

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

| | | |
|------------------------------------|-------------|-----------------|
| Bass H. Clark, | Plaintiff, |) |
| | |) |
| vs. | |) No. 645 Civil |
| G. E. Kinney, Inc., a corporation, | Defendants. |) |

JOURNAL ENTRY OF JUDGMENT

Now on this 24th day of February, 1942, came the plaintiff in person and by his attorneys Ward and Ward and also came the defendant corporation by its attorneys Pierce and Rucker, this cause came on for trial in its regular order before a jury of twelve good men, who being duly empaneled and sworn, well and truly to try the issues, joined between the plaintiff and the defendant and a true verdict render according to the evidence; and having heard the evidence, the charges of the court and argument of the counsel upon their oath, that they find the issues in favor of the defendant and against the plaintiff.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the said plaintiff, Bass H. Clark take nothing from these defendants, and that the said costs of this action shall be assessed against the plaintiff.

HOWER BRADBUS
JUDGE

ENTERED: Filed In Open Court
Mar 27 1942
H. P. Warfield, Clerk
U. S. District Court H

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

| | | |
|--|------------|-----------------|
| EDGAR D. BALDWIN, | Plaintiff, |) |
| | |) |
| vs. | |) No. 677 Civil |
| MISSOURI, KANSAS AND TEXAS RAILROAD COMPANY, corporation, | Defendant. |) |

O R D E R

Now on this 27th day of March, 1942, the above entitled case coming on regularly for hearing, pursuant to assignment, upon plaintiff's motion for new trial, and defendant's response thereto, and the Court having seen and read plaintiff's said motion and affidavits in support thereof, and the defendant's response thereto and affidavits in support thereof, and plaintiff's reply, and having heard the arguments of counsel, and being fully advised in the premises finds that plaintiff's said motion for new trial should be overruled.

The Court is of the opinion, and further finds that the allegations of plaintiff's petition even if true do not state a cause of action in favor of the plaintiff and against defendant, and that the hole in the street or road complaint of was not the cause, if any in fact had nothing to

do with the accident, and was not the proximate cause of the accident and injuries to the plaintiff. The Court approves the verdict of the jury in favor of the defendant herein, and further approves the payment by the defendant to certain witnesses of the amounts which it is shown were paid for witness fees and mileage and their lost of time, inconvenience, and expenses in attending the trial of said case, and the conference with the attorneys for the defendant on the day preceeding the trial of said case, and finds that the payment of said amounts to said witnesses was not with any wrongful intent.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED by the court that the plaintiff's said motion for a new trial herein filed herein be and the same is hereby overruled.

BOWEN BROADBENT
JUDGE

ENDORSED: Filed Mar 31 1942
H. P. Marfield, Clerk
U. S. District Court H

IN THE UNITED STATES DISTRICT WITH-IN AND FOR THE NORTHERN DISTRICT OF
THE STATE OF OKLAHOMA

D. H. Harris,)
Plaintiff,)
vs.) No. 580 Civil
Mid-West Chevrolet Company, a corporation,
and Clifford Henry Holland,)
Defendants.)

JOURNAL ENTRY OF JUDGMENT

Now on this 25th day of February, 1942, came the plaintiff in person and by its attorneys Wilkerson and Smith, and also came the defendant corporation and Clifford Henry Holland, by its attorneys Pierce and Eacker, this cause came on for trial in its regular order before a jury of twelve good men, who being duly empaneled and sworn, well and truly to try the issues, joined between the plaintiff and the defendant and a true verdict render according to the evidence; and having heard the evidence, the charges of the court and argument of the counsel upon their oath, that they find the issues in favor of the defendant and against the plaintiff.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT, that the said plaintiff, D. H. Harris, take nothing from these defendants, and that the said costs of this action shall be assessed against the plaintiff.

BOWEN BROADBENT
JUDGE

ENDORSED: Filed In Open Court
Mar 27 1942
H. P. Marfield, Clerk
U. S. District Court H

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

WALTER E. DITTMAN,

Plaintiff,

vs.

No. 681 Civil

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

Defendants.

J U D G E M E N T

Now on this 27th day of February, 1942, the above entitled cause came on regularly for trial, the plaintiff appearing in person and by his attorneys W. L. Shirey and W. H. Ingersoll, and the defendants George Darnold, Art Darnold and Bruce Scott appearing in person and by their attorney Roscoe E. Harper; all parties now being ready for trial, the case proceeded to trial. The plaintiff put on his testimony and rested and the defendants put on their testimony and rested and the plaintiff put on his rebuttal testimony and thereupon the case was submitted to the jury and the jury specially found that the plaintiff did not work for the hours claimed in plaintiff's petition. The court finds that a special finding and verdict should be approved and that judgment should be entered for the defendants.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that judgment be and the same is hereby entered for the defendants George Darnold, Art Darnold and Bruce Scott as against the plaintiff Walter E. Dittman; and that the plaintiff take nothing herein; and that the defendants have judgment against the plaintiff for their costs herein expended.

BOWER BROADBUSH
JUDGE

ENDORSED: Filed In Open Court
Mar 27 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. 763

A Certain Parcel of land in Kayes
County, Oklahoma; and Reba Frances
Bogle, et al.,

Defendants.

ORDER APPOINTING COMMISSIONERS

NOW, on this 27th day of March, 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 land hereinafter described and that the acquisition of said land 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, 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. 255 (a) (e); Title II of the Act of June 16, 1933, 48 Stat. 195, 300 (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 in lands necessary for carrying out the purposes and objects set forth in said Executive Order No. 8944.

The said land being so acquired for said public purposes is described as follows, to-wit:

$E\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$, Section 22, Township 23 North, Range 21
East, Mayes County, Oklahoma, containing twenty (20.0)
acres, more or less.

The estate taken for said public use is the full fee simple title in and to said land, subject to existing public easements, if any, in a public road along the North and East sides of said $E\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$, and in a fifty (50) foot public road along the West side of said $E\frac{1}{2}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$.

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

The Court hears evidence and specifically finds that the returns of the Marshal 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.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that W. L. Mayes of Mayes, County, Oklahoma, Elmer Vick of Tulsa County, Oklahoma, and Chas. C. Weber 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 tract 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 said land 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 tract 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 sum one forthwith each of said commissioners so appointed by serving a certified copy of this order upon 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 3rd day of April, 1942, at 10 o'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

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

ENTERED: Filed Mar 27 1942
E. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to March 30, 1942

On this 28th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Marfield, Clerk, U. S. District Court
Walt Y. Kandy, United States Attorney
John F. Logan, United States Marshal

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

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

ELSIE A. MILLER,

Plaintiff,

vs.

No. 530 Civil

HERBERT FREDERIC MILLER,

Defendant.

JOURNAL ENTRY

NOW on this 28th day of March, 1942, being one of the regular judicial days of this Court, comes regularly on for decision, the motion to dismiss of the defendant herein, the plaintiff appearing by one of her attorneys, John Lodner, and the defendant appearing by one of his attorneys, L. G. Owen, and the Court being fully advised in the premises, and pursuant to stipulation of the parties hereto, taking judicial notice of all of the pleadings, proceedings, testimony, orders, judgments, briefs, and other matters which have been filed, entered, or given in the prior action between the parties hereto in the District Court within and for Tulsa County Oklahoma, being No. 64,356 in said Court, and an appeal therefrom in the Supreme Court of Oklahoma, being No. 28,747 in said Court finds that said motion should be sustained;

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that said motion to dismiss of the defendant be and the same is hereby sustained, to which ruling and judgment the plaintiff then and there duly excepted, which exception was by the Court allowed.

WHEREFORE, the plaintiff announced that she does not desire to further amend her complaint herein, but would stand upon said complaint as amended herein heretofore.

IT IS, THEREFORE, FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff's said action and complaint as amended herein be and it is hereby dismissed with prejudice and judgment be and is hereby entered in favor of the defendant and against plaintiff, and costs taxed to the plaintiff to which order and judgment plaintiff then and there duly excepted, which exception was by the Court allowed.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Mar 28 1942
H. P. Marfield, 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,

CIVIL NO. 795

CERTAIN PARCELS OF LAND IN MAYES
COUNTY, OKLAHOMA; and Laura E. Jones,
et al.,

Defendants.

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 23 day of -- 1948, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking the statutes in such cases made and provided, and the Executive 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 urged in said petition;

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

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

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

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

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 by said acquiring authority to be just compensation for said lands, in the amount of \$1849.68, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 20 day of March, 1908, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement be granted to erect, operate and maintain a line or lines of poles, h-frame structures, towers or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands, situate, lying and being in the County of Hayes, State of Oklahoma, and more particularly described by courses and distances as follows, to-wit:

TRACT NO. 1 (306 - 18.1)
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T 22 N - R 13 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, 230.0 feet from the NE corner thereof; thence South easterly to a point in the South boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, 908.2 feet from the SE corner thereof.

TRACT NO. 2 (306 - 18.2)
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 E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, T 22 N - R 13 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, 266.8 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, 61.6 feet from the SE corner thereof.

TRACT NO. 3 (306 - 18.3)
Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T 22 N - R 13 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

TRACT A:

Beginning at a point in the North boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, 44.6 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 130.5 feet from the SW corner thereof, and

TRACT B:

Beginning at a point in the North boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 700.4 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 400 feet from the SW corner thereof.

TRACT NO. 4 (306 - 18.4)
Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 24, T 22 N - R 13 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 125.8 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ 40.9 feet from the SE corner thereof.

TRACT NO. 5 (306 - 19.1)
Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T 22 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, 400 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, 1232.4 feet from the NW corner thereof.

TRACT NO. 6 (306 - 19.2)
Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 25, T 22 N - R 19 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, 1232.4 feet from the NE corner thereof; thence Southwesterly to a point in said E $\frac{1}{2}$ SW $\frac{1}{4}$, 942.7 feet North and 311.9 feet East of the SW corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ SW $\frac{1}{4}$, 140 feet from the SW corner thereof.

TRACT NO. 7 (306 - 19.3)
Perpetual Easement

All that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, T 22 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence Easterly along the North boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 24.1 feet; thence Southwesterly to a point in the West boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence Northerly along the West boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, a distance of 74.3 feet to the point of beginning.

TRACT NO. 8-(306 -20.1)
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ and the E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 36, T 22 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, 140 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$, 318.4 feet from the SW corner thereof.

TRACT NO. 9 - (306 - 20.2)

Perpetual easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 76, T 23 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, 318.4 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, 77.9 feet from the SW corner thereof.

TRACT NO. 10 - (306 - 20.3)

Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 76, T 23 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 592.2 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 498 feet from the SW corner thereof.

TRACT NO. 11 (306 - 21.1)

Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ of Lot 4, Sec. 1, T 21 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said Lot 4, 498 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said Lot 4, 283.3 feet from the Southwest corner thereof.

TRACT NO. 12 (306 - 21.2 23.1)

Perpetual Easement

All that part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 1 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2, all in T 21 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, particularly described as follows, to-wit:

TRACT A

A strip of land 100 feet in width in said NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, 283.3 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, 132.7 feet from the SE corner thereof;

TRACT NO. 12 (Continued)TRACT B

Beginning at the NW corner of said W $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$, thence Easterly along the North boundary of said W $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$, a distance of 82.4 feet; thence Southwesterly to a point in the West boundary of said W $\frac{1}{2}$ NW $\frac{1}{2}$ SW $\frac{1}{2}$; thence Northerly along said West boundary a distance of 240.0 feet to the point of beginning.

TRACT C

Beginning at the SE corner of said E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 2; thence Northerly along the East boundary of said E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$, a distance of 213.6 feet; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$; thence Easterly along the South boundary of said E $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{2}$, a distance of 73.2 feet to the point of beginning.

TRACT NO. 13 (306 - 21.3)

Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, Sec. 1, T 21 N - R 15 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, 120.7 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said SW $\frac{1}{2}$ SW $\frac{1}{2}$ NE $\frac{1}{2}$, 21.3 feet from the SW corner thereof.

TRACT NO. 14 (305 - 20.2)

Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$, Sec. 2, T 21 N - R 15 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said E $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$, 25.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$, 20.2 feet from the SE corner thereof.

TRACT NO. 15 (306 - 22.7)

Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$, Sec. 2, T 21 N - R 15 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said E $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$, 220.7 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ SE $\frac{1}{2}$ SE $\frac{1}{2}$, 22.7 feet from the SE corner thereof.

TRACT NO. 16 (306 - 23.1)

Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 11, T 21 N - R 19 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, 473 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, 1009.8 feet from the NW corner thereof.

TRACT NO. 17 (306 - 23.2)

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. 11, T 21 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, 310.2 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, 57.7 feet from the SE corner thereof.

TRACT NO. 18 (306 - 23.3)

Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11, T 21 N - R 19 E of the Indian Base and Meridian in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said W $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, 57.7 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said W $\frac{1}{2}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, 180.6 feet from the SE corner thereof.

TRACT NO. 19 (306 - 23.4)

Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 11, T 21 N - R 19 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows:

Beginning at a point in the North boundary of said SW $\frac{1}{4}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, 180.6 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said SW $\frac{1}{4}$ SE $\frac{1}{2}$ NE $\frac{1}{4}$, 203.5 feet from the SE corner thereof.

TRACT NO. 20 (306 - 23.5)

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. 11, T 21 N - R 19 E of the Indian Base and Meridian, in Hayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$ 303.5 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $N\frac{1}{2} NE\frac{1}{4} SE\frac{1}{4}$, 111.4 feet from the SW corner thereof.

TRACT NO. 21 (306 - 23.5)
Perpetual Easement

A strip of land 100 feet in width in the $N\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$, Sec. 11, T 21 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $N\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$ 111.4 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said $N\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$ 721.6 feet from the SW corner thereof.

TRACT NO. 22 (306 - 23.7)
Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$, Sec. 11, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$, 721.6 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said $E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$ 135 feet from the SE corner thereof.

TRACT NO. 23 (306 - 24.1)
Perpetual Easement

A strip of land 100 feet in width in the $E\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, Sec. 14, T 21 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $E\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, 135 feet from the NE corner thereof; thence Southwesterly to a point in said $E\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, 351.1 feet South and 192.5 feet West of the NE corner thereof; thence Southwesterly to a point in the South boundary of said $E\frac{1}{2} NW\frac{1}{4} NE\frac{1}{4}$, 351.0 feet from the SW corner thereof.

TRACT NO. 24 (306 - 24.2)
Perpetual Easement

A strip of land 100 feet in width in the $SW\frac{1}{4} NE\frac{1}{4}$, Sec. 14, T 21 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said $SW\frac{1}{4} NE\frac{1}{4}$, 311.6 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said $SW\frac{1}{4} NE\frac{1}{4}$, 639.1 feet from the SW corner thereof.

TRACT NO. 25 (300 - 24.3)
Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T 21 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ 629.1 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, 246.9 feet from the SW corner thereof.

TRACT NO. 26 (306 - 24.4)
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, T 21 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 246.9 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 65 feet from the SW corner thereof.

TRACT NO. 27 (308 - 25.1)
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

TRACT A:

Beginning at a point in the North boundary of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, 65 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 $\frac{1}{4}$, 304.3 feet from the NW corner thereof;

and

TRACT B:

Beginning at a point in the North boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, 216.9 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, 227.9 feet from the SE corner thereof.

TRACT NO. 28 (306 - 25.2)
Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ 304.8 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ 216.9 feet from the SE corner thereof.

TRACT NO. 29 (306 - 25.3)
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T 21 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, 357.9 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ 730.8 feet from the NE corner thereof.

TRACT NO. 30 (306 - 25.4)
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 25, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, 120.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, 259 feet from the SW corner thereof.

together with the perpetual easement and right to cut down, remove and trim any trees, which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 30 day of March, 1942, and this cause is held open for such other and further orders, judgment and decrees as may be necessary in the premises.

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

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

Court adjourned to March 30, 1942

On the 28th day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce R. Savage, E. E. Lemmer and Robert L. Williams, Judges, present and presiding.

H. P. Mansfield, Clerk, U. S. District Court
Walt M. Hays, 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

Lilia Quapaw Hanson,)
Plaintiff,)
vs.)

CIVIL ACTION File No. 193

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

D E C R E E

This cause came on for hearing before the undersigned, Robert L. Williams, United States Circuit Judge, sitting by assignment in the United States District Court for the Northern District of Oklahoma, pursuant to a special setting on the 16th day of June, 1941, at Tulsa, Oklahoma, in the Northern District of Oklahoma. The plaintiff, Lilia Quapaw Hanson, appeared in person and by her attorney, Dick Rise, of Miami, Oklahoma, and the defendants, Agnes Quapaw Hoffman, Jean Ann Quapaw Hoffman, an infant, Henry E. Hoffman, as guardian of Jean Ann Quapaw Hoffman, an infant, and Henry E. Hoffman, appeared by their attorneys, Vern E. Thompson and Loyd E. Roberts, of Joplin, Missouri and Byron Hoffman of Miami, Oklahoma. Thereupon the court heard the evidence of the parties, and thereafter requests for findings of fact and conclusions of law were made and proposed findings and conclusions were submitted by respective counsel for the consideration of the court. Oral arguments were heard by the court, and written briefs were filed by the parties, all of which were duly considered by the court.

The court therefore, being well and duly advised in the premises, finds:

(1) That the plaintiff is a citizen of the State of Oklahoma, residing in Okmulgee County of the Eastern District, and that defendants are citizens of the State of Oklahoma, of Ottawa County in the Northern District; that the said Henry E. Hoffman is the husband of the said Agnes Quapaw Hoffman, and the duly appointed, qualified and acting guardian of the person and estate of the defendant, Jean Ann Quapaw Hoffman, a minor or infant, having been so appointed by the County Court of said Ottawa County, in September, 1936, and the Probate Court of Cherokee County, Kansas on October 1, 1938, and that the said Agnes Quapaw Hoffman and Jean Ann Quapaw Hoffman are full-blood restricted Quapaw Indians whose estates and property are still under the supervision of the Secretary of the Interior.

(2) That the said Agnes Quapaw Hoffman is the surviving widow of Benjamin Quapaw who died on May 23, 1926, and at the time of the marriage between them on January 4, 1921 in Columbus, Cherokee County, Kansas, Benjamin Quapaw was a restricted Quapaw Indian of ordinary understanding and intelligence, capable of understanding the character and nature of the marriage contract taking place between him and the said Agnes Quapaw, and that the marriage between them was voluntarily entered into by the said Benjamin Quapaw, without fraud, artifice, trick or deception practiced upon him by the said Agnes Quapaw or any other person, and a valid and legal marriage.

(3) That the said Jean Ann Quapaw Hoffman is the daughter of the said Benjamin Quapaw and the said Agnes Quapaw Hoffman, born after said marriage, in lawful wedlock, and of him an heir at law.

(4) That on October 28, 1904, Benjamin Quapaw caused to be made and duly executed his last will and testament, a copy of which has been introduced in evidence at the hearing of this case, and that at the time of the execution of said will, Benjamin Quapaw was a restricted Quapaw Indian, possessing ordinary intelligence and understanding and capable of understanding the nature and character of a testamentary act, and understood the nature of the instrument which was being executed when he executed said will, and that it was made at his suggestion and not at the suggestion of any other person, and that said testator had executed wills prior to that time which were by him revoked, and that said last will and testament as written and interpreted to the said testator, Benjamin Quapaw, expressed his testamentary intentions and desires and was executed by him without fraud, deception, undue influence, trick or artifice practiced upon him by any of the defendants or any one acting by or for them, or by any one else.

(5) That all of the necessary steps required by the rules and regulations of the Secretary of the Interior relative to the approval of Quapaw Indian wills were accordingly and duly taken, and that the proper Examiner of Inheritance under the Secretary of the Interior gave the required and proper notices to creditors and prospective heirs or claimants of the hearing to be had or held upon the will and that said notices were duly and properly posted pursuant to the regulations of the Secretary of the Interior, and that the hearing of the Examiner of Inheritance was accordingly held in due form and the evidence of various witnesses relative thereto and also as to the testamentary capacity of said Benjamin Quapaw and the execution of his said will and as to the question of deception, trick, artifice, fraud, undue influence, etc., relative to the execution of the will, was taken.

(6) That said last will and testament was duly approved as to all of the property described therein and covered by said will, and the Secretary of the Interior has continued to administer and hold under his supervision said estate under the rules and regulations duly prescribed by him, and according to law, restrictions not having been removed therefrom, neither had he removed restrictions existing on said property or any part thereof at the time of the death of the said Benjamin Quapaw, nor have such restrictions been removed by or since said death, nor has the said Secretary relinquished his supervision or control over any of said property, but has from time to time in the administration of said trust expended certain of said funds for the reasonable use and benefit of said beneficiaries, to-wit: the said Agnes Quapaw Hoffman and Jean Ann Quapaw Hoffman.

(7) That there was no fraud, trick, artifice, deception or concealment or otherwise practice by any witness or any other person upon the Examiner of Inheritance in making his investigation and holding his hearing relative to said Benjamin Quapaw's testamentary capacity and said will, as to any previous marriage, child or children, or in any other respect under the herein issues, and that the Examiner of Inheritance made a complete, correct and true report to the Commissioner of Indian Affairs in the office of the Secretary of the Interior, and the Commissioner of Indian Affairs in turn made such report to the Secretary of the Interior upon the estate of Benjamin Quapaw; and that in all of the proceedings in and from the office of the Secretary of the Interior, and under said department, the applicable rules and regulations thereof and laws governing same were followed with reference to the estate of Benjamin Quapaw, and all the officers, including the Secretary of the Interior and subordinates, acted without fraud, concealment, or deception of any kind being practiced upon them or by any one of them upon the others.

(8) That prior to the marriage of Benjamin Quapaw to See-sah Quapaw, and subsequent to the close of the Civil War in 1865, Benjamin Quapaw as a young man lived for a time in the Creek Nation, and I find that the said Benjamin Quapaw never was married to or lived with Lizzie Casteel as his wife, and said plaintiff, Lilia Quapaw Hanson, is not the daughter of the said Benjamin Quapaw by said Lizzie Casteel, and therefore I find and conclude that on account of the inadequacy of the proof of the part of plaintiff or otherwise that Lilia Quapaw Hanson is neither the daughter nor an heir of the said Benjamin Quapaw. I find that said Benjamin Quapaw, when a young man, lived

for a time on the Little River near Holdenville, near the Ealsey-Canadian Stamp Grounds in the Creek Nation, and that there is evidence according to credible witnesses to show that whilst there he was married to Mary Kernalls, a daughter of Teanyie Kernalls, a Creek Indian, and that there was born of that marriage one child, a daughter, by the name of Jennie, who died, without surviving issue and before Benjamin Quapaw died, and that the said Benjamin Quapaw, whilst the said Jennie was living, was divorced from the said Mary Kernalls according to the Creek National custom and law then prevailing.

(9) That plaintiff, on January 10, 1938, filed a petition before the Secretary of the Interior to reopen the matter of said estate, and as to said will, and thereafter filed amendments to said petition, and thereb evidencing fact of notice and making herself a party to such proceeding, and on June 30, 1938, the said Secretary of the Interior denied said petition and refused to reopen the question as to said estate and will, and thereafter on July 28, 1938, the plaintiff filed her first petition for rehearing thereon and said petition was over uled on March 4, 1939, and on March 20, 1939, her second petition for rehearing thereon was filed, and overruled by the Secretary of April 25, 1939.

(10) That the said Benjamin Quapaw and See-sah Quapaw, his wife, were permitted by the Secretary of the Interior to execute mining leases upon their Quapaw allotted lands in the year 1915, and to collect the rents and royalties therefrom accruing; that part of the royalty so collected was invested by the said Benjamin Quapaw or others acting for him, in real estate located and situated in Baxter Springs, Kansas, and in Ottawa County, Oklahoma, the real estate being described in plaintiff's complaint or petition, and on December 31, 1917, the Secretary of the Interior, voting to protect the estates of Benjamin Quapaw and See-sah Quapaw, duly declared them to be incompetent to manage their affairs, and thereupon and then and there at the said time resumed actual control over all of their properties, both real and personal, and since said date the Secretary of the Interior has remained in such control of all of said property, and is now exercising such control and jurisdiction thereover.

(11) The Court also finds that the evidence under the law fails to sustain any claimed liability on the part of the said Henry E. Hoffman in favor of plaintiff, and that on such issue plaintiff is not entitled to recover.

(12) That all conveyances made since the death of Benjamin Quapaw of any part of his estate have been made under and subject to the approval of the Secretary of the Interior, and all proceeds received therefor have been paid into trust funds in possession of and under the supervision of the Government, and to the credit of the said heirs and beneficiaries of Benjamin Quapaw, to-wit, the said Agnes Quapaw Hoffman and Jean Ann Quapaw Hoffman.

(13) The court finds that the plaintiff has failed to sustain under the evidence the issues of fact as raised by the pleadings and finds all said issues against the plaintiff.

Based upon the foregoing findings of fact, the court concludes as a matter of law:

(1) That the Secretary of the Interior was asserting the right to administer upon all of the property of Benjamin Quapaw at the time of his death under a claim of right based on his interpretation of the Act of Congress of June 25, 1910 (36 Stats. L. 855), as amended by Act of Congress approved February 14, 1913 (37 Stats. L. 678-679), and the Act of Congress on June 7, 1897 (30 Stats. L. 62-72), and that he approved the last will of Benjamin Quapaw, under which the said Agnes Quapaw Hoffman and Jean Ann Quapaw Hoffman were legatees and sole beneficiaries therein, and that he is still exercising the right to control and supervise all of said estate as to said parties as restricted Quapaw Indian, and the court concludes that the Secretary of the Interior or the United States of America is an indispensable party to this action.

(2) That the judgment of said Secretary in approving said will is a binding judgment and a bar to plaintiff in this action, and that the said Agnes Quapaw Hoffman and Jean Ann Quapaw

Hoffman are the only heirs and sole heirs, all surviving, of the said Benjamin Quapaw, deceased, entitled to participate in the distribution of his said estate, and the sole and surviving legatees entitled to participate as distributees under said will, and that the legal title of the property involved in this action is and should be vested in said defendants, Agnes Quapaw Hoffman and Jean Ann Quapaw Hoffman, under the supervision of the Secretary of the Interior, and the judgment thereon as to the will has become final and is a binding judgment as res adjudicata and a bar to this action by plaintiff.

(3) According to the competent evidence introduced on the part of plaintiff, fraud in securing either the execution of the will or the approval thereof is not proved, and the notice of the hearing on the question of heirship and the last will of Benjamin Quapaw, as proved, constituted notice in said action, and voluntary appearance was made by plaintiff in the proceeding had before the Secretary of the Interior, and that the judgment of the Secretary of the Interior in denying the request of the plaintiff to reopen that proceeding precludes her from complaining in and maintaining a separate action, and that a decree should be entered in favor of the defendants as against the plaintiff.

(4) The previous judgment entered by the trial court sustaining defendant's motion to dismiss as to Henry E. Hoffman individually was neither reversed nor vacated by the Circuit Court of Appeals for the Tenth Circuit, and the amended petition or complaint herein insofar as it applies to Henry E. Hoffman for an additional ground is without merit.

(5) The costs of this action including the expense should be awarded against the plaintiff, except that the per diem allowance for the court reporter for the time actually spent in taking the testimony of witnesses whose evidence was taken herein and transcribed by him according to understanding in open court should be charged in equal parts to the respective sides.

It is therefore by the court ordered, adjudged and decreed:

1. That the plaintiff take nothing by her suit and the issues in said cause be and they hereby are found in favor of the defendants.
2. That the costs of this action including the expense be and they hereby are taxed against the plaintiff, save and except the per diem allowance of the reporter in the sum of \$_____ one-half of which is taxed against the plaintiff and one-half of which is taxed against the defendants.

To each of which findings, rulings and decrees as above set forth and each of them, the plaintiff excepts and exceptions are allowed.

DONE in open court this 30th day of March, 1942.

ROBERT E. WILLIAMS

Robert E. Williams, United States Circuit Court
Judge sitting by assignment in the United States
District Court for the Northern District of Oklahoma

ENDORSED: Filed In Open Court
Mar 30 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,

Paul Mason,

vs.

No. 670 Civil

15,500 shares of stock, more or less,
situate in Mayes County, Oklahoma,
and John W. Mahaus, Sr., et al.,

Respondents.

ORDER CONCERNING CHECK AND PREVENTING THE
ISSUANCE OF NEW CHECKS

Now on this, the 31st day of March, 1942, this cause came on to be heard, and the Court having been fully advised in the premises, finds that Check No. 1326 heretofore issued by the Clerk in the sum of \$1014.50, payable to the order of Frank Tucker, Loretta Florence, formerly Loretta Tucker, John Tucker, Lucille Mason, formerly Lucille Tucker, and the County Treasurer of Mayes County, Oklahoma, should be recalled and cancelled, and individual checks issued to the respective payees.

IT IS THEREFORE ORDERED that check No. 1326 be, and the same hereby is cancelled, and the Clerk is directed to stop payment on said check by giving proper notice to the bank.

IT IS FURTHER ORDERED that the Clerk notify Frank Tucker, Grayville, Illinois, that check No. 1326 has been cancelled, and to demand the return thereof, notifying the said Frank Tucker that his part of the money will be distributed to him when he returns check No. 1326.

IT IS FURTHER ORDERED that the Clerk issue checks as follows:

| | |
|---|----------|
| Loretta Tucker Florence | \$122.50 |
| Lucille Tucker Mason | 573.50 |
| John Tucker | 573.50 |
| County Treasurer of Mayes County, Oklahoma | 74.42 |

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

BOWER BRADGUS
JUDGE

ENDORSED: Filed Mar 30 1942
H. P. Warfield, Clerk
U. S. District Court N

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

UNITED STATES OF AMERICA,

Petitioner,)

vs.

No. 739 Civil

CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA; and Columbia National Life Insurance Company, a corporation, et al.,

Defendants.

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on the 28th day of March, 1943, it appearing from the affidavit of F. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, et al for the petitioner, and the application of the United States of America, petitioner in the styled cause, that the following named defendants, to-wit:

Lydia E. Howard, Cherokee N. E.;
 Kate Poffenbach, one and the same person as Miss E. W. Poffenbach;
 Thomas H. Robinson, J. A. Reynolds, Ned Hayes, J. A.
 Wood, F. S. McClain, W. E. Evans, and Louella P. Chesnut,
 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;
 Columbia National Life Insurance Company, a corporation;
 The Federal Land Bank of Wichita, a corporation;
 Seneca Fidelity Company; and Citizens Bank and Trust Company
 of Pryor, 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 Cherokee Brewer, Cherokee Roll No.
 2754, deceased; and of Lurie McDowd, nee Downing, Cherokee
 Roll No. 13168, 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 all other persons, firms, corporations, or legal entities claiming any interest whatsoever in the real estate herein described and involved, be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given to the aforesaid defendants, and each of them, by publication, notifying them of the institution of the condemnation proceedings; that said notice be signed by the attorneys for the petitioner hereto and duly attested by the Clerk of this Court, and that said notice be published in THE TULSA EVENING NEWS, 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 the 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 29th day of May, 1943, the petitioners, United States of America, will, on the 31st day of May, 1943, 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 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

damages which said defendants, or 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 Mar 30 1942
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to March 31, 1942

On this 31st day of March, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, F. E. Kennamer and Bower Broadfens, Judges, present and presiding,

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

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

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

DENEY T. ROSS ENGINEERING CORPORATION,
a corporation)
Plaintiff,)

-versus-

No. 544 Civil

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

ORDER ENLARGING TIME FOR FILING AND DOCKETING
OF APPEAL

On this 31st day of March, 1942, it appearing that the time provided by the rules of civil procedure in which to prepare, file, and docket the record upon appeal of this cause is inadequate in view of the voluminous character thereof,

It is Ordered that the time for preparation of the record herein and the filing and docketing of the appeal herein taken by the defendant Grand River Dam Authority be and the same is hereby extended for a period of ninety (90) days from and after the date upon which said defendant's notice of appeal was filed in this cause.

F. E. KENNAMER
DISTRICT JUDGE

ENDORSED: Filed Mar 31 1942 H. P. Warfield, Clerk
U. S. District Court LU

Court adjourned to April 1, 1942

On this 1st day of April, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, not pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

MISCELLANEOUS - BOND OF H. P. WARFIELD, CLERK.

CORPORATION BOND
KNOW ALL MEN BY THESE PRESENTS:

That we, H. P. Warfield, as principal, and Maryland Casualty Company, of Baltimore Maryland a corporation created and existing under the laws of the State of Maryland as surety, are held and firmly bound unto the United States of America in the full and just sum of Twenty-five Thousand Dollars, lawful money of the United States, to be paid to the United States; for which payment well and truly to be made, the said H. P. Warfield binds himself, his heirs, executors, and administrators, and the said Maryland Casualty Company binds itself, its successors and assigns, firmly by these presents.

IN WITNESS WHEREOF, the said H. P. Warfield, as principal, has hereunto set his hand and seal, and the said Maryland Casualty Company as surety, has caused these presents to be seal with its corporate seal and signed by P. L. Sisk, attorney-in-fact this first day of April, in the year one thousand nine hundred and fortytwo.

THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH, that whereas pursuant to law, the said H. P. Warfield, has been appointed Clerk of the District Court of the United States for the Northern District of Oklahoma, to have and to hold the same, with all the rights, privileges and emoluments thereunto lawfully appertaining, as by an appointment to him bearing the date of The First Day of April, 1928 more fully appears, a certified copy of which is hereunto annexed.

NOW, THEREFORE, if the said H. P. Warfield by himself and by his deputies, shall faithfully discharge the duties of his office, and seasonably record the decrees, judgments, and determinations of the said court, and properly account for all moneys coming into his hands, as required by law, then this obligation to be void; otherwise to remain in full force and virtue.

Signed, sealed and delivered in the presence of-
B. K. HAMILTON H. A. EWING
(as to Principal)

H. P. WARFIELD,
Principal
MARYLAND CASUALTY COMPANY,
Surety (Corporate Seal)

FRANCES TIEDERMAN
LEE MALLORY
(as to surety)

By P. L. Sisk, Attorney in Fact

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

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

United States of America,

Plaintiff,

vs.

No. 304 Civil

Sherman Clark,

Defendant.

J U D G M E N T

Now on this 30th day of March, 1942, this matter coming on before the court pursuant to regular assignment for default judgment, the plaintiff, United States of America, appearing by Whit Y. Maury, United States Attorney for the Northern District of Oklahoma, and Chester A. Freyer, Assistant U. S. Attorney for said district, and the defendant, Sherman Clark, appearing, neither in person nor by attorney, and it appearing to the court that on July 7, 1941, the defendant, Sherman Clark, was duly and regularly served with summons in this cause of action by personal service and that said defendant has failed to plead or answer in this cause of action and is in default; and it further appearing to the court that the plaintiff, United States of America should recover judgment as set out in its complaint filed herein.

IT IS ORDERED FOR THE ORDER AND JUDGMENT OF THE COURT that the plaintiff the United States of America, have and recover judgment against the defendant, Sherman Clark, in the sum of Seven Hundred Two & 31/100 Dollars (\$702.31) together with interest thereon at the rate of six per cent (6%) per annum from July 21, 1941, until paid, and for the costs of this action.

ROYCE H. SAVAGE
JUDGE

EXPENSED: Filed Apr 1 1942
H. F. Warfield, Clerk
U. S. District Court IN

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

UNITED STATES OF AMERICA,

Petitioner,

No. 314 Civil

15,500 acres of land, more or less,
situate in Major County, Oklahoma,
and John W. Nichols, Jr., et al,

Respondent.

ORDER ON PETITIONAL AS TO CERTAIN TRACTS

Now on this 1st day of April, 1942, it being made to a year 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 to these 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-1

Lot One (1) otherwise described as the Northeast Quarter of the Northwest quarter (NE_{1/4} NW_{1/4}) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East, containing 39.30 acres, more or less, situate in Hayes County, Oklahoma;

Tract No. A-13

The Southeast quarter of the Southeast quarter (SE_{1/4} SE_{1/4}); the Southeast quarter of the Southeast quarter of the Southeast quarter (SE_{1/4} SE_{1/4} SE_{1/4}) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, containing 80 acres, more or less, situate in Hayes County, Oklahoma;

Tracts Nos. A-27 and A-35

The Southern 10.0 acres of Lot One (1) and the Northeast 10.0 acres of Lot Two (2); and the Northwest quarter of the Southwest quarter of the Northeast quarter (NW_{1/4} SW_{1/4} NE_{1/4}); and the Northwest quarter of the Northeast quarter (NW_{1/4} NE_{1/4}) of Section Seven (7), Township Twenty (20) North, Range Nineteen (19) East of Indian Base and Meridian, containing 70 acres, more or less, situate in Hayes County, Oklahoma;

Tract No. A-38

The North Half of the Northwest quarter (N_{1/2} NW_{1/4}); the West Half of the Southeast quarter of the Northwest quarter (W_{1/2} SE_{1/4} NW_{1/4}); the East Half of the Southwest quarter of the Northwest quarter (E_{1/2} SW_{1/4} NW_{1/4}); and the Northwest quarter of the Southwest quarter of the Northwest quarter (NW_{1/4} SW_{1/4} NW_{1/4}) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East; and the Southeast quarter of the Southwest quarter (SE_{1/4} SW_{1/4}) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East, situate in Hayes County, Oklahoma;

Tract No. A-39

The East Half of the Northeast quarter (E_{1/2} NE_{1/4}); and the Northwest quarter of the Southeast quarter (NW_{1/4} SE_{1/4}); and all that part of the Southwest quarter of the Northeast quarter (SW_{1/4} NE_{1/4}); and the Northwest quarter of the Southeast quarter (NW_{1/4} SE_{1/4}) lying east of the Missouri-Kansas & Texas Railroad right-of-way, in Section Twelve (12), Township Twenty (20) North, Range Nineteen (19) East of the I. M., containing 180 acres, more or less, situate in Hayes County, Oklahoma;

Tract No. A-43

The North Half of the Northeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less;

Tract No. A-45

The Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$); and the West Half of the Southeast Quarter of the Southwest quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Eight (8), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less;

Tract No. A-42

All that part of the Northeast 7.78 acres of Lot one (1) East of U. S. Highway #69 right-of-way and South of City of Tulsa Water Line right-of-way in Section One (1), Township Twenty (20) North, Range Eighteen (18) East, situate in Mayes County, Oklahoma, and containing 0.7 acres, more or less; also described as all that part of the Northwest Quarter of the Northeast Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$), lying East of U. S. Highway #69 right-of-way, and South of City of Tulsa water line right-of-way, in Section One (1), Township Twenty (20) North, Range Eighteen (18) East, situate in Mayes County, Oklahoma;

Tract No. B-11

The South Half of the Southwest quarter of the Northeast Quarter (S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$); and the Northeast quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$); and the North Half of the Northwest Quarter of the Southeast Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Three (3), Township Twenty (20) North, Range Nineteen (19) East of Indian Base and Meridian, containing 30 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. B-27

The Southwest quarter of the Northwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$); and the Northeast quarter of the Northwest quarter of the Southwest quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Nine (9), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less;

Tract No. B-33

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 Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, and containing 30 acres, more or less;

Tract No. B-37

The Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$) and the East Half of the Southwest Quarter of the Southwest Quarter ($E\frac{1}{2} SW\frac{1}{4} SW\frac{1}{4}$) of Section Eleven (11), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma, and containing 60 acres, more or less;

Tract No. C-5

The Southwest Quarter of the Southeast quarter of the Northeast Quarter ($SW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$); and the Northwest Quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$); and the North Half of the Southwest quarter of the Northeast Quarter ($N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 70 acres, more or less, situate in Hayes County, Oklahoma;

Tract No. C-14

The Northeast Quarter of the Southeast Quarter of the Southwest Quarter ($NE\frac{1}{4} SE\frac{1}{4} SW\frac{1}{4}$), Section Seventeen (17) Township Twenty (20) North, Range Nineteen (19) East, of the Indian Base and Meridian, containing 10 acres, more or less, situate in Hayes County, Oklahoma;

Tract No. C-31

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

Tract No. C-37

The West 20.07 acres of Lot One (1) (also described as the West Half of the Northwest quarter of the Northwest quarter) of Section Thirty (30), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma;

Tract No. C-42

The Northwest quarter of the Northeast Quarter ($NW\frac{1}{4} NE\frac{1}{4}$); and the West Half of the Northeast quarter of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$) of Section Twenty-eight (28) Township Twenty (20) North, Range Nineteen (19) East of Indian Meridian, situate in Hayes County, Oklahoma, and containing 60 acres, more or less;

Tract No. C-34

The Northwest quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) of Section Twenty-eight (28), and the Northeast quarter

of the Northeast quarter of the Southeast quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) less one (1) acre at the center thereof which is reserved for cemetery purposes, in Section Twenty-nine (29) all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma, and containing 49 acres, more or less;

Tract No. D-15

The Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$); and the South Half of the Northeast Quarter of the Southeast Quarter (S; NE $\frac{1}{4}$ SE $\frac{1}{4}$); and the Northwest quarter of the Northeast quarter of the Southeast quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma;

Tract No. D-15

The Northwest quarter of the Northeast quarter of the Southwest quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$); and the South Half of the Northeast quarter of the Southwest quarter (S; 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 $\frac{1}{4}$); 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 Southwest quarter of the Northwest quarter of the Southwest quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$); and the North 3 acres of the Northeast quarter of the Southwest quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma, and containing 70 acres, more or less;

Tract No. D-33

The Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$) less one (1) acre off the North side thereof, and that part of the East Half of the Southeast quarter of the Northwest quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) lying East of the roadway, all in Section twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, situate in Hayes County, Oklahoma, and containing 49 acres, more or less;

Tract No. D-53

The Northeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); and the Northeast quarter of the Southeast quarter of the Southwest quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 50 acres, more or less, situate in Hayes County, Oklahoma;

Tract No. D-60

The West Half of the Southeast quarter of the Southwest

quarter (W 1/4 SE 1/4 SW 1/4) of Section Twenty-eight (28), Town-
ship Twenty (20) North, Range Nineteen (19) East of the
Indian Meridian, situate in Nowata County, Oklahoma, and
containing 20 acres, more or less.

ROYCE H. SAVAGE
JUDGE

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

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

WILLIAM T. NEAL,)
Plaintiff,)

vs.)

No. 690

PETE COZZI, an Individual, and PETE COZZI
TERRAZZO AND MOSAIC COMPANY, a corporation,)
Defendants.)

C O U R T

Now on this 1st day of April, 1942, upon the application of the plaintiff for
dismissal with prejudice, and the court being advised in the premises, finds that the cause should
be dismissed with prejudice at the cost of the plaintiff.

It is, therefore, ordered, adjudged and decreed that the above entitled cause be
dismissed with prejudice and at the cost of the plaintiff.

ROYCE H. SAVAGE
JUDGE

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

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

The United States of America for the
use and benefit of

Tom W. Kelly,

Plaintiff,

vs.

No. 723 Civil

Central Construction Company, a
corporation, and

Continental Casualty Company, a corporation,
Defendants.

O R D E R

Now on this 30th day of March, 1948, this matter comes on for hearing upon the motion of Oklahoma Tire & Supply Company, a corporation, to intervene in the above styled cause and it appearing that due notice of said Motion has been given to the interested parties and the Court upon consideration finds that said Motion to Intervene should be sustained.

It is therefore ordered, adjudged and decreed by the Court that the said Oklahoma Tire & Supply Company be and it is hereby authorized to intervene in the above styled cause and file its Petition of Intervention herein and proceed henceforth in all respects as one of the parties in said cause.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 1 1948
H. P. Warfield, Clerk
U. S. District Court N

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

ALEX H. HENDRICKS,

Plaintiff,

vs.

No. 731 Civil

Phillips Petroleum Company, et al,

Defendants.

O R D E R

Now on this 1st day of April, 1948, this matter coming on before the court on the application of the United States of America for additional time to intervene in this cause of action and it appearing to the court that said time should be granted.

IT IS ORDERED AND DECREED BY THE COURT that the United States of America be and it hereby is granted thirty (30) days additional time from April 1, 1948, within which to plead in this cause of action.

ENDORSED: Filed Apr 1 1948
H. P. Warfield, Clerk
U. S. District Court N

ROYCE H. SAVAGE

Court adjourned to April 2, 1948

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

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

FRICK-REID SUPPLY CORPORATION, a corporation,

Plaintiff,

vs.

No. 741 Civil

SORKEN-GALASHA SUPPLY COMPANY, a corporation,

Defendant.

JOURNAL ENTRY OF JUDGMENT

Now on this 25th day of March, 1942, this cause came on for hearing pursuant to regular setting upon pre-trial docket. The plaintiff appeared by its attorney, John F. Conway, and the defendant, Sorken-Galasha Supply Company, a corporation, appeared by its attorneys, Irvine E. Underman, and the court having heard the statement of counsel and the admissions of the defendant set forth in the Findings of Fact this day filed, the court finds the issues in favor of plaintiff and against the defendant Sorken-Galasha Supply Company, a corporation.

It is therefore ORDERED, ADJUDGED AND RECORDED that plaintiff Frick-Reid Supply Corporation have judgment against the defendant Sorken-Galasha Supply Company, a corporation, for the sum of \$5479.37 with interest thereon at the rate of 6% per annum from the 31st day of December, 1941, together with an attorney's fee of \$500.00 and for the costs of this suit.

ROYCE W. SAVAGE

United States District Judge for the Northern District of Oklahoma

ENROFFED: Filed Apr 3 1942
H. P. Warfield, Clerk
U. S. District Court III

Court adjourned to April 7, 1942

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

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

Public proclamation having been duly made, the following proceedings were had and

entered, to-wit:

MISCELLANEOUS - ASSIGNMENT TO BAR.

Now on this 7th day of April, A.D. 1942, it being duly satisfied that the person that Charles L. Follenberg, C., is duly qualified for admission to the bar of the Court, the oath prescribed by law is administered to said person and declared admitted to the bar of the Court

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

SUSAN J. COLLIER,

Plaintiff,

vs.

No. 319 CIVIL

J. F. MEMBERRY COMPANY, a corporation,

Defendant.

FORMAL ENTRY OF JUDGMENT

On the 21st day of November, 1941, came to the above entitled case for trial, the plaintiff being present in person and represented by her attorney, C. S. Fenwick, and the defendant being represented by the attorney, Truman B. Rader, the jury being empaneled to well and truly try the issues in said cause, thereupon the plaintiff introduced her evidence, the defendant then introduced its evidence, the plaintiff introduced her rebuttal evidence and both parties rested, thereupon the defendant moved for a directed verdict, the court reserved its ruling on this motion, the cause was argued by both the attorney for the plaintiff and the attorney for the defendant, the court instructed the jury and after due and proper deliberation the jury returned the following verdict in the court; "We, the jury, being duly empaneled sworn to try the issues in the above entitled cause, do upon our oath find for the defendant. Signed: Vernon Crouch, Foreman."

Thereafter, in due time, plaintiff filed her motion for new trial, the same was in due course of time set for hearing on January 3, 1942 and after the court heard the argument of counsel and being fully advised in the premises, did overrule said motion.

It appearing that no appeal has been taken, and the time within which to file an appeal has expired, it is hereby ordered, adjudged and decreed final judgment be and is hereby rendered for defendant.

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

ENDORSED: Filed Apr 3 1942
E. P. Warfield, Clerk
U. S. District Court

IT IS, therefore, Ordered, Adjudged and Decreed by the Court that V. L. Hendrick, 920 Bass Building, Edmond, Oklahoma, be and he is hereby appointed guardian ad litem for the defendants Lester Edwin Blaser, Elmer David Blaser and Dorris Alma Blaser, and that he shall appear forthwith and answer in this action for said defendants.

ROYCE W. SAVAGE
District Judge

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

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

CORNELIA RUTH HUNDELESTON,
Administratrix, Plaintiff, No. 764 Civil
vs.

OKLAHOMA NATURAL GAS COMPANY, et al, Defendant.

ORDER REMANDING CAUSE

BE IT REMEMBERED, that on this the 3rd day of April, 1942, there comes on for hearing plaintiff's motion to remand to the District Court of Creek County, State of Oklahoma, the above styled and numbered cause and the court after hearing testimony of witnesses, sworn and examined in open court, and after hearing argument of counsel and being otherwise well and sufficiently advised in the premises finds that said cause should be remanded to the District Court of Creek County, Oklahoma, as prayed.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the case of Cornelia Ruth Hundleston, Administratrix, Plaintiff, vs. Oklahoma Natural Gas Company, et al, Defendants, No. 764 Civil, in this court, be, and the same is hereby ordered remanded forthwith to the District Court of Creek County, State of Oklahoma from whence it came and that the costs thereof be taxed to the removing party, Oklahoma Natural Gas Company, a corporation.

ROYCE W. SAVAGE
JUDGE

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

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

L. W. LaFITEE,)
Plaintiff,)
)
vs.) No. 771 Civil
)
C. E. JONES, HARRY GEORGE, EMPLOYERS)
MUTUAL CASUALTY CO., a corp.,)
Defendants.)

C O U R T R E P O R T

ON this the 3rd day of April 1948 this matter comes on for hearing on the Separate Motion of C. E. Jones and Harry George and the Separate Motion of Employers Mutual Casualty Company, a corporation. Plaintiff appeared by his attorney H. E. Smith and the defendants appeared by their attorneys, Green & Farmer, by W. E. Green.

The Court having heard and considered statement of counsel finds that the Motion of the defendants C. E. Jones and Harry George should be overruled; that the Motion of the defendant Employers Mutual Casualty Company, a corporation, should be sustained.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion of the defendants C. E. Jones and Harry George be and the same is overruled, and that the Motion of the defendant, Employers Mutual Casualty Company, a corporation, be and the same is hereby sustained, and the service on said defendant corporation is hereby quashed.

FOR GOOD CAUSE SHOWN, the defendants, C. E. Jones and Harry George are given and granted ten (10) days from this date or until and including April 13th, 1948 within which to file Answer in this cause, not to be in default during said time.

ROYCE A. SAVAGE
JUDGE

ENDORSED: Filed Apr 6 1948
H. P. Warfield, Clerk
U. S. District Court LM

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

DOROTHY HUGHES,)
Plaintiff,)
)
vs.) No. 780 Civil
)
SOUTHERN KANSAS GREYHOUND LINES, INC.,)
a corporation,)
Defendant.)

C O U R T R E P O R T

Now on this 3rd day of April, 1948, this matter came on to be heard upon defendant's motion to dismiss plaintiff's first and second causes of action. And the court being fully advised in the premises finds that defendant's motion to dismiss plaintiff's first cause of action should be overruled, but that defendant's motion to dismiss plaintiff's second cause of action should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that defendant's motion to dismiss plaintiff's cause of action be, and the same is hereby overruled.

IT IS FURTHER ORDERED that defendant's motion to dismiss plaintiff's second cause of action for punitive damages be, and the same is hereby sustained;

IT IS FURTHER ORDERED that defendant may have ten days from this date within which to file its answer to plaintiff's first cause of action.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

RECORDED: Filed Apr 11 1944
H. P. Kirkfield, Clerk
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Defendant,

vs.

One 1942 Ford Pick-up Truck, Motor No. BNL8-6,365,814, and approximately 164 gallons of Assorted Taxpaid Intoxicating Liquors seized therein; R. D. Hendrickson and Robert Lee Peterson, Claimants.

No. 789 CIVIL

ORDER FOR MONITION

Now on this 6th day of April, 1944, it appearing to the Court that the said 1942 Ford Pick-up Truck, Motor No. BNL8-6,365,814, with approximately one hundred eighty-four (184) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on State Highway No. 82, about two (2) miles East of the town of Choteau, in Nowata County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this Court, on December 12, 1941, by Jack Walsh and Cliff Goldsmith, Investigators for the Department of Public Safety of the State of Oklahoma, by virtue of authority of their said office, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by R. D. Hendrickson and Robert Lee Peterson for transportation of such intoxicating liquors from an unknown point in the State of Arkansas into the State of Oklahoma and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libellant has instituted libel action herein and requests issuance of monition notifying claimants R. D. Hendrickson and Robert Lee Peterson, 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 R. D. Hendrickson and Robert Lee Peterson, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libellant under provisions of Section 414, Title 27, U. S. Code Annotated, and in accordance with the provisions of the law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of

Oklahoma be so directed to detain the above described automobile in his possession until further order of this Court and to deliver it herein as provided by law.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to April 6, 1942

On this 6th day of April, 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 P. E. Kennamer, Judges, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Walt Y. Lauzy, 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, | } | NO. 372 - CIVIL |
| vs. | | | |
| MARGARET WASHUMASHEY, now Bradshaw, | Defendant. | | |
| A. G. WILLIAMS, Guardian of James C. Blaine, Jr., et al, | | | |

ORDER EXTENDING TIME TO FILE COUNTERDESIGNATION OF RECORD ON APPEAL

NOW, on this 4th day of April, 1942, it is matter coming on before the Court and it appearing to the court that on the 27th day of March, 1942, Appellant herein filed its designation of portion of record to be printed on appeal in this case and it further appearing to the court that the ten (10) day period for filing counterdesignation of record will expire on April 6, 1942, and it further appearing to the court, for good cause shown, that said time for filing counterdesignation of record should be extended.

IT IS THEREFORE THE ORDER OF THE COURT that said time for filing appellee's counterdesignation of record on appeal in this cause of action be and is hereby is extended to and including April 13, 1942.

AND IT IS SO ORDERED.

P. E. KENNAMER
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Apr 6 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Willard Sarby Townsend and John L.
Yancey,

Plaintiffs

-vs-

Tulsa Union Depot Company, a Delaware
Corporation,

Defendant.

No. 452 C

J U D G M E N T

On the 6th day of April, 1942, the above cause coming on for trial before the undersigned Judge of the United States District Court for the Northern District of Oklahoma; both parties appearing by their counsel and personal; and the cause being then submitted to the Court upon agreed statement of facts and certain evidence,

IT IS HEREBY ORDERED AND DECREED by the Court that the plaintiffs in this action take nothing against the defendant by reason of such action; but that the plaintiffs be denied judgment and the defendant herein discharged; and the costs of this action are assessed against the plaintiffs.

ROYCE W. SAVAGE
United States District Judge

ENTERED: Filed In Open Court
Apr 8 1942
H. P. Worfield, Clerk
U. S. District Court 111

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

EDGAR D. BALDWIN,

Plaintiff,

vs.

No. 677 - Civil

MISSOURI, KANSAS & NEBRASKA RAILROAD
COMPANY, a corporation,

Defendant.

C O R D E R

Upon the affidavits and personal examination of the plaintiff above named, it is now ordered by the Court that the said plaintiff, Edgar D. Baldwin, be and he is hereby permitted to prosecute his appeal from the judgment rendered in this Court, to the Circuit Court of Appeals, without depositing the money therefor, in advance or securing the same.

This April 8, 1942.

ROYCE W. SAVAGE
District Judge

ENTERED: Filed Apr 8 1942
H. P. Worfield, Clerk
U. S. District Court 38

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

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

O R D E R

For good cause shown it is ordered that said plaintiff's time within which to file
action for new trial herein, with affidavits attached, be and it is hereby extended to and including
April 21, 1942.

Dated April 4, 1942.

BOWEN BRADYUS
District Judge

ENDORSED: Filed Apr 6 1942
H. P. Worfield, 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-) CIVIL NO. 788
)
GERRIT PARSONS OF LAND IN MAYES COUNTY,)
OKLAHOMA; and Russell Cole, et al., Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 6th day of April, 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:

- Russell Cole;
- Miriam Cole Norton;
- Bertie Postettler;
- Eli D. Miller;
- Ethel O. Sanders, nee Smith;
- John H. Cole, Millie Brown, Cherokee Co. No. 17360;
- A. E. Marple, Sarah E. Davenport, Ed P. Ed St., E. J.
Hoggard, C. J. McSpier, W. L. Ingram, John Deane, Rufus
Fisher and Albert Postettler, if living, or if deceased,
their known and unknown heirs, executors, administrators,
devisees, legatees, trustees, assigns and assigns, im-
mortal and remote, and their assigns, if any;

Low, Bank of Oklahoma;
 The First National Bank of Oklahoma, a corporation;
 The Oklahoma Land and Cattle Co., a corporation, agent and
 attorney-in-fact for Low Bank Building and Federal
 Home Loan Bank Corporation, a corporation;
 The Oklahoma Insurance Company, a corporation;
 The Oklahoma Life Insurance Company, a corporation;
 The Progress Company, a corporation, and Geneva Fruit
 and Cattle Association, if existing, or if not in existence,
 their trustees, partners, shareholders, and assigns, if any;
 all
 The known and unknown heirs, executors, administrators, devisees,
 legatees, trustees, creditors and assigns, immediate and remote,
 and their spouses, if any, of Margarethee Hortattlen, deceased;
 and of Joe B. Smith, deceased; of John M. Lellis, deceased; and of
 E. F. Leomis, deceased;

are non-residents of the State of Oklahoma, and that 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 whatsoever in the real estate herein described and involved, to be served by publication.

IT IS WHEREFORE ONSIDERED, ORDERED AND ADJUDGED that notice of the above-named defendants, and each of them, is hereby given, 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 TULSA DAILY LEGAL NEWS, a newspaper printed and published generally in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendants, and each of them, of the institution of condemnation proceeding, and further that if there is not reply 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 15th day of May, 1948, the petitioner, United States of America, will on the 23th day of May, 1948, at the hour of ten o'clock A.M., or as soon thereafter as a legal day be held, 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, over and across the lands involved herein, and that said defendants, and each of them, may be present in their own defense.

RYCE H. WALLACE
 JUDGE

RECORDED: Filed Apr 3 1948
 H. P. Garfield, Clerk
 U. S. District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Libelant,

vs.

No. 798 CIVIL

One 1941 Ford DeLuxe 4-door Sedan
Automobile, Motor No. 12-6,074,154;
Clyde Rhodes, Emma Leona McKee, and Mrs.
Pearl Slyter, Defendants.

ORDER FOR MONITION

Now on this 6 day of April, 1940, it appears to the Court that the above named automobile described herein as a 1941 Ford DeLuxe 4-door Sedan, Motor No. 12-6,074,154, was seized near the intersection of Grandview and Fifteenth Streets in the City of Pawhuska, Osage County, State of Oklahoma, Northern District of Oklahoma, and within the jurisdiction of this Court, on or about February 10, 1940, by Smith Leahy, Deputy United States Marshal for said District, and Thomas F. Claggett, Special Indian Officer, located at Pawhuska, Oklahoma, by virtue of the authority of their said offices, while said automobile was being used by Clyde Rhodes and Emma Leona McKee for transporting, concealing, introducing, or attempting to introduce unknown quantities of intoxicating liquors, to-wit: whiskey, into Osage County, Oklahoma, some being Indian country, and at such points within said City of Pawhuska, and with the willful and unlawful intent on the part of defendant to defraud the United States of America of the tax imposed upon such intoxicating liquors; 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 defendants Clyde Rhodes, Emma Leona McKee, and Mrs. Pearl Slyter, and all other interested persons, unless notice thereof be waived of the rendering of such libel action.

IT IS, THEREFORE, ORDERED that monition is as provided for in said libel and that same be served upon Clyde Rhodes, Emma Leona McKee, and Mrs. Pearl Slyter, unless notice thereof be waived, and any other person 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 should not be forfeited to libelant under provisions of Section 247, Title 25, U.S.C.A. and Section 7-20 Revised Statutes of the United States (28 U.S.C.A. 1441).

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 M. SAVAGE
JUDGE

ENDORSED: Filed Apr 6 1940
H. F. Warfield, Clerk
U. S. District Court H

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

UNITED STATES OF AMERICA,

Petitioner,

CIVIL NO. 794

CERTAIN PARCELS OF LAND IN LAYNES COUNTY,
MISSISSIPPI; and Strick Anderson, et al.,

Defendants.

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled case on the 6th day of April, 1942, and for an order fixing the date when possession of the property herein is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petitioned for 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, 1920, 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 and interest in said lands taken for said public use;

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 by said acquiring authority to be just compensation for said lands, in the amount of \$10,000.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 6th day of April, 1942, ordered, ADJUDGED AND DECREED by this Court that a perpetual easement to erect, operate and maintain a line or lines of poles,

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h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands, situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described by courses and distances, as follows, to-wit:

TRACT NO. 1 (306 - 13.3)
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 $SE\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, 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 $SE\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, 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 $SW\frac{1}{2}$ $SE\frac{1}{4}$, 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 $SW\frac{1}{2}$ $SE\frac{1}{4}$, 548.9 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $SW\frac{1}{2}$ $SE\frac{1}{4}$, 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 $E\frac{1}{2} E\frac{1}{2} NW\frac{1}{4}$, 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 $NE\frac{1}{2} SW\frac{1}{4}$ 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 $NE\frac{1}{2} SW\frac{1}{4}$ 479.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said $NE\frac{1}{2} SW\frac{1}{4}$, 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 of 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:

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.

together with the perpetual easement and right to cut down, remove and trim any trees, which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 10th day of April, 1942, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed 2:10 P.M.
Apr 6 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to April 7, 1942

On this 7th day of April, 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 COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

South Penn Oil Company, a corporation,
et al,

Plaintiffs,

vs.

Phillips Petroleum Company, a corporation, et al,

Defendants.

CIVIL #671

O R D E R

On this 6th day of March, 1942, there coming on for hearing the motion of Phillips Petroleum Company, objecting to all interrogatories heretofore served on it by plaintiffs, said motion being dated February 3, 1942; and there also coming on for hearing the motion of plaintiffs (dated February 6, 1942) for an order requiring Phillips Petroleum Company to afford plaintiffs examination, inspection and copying of its records applicable to the Johnson Ranch Lease, described in amended complaint, and upon consideration thereof and pursuant partly to stipulation of counsel

Plaintiffs are, without prejudice, hereby allowed to withdraw the interrogatories heretofore served by them upon Phillips Petroleum Company, and the defendant Phillips Petroleum Company is thereupon allowed to withdraw its motion objecting to such interrogatories; and

IT IS HEREBY ORDERED that plaintiffs be granted full right to examine, inspect and copy any and all records of Phillips Petroleum Company pertaining to any operations arising out of the contracts attached as exhibits to the amended complaint herein, and are granted the full prayer of their motion of February 6, 1942, EXCEPTING they are hereby denied the right to examine any suspense accounts of said defendant excepting only those that may pertain to the Johnson Ranch Lease.

ROYCE H. SAVAGE
DISTRICT JUDGE

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

Court adjourned to April 8, 1942

On this 8th day of April, 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

Frankie Longbone, Cherokee N. B. 926;
Gertrude Longbone, now Creed; and
Silas Leonard Longbone,)
Plaintiffs,)

v.)

Oklahoma Tax Commission; Jesse Longbone; Rcy
Longbone; Dewey Longbone; now English,
Lydia Longbone, nee Critenden; Lillie
Jackson; Caroline Longbone; and the heirs,
executors, administrators, trustees, devisees,
successors and assigns, creditors and claimants,
immediate and remote, whether known or unknown
of Lizzie Lenowisha, then Longbone, Deceased,
Defendants.)

No. 775 Civil

O R D E R

Now on this 8th day of April, 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 of America be and hereby is granted permission to intervene in this cause of action.

ROYCE H. SAVAGE
JUDGE

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

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

UNITED STATES OF AMERICA,

Plaintiff,)

vs.)

No. 2655 - Law

W. E. McINTOSH,

Defendant.)

O R D E R

NOW, on this 8th day of April, 1942, this matter coming on before the Court and it appearing that the defendant, W. E. McIntosh, has settled the above-mentioned case by payment of the principal amount of the balance due in the sum of Two Hundred Eleven Dollars (\$211.00) together with the court costs in the sum of Seventeen Dollars (\$17.00) and that said action should be dismissed.

IT IS THEREFORE THE ORDER OF THE COURT that said cause of action be and the same hereby is dismissed.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE.

ENDORSED: Filed Apr 8 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 SELL REAL ESTATE

On this 6th day of April, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing that among the assets coming into the hands of the trustee was a note executed by W. H. Horster and Olga Horster, for the principal sum of Forty Five Thousand Dollars (\$45,000.00), upon which there was due the principal sum of Thirty Six Thousand Seven Hundred Seventy Four & 45/100 Dollars (\$36,774.45), said not being secured by a first real estate mortgage covering the real estate hereinafter described; and it further appearing that because of the inability of the trustee to collect said note, he instituted cause No. 63052 in the District Court of Tulsa County, Oklahoma, for the recovery of judgment upon the said note and for the foreclosure of said real estate mortgage; that said action resulted in the entry of a judgment, on the 29th day of May, 1937, against W. H. Horster and Olga Horster, for the principal sum of Thirty Six Thousand Seven Hundred Seventy Four & 45/100 Dollars (\$36,774.45), together with interest to the date of the judgment in the amount of Nine Thousand One Hundred Twenty One & 98/100 Dollars (\$9,121.98), plus attorney fees, less a credit of Two Thousand Seven Hundred Sixty Seven

& 19/100 Dollars (\$2,767.19), being the net amount of rents collected from said premises, and for the foreclosure of said real estate mortgage; that pursuant to appropriate proceedings for the sale of said real estate under said judgment, J. H. McBirney, Successor Trustee, purchased the said premises, and the court finds that J. H. McBirney, Successor Trustee, is the present owner of said real estate and the improvements thereon.

The court further finds that the said real estate is improved with a large building, which was formerly used for the manufacture of tanks, and further finds that the said real estate is adapted to peculiar and particular uses, because of the extensive building and improvements thereon.

The court further finds that the said real estate is described as follows, to-wit:

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), in Block Four (4), Berry Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

and further finds that heretofore, pursuant to an order entered herein on the 1st day of August, 1938, the said trustee executed and delivered a certain lease, in writing, letting and leasing said premises to Roy A. Dunbar and Ralph Van Matre, for a term and period of Five (5) years, and granted therein an option to purchase.

The court further finds that the option to purchase was not exercised, and that the said Roy A. Dunbar and Ralph Van Matre are without right, option or authority to purchase said real estate.

The court further finds that the term of the said lease not has expired, and finds that rentals have been paid under said lease, and further finds that Roy A. Dunbar and Ralph Van Matre assigned said lease to Hydraulic Pumper Inc., and the Hydraulic Pumper, Inc., assigned a portion of said lease rights to H. H. Franks, Carl White, Jr., and Geo. S. Bays.

The court further finds that Maloney Tank Manufacturing Company, of Tulsa, Oklahoma, has offered to purchase said real estate and improvements for the sum of Thirty Five Thousand Dollars (\$35,000.00), upon approval of title, and further finds that Ralph Van Matre and Roy A. Dunbar, and Hydraulic Pumper, Inc., have agreed to relinquish and release whatever rights they have under said lease agreement, and further finds that Maloney Tank Manufacturing Company has arranged with H. H. Franks, Carl White, Jr., and Geo. S. Bays for the termination and release of whatever rights they have under the lease referred to herein, all to be without cost or expense to the said trustee.

The court further finds that the members of the Advisory Committee, appointed and designated by this court to counsel and advise with the trustee, and upon whom notice of proposed sales of real estate shall be given, have been duly notified of the said offer of purchase of Maloney Tank Manufacturing Company, and have approved said offer, and have recommended to J. H. McBirney, Successor Trustee, to accept said offer and sell said real estate and improvements for the sum of Thirty Five Thousand Dollars (\$35,000.00).

The court further finds that the trustee has not received a higher or better offer for the purchase of said real estate and improvements; that the sum of Thirty Five Thousand Dollars (\$35,000.00) is a fair and reasonable offer therefor, and approximates the value of said real estate and improvements; that said trust estate is in liquidation and that the sale of said real estate, for said cash consideration of Thirty Five Thousand Dollars (\$35,000.00), will be for the

benefit, advantage and best interest of the said trust estate and its beneficiaries, and the court further finds that the trustee, J. H. McBirney, has recommended that said real estate be sold for said cash consideration, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Maloney Tank Manufacturing Company the real estate above described, together with the improvements thereon and the fixtures annexed thereto, for the sum of Thirty Five Thousand Dollars (\$35,000.00), payable upon approval of title by Maloney Tank Manufacturing Company, and delivery of trustee's special warranty deed transferring title to the said purchaser.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to Maloney Tank Manufacturing Company a trustee's special warranty deed, transferring and conveying title to the said real estate, to said purchaser, upon payment to him of the sum of Thirty Five Thousand Dollars (\$35,000.00).

IT IS FURTHER ORDERED that the sale of the real estate above described, together with the improvements thereon and the fixtures annexed thereto, by J. H. McBirney, Successor Trustee, to Maloney Tank Manufacturing Company, be and the same is hereby ratified, confirmed and approved.

F. E. KENNAMER
United States District Judge

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

Court adjourned to April 9, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

THURSDAY, APRIL 9, 1942

On this 9th day of April, 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 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

| | | |
|---|---|---------------|
| LARDA CORPORATION, Incorporated, |) | |
| |) | |
| -versus- |) | No. 517 Civil |
| |) | |
| GRAND RIVER DAM AUTHORITY, a corporation, |) | |
| Defendant. |) | |

ORDER OF DISMISSAL FOR FAILURE OF PLAINTIFF TO PROSECUTE

The above-entitled cause came on to be heard on this 7th day of April, 1942, the plaintiff appearing by counsel, Messrs. Gavin & Barnes, and the defendant appearing by its counsel, Edw. P. Marshall.

Thereupon counsel for plaintiff announced their inability to proceed in the cause, and requested leave of court to dismiss the cause without prejudice to the institution of another action, which request was denied, and leave refused to dismiss the action without prejudice.

Thereupon, the plaintiff failing to proceed in the cause, it is Ordered that this cause be and the same is hereby dismissed for failure of the plaintiff to prosecute the same, at plaintiff's cost.

ROYCE H. SAVAGE
District Judge

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

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

| | | |
|----------------------------------|---|-----------------|
| H. A. BROWN, ET AL, |) | |
| |) | |
| vs. |) | No. 658 - Civil |
| |) | |
| SHELL OIL COMPANY, INCORPORATED, |) | |
| Defendant. |) | |

O R D E R

This matter coming on for hearing before me, the Judge of the United States District Court for the Northern District of Oklahoma, on this 9th day of April, 1942, on motion of the plaintiffs herein to dismiss their cause of action against the defendant herein, with prejudice, and the Court being fully advised in the premises, finds that said Motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above styled and numbered cause of action is hereby dismissed by the plaintiffs against the defendant, with prejudice at the cost of the plaintiffs.

ROYCE H. SAVAGE
JUDGE

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

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

| | | | |
|--|-------------|---|-----------------|
| RAY DEATHERAGE, | Plaintiff, |) | |
| | |) | |
| vs. | |) | |
| | |) | No. 703 - Civil |
| James Doak, John Doak, and M. S. Hughes, | |) | |
| doing business as general partners in | |) | |
| business under the name of Doak Brothers | |) | |
| and Hughes, | Defendants. |) | |

JOURNAL ENTRY OF JUDGMENT ON SPECIAL VERDICT

Now on this, February 26, 1942, the above action comes on for trial; the plaintiff appears in person and by his attorneys, Elmo A. Page, Paul L. Olney and George B. White; the defendants appear in person and by their attorneys, Louis Loeffler and Martin & Sprad. Thereupon both parties announce ready for trial and a jury was then duly impanelled and sworn to the issues of fact in said cause. The plaintiff then introduces his evidence and rests and the defendants commence the introduction of their evidences and being unable to complete the same, the said action is adjourned to February 27, 1942.

Now on this, February 27, 1942, pursuant to adjournment of the preceeding the defendants resume the introduction of their evidences and complete the same; the plaintiff then offers rebuttal evidence and thereupon and on the completion of said evidence each plaintiff and defendant move for a directed verdict and each of which motions was, by the court, overruled. The court then submits certain interrogatories to the jury and the jury retires for deliberation on issues so submitted to it, and said jury was unable to conclude their deliberation when it came to adjourn for the day. Thereupon, the court, after admonishing said jury, directs them to retire and resume their deliberations on March 2, 1942, and on said date said jury returned and resume deliberations and having reached a special verdict, founded upon the interrogatories propounded by the court, returned said special verdict into court, and the court, thereupon, announced that the said cause would be set for disposition on its next motion docket.

Now on this, March 27, 1942, the above cause comes on for hearing upon defendant's motion to direct judgment upon special verdict, and on the plaintiff's motion for directed verdict or in the alternative motion for new trial, and on consideration of said motion for directed verdict or in the alternative for new trial, denies and overrules the same.

The court then announces that demand for a finding on the following issue was omitted; "Was the nature and character of the work of the plaintiff such that notice was imputable as to the defendants that such work could not be performed within the maximum hours prescribed by the Fair Labor Standard Act?" And the court's answer thereto is "No." Thereupon, Court adopts such answer as his finding on such issue so omitted.

On consideration of the motion of the defendants to direct judgment, upon the special verdict of the jury and the amendment thereto by the court by the foregoing finding the Court finds that said motion of the defendants should be sustained and that judgment should be rendered on said special verdict, as amended by the court, for the defendants dismissing plaintiff's action at his costs.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the plaintiff on said special verdict, as amended, be denied any relief and that judgment be and the same is hereby rendered in favor of the defendants dismissing plaintiff's action at the costs of the said plaintiff.

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

BOWER BROADBUSH
UNITED STATES DISTRICT COURT

Court adjourned to April 10, 1942

On this 10th day of April, 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, Honorable Royce H. Savage, Judge, present and presiding.

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

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

MISCELLANEOUS - ADMISSION TO BAR.

On this 10th day of April, A. D. 1942, it being made satisfactorily to appear that Muriel H. Follansbee is duly qualified for admission to the Bar of the Court, the oath prescribed by law is duly administered and said attorney is declared admitted to the Bar of the Court.

MISCELLANEOUS - ASSIGNMENT OF JUDGE

UNITED STATES OF AMERICA TENTH CIRCUIT

In my judgment the public interest requires the designation and assignment of a District Judge to hold a District Court of the United States in the Northern District of Oklahoma.

I do, therefore, by these presents designate and assign the Honorable Eugene Rice, a District Judge for the Eastern District of Oklahoma, to hold or assist in holding a District Court of the United States for the Northern District of Oklahoma from April 8, A. D. 1942, until December 31, A. D. 1942, both inclusive.

Witness my hand this 8th day of April, A. D. 1942.

OR IE L. PHILLIPS
Senior Circuit Judge

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

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

THE CORALENA OIL COMPANY, a
corporation,

Plaintiff,

vs.

Civil Action No. 791

A. H. KASISHKE, OLIVE M. KASISHKE, A. H.
KASISHKE, TRUSTEE, and A. H. KASISHKE,
JR.,

Defendants.

ORDER APPOINTING GUARDIAN AD LITEM

On this 10 day of April, 1942, there coming on for hearing before this Court regularly pursuant to notice themotion of the plaintiff for the appointment of Guardian Ad Litem for the minor defendant, A. H. Kasishke, Jr., and it appearing that said defendant is a minor and that he has been duly served herein;

IT IS ORDERED that H. L. Smith, of Tulsa, Oklahoma, be and he is hereby appointed Guardian Ad Litem of the minor defendant, A. H. Kasishke, Jr., with full power to appear and defend in all proper manners the rights of the said minor defendant.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to April 11, 1942

On this 11th day of April, 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 NORTHERN DISTRICT OF OKLAHOMA

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY,
a corporation,

Plaintiff,

vs.

TULSA COTTON OIL COMPANY, a corporation, and
E. C. BURTON, LOIS BURTON HAWTHORNE, and RUTH

BURTON REDFOEB, Surviving Directors and) Civil No. 714
Trustees of said TULSA COTTON OIL COMPANY,)
Defendants.)

J U D G M E N T

This matter coming on for trial before the court on this 11th day of April, A. D. 1942, and the plaintiff having dismissed with prejudice cause of action fourth and seventh respectively, and the defendants having consented that judgment be entered on the remaining causes of action, with costs to be taxed to the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the plaintiff have judgment against the defendants, except Tulsa Cotton Oil Company, in the sum of \$884.89, with costs taxed to the plaintiff.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 11 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

THE UNITED STATES OF AMERICA FOR THE USE)
OF TOM W. KELLEY, Plaintiff,)
vs.) No. 722 Civil
CENTRAL CONSTRUCTION COMPANY, a corporation,)
and the CONTINENTAL CASUALTY COMPANY, an)
Insurance Corporation, Defendants.)

O R D E R

Now on this the 6 day of March, 1942, comes on for hearing the petition in intervention of the United States of America for the use of Carl Wasson for leave to intervene in the above styled and numbered action, and it appearing that due notice has been given of this hearing to all interested parties, and the court being fully advised in the premises, finds that the claim asserted by the intervener, United States of America for the use of Carl Wasson to have questions of law and fact in common with this original cause of action, and leave is hereby granted the United States of America for the use of Carl Wasson to intervene herein and file his claim and to proceed to the early prosecution of the same.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 11 1942
H. P. Warfield, Clerk
U. S. District Court JS

Court adjourned to April 13, 1942

On this 13th day of April, 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. F. E. Kennamer, 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

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

ORDER PERMITTING WITHDRAWAL OF COUNSEL

On this 13th day of April, 1942, the written application of I. J. Underwood, Paul Pinson and O. L. Lupardus for permission to withdraw as counsel for plaintiff in the above action was presented, and it appearing that written notice was given to plaintiff, by registered mail, mailed from Tulsa, Oklahoma, on April 2, 1942, of counsels' intention to present said application and that said notice was received by the plaintiff, Thomas D. Taylor, and there being no objection presented to the prayer of said application.

IT IS ORDERED AND DECREED that I. J. Underwood, Paul Pinson and O. L. Lupardus, are given permission to withdraw as counsel for plaintiff in the above proceeding, effective as of this date.

F. E. KENNAMER
United States District Judge

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

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

THE UNITED STATES for the use and benefit of TOM W. KELLY, Plaintiff,)
vs.) No. 722 - Civil
CENTRAL CONSTRUCTION COMPANY, a corporation, and CONTINENTAL CASUALTY COMPANY, a corporation, Defendants.)

O R D E R

This cause came on to be heard on this 13th day of April, 1942, before the undersigned Judge of said Court, at Tulsa, upon the motion of the Oklahoma Electric Company, a corporation, for leave to intervene in this cause, and the Court being fully advised in the matter,

IT IS ORDERED that said intervener be, and it is hereby allowed to enter its appearance in said cause and to file its complaint in intervention herein.

Done in open Court the day in this order above written.

F. E. KENNAMER
F. E. Kennamer, U. S. DISTRICT JUDGE

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

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

| | | |
|--|-------------|-------------------|
| THE UNITED STATES for the use and benefit of |) | |
| TOM W. KELLY, | Plaintiff, |) |
| | |) No. 722 - Civil |
| vs. | |) |
| | |) |
| CENTRAL CONSTRUCTION COMPANY, a corporation, |) | |
| and CONTINENTAL CASUALTY COMPANY, a cor- |) | |
| poration, | Defendants. |) |

O R D E R

This cause came on to be heard on this 13th day of April, 1942, before the undersigned, Judge of said court, at Tulsa, upon the motion of Jacob Fell, Jack Wolfe and Morris Fell, Co-partners doing business under the firm name of Bradford Pipe and Tool Company, for leave to intervene in this cause, and the Court being fully advised in the matter,

IT IS ORDERED that said interveners be, and they are hereby allowed to enter their appearance in said cause and to file their complaint in intervention herein.

DONE IN OPEN COURT THE DAY IN THIS ORDER ABOVE WRITTEN.

F. E. KENNAMER
F. E. Kennamer, U. S. District Judge

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

Court adjourned to April 14, 1942.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that the following claims should be and the same are hereby denied and rejected:

| | | |
|--|----|-----------|
| J. T. Nesbitt | \$ | 125.00 |
| Lucile Gulp Steigleder | \$ | 1,000.00 |
| Laura H. Metzger | | 1,000.00 |
| Cecil H. Crawford | | 500.00 |
| Mrs. A. S. Haddaway | | 3,000.00 |
| Earl Andrews | | 500.00 |
| S. Morse Willis | | 1,000.00 |
| Barton & Co. Inc. | | 100.00 |
| Mrs. Gertrude Caldwell | | 4,000.00 |
| William W. Haley | | 800.00 |
| Exchange National Bank | | 800.00 |
| World Publishing Company | | 22.12 |
| Bank Commissioner, Bank of Commerce, Wetumka | | 500.00 |
| Bank Commissioner, American Bank & Trust Co. of Ardmore | | 50,000.00 |
| Chas. B. Peters | | 976.40 |
| Long Bell Lumber Company | | 20.70 |
| Tulsa Tribune Company | | 3.41 |
| Ellen Calkins | | 134.60 |
| Mollie Newblock | | 13,335.65 |
| Charles T. Ross | | 5,428.51 |
| Nellie Mahoney | | 3,000.00 |
| Laura E. Fitzgerald | | 11,200.00 |
| Blanch Daly | | 4,000.00 |

The Court further finds that the receiver has among the assets of Exchange National Company certain oil and gas mining rights or royalties, more fully described as follows:

| Loan No. | Name | Description |
|----------|-----------|--|
| 1410-11 | Ball | 1/6 of 250. SW Sec. 9 and E2 SE Sec. 8 all in Twp. 8 N., Rge. 2 E. Pottawatomie County |
| 1917-11 | Barton | 1/4 of 65. NW NW and N2 NE NW and W2 NW NW NE Sec. 15, 2N, 5 East, Pontotoc County |
| 4087-11 | Broadhead | 1/4 of 120 E2 SE and E2 W2 SE Sec. 12, 3N 1 East, Garvin County |
| 2122-1 | Dameron | 60 acres. S 20 A. Lot 4 and SW NE Sec. 27, 25N, 24E, Delaware County |
| 757-8 | Dilbeck | 5/26 of 130. S2 SW and NE SW and SW NW SE Sec. 30, 5N, 9 East Hughes County |
| 874-12 | Lambert | 1/4 of 160 SE SE SW and S2 SE and NW SE and S2 NE SE and NW NE Sec. 25, 7N, 4W, McClain County |
| 1368-11 | Manning | 1/4 of 80. E2 of SW Sec. 3, 1N, 3E, Murray County |
| 4372-3 | May | 1/4 of 70. SW NE and S2 NW NE and NW SE NE Sec. 32, 23N, 17 East, Rogers County |
| 849-1 | McDonald | 1/4 of 170 S2 S2 SE and NW SW SE and E2 NE and E2 W2 Sec. 12, 6S, 16 E, Choctaw County |
| 674-1 | King | 1/4 of 120. S2 SE and S2 N2 SE Sec. 2, 3N, 11 East, Coal County, Oklahoma |
| 986-11 | Mullings | 1/4 of 170 NE and SE NE NW Sec. 16, 3N, 4 East, Pontotoc County, Oklahoma |
| 2221-4 | Rowland | 1/4 of 39.52, NE SW Less .48 acres for railway Sec. 4, 26N, 23 East, Ottawa County, Oklahoma. |
| 897-12 | Sharp | 1/4 of 240 SE Sec. 17 and N2 NE Sec. 20, 11N, 19 East Muskogee County, Oklahoma. |

| | | |
|---------|-----------|--|
| 1579-5 | Shoemaker | 1/4 of 40. SE SW Sec. 16, 11N, 20 East, Muskogee County, Oklahoma |
| 4717-11 | Simpson | 1/2 of 40. Lot 1 Sec. 1, 2N, 11 East, Coal County |
| 338-11 | Stewart | 1/4 of 90. NE SE and NE SE SE Sec. 34 and NE SW Sec. 35, Twp. 29N, Rge. 17 East, Nowata Co. |
| 525-1 | Taylor | 1/4 of 320. S2 SW NW and N2 SW Sec. 17 and SE and S2 SE NE and So. 10.6 acres of Lot 7, and all of Lot 8 and all of Lot 14 of Sec. 18, and NW NE NE Sec. 20, All in Twp. 23N, Rge. 16E, Rogers County, Oklahoma. |
| 3170-12 | Wells | 1/4 of 110. N2 NW and N2 SW NW and NW SE NW Sec. 14, 14N, e1 East, Cherokee County, Oklahoma |
| 635-1 | Williams | 1/4 of 110 SE NW NE and E $\frac{1}{2}$ NW and E2 NW NW Sec. 12, 12N, 21 East, Sequoyah County, Oklahoma |
| 575-1 | Williams | 1/4 of 70. SE NE SE and E2 SE SE Sec. 1, 12N, 21 East and W $\frac{1}{2}$ Lot 6 and W2 Lot 7, Sec. 6, 12N, 22 East, Sequoyah County, Oklahoma |

That he has made an effort to dispose of said royalties by offering the same to various persons, firms or corporations, but that he has not been able to receive, and has not received, any bids thereon or therefor.

It is accordingly ORDERED, ADJUDGED AND DECREED that the jurisdiction of the receivership in Exchange National Company shall be reserved for a period of thirty days from date hereof during which period of time the said T. P. Farmer, as receiver for Exchange National Company, be and he is hereby directed, authorized and empowered to sell and dispose of said aforescribed interests at private sale for any sum he can receive therefor and that he shall thereupon report any sale or sales that he shall have made thereof but in the event of his inability to sell the same during said period of time, he is hereby directed, authorized and empowered to deed by quit claim deed said interests in said royalty to the record owners of the oil and gas mining rights.

IT IS THE FURTHER ORDER, JUDGEMENT AND DECREE OF THE COURT that the said T. P. Farmer, as receiver of Exchange National Company has now, - except as to that concerning which jurisdiction is being reserved, as hereinabove set forth, - done and performed each, all and every act concerning the receivership of the Exchange National Company and that he has heretofore rendered his final account herein and that the same has been approved and there now remains no further acts for him to perform as said receiver except as hereinabove set forth and that upon the due performance thereof, to-wit, the payment of funds on hand to the creditors, whose claims have been allowed, the sale or alternative deeding of said aforescribed mineral rights, the said T. P. Farmer shall be discharged and his bond and bondsmen shall be exonerated.

IT IS THE FURTHER ORDER, JUDGEMENT AND DECREE OF THE COURT that T. P. Farmer, as receiver for Exchange National Company be and he is hereby directed, authorized and empowered to make suitable arrangements with a storage company in the city of Tulsa, Oklahoma for the purpose of storing all of the books, records, files and other papers of the Exchange National Company since the inception of the receivership, for a period of one year from the 15th day of April, 1942, and to withdraw funds from the hands of said receivership to pay for said storage for said period of time.

IT IS THE FURTHER ORDER, JUDGEMENT AND DECREE OF THE COURT that the books, records, files and other papers of the Exchange National Company prior to the date of the receivership of Exchange National Company be forthwith destroyed by said T. P. Farmer, as receiver of Exchange National Company and all remaining files, records, books and other papers since said receivership shall be stored as hereinabove set forth.

IT IS THE FURTHER ORDER, JUDGEMENT AND DECREE OF THE COURT that after the expiration of said one year period of time all of said records, papers, books and other data which may then remain in the hands of said Storage Company shall be destroyed by burning the same, said storage

company so selected or any representative of said storage company being hereby authorized so to do.

F. E. KENNAMER
United States District Judge

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

Court adjourned to April 15, 1942

On this 15th day of April, 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

| | | | |
|---|-------------|---|---------------|
| Steve Downing, | Plaintiff, |) | |
| | |) | |
| vs. | |) | |
| | |) | No. 782 Civil |
| Maggie Joyce, Nee Downing, and Lila Howe, nee Downing, | Defendants. |) | |
| | |) | |
| United States of America, | Intervener. |) | |

O R D E R

Now on this 15 day of April, 1942, this matter coming on before the court upon the motion of the United States for permission to intervene in this cause of action, and it appearing that this action involves land allotted to restricted Cherokee Indian, and that the parties to this action are restricted Cherokee Indians, and that the United States of America should be a party to this action.

IT IS THEREFORE THE ORDER OF THIS COURT that the United States of America be and it hereby is granted permission to intervene in this cause of action insofar as it seeks a determination of heirs and to quiet title, and the right is reserved in the United States to attach the jurisdiction of this court insofar as this cause of action seeks a partition of the land involved.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to April 17, 1942

On this 17th day of April, 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 Chisholm, | Plaintiff, |) | |
| | |) | |
| vs. | |) | |
| | |) | No. 765 Civil |
| Sam Buck, Ben Hawkins and Bill Hawkins, | Defendants, |) | |
| | |) | |
| United States of America, | Intervener. |) | |

ORDER APPOINTING GUARDIAN AD LITEM

Now on this 7th day of April, 1942, it appearing to the court that the above named defendant, Bill Hawkins, is a minor of the age of 18 years; that a guardian ad litem should be appointed to represent the said Bill Hawkins herein and that Roy White, attorney at Law, of Eufaula, Oklahoma, is a suitable person to so act;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said Roy White be, and he is hereby appointed guardian ad litem for the said Bill Hawkins, defendant, to represent and protect the interests of the said Bill Hawkins in the above styled and numbered cause.

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

ENDORSED: Filed Apr 17 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

| | | |
|---|------------|---|
| HELMERICH & PAYNE, INC., a Delaware corporation, | Plaintiff, |) |
| | |) |
| -vs- | |) |
| | |) |
| WOOD OIL COMPANY, an Oklahoma Corporation, | Defendant. |) |
| | |) |

No. 777

O R D E R

IT IS HEREBY ORDERED, Upcn application of the defendant, Wood Oil Company, that the said Wood Oil Company be granted an additional ten (10) days, or up to and including the 27th day of April, 1942, to plead in the above entitled cause.

Dated this 16th day of April, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 17 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- | |) |
| | |) |
| CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA: AND Dora E. Warner, et al., | Defendants. |) |

CIVIL NO. 798

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon themotion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on he 15th day of April, 1942, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, the statutes in such cases made and provided, and the Executive Order of the President of the United States made pursua nt to the authority contained in the Act of June 10, 1920, 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, the 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 said public use;

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 by said acquiring authority to be just compensation for said lands, in the amount of \$1653.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 17 day of April, 1942, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described by courses and distances, as follows, to-wit:

TRACT NO. 1 (306 - 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 NE corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, 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 center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $N\frac{1}{2} S\frac{1}{2} NW\frac{1}{4}$, 197.5 feet from the NE 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 center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said $N\frac{1}{2} S\frac{1}{2} N\frac{1}{2}$, 183 feet from the NE 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 NE 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 SW $\frac{1}{4}$ 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 $\frac{1}{4}$, 827.9 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 $\frac{1}{4}$ 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 North boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 177.5 feet from the NE corner thereof; thence Southwesterly to a point in said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 625.0 feet from 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 $\frac{1}{4}$ 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 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. 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 $W\frac{1}{2}$ 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 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.

together with the perpetual easement and right to cut down, remove and trim any trees, which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 20th day of April, 1942, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed Apr 17 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

| | | | |
|----------------------------------|------------|---|---------------|
| United States of America, | Libelant, |) | |
| | |) | |
| vs. | |) | |
| | |) | |
| One 1939 Dodge Coupe Automobile, | |) | NO. 799 CIVIL |
| Motor No. D-11-97679; 42 gallons | |) | |
| of taxpaid intoxicating liquor; | |) | |
| Richard J. McGhee, and General | |) | |
| Motors Acceptance Corporation, | |) | |
| Springfield, Missouri, | Claimants. |) | |

ORDER FOR MONITION

Now on this 17 day of April, 1942, it appearing to the court that the said Dodge Coupe Automobile, Motor No. D-11-97679, with approximately forty-two (42) gallons of tax intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point one mile south of Southwest City, Missouri, in Delaware County, State of Oklahoma, Northern District of Oklahoma and within the jurisdiction of this court, on December 16, 1941 by Walsh and Cliff Goldsmith, Investigators of the Department of Public Safety of the State of Oklahoma by virtue of their said office and in accordance with the provisions of law in such case made available, while said automobile was being used by Richard J. McGhee for transporting such intoxicating liquors from the State of Missouri into the State of Oklahoma, and to the aforesaid point of seizure, it further appearing that thereupon said property was appraised at more than five hundred dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Richard J. McGhee and General Motors Acceptance Corporation, Springfield, Missouri, and all other interested persons, unless notice thereof be waived, of the pendency of such litigation.

IT IS, THEREFORE, ORDERED that monition issued as prayed for in said libel action, that same be served upon Richard J. McGhee, and General Motors Acceptance Corporation, Springfield, Missouri, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 28, U.S.C.A., and in accordance with the provisions of the law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 17 1942
H. P. Warfield, Clerk
U. S. District Court AC

Court adjourned to April 18, 1942

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On this 18th day of April, 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. 581 Civil |
| | |) |
| C. F. LAKE, | Defendant. |) |

ORDER OF DISMISSAL

NOW, on this 17 day of April, 1942, this matter coming on before the Court, and it appearing to the Court that this cause has been compromised by the defendant paying the sum of \$313.00 to the Superintendent of the Osage Indian Agency and the sum of \$22.00 court costs to the Clerk of the United States District Court for the Northern District of Oklahoma, and that this cause of action, should be dismissed.

IT IS THEREFORE THE ORDER OF THE COURT that this cause of action be, and the same hereby is, dismissed.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Apr 18 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 Spaniar, Iva Ezell, nee Spaniard and Annie Nedson, now Mankiller, Plaintiffs,

vs.

NO. 672 CIVIL

Charlie Bushyhead, if living, and Jack Spaniard, if living, and if dead, the heirs and unknown heirs, Executors, Administrators, Devisees, Trustees and Assigns, immediate and remote 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 April, 1942, come the plaintiffs by H. F. Fulling, their attorney and comes also the United States of America, Intervenor defendant, by Whit Y. Mauzy, United States Attorney and Chester A. Brewer, and William Knight Powers, Assistants United States Attorneys, and it appears 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 day and gave ten days from that date for any of the parties to elect to take the real estate involved herein at its appraised value and it further appearing that said time has long since passed and none of the parties have made an election to so take said property and no objections or exceptions having been filed, made or appearing to said Report, the court finds that an order should be made for the sale of said real estate involved in this action and hereinafter described herein.

It is therefore considered, ordered, adjudged and decreed by the court that said Report of the Commissioners in partition, J. F. Pickens, W. L. Mayes and Elmer Vick, filed in this court on said 29th day of October 1941, that said real estate involved herein and described in said Report 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 confirmed.

It is further considered, ordered, adjudged and decreed by the Court that said real estate in said Report and herein described 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 in Township 22 north in Range 13 East, containing 30 acres, more or less,

and the real estate in Washington County, Oklahoma, 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, in Section 5 in Township 27 North in Range 13 East, containing 70.85 acres, more or less.

be and the same is hereby ordered sold in the same manner as in sales of real estate on execution and now John P. Logan, United States Marshall for the Northern District of Oklahoma is hereby appointed

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

| | | |
|---------------------------|-------------|-------------------|
| United States of America, | Plaintiff, |) |
| | |) |
| vs. | |) No. 1280 Equity |
| | |) |
| L. C. Shimonek, et al, | Defendants. |) |

O R D E R

Now on this 18 day of April, 1942, this matter coming on before the Court on the application of the United States of America for an order directing the receiver herein, O. A. Farrell, to pay insurance on the building located on the premises involved in this cause of action for one year from May 13, 1942, in the sum of Forty & 55/100 Dollars and the 1941 taxes on said property in the amount of One Hundred Fifteen & 28/100 Dollars (\$115.28) plus penalty thereon to date of payment, and it appearing to the Court that said insurance and taxes should be paid and that said receiver has sufficient funds in his hands to pay said insurance and taxes,

IT IS THEREFORE THE ORDER OF THE COURT that O. A. Farrell, Receiver herein, be and he is hereby authorized to pay to C. F. Lake the sum of \$40.55 covering insurance on the building located on the premises located in this cause of action, and that the said O. A. Farrell, Receiver, be and he is hereby authorized to pay to the County Treasurer of Osage County, Oklahoma the sum of \$115.28, being the taxes for 1941 on the property involved in this cause of action, together with penalties to the date of payment, out of the funds now in the hands of said Receiver.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 18 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to April 20, 1942

On this 20th day of April, 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

F. M. RODOLF,)
Plaintiff,)

vs.)

Anna (Annie) McKeever, independent executrix)
of the estate of Mary Ellen Hilton, deceased;)
Sisters of Charity of the Incarnate Word in)
and for the Diocese of Galveston, Galveston,)
County, Texas, a religious organization; St.)
Anthony Home, a charitable institution; located)
at Houston, Texas, and the unknown heirs,)
executors, administrators, devisees, trustees)
and assigns, immediate and remote, of P. E.)
Coyne, deceased, and Mary Ellen Hilton, formerly)
Coyne, deceased,)
Defendants.)

No. 576 Civil

JOURNAL ENTRY OF JUDGMENT

Now on this 20 day of April, 1942, this cause came on to be heard in its regular order, the plaintiff being present by his attorneys, M. C. Rodolf and Bridges, Parry & Krueger, and the defendants, Anna (Annie) McKeever, independent executrix of the estate of Mary Ellen Hilton, deceased, Sisters of Charity of the Incarnate Word in and for the Diocese of Galveston, Galveston County, Texas, a religious organization, and St. Anthony Home, a charitable institution located at Houston, Texas, being present by their attorneys, Gavin & Barnes; and the defendants, the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of P. E. Coyne, deceased, and Mary Ellen Hilton, formerly Coyne, deceased, although three times called in open court, came not but make default; and the Court having heard the evidence and arguments of counsel, and being fully advised in the premises, finds the issues in favor of the plaintiff and against the defendants.

And the Court finds that about the year 1910 the plaintiff and P. E. Coyne purchased in fee simple the following described real estate, situated in Tulsa County, Oklahoma, to-wit:

The Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 28, Township 20 North, Range 13 East;

that the plaintiff and the said P. E. Coyne each paid one-half of the purchase price and each owned an undivided one-half interest in said real estate, although title to the same was taken in the name of P. E. Coyne; that the said P. E. Coyne died about the year 1918, without having transferred to plaintiff the undivided one-half interest to which the plaintiff was entitled; that Mary Ellen Coyne (later Mary Ellen Hilton) was the daughter and sole heir of the said P. E. Coyne; and that the legal title to said real estate descended to her; that during the life time of the said Mary Ellen Hilton she at all times recognized and acknowledged the plaintiff's interest in said real estate, but failed and neglected to transfer to plaintiff the undivided one-half interest to which he was entitled; that in 1938 the said Mary Ellen Hilton died and by will left all of her property, including the real estate above described, to the defendant, Sisters of Charity of the Incarnate Word in and for the Diocese of Galveston, Galveston County, Texas, a religious organization of Texas, for the use and benefit of the defendant, St. Anthony's Home, a charitable institution at Houston, Texas; and by said will named the defendant, Anna (also appearing as Annie) McKeever, a feme sole, as independent executrix of her entire estate; that the record title to all of said real estate now appears in the name of St. Anthony's Home, a charitable institution at Houston, Texas, subject to an existing oil and gas lease thereon; and that plaintiff is entitled to have conveyed to him in fee simple an undivided one-half interest in said real estate.

The Court further finds that it appears from the affidavit of the plaintiff, annexed to his petition, that the names of the heirs, executors, administrators, devisees, trustees or assigns, immediate and remote of P. E. Coyne, deceased, and Mary Ellen Hilton, formerly Coyne, deceased, and their residences, are unknown to the plaintiff, and that it is necessary to make such unknown heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote, of said P. E. Coyne, deceased, and Mary Ellen Hilton, formerly Coyne; deceased; defendants herein; that said defendants have been duly and legally served by publication, the first publication as shown by proof of publication on file herein being made more than forty-one days prior to this date, and that said defendants have not answered or filed other pleading herein; that such publication was made in the manner and form required by the laws of the State of Oklahoma and that service by publication upon the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of P. E. Coyne, deceased, and Mary Ellen Hilton, formerly Coyne, deceased, should be, and it is hereby in all respects, approved and adjudged to be sufficient to give this Court jurisdiction to render judgment herein; and it is further ordered that said defendants are adjudged to be in default, and that the allegations of plaintiff's petition be taken as true and confessed as against said defendants and each of them.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Anna (Annie) McKeever, independent executrix of the estate of Mary Ellen Hilton, deceased; Sisters of Charity of the Incarnate Word in and for the Diocese of Galveston, Galveston County, Texas, a religious organization; St. Anthony Home, a charitable institution located at Houston, Texas, convey, or cause to be conveyed, to the plaintiff, F. M. Rodolf, his heirs and assigns, forever, by good and sufficient deed in fee simple, free from any claim or right of said defendants therein, the following described real estate, situate in Tulsa County, Oklahoma, to-wit:

An undivided one-half interest in and to the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 28, Township 20 North, Range 13 East;

subject only to the existing oil and gas lease thereon.

It is further ordered, adjudged and decreed that the defendants, Anna (Annie) McKeever, independent executrix of the estate of Mary Ellen Hilton, deceased; Sisters of Charity of the Incarnate Word in and for the Diocese of Galveston, Galveston County, Texas, a religious organization; St. Anthony Home, a charitable institution located at Houston, Texas, and the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of P. E. Coyne, deceased, and Mary Ellen Hilton, formerly Coyne, deceased, be, and they are hereby perpetually enjoined and forbidden to claim or assert any right, title or interest in said real estate, and the title to said real estate is hereby quieted in the plaintiff, F. M. Rodolf, free and clear of any right, title or interest of the defendants, or either of them.

ROYCE H. SAVAGE
United States District Judge

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

The North Half of the Northeast Quarter and the North Half of the South Half of the Northeast Quarter of Section 33, Township 23 North, Range 24 East, and

The South Half of the Southeast Quarter of Section 27, Township 23 North, Range 24 East, and

The Southeast Quarter of the Southeast Quarter of Section 28, Township 23 North, Range 24 East,

and that said above described real estate was allotted to one Benjamin Cheater, full-blood Cherokee Indian appearing opposite roll No. 19804, and that the said Benjamin Cheater died a resident of Delaware County, State of Oklahoma, on January 22, 1914, intestate, seized and possessed of the above described real estate and left as his sole and only heirs Chiccowie Cheater and Lucy Cheater, and that there has been no valid decree of the County Court of Delaware County, State of Oklahoma wherein it was judicially determined who by name or were the particular persons entitled to participate in the distribution of such real property under the laws of the State of Oklahoma, and that the names and individual identity of such heirs have never been judicially determined and that on or about May 2, 1927 Chiccowie Keener, nee Cheater, died intestate, a resident of Delaware County, State of Oklahoma, and at the time of her death she was the owner in fee simple of an undivided one-half interest in and to the above described real estate, and at the time of her death she left the following named heirs so far as known to this plaintiff:- Heavy Keener, Joe Keener, Bob Keener, Joanna Keener, Scott Keener, Ben Keener and Russell Keener, and that there has been no valid decree of the County Court having jurisdiction of her estate judicially determining who by name are or were the particular persons entitled to participate in the distribution of said real property under the laws of the State of Oklahoma and that the names and identity of such persons who took or were entitled to take such property have never been judicially determined, and that this is one of the class of cases prescribed by the statutes of the State of Oklahoma in which publication by service may be had, and it further appearing to the court that after due diligence on the part of the plaintiff, said plaintiff was unable to ascertain the names or whereabouts of the unknown heirs, executors, administrators, devisees, trustees and assigns of Benjamin Cheater, deceased, and of Chiccowie Cheater, deceased, and that said plaintiff wishes to obtain service upon said defendants by publication,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that service by publication be had in the above-entitled cause and the plaintiff herein is hereby ordered and directed to incur the necessary expense of such publication according to law.

ROYCE H. SAVAGE
JUDGE

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

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

WITNESS, the Honorable HARLAN F. STONE, Chief Justice of the United States, the 17th day of April, in the year of our Lord one thousand nine hundred and forty-two.

| | |
|------------------|----------------|
| COSTS OF | APPELLANT |
| Clerk, | \$43.20 |
| Printing Record, | 111.90 |
| Attorney | <u>\$20.00</u> |
| | \$175.10 |

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

UNITED STATES CIRCUIT COURT OF APPEALS TENTH CIRCUIT

Costs taxed in favor of appellant, in the case of United States of America vs. Sinclair Refining Company, a corporation, No. 2348

| | |
|---|--------------|
| Filing record and docketing cause, | 5.00 |
| Filing copies of printed record, | - - |
| Filing and entering 4 appearances for appellant | 2 00 |
| Filing and entering appearance for | - - |
| Clerk, preparing record for printer, etc. | 22 50 |
| Printer, for printing record, | 111 90 |
| Filing 7 papers | 1 75 |
| Entering 1 order, folio, | 20 |
| Filing brief for appellant | 5 00 |
| Filing briefs for | - - |
| Filing opinion, | 25 |
| Filing and entering judgment or decree, | 1 25 |
| Filing petition for a rehearing, | - - |
| Issuing mandate to District Court, | 5 00 |
| Filing receipt for mandate | 25 |
| Filing receipt for balance of deposit, | - - |
| Attorney's docket fee, | <u>20 00</u> |
| | 175 10 |

ATTEST:

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

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

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

| | | |
|--------------------------------------|------------|------------------|
| LINCOLN NATIONAL LIFE INSURANCE CO., | Plaintiff, |) |
| | |) |
| v. | |) No. 873 Equity |
| | |) |
| EXCHANGE NATIONAL COMPANY, | Defendant. |) |

ORDER APPROVING FINAL REPORT OF RECEIVER

THIS CAUSE coming on to be heard on this the 5th day of December, 1941, at the hour of 10:00 o'clock A.M., the same being one of the regular court days of this court, and having been regularly set for hearing on the Final Report of T. P. Farmer, as Receiver for Exchange National Company, and the approval thereof, and allowance of fees therein, and it first having been duly established to the satisfaction of the Court that Notice of said hearing had been regularly given as by order of court required, proof of publication thereon having been introduced, and it further appearing to the Court that no objections have been filed to said Final Report, and T. P. Farmer being present in person and by his counsel, T. Austin Gavin, and John Rogers appearing on behalf of J. A. Chapman, one of the creditors in this cause, thereupon said final report was by the Court considered, and said Report having been fully and finally examined by the Court, the Court finds that said final report of the said T. P. Farmer as Receiver for Exchange National Company, be and the same is in all respects approved.

IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE of the Court that the final report of T. P. Farmer, as Receiver for Exchange National Company, heretofore filed in this cause, be, and the same is hereby approved.

Thereupon the Court considered the question of the allowance of the final fee of the said T. P. Farmer as such Receiver for Exchange National Company, and the final fee for T. Austin Gavin as attorney for the said T. P. Farmer as said Receiver, and no objection having been made either to the allowance of said fees or the amounts thereof;

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that the said T. P. Farmer, as Receiver for Exchange National Company be, and he is hereby allowed as a final fee for services in this cause, the sum of Ten Thousand Dollars (\$10,000) and now on this 18th day of April, 1942, an additional fee of \$750.00 for additional services.

IT IS THE FURTHER ORDER, JUDGMENT, and DECREE of this Court that T. Austin Gavin as attorney for said Receiver shall be allowed as his final fee in this cause the sum of Six Thousand Seven Hundred Fifty Dollars (\$6,750), and now on this 18th day of April, 1942, an additional fee of \$750.00 for additional services.

Thereupon the said Receiver having announced to the Court that he had on hand certain incidentals such as office furniture, and car, and other small personal property which the said Receiver indicated that he could sell for a price consistently with the true value thereof;

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED, and DECREED that the said T. P. Farmer, as said Receiver, be and he is hereby directed, authorized, and empowered to sell said latter described personal property consistent with representations made thereon by said Receiver to the Court, and after said sale to report the same to the Court.

IT IS THE FURTHER ORDER, JUDGMENT and DECREE of the Court that after said sale and said report to the Court, the said Receiver shall be finally discharged and his bond and bondsmen exonerated.

IT IS THE FURTHER ORDER, JUDGMENT, and DECREE of the Court that the said T. P. Farmer as said Receiver, shall and may pay from funds on hand in said Receiver estate, to himself, the sum of Ten Thousand Dollars (\$10,000) as above provided, and to the said T. Austin Gavin as above provided, the sum of Six Thousand Seven Hundred Fifty (\$6,750.).

IT IS THE FURTHER ORDER, JUDGMENT, and DECREE of the Court that as and when said fees have been paid, the said T. P. Farmer as said Receiver for said Exchange National Company, shall be and he is hereby directed, authorized and empowered to distribute to all creditors whose claims have been approved their ratable portion of the balance remaining.

IT IS THE FURTHER ORDER, JUDGMENT, and DECREE of the Court that the said T. P. Farmer as said Receiver shall do all other things necessary and proper in order fully and effectually to accomplish the letter and spirit of this Order.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed Dec 5 1941
H. P. Warfield, Clerk
U. S. District Court JS

RECORDED: J 4-P. 358

ENDORSED: RE-FILED
Apr 20 1942
H. P. Warfield, Clerk
U. S. District Court H

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

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

O R D E R

THIS CAUSE COMING on to be heard on this the 20th day of April, 1942, on the former application and order of this Court, the application being of T. P. Farmer, as receiver of Exchange National Company to approve his final report and discharge him as said receiver, and for the sale of certain royalties, and the Court finding that an order was entered on the 16th day of February, 1942, wherein it was provided that said receiver should sell the hereinafter described royalties, or oil and gas mining rights, provided the same was done within a period of thirty days from the date of said order; that said period of time proved insufficient and it is for the best interest of the receivership that said period should be enlarged to ninety days, and that during said period of time said receiver has sold said oil and gas mining rights referred to in said previous order to Homer J. Green and has procured therefor the sum of \$75.00, said oil and gas royalties being described as follows:

- 1410-11 Ball 1/8 of 240 SW Sec. 9 and E 1/2 SE 1/4 Sec. 8 all in township 8 North, Range 2 East, Pottawatomie Co.
- 1917-11 Barton 1/4 of 65. NW 1/4 NW 1/4 and N 1/2 NE 1/4 NW 1/4 and W 1/2 NW 1/4 NW 1/4 NE 1/4 Sec. 15, 2N, 5E East Pontotoc County, Oklahoma

| | | |
|---------|-----------|---|
| 4087-11 | Broadhead | 1/4 of 120 N $\frac{1}{2}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 12, 3N, 1 East Garvin County, Oklahoma |
| 2122-1 | Dameron | 60 acres, S 20 A Lot 4 and SW NW Sec. 27, 25N, 24 East, Delaware County, Oklahoma. |
| 758-7 | Dilbeck | 5/26 of 130 S $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 30, 5N, 9 East Hughes County, Oklahoma. |
| 874-12 | Lambert | 1/4 of 160 SE SE SW and S $\frac{1}{2}$ SE and NW SE and S $\frac{1}{2}$ NE SE and NW NE SE Sec. 25, 7N, 4W, McClain County. |
| 1368-11 | Manning | 1/4 of 80 E $\frac{1}{2}$ SW $\frac{1}{4}$ Sec. 3, 1N, 3 East Murray County |
| 4372-3 | May | 1/4 of 70 SW NE and S $\frac{1}{2}$ NW NE and NW SE NE Sec. 32 23N, 17 East, Rogers County, Oklahoma |
| 849-1 | McDonald | 1/4 of 170 S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 12, 68, 16 East Choctaw County, |
| 674-1 | King | 1/4 of 120 S $\frac{1}{2}$ SE $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ Sec. 2, 3N, 11 East, Coal County, Oklahoma. |
| 986-11 | Mullins | 1/4 of 170 NE and SE NE NW Sec. 16, 3N, 4 East Pontotoc County, Oklahoma. |
| 2221-4 | Rowland | 1/4 of 39.52 NE SW less 48 acres for railway Sec. 4, 26 North, 23 East, Ottawa County, Oklahoma. |
| 897-12 | Sharp | 1/4 of 240. SE Sec. 17 & N $\frac{1}{2}$ NE Sec. 20, 11N, 19 East, Muskogee County, Oklahoma. |
| 1579-5 | Shoemaker | 1/4 of 40 SE SW Sec. 16, 11N, 20 East Muskogee County, |
| 4717-11 | Simpson | 1/2 of 40 Lot 1 Sec. 1, 2N, 11 East Coal County. |
| 338-11 | Stewart | 1/4 of 90 NE SE and NE SE SE Sec. 34, and NE SW Sec. 35, Twp. 29N, Rge. 17 East Nowata County |
| 525-1 | Taylor | 1/4 of 320 and S $\frac{1}{2}$ SW NW and N $\frac{1}{2}$ SW Sec. 17 and SE and S $\frac{1}{2}$ SE NE and S 10.6 acres of Lot 7 and all of Lot 8 and all of Lot 13 of Sec. 18 and NW NE NE Sec. 20, all in Township 23N, Rge. 16 East, Rogers County |
| 3170-12 | Wells | 1/4 of 110, N $\frac{1}{2}$ NW and N $\frac{1}{2}$ SW NW and NW SE NW Sec. 14, 14N, 21 East, Sequoyah County, Oklahoma. |
| 635-1 | Williams | 1/4 of 110 SE NW NE and E $\frac{1}{2}$ NW and E $\frac{1}{2}$ NW NW Sec. 12, 12N, 21 East, Sequoyah County, Oklahoma |
| 575-1 | Williams | 1/4 of 70 SE NE SE and E $\frac{1}{2}$ SE SE Sec. 1, 12N, 21 East and W $\frac{1}{2}$ Lot 6 and W $\frac{1}{2}$ Lot 7, Sec. 6, 12N, 22 East Sequoyah County, Oklahoma, |

and the Court finding that said receivership of said estate is now ready for distribution of all funds in the hands of T. P. Farmer as receiver of Exchange National Company to all creditors whose claims have heretofore been approved herein, and that T. P. Farmer as such receiver desires to make said distribution and simultaneously with the distribution of said funds to have a full discharge as such receiver, and the Court having read said application and finding that it has jurisdiction

to entertain the same and enter an order thereon, finds that said sale should be confirmed, distribution made, receiver discharged and bond exonerated.

IT IS THEREFORE BY THE COURT, ORDERED, ADJUDGED AND DECREED that the sale of said oil and gas mining rights to Homer J. Green should be and the same is hereby confirmed and approved; and said receiver is authorized to execute and deliver mineral deeds thereto.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that T. P. Farmer, as Receiver of Exchange National Company shall distribute prorata to the various creditors of said estate all funds in his hands as said receiver and that simultaneously with the distribution of said funds, the said T. P. Farmer, as receiver of Exchange National Company and his bond and bondsmen shall be fully discharged and exonerated.

F. E. KENNAMER
United States Judge

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

Court adjourned to April 21, 1942

On this 21st day of April, 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. Robert L. Williams and Royce H. Savage, Judges, present and presiding.

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

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

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

| | | |
|---|-------------------------|---|
| BROOKER ENGINEERING COMPANY, a Michigan, corporation, | Plaintiff, |) |
| vs. | |) |
| GRAND RIVER DAM AUTHORITY, a corporation, et al., | Defendants. |) |
| FIDELITY & DEPOSIT COMPANY OF MARYLAND, a corporation, et al., | Third Party Defendants. |) |

No. 646 Civil

O R D E R

On this 21 day of April, 1942, on the application of the defendant Grand River Dam Authority appearing in its answer and cross complaint herein filed,

It is Ordered that the following-named parties be made third party defendants herein:

Fidelity & Deposit Company of Maryland, a corporation of the State of Maryland;
 United States Fidelity & Guaranty Company, a corporation of the State of Maryland;
 Maryland Casualty Company, a corporation of the State of Maryland;
 Standard Accident Insurance Company, a corporation of the state of Michigan;
 New Amsterdam Casualty Company, a corporation of the State of New York;
 National Surety Company, a corporation of the State of New York;
 Fidelity & Casualty Company of New York, a corporation of the State of New York;
 American Surety Company of New York, a corporation of the State of New York;
 Hartford Accident & Indemnity Company, a corporation of the State of Connecticut;
 The Aetna Casualty & Surety Company, a corporation of the State of Connecticut;
 Fireman's Fund Indemnity Company, a corporation of the State of California;
 Standard Surety & Casualty Company of New York, a corporation of the State of New York;
 Massachusetts Bonding & Insurance Company, a corporation of the State of Massachusetts;
 Great American Indemnity Company, a corporation of the State of New York;
 The Century Indemnity Company, a corporation of the State of Connecticut;
 Columbia Casualty Company, a corporation of the State of New York;
 Continental Casualty Company, a corporation of the State of Indiana;
 Central Surety & Insurance Company, a corporation of the State of Missouri.

ROYCE H. SAVAGE
 District Judge

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

 Court adjourned to April 22, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, APRIL 22, 1942

On this 22nd day of April, 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. Robert L. Williams and 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

Lilia Quapaw Hanson,

Plaintiff,

-vs-

No. 198 - Civil

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

ORDER OVERRULING MOTION FOR NEW TRIAL AND NOTATION
OF EXCEPTIONS

This cause came on for hearing on this 22nd day of April, 1942, before the Honorable Robert L. Williams, Circuit Judge, presiding by assignment, on the motion of plaintiff for a new trial in said cause; the plaintiff appeared by her counsel, Mr. Chas. B. Rogers, of Tulsa, Oklahoma, and the defendants appeared by their attorneys, Mr. Vern E. Thompson, of Joplin, Missouri, and Mr. Byron B. Hoffman, of Miami, Oklahoma; arguments of counsel were heard in support of, and against, the granting of said motion, and the Court, after being fully and sufficiently advised touching the same, overruled said motion.

IT IS, therefore, ORDERED, ADJUDGED and DECREED by the Court that the said plaintiff's motion for new trial be, and the same is hereby, overruled; and, upon the request of the plaintiff, exceptions were duly reserved and allowed to the order and judgment of the Court overruling said motion, on all grounds - that is to say:

Ground No. 1. - That the judgment and decision of the Court is contrary to the competent evidence adduced at the trial of said cause. Exception allowed.

Ground No. 2. - That the judgment and decision of the Court is not sustained by sufficient evidence and that said decision and judgment is contrary to the law. Exception is allowed.

Ground No. 3. - That, upon the findings of fact as made by the Court, said Court was without jurisdiction to render the judgment upon the merits of the case. Exception allowed.

Ground No. 4. - That upon the finding of this Court that the Secretary of the Interior or the United States was a necessary party to this action, this Court was without authority to render a judgment upon the merits of the action until after the bringing in of said United States or the Secretary of the Interior as its representative, and for that purpose, said judgment should be vacated and said cause continued for the purpose of bringing in the United States or the Secretary of the Interior as a necessary party thereto, and, upon the failure to do so, that said cause then be dismissed without prejudice to the bringing of an action in a court where jurisdiction may be obtained over said Secretary of the Interior. Exception allowed.

ROBERT L. WILLIAMS
Judge of the United States Circuit Court
of Appeals sitting as District
Judge by Assignment

ENDORSED: Filed Apr 22 1942
H. P. Warfield, Clerk
U. S. District Court ME

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the motion of Frank Tucker requesting a trial by jury is hereby overruled, and exceptions are allowed.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to April 24, 1942

On this 24th day of April, 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 HERETOFORE ISSUED AS TO
TRACT B-39 AND DIRECTING THE ISSUANCE OF A NEW CHECK

Now on this 24th day of April, 1942, it being made to appear to the Court that Amelia Bartlett was made a joint payee in Check #1231, heretofore issued, for the reason that she was the holder of a mortgage lien against Tract B-39; and it being made further to appear that this mortgage lien has now been discharged, the Court finds that Check #1231 should be cancelled and a check issued omitting Amelia Bartlett as a payee.

IT IS, THEREFORE, ORDERED that check #1231, in the sum of \$325.00, payable to the order of Huston Humble, Hazel B. Humble, husband and wife, Amelia Bartlett, and the County Treasurer of Mayes County, Oklahoma, be, and the same is hereby cancelled.

IT IS FURTHER ORDERED that the Court Clerk issue a new check payable to the order of Huston Humble and Hazel B. Humble, husband and wife, and the County Treasurer of Mayes County, Oklahoma, in the sum of \$325.00.

No charge shall be made for commission or poundage.

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

ROYCE H. SAVAGE
JUDGE

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

| | | |
|----------------------------|------------|-----------------|
| L. W. ALLRED, | Plaintiff, |) |
| | |) |
| -vs- | |) No. 718 Civil |
| | |) |
| Great Lakes Pipe Line Co., | Defendant. |) |

O R D E R

For good cause it is ordered that plaintiff be and he is hereby granted fifteen days additional within which to file affidavits in support of his motion for new trial and within said time his suggestions of amendments to the findings of fact and conclusions of law.

Dated this 20th day of April, 1942.

BOWER BROADDUS
District Judge

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

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

| | | |
|--|-------------|------------------------|
| RUBY LEE RUCKER, ET AL., | Plaintiffs, |) |
| | |) |
| vs. | |) Civil Action No. 746 |
| | |) |
| The First National Bank of Miami, Oklahoma, | Defendant. |) |

O R D E R

Now on this 24th day of April, 1942, the plaintiffs, by their attorney, made application to the Court for permission to amend their complaint in accordance with Amendment to Complaint filed this date.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by this Court that the plaintiffs are granted permission to amend their complaint in accordance with Amendment to Complaint filed with the papers in this case on this day and date.

F. E. KENNAMER
District Judge

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

Court adjourned to April 25, 1942

On this 25th day of April, 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. |) |

ORDER OF DISMISSAL AS TO CERTAIN TRACTS

Now on this 25th day of April, 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 exist 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-18

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Five (5), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. A-23

The Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$); and the North Half of the Southeast Quarter of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Six (6), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 60 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. C-4

The North Half of the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$) of Section Seventeen (17), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 80 acres, more or less, situate in Mayes County, Oklahoma;

Tracts Nos. C-8 and C-20

All of that part of the South Half of the Northeast Quarter ($S\frac{1}{2}$ NE $\frac{1}{4}$) lying East of U. S. Highway No. 69 right-of-way; and the Southeast Quarter of the Northwest Quarter of the Northeast Quarter ($SE\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) containing 81 acres, more or less; and all of that part of the West Half of the Southwest Quarter of the Southeast Quarter ($W\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$) lying East of U. S. Highway No. 69 right-of-way containing 9 acres, more or less, all in Section Thirteen (13), Township Twenty (20) North, Range Eighteen (18) East of the Indian Meridian situate in Mayes County, Oklahoma;

Tract No. C-49

All of that part of the South Half of the Northeast Quarter of the Southeast Quarter ($S\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) lying North of the State Highway right-of-way, No. 33; and the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($NW\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-nine (29), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma;

Tract No. C-53

The Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, less 1.99 acres, for highway #33 right-of-way, containing 38.01 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-14

The West Half of the Southeast Quarter ($W\frac{1}{2}$ SE $\frac{1}{4}$); and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$); and the East Half of the Southeast Quarter of the Southwest Quarter ($E\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Fifteen (15), Township Twenty (20) North, Range Nineteen (18) East of the Indian Meridian, containing 110 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-19

All that part of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter ($SW\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) lying West of Pryor Creek; and all of the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4}$ SW $\frac{1}{4}$) of Section Fourteen (14); and all that part of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter ($NW\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) lying West of Pryor Creek, of Section Twenty-three (23); all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 53.56 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-37

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

Tract No. D-46

All of the West Half ($W\frac{1}{2}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East, except the Northeast Quarter of the Northwest Quarter of the Southwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4}$), and that part of the East Half of the Southeast Quarter of the Northwest Quarter ($E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$) lying East of the road; and the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$), Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East; and the West Half of the Northeast Quarter ($W\frac{1}{2} NE\frac{1}{4}$); and the Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$) and the Northeast Quarter of the Northwest Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4} NW\frac{1}{4}$), and the North Half of the Southeast Quarter of the Northwest Quarter ($N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$), and the Southeast Quarter of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$), Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 555 acres, more or less, situate in Mayes County, Oklahoma;

Tract No. D-57

The Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$), Section Twenty-eight (28), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian containing 40 acres, more or less, situate in Mayes County, Oklahoma.

ROYCE H. SAVA GE
JUDGE

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

vs.

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

No. 652 Civil

ORDER CANCELLING CHECK AS TO TRACT D-3 AND DIRECTING
ISSUANCE OF A NEW CHECK

Now on this 25th day of April, 1942, this cause came on to be heard on the matter of the issuance of a new check as to Tract D-3, and the Court having been fully advised in the premises finds that there has been heretofore issued as to Tract D-3 Check #1290, in the sum of \$458.00 payable to the order of Albert Walker, Lettie Walker, his wife, and North American Life Insurance Company; that said check was placed in the United States mail addressed to Albert Walker, R.F.D. Pryor, Oklahoma; that said check has never been cashed; and that proof has been submitted that said check #1290 has been lost or destroyed.

The Court further finds that Albert Walker and his wife, Lettie Walker, had an \$458.00 interest in the crops on Tract D-3, which were taken by the Petitioner, and that the respondent North American Life Insurance Company, had no interest in this \$458.00 share of Albert Walker and Lettie Walker.

IT IS, THEREFORE, ORDERED that Check #1290 in the sum of \$458.00, payable to the order of Albert Walker, Lettie Walker, his wife, and North American Life Insurance Company, be and the same is hereby cancelled; and the Clerk is directed to stop payment of said check.

IT IS FURTHER ORDERED that the Clerk issue a new check in the sum of \$458.00, payable to the order of Albert Walker and Lettie Walker, his wife (in full payment of their share of the crops on Tract D-3).

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

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

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

UNITED STATES OF AMERICA, Petitioner,)
vs.)
15,500 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and John . Niehaus, Jr., et al., Respondents.)

No. 652 - Civil

ORDER CANCELLING CHECK PREVIOUSLY ISSUED AS TO CROPS ON TRACT D-22
AND DIRECTING THE ISSUANCE OF A NEW CHECK

Now on this 17th day of April, 1942, this cause came on to be heard in regard to the determination of the ownership of crops on Tract D-22, and particularly for the determination of the value of the unharvested crops to John Campbell and Glen Campbell.

The Court having heard the evidence, and having been fully advised in the premises,

finds that respondents, John Campbell and Glen Campbell, were tenants on Tract D-22; and that there was growing on said Tract D-22 10 acres of cotton which was appraised by the Government at a value of \$600.00; that said John Campbell and Glen Campbell refused to accept the Government's appraisal and elected to harvest the cotton crop; that cotton to a value in excess of \$600.00 was harvested by John Campbell and Glen Campbell on the first picking, and before the second picking could be made, John Campbell and Glen Campbell were forced to give up possession, leaving unharvested cotton in the field.

The Court finds that John Campbell and Glen Campbell's two-thirds ownership in this unharvested cotton was of the value of \$223.80.

The Court further finds that \$889.98 worth of growing corn, belonging to John Campbell and Glen Campbell, was taken by the Petitioner.

The Court finds that the owner of Tract D-22, W. A. Graham, signed an option contract wherein the value of the crops growing on Tract D-22 was agreed upon between the Petitioner and W. A. Graham; that the valuation of the ten acres of cotton, referred to hereinabove, as between the Petitioner and W. A. Graham, was fixed at \$480.00; and that cotton in excess of this valuation was harvested from this ten acres; and that W. A. Graham is not entitled to any payment for the unharvested portion of said cotton crop.

The Court further finds that the value of the corn crop was fixed as between W. A. Graham and the Petitioner by the option contract; and that W. A. Graham's share of the corn crop, which was taken by the Government, and which was growing on that portion of the land being farmed by the Campbells, was in the sum of \$426.24.

The Court further finds that the value of W.A. Graham's ownership in the corn crop on that part of the land being farmed by the tenant L. W. Chitwood, was of the value of \$127.87, making the total value of \$554.11, for that portion of the crops owned by W. A. Graham which were taken by the Petitioner on Tract D-22.

The Court further finds that check #1305, in the sum of \$1,212.82, dated February 24, 1942, should be cancelled.

IT IS, THEREFORE, ORDERED that check #1305, dated February 24, 1942, in the sum of \$1,212.82, payable to the order of Glen Campbell, John Campbell, and Maude Campbell, husband and wife, and W. A. Graham, be, and the same is hereby cancelled.

IT IS FURTHER ORDERED that the Clerk issue a check payable to the order of Glen Campbell, John Campbell and Maude Campbell, his wife, in the sum of \$1,113.78 (in full payment of their interest on the crops on Tract D-22).

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 25 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 for the use and benefit of |) | |
| TOM W. KELLY, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 722 C |
| |) | |
| |) | |
| CENTRAL CONSTRUCTION COMPANY, a |) | |
| Corporation, and CONTINENTAL |) | |
| CASUALTY COMPANY, a Corporation, |) | |
| |) | |
| Defendants. |) | |

O R D E R

Upon application the defendant Continental Casualty is hereby granted permission to file its answers to petitions in intervention by or for the use of the following:

- C. B. Maxey
- Clark-Darland Hardware Company
- Vaughn Lumber Company
- Cities Service Oil Company
- Amulco Products
- Carl Wasson
- Stephenson-Browne Lumber Company
- Oklahoma Electric Company
- Oklahoma Tire and Supply Company
- Bradford Pipe and Tool Company
- Liberty Oil Company
- Clarence L. Boyd Company

Dated this 24 day of April, 1942.

ROYCE H. SAVAGE
JUDGE

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

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

| | | |
|--|---|-----------|
| UNITED STATES for the use and benefit of |) | |
| TOM W. KELLY, |) | |
| |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 722 C |
| |) | |
| |) | |
| CENTRAL CONSTRUCTION COMPANY, a Corporation, and |) | |
| CONTINENTAL CASUALTY COMPANY, a Corporation, |) | |
| |) | |
| Defendants. |) | |

C R D E R

Now on this 25 day of Apr., 1942, this cause came on for hearing upon application of defendant Continental Casualty Company, a Corporation, for permission to examine certain books and records belonging to the defendant Central Construction Company, a corporation, which are stored with

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

| | | | |
|---|-------------|---|---------------|
| United States of America, | Plaintiff, |) | |
| | |) | |
| vs. | |) | |
| | |) | |
| Phylis Brokey, E. E. Richardson | |) | NO. 802 CIVIL |
| and unknown heirs, executors, administrators, | |) | |
| devisees, trustees and assigns, immediate | |) | |
| and remote, of Mabel Brokey, deceased, | |) | |
| | Defendants. |) | |

ORDER APPOINTING GUARDIAN AD LITEM

Now on this 25 day of Apr., 1942, this matter coming on for hearing and the Court being advised that one of the defendants in the above entitled cause is a minor beneath the age of eighteen (18) years, and that such minor person has no legal representative or guardian, and the Court being otherwise fully advised in the premises, finds that such person has been sued in the above entitled cause and that it is necessary that such person have appointed a suitable person to act as attorney or legal representative.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that C. S. Fenwick, be and he is hereby appointed guardian ad litem to represent fully and faithfully the cause of the said Phylis Brokey in the above entitled action.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to April 27, 1942

On this 27th day of April, 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. Manzy, United States Attorney
John P. Logan, United States Marshal

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

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

ORDER TO MARSHAL TO OPEN AND ADJOURN COURT

The First Monday in May, 1942, being the Regular Statutory day for the opening of the Regular Term of said Court at Pawhuska, Oklahoma, and the Court finds that there is insufficient business to cause said term to be held at Pawhuska.

IT IS ORDERED that the United States Marshal in and for the Northern District of Oklahoma, be, and he is hereby directed to open the Regular May 1942 Term at Pawhuska, Oklahoma, on Monday, the 4th day of May, A. D. 1942, by proclamation in the manner and form provided by law, and that said Marshal adjourn said Court Sine Die.

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

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

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

LILIA QUAPAW HANSON, Plaintiff,)
-vs-) No. 198 - Civil
AGNES QUAPAW HOFFMAN, ET AL, Defendants.)

Now on this 27th day of April, A. D. 1942, it is ordered by the Court that the Clerk file and spread of the record, the Mandate in the above styled and numbered cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

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

(SEAL)

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Lilia Quapaw Hanson, plaintiff, and Agnes Quapaw Hoffman, Jean Ann Quapaw Hoffman, an infant, Henry E. Hoffman, as guardian of Jean Ann Quapaw Hoffman, an infant and Henry E. Hoffman, defendants, No. 198, Civil, the judgment of the said District Court in said cause, entered on June 2, 1941, was in the following words, viz:

"It is, therefore ordered, adjudged and decreed, that the amended motion of Stella White, Ada Farley, Ida Gwin, Ella Cooper, Lola Arnold, Fred Baker,

George Baker and Eddie Bair for permission to intervene be and the same is overruled, to which ruling of the court the said movants are allowed an exception."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Tenth Circuit, by virtue of an appeal by Stella White, Ada Farley, Ida Gwin, Ella Cooper, Lola Arnold, Fred Baker, George Baker and Eddie Bair, agreeably to the Act of Congress, in such case made and provided; fully and at large appears;

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

On consideration whereof it is now ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed; and that Lilia Quapaw Hanson, Agnes Quapaw Hoffman, Jean Ann Quapaw Hoffman, an infant, Henry E. Hoffman, as guardian of Jean Ann Quapaw Hoffman, an infant, and Henry E. Hoffman, appellees, have and recover of and from Stella White, Ada Farley, Ida Gwin, Ella Cooper, Lola Arnold, Fred Baker, George Baker and Eddie Bair, appellants, their costs herein.

-- February 26, 1942.

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

WITNESS, the Honorable HARLAN F. STONE, Chief Justice of the United States, the 25th day of April, in the year of our Lord one thousand nine hundred and forty-two.

| | |
|-----------------|----------------|
| COSTS OF | APPELLEES. |
| Clerk, | \$-- -- |
| Printing Record | \$-- -- |
| Attorney | <u>\$20.00</u> |
| | \$20.00 |

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

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

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

| | | |
|--------------------------|------------|-----------|
| HELMERICH & PAYNE, INC., | Plaintiff, |) |
| -vs- | |) No. 777 |
| WOOD OIL COMPANY, | Defendant. |) |

O R D E R

Upon application of the defendant, Wood Oil Company, IT IS HEREBY ORDERED that the defendant, Wood Oil Company, be granted an additional seven day's time, or up to and including the 4th day of May, 1942, in which to answer.

Dated this 27th day of April, 1942.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to April 28, 1942

On this 28th day of April, 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, | Plaintiff, |) |
| vs. | |) No. 2576 - Law |
| The Texas Pipe Line Company, a Corporation, | Defendant. |) |

ORDER GRANTING PERMISSION TO FILE MOTION FOR MORE DEFINITE STATEMENT

NOW, on this, the 28th day of April, 1942, on application of The Texas Pipe Line Company, the substituted defendant herein, for permission to file its Motion for More Definite Statement in the above styled cause, and there being no objection thereto, it is hereby ordered that said

(1) That W. C. Bader, defendant, is the sole owner and trader of the Bader Supply Company and Bader Saw Service, located in the City of Tulsa, Oklahoma; that said business consists in the selling at retail from stock on hand of butcher supplies, refrigerators, and sausage seasoning, of which sales totaled approximately 92.1% within the state of Oklahoma and totaled approximately 7.9% in some of the states adjoining the state of Oklahoma during the period of time from October 1938 through the month of December 1940; that said defendant likewise carried on a separate saw service business wherein saws were loaned, as the property of the defendant, to butchers and merchants, generally, without charge except for the maintenance of the saw blades, which blades were processed and repaired in defendant's place of business at Tulsa, Oklahoma; that the saw service business totaled approximately 78% within the State of Oklahoma and totaled approximately 22% in some of the states adjoining the State of Oklahoma.

(2) That the plaintiff, Carl Brown, was employed as a truck deliver in defendant's retail business, and particularly the transportation and installing of refrigerators; that on jobs outside the city of Tulsa, Oklahoma, the plaintiff was in charge of the defendant's employees concerned therewith, the drawing and expense account, the employment of additional help when needed, and the turning in of the time of each such employees, including his own, to the defendant's store manager upon the completion of such jobs.

(3) That the plaintiff, while engaged in and about the defendant's place of business, was required and did turn in his time at the end of each work day to the defendant's store manager, sometimes orally and sometimes in writing; that the plaintiff's time, along with that of other employees, was kept by the store manager on a time sheet, each sheet covering one work week; at the end of each work week pay checks, based on the week's time sheet, were distributed to the plaintiff and other employees, at which time discrepancies and errors, if any, in amount and time accounted for could be, and were required to be, immediately corrected; that with reference to the stipulation by the plaintiff and defendant as to their agreements and disagreements of time worked by the plaintiff under date of February 19, 1942, which stipulation is a part of the files of this case, the court finds that the hours set forth by the defendant are true and correct, and that the difference in hours contended for by the plaintiff is incorrect.

(4) That the defendant paid the plaintiff in full, by check, for the regular time at the end of each work week covered by the complaint, and paid the plaintiff in full, by check, for overtime hours at the end of each work week covered by the complaint up to the work week ending October 6, 1939; that commencing with the work week ending October 6, 1939, and ending with the work week of October 18, 1940, the defendant did not pay for the overtime hours to the plaintiff and other employees, but accrued the overtime hours reported by the plaintiff and other employees, week by week, that the defendant made this arrangement with each of the employees, including the plaintiff, pending a ruling from the wage and hour division of the Department of Labor, at Dallas, Texas, over a legitimate and serious dispute as to whether the defendant's business was within the Fair Labor Standards Act of 1938; that on December 19, 1940, the plaintiff was paid in full for all of his regular time and overtime hours then due, including the balance due in full for overtime hours then due, including the balance due in full for overtime hours permitted to accrue as aforesaid, and his services terminated; that at the commencement of this action by the plaintiff, the defendant was not indebted to the plaintiff for any hours of labor by reason of the employment aforesaid.

(5) The Plaintiff's employment with the defendant was in connection with defendant's retail business only; and that in view of the finding of fact that approximately 7.9% only of the total sales during the period of time involved in the complaint were had outside of the State of Oklahoma, and approximately 92.1% of the total sales were had within the State of Oklahoma, the defendant's retail business is specifically exempt from the operation of the Fair Labor Standards Act of 1938, and the plaintiff is not entitled to the benefits thereof for the reason that such Act provides that the provisions thereof shall not apply to "any employee engaged in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce;..."

(6) The plaintiff has been paid in full for all regular and overtime hours and regular and overtime wages by the defendant for the period of time asserted in the complaint; and the

plaintiff is not entitled to recover a judgment in any amount as "liquidated damages" and for "reasonable attorneys's fees", only, under the provisions of the Fair Labor Standards Act of 1938, based on the premise that the defendant did not pay the overtime wages at the end of each work week for a period of time from the work week ending October 6, 1939 until the work week ending October 18, 1940, but permitted the same to accrue week by week for approximately one year before the payment thereof, where the evidence shows; (1) That the accruing of the overtime wages was pursuant to an arrangement between the plaintiff and defendant pending the settlement of a legitimate and serious dispute as to whether the defendant was subject to the provisions of said Act, and (2) that all of such accrued hours and wages was actually paid to and accepted by the plaintiff a long time before the commencement of this action; that for the reason that it is not within the spirit of the Fair Labor Standards Act of 1938 to discourage fair, speedy, and friendly settlements where legitimate and serious disputes are involved.

Thereafter counsel for plaintiff requested permission to brief the questions of law involved which permission was granted by the court; and the plaintiff having filed his written brief; and the defendant having answered; and the plaintiff having replied; and the court having carefully examined and considered said brief and further considered the questions of law involved made the following additional findings of fact and conclusions of law;

(1) That the employer's business was, (1), to sell refrigerators, counters, etc., ordinarily used in the butcher trade; (2), to furnish but not to sell meat saws, knives, etc. used by the retail butcher trade and service from time to time the tools so furnished; (3), the sale of sausage seasoning;

(2) That the plaintiff in the case was engaged in working in the shop and had something to do with every branch of the service and lines of business in which the defendant was engaged;

(3) That under the facts in the case the acceptance of payment for overtime was full settlement of plaintiff's claim when there was a bonified question as to any sum due the plaintiff, and therefore there should be no allowance of liquidated damages. There being no sum due the plaintiff at the time of the payment was made.

(4) That the sale of counters, fixtures, and refrigerators, whether considered wholesale or retail, the evidence does not establish that the defendant was engaged in interstate commerce; the occasional sales outside of the state not being of a substantial amount; that the furnishing of saws, knives, etc. and service thereof falls within the exception of the rule. In this respect defendant was maintaining a service establishment. A greater part of the defendant's sales and service being in intrastate commerce.

(5) That the selling of sausage seasoning was incidental to the business and so inconsequential as not to require consideration.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing by virtue of his petition filed herein; that judgment be and hereby is rendered for the defendant, W. C. Bader and against the plaintiff, Carl Brown, and

IT IS FURTHER ORDERED that the costs of this action be paid by the plaintiff

Dated this 28th day of April, 1942.

BOWER BROADBUSH
JUDGE

ENDORSED: Filed Apr 29 1942
H. P. Warfield, Clerk
U. S. District Court H

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

| | | |
|---|---|-----------------|
| MILDRED DAY, ADMINISTRATRIX OF THE ESTATE |) | |
| OF ELMER G. DAY, DECEASED, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | No. 735 - Civil |
| |) | |
| MID-CONTINENT PETROLEUM CORPORATION, |) | |
| A CORPORATION, |) | |
| |) | |
| Defendant. |) | |

ORDER ALLOWING PLAINTIFF TO FILE AMENDED PETITION

On this 29 day of April, 1942, on oral application of the plaintiff and defend consent thereto having been obtained and for good cause shown, it is by the Court ordered that the plaintiff has leave to file on this date an amended petition in the above styled cause; It being s to the court that a copy of the said proposed amended petition has been delivered to counsel for t defendant, It is by the court ordered that defendant shall have ten (10) days in which to plead to said amended petition.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Apr 29 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to April 30, 1942

On this 30th day of April, 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, Honorable Royce H. Savage, Judge, present and presiding.

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

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

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

| | | | |
|---|-------------|---|---------------|
| UNITED STATES OF AMERICA, | Petitioner, |) | |
| -vs- | |) | |
| CERTAIN PARCELS OF LAND IN MAYES | |) | CIVIL NO. 762 |
| COUNTY, OKLAHOMA; and Russell Cole, et al., | |) | |
| | Defendants. |) | |

ORDER ALLOWING MARSHAL TO FILE CORRECTED RETURN

NOW, on this 30th day of April, 1942, it appearing to this Court that the United States Marshal for the Western District of Oklahoma, made, returned and filed returns of service f

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

IT IS THEREFORE, on this 30th day of April, 1942, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands, situate in and being in the County of Mayes, State of Oklahoma, and more particularly described by courses and distances as follows, to-wit:

TRACT NO. 1 (306 - 1.3 Rev)

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 SE 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 $\frac{1}{4}$, 1238.8 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 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 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)
PERPETUAL EASEMENT

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 $SW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$ 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 $NE\frac{1}{2} SW\frac{1}{4}$, Sec. 16, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center 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 $NE\frac{1}{2} SW\frac{1}{4}$ 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-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 from 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 - 4.1A Rev)
PERPETUAL EASEMENT

All that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ North of the K. O. & G. R. R. and the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ except the I. 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 follows, to-wit:

Beginning at a point in the East boundary of said $E\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$ 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 NE 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 NW corner thereof.

TRACT NO. 15 (306 - 5.2)
PERPETUAL EASEMENT

A strip of land 100 feet in width in the $N\frac{1}{2}$ $SE\frac{1}{2}$ $NW\frac{1}{4}$, 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 $N\frac{1}{2}$ $SE\frac{1}{2}$ $NW\frac{1}{4}$ 241.6 feet from the NE corner thereof; thence Westerly to a point in the West boundary of said $N\frac{1}{2}$ $SE\frac{1}{2}$ $NW\frac{1}{4}$ 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 $\frac{1}{4}$, 271.4 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 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 $\frac{1}{4}$, 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.

together with the perpetual easement and right to cut down, remove and trim any trees, which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

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 said public use;

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 by said acquiring authority to be just compensation for said lands, in the amount of \$600.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 30th day of April, 1942, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said tract of land situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 301 - 0.3
Perpetual Easement

Lots 5, 6, 7, and 8, in Block 9, as shown on the revised dedication plat of the townsite of North Langley, dated July 14, 1939, also across Park Street and along Osage Avenue in said town of North Langley, all situate in the County of Mayes, State of Oklahoma.

together with the perpetual easement and right to cut down, remove and trim any trees, which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, 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, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 1st day of May, 1942, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the

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

| | | | |
|--|------------|---|-----------------|
| FLOYD C. BRUCE, | Plaintiff, |) | |
| | |) | |
| Vs. | |) | No. 355 - Civil |
| Oklahoma Utilities Company, a corporation, | Defendant. |) | |

O R D E R

Now on this 1st day of May, 1942, this matter coming on for hearing before the undersigned Judge of the District Court of the United States for the Northern District of Oklahoma of upon regular setting, the motion of the defendant herein to make more definite and certain, and the application of the plaintiff herein for leave to file an amended petition, permission having been previously granted for the filing of said motion and said application, said parties being present by counsel of record; and it appearing to the Court that plaintiff confesses said motion of defendant to make more definite and certain and that defendant makes no objection to the filing of amended petition by plaintiff as stated in his said oral application.

IT IS, THEREFORE, ORDERED that defendant's motion to make more definite and certain the petition of plaintiff herein and plaintiff's application to amend his petition by alleging the production by plaintiff and sale by defendant of gas to the Marathon and Wilcox Oil Refineries for use in processing crude oil, be and the same hereby are sustained, and plaintiff is granted 5 days in which to prepare and file said amended petition in compliance with defendant's motion and plaintiff's application, and defendant given 20 days thereafter to answer.

ROYCE H. SAVAGE
Judge United States District Court

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

Court adjourned to May 2, 1942

On this 1st day of May, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1942 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kenmer, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Chester A. Brewer, Assistant U. S. Attorney
John P. Logan, United States Marshal

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

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

| | | | |
|---|-------------|---|------------------------------|
| Grand River Dam Authority, a public corporation, | Petitioner, |) | |
| | |) | CIVIL NO. 232 |
| -vs- | |) | Tract No. 6 (25 GR-D 1352) |
| | |) | Tract No. 6-A (20 GR-D 1021) |
| Lawford L. Browning, Reuben R. Huffaker, Bessie B. Huffaker, et al., | Defendants. |) | |

ORDER MODIFYING JUDGMENT

NOW, on this 1st day of May, 1942, there coming on for hearing the motion of the petitioner, Grand River Dam Authority, a public corporation, praying for an order modifying the judgment of this court heretofore entered on the 16th day of April, 1942, and the Court being fully advised in the premises finds that said motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the petitioner, Grand River Dam Authority, a public corporation, shall have and is hereby granted a judgment against the defendants, Reuben R. Huffaker and Bessie B. Huffaker, for and in the sum of \$409.00, together with interest thereon at the rate of 6% from the 16th day of April, 1941, and for all costs accruing subsequent to the first assessment, for which said sums execution shall issue in the manner provided by law.

F. E. KENLAMER
JUDGE

ENDORSED: Filed In Open Court
May 1 1942
H. P. Warfield, Clerk
U. S. District Court H

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

| | | | |
|---|-------------|---|---------------------|
| Grand River Dam Authority, a public corporation, | Petitioner, |) | |
| | |) | CIVIL NO. 263 |
| -vs- | |) | PART OF TRACT NO. 2 |
| | |) | (10 GR-D 498) |
| A. O. KEPHART: Lucille Ahniwake Miller, et al., | Defendants. |) | |

ORDER MODIFYING JUDGMENT

NOW, on this 1st day of May, 1942, there coming on for hearing the motion of the petitioner, Grand River Dam Authority, a public corporation, praying for an order modifying the judgment of this court heretofore entered on the 16th day of April, 1941, and the Court being fully advised in the premises finds that said motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the petitioner, Grand River Dam Authority, a public corporation, shall have and is hereby granted a judgment against the defendants, Lucille Ahniwake Miller; Jackson L. Miller, a minor; John Avery Miller, a minor; James A. Miller, a minor; and Lee Miller, guardian of Jackson L. Miller, John Avery Miller and James A. Miller, minors, for and in the sum of \$1430.00, together with interest thereon at the rate of 6%

from the 16th day of April, 1941, and for all costs accruing subsequent to the first assessment, for which said sums execution shall issue in the manner provided by law.

F. E. KENNAMER
J U D G E

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

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

GRAND RIVER DAM AUTHORITY, a public corporation,)
Petitioner,)
) CIVIL NO. 304
-vs-)
A. M. JARVIS, ET AL,)
Defendants.)

O R D E R

NOW, on this 1st day of May, 1942, there coming on for hearing the motion of the Grand River Dam Authority, a public corporation, praying for an order of this court spreading of record the mandate of the Circuit Court of Appeals of the Tenth Circuit in the case of Grand River Dam Authority, a public corporation, appellant, versus, A. M. Jarvis, et al., appellees, No. 2362, and for a judgment in conformity with the directions of the Circuit Court of Appeals of the Tenth Circuit; and the Court being fully advised in the premises finds that said motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the mandate issued out of the United States Circuit Court of Appeals, of the Tenth Circuit, in the case of Grand River Dam Authority, a public corporation, appellant, versus A. M. Jarvis, et al, No. 2362, be spread of record in this court, and as directed therein, the judgment of this Court be, and it is hereby modified to conform to the judgment of said United States Circuit Court of Appeals for the Tenth Circuit as follows, to-wit:

"IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Grand River Dam Authority, a public corporation, have, and is hereby granted a judgment against the defendant, A. M. Jarvis, in the sum of \$895.00, together with interest thereon at the rate of 6% per annum from the 16th day of April, 1941, and for all costs accruing subsequent to the first assessment herein, including the costs of appeal to the United States Circuit Court of Appeals of the Tenth Circuit - for which said sums execution shall issue in the manner provided by law."

"IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Grand River Dam Authority, a public corporation, take nothing as against the defendants, Catherine Robinson, Roy T. Wills, John A. Robinson and C. E. Youse, Trustees of the Estate of James F. Robinson, deceased."

F. E. KENNAMER
JUDGE

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

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

| | | |
|------------------------------------|------------|---|
| Opal Jackson, | Plaintiff, |) |
| | |) |
| vs. | |) |
| | |) |
| Federal Mining & Smelting Company, | |) |
| | Defendant. |) |

No. 749 Civil

JOURNAL ENTRY OF JUDGMENT

NOW, on this 1st day of May, 1942, same being one of the days of the regular March, 1942 term of said Court at Vinita, Oklahoma, this matter coming on before the Court for pretrial conference, same having heretofore been set for this date, and plaintiff appearing in person and by her attorney, Louis N. Wolfe, and defendant appearing by its attorney, A. C. Wallace, and the parties having stated their respective positions and contentions and having submitted to the Court orally an offer of compromise settlement in the sum of \$500.00, which said sum was offered and accepted in view of the doubtful liability of the defendant and subject to the approval of the Court and to be consulted by judgment for that amount and said cause having been submitted to the court for final decision, and both sides having waived trial by jury, and the Court being otherwise fully advised in the premises.

IT IS ORDERED, ADJUDGED AND DECREED that said offer of compromise settlement be and the same is hereby approved and the plaintiff have and recover from the defendant the sum of \$500.00 the plaintiff to pay all costs over and above present deposit.

It is further ordered that said judgment so rendered is for the exclusive use and benefit of the plaintiff and her minor son, Leroy Jackson, in equal shares and that plaintiff being the mother of said minor son, defendant is ordered to pay said sum to plaintiff and such payment shall be a full acquittal and satisfaction of the judgment herein rendered.

F. E. KENNAMER
JUDGE

ENDORSED: Filed In Open Court
May 1 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned subject to call.

On this 2nd day of May, 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 E. 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

DEWEY T. ROSS ENGINEERING CORPORATION,
a corporation, Plaintiff,

-versus-

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

No. 544 Civil

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

ORDER FOR TRANSMISSION OF ORIGINAL EXHIBITS TO CIRCUIT COURT OF APPEALS

On this 2nd day of May, 1942, it appearing that certain trial exhibits offered on and received in evidence herein by the parties, respectively, should be inspected by the Circuit Court of Appeals for the Tenth Circuit in the matter of the appeal taken herein by the defendant Grand River Dam Authority, and that the same would be difficult to incorporate in the transcript of the record on appeal,

IT IS ORDERED, that plaintiff's trial Exhibits Nos. 1, 2, 7, 13, 69, 71, 75, 76 to 87 inclusive, 89, 94, 95, 97, 97-A and 97-B, being maps, aerial photographs and pictures, and Defendant's Exhibits No.s 14, 21, 27, 28, 33, 34, 36, 65 to 79 inclusive, and 82, being maps, aerial photographs and pictures, be transmitted to the Circuit Court of Appeals for the Tenth Circuit.

F. E. KERNAMER
DISTRICT JUDGE

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

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

ALEX H. HENDRICKS,

Plaintiff,)

v.)

No. 751 Civil

PHILLIPS PETROLEUM COMPANY,
et al,

Defendants.)

O R D E R

Now on this 2 day of May, 1942, this matter coming on before the court on the application of the United States of America for additional time to intervene in this cause of action, and it appearing to the Court that said time should be granted,

IT IS THEREFORE THE ORDER OF THE COURT, that the United States of America be and it hereby is granted thirty (30) days additional time from May 1, 1942, within which to plead in this cause of action.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to May 4, 1942

On this 4th day of May, 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:

The Court further finds that stipulations or contracts have been entered into between the Petitioner and the owners of the following designated tracts, fixing the value of the land and improvements, and of the crops, in those cases where there were growing crops on the land at the time of the taking of the land by the Petitioner; and that there has been deposited as to said tracts the amounts hereinafter shown, leaving deficiencies as shown, all as follows:

Tract No. C-12

| | | | |
|-----------------------|----------|------------|----------|
| Land and Improvements | \$100.00 | Deposited | \$100.00 |
| Crops | --- | Deficiency | --- |
| Total Value | \$100.00 | Total | \$100.00 |

Tract No. C-19

| | | | |
|-----------------------|------------|------------|------------|
| Land and Improvements | \$2,330.00 | Deposited | \$2,330.00 |
| Crops | 550.00 | Deficiency | 550.00 |
| Total Value | \$2,880.00 | Total | \$2,880.00 |

Tract No. D-27

| | | | |
|-----------------------|----------|------------|-----------|
| Land and Improvements | \$535.00 | Deposited | \$ 535.00 |
| Crops | 64.00 | Deficiency | 64.00 |
| Total Value | \$599.00 | Total | \$ 599.00 |

The Court further finds that the commissioners heretofore appointed by the Court fixed a value of \$150.00 on Tract C-16, and that no demand for a jury trial has been filed by the owner of said tract, and that the Petitioner has dismissed the demand for a jury trial heretofore filed by it. The Court finds that there has been heretofore deposited by the Petitioner as to Tract C-16 the sum of \$100.00, leaving a deficiency of \$50.00 as to said Tract C-16.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the fee simple title, subject to existing easements for public roads and public utilities, and subject to any outstanding ad valorem taxes for years prior to 1942 as to each of the tracts hereinabove set forth, be, and the same is hereby fixed in the persons named in the finding of the Court hereinabove.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the stipulations and agreed values as to Tracts C-12, C-19 and D-27, be, and the same are hereby confirmed and adopted by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the commissioners' award of \$150.00 for Tract C-16, be, and the same is hereby confirmed, and the value of Tract C-16 is fixed at the sum of \$150.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petitioner, United States of America, deposit the gross sum of \$664.00, to make up the deficiencies as to Tracts C-16, C-19 and D-27.

ROYCE H. SAVAGE
JUDGE

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

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

| | | | |
|---|-------------|---|----------------------|
| RUBY LEE RUCKER, et al, | Plaintiffs, |) | |
| | |) | |
| -vs- | |) | Civil Action No. 746 |
| | |) | |
| THE FIRST NATIONAL BANK OF MIAMI, OKLAHOMA, | Defendant, |) | |

O R D E R

IT IS HEREBY ORDERED that the time in which the plaintiffs may file their brief is extended from this date to the 25th day of May, 1942; the defendant to have ten (10) days thereafter in which to file its brief.

Dated at Tulsa, Oklahoma, this 4th day of May, 1942.

F. E. KENNAMER
District Judge

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

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

| | | | |
|---|-------------|---|---------------|
| United States of America, | Plaintiff, |) | |
| | |) | |
| v. | |) | No. 778 Civil |
| | |) | |
| George Newman, Guardian of Peter Captain, Osage A llottee No. 898, Continental Casualty Company, and United States Fidelity & Guaranty Company, | Defendants. |) | |

O R D E R

Now on this 4th day of May, 1942, this matter coming on before the Court on the separate motion of the defendants, George Newman, Guardian of Peter Captain, Continental Casualty Company, and United States Fidelity and Guaranty Company, to dismiss the action and complaint of the plaintiff, the plaintiff appearing by Whit M. Mauzy, United States Attorney for the Northern District of Oklahoma, and Chester A. Brewer, Assistant United States Attorney for said district, and the defendants and each of them appearing by William F. Tucker and William H. Martin; and the court having heard statements of counsel and being fully advised in the premises finds that each of said motions to dismiss this action and the complaint herein should be overruled.

IT IS THEREFORE THE ORDER OF THE COURT that said motions to dismiss this action and complaint, and each of them, be and the same are hereby overruled, to which ruling of the court the defendants, and each of them, except and exceptions are allowed.

It is the further order of the Court that the defendants, and each of them, are hereby given twenty (20) days from this date within which to answer in this cause of action.

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

F. E. KENNAMER JUDGE

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

| | | | |
|-------------------------------------|-------------|---|---------------|
| United States of America, | Plaintiff, | } | No. 801 Civil |
| v. | | | |
| J. A. Medley and Mrs. J. A. Medley, | Defendants. | } | |

ORDER OF DISMISSAL

Now on this 4 day of May, 1942, this matter coming on before the court and it appearing that this cause of action has been compromised by payment of the sum of Seventy-five (\$75.00) Dollars to the Treasurer of the United States, and by the further payment of Twenty-four and 14/100 (\$24.14) Dollars to H. P. Warfield, Clerk of the United States District Court for the Northern District of Oklahoma, in satisfaction of the court costs in this case, and that said cause of action should be dismissed.

IT IS THEREFORE THE ORDER OF THE COURT that this cause of action be and the same hereby is dismissed.

F. E. KENNAMER
JUDGE

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

Court adjourned to May 5, 1942

On this 5th day of May, 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, Honorable Royce H. Savage, Judge, present and presiding.

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

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

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

| | | | |
|---|-------------|---|-----------------------------|
| Grand River Dam Authority, a public corporation, | Petitioner, |) | |
| | |) | |
| | |) | CIVIL NO. 232 (Tract No. 4) |
| -vs- | |) | |
| | |) | |
| G. G. McConkey, et al, | Defendants. |) | |

ORDER GRANTING LEAVE TO AMEND PETITION, AND SUBSTITUTING THE ADMINISTRATRIX OF THE ESTATE OF G. G. McCONKEY, DECEASED, AS A PARTY DEFENDANT

NOW, on this 1st day of May, 1942, there comes on for hearing in the above entitled proceeding the motion of the petitioner, Grand River Dam Authority, a public corporation, for leave to amend its petition in certain respects set forth in said motion, and to substitute the administratrix of the estate of G. G. McConkey, deceased, as a party defendant; and the court after hearing had on said motion and being fully advised in the premises finds that said motion should and ought to be sustained and allowed.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE COURT, that said petitioner be and hereby is granted leave to amend its petition on file in the above entitled proceeding so as to show therein the death of the defendant G. G. McConkey on or about June 14, 1940 and subsequent to the filing of said petition, and the subsequent appointment of Saide B. McConkey as administratrix of the estate of the said G. G. McConkey, deceased; and,

IT IS FURTHER ORDERED AND ADJUDGED BY THE COURT, That Sadie B. McConkey as and in her official and representative capacity of administratrix of the estate of G.G. McConkey, deceased, be, and hereby is substituted and made a party defendant in the above entitled proceeding as said proceeding relates to Tract No. 4 of the lands referred to and described under that number in the petition on file in said proceeding.

ROYCE H. SAVAGE
J U D G E

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

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

| | | | |
|-------------------------------|-------------|---|---------|
| SAMMONS-ROBERTSON COMPANY, | Plaintiff, |) | |
| | |) | |
| v. | |) | No. 443 |
| | |) | |
| MASSMAN CONSTRUCTION COMPANY, | Defendants. |) | |

O R D E R

Now on this 5th day of May, 1942, it appearing to the court that the plaintiff in the above entitled cause has filed herein its motion in introduction in evidence of certain documents and instruments and it appearing to the Court that the determination of said motion may depend upon the examination by the court of said instruments and documents, it is ordered that defendants,

Grand River Dam Authority and W. R. Holloway, their counsel, agents and employees have present for inspection and examination the instruments and documents described and set forth in said motion.

ROYCE H. SAVAGE
United States Judge

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

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

ELSIE A. MILLER, Plaintiff,)
vs.) No. 530 Civil
HERBERT FREDERIC MILLER, Defendant.)

ORDER FOR EXTENSION OF TIME TO FILE AND DOCKET RECORD
ON APPEAL

Now on this 5th day of May, 1942, being one of the judicial days of this court, comes regularly on and is presented the application of plaintiff for an extension of time to docket and file her appeal and record on appeal in the above case, and the court being fully advised in the premises and for good and sufficient cause shown, finds that said application and the same is hereby granted.

IT IS, THEREFORE, ordered that said application be and the same is granted, and that the time is hereby enlarged by giving plaintiff fifty days additional, or ninety days in all from the date of filing her notice of appeal herein to docket said case and file the record on appeal thereof with the Clerk of the United States Circuit Court of Appeals of the Tenth Circuit.

ROYCE H. SAVAGE
DISTRICT JUDGE

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

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 AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 5th day of May, 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:

D.D. Miller;
 Austin B. Tincup;
 William C. Whitsel;
 Iva Scheffel;
 Charles W. Beattoe. also known as Chas. Wm. Beattie;
 Verdi O. Beattie;
 Marie S. Haddan;
 J. O. Courtwright;
 Grant L. Ives;
 Hulda E. Ives;
 A. J. Newton;
 Jane L. Newton;
 Eliza Eades, Lucille Jones, John Rayford Malone, William Branson,
 William D. Brown, Cherokee Roll No. 2212, Chas. Wood Friend, Gwynne
 Boyer Widdicombe, Susan Overholt, Anna Y. Moore, Theodore W. Friend,
 Rebecca F. Johnston, Elizabeth F. Parks, James L. Evans, Henry C. J.
 Evans, Robert L. Egans, Florence Tincup, Cherokee Roll No. 6234,
 Frank B. Gardner, Spire M. Berry, S.E. Price, Lenard Marston, Chas.
 W. Whaley, M. K. Read, Harry Barndollar, R. W. McCullough, J. L. War-
 ner, B. L. Murph, individually and as trustee, W. E. Doan, individ-
 ually and as trustee, Thomas H. Robinson, Herman Schmidt, individu-
 ally and as trustee, E. W. Thiels, individually and as trustee, James Leach,
 sometimes known as J. A. Leach, George Henry, A.A. King, Asa Faubus,
 A.C. Neal, W.C. Priddy, if living, or if deceased, their known and
 unknown heirs, executors, administrators, devisees, legatees, trust-
 ees creditors and assigns, immediate and remote, and their spouses,
 if any;

The Federal Land Bank of Wichita, a corporation,
 Land Bank Commissioner;
 Federal Farm Mortgage Corporation, a corporation;
 The Federal Land Bank of Wichita, a corporation,
 agent and attorney-in-fact for Land Bank Commissioner
 and Federal Farm Mortgage Corporation, a corporation;
 Union Central Life Insurance Company, a corporation;
 State Life Insurance Company, a corporation;
 Maxwell Investment Company, a corporation, Gulf Refining
 Company, a corporation, Hanover Oil and Gas Association of
 Hanover, Kansas, Seneca Fault Mining Association, and Humphrey
 & Humphrey, if existing, or if not in existence, their trustees,
 creditors 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 C. Whitsel, deceased; of
 Emma Branson, Cherokee Roll No. 658, deceased; of Jacob Scheffel,
 deceased; of Daniel Tilden, Cherokee Roll No. 16201, deceased; of
 Tyler Tilden, deceased; of James P. Allen, deceased, of William
 Lynch, Cherokee Freedman, Roll No. 1793, deceased; of Alex Wil-
 son, deceased; of Bessie Moore, deceased; of D. B. Haddan, de-
 ceased; of Alex LittleDave, Cherokee Roll No. 29691, deceased;
 of Johnson LittleDave, Cherokee Roll No. 29692, deceased; of
 Janey Bell Malone, also known as Janny Bell Malone, deceased;
 of Jas. Washington Malone, deceased; and of Cherokee Brewer,
 Cherokee Roll No. 6734, 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 hereindescribed 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 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 29th day of June, 1942, the petitioner, United States of America, will, on the 29th day of June, 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 May 5 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to May 6, 1942

On this 6th day of May, 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

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

ORDER FOR TRIAL

ON THIS 6th day of May, 1942, this matter comes on regularly for hearing and there has been brought to the attention of the Court the affidavit of plaintiff's attorney concerning the military or naval service of the defendants, and it being shown that none of the known defendants are engaged in the military or naval service of the United States of America, but plaintiff and this

That said mortgage was given as a purchase money mortgage and represents the balance due plaintiff from the mortgagors on the purchase price of said land, and that there is due and owing to the plaintiff on its mortgage and note the sum of \$4,431.00, with interest thereon at the rate of 8% per annum from January 1, 1942, until paid;

The Court further finds that Edwin E. Blaser, one of the mortgagors, died intestate, on or about October 23, 1941, and that there has been no administrator of his estate appointed by any court, and that he left surviving him as the members of his family his widow, the defendant Helen Blaser, and the following children:

Lester Edwin Blaser,
Elmer David Blaser and
Dorris Alma Blaser,

and that all of said children are minors under the age of fourteen years; that there has been no general guardian appointed for said minor children;

The Court further finds that as a part of the transaction by which the said Edwin E. Blaser purchased the land herein described from the plaintiff, the life of the said Edwin E. Blaser was insured under group life insurance policy No. C-133, issued by the plaintiff Company, as evidenced by Certificate No. 120,221 issued under said group policy, but that prior to the death of the said Edwin E. Blaser the insurance under the aforesaid policy and certificate had terminated in accordance with the terms of said policy and certificate; that no insurance was in force thereunder on the life of the said Edwin E. Blaser at the time of his death;

The Court further finds that the conditions of defeasance of said mortgage have been broken and default has been made in the performance of said note and mortgage, as alleged in the petition, and same should be foreclosed.

IT IS, therefore, ordered, adjudged and decreed that plaintiff have and recover judgment in rem as a first and valid lien against the real estate hereinbefore described, for the payment of the sum of \$4,431.00, with interest thereon at the rate of 8% per annum from January 1, 1942, until paid, and for the further sum of \$420.00 as attorney fees, and for all costs and accruing costs of said action;

It is further ordered, adjudged and decreed by the Court that the mortgage of the plaintiff for payment of the aforesaid sums, interest, attorney fees and costs, is a first and valid lien upon said real estate as herein described, and that the conditions of defeasance thereof have been broken and same is hereby foreclosed; that said mortgage provides that in the event of foreclosure the real estate may be ordered sold either with or without appraisal, at the option of the mortgagee or other note holder, and that plaintiff has elected to and now makes known its election to have said land sold with appraisal; that if the defendants fail for a period of ten days from this date to pay to the plaintiff the aforesaid sum, with interest, attorney fees and costs, that an order of sale is by the Clerk of this Court, directed to the United States Marshal for the Northern District of Oklahoma, commanding him to sell the real estate as hereinbefore described, subject to the outstanding one-half oil, gas and mineral interest, after having same duly appraised and after giving notice by publication for thirty days in the Pawnee Courier-Dispatch, a newspaper published in Pawnee Oklahoma, of the time and place of the sale, same to be sold at the south front door of the courthouse in Pawnee, Pawnee County, Oklahoma, said sale to be made subject to any taxes due and unpaid on said land and to be sold to the highest bidder for cash, at which sale plaintiff may be a bidder, and should plaintiff be the successful bidder and purchaser at said sale, the amount of its bid up to the sum on its judgment, costs, interest and attorney fees to be applied on the judgment;

That from and after the sale of said real estate, as herein provided, the defendants herein and each and all of them, and anyone claiming by, through or under them since the filing of this petition, be forever barred, foreclosed and enjoined from claiming or asserting any right,

title, or interest in said real estate, and that the purchaser at said sale be placed in possession thereof, for which writ of assistance directed to the United States Marshal for the Northern District of Oklahoma, should be issued by the Clerk of this court on application therefor by the plaintiff or the purchaser at said sale.

ROYCE H. SAVAGE
DISTRICT JUDGE

ENDORSED: Filed In Open Court
May 5 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 8, 1942

On this 8th day of May, 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

MITCHELL KNIGHTEN,

Plaintiff,

vs.

SINCLAIR PRAIRIE OIL COMPANY, a corporation, MINNEHOMA OIL AND GAS COMPANY, a corporation, RESERVE DEVELOPMENT COMPANY, a corporation,

Willie Mayweather, Floyd Mayweather, Izora Alexander Lee, Leroy Alexander, Vida Marshall, Felix Alexander, Isadora Buckner, Hooker J. Williams, Henry H. Vincent, Tommy Cully, Anna C. Corbin, Odessa Cully, Opal Cully, Mrs. V. P. Crane, Margaret Witt, Ophelia Payne, Lucy Payne, O'dell Glass, Osceola Glass, Artynsia Glass, Veta Victoria Glass, John Fay, Jack Bruner, Claudia Edwards, Irene Bruner, now Edwards, Thelma Bruner, Katie Bruner, now Beard, Horace Bruner, Elmer Bruner, Caesar Bruner, Herbert Brown, Thurman Brown, Marietta Lewis, Jessie James, Rosie James, Edmon James, Edna James, Polly Ransom, (Pollyann Ransom), Josephine Bruner, (Josie Bruner), David Davis (Bolegs), Dorothy Fields, nee Bolegs, Ivella Ever Watt, Myrtle Irene

No. 694 Civil

(continued)

Watt, Laverta C. Watt, Vivian E. Watt, Catherine Watt,
 Felix Bruner and Jessie Bruner.
 The Atlantic Refining Company, a corporation,
 J. Paul Getty, executor, or whoever
 may be or become representative of the estate of Sarah
 C. Getty, deceased,
 Marvin T. Johnson, Chas. B. Rogers, John L. Ward, John
 L. Ward, Jr. and W. B. Blair,
 Herman D. Cornell, trustee for Kathryn Cornell, DarBon
 Oil Company, V. V. Harris, C.B. Hyde, H. G. Barnard,
 H. B. Hammons, M. P. Mathis, Pearlle Buck, Anglin and
 Stevenson, F. P. Swan, Alfred Stevenson, W.T. Anglin
 G. R. Eckles Administrator of the estate of J. D. Boxley,
 deceased and Fannie C. Holman, Defendants.

ORDER GRANTING LEAVE TO FILE

Now on this first day of May, 1942, the application of plaintiff for leave to file Amendments to Amended Complaint as Amended and Bill of Particulars Supplementing Amended Complaint as Amended being presented at the Court being fully advised in premises.

IT IS ORDERED that plaintiff be given leave to file Amendments to Amended Complaint as Amended and Bill of Particulars Supplementing Amended Complaint as Amended.

ROYCE H. SAVAGE
District Judge

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

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

MITCHELL KNIGHTEN, Plaintiff,

vs.

SINCLAIR PRAIRIE OIL COMPANY, a corporation,
MINNEHOMA OIL AND GAS COMPANY, a corporation,
RESERVE DEVELOPMENT COMPANY, a corporation,

Willie Mayweather, Floyd Mayweather, Izora
 Alexander Lee, Leroy Alexander, Vida Marshall,
 Felix Alexander, Isadora Buckner, Booker J.
 Williams, Henry H. Vincent, Tommy Cully, Anna C.
 Corbin, Odessa Cully, Opal Cully, Mrs. V. P. Crane,
 Margaret Witt, Ophelia Payne, Lucy Payne, O'dell
 Glass, Margaret Witt, Ophelia Payne, Lucy Payne, O'dell
 Glass, Osceola Glass, Artynsia Glass, Veta Victoria
 Glass, John Fay, Jack Bruner, Claudia Edwards, Irene
 Bruner, now Edwards, Thelma Bruner, Katie Bruner, now
 Beard, Horace Bruner, Elmer Bruner, Caesar Bruner,
 Herbert Brown, Thurman Brown, Marieta Lewis, Jessie
 James, Rosie James, Edmon James, Edna James, Polly

No. 694 Civil

(continued)

Ransom (Pollyann Ransom), Josephine Bruner, (Josie Bruner),)
 David Davis (Bolegs), Dorothy Fields, nee Bolegs, Ivella)
 Ever Watt, Myrtle Irene Watt, Laverta C. Watt, Vivian K.)
 Watt, Catherine Watt, Felix Bruner and Jessie Bruner.)
 The Atlantic Refining Company, a corporation,)
 J. Paul Getty, executor, or whoever may be or become re-)
 presentative of the estate of Sarah C. Getty, deceased,)
 Marvin T. Johnson, Chas. B. Rogers, John L. Ward, John)
 L. Ward, Jr. and W. B. Blair,)
 Herman D. Cornell, Trustee for Kathryn Cornell, BarDon)
 Oil Company, V. V. Harris, C. B. Hyde, H. G. Barnard,)
 H. B. Hammons, M. P. Mathis, Pearlle Buck, Anglin and)
 Stevenson, F. P. Swan, Alfred Stevenson, W.T. Anglin,)
 G. R. Eckles Administrator of the estate of J. B. Box-)
 ley, deceased and Fannie C. Holman, Defendants.)

ORDER QUASHING SUMMONSES

Now on this first day of May, 1942, plaintiff appearing by his attorneys, Arthur B. Honnold and Jay W. Whitney, and C. H. Rosenstein appearing specially and moving to quash and vacate summons and purported service and return of summons upon Minnehoma Oil and Gas Company, and also contending that the court has no jurisdiction over J. Paul Getty as executor in California of the estate of Sara C. Getty, deceased, coming on for hearing, and the court having heard the argument of the counsel, and being fully advised in the premises, finds that such motions should be sustained as motions to quash.

IT IS THEREFORE ORDER D AND ADJUDGED that the said summonses and service and return thereof be quashed, vacated, and held for naught.

ROYCE H. SAVAGE
 District Judge

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

 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

| | | | |
|---|------------|---|---------------|
| United States of America, | Libelant, |) | |
| | |) | |
| vs. | |) | No. 772 Civil |
| One 1941 Buick Sedan Automobile, Motor No. | |) | |
| 54,103,861; Mrs. B. J. Sandridge, and the | |) | |
| General Motors Acceptance Corporation, Tulsa, | |) | |
| Oklahoma, | Claimants. |) | |

JOURNAL ENTRY OF JUDGMENT

Now on this 8 day of May, 1942, this cause of action having come on regularly before the Court, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimant Mrs. B. J. Sandridge having filed herein, on March 31, 1942, her waiver of the issuance and service of summons and monition herein, made her general appearance and consented that said cause may

be set down for trial and heard without further notice to her, and the claimant General Motors Acceptance Corporation, Tulsa, Oklahoma, having filed herein, on April 17, 1942, its waiver of the issuance and service of process and motion herein, entered its general appearance in said cause and reserving ten (10) days from that date within which to plead to the libel of information on filed herein, and it further appearing that both of said claimants have failed, neglected and refused to appear or file any pleadings whatever in this cause, the Court finds each in default, and the Court being fully advised in the premises, finds in favor of libelant and against said claimants.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the said 1941 Buick Sedan Automobile, Motor No. 54, 103,861, and said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Narcotics in the enforcement of the Internal Revenue and Narcotic Laws of the United States, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

| | | | |
|--|------------|---|---------------|
| United States of America, | Libelant, |) | |
| | |) | |
| vs. | |) | No. 789 Civil |
| | |) | |
| One 1942 Ford Pick-up Truck, Motor No. | |) | |
| BB18-6,865,814, and approximately 184 | |) | |
| gallons of Assorted Taxpaid intoxicating | |) | |
| Liquors seized therein; R.D. Hendrickson and | |) | |
| Robert Lee Peterson, | Claimants. |) | |

JOURNAL ENTRY OF JUDGMENT

Now on this 8 day of May, 1942, this cause of action having come on regularly before the court, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said District, and the claimant Robert Lee Peterson having heretofore filed his waiver of the issuance and service of motion herein, made his general appearance and disclaimed any interest, right or title in and to the above described property, and the claimant, R. D. Hendrickson having filed in this cause on April 21, 1942, his waiver of the issuance and service of summons and motion in this cause, made his general appearance herein and agreed to file any pleadings which he might desire in said cause within ten (10) days from that date, and having failed, neglected and refused to appear or file any pleadings since that date, contesting this litigation, he is, by the Court, found to be in default, and the Court being fully advised in the premises, finds in favor of libelant and against said claimants.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is here, allowed as to the said 1942 Ford Pick-up Truck, Motor No. BB18-6,865, 814, and said motor vehicle is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that forfeiture herein be, and the same is, hereby allowed as to the said approximately one hundred eighty-four (184) gallons of assorted taxpaid intoxicating liquors seized in and with said described truck, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

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

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

| | | | |
|--|------------|---|---------------|
| United States of America, | Libelant, |) | |
| | |) | |
| vs. | |) | |
| | |) | |
| One 1941 Chevrolet Coach Automobile, Motor No. AA-591,339, and approximately 42 gallons of Assorted Taxpaid Intoxicating Liquors seized therein; Robert Clasby, and the General Motors Acceptance Corporation of Kansas City, Missouri. | Claimants. |) | No. 810 Civil |

ORDER FOR MONITION

Now on this 8 day of May, 1942, it appearing to the Court that the said 1941 Chevrolet Coach automobile, Motor No. AA-591,339, with approximately forty-two gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on State Highway No. 10, about eleven (11) miles East of the City of Miami, Ottawa County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on November 15, 1941, by Cliff Goldsmith and Jack Walsh, Investigators for the Department of Public Safety of the State of Oklahoma, by virtue of authority of their said office, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Robert Clasby for transportation of such intoxicating liquors from Joplin, State of Missouri, into the State of Oklahoma, and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Robert Clasby and the General Motors Acceptance Corporation of Kansas City, Missouri, 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 Robert Clasby and the General Motors Acceptance Corporation of Kansas City, Missouri, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, U. S. Code Annotated, and in accordance with the provisions of the law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

| | | | |
|---|------------|---|---------------|
| Union Pacific Railroad Company, a corporation, | Plaintiff, |) | |
| | |) | |
| vs. | |) | No. 706 Civil |
| | |) | |
| Vulcan Steel Tank Corporation, a corporation, | Defendant. |) | |

O R D E R

Plaintiff is hereby granted permission to file amended complaint instanter.
Defendant granted fifteen (15) days to answer.

Dated this 9th day of May, 1942.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to May 11, 1942

On this 11th day of May, 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 ad-
journalment, Hon. Royce H. Savage and Hon. F. E. Kennamer, Judges, present and presiding.

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

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

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

| | | | |
|--------------------------------------|-------------|---|---------|
| Sammons- Robertson Company, | Plaintiff, |) | |
| | |) | |
| v. | |) | No. 443 |
| | |) | |
| Massman Construction Company, et al, | Defendants. |) | |

O R D E R

Now on this 11th day of May, 1942, comes on for hearing the motion of the plaintiff
in the above entitled cause for the production of evidentiary instruments to be made a part of the depo-
sition of W. M. Bonner, Jr., and plaintiff appearing by its attorneys, Henry G. Snyder and Robert W.
Raynolds, and the defendant, Grand River Dam Authority, appearing by Edward P. Marshall and R. L.

Davidson, its attorneys of record, the defendants, W. R. Holway, surviving partner of Holway & Neuffer, George W. Shaeffer, Owen P. Butler, Guy Kraus, Owen Perkins, Henry Eichelberger, appearing by R. L. Davidson as their attorney of record, the defendants, Massman Construction Company and surety companies appearing by R. L. Whatley, their attorney, and the court having heard the statements of counsel present and being advised in the matter, it is ordered, adjudged and decreed the defendant, Grand River Dam Authority, its attorneys, agents, employees and the custodian of its records, produce for introduction in evidence by plaintiff as part of the deposition of the witness, W. M. Bonner, Jr.,

(1) Monthly estimates which have been marked as Exhibits 2 to 17 and offered in evidence but not in possession of the reporter, and said monthly estimates disclosing quantities of work performed by this plaintiff which constitute the subject matter of this suit.

(2) Progress reports of work performed and letters of transmittal, memorandum and calculations upon which said progress reports are based, together with chartes and drawings attached thereto, said instruments having been marked for identification as Exhibits 18 to 40 inclusive, said progress reports, charts, memorandum and calculations disclosing quantities of excavation, material to the issues in this cause.

(3) Breakdowns and calculations of estimates constituting the original estimates of materials to be excavated and classification thereof contained in the contract documents.

(4) All change orders, letters of transmittal of same and memorandum with regard thereto concerning the excavation of items 2, 3, 4, 6, or 7 of contract 7 of Pensacola Dam.

(5) All changes in drawings and plans and instruments to original contract drawings and plans made during the course of construction of the Pensacola Dam together with the final plans and drawings of said project.

The reporter taking such deposition of said Bonner is directed to make copy of such records as may be introduced under the direction and supervision of the custodian of such records; the cost of making such copies to be treated as a part of the cost of such deposition and to be taxed as costs in the case are taxed.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

ENDORSED: Filed May 12 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

DEWEY T. ROSS ENGINEERING CORPORATION,
a corporation,

Plaintiff,

-versus-

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

Defendants.

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

Interveners.

No. 544 Civil

C O R D E R

It appearing that the parties hereto have entered into a stipulation under date of May 9, 1942, with reference to the transmission to the clerk of the United States Circuit Court of Appeals for the Tenth Circuit of certain of plaintiff's exhibits therein more particularly described,

It is Ordered that said plaintiff's Exhibits Nos. 108 to 117, both inclusive, be and they are hereby directed to be transmitted to the Clerk for the United States Circuit Court of Appeals for the Tenth Circuit, in the matter of the appeal taken by the defendant Grand River Dam Authority from the judgment heretofore rendered herein.

Dated this 11th day of May, 1942.

F. E. KENNAMER
District Judge

ENDORSED: Filed May 11 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. 763

A certain parcel of land in Mayes County,
Oklahoma; and Reba Frances Bogle, et al.,

) Defendants.)

ORDER DIRECTING PAYMENT OF COMMISSIONERS

Now, on this 11th day of May, 1942, it being made to appear to the Court that on the 27th day of March, 1942, W. L. Mayes, Elmer Vick, and Charles C. Webber were by this Court appointed as Commissioners herein to assess the damages to the lands sought to be taken by condemnation in this action; that thereafter and on the 3rd day of April, 1942, the said Commissioners took the oath of office of commissioners and subsequently and on the 9th day of April, 1942 made and returned their report of their appraisal. At the time of the filing of said report, the Commissioners also filed their bill for services as follows:

| | |
|-----------------------------------|---------|
| 2 days at \$10.00 per each day | \$60.00 |
| W. L. Mayes, 140 miles at \$0.05 | 7.00 |
| C. C. Webber, 154 miles at \$0.05 | 7.70 |
| Elmer Vick, 154 miles at \$0.05 | 7.70 |

which bill is a proper fee for the services rendered and remains due and unpaid.

IT IS THEREFORE ORDERED that the Special Representative for the Administration, Federal Works Agency, Grand River Dam Project pay the Commissioners' fees as above set out, forthwith.

ROYCE H. SAVAGE
Judge of the United States District Court

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

Court adjourned to May 12, 1942

On this 12th day of May, 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 - PETIT JURY.

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

ORDER FOR PETIT JURY

On this 12th day of May, A. D. 1942, it is ordered by the Court that there be publicly drawn by the Marshal for the Northern District of Oklahoma, or one of his deputies, in the presence of the Clerk, or one of his deputies, in accordance with the law and the rules of this Court, the names of Forty-five (45) persons, good and lawful men, from said District, duly qualified to serve as Petit Jurors at the Regular March 1942 Term of this Court to be held at Vinita, Oklahoma.

IT IS FURTHER ORDERED by the Court that a Writ of Venire Facias be issued out of this Court, in due form as provided by law, commanding the said Marshal to summon said Petit Jurors, drawn as aforesaid, to be and appear before said Court, to be held at Vinita, Oklahoma, in the Northern District of Oklahoma, on Monday, the 1st day of June, A. D. 1942 at 9:00 o'clock A.M. (WAR TIME), then and there to serve as Petit Jurors of the United States in and for said District at the Regular March 1942 Term of said Court.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed May 12 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

| | | |
|---|-------------|-----------------|
| BROOKER ENGINEERING COMPANY, a Michigan corporation, | Plaintiff, |) |
| | |) |
| vs. | |) No. 646 Civil |
| | |) |
| GRAND RIVER DAM AUTHORITY, a corporation, et al, | Defendants. |) |

ORDER FOR ENLARGEMENT OF TIME TO PLEAD

Now, on this 12th day of May, 1942, the defendant, Massman Construction Company, a Missouri corporation, is hereby granted an enlargement of time of thirty (30) days, from May 12, 1942 to June 11, 1942, in which to plead to the answer and cross complaint of the defendant, Grand River Dam Authority.

ROYCE H. SAVAGE
DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

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

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

| | | |
|---|-------------|-----------------|
| EZEKIEL BIG ACORN, | Plaintiff, |) |
| | |) |
| vs. | |) No. Civil 656 |
| | |) |
| Pollie Budder, nee Big Acorn, and the Unknown Heirs of the Estate of Tyannee Grass, Deceased, | Defendants. |) |

ORDER APPROVING SALE BY UNITED STATES MARSHAL

Now on this the 11 day of May, 1942, there coming on for hearing the Motion of plaintiff, Ezekiel Big Acorn, for an order approving sale of real estate made in the above action on the 28th day of April, 1942, plaintiff appearing by John S. Severson, and A. Lee Battenfield, his attorneys of record, and Whit Y. Manzy, United States Attorney, and Chester A. Brewer, Assistant United States Attorney, appearing in their official capacity in behalf of the Plaintiff and the defendant, and the court having heard said motion and being fully advised in the premises finds:

That pursuant to decree and orders of this court, heretofore made, the Honorable John P. Logan, United States Marshal for the Northern District of Oklahoma, did on the 23th day of 1942, sell the real estate involved in the above styled action to George A. Cummins and Melva E. Cummins, after advertising the same in all particulars as required by law, for the sum of \$533.34 same being two-thirds of the appraised value fixed by the commissioners and that said sale was, in all particulars, made in accordance with the orders of this court, and of the statutes, both State and Federal in like cases made and provided, and that said report of sale should, in all things, be confirmed and approved, and that distribution of the said funds should be made by the said United States Marshal.

the defendant, Belle Ashbrook, appearing by her attorney of record, Frank Ertell, and with each and all of the other defendants appearing not, the court having before the commencement of this trial, vacated and set aside the judgment entered in said cause on February 6, 1942, and said cause having thereafter been set for hearing at this time. The appearing parties having announced ready for trial, the court first considered the record and the testimony touching the service of summons upon the parties defendant referred to in the pleadings herein as "note-holders". The court finds that on October 1, 1941, the plaintiffs did file in the District Court in and for Mayes County, Oklahoma, in Cause No. 7010, and before the removal of said cause to the above entitled court, an affidavit for summons by publication and did cause summons by publication on October 1, 1941 to be issued out of the office of the Court Clerk of Mayes County, Oklahoma. That the said summons by publication was duly and legally published; that the plaintiffs did not mail a copy of their petition and a copy of said summons by publication to any of the defendants other than to Belle Ashbrook individually and Belle Ashbrook as the agent of certain persons referred to in said petition as "note-holders"; that at the time the affidavit for summons by publication was filed, the plaintiffs did not know the name, place of resident, post office address, or whereabouts of any of the said persons referred to as "note-holders" and could not get such information by any means under the control of the plaintiffs or either of them; that the plaintiffs are now, and have been at all times since the filing of said affidavit, unable to obtain such information with due diligence.

The Court further finds that the time allowed by law and the said summons by publication for the said defendants referred to as "note-holders" to appear, plead or answer has expired, and that all of the parties defendant have been duly and legally served with summons.

The court further finds that the said plaintiffs have caused an affidavit to be filed herein, showing that none of the defendants are in the military service of the United States as defined by the Soldiers' and Sailors' Civil Relief Act of 1940.

IT IS THEREFORE THE ORDER of the court that the affidavit for summons by publication and the summons by publication be, and they are hereby approved and declared valid, and the summons by publication was duly and legally published as provided by the laws of the State of Oklahoma, and that each and all of the defendants named in said cause, except Belle Ashbrook, be, and they are hereby adjudged and decreed to be in default.

IT IS THE FURTHER ORDER AND JUDGMENT of the court that this court has full jurisdiction to hear and determine the said cause as between the plaintiffs and each and all of the said defendants herein.

After examining and considering the pleadings in said cause, and hearing and considering the evidence adduced, and being fully advised in the premises, the court finds that the petition of the plaintiffs does not state a cause of action; that the purported contract as set out in plaintiffs' petition, consisting of the letters and the alleged acts and conduct on the part of the said defendant, Belle Ashbrook, does not constitute such a contract as would entitle the plaintiffs to a judgment of this court ordering and decreeing a specific performance thereof.

The court further finds that the said defendants, Belle Ashbrook, is the owner of a fee simple title in and to the property described in plaintiffs' petition, which is situated in Mayes County, Oklahoma, and described as follows, to-wit:

Southeast Quarter of Section 18, Township 21 North, Range 19 East, less 5 acres; which said 5 acre tract was heretofore sold and is described as follows, to-wit: Beginning 53 feet West of the quarter corner between Sections 17 and 18, of said township and range, thence West along the quarter line a distance of 837 feet, thence South 260.2 feet, thence East 837 feet to the West right-of-way of State Highway No. 6, thence North, along said right-of-way line a distance of 260.2 feet, to the point of beginning,

ad against the plaintiffs, and as against each and all of her co-defendants, who are referred to in the said petition as "note-holders".

IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE of the court that the motion of the said defendant, Belle Ashbrook, for judgment on the pleadings, be, and the same is hereby sustained, and

IT IS FURTHER ORDERED that as to the said Belle Ashbrook, the said petition of the plaintiffs be, and the same is hereby refused and denied.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE of the court that as against the plaintiffs, J. C. Wilkerson and J. C. Wickham, and as against certain persons whose names are and were unknown to the plaintiffs, and referred to in the plaintiffs' petition as "note-holders", the title of the said Belle Ashbrook in and to the said land be, and the same is hereby quieted, and that the plaintiffs and the said "note-holders" and each of them by virtue of the alleged contract set out in plaintiffs' petition, and by virtue of any claim or claims had, held or made by said persons referred to in said petition as "note-holders", and all persons claiming through, by or under them or any of them, since the commencement of this action, be, and they and each of them are hereby perpetually barred and enjoined from claiming or asserting any right, title or interest in or to said land or any part thereof.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed May 12 1942
H. P. Warfield, Clerk
U. S. District Court H

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

WALTER E. DITTMAR,

Plaintiff,)

vs.)

) No. 749 Civil

BRUCE SCOTT,

Defendant.)

JOURNAL ENTRY OF JUDGMENT

THIS CAUSE COMING ON TO BE HEARD before the undersigned Judge of the District Court of the United States for the Northern district of Oklahoma, on the 27th day of February, 1942, on a jury assignment of the regular January term of this court, the parties being present in person and by their respective counsel, a jury of twelve good men being duly empanelled and sworn, well and truly to try the issues joined between the plaintiff and defendant and a true verdict render according to the evidence; and having heard the evidence, the argument of counsel, and the instructions of the court, the case having been submitted on interrogatories, the jury upon their oaths say that said defendant required or allowed said plaintiff to work six (6) hours per day, forty-two (42) hours per week, for the forty-six weeks intervening between April 19, 1940, and March 15, 1941, such work being done with the knowledge and acquiescence of said defendant; the court further finds that the salary of plaintiff during this time was Forty-two (\$42.00) Dollars per month;

IT FURTHER APPEARING TO THE COURT, that both plaintiff and defendant filed separate motions for judgment notwithstanding the verdict, said motions being argued by counsel and heard by the court on the 27th day of March, 1942, upon consideration, were overruled by the court; the court thereupon set an attorney fee for said plaintiff in the sum of Eighty-five (\$85.00) Dollars,

which the court considers fair and reasonable under the circumstances of this cause; the attorneys for the respective parties being directed by the court to make proper computations of the minimum wages, overtime compensation, and liquidated damages due said plaintiff, an oral agreement and stipulation was thereupon submitted by counsel to the court, showing that plaintiff is entitled to the sum of Six (\$6.00) Dollars for overtime compensation, the sum of One Hundred Twenty-six and 96/100 (\$126.96) Dollars for unpaid minimum wages, and the additional equal amount of the total, to-wit, the sum of One Hundred Thirty-two and 96/100 (\$132.96) Dollars, ad liquidated damages as provided by Section 16 (b) of the Fair Labor Standards Act of 1938.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE COURT that said plaintiff have and recover judgment against said defendant in the sum of Six (\$6.00) Dollars for overtime compensation; for the sum of One Hundred Twenty-six and 96/100 Dollars (\$126.96) for unpaid minimum wages; for the sum of One Hundred Thirty-two and 96/100 (\$132.96) Dollars, for liquidated damages, a total of Two Hundred Sixty-five and 92/100 (\$265.92) Dollars, together with interest at the rate of six (6%) per cent per annum from the 27th day of March, 1942, until paid; for the sum of Eighty-five (\$85.00) Dollars, as a reasonable attorney fee provided by law; and for the costs of this action; for all of which let execution issue.

BOWER BROADDUS
Judge of the U. S. District Court

ENDORSED: Filed May 12 1942
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to May 13, 1942

On this 13th day of May, 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 Sapulpa, Oklahoma, ex rel |) | |
| George A. Ritzinger, et al, | Plaintiff, |) |
| |) | No. 491 Civil |
| vs. |) | |
| |) | |
| Edith Helser, et al, | Defendants. |) |

ORDER RELEASING JUDGMENT

The above matter coming on for hearing on this 13 day of May, 1942, upon the application of attorneys for plaintiff for an order releasing the judgment in the amount of \$374.55 rendered herein on February 11, 1942 as to Lot 19, Block 7, Frank & Root Addition to Sapulpa, Creek County, Oklahoma, in the second cause of action of plaintiff's complaint filed herein, and the court having heard the representations of counsel for plaintiff and being fully advised in the premises finds that said judgment rendered against the above described property has been fully paid to the County Treasurer of Creek County, Oklahoma, by the defendants in said cause of action, together with the proportionate part of the court costs allocated to said lot.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the judgment rendered by this court under date of February 11, 1942, against Lot 19, Block 7, Frank & Root Addition to Sapulpa, Creek County, State of Oklahoma, in the second cause of action of plaintiff's complaint be, and it is hereby released and discharged and the defendants, Paul L. Allen, J. L. Gordon, Carmelita Gordon, American National Bank of Sapulpa, Oklahoma, a corporation; Sam Sheffer and The Sapulpa Federal Savings & Loan Association, a corporation, are hereby released and discharged from said judgment; provided, however, that this release shall not in any manner adversely affect the rights of plaintiff as against of the aforesaid defendants who may be named as defendants in other causes of action, or as to the balance of the property in the second cause of action not hereby released wherein the judgments rendered have not been paid.

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

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

Court adjourned to May 14, 1942

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

| | | |
|--|-------------|-------------------|
| Standard Accident Insurance Company, a corporation, | Plaintiff, |) |
| | |) |
| vs. | |) No. 668 - Civil |
| | |) |
| Verdigris Valley Electric Cooperative, Inc., et al, | Defendants. |) |

O R D E R

This cause comes on for hearing on the dismissal by the plaintiff of its cause of action against the defendant, Verdigris Valley Electric Cooperative, Inc., and the dismissal by the Verdigris Valley Electric Cooperative, Inc. of its counter claim, and the court upon consideration thereof, finds that such dismissals should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cause be dismissed without prejudice by the plaintiff against the defendant, Verdigris Valley Electric Cooperative, Inc.

IT IS FURTHER ORDERED that the counter claim of the Verdigris Valley Electric Cooperative, Inc. be dismissed without prejudice.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to May 15, 1942.

On this 15th day of May, 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

Ezekiel Big Acorn,

Plaintiff,)

vs.

No. Civil 656

Pollie Budder, nee Big Acorn and the unknown heirs of the Estate of Tyannee Grass, deceased,

Defendant.

ORDER REGARDING PAYMENT OF COURT COSTS

Now on this the 15th day of May, 1942, there coming on for hearing the application of plaintiff in this action as to the payment of costs and it being shown to the court that, through inadvertance and mistake, no provision was made in the order of this court dated May 11th, 1942, for the payment of court costs, incurred in the above case, in the District Court of Mayes County, Oklanoma, prior to the removal of said action to this court,

And it being further shown to the court that the United States Marshall for the Northern District of Oklahoma, has made final disbursement of the remaining proceeds of the sale of the land involved in said action to F. W. Sunderwirth, Disbursing Agent, Muskogee, Oklahoma, for the use and benefit of the parties to this action and that an order should be made, by this court, directing that he pay to Eva L. Perry, Court Clerk Mayes County, Oklahoma, the sum of \$22.15 that being the amount of costs accrued in said action, prior to the removal of same to this court.

IT IS, THEREFORE, ORDERED, Adjudged and decreed, by the court, that said F. W. Sunderwirth, as such disbursing Agent, pay to the said Eva L. Perry, Court Clerk of Mayes County, Oklahoma, the sum of \$22.15 and that the same is properly chargeable, equally, to Ezekiel Big Acorn, plaintiff and Pollie Budder, Defendant.

ROYCE H. SAVAGE
JUDGE UNITED STATES DISTRICT COURT

ENDORSED: Filed May 15 1942
H. P. Warfield, Clerk
U. S. District Court B

Court adjourned to May 18, 1942

On this 18th day of May, 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. F. E. Kennamer, Judge, present and presiding.

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

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

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

| | | | |
|---------------------------------------|-------------|---|---------------|
| United States of America, | Plaintiff, |) | |
| | |) | |
| vs. | |) | No. 713 Civil |
| | |) | |
| Arch G. Moll, Administrator of the | |) | |
| Estate of Carl E. Riley, Deceased; | |) | |
| B. T. Riley; Mrs. M. S. Threestriker; | |) | |
| and George B. Smith, | Defendants. |) | |

O R D E R

Now on this 18th day of May, 1942, this matter coming on before the court on the application of the plaintiff to amend its complaint filed herein on November 18, 1941, and it appearing to the court that certain parties should be defendants in this action in order to finally dispose of the action,

IT IS THEREFORE THE ORDER OF THE COURT that the United States of America be and it is hereby granted permission to amend its complaint forthwith.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 18 1942
H. P. Warfield, Clerk
U. S. District Court B

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

| | | | |
|---|------------|---|-----------------|
| Mildred Day, Administratrix of the Estate | |) | |
| of Elmer G. Day, Deceased, | Plaintiff, |) | |
| vs. | |) | No. 735 - Civil |
| | |) | |
| Mid-Continent Petroleum Corporation, | |) | |
| a corporation, | Defendant. |) | |

JOURNAL ENTRY OF JUDGMENT

NOW, On this 18th day of May, 1942, the above entitled action coming on for trial in its regular order, and the above named plaintiff appearing in person and by her attorneys of record, Frank Settle and B. A. Hamilton, and the above named defendant appearing by its attorney of record, I. L. Lockewitz, and both sides having announced ready for trial, thereupon the parties in open

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. |) |

ORDER APPOINTING COMMISSIONERS

NOW, on this 18th day of May, 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, 48 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; that 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 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 purpose a perpetual easement for the rection, 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 Rogers, 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 (302-A - 1.0) Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{2}$ 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 $\frac{1}{2}$ NE $\frac{1}{4}$ 724.0 feet from the NE corner thereof; thence Northwesterly to a point in said NW $\frac{1}{2}$ 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 $\frac{1}{2}$ NE $\frac{1}{4}$ 50 feet from the NW corner thereof.

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

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

TRACT NO. 3 (302-A - 2.1 - 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.

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.

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 here are 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, Elmer Vick of Tulsa County, Oklahoma, and Chas. C. Weber 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 land as hereinabove described and consider the injury and assess the damages said defendants as the owner 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 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, to 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 summon forthwith said of said commissioners, and that said commissioners report to the office of the Clerk of the United States District Court in and for Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 25th day of May,

The Court further finds that the sum of \$125.00 is just compensation for the rights acquired as to Tract No. 1 (306 - 12.3), and that the sum of \$31.50 is just compensation for the rights acquired as to Tract No. 4 (306 - 14.2); and that the said sum of \$10.00 is just compensation for the damages sustained by the defendant, R. E. Templeton, as tenant on Tract No. 4 (306 - 14.2); and that said defendants are the only persons having any right, title, interest or claim in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Strick Armstrong, one and the same person as Strickland Armstrong, and S. (Strick) W. Armstrong, is the owner of the entire fee simple title in and to the lands described as Tract No. 1 (306 - 12.3) and Tract No. 4 (306 - 14.2), free and clear of all encumbrances, liens and taxes; and that the defendant, R.E. Templeton, is a tenant upon the lands described as Tract No. 4 (306 - 14.2); that just compensation for the taking of a perpetual easement for transmission line purposes by the petitioner, upon, over and across Tract No. 1 (306 - 12.3) is \$125.00, and upon, over and across Tract No. 4 (306 - 14.2) is \$31.50; and that the sum of \$10.00 is just compensation for the damages sustained by the defendant, R. E. Templeton, tenant upon said Tract No. 4 (306 - 14.2).

IT IS FURTHER ORDERED that the Clerk of this Court be, and he is hereby authorized and directed to make distribution of said awards as follows, to-wit:

| | |
|---|----------|
| Strick Armstrong (Tract No. 1 (306 - 12.3) | \$125.00 |
| Strick Armstrong (Tract No. 4 (306 - 14.2) | \$31.50 |
| R.E. Templeton, (tenant, Tract No. 4 (306 - 14.2) | \$10.00 |

F. E. KENNAMER
J U D G E

ENDORSED: Filed May 18 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- | |) |
| | |) |
| CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA; and C.W. Knotts, et al., | Defendants. |) |

CIVIL NO. 814

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 18th day of May, 1942, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, the statutes in such cases made and provided, and the Executive Order of the President of the United States made pursuant to the authority contained in the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Section 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 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 said public use;

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 by said acquiring authority to be just compensation for said lands, in the amount of \$274.60, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 18th day of May, 1942, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands, situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described by courses and distances, as follows, to-wit:

TRACT NO. 1 - (305 - 32.3A
306 - 1.2)
Perpetual Easement

All thatpart of the $W\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, Township 23 North, Range 21 East of the Indian Base and Meridian in Mayes County, Oklahoma, particularly described as follows, to-wit:

Tract 305 - 32.3A

Beginning at the NE corner of said $W\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, thence Southerly along the East boundary of said $W\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 71 feet; thence Northwesterly to a point in the North boundary of said $W\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence Easterly along said North boundary a distance of 40 feet to the point of beginning; and

Tract 306 - 1.2

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 East boundary of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, 717.7 feet from the SE corner thereof; thence Northwesterly to a point in the West boundary of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, 891.4 feet from the Southwest corner thereof.

TRACT NO. 2 -(306 - 1.1
305 - 32.3)
Perpetual Easement

Two strips of land, each being 100 feet in width, in the $W\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ (except Langley School Land) and the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, Section 15, T 23 N - R 21 East of the Indian Base and Meridian in Mayes County, Oklahoma the center line of which are described as follows, to-wit:

Tract 306 - 1.1

Beginning at a point in the East boundary of said $W\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ 234.3 feet from the Southeast corner thereof; thence N. 34° $50'$ West to a point in said $W\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ 400.6 feet North and 115.7 feet West of the SE corner thereof; thence Northwesterly to a point in the West boundary of said $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$, 717.7 feet from the SW corner thereof; and

Tract 305 - 32.3

Beginning at a point in said $W\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$ 568.3 feet North and 556.2 feet West of the SE corner thereof; thence Northwesterly to the NW corner of said $E\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$

to, ether with the perpetual easement and right to cut down, remove and trim any trees, which may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles, anchors and to attach all necessary guy wires thereto, be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 21st day of May, 1942, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed May 18 1942
H. P. Warfield, Clerk
U. S. District Court H

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

United States of America,

Libelant,

vs.

NO. 815 CIVIL

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

Claimants.

ORDER FOR MONITION

Now on this 15 day of May, 1942, it appearing to the court that the described automobile, to-wit: 1942 Super DeLuxe Ford Coupe, Motor No. 18-6798820, was seized at Prairie Gas Sub-Station property about twenty miles southwest of Pawhuska, Oklahoma, Osage County, Northern District of Oklahoma and within the jurisdiction of this court, on or about the 18th of February, 1942, by Chas. Cass and L. L. Elliott, Deputy Sheriffs of Osage County, Oklahoma, and said automobile was thereafter delivered to Thomas F. Claggett, Special Officer in the Indian Territory at Pawhuska, Oklahoma, and which said automobile is now in the lawful custody and possession of Thomas F. Claggett at Pawhuska, by virtue of the authority of their said offices, while said automobile was being used by said Maurice Martin for possessing, transporting, removing and introducing (12) pints of assorted tax-paid bonded whiskey into Osage County, Oklahoma, same being Indian Territory and with the wilful and unlawful intent of the said Maurice Martin to violate the laws of the United States of America, and particularly Section 241, Title 25, U. S. C. A.; it further appearing thereupon said automobile was appraised at more than Five Hundred Dollars (\$500.00), whereupon said Maurice Martin has instituted libel action herein and requests issuance of monition notifying claimants Maurice Martin and Universal Credit Company, 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 petition, that same be served upon Maurice Martin, Pawhuska, Oklahoma, and Universal Credit Company, Tulsa, Oklahoma, unless notice thereof be waived, and any other person or persons that might claim an interest in said automobile, requiring them to appear in said court on or before twenty (20) days after service thereof, and to show cause if any they may have, why said automobile should not be returned to libelant under provisions of Section 241, 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 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.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 18 1942
H. P. Warfield, Clerk
U. S. District Court B

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

HOWARD GRAY, as Executor of the Estate of Julia S. Pearman, deceased, Plaintiff,)
 vs.)
 EXCHANGE NATIONAL COMPANY, a corporation, et al, Defendants.)

No. 877 Equity

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 18th day of May, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing to the court that among the assets coming into the hands of said trustee was a note executed by Anna Pennell, dated August 20, 1930, for the principal sum of Four Thousand Two Hundred Dollars (\$4,200.00), payable to Exchange National Company, upon which the principal sum of Three Thousand Nine Hundred Fourteen & 46/100 Dollars (\$3,914.46) was due and unpaid, and that said note was secured by a first and prior real estate mortgage covering

Lot One (1), in Block Four (4) of Pouders-Pomeroy Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

and it further appearing that there came into the hands of said trustee a note executed by O. C. Fowler and Ruby C. Fowler, dated March 14, 1929, for the principal sum of Four Thousand Two Hundred Dollars (\$4,200.00), payable to Exchange National Company, upon which the principal sum of Three Thousand Four Hundred Thirty Two & 22/100 Dollars (\$3,432.22) was due and unpaid, said note being secured by a first and prior real estate mortgage covering

Lot three (3), in Block Eight (8), Lindsay Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

and it further appearing that because of the inability of the trustee to collect said note execute by Anna Pennell, he instituted cause No. 60741 in the District Court of Tulsa County, Oklahoma, and obtained judgment thereon on the 13th day of February, 1942, in rem, for the principal sum of Three Thousand Nine Hundred Fourteen & 46/100 Dollars (\$3,914.46), together with interest to the date of judgment, in the amount of Two Thousand Six Hundred Fifty Two & 52/100 Dollars (\$2,652.52), plus the sum of One Thousand One Hundred Fifty Four & 92/100 Dollars (\$1,154.92), advanced for the payment of taxes and repairs, and for an attorney's fee of Three Hundred Fifty Dollars (\$350.00), said judgment being entitled to a credit of Three Hundred Ninety Two & 97/100 Dollars (\$392.97), and for the foreclosure of the real estate mortgage above referred to; and it further appearing that because of the inability of the trustee to collect said note executed by O. C. Fowler and Ruby C. Fowler, he instituted cause No. 60739 in the District Court of Tulsa County, Oklahoma, and obtained judgment herein on the 2nd day of August, 1941, against Ruby C. Fowler, for the principal sum of Three Thousand Four Hundred Thirty Two & 22/100 Dollars (\$3,432.22), together with interest to the date of judgment in the amount of Two Thousand One Hundred Fifty Seven & 13/100 Dollars (\$2,157.13), plus the sum of Five Hundred Forty Eight & 19/100 Dollars (\$548.19), advanced for the payment of taxes, and for the further sum of Three Hundred Dollars (\$300.00), as attorney fees, said judgment being entitled to credit of Three Hundred Forty Nine & 06/100 Dollars (\$349.06) and Three Hundred Ninety One & 71// (\$391.71), the amounts received from rents and paid by the receiver to petitioner herein, and for the foreclosure of the real estate mortgage referred to above; and it further appearing that pursuant to appropriate proceedings therefor, both of the parcels of real estate above described, were sold by the Sheriff of Tulsa County, Oklahoma, and purchased by J. H. McBirney, Successor Trustee, the amounts bid by the said trustee for the purchase of said real estate being credited upon the said judgment.

The court finds that J. H. McBirney, Successor Trustee, is the present legal owner and holder of title to each of the parcels of real estate above described.

The court further finds that J. H. McBirney, Successor Trustee, has been submitted an offer by Jeff P. Nix, of Tulsa, Oklahoma, to purchase both of the parcels of said real estate above described for the total sum of Three Thousand Seven Hundred Dollars (\$3,700.00), and has tendered the sum of One Thousand Dollars (\$1,000.00) to J. H. McBirney, Successor Trustee, with his said offer of purchase.

The court further finds that the members of the Advisory Committee appointed by this court, upon whom notice shall be given of proposed sales of the assets of this trust, have been duly notified of the offer of purchase of Jeff P. Nix, and have considered the same, and have approved the said offer and recommended that the trustee sell the two parcels of real estate above described for the sum of Three Thousand Seven Hundred Dollars (\$3,700.00).

The court further finds that each of the parcels of property above described are improved, but that each of the said properties are in need of immediate repairs, and further finds that the value of the said properties approximate the amount offered therefor, and further finds that the said trustee is in liquidation and that the trustee has sold and disposed of all except the two parcels of property above referred to, and other parcel of real estate, and further finds that it is to the best interest, benefit and advantage of the said trust estate and its beneficiaries to sell said real estate for said cash consideration.

The court further finds that the sale of said real estate was arranged by one Joe Blair, a real estate broker in the City of Tulsa, who is entitled to compensation for his said services, and that reasonable compensation therefor is five per cent (5%) of the total sales price, or One Hundred Eighty Five Dollars (\$185.00).

The court further finds that rents upon the premises above described are to be apportioned between the buyer and seller as of the date of the payment to the trustee of the sum of One Thousand Dollars (\$1,000.00), and that ad valorem taxes upon both parcels of real estate for the year 1942, are assumed and to be paid by Jeff P. Nix.

The court finds that the trustee has recommended the sale of said parcels of real estate for the cash consideration recited above, and for other good cause,

IT IS ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Jeff P. Nix, the following described parcels of real estate, and the improvements thereon, for the total sum of Three Thousand Seven Hundred Dollars (\$3,700.00), to-wit:

Lot Three (3) in Block Eight (8), Lindsay
Addition to the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded plat thereof;

and,

Lot One (1), in Block Four (4) of Pouders-Pomeroy
Addition to the City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to Jeff P. Nix, a trustee's special warranty deed, transferring and setting over the two parcels of real estate above described, upon payment by Jeff P. Nix, to J. H. McBirney, Successor Trustee, of the total sum of Three Thousand Seven Hundred Dollars (\$3,700.00).

IT IS FURTHER ORDERED that the sale of the two parcels of real estate above described, together with the improvements thereon, by J. H. McBirney, Successor Trustee, to Jeff P. Nix, be and the same is hereby ratified, approved and confirmed.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, pay to Joe Blair the sum of One Hundred Eighty Five Dollars (\$185.00), as compensation in full for his services as real estate broker in arranging the sale of said parcels of real estate.

F. E. KENNAMER
United States District Judge

ENDORSED: Filed May 18 1942
H. P. Warfield, Clerk
U. S. District Court B

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

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

O R D E R

Upon application of receiver for approval of a correction in the lease rental contract between A. C. Saunders, Receiver for the E. T. Daniel Building and the United States of America, the renewable limitation date appearing on Page 2 of said lease contract dated the 7th day of May, 1942 between said parties is hereby changed from June 30, 1942 to June 30, 1945.

The Court hereby directs and authorizes the receiver to make such change and alternation in the lease date and fully approves and confirms the same.

Dated this 18th day of May, 1942.

F. E. KENNAMER
JUDGE

ENDORSED: Filed May 18 1942
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to May 25, 1942

On this 25th day of May, 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. 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:

MISCELLANEOUS - ORDER TO OPEN AND ADJOURN REGULAR TERM.

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

ORDER TO MARSHAL TO OPEN AND ADJOURN COURT

The First Monday in June, 1942, being the Regular Statutory day for the opening of the Regular Term of said Court at Bartlesville, Oklahoma, and the Court finds that there is insufficient business to cause said term to be held at Bartlesville.

IT IS ORDERED that the United States Marshal in and for the Northern District of Oklahoma, be, and he is hereby directed to open the Regular June 1942 Term at Bartlesville, Oklahoma on Monday, the 1st day of June, 1942, by proclamation in the manner and form provided by law and the said Marshal adjourn said Court Sine Die.

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

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

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

MISCELLANEOUS - RE: JURORS:

Now on this 25th day of May, A. D. 1942, it is ordered by the Court that the names of John A. Spencer, F. B. Cardin and Frank C. Prior heretofore drawn for jury service on May 1942, having been excused by the Court from such service, be, and they are hereby re-placed in the box. (R.H.S.J).