifest injury, and that the valuation placed thereon by the Commissioners to-wit the sum of \$1800.00 is fair and said report should be in all things 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 to be divided among the parties to this action as more fully set out in the decree of partition entered herein on the 16th day of June, 1942, after a reasonable time is given the United States to exercise its preferential right to take said lands at the appraised price.

It is therefore ordered, adjudged and decreed by the court, that said Commissioners' report be and the same is 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 price, that a sale of the premises involved should be had unless the United States of America should elect to that take the same at the appraised price within ten days after the date of this decree.

Therefore, it is further ordered, adjudged and decreed by the court that the Hon. John F. Logan, United States Marshal for the Northern District of Oklahoma, proceed to advertise and sell the said real estate involved herein, described as follows, to-wit:

The West Half of the Southwest quarter and the Southwest Quarter of the Southeast quarter of the Southwest quarter of Section 14, Township 21 North, Range 19 East, Kaye County, Oklahoma, if no election to take said premises at the appraised price is made within ten days from the date hereof,

the said land to be sold for cash, in the same manner as in the case of sales of real estate under execution under the laws of the State of Oklahoma, and to be made for not less than two thirds of the appraised price fixed by the Commissioners which was \$1800.00, and that said United States Marshal

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

J. F. JOHNSTON,)
 Plaintiff,)
 vs.) No. 854 Civil
 Sears, Roebuck & Company, a Corporation,)
 Defendant.)

O R D E R

Now on this 25 day of August, 1942, for a good cause shown, the defendant is hereby granted 20 additional days within which to file its response herein.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to August 26, 1942

On this 26th day of August, 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:

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

Sammons-Robertson Company, a)
 corporation,) Plaintiff,)
 -vs-) No. 443 Civil
 Massman Construction Company, et al,)
 Defendants.)

ORDER PERMITTING THE FILING OF OBJECTIONS, AND MOTION TO SUPPRESS
CERTAIN REQUESTED ADMISSIONS

On application of the defendant, Ray McNaughton, it is ordered that said defendant be and he hereby is given leave and permission to file herein objections and motion to suppress certain requests for admission of fact as heretofore served on said defendants by plaintiff, on or before the expiration of ten days from this date, or any extension of such time, the same to be disposed of in any event before said defendants shall be required to submit its Response under Rule 36

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

UNITED STATES OF AMERICA,	Petitioner)	
)	
vs.		)	No. 829 - Civil
)	
Certain Parcels of Land near the Town of Pryor, County of Mayes, State of Oklahoma, and Belle Ashbrook, et al,	Respondents.)	

ORDER FOR PAYMENT TO COMMISSIONERS

Now on this 27 day of August, 1942, it appears to the Court that on the 13th day of August, 1942, W. L. Mayes, Elmer Vick and C. C. Weber, were appointed by the Court as appraisers in the above entitled and numbered cause, and pursuant to said appointment did serve as appraisers and fix the value of the real estate being taken by eminent domain and filed their report herein on the 20 day of August, 1942.

It further appears to this Court that the above named are entitled to compensation for such services rendered, in the following amounts set opposite each of their names, respectively:

W. L. Mayes	\$35.00
Elmer Vick	\$47.65
C. C. Weber	\$35.00

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the said W. L. Mayes, Elmer Vick and C. C. Weber receive for their services rendered in the above entitled and numbered cause as appraisers, the sums and amounts set opposite each of their names hereinabove.

ROYCE H. SAVAGE
JUDGE

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

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

Daniel Bat, otherwise known as Dan Bat,	Plaintiff,)	
)	
v.		)	No. 868 Civil
)	
Patsy Bat, nee Ketcher, et al.,	Defendants.)	

O R D E R

Now on this 27 day of August, 1942, this matter coming on before the Court upon motion of the United States of America for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to a restricted Cherokee Indian, and that the parties to this action are restricted Cherokee Indians, and the United States of America should be a party to this action.

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

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to August 29, 1942

On this 29th day of August, 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:

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 CONFIRMING STIPULATION AS TO TRACT A-44
AND DIRECTING DEPOSIT OF DEFICIENCY

Now on this 29 day of August, 1942, this cause came on to be heard, and the Court having been fully advised in the premises, finds that a written stipulation by and between the petitioner and the owners of the Tract A-44 has been entered into and filed in this cause, where by it is agreed that the total value of Tract A-44, including crops, is the sum of \$1,157.00.

The Court further finds that there has been heretofore deposited with the Clerk of the Court, and duly distributed to the land owners, the sum of \$1,057.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the value of Tract A-44, including crops, and all damages thereo, be and the same is hereby fixed at the sum of \$1,157.00.

IT IS FURTHER ORDERED that the petitioner, the United States of America deposit the further sum of \$100.00 with the Court Clerk to make up the deficiency as to Tract A-44.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Aug 29 1942
H. P. Warfield, Clerk, U. S. District Court H

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

Caroline Juedeman, et al.,	Plaintiffs,)	
)	
vs.		)	No. 736 - Civil
)	
W. J. Young, et al.,	Defendants.)	

ORDER DISMISSING CAUSE WITHOUT PREJUDICE

NOW, on this 29 day of August, 1942, this cause comes on to be heard upon the motion of the plaintiff above named, for leave to dismiss the above numbered and styled cause, without prejudice, and for good cause shown,

IT IS ORDERED that said motion be sustained, and that said cause be, and the same is hereby dismissed, without prejudice to plaintiff's right to file a new action involving the subject matter hereof.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Aug 29 1942
H. P. Marfield, Clerk
U. S. District Court B

Court adjourned to August 31, 1942

On this 31st day of August, 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. Marfield, 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

UNITED STATES OF AMERICA,	Petitioner,)	
-vs-)	
		)	CIVIL NO. 776
CERTAIN PARCELS OF LAND IN RAGERS COUNTY, OKLAHOMA; and W. C. Phillips, et al.,	Defendants.)	

ORDER FIXING INTEREST, DECREERING JUST COMPENSATION AND MAKING DIS-
TRIBUTION OF FUNDS AS TO TRACT NO. 4 (302-A - 4.0)

NOW, on this 31st day of August, 1942, there coming on for hearing the applica-
tion of the defendant, W. R. Bell, for a order fixing interest, decreeing just compensation and making
distribution as to Tract No. 4 (302-A - 4.0), and the Court being fully advised in the premises, finds:

and the Court being fully advised in the premises, finds:

That the defendant, State of Oklahoma (Commissioners of the Land Office of the State of Oklahoma), was the owner of the land designated as Tract No. 7 (306 - 14.5) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$100.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendants, V. V. Vinyard and Dorothy Vinyard, are the owners and holders of a Certificate of Purchase for said Tract of land; that said defendant, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$100.00, which was accepted by the petitioner.

The Court further finds that the sum of \$100.00 is just compensation for the injuries sustained by said defendants, State of Oklahoma, V. V. Vinyard and Dorothy Vinyard.

The Court further finds that no person, firms, corporation, or taxing subdivision of the State, other than said defendants, State of Oklahoma, V. V. Vinyard and Dorothy Vinyard, have any right, title or interest in and to said just compensation; that the defendants, V. V. Vinyard and Dorothy Vinyard, have consented in writing that said compensation be paid to the State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, State of Oklahoma (Commissioners of the Land Office of the State of Oklahoma), was the owner of the land designated as Tract No. 7 (306 - 14.5), when this proceeding was commenced, and that the sum of \$100.00 is just compensation for the damages sustained by said defendants; and that said defendant, State of Oklahoma, is the only defendant having any right, title or interest in and to said just compensation, the defendants, V. V. Vinyard and Dorothy Vinyard, having waived any claim to said compensation.

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution from the funds deposited as just compensation for the taking of said tract as follows, to-wit:

TO:	State of Oklahoma (Commissioners of the Land Office of the State of Oklahoma)	Owner
	Tract No. 7 (306 - 14.5)	\$100.00
		ROYCE H. SAVAGE J U D G E

ENDORSED: Filed Aug 31 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to September 4, 1942

On this 1st day of September, 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. 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

Mitchell Knighten,

Plaintiff,)

vs.)

Sinclair Oil Company, a Corporation;
Minnehoma Oil & Gas Company, a Corp.,
Reserve Development Company, a Corp.,
Willie Mayweather, Floyd Mayweather,
Izora Alexander Lee, et al.,

Defendants.)

No. 694 Civil

C O R D E R

The defendants, Izora Alexander Lee, et al., having asked leave to file an amendment to their motion to dismiss plaintiff's amended complaint and for an order requiring more definite and complete statement by plaintiff, by adding thereto paragraph IV thereof, as set forth in said application; and the Court being fully advised, doth now grant leave to said defendants to so amend their said Motion accordingly, and that other matters set out in said application be treated as an amendment to said Motion.

DATED: This 1st day of September, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Sep 1 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. 1006 - EQUITY
A. W. Lucas,	Defendant.)

ORDER REVIVING JUDGMENT

This matter coming on for hearing before this court on the 31st day of August, 1942, upon motion of the United States of America to revive dormant judgment, plaintiff appearing by Whit 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 the defendant, A. W. Lucas appearing by his attorney of record, Ralph Barney, and the court thereupon hearing argument of counsel and being otherwise fully advised finds that judgment was entered against A. W. Lucas on October 29, 1935, and execution issued thereon on September 12, 1936, said execution was returned unsatisfied for the reason that nothing was found belonging to defendant A. W. Lucas to levy upon; the court further finds that notice of this motion was served upon said defendant in accordance with the statutes of the State of Oklahoma, and upon his attorney of record in accordance with federal rules of civil procedure; the court further finds that said motion is brought within the time prescribed by said statutes and that said motion is proper and regular and said motion should be allowed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said motion to revive said judgment be and the same is hereby allowed, and said judgment is revived and renewed as of this date, said judgment to stand as originally decreed and as modified with all creditors for all payments made thereon.

LET EXECUTION ISSUE on the judgment entered herein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Sep 1 1942
H. P. Warfield, Clerk
U. S. District Court

Court adjourned to September 2, 1942

On this 2nd day of September, 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. Manzy, United States Attorney
John P. Logan, United States Marshal

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)
)
-vs-)
)
One 1941 Ford DeLuxe 4-door)
Sedan Automobile, Motor No.)
18-6,074,154; Clyde Rhodes,)
Emma Leona McKee, and Mrs.)
Pearl Slyter,	Claimants.)

No. 792 Civil

JOURNAL ENTRY OF JUDGMENT

Now on this 2nd day of September, 1942, this cause of action having come on before the Court, pursuant to regular assignment, Libelant appearing by Whit Y. Manzy, United States attorney, and Joe W. Howard, Assistant United States Attorney for the Northern District of Oklahoma, and the claimants, Clyde Rhodes and Emma Leona McKee, having filed a disclaimer to any right or interest to the above described automobile, and the claimant, Mrs. Pearl Slyter, appearing by her attorneys W. C. Peters and W. P. Smith, having stipulated and agreed as to certain facts and presented evidence as to others, and the Court, after hearing arguments of counsel and being fully advised in the premises finds in favor of the libelant as against all 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 described 1941 Ford DeLuxe 4-door Sedan Automobile, Motor No. 18-6,074,154, insofar as the interest and rights of claimants, Clyde Rhodes, Emma Leona McKee, and Mrs. Pearl Slyter are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a remission and mitigation of such forfeiture on behalf of claimant, Mrs. Pearl Slyter, be, and the same is hereby denied, and that the application made by the Director of Procurement, pursuant to Section 304, Title 3, of the Liquor Repeal and Enforcement Act, requesting that said described automobile be assigned to the Superintendent, Pine Ridge Agency, Pine Ridge, South Dakota, be, and the same is, hereby allowed and the United States Marshal for the Northern District of Oklahoma is hereby directed to turn said automobile over to said Superintendent, Pine Ridge Agency, Pine Ridge, South Dakota, or his duly authorized representative.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Sep 5 1942
H. P. Warfield, Clerk
U. S. District Court AC