

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA MONDAY, NOVEMBER 9, 1942

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

UNITED STATES OF AMERICA, Plaintiff,)
)
-vs-) No. 2575 Law
)
SINCLAIR REFINING COMPANY, Defendant.)

O R D E R

Now on this 5th day of November, 1942, the above cause coming on for hearing upon the consolidated motions of defendant, Sinclair Refining Company, to strike, for more definite statement, to separately state and number claims, and for copy of audit; and the Court being fully advised in the premises;

IT IS ORDERED that the plaintiff be and it is allowed sixty (60) days from and after this date within which to complete its audit of the books of the defendant, Sinclair Refining Company, and companies named as predecessor companies to the amended complaint; that upon the completion of said audit plaintiff shall furnish a copy thereof to the defendant; and this cause is continued for further hearing with respect to the motions to strike, for more definite statement, and to separately state and number claims, to date to be fixed after copy of said audit has been furnished to the defendant.

F. E. KENNAMER
JUDGE

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

Court adjourned to November 10, 1942

REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA TUESDAY, NOVEMBER 10, 1942

On this 10th day of November, 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
TULSA, OKLAHOMA
REGULAR JANUARY 1942 TERM TUESDAY, NOVEMBER 10, 1942

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

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

ORDER OF DISTRIBUTION AS TO TRACT B-28

Now on this 10 day of November, 1942, this cause came on to be heard.

The Court having been fully advised in the premises finds that the deficiency judgment of \$348.50 as to this tract has been deposited with the Court Clerk.

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

Okmulgee Supply Corporation, \$348.50

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

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

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

MITCHELL KNIGHTEN, Plaintiff,)
vs.) No. 694 Civil
SINCLAIR-PRAIRIE OIL COMPANY,)
et al, Defendants.)

O R D E R

On this 2nd day of November, 1942, the motion of A. B. Honnold, attorney for plaintiff for leave to withdraw motion filed herein on October 28, 1942, for the reason that at the time of the appointment of Jay W. Whitney as guardian of the estate in Oklahoma of Mitchell Knighten, an alleged incompetent, there had been no adjudication by the Probate Court of Cook County, Illinois, and for the further reason that the order appointing Jay W. Whitney guardian of the estate in Oklahoma of Mitchell Knighten has been vacated and set aside and Jay W. Whitney discharged as guardian, being presented to the Court and the Court being fully advised in the premises, leave is hereby granted to withdraw the said motion filed herein on October 28, 1942, requesting an order allowing this action to be continued by Jay W. Whitney as such guardian.

Motion for appointment of guardian ad litem for Mitchell Knighten continued and not heard.

ENDORSED: Filed Nov 10 1942 H. P. Warfield, Clerk ROYCE H. SAVAGE
U. S. District Court District Judge

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

TUESDAY, NOVEMBER 10, 1942

VERDICT

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

Johnie York Robertson, Administratrix of the Estate of John L. Robertson, deceased, Plaintiff,)
 vs.) Case No. 808 Civil
 Guy A. Thompson, Trustee for the Missouri-Pacific Railroad Company, Defendant.)

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

FLOYD W. SCOTT, Foreman

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

IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OKLAHOMA

JOHNIE YORK ROBERTSON, Administratrix of Estate of John L. (Jak) Robertson, deceased, Plaintiff,)
 v.) Civil Action No. 808
 GUY A. THOMPSON, Trustee for the Missouri Pacific Railroad Company, Bankruptcy, Defendant.)

JOURNAL ENTRY OF JUDGMENT

On the 9th day of November, 1942, a regular day of the January, 1942 term of this court, this cause came on to be heard, plaintiff appearing in person and by her attorneys, Bailey E. Bell and R. D. Hudson, and the defendant appearing by his attorney, Thomas Harper, and both parties announce ready for trial; whereupon a jury, consisting of Floyd W. Scott and eleven others, having been fully qualified, is impanelled and sworn to try said cause and trial proceeds.

On this 10th day of November, 1942, trial proceeds and after hearing the evidence of witnesses, the argument of counsel and the instructions of the court, and receiving the exhibits in evidence, the jury retires to consider the case, and after due deliberation the jury returned into open court its verdict which, omitting the formal parts, was as follows:

"We, the jury, find the issues in favor of the defendant.

Floyd W. Scott
Foreman."

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA TUESDAY, NOVEMBER 10, 1942

Said verdict having been received in open court and read by the court, both parties being present in person or by counsel aforesaid, the court inquired of the jury if the foregoing was their verdict and in open court, each and all of the jurors replied that such was their verdict, and thereupon the court ordered judgment on the verdict in favor of the defendant.

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED by the court that the plaintiff take nothing on her complaint herein and that the same be dismissed upon the merits and that the defendant have and recover of and from the plaintiff his costs herein laid out and expended.

November 10, 1942.

ROYCE H. SAVAGE
U. S. District Judge

ENDORSED: Filed Nov 12 1942
H. P. Warfield, Clerk
U. S. District Court ME

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

J. M. Kurn and John G. Lonsdale, Trustees of St. Louis-San Francisco Railway Company, as trustees for Great American Insurance Company, Plaintiffs,
vs.
C. R. Pickerill and C. R. Pickerill, doing business under the name and style Southwest Oil Company, Charles Hoverton and National Mutual Casualty Company, an Oklahoma corporation, Defendants.
No. 897 Civil

O R D E R

For good cause shown, the defendant, C. R. Pickerill as an individual, and as sole trader doing business under the name and style of Southwest Oil Company, is given an extension of time of twenty (20) days from this date within which to file a cross-complaint in this cause.

It is further ordered that the defendant, National Mutual Casualty Company, have an extension of twenty (20) days from this date within which to file its answer herein.

Dated this 10th day of November, 1942.

ROYCE H. SAVAGE
U. S. District Judge

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

Court adjourned to November 11, 1942

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA WEDNESDAY, NOVEMBER 11, 1942

On this 11th day of November, 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:

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

UNITED STATES OF AMERICA, Petitioner,)
vs.) Case No. 798 Civil
PARCELS OF LAND IN MAYES COUNTY and)
H. P. WARFIELD, AS TO Tract No. 4,)
Respondents.)

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, find for the defendant - entitled to \$943.00.

JESSE V. SHANNON
Foreman

ENDORSED: Filed In Open Court
Nov 11 1942
H. P. Warfield, Clerk
U. S. District Court H

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

Edna Elizabeth McBride, Plaintiff,)
vs.) No. 828-C
Tulsa City Lines, Inc., a Corporation,)
Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 6th day of November, 1942 came plaintiff, in person and by her attorney, Bailey E. Bell, and also came the defendant, in its own proper person and by its attorneys, Pierce & Rucker and A. M. Covington, and this cause came on for trial in its regular order before a jury of twelve good men, who being duly empanelled and sworn, well and truly to try the issues joined between plaintiff and defendant and a true verdict render according to the evidence; and having heard the evidence, the charges of the court and the argument of counsel, upon their oath say:

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

Edna Elizabeth McBride, Plaintiff,)
vs.) Case No. 628 Civil
Tulsa City Lines, Inc. Defendant.)

We, the jury in the above entitled case, duly impaneled

and sworn, upon our oaths find for the plaintiff, and assess damages at Seventeen Hundred Dollars (\$1700).

GEORGE M. REEVES,
Foreman."

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiff, Edna Elizabeth McBride, have and recover of and from the defendant, Tulsa City Lines, Inc., the sum of \$1700, together with costs of this action, for all of which let execution issue.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 12, 1942

On this 12th day of November, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

G. E. LOONEY, Plaintiff,)
vs) NO. 753 - Civil
MARYLAND CASUALTY COMPANY,)
a Corporation, Defendant.)

JOURNAL ENTRY

Now on this 23rd day of June, 1942, this cause came on for trial pursuant to regular and statutory notice at which time the plaintiff appeared by his attorney, B. A. Hamilton, and the defendant by its attorneys, Clayton B. Pierce and A. M. Covington, and a jury being waived by agreement the cause came on for trial before the court, and after the opening statements of counsel and having heard the evidence of the plaintiff, a motion to dismiss was submitted by defendant at the conclusion of plaintiff's evidence and the court being well and sufficiently advised in the premises finds motion should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, motion to dismiss submitted by defendant at the conclusion of plaintiff's evidence is hereby sustained and judgment is hereby rendered for

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA THURSDAY, NOVEMBER 12, 1942

defendant, to which plaintiff excepts.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 12 1942
H. P. Warfield, Clerk
U. S. District Court.

VERDICT

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

ABRAHAM FISCHER, Plaintiff,)
vs.) Case No. 788 Civil
The Prudential Insurance Company of America,)
Defendant.)

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

WILLIAM L. MAYES,
Foreman

ENDORSED: Filed In Open Court
Nov 12 1942
H. P. Warfield, Clerk
U. S. District Court

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

ABRAHAM FISCHER, Plaintiff,)
vs.) No. 788
THE PRUDENTIAL INSURANCE COMPANY OF)
AMERICA, Defendant.)

J U D G M E N T

Now on this 12th day of November, 1942, the above entitled matter coming on for trial in its regular order, plaintiff appearing by his attorneys, Elton B. Hunt and W. L. Eagleton, and the defendant appearing by its attorneys, Charles A. Coakley and G. Ellis Gable, and both sides having announced ready for trial, and the jury having been impaneled and sworn, both parties introduced their evidence and rested; whereupon the court instructed the jury and after arguments were made the court submitted the matter to the jury for determination and the jury returned the following verdict into court;

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

William L. Mayes, Foreman"

WHEREUPON the court ordered judgment upon the verdict of the jury.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the plaintiff take nothing upon either cause of action and judgment is hereby entered for the defendant, and it is further ordered, adjudged and decreed by the court that the costs are assessed against the plaintiff and that the defendant recover its costs herein.

ROYCE H. SAVAGE
U. S. District Judge

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,)
vs.)
One 1941 Ford Coach Automobile,) No. 865 Civil
Motor No. 19-6,390,667, and)
approximately 3 gallons of)
Taxpaid Intoxicating Liquor)
seized therein, Claimants.)

O R D E R

Now on this 12th day of November, 1942, this matter coming on before the Court by the libelant herein for an order authorizing payment of necessary expenses in connection with the obtaining of service by publication herein, and it appearing to the Court that pursuant to the provisions in Sections 246 and 247, Title 25, United States Code Annotated, on August 3, 1942, libelant filed herein Libel of Information on behalf of the United States of America against the above described automobile and intoxicating liquors by virtue of said automobile and whiskey being seized by United States Internal Revenue officers on April 17, 1942, while such vehicle was being used by Max Weisband to transport and introduce said whiskey into Indian country, to-wit: Osage County, Oklahoma, from Tulsa, Oklahoma, in violation of Section 241, Title 25, United States Code Annotated, and that said Max Weisband then escaped arrest and he and L. G. Bell and Lela Bell, all purportedly interested in said automobile and intoxicating liquors, thereafter concealed themselves so as to avoid arrest, detection, and the service of process, although diligent search and effort to locate them has been conducted by all peace officers in and about Tulsa, Oklahoma, where they have resided and operated their affairs for years, and that because thereof, the United States was unable to locate and serve any of said persons with monition and process in this cause of action against such personal property which had been held by duly constituted officials within the jurisdiction of this Court, and that thereafter, libelant was authorized to obtain service by publication in a manner provided by law, and that when this matter came on for hearing on October 14, 1942, the Court approved such service by publication as regular and legal in all respects and thereupon entered a judgment of forfeiture, decreeing all title, right and interest in and to said automobile and intoxicating liquors to the United States of America, and the Court being fully advised in the premises, finds that this order should issue.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that such service by publication was necessary and required by the laws of the United States, and that libelant, having been thus authorized to incur the necessary expenses of such publication according to law, the Court directs that

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that fee simple title to Tract D-34, more particularly described as follows, to-wit:

The South Half of the Southeast Quarter of the Northeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$); and the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Twenty-one (21), Township Twenty (20) North, Range Nineteen (19) East of the Indian Base and Meridian, situate in Mayes County, Oklahoma,

was at the time of filing of the declaration of taking vested in Dennis Nivens, subject to no lien of any kind or character.

IT IS FURTHER ORDERED that the Clerk issue a check payable as follows:

Dennis Nivens \$300.00
 The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
 JUDGE

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

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

Katie Bowen, nee Terrell, Et Al., Plaintiffs,)
 vs.)
 The Unknown Heirs, Executors, Administrators,) No. 727- Civil
 Devisees, Trustees and Assigns, Immediate)
 and Remote, of William Terrell, et al.,)
 Defendants.)
 United States of America, Intervener.)

JOURNAL ENTRY OF JUDGMENT

NOW, on this 13 day of November, 1942, the above entitled cause came on to be heard in its regular order. The United States of America, Intervener herein, appearing by Whit Y. Mauzy, its attorney, and plaintiffs herein, Katie Bowen, nee Terrell, Cherokee Roll No. 16084, Susie Stonecipher, nee Terrell, Cherokee Roll No. 16082, Ella Bean nee Terrell, Cherokee Roll No. 16086, Charlie Terrell, enrolled as Charles L. Terrell, Cherokee Roll No. NB 4652, Etta Ballard, nee Terrell, Cherokee Roll No. NB 4653, Paul Terrell, NE, and Bill Terrell, NE, appearing in person and by C. F. Bliss, their attorney, and defendants herein, the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of William Terrell, of three-fourths quantum Indian blood, Roll No. 16080, deceased, having been served herein by publication, as provided by law, proof of which service by publication has been made, filed herein and examined and approved by the Court, as being in all things in compliance with the Statutes of the State of Oklahoma, in such cases made and provided. And said defendants having been three times called in open Court to appear answer demur or otherwise plead to plaintiffs' petition, appear not, but make default, and on plaintiffs' motion are adjudged in default by the Court.

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TULSA, OKLAHOMA

FRIDAY, NOVEMBER 13, 1942

And the plaintiffs, by proper affidavit in form of verified application, having been made known to the Court their inability to state positively whether the said defendants in default, or either of them, are now, or have been, within the last thirty (30) days in the military or naval services of the United States, and therefore applied for the appointment of an attorney to represent said defendants in default herein. And the Court, upon consideration of said application, having appointed M. S. Robertson, United States Probate Attorney, as attorney for said defendants in default, and said M. S. Robertson having filed herein proper answer for said defendants, and now appearing for said defendants.

WHEREUPON, all parties appearing as aforesaid, announce ready for trial, and submit their proof. And the Court having heard the evidence offered by the respective parties, having heard the argument of counsel, being advised in the premises, and on consideration thereof, finds:

All of the allegations of plaintiffs' petition to be true, and specifically finds that the plaintiffs are the owners of an undivided one-eighth interest each in and to the real estate described in plaintiffs' petition, to-wit:

The SE4 of the NE4 and the NE4 of the SE4 of
Section 22, Township 27 North, Range 13 East,
Washington County, Oklahoma;

and that the defendants have, and each has, no right, title, interest or estate in said real estate, or any part thereof; that title and possession should be forever quieted and vested one-eighth interest each in each of the eight plaintiffs herein, and that in said plaintiffs, said interests are tax exempt, and that the defendants should be forever excluded and barred from any interest in said real estate, and from disturbing plaintiffs in their rightful possession thereof.

The Court further finds that the real estate herein should be partitioned and divided among the plaintiffs, as their interests are herein found and determined.

And, as an incident to quieting title and directing partition, the Court finds that William Terrell, the Cherokee Indian Allottee of the real estate above described, Cherokee Roll No. 16080, died, unmarried and intestate, on the 28th day of June, 1936; that he was the owner of the said real estate at the time of his death; that in the said William Terrell, the said real estate was restricted, non-taxable and inalienable, and not subject to the payment of debts, and upon the death of the said William Terrell, passed, by intestate succession, to his heirs at law. The Court finds that the said William Terrell left surviving as his only heirs at law, his eight children, plaintiffs herein, all adults, who took title to said real estate in equal parts, or an undivided one-eighth interest each, and should be herein partitioned and divided accordingly.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that title and possession of the real estate described in plaintiff's petition, to-wit:

The SE4 of the NE4 and the NE4 of the SE 4 of
Section 22, Township 27 North, Range 13 East,
in Washington County, Oklahoma;

should be, and is, hereby, forever quieted and vested, as follows:

An undivided 1/8th interest in plaintiff, Katie Bowan, nee Terrell,
An undivided 1/8th interest in plaintiff, Ella Bean, nee Terrell,
An undivided 1/8th interest in plaintiff, Susie Stonecipher, nee Terrell,
An undivided 1/8th interest in plaintiff, Viola Young, nee Terrell,
An undivided 1/8th interest in plaintiff, Charlie Terrell,
An undivided 1/8th interest in plaintiff, Etta Ballard, nee Terrell,
An undivided 1/8th interest in plaintiff, Paul Terrell,
An undivided 1/8th interest in plaintiff, Bill Terrell,

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

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TULSA, OKLAHOMA

FRIDAY, NOVEMBER 13, 1942

and it is ORDERED that said real estate be partitioned and divided accordingly, and J. F. Pickens, Elmer Vick and C. C. Weber, are hereby appointed Commissioners to so partition and divide said real estate, and if division in kind cannot be made, without manifest injury to the interested parties, said Commissioners are directed to appraise the said real estate, and report with their recommendations to this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the above named William Terrell, at the time of his death, left surviving as his only heirs at law, his eight children, plaintiffs herein named, and that they, by intestate succession, inherited and became the owners of an undivided one eighth interest each of said real estate.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

Katie Bowen, nee Terrell, et al,)	
Plaintiffs,)	
vs.)	
)	
The Unknown heirs, executors, administrators,	)	NO. 727 CIVIL
devises, trustees and assigns, immediate and)	
remote, of William Terrell, et al.,)	
Defendants.)	
United States of America,)	
Intervener.)	

ORDER OF COURT

Now, on this 13th day of November 1942, upon proper application, and for good cause shown, it is ORDERED, ADJUDGED and DECREED by the Court that M. S. Robertson, Attorney, Muskogee, Oklahoma, should be, and he is, hereby, appointed attorney for the defendants herein, the unknown heirs, executors, administrators, devises, trustees and assigns, immediate and remote, of William Terrell, of three-fourths quantum Indian blood, Roll No. 16080, deceased, now in default, under the provisions of Public Resolution No. 96, 76th Congress, approved August 27, 1940, and the Selective Service and Training Act of 1940, approved September 16, 1940.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

ELMER RAY, Plaintiff,)
vs.) No. 773 Civil
JIM JOSEPH, Defendant.)

JOURNAL ENTRY OF JUDGMENT

THIS CAUSE COMING ON TO BE HEARD on the 18th day of September, 1942, pursuant to regular assignment for trial on a non-jury docket, the plaintiff being present personally and by his attorney, W. L. Shirey, and the defendant being present personally and by his attorney, Floyd L. Rheam, and both parties announcing ready for trial, the Court proceeded to hear the evidence of witnesses and argument of counsel. And the Court sustained the motion of said plaintiff to dismiss the counter claim of the defendant, there being no evidence introduced in support thereof.

The Court, not being fully informed upon the law applicable to the executive exemption set up as a defense by the defendant, took the case under advisement, requesting counsel to prepare and file briefs on the subject, after which said cause was set down for decision for October 24, 1942, at the hour of 9:30 a.m.

WHEREUPON, the Court having read the briefs and the decisions cited and quoted therein and being fully advised in the premises, upon consideration thereof, finds that the plaintiff has sustained the allegations of his complaint in so far as they are consistent with the Findings of Fact and Conclusions of Law filed herein; and that the defendant is not entitled to the defenses interposed in this cause, except as specified in such Findings of Fact and Conclusions of Law aforesaid; and that judgment should be entered in favor of the plaintiff in keeping with the Court's findings and conclusions.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, that the said plaintiff, ELMER RAY, have and recover of and from the said defendant, JIM JOSEPH, the sum of \$784.02, together with an additional equal amount, to-wit: the sum of \$784.02, as liquidated damages, with interest at the rate of six (6%) per annum from the 31st day of March, 1942, until paid; that said plaintiff is also granted judgment against said defendant in the sum of \$350.00 as a reasonable attorney's fee, and all costs of this action, for which let execution issue; to which judgment the defendant then and there duly excepted.

Dated Nov. 13, 1942.

ROYCE H. SAVAGE
JUDGE

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

13355, deceased; of Mary Rogers, deceased; of Claude Rogers, deceased; of William N. Rogers, deceased; of A. F. McCullough, deceased; of T. W. Madigan, deceased; of William H. Madigan, deceased; of David W. Ragsdale, deceased; of Rutha Ragsdale, deceased;

and it is further ordered and directed that a judgment be entered in this cause, confirming the report of commissioners.

ROYCE H. SAVAGE
JUDGE

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

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

UNITED STATES OF AMERICA, Petitioner,)
-vs-)
CERTAIN PARCELS OF LAND IN MAYES COUNTY,) CIVIL NO. 794
OKLAHOMA; and Strick Armstrong, et al.,)
Defendants.)

J U D G M E N T

NOW, on this 12th day of October, 1942, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding as to the real estate involved in this proceeding and hereinafter specifically described.

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

- (1) Each and all of the allegations of said petition for condemnation are true, and the United States of America is entitled to acquire property by eminent domain for the uses and purposes therein set forth.
- (2) The said petition for condemnation was filed at the request of the Administrator of the Federal Works Agency, the person duly authorized by law to acquire the estate in the lands described in said document, for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding.
- (3) In said petition for condemnation, a statement of the authority under which and the public use for which the estate in said lands were taken was set forth.
- (4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation, and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

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

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

(6) The Court further finds that the commissioners appointed herein to appraise and fix the value of the estate taken in the real estate involved in this proceeding, duly qualified on the 25th day of July, 1942, by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the fair market value of the estate taken, filed their report herein on the 29th day of July, 1942, wherein they fixed the fair, cash, market value of the estate taken, and all damages to the remainder, if any, as to the lands involved in this proceeding, as more particularly designated and described as follows, to-wit:

TRACT NO. 1 (306 - 12.3)
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 32, T 23 N - R 20 East of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, 675.3 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, 634.0 feet from the SW corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$125.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 85.00

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 $\frac{1}{2}$ 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$40.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 41.50

TRACT NO. 5 (306 - 14.3)
Perpetual Easement

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 55.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 56.50

TRACT NO. 7 (306 - 14.5)
Perpetual Easement

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER IF ANY \$100.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 42.60

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$77.00

TRACT NO. 10 (306 - 15.3)
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 7, T 22 N - R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 479.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 894.5 feet from the SE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$73.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$73.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$145.00

TRACT NO. 13 (306 - 16.2)
Perpetual Easement

A strip of land 100 feet in width in the South 18.81 acres of Lot 2, the West 17.78 acres of Lot 3 and the West 17.92 acres of Lot 4, Sec. 18, T 22 N - R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said South 18.81 acres of Lot 2, 591.6 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said Lot 3, 173.3 feet from the SW corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$70.00

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

A strip of land 100 feet in width in the $E\frac{1}{2}$ $E\frac{1}{2}$ $SE\frac{1}{4}$, Sec. 13, T 22 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows to-wit:

Beginning at a point in the East boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ 1493.3 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$, 499.0 feet from the SE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$52.00

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

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

(8) The United States of America did on April 6, 1942, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the persons entitled thereto, the following sums, to-wit:

TRACT NO. 1 (306 - 12.3)	\$125.00
TRACT NO. 2 (306 - 13.1)	85.00
TRACT NO. 3 (306 - 14.1)	40.00
TRACT NO. 4 (306 - 14.2)	41.50
TRACT NO. 5 (306 - 14.3)	55.00
TRACT NO. 6 (306 - 14.4)	50.00
TRACT NO. 7 (306 - 14.5)	100.00
TRACT NO. 8 (306 - 15.1)	42.60
TRACT NO. 9 (306 - 15.2)	77.00
TRACT NO. 10 (306 - 15.3)	88.00
TRACT NO. 11 (306 - 15.4)	63.00
TRACT NO. 12 (306 - 16.1)	145.00
TRACT NO. 13 (306 - 16.2)	70.00
TRACT NO. 14 (306 - 17.1 (rev.))	<u>85.00</u>
TOTAL	1067.10

(9) The Court further finds that the petitioner accepted an offer of sale made by the owners and claimants of the lands designated and described herein as Tract No. 10 (306 - 15.3) wherein the petitioner agreed to pay the sum of \$88.00 for the rights acquired as to this tract; that said accepted Offer of Sale is binding upon the petitioner, and petitioner is required to pay said sum of \$88.00 as just compensation for this tract.

(10) The Court further finds that the petitioner accepted an Offer of Sale made by the owners of the lands designated and described herein as Tract No. 14 (306 - 17.1 (Rev.)), wherein the petitioner agreed to pay and the owners agreed to accept the sum of \$52.00 as just compensation for the rights taken in this tract; that the petitioner deposited with the Clerk of this Court the sum of \$85.00 as the estimated just compensation for the taking of such rights in this tract, and that the Court found and determined that said accepted Offer of Sale was binding upon the petitioner and the owners of this tract of land, and ordered distribution of the just compensation deposited as follows:

- The sum of \$52.00 to the land owner
- The sum of \$33.00 to the Treasurer of the United States of America

(11) The Court having fully considered the petitioner for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1933, 48 Stat. 195, 200 (U.S.C., Title 40, Secs. 401-407, 409, 411, 413 and 414), as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 809); and Executive Order No. 8944, dated November 19, 1941, is of the opinion that the United States of America was and is

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was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated Acts of Congress.

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

TRACT NO. 1 (306 - 12.3)	\$125.00
TRACT NO. 2 (306 - 13.1)	85.00
TRACT NO. 3 (306 - 14.1)	40.00
TRACT NO. 4 (306 - 14.2)	41.50
TRACT NO. 5 (306 - 14.3)	55.00
TRACT NO. 6 (306 - 14.4)	56.50
TRACT NO. 7 (306 - 14.5)	100.00
TRACT NO. 8 (306 - 15.1)	42.60
TRACT NO. 9 (306 - 15.2)	77.00
TRACT NO. 10 (306 - 15.3)	73.00
TRACT NO. 11 (306 - 15.4)	73.00
TRACT NO. 12 (306 - 16.1)	145.00
TRACT NO. 13 (306 - 16.2)	70.00
TRACT NO. 14 (306 - 17.1 (Rev.))	52.00
TOTAL	\$1035.60
Additional Compensation to be paid over the commissioners' report as fixed as to Tract No. 10 (306 - 15.3)	15.00
Total	\$1050.60

and the estate taken is a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands together with the perpetual easement and right to cut down, remove and trim any trees which may interfere with or endanger said transmission line or lines 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 guy wires thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in the above designated and described real estate, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on April 6, 1942, upon the filing of the declaration of taking and the depositing of the sum of One Thousand Sixty-Seven and no/100 Dollars (\$1067.10) with the registry of this Court, for the estate taken in the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set out is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land is vested in the persons lawfully entitled thereto as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner herein pay into Court forthwith for the use and benefit of the rightful claimants thereto, an additional sum of Sixteen and 50/100 Dollars (\$16.50), which is and does constitute the balance of the just compensation for the estate taken and for all lawful damages occasioned as to the following tracts, to-wit:

TRACT NO. 6 (306 - 14.4)	\$ 6.50
TRACT NO. 11 (306 - 18.4)	<u>10.00</u>
TOTAL	\$16.50

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

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

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

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

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

J U D G M E N T

NOW, on this 12th day of October, 1942, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding as to the real estate involved in this proceeding and hereinafter specifically described.

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

(1) Each and all of the allegations of said petition for condemnation are true, and the United States of America is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

(2) The said petition for condemnation was filed at the request of the Administrator of the Federal Works Agency, the person duly authorized by law to acquire the estate in the lands described in said document, for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding.

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

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation, and a statement of the estate or interest in said lands taken for said public use is set out therein.

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

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

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

(6) The Court further finds that the commissioners appointed herein to appraise and fix the value of the estate taken in the real estate involved in this proceeding, duly qualified on the 8th day of August, 1942, by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the fair market value of the estate taken, filed their report herein on the 12th day of August, 1942, wherein they fixed the fair, cash, market value of the estate taken, and all damages to the remaining, if any, as to the lands herein involved in this proceeding, as more particularly designated and described 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$84.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$80.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$149.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$34.00

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, T23 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$58.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$25.00

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,

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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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL
EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$36.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL
EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$120.00

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 South-
westerly to a point in said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 625.0 feet North and
298.3 feet East of the SW corner thereof; thence Southwesterly
to a point in the South boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ 100.0 feet
from the SW corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL
EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$50.00

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 South-
westerly 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$25.00

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 centerline 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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$145.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$10.00

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.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$387.00

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:

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

REGULAR JANUARY 1942 TERM

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FRIDAY, NOVEMBER 13, 1942

Beginning at a point in the East boundary of said E 1/2 SW 1/4 SW 1/4, 799.6 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said E 1/2 SW 1/4 SW 1/4, 253.5 feet from the SE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$50.00

TRACT NO. 16 (306 - 12.1) Perpetual Easement

A strip of land 100 feet in width in the E 1/2 NW 1/4 NW 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 1/2 NW 1/4 NW 1/4, 409.0 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said E 1/2 NW 1/4 NW 1/4, 47.5 feet from the SW corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$82.00

TRACT NO. 17 (306 - 12.2) Perpetual Easement

A strip of land 100 feet in width in the W 1/2 NW 1/4 NW 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 1/2 NW 1/4 NW 1/4, 47.5 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said W 1/2 NW 1/4 NW 1/4, 15.3 feet from the SE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$5.00

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

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein and no written exceptions nor demands for jury trial have been filed by the petitioner or the defendants herein as to the tracts of land designated and described herein, except as to Tract No. 5 (306 - 9.2), the defendant, Rose A. Byers, the owner of a portion of said tract having filed a demand for jury trial herein; said defendant, Rose A. Byers, appearing by her attorney Harve N. Langley, and the Court being fully advised in the premises, finds that the commissioners in assessing the damages as to said Tract No. 5 (306 - 9.2) did not consider and award damages to that part of said Tract No. 5 owned by the defendant, Rose A. Byers, and it was agreed between the defendant, Rose A. Byers, and the petitioner in open court that this court should determine and fix the just compensation to be paid to said defendant, Rose A. Byers; Thereupon, said defendant, in open court, dismissed her demand for jury trial, and the court after hearing statements of the parties hereto, finds that the sum of \$5.00 is just compensation for the estate taken and all damages occasioned to that portion of said Tract No. 5 (306 - 9.2) owned by the defendant, Rose A. Byers, and that the total just compensation for said Tract No. 5 (306 - 9.2) as fixed by the report of commissioners by this court, is the sum of \$39.00, and that said report of commissioners filed herein should be confirmed and approved in every respect.

(8) The United States of America did on April 15, 1942, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the persons entitled thereto, the following sums, to-wit:

TRACT NO. 1 (306 - 7.1)	\$84.00
TRACT NO. 2 (306 - 7.2)	80.00
TRACT NO. 3 (306 - 7.3)	149.00
TRACT NO. 5 (306 - 9.2)	30.00
TRACT NO. 6 (306 - 9.3 Rev.)	56.00
TRACT NO. 7 (306 - 9.4)	25.00
TRACT NO. 8 (306 - 10.1)	35.00
TRACT NO. 9 (306 - 10.2)	120.00
TRACT NO. 10 (306 - 10.3)	50.00
TRACT NO. 11 (306 - 11.1)	25.00
TRACT NO. 12 (306 - 11.2)	132.00
TRACT NO. 13 (306 - 11.3)	10.00
TRACT NO. 14 (306 - 11.4)	420.00
TRACT NO. 15 (306 - 11.5)	50.00
TRACT NO. 16 (306 - 12.1)	82.00
TRACT NO. 17 (306 - 12.2)	5.00
TOTAL	\$1353.00

(9) The Court further finds that the petitioner accepted an Offer of Sale made by the owners of the lands designated and described as Tract No. 14 (306 - 11.4), wherein the petitioner agreed to pay and the owners agreed to accept the sum of \$387.00 as just compensation for the rights taken in this tract. That the petitioner deposited with the Clerk of this Court the sum of \$420.00 as the estimated just compensation for the taking of such rights in this tract, and that the Court found and determined that said accepted Offer of Sale was binding upon the petitioner and the owners of this tract of land, and ordered distribution of the just compensation deposited as follows:

- The sum of \$387.00 to the land owners;
- The sum of \$33.00 to the Treasurer of the United States of America.

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

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

TRACT NO. 1 (306 - 7.1)	\$84.00
TRACT NO. 2 (306 - 7.2)	80.00
TRACT NO. 3 (306 - 7.3)	149.00
TRACT NO. 5 (306 - 9.2)	30.00
TRACT NO. 6 (306 - 9.3 Rev.)	56.00
TRACT NO. 7 (306 - 9.4)	25.00
TRACT NO. 8 (306 - 10.1)	35.00
TRACT NO. 9 (306 - 10.2)	120.00

TRACT NO. 10 (306 - 10.3)	\$50.00
TRACT NO. 11 (306 - 11.1)	25.00
TRACT NO. 12 (306 - 11.2)	145.00
TRACT NO. 13 (306 - 11.3)	10.00
TRACT NO. 14 (306 - 11.4)	387.00
TRACT NO. 15 (306 - 11.5)	50.00
TRACT NO. 16 (306 - 12.1)	82.00
TRACT NO. 17 (306 - 12.2)	<u>5.00</u>

TOTAL \$1340.00

Additional compensation to be paid over
 the commissioners' report as to Tract No.
 5 (306 - 9.2) for that portion of said
 Tract No. 5 owned by the defendant, Rose
 A. Byers, as fixed and determined by the
 Court 5.00

TOTAL JUST COMPENSATION \$1345.00

and the estate taken is a perpetual easement to erect, operate and maintain a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures for the transmission of electric current upon, over and across said lands together with the perpetual easement and right to cut down, remove and trim any trees which may interfere with or endanger said transmission line or lines 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 guy wires thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in the above designated and described real estate, and the interests therein taken by these eminent domain proceedings, was vested in the United States of America on April 15, 1942, upon the filing of the declaration of taking, and the depositing of the sum of One Thousand Three Hundred Fifty Three and no/100 Dollars (\$1,353.00) with the registry of this Court, for the estate taken in the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate therein taken, as hereinabove specifically set out, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land is vested in the persons lawfully entitled thereto as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner herein pay into Court forthwith for the use and benefit of the rightful claimants thereto an additional sum of Twenty-Five and N/100 (\$25.00) Dollars, which is and does constitute the balance of the just compensation for the estate taken and for all lawful damages occasioned as to the following tracts, to-wit:

TRACT NO. 5 (306 - 9.2)	\$9.00
TRACT NO. 6 (306 - 9.3 Rev)	2.00
TRACT NO. 8 (306 - 10.1)	1.00
TRACT NO. 12 (306 - 11.2)	<u>13.00</u>
TOTAL	\$25.00

This cause is held open for the purpose of entering such further orders, judgments and decrees as may be necessary in the premises.

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

ENCLOSED: Filed Nov 13 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. 798
)
CERTAIN PARCELS OF LAND IN HAYES COUNTY,)
OKLAHOMA; and Dora E. Warner, nee Nall, et al.,)
	Defendants.)

ORDER APPOINTING AN ATTORNEY TO REPRESENT AND PROTECT THE INTERESTS OF CERTAIN DEFENDANTS AND DIRECTING ENTRY OF JUDGMENT CONFIRMING REPORT OF COMMISSIONERS IN THE ABOVE STYLED CASE.

NOW, on this 12th day of October, 1942, it appearing to the Court that the petitioner, United States of America, in the above styled cause has filed the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, and attorney for the petitioner, that none of the defendants in this cause are in the military service of the United States, except that the petitioner is unable to determine whether or not any of the following defendants are in the military service of the United States, to-wit:

- Clara J. McGovern;
- Nell H. Armsby, sometimes known as Nelle V. Hart Armsby;
- A. E. Dayer; Charles U. Dilley; N. B. Held; Caleb Easky, Cherokee Roll No. 17928; Jessie Ballard, now Short, Cherokee Roll No. 5758;
- J. B. Gregory and John Sturdivant, 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; and
- the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any, of Luvina Powell, Cherokee Roll No. 8115, deceased;

and it further appearing to the Court that an attorney should be appointed to represent and protect the interests of each of said defendants.

It further appearing that the petitioner has complied with all of the provisions of the Soldiers' and Sailors' Relief Act of 1940, approved October 17, 1940, as amended, and that a judgment confirming the report of commissioners should be entered in this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that R. P. Colley, a regular practicing attorney of Tulsa, Oklahoma, be, and he is hereby appointed to represent and protect the interests of each of the following defendants, to-wit:

- Clara J. McGovern;
- Nell H. Armsby, sometimes known as Nelle V. Hart Armsby;
- A. E. Dayer; Charles U. Dilley; N. B. Held; Caleb Hasky, Cherokee Roll No. 17928; Jessie Ballard, now Short, Cherokee Roll No. 5758;
- J. B. Gregory and John Sturdivant, 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; and
- the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any, of Luvina Powell, Cherokee Roll No. 8115, deceased;

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the defendant entitled to \$943.00.

Jesse V. Shannon
Foreman.

ENDORSED:
Filed In Open Court
Nov. 11 1942
H. P. Warfield, Clerk
U. S. District Court"

Whereupon, IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED that said verdict be accepted and approved in every respect and that the defendants entitled thereto shall receive just compensation in the total sum of \$943.00 by reason of the condemnation and taking of a perpetual easement by the United States of America, upon, over and across said land, designated and described as Tract No. 4 (306 - 8.1 and 9.1).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the public use and purpose for which said land is taken by the petitioner is strictly in accordance with the Acts of Congress made and provided in such cases, and that a legal description of said real estate upon, over and across which said perpetual easement is taken by these eminent domain proceedings, is as follows, to-wit:

TRACT NO. 4 (306 - 8.1 and 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.

and that the estate taken in said real estate is a perpetual easement for the erection, operation and maintenance of a line or lines of poles, towers, or other structures, wires, cables and fixtures, for the transmission of electric current, together with the perpetual easement and right to cut down, remove and trim any trees that may interfere with or endanger said transmission line or lines or the maintenance or operation thereof, and together with the perpetual easement to set the necessary guy and brace poles and anchors and to attach all necessary guy wires thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title to the estate and interest taken by these eminent domain proceedings did vest in the United States of America on the 15th day of April, 1942, upon the depositing in the registry of this Court the sum of \$300.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner herein pay into Court forthwith for the use and benefit of the rightful claimants thereto the additional sum of \$643.00, which is and does constitute the balance of the just compensation for the particularly above described estate taken, and for all lawful damages occasioned.

To the judgment accepting and approving the jury's verdict, the petitioner, United

States of America, objected and accepted, and such objections and exceptions are allowed.

ROYCE H. SAVAGE
J U D G E

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

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

Ned Puppy, known also as Ned Flinn, et al.,)
Plaintiffs,)
vs.) NO. 837 Civil
)
The Heirs of Annie Sawney, known also as)
Annie Flinn, et al., Defendants.)

CONFIRMATION OF SALE

Now on this 13th day of November, 1942, come the plaintiffs by H. F. Fulling, their attorney, and comes also the United States of America by Whit Y. Mauzy, United States Attorney and the motion of the plaintiffs to confirm the sale of the real estate involved herein made by John P. Logan, United States Marshal for the Northern District of Oklahoma, and Special Commissioner as shown by his return to D. M. Tyler for \$750.00 for the real estate shown in said return and hereinafter described and the court having examined said return and being duly and sufficiently advised finds that said sale was in all respects made in accordance with the order of this court and as required by law and for more than two-thirds of the appraised value and that said sale should in all things be confirmed and approved and a deed ordered executed to the purchaser.

IT IS THEREFORE considered, adjudged, ordered, and decreed by the court that the sale of the real estate involved in this action in Washington County, Oklahoma, to-wit:

The northeast quarter of the southwest quarter and the southeast quarter of the northwest quarter of Section 5, Township 27 North, Range 14 East, containing 80 acres, more or less,

to D. M. Tyler for \$750.00 cash, has in all respects been made as required by the order of this court and by law and the same should be and is hereby in all things confirmed and approved and the said John P. Logan, as such Special Commissioner, is hereby ordered and directed to execute a deed for said real estate to the said D. M. Tyler and he is further ordered to hold the proceeds of sale awaiting the further order of this court.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to November 14, 1942

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

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

ORDER FIXING INTEREST, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION OF FUNDS AS TO TRACT NO. 3 (305 - 35.3)

NOW, on this 16th day of November, 1942, there coming on for hearing the application of the defendant, W. H. Lemons, for an order fixing interest, decreeing just compensation and making distribution as to Tract No. 3 (305 - 35.3), and the Court being fully advised in the premises, finds:

That the defendant, W. H. Lemons, is the tenant on the land described as Tract No. 3 (305 - 35.3); that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$90.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, W. H. Lemons, tenant, on Tract No. 3 (305-35.3) in writing, agreed to release and discharge the petitioner from any and all demands and claims for damages upon the payment of the sum of \$18.00, which was accepted by the petitioner.

The Court further finds that the sum of \$18.00 is just compensation for the injuries and damages sustained by said defendant, W. H. Lemons as tenant on Tract No. 3 (305 - 35.3)

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that the defendant, W.H. Lemons, is the tenant upon the land described as Tract No. 3 (305 - 35.3), and that the sum of \$18.00 is just compensation for the damages sustained by the defendant, W. H. Lemons, tenant upon said Tract No. 3 (305 - 35.3).

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

W. H. Lemons, tenant, Tract No. 3 (305 - 35.3)	\$18.00
Treasurer of the United States of America,	2.00

F. E. KENNAMER
JUDGE

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

AND NOW, on this 16th day of November, 1942, IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the motion of the defendant for judgment on the pleadings as against the plaintiff Chester L. Dunn be and hereby is sustained and judgment is hereby entered in favor of the defendants and against the plaintiff Chester L. Dunn upon his complaint filed herein and for defendant's costs herein expended.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion of the defendant for a directed verdict and judgment upon the verdict as against the plaintiffs White, Pryor and Walkingstock be, and hereby is, sustained and judgment is hereby entered in favor of the defendant and against the plaintiffs Lewis Pryor, John Rex White and Ben Walkingstock on their complaint filed herein, and for defendant's costs herein expended.

F. E. KENNAMER
 District Judge

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

 Court adjourned to November 17, 1942

On this 17th day of November, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)
)
vs.)
)
One 1939 Pontiac Coach Automobile, Motor)
No. 6-508,519, and approximately 21)
gallons of Assorted Taxpaid Intoxicating)
Liquors seized therein; Lee Roy Gibbs)
and Southwestern Finance Company of)
Tulsa, Oklahoma,	Claimants.)

No. 909 Civil

ORDER FOR MONITION

Now on this 17th day of November, 1942, it appearing to the Court that the said 1939 Pontiac Coach Automobile, motor No. 6-508,519, with approximately twenty-one (21) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66 about one (1) mile South of the town of Aston, in Ottawa County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this court, on August 3, 1942,

by George E. Carver, Special Investigator, Alcohol Tax Unit, Bureau of Internal Revenue, by virtue of authority of his said office, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Lee Roy Gibbs for transportation of such intoxicating liquors from the City of Joplin, in the 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 less than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein upon transmittal of summary proceedings as provided by law, and requests issuance of monition notifying claimants Lee Roy Gibbs and the Southwestern Finance Company of Tulsa, Oklahoma, and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon Lee Roy Gibbs and the Southwestern Finance Company of Tulsa, Oklahoma, 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 234, Title 27, United States Code Annotated, and in accordance with the provisions of the law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 18, 1942

REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA WEDNESDAY, NOVEMBER 18, 1942

On this 18th day of November, 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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, NOVEMBER 18, 1942

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
vs.		)	No. 367 Civil
)	
Certain Parcels of Land situate in the)	
County of Tulsa, State of Oklahoma; and)	
Frank Jones, et al,	Respondents.)	

ORDER FIXING TITLE

Now on this 18 day of November, 1942, the above cause comes on for hearing, pursuant to regular assignment and notice thereof, for the determination of the rightful claimants in add to any funds that may have been deposited or that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto as the owners of the real estate and estates therein taken and involved in this proceeding.

The Court hears evidence and finds that on the date title was vested in the United States of America by virtue of these proceedings, title to the real estate and estate therein taken, more particularly hereinafter described, as follows, to-wit:

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

TRACT NO. 7

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

TRACT NO. A-7

Being a strip, piece or parcel of land lying in Lot 4 of Section

6, Township 19 North, Range 14 East, in Tulsa County, Oklahoma, particularly described as follows: Beginning at a point 490 feet east of the west line of said Lot 4 and 100 feet north of the south line of said Lot 4; running thence due East a distance of 210 feet to a point; thence North 0 degrees 15 minutes East a distance of 560.3 feet to a point on the north line of said Lot 4; thence West along said North line a distance of 210 feet to a point; thence South 0 degrees 15 minutes West a distance of 560.3 feet to the point or place of beginning; ALSO, Beginning at a point 80 feet east of the west line of said Lot 4, and 289.8 feet south of the north line of said Lot 4; running thence South 0 degrees 03 minutes West a distance of 26.1 feet to a point; thence South 44 degrees 57 minutes East a distance of 35.4 feet to a point; thence North 0 degrees 03 minutes East a distance of 51.1 feet to a point; thence due West a distance of 25 feet to the point or place of beginning; containing in both parcels 2.72 acres, more or less, as shown by plat "Lands proposed to be acquired through condemnation proceedings for Access Road Project Tulsa County, Oklahoma, Oklahoma Project DA-WI-4-A (1)", copy of which is attached to the Declaration of Taking filed herein.

was vested in Frank Jones, full-blood Creek, un-enrolled, and Homer Jones, full-blood Creek, un-enrolled, subject to the tenancy rights of J. W. Urban; and further subject to judgment lien as may be held by the United States of America, such lien, if any, to be later determined; and further subject to all taxes, special assessments and particularly the special assessments of Water Improvement District No. 5 of Tulsa County, Oklahoma.

IT IS, FURTHER, THEREFORE, ORDERED, ADJUDGED AND DECREED that the right to just compensation for the taking of the above described real estate, and estate therein taken by this proceeding, is vested in the persons and in the manner hereinabove set out.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 19, 1942

On this 19th day of November, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

United States of America, Plaintiff,)
 vs.) No. 353 Civil
 The Midland Valley Railroad Company,)
 a corporation, Defendant.)

J U D G M E N T

And, now on this 19 day of November, 1942, the Court, having made and filed herein its Findings of Fact and Conclusions of Law -

IT IS ORDERED AND ADJUDGED:

That Plaintiff do have and recover of and from the Defendant upon the First Cause of Action, herein, the sum of \$4,727.85, together with all costs incurred herein.

It is further ordered and adjudged that Plaintiff take nothing by reason of the Second Cause of Action herein.

ROYCE H. SAVAGE
 J U D G E

ENDORSED: Filed Nov 19 1942
 H. P. Warfield, Clerk
 U. S. District Court LN

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

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

JOURNAL ENTRY OF JUDGMENT

On this 29th day of October, 1942, came the plaintiff in person and by her attorney, B. A. Hamilton, and also appeared the defendant by its counsel, Hudson & Hudson. This cause then came on for trial in its regular order before a jury of twelve good men, who being duly impaneled and sworn, well and truly to try the issues joined between plaintiff and defendant and a true verdict render according to the evidence, and having heard the evidence, the charges of the court, and the argument of counsel, upon their oath say:

"We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the plaintiff and assess damages at Seven Hundred and No/100 Dollars.

J. Lester Sharp,
 Foreman."

IT IS THEREFORE CONSIDERED ADJUDGED AND DECREED by the court, that the said plaintiff

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

UNITED STATES OF AMERICA, Plaintiff,)
)
 vs.) NO. 905 CIVIL
)
 JOHN CUNNINGHAM LINTON, Defendant.)

O R D E R

This matter coming on for hearing this 19 day of Nov., 1942, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the court being fully advised in the premises, finds that the defendant John Cunningham Linton has duly executed a consent that a proper decree may be entered setting aside and cancelling his certificate of naturalization and citizenship declaring it null and void and waived any further notice to said defendant.

The court further finds that said John Cunningham Linton was, prior to the 6th day of January, 1932, a native and citizen of Ireland. That on the 6th day of January, 1932, in the District Court of Ottawa County, State of Oklahoma, said John Cunningham Linton was admitted by said court to be a citizen of the United States of America and certificate of citizenship No. 3153510 was executed by the Clerk of said Court on January 27, 1932.

The court further finds that within five years after the aforementioned decree and entered and on or about the 26th day of February, 1932, the said John Cunningham Linton left the United States of America and returned to Northern Ireland and became a permanent resident of Northern Ireland. That said John Cunningham Linton never registered as an American citizen at an American Consulate and has never owned any property in the United States and has never paid taxes or voted in the United States. That his present address is Drumlade, Coleraine, County Londonderry, Northern Ireland.

The court further finds that said certificate of naturalization was secured by fraud in that said John Cunningham Linton did not intent to remain a citizen and subject of the United States of America and maintain his allegiance to said country when said certificate of naturalization was issued, but did within five years thereafter, become a permanent resident of a foreign country, to-wit, Northern Ireland, and that, pursuant to Section 338 of the Nationality Act of 1940, said decree of naturalization should be set aside and held for naught and the certificate of naturalization issued to said John Cunningham Linton, No. 3153510, should be delivered to the Clerk of the United States District Court for the Northern District of Oklahoma and should be canceled and the defendant should be forever restrained and enjoined from claiming any right, privilege, benefit or advantage whatsoever under said certificate of naturalization.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the certificate of citizenship No. 3153510 issued to John Cunningham Linton on the 27th day of January, 1932 by the Clerk of the District Court of Ottawa County, Oklahoma be delivered to the Clerk of the United States District Court for the Northern District of Oklahoma and that said certificate be and the same hereby is canceled, set aside, revoked and held for naught and the said defendant be and he hereby is forever restrained and enjoined from claiming any right, privilege, benefit or advantage whatsoever under said certificate.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 19 1942
H. P. Garfield, Clerk
U. S. District Court ME

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

REGULAR NOVEMBER 1942 TERM

MIAMI, OKLAHOMA

FRIDAY, NOVEMBER 20, 1942

On this 20th day of November, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular November 1942 Term at Miami, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court
Walt 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 - REPORT OF REGISTRY FUND.

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

To the Honorable the Judges of the
United States District Court for the
Northern District of Oklahoma.

Sir:

As provided in Section 798, R.S.U.S., I respectfully report the condition of the Registry Fund of the United States District Court for the Northern District of Oklahoma at the close of business November 19th, 1942:

Balance in the First National Bank & Trust Company of Tulsa, Oklahoma, at the close of business	\$20,348.72.
Received since March 9, 1942:	
Mar. 12, 1942 Treasurer of the United States	13,290.00
Mar. 20, 1942 Federal Works Agency,	487.40
Mar. 23, 1942 Treasurer of the United States,	5,214.50
Mar. 23, 1942 Federal Works Agency,	1,849.65
Apr. 6, 1942 Federal Works Agency,	1,067.10
Apr. 15, 1942 Federal Works Agency,	1,653.00
Apr. 30, 1942 Federal Works Agency,	1,721.45
Apr. 30, 1942 Federal Works Agency,	600.00
May 18, 1942 Federal Works Agency,	274.60
May 29, 1942 Federal Works Agency,	300.00
Jun 5, 1942 Federal Works Agency,	6.00
Jun 9, 1942 Treasurer of the United States	664.00
Jun 9, 1942 Federal Works Agency	11,715.00
Jun 12 1942 Treasurer of the United States,	30,184.60
Jun 12 1942 Treasurer of the United States	15,455.50
Jun 15, 1942 Federal Works Agency	249.00
Jun 23, 1942 Treasurer of the United States,	8,589.80
Jun 23 1942 The Travelers Insurance Company,	3,593.87
Jun 29, 1942 Federal Works Agency,	416.50
Jul. 20, 1942 Federal Works Agency,	493.00
Aug. 4, 1942 Treasurer of the United States,	6,500.00
Aug. 17, 1942 Treasurer of the United States,	10,395.00
Sep. 15, 1942 Federal Works Agency,	317.95
Sep. 16, 1942 The Colorado National Bank of Denver, Trustee	985.50
Oct. 7, 1942 Federal Works Agency,	11.00
Oct. 10, 1942 Treasurer of the United States,	100.00
Oct. 10, 1942 Mrs. Ocie Long,	1,500.00

Oct. 16, 1942	Treasurer of the United States,	19,015.00
Nov. 10, 1942	Treasurer of the United States,	348.50
Nov. 13, 1942	Jesse J. Woorten,	135.30
		\$157,486.94
Disbursed since March 9, 1942:		
Mar. 10, 1942	Dugan B. Smith, et al.,	305.00
	County Treasurer of Mayes County,	114.94
	Samuel R. Van Brunt,	16.00
	Leonard Van Brunt,	16.00
	Marie Moore,	4.03
	Fern Jandreau,	4.03
	Louise M. Swindell	250.00
Mar. 16, 1942	W. A. Graham, et al.,	5,765.00
	Emily F. Brown, et al.,	225.00
	C. T. Crowe	486.00
	R. W. Hildreth, et al.,	6,814.00
Mar. 19, 1942	Check No. 1340 Cancelled,	2,296.00
	Arch Bonecutter, et al.,	2,296.00
Mar. 23, 1942	General Security Company,	108.96
Mar. 30, 1942	Check No. 1326 cancelled,	1,914.50
	Loretta Tucker Florence,	122.52
	Lucile Tucker Maxon,	572.52
	John Tucker,	572.52
	County Treasurer of Mayes County,	74.42
Apr. 22, 1942	Check No. 1289 Cancelled,	2,042.00
	North American Life Insurance Co.,	2,017.00
	J. B. Whittington, Receiver	25.00
Apr. 24, 1942	Check No. 1231 cancelled,	325.00
	Huston Humble, et al.,	325.00
Apr. 27, 1942	Check No. 1305 cancelled,	1,212.82
	Glen Campbell, et al.,	1,113.78
	Check No. 1290 cancelled,	458.00
	Albert Walker, et al.,	458.00
May 4, 1942	Board of County Commissioners, Mayes	
	County, Oklahoma,	65.00
	T.C. Bowling, et al.,	100.00
	Alta Morgan, et al.,	1,780.00
	Alta Morgan, et al.,	550.00
	J. L. Franklin, et al.,	30.00
May 4, 1942	G. L. Norrell, et al.,	505.00
May 18, 1942	Strick Armstrong,	156.50
	R. E. Templeton,	10.00
May 29, 1942	C. W. Knotts,	24.60
	Reba Bogle	250.00
	C. W. Knotts,	24.60
	C. W. Knotts, et al.,	50.20
	C. W. Knotts,	24.60
June 10, 1942	Alta Morgan, et al.,	550.00
	G. L. Norrell,	64.00
	H. B. Foote,	25.00
June 15, 1942	County Treasurer of Mayes, County, Okla.,	13.90
	Board of County Commissioners, Mayes County,	30.00
	Kate DeLay, et al.,	430.00
	Neal D. Newton,	681.00
	Susie T. Gidney,	146.00
	W. H. McCollough, et al.,	94.00
	Vian Yelton, et al.,	160.00

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

REGULAR NOVEMBER 1942 TERM

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FRIDAY, NOVEMBER 20, 1942

	Otto Rist, et al.,	24.00
	Tillie G. Williamson,	90.00
	Laura Roberts,	90.00
	Superintendent of the Five Civilized Tribes	6.00
	James B. Lacey, et al.,	577.00
	James B. Lacey, et al.,	48.00
	Doris E. Medlin, et al.,	96.80
	J. C. Pigott, et al.,	144.00
	Otto Rist, et al.,	172.00
	J. C. Pigott, et al.,	261.00
	Doris E. Medlin, et al.,	192.00
	James B. Lacey, et al.,	357.00
	J. L. Dixon, et al.,	235.00
	Sarah H. Cook,	486.00
	Roxie Horne, et al.,	85.00
	Oron Estes, et al.,	754.00
	Sarah H. Cook,	235.00
	Sarah H. Cook,	82.00
	V. W. Purcell, et al.,	127.00
	V. D. Herrington, et al.,	2,475.00
June 15, 1942	Ben F. Goss, et al.,	360.00
	John C. Ramsey, et al.,	688.00
	Ollie Collie,	75.00
	Ralph H. Poole, et al.,	241.00
	W. A. Graham,	667.50
	Superintendent, Five Civilized Tribes,	25.00
	Norton Sherl, et al.,	540.00
	W. T. Casey, et al.,	80.00
	Ed Cann, et al.,	106.00
	Bethel Dill, et al.,	1,620.00
	Superintendent, Five Civilized Tribes, etc.	95.00
	" " " " "	32.00
	Minnie Shutt	2,392.00
	Clarence E. Castle, et al.,	545.00
	Houston Humble, et al.,	350.00
	North American Life Insurance Co.	106.00
	Maggie Easterly, et al.,	443.00
	S. W. Howard, et al.,	52.00
	Superintendent, Five Civilized Tribes, etc.	12.50
	Eloise Caroline Brown,	112.00
	Belle Ellsworth,	120.00
	Superintendent, Five Civilized Tribes, etc.	305.00
	J. C. Wilkerson, et al.,	12.00
	" " " "	492.00
	Essie J. Hunt,	100.00
	P. J. Easterly, et al.,	808.30
	Walter J. Welch, et al.,	728.00
	W. A. Collins, et al.,	9.00
	P. W. Matthews,	125.00
	Hulda L. Frien, Gdn.	19.00
	C. T. Baker,	44.00
	Superintendent, Five Civilized Tribes, etc.	22.50
	Ethel N. Barclay, formerly Patterson, etc.,	57.00
	M. A. Garrison, et al.,	134.00
	Callie Roberts Dugger, et al.,	3.00
	Dugan B. Smith, et al.,	6.00
	Canaro C. Smith, et al.,	20.00

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

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MIAMI, OKLAHOMA

FRIDAY, NOVEMBER 20, 1942

	Homer Lee Lee, et al	48.00
	F.W. Wilson, et al.,	8.00
	Walter Wagner, et al.,	72.00
	North American Life Insurance Co.	850.00
	Marion T. Orvis, et al.,	306.00
	Jake Fair,	192.50
	L. S. Van Brunt,	132.00
	M. A. Garrison,	481.00
	Marie Moore,	47.50
	Fern Jondreau,	47.50
	W. A. Graham,	2,788.73
	Treasurer of the United States	219.31
	O. B. Rutherford, et al.,	500.00
	Superintendent, Five Civilized Tribes, etc.	5.00
	Edwin C. Johnson, et al.,	185.00
	Eva M. Hogan, et al.,	3,575.00
	Frank Tucker,	97.12
	Loretta Florence,	97.12
	John Tucker,	97.12
	Lucile Maxon,	97.14
	Superintendent, Five Civilized Tribes, etc.	457.00
	James A. Thompson, et al,	341.00
	Arch Bonecutter, et al.,	4.00
June 20 1942	Minnie Gotz	42.60
	Commissioners of the Land Office, etc.,	4,076.28
	Rounds & Porter Lumber Co.	26.72
	A. B. Edwards,	27.00
	Raymond and Griffith,	45.00
	Frank Tucker,	572.52
June 24, 1942	W. A. Graham,	745.00
	Lyman E. Bolinger, et al.,	296.00
	Laura Watts Vogel,	78.00
	Emily F. Brown, et al	5.00
	Z. M. White, et al.,	2,175.00
June 24, 1942	R. W. Hildreth, et al.,	646.00
June 25, 1942	Marlin W. Williams,	250.00
	Superintendent, Five Civilized Tribes, etc.	46.50
June 29, 1942	Cecil C. Anderson,	125.00
	Tom Carroll,	35.00
	" "	15.00
	" "	5.00
	" "	5.00
June 30, 1942	George D. Foster,	3,593.87
July 13, 1942	John L. V. Thomas, et al.,	40.00
	John Hancock Mutual Life Insurance Co.,	134.00
July 20, 1942	Ben Kurdock,	5.00
	P. J. Easley,	15.00
July 24, 1942	Mell Lewis, Administrator etc.	461.90
July 27, 1942	Marshall Cook,	115.00
	H. E. Cook,	45.00
Aug. 3, 1942	Federal Land Bank of Wichita,	32.00
Aug. 10, 1942	J. Q. Foote,	20.00
	Georgia Nall,	64.00
	Roy Peters,	200.00
Aug. 12, 1942	Check No. 1475 cancelled,	3,575.00
	Eabel Norsham,	892.75
	John Hogan,	178.75
	Ruth Hogan,	178.75
	Karl Hogan,	178.75
	Phillip Hogan,	178.75

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

REGULAR NOVEMBER 1942 TERM

FRIDAY, NOVEMBER 20, 1942

	Eva M. Hogan,	178.75
	Neva H. Talbot,	893.75
	W. A. Hancock,	297.91
	Neva Gray,	85.12
	Nina Kello,	85.12
	Fonola Hancock,	85.12
	Patty Dever,	85.12
	Mary Ann Hancock Lowery,	85.12
	W. Hogan Hancock,	85.12
	John Hancock,	85.10
Aug. 17, 1942	Marlin L. Williams,	1,350.00
Aug. 20, 1942	Treasurer of the United States	468.00
	J. C. Stevens	192.03
	Orval Casey	258.73
	U. B. Rainwater,	92.17
	Samuel A. Warren,	137.65
	Investors Liquidating Corporation,	80.51
	John M. Niehaus, Jr., Trustee etc.,	4,222.91
	Lizzie Bear, et al.,	455.00
	John Campbell, et al.,	975.00
	J. M. Eberling,	705.00
	Eloise Caroline Brown Kirkpatrick,	215.00
	Arvil N. Rike,	825.00
	D. C. Gartrell,	110.00
	Oscar Franklin,	220.00
	State of Oklahoma,	88.00
Aug. 24, 1942	Check No. 1541 cancelled,	825.00
	Commissioners of the Land Office,	825.00
	Geneva S. Caldwell,	16.80
	Charles L. Caldwell,	16.80
	Ruth Caldwell Conn,	16.80
Aug. 28, 1942	Vestal Investment Company,	4,844.67
	County Treasurer of Tulsa County,	22.91
Aug. 31, 1942	W. R. Bell,	10.00
	State of Oklahoma,	100.00
	Dora E. Warner, nee Nall	64.00
	Frank Brixey,	16.00
Sep. 8, 1942	Carl West,	15.00
	" "	5.00
	" "	5.00
	J. Wesley Batten, et al.,	387.00
	Treasurer of the United States,	33.00
	State Life Insurance Co.	50.00
Sep. 11, 1942	Otto F. Bryan, et al.,	1,258.00
	Fred Miller,	195.00
Sep. 18, 1942	R. E. Brinkley, et al.,	35.00
Sep. 21, 1942	Walter Nix,	80.00
Sep. 22, 1942	Virginia Shutt,	4,181.30
	Commissioners of the Land Office,	1.60
Sep. 24, 1942	O. D. Mayor,	550.00
	Okmulgee Supply Corp.,	3,351.00
	Roy Peters,	148.50
Sept 28 1942	George S. Stnor,	20.00
Oct. 5, 1942	A. E. Ramsey,	10.00
	Robert Thompson,	10.00
	Mary Alice Nall,	139.00
	Robert Thompson,	40.00
	Pauline E. Pfeiffer,	70.00

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

REGULAR NOVEMBER 1942 TERM

MIAMI, OKLAHOMA

FRIDAY, NOVEMBER 20, 1942

Oct. 12, 1942	V. W. Purcell, et al.,	100.00
	Dorothy Jane Edward, Executor, etc.,	547.50
	J. A. Beckham,	33.00
	State of Oklahoma,	62.00
	Treasurer of the United States,	13.00
	Reba Frances Bogle	1,750.00
Oct. 14, 1942	Check No. 1330 cancelled,	500.00
	Check No. 1334 cancelled,	750.00
	Austin B. Tincup,	94.00
	W. W. Tincup,	25.00
	Austin B. Tincup,	4.00
	W.W. Tincup,	1.00
	Dora L. Whitsel, et al.,	65.00
	The Federal Land Bank of Wichita,	196.00
	J. F. Troyer,	20.00
	William Penn Rogers,	4.00
	V. D. Herrington,	1.00
	A. J. Moore, et al.,	25.00
	Kelly Martin,	5.00
	A. J. Moore, et al.,	60.00
	Kelly Martin,	5.00
	Charles W. Beattie, et al.,	60.00
	Garland Charles,	15.00
	Chas. Wm. Beattie, et al.,	37.00
	Garland Charles,	5.00
	Myrtle Teter, now Thomas	12.00
	Elizabeth Haddan, et al.,	29.00
	Federal Land Bank of Wichita,	27.00
	Frant L. Ives, et al.,	49.20
	C. G. Hetzell,	55.00
	Glenn Campbell, et al.,	61.50
	A. J. Newton,	44.25
	Oscar Godin,	10.00
	Dick Littledave,	72.60
	Emily P. Calvin,	57.75
	Federal Land Bank of Wichita,	25.00
	" " " " "	20.00
	Claud L. Richardson,	5.00
	Creighton C. Hart, Trustee,	10.00
	Commissioners of the Land Office	50.00
	Pearl M. Potts,	5.00
	Pixie A. Maves, et al.,	48.00
	Ida J. Harris,	108.00
	Henry P. Ward,	85.00
	Strick Armstrong,	30.00
	R.E. Templeton,	10.00
	J. W. Hardesty, et al.,	55.00
	Katheine Madigan, et al.,	63.00
	C.W. Wright,	25.00
	The First National Bank of Pryor,	145.00
	The Federal Farm Mortgage Co.	70.00
	" " " " "	52.00
	Treasurer of the United States,	33.00
	Alvin D. Miller,	5.00
	Ethel C. Sanders, nee Smith,	52.50
	Ronald R. Madole, et al.,	81.00
	A. E. Madole,	5.00

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

REGULAR NOVEMBER 1942 TERM

MIAMI, OKLAHOMA

FRIDAY, NOVEMBER 20, 1942

	Lloyd Williams,	105.00
	A. E. Madole,	42.00
	W. G. Phillips, et al.,	42.00
Oct. 20, 1942	United States Treasurer,	75.00
Oct. 21, 1942	H. R. Crews, et al.,	759.00
	Leone Patton, et al.,	35.00
	Harold E. Coby, et al.,	24.00
	" " " "	34.00
	H. D. Maxwell, et al.,	275.00
	R. F. Layman, et al.,	90.00
	Elbert L. Morgan, et al.,	1,488.00
	Oras A. Shaw, et al.,	1,527.50
Oct. 22, 1942	John Bogle	45.00
Oct. 27, 1942	R. A. Byers,	32.00
	John H. Smith,	32.00
	Ezra C. Harp,	20.00
Oct. 31, 1942	J. C. Wilkerson, et al.,	11,715.00
Nov. 2, 1942	Canaro C. Smith, Trustee,	72.00
	W. F. Wright,	5.00
	Edgar Prine,	15.00
	Hazel Owens,	25.00
	Laura G. Darrough,	85.00
	Floyd Myers,	25.00
Nov. 4, 1942	Town of Dawson, Oklahoma,	1.00
	A. J. Williams, et al.,	1.00
	Mell Lewis, et al.,	1.00
	" " "	1.00
	John W. Allman, et al.,	1.00
	Audie Hedgcock, et al.,	1.00
	Pauline D. Wallace,	150.00
Nov. 9, 1942	Lewis R. Thompson,	60.00
Nov. 10, 1942	Okmulgee Supply Corp.,	348.50
Nov. 13, 1942	Dennis Nivens,	300.00
Nov. 16, 1942	W. H. Lemons,	18.00
Nov. 16, 1942	Treasurer of the United States,	2.00
Nov. 16, 1942	Frank DuVall, City Treasurer of Shidler,	135.30
	Balance on deposit in the First National Bank & Trust Company, Tulsa, Oklahoma, at close of business November 19, 1942	50,589.88
	Cash on hand	None
		<u>\$157,486.94</u>

Respectfully submitted,

H. P. WARFIELD,
Clerk

APPROVED: November 20, 1942
at Miami, Oklahoma,

ROYCE H. SAVAGE, JUDGE
United States District Court

ENDORSED: Filed In Open Court
Nov 20 1942

H. P. Warfield, Clerk
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)
vs.)
One 1941 Ford Coach Automobile,)
Motor No. 18-6,638,060, and)
approximately 40 gallons of)
Assorted Taxpaid intoxicating)
liquors seized therein; Alta V.)
Moody and the Universal Credit)
Company of Tulsa, Oklahoma,	Claimants.)

No. 896 Civil

JOURNAL ENTRY OF JUDGMENT

This matter coming on for hearing before this Honorable Court, on this 20th day of November, 1942, the United States of America appearing by Whit Y. Mauzy, United States Attorney, and the claimant, Alta V. Moody appearing by Perry Porter, Attorney at Law, and the Universal Credit Company of Tulsa, Oklahoma, appearing by Joe T. Dewberry, Attorney at Law, and the Court, after presentation of the evidence upon arguments of counsel and being fully advised in the premises, finds:

1. The Court finds the facts in this cause of action to be as set out in the Libel of Information; the Court further finds that the claimant, Alta V. Moody is the owner of said automobile and that the Universal Credit Company of Tulsa, Oklahoma is the holder of a conditional sales contract against said automobile and that there is an unpaid balance due upon said contract in the sum of \$281.00 and the said sum of money is a lien against said automobile.

2. The Court further finds that said Alta V. Moody, owner of said automobile is a person without a record or reputation for dealing or engaging in illicit liquor traffic and that said Carl Moody, driver of said vehicle at the time of its seizure, is a person without a record or reputation for dealing or engaging in illicit liquor traffic.

3. The Court further finds that said automobile was used in violation of Section 223, Title 27, U.S.C.A. and by reason of such unlawful use, is subject to forfeiture herein.

4. That the claimants, Alta V. Moody and Universal Credit Company of Tulsa, Oklahoma, each have such claim in said automobile and such claim was acquired in good faith without knowledge that said vehicle would be used in violation of Section 223, Title 27, U.S.C.A., and by reason of the lack of record or reputation for dealing or engaging in illicit liquor traffic on the part of Carl Moody, said interests of the said Alta V. Moody and the Universal Credit Company are remitted and mitigated upon payment of the costs of seizure and storage incident thereto.

5. The Court further finds that forty gallons of assorted intoxicating liquors were thus transported and imported into the State of Oklahoma in violation of Section 224, Title 27, U.S.C.A., and are subject to forfeiture under the provisions of Section 224, Title 27, U.S.C.A.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the said forty gallons of assorted intoxicating liquors be forfeited and disposed of according to law.

IT IS THE FURTHER JUDGMENT OF THE COURT that the said 1941 Ford Coach Automobile, Motor No. 18-6,638,060 be remitted to the claimant Alta V. Moody and to Universal Credit Company, upon the payment of costs of seizure and storage charges incident thereto.

FORWARDED: Filed In Open Court
Nov 20 1942
H. P. Burfield, Clerk
U. S. District Court MPW

ROYCE H. SAVAGE
JUDGE

Court adjourned to November 23, 1942

REGULAR NOVEMBER 1942 TERM

MIAMI, OKLAHOMA

MONDAY, NOVEMBER 23, 1942

3. That on the 11th day of January, 1938, the plaintiff issued to the defendant, Jackson Materials Company, for a term of one year from and after said date, its policy No. P C 10299 same being Standard Workmen's Compensation policy and Employers' Liability policy, together with certain endorsements thereon and attached thereto; and on the 19th day of September, 1939, issued to the defendant, Jackson Materials Company, effective for a term of one year from and after said date, its policy of insurance No. P C 10338, together with certain endorsements thereon and attached thereto; copies of which policies are attached to plaintiff's complaint and marked Plaintiff's Exhibit "A" and "B".

That on the 8th day of May, 1940, plaintiff cancelled said policy of insurance No. P C 10338 by registered notice to the defendant, Jackson Materials Company, the assured named therein.

That there is attached to said insurance policy No. P C 10299, and insurance policy No P C 10338, what is commonly known as an occupational disease endorsement, a portion of which occupational disease endorsement reads as follows:

"In consideration of the premium rates stated in this Endorsement, it is agreed that the insurance provided under Paragraph One (b) of the Policy is extended to indemnify this Employer against loss by reason of the liability imposed upon him by law for damages on account of occupational disease suffered by any of such employees arising out of a business operation of this Employer covered by said Policy and resulting in occupational incapacity necessitating cessation of work during the Policy Period, including death at any time resulting therefrom, anything in the Policy to the contrary notwithstanding and subject to the limits of liability hereinafter stated."

4. That on or about the 17th day of April, 1940, the defendant, Clarence Clanton, filed a suit in the District Court of Delaware County, State of Oklahoma, against the defendant, Jackson Materials Company, said suit being styled Clarence Clanton, plaintiff, versus The Jackson Materials Company, defendant, docketed No. 4562, contending in his amended petition filed in said cause, that he was employed and worked for the defendant, Jackson Materials Company at its rock crusher and quarry located in Delaware County, Oklahoma, for a period of time from on or about the 25th day of November, 1938, until or about the first day of April, 1940, and during said period of time contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he sought damages from the defendant, Jackson Materials Company, in the sum of \$30,000.00; that said cause No. 4562 in the District Court of Delaware County, Oklahoma, was tried in the District Court of Delaware County, on May 19th, 1941, which resulted in a verdict in favor of the plaintiff, Clarence Clanton, for the sum of \$7,000.00 against the defendant, Jackson Materials Company, and which cause is still pending in the District Court of Delaware County, Oklahoma, at this time on a motion for a new trial, which the trial judge has under advisement.

That on or about the 19th day of June, 1940, the defendant Ben F. Ryburn filed a suit in the District Court of Delaware County, State of Oklahoma, against the defendant, Jackson Materials Company, said suit being styled Ben F. Ryburn, plaintiff, vs. The Jackson Materials Company, and docketed No. 4588, District Court of Delaware County, Oklahoma, which suit in his second amended petition filed therein, Ben F. Ryburn, alleges that he was employed and worked for the defendant, The Jackson Materials Company, at its rock crusher and quarry located in Delaware County, Oklahoma, at various intervals of time over a period of on or about the 15th day of March, 1939, and including the 5th day of December, 1939, and that during said period of time he contends he contracted certain occupational diseases known as silicosis and tuberculosis, for which he sought damages from the Jackson Materials Company in the sum of \$20,000.00; that said cause No. 4588 was tried in the District Court of

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

REGULAR NOVEMBER 1942 TERM

MONDAY, NOVEMBER 23, 1942

Delaware County, Oklahoma, on May 6th, 7th, and 8th, 1942, which trial resulted in a verdict in favor of Ben F. Ryburn, and against The Jackson Materials Company, for the sum of \$7,000.00. That within the time allowed by law, the defendant, Jackson Materials Company, filed its motion for new trial in said cause No. 4588, which motion for new trial was duly argued in the District Court of Delaware County, State of Oklahoma, on the first day of June, 1942, and overruled, and said cause is at this time in the process of being appealed by the defendant, Jackson Materials Company, to the Supreme Court of the State of Oklahoma, although no Supersedeas Bond has been filed in said cause.

That on the 3rd day of April, 1940, the defendant, Luke Ash filed a suit in the District Court of Delaware County, State of Oklahoma, against the defendant, The Jackson Materials Company, said suit being styled Luke Ash, Plaintiff, vs. Jackson Materials Company, Defendant, and docketed No. 4551, District Court of Delaware County, Oklahoma, in which suit, in his second amended petition filed herein, Luke Ash alleges he was employed and worked for the Jackson Materials Company at its rock crusher and quarry located in Delaware County, State of Oklahoma, at various intervals of time during a period of time from on or about the 18th day of November, 1938, until on or about the 5th day of December, 1939, and during said period of time contends he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he seeks damages from Jackson Materials Company in the sum of \$30,000.00, in which case the issues have been made up and it is now subject to being assigned for trial in said Court.

That on or about the 7th day of June, 1940, the defendant, H. F. Bengert, filed a suit in the District Court of Delaware County, State of Oklahoma, against the defendant, the Jackson Materials Company, said suit being styled H. F. Bengert, plaintiff, vs. Jackson Materials Company, defendant, and docketed No. 4582, in the District Court of Delaware County, Oklahoma, in which suit in his second amended petition filed therein, H. F. Bengert alleges that he was employed and worked for the defendant, Jackson Materials Company, at its rock crusher and quarry located in Delaware County, State of Oklahoma, at various intervals of time during a period of time from on or about the 28th day of February, 1939, until on or about the 17th day of March, 1940, and that during said period of time he contends he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he seeks damages from the defendant, Jackson Materials Company, in the sum of \$20,000.00 in which case the issues have now been made up, and said cause is subject to being assigned for trial in said Court.

That on or about the 25th day of April, 1940, the defendant, D. B. House, filed a suit in the District Court of Delaware County, State of Oklahoma, against the defendant, The Jackson Materials Company, said suit being styled D. B. House, plaintiff, vs. Jackson Materials Company, defendant, and docketed No. 4569, District Court of Delaware County, State of Oklahoma, and in which suit, in his second amended petition filed therein, D. B. House, alleges that he was employed and worked for the defendant, Jackson Materials Company at its rock crusher and quarry located in Delaware County, State of Oklahoma, at various intervals of time during a period of time from on or about the 12th day of March, 1939, until on or about the 14th day of March, 1940, and that during said period of time he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he seeks damages from the defendant, Jackson Materials Company, in the sum of \$20,000.00, in which suit the issues are now made up, and said cause is subject to be assigned for trial in said Court.

That on or about the 18th day of April, 1940, the defendant, O. G. Sanders, file a suit in the District Court of Delaware County, Oklahoma, against the defendant, Jackson Materials Company, said suit being styled O. G. Sanders, Plaintiff, vs. Jackson Materials Company, defendant and docketed No. 4564, District Court of Delaware County, Oklahoma, in which suit, in his second amended petition filed therein, O. G. Sanders, alleges that he was employed and worked for the defendant, Jackson Materials Company, at its rock crusher and quarry located in Delaware County, Oklahoma, at various intervals of time during a period of time from on or about the 14th day of November, 1939, until on or about the 10th day of March, 1940, and that during said period of time he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he seeks damages from the defendant, Jackson Materials Company, in the sum of \$20,000.00, and in which suit the issues are now made up and said cause is subject to being assigned for trial in said court.

That on or about the 26th day of November, 1941, the defendant, James R. Crossley, filed a suit in the District Court of Tulsa County, State of Oklahoma, against the defendant, Jackson Materials Company, said suit being styled James R. Crossley, plaintiff, vs. The Jackson Materials Company, defendant, and docketed No. 70401, District Court of Tulsa County, State of Oklahoma, and in his petition filed in said cause No. 70401, James R. Crossley alleged that he was employed and worked for the defendant, Jackson Materials Company, at its rock crusher and quarry located in Delaware County, State of Oklahoma, at various intervals of time during a period of time from on or about the 6th day of January, 1939, to and including the 28th day of November, 1939, and that during said period of time he contends he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he seeks damages from the defendant, Jackson Materials Company, in the sum of \$19,896.00, which cause is at this time pending in the District Court of Tulsa County, State of Oklahoma, on Motion to Quash Summons filed by the defendant, Jackson Materials Company.

That on or about the 13th day of November, 1941, the defendant, John Fields, filed suit in the District Court of Tulsa County, Oklahoma, against the defendant, The Jackson Materials Company, said suit being styled John Fields, Plaintiff, vs. The Jackson Materials Company, defendant, and docketed No. 70364, District Court of Tulsa County, Oklahoma, and in his petition filed in said cause John Fields alleges that he was employed and worked for the defendant, Jackson Materials Company at its rock crusher and quarry located in Delaware County, State of Oklahoma, at various intervals during a period of time from on or about the 15th day of March, 1939, to and including the 15th day of November, 1939, and during said period of time he contends he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he sought damages from the defendant, Jackson Materials Company, in the sum of \$27,300.00, which cause is now pending in the District Court of Tulsa, County, Oklahoma, on Motion to Quash Summons filed by the defendant, Jackson Materials Company.

That on or about the 8th day of October, 1941, the defendant, Ridge Harper, filed a suit in the District Court of Delaware County, Oklahoma, against the defendant Jackson Materials Company, said suit being styled Ridge Harper, plaintiff, vs. Jackson Materials Company, defendant, and docketed No. 4779, District Court of Delaware County, Oklahoma, and in which suit in his petition filed therein Ridge Harper alleges that he was employed and worked for the defendant, Jackson Materials Company, at various intervals of time during a period of time from on or about the 1st day of March, 1939, to and including the 17th day of October, 1939, and that during said period of time he contracted certain occupational diseases, known as silicosis and tuberculosis, for which disabilities he sought damages from the defendant, Jackson Materials Company, in the sum of \$50,000.00, in which cause the issues have now been made up, and said suit is subject to being assigned for trial in said Court.

That on or about the 13th day of January, 1942, the defendant, Emmit Leishing filed a suit in the District Court of Delaware County, Oklahoma, against the defendant, The Jackson Materials Company, said suit being styled Emmit Leishing, plaintiff, vs. The Jackson Materials Company, defendant, and docketed No. 4802, District Court of Delaware County, State of Oklahoma, and in his petition filed in said cause, Emmit Leishing alleges that he was employed and worked for the defendant, Jackson Materials Company at its rock crusher and quarry located in Delaware County, Oklahoma, for a period of time from on or about the first day of February, 1939, until on or about the first day of April, 1940, and during said period of time he contends he contracted certain occupational diseases known as silicosis and tuberculosis, for which disabilities he seeks damages from the defendant, Jackson Materials Company, in the sum of \$30,000.00, in which suit the issues have now been made up and said cause is subject to being assigned for trial at any time in said court.

5. The Court further finds from the evidence, proof and testimony introduced that none of said defendants, Clarence Clanton, Ben F. Ryburn, Luke Ash, H. F. Bangert, D. B. House, O. G. Sanders, James R. Crossley, John Fields, Ridge Harper and Emmit Leishing, suffered an occupational disease while employed and working for the defendant, Jackson Materials Company, at its rock crusher and quarry located in Delaware County, State of Oklahoma, at the various period of time set forth in the preceding paragraph of this decree, same being paragraph 4, and did not sustain an occupational disease arising out of the business operations of the Jackson Materials Company at its rock crusher and quarry located in Delaware County, State of Oklahoma, which caused each or any of said defendant to have an occupational incapacity necessitating cessation of their work during the policy period of the policies

of the plaintiff during the period of time that each of said defendants were employed and working for the Jackson Materials Company in its business operations connected with the operation of said rock crusher and quarry.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that there exists herein an actual controversy between the parties involving the rights and legal relations of the plaintiff with the defendants and each of them, in which there is involved a value exceeding \$3,000.00, exclusive of interests and costs, together with a diversity of citizenship existing between the plaintiff and each of the defendants, and that this court therefore has full and complete jurisdiction to hear and determine this controversy.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the policy or policies of insurance heretofore issued by the plaintiff to the defendant, Jackson Materials Company, attached to plaintiff's complaint, and marked Exhibits "A" and "B", together with the endorsements thereon, said policies being No. P C 10299 and P C 10338, together with the endorsements thereon and attached thereto, does not cover and does not apply to the litigation and claims made by the defendants, Clarence Clanton, Ben F. Ryburn, Luke Ash, H. F. Bangert, D. B. House, O. G. Sanders, James R. Crossley, John Fields, Ridge Harper and Ermit Leishing, and that said policy or policies of insurance does not inure to the protection or benefit of said defendants, or either of them, and does not afford insurance protection to the defendant, Jackson Materials Company.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the defendant, Clarence Clanton, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 25th day of November 1938, until on or about the first day of April, 1940, as set forth in paragraph 4 of this decree; and the defendant, Ben F. Ryburn, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 15th day of March, 1939, to and including the 15th day of December 1939; and the defendant, Luke Ash, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 18th day of November, 1938, until on or about the 15th day of December, 1939, as set forth in paragraph 4 of this decree; and, the defendant, H. F. Bangert, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 28th day of February, 1939, until on or about the 27th day of March, 1940, as set forth in paragraph 4 of this decree; and, the defendant, D. B. House, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 12th day of March, 1939, until on or about the 14th day of March 1940, as set forth in paragraph 4 of this decree; and, the defendant, O. G. Sanders, while working for and employed by the defendant, Jackson Materials Company, during the period of time from on or about the 14th day of November, 1938, until on or about the 10th day of March, 1940, as set forth in paragraph 4 of this decree; and, the defendant, James R. Crossley, while employed and working for the defendant, Jackson Materials Company, during a period of time from on or about the 6th day of January, 1939, to and including the 28th day of November, 1939, as set forth in paragraph 4 of this decree; and the defendant, John Fields, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 15th day of March, 1939, to and including the 15th day of November, 1939, as set forth in paragraph 4 of this decree; and the defendant, Ridge Harper, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 1st day of March, 1939, to and including the 17th day of October, 1939, as set forth in paragraph 4 of this decree; and the defendant, Ermit Leishing, while employed and working for the defendant, Jackson Materials Company, during the period of time from on or about the 1st day of February, 1939, until on or about the 1st day of April, 1940, as set forth in paragraph 4 of this decree, did not suffer an occupational disease while so employed in the business operations of the Jackson Materials Company at its rock crusher and quarry located in Delaware County, Oklahoma, which resulted in occupational incapacity necessitating cessation of work by each or any of said defendants during the period of time they were employed and working for the Jackson Materials Company, or within the policy period of the plaintiff.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff herein, Asociated Indemnity Corporation, is not required and is not under any obligation to appear and defend the defendant, Jackson Materials Company in said cause; No. 4562, District Court of Delaware County,

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

829

REGULAR NOVEMBER 1942 TERM

MIAMI, OKLAHOMA

MONDAY, NOVEMBER 23, 1942

Oklahoma, Clarence Clanton, plaintiff, vs. Jackson Materials Company, defendant; No. 4588, District Court of Delaware County, Oklahoma, Ben F. Ryburn, plaintiff, vs. Jackson Materials Company, defendant; No. 4551, District Court of Delaware County, Oklahoma, Luke Ash, plaintiff, vs. Jackson Materials Company, defendant; No. 4582, District Court of Delaware County, Oklahoma, H. F. Bangert, Plaintiff, vs. Jackson Materials Company, defendant; No. 4569, District Court of Delaware County, Oklahoma, D. B. House, plaintiff, vs. Jackson Materials Company, defendant; No. 4564, District Court of Delaware County, Oklahoma, O. G. Sanders, Plaintiff, vs. Jackson Materials Company, Defendant; No. 70401, District Court of Tulsa County, Oklahoma, James R. Crossley, plaintiff, vs. Jackson Materials Company, defendant; No. 70364, District Court of Tulsa County, Oklahoma, John Fields, plaintiff, vs. Jackson Materials Company, defendant; No. 4779, District Court of Delaware County, Oklahoma, Ridge Harper, plaintiff, vs. Jackson Materials Company, defendant; No. 4802, District Court of Delaware County, Oklahoma, Emmet Leishing, plaintiff, vs. Jackson Materials Company, defendant, and is not required and is under no obligation to respond or pay any judgment or costs or any part thereof, which may be returned in any of said causes in the courts in which said causes are pending.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff herein, Associated Indemnity Corporation, is not required and is under no obligation to respond or to pay the judgment which was returned on March 21, 1941, in the District Court of Delaware County, State of Oklahoma, in cause No. 4562, styled Clarence Clanton, Plaintiff vs. The Jackson Materials Company, defendant, for the sum of \$7,000.00, and is not required and is under no obligation to respond or to pay the judgment which was returned in the District Court of Delaware County, State of Oklahoma, on the 8th day of May, 1942, in cause No. 4588, styled Ben F. Ryburn, plaintiff vs. Jackson Materials Company, defendant, against the Jackson Materials Company, for the sum of \$7,000.00.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, Associated Indemnity Corporation, is not required and it is under no obligation to further prosecute and appeal to the Supreme Court of the State of Oklahoma from the judgment returned in the District Court of Delaware County, State of Oklahoma on May 8, 1942, against Jackson Materials Company, in the sum of \$7,000.00, in cause No. 4588; in said Court, styled Ben F. Ryburn, vs Jackson Materials Company, and is not required to post or file a supersedeas bond in said cause; and in the event the Motion for New Trial is overruled in cause No. 4562, in the District Court of Delaware County, Oklahoma, styled Clarence Clanton vs. Jackson Materials Company, it is not required and is under no obligation to prosecute an appeal to the Supreme Court of the State of Oklahoma, and not required to post supersedeas bond in said cause.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the defendants, Jackson Materials Company, Clarence Clanton, Ben F. Ryburn, Luke Ash, H. F. Bangert, D. B. House, O. G. Sanders, James R. Crossley, John Fields, Ridge Harper and Emmet Leishing, be and said defendants are perpetually restrained and enjoined from asserting any claim whatsoever, commencing or prosecuting any further proceedings against the plaintiff, Associated Indemnity Corporation, seeking or asserting claims or judgments against the plaintiff, Associated Indemnity Corporation, by reason of the matters involved in this litigation, and the plaintiff, Associated Indemnity Corporation, is hereby declared to owe no further duty or obligation to any of said defendants by reason of the matters involved in this litigation.

ROYCE H. SAVAGE

Judge of the United States District Court

ENDORSED: Filed In Open Court

Nov. 23 1942

H. P. Warfield, Clerk

U. S. District Court H

Court adjourned to November 25, 1942

On this 25th day of November, 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. E. E. Kennamer, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

United States of America, Plaintiff,

vs.

Arch G. Moll, Administrator of the
Estate of Carl E. Riley, Deceased,
Merl L. Riley, Margaret I. Boylen,
Flora Bye Riley; all of whom are heirs
of said estate; Morton D. Stevenson,
Executor of the Estate of B. T. Riley,
Deceased, Estelle Amick, W. D. Riley,
Dr. B. R. Riley, N. P. Riley, Joseph H.
Riley, Pattie Riley Wisser, Adelle Vickers Van
Pelt, Joseph E. Krumsick, George L. Krumsick,
Anna Krumsick Barker, all being heirs of said
Estate; King Ridge, Charlie Ridge, Lee Ridge,
Elpha Mathes, Delpha McGee, Lizzie Ray, Cecil
Benway, Lloyd Benway, Ancel Benway, Murlen
Forney, Neomi Enyart, Elizabeth Booth, all
being heirs of the Estate of Mrs. M. C.
Threestriker, also known as M. Sophie Winner,
now deceased, and the unknown heirs, Executors,
Administrators, Devisees, Trustees and Assigns,
immediate and remote of the said Carl E. Riley,
deceased, B. T. Riley, deceased, and Mrs. M. S.
Threestriker, also known as M. Sophie Winner,
deceased, and George B. Smith, Defendants.

NO. 713 Civil

ORDER AUTHORIZING PUBLICATION OF NOTICE

Now, on this 25th day of November, 1942, it appearing from the affidavit of Joe W. Howard, Assistant United States Attorney for the Northern District of Oklahoma, attorney for the plaintiff, and the application of the United States of America, plaintiff in the above styled cause, that the following named defendants, to-wit:

Margaret I. Boylen,
Flora Bye Riley,
W. D. Riley,
N. P. Riley,
Charlie Ridge,
Lee Ridge,
Delpha McGee,
Lizzie Ray,
Cecil Benway,
Murlen Forney,
Neomi Enyart
Elizabeth Booth.

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, NOVEMBER 25, 1942

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, nor can their whereabouts be ascertained, and that it is therefore necessary that the above named defendants, and if deceased, their unknown heirs, executors, administrators, devisees and assigns, and any and all other persons, firms, corporation, or legal entities claiming any interest whatever in the real estate involved in this action and described as

The East Half of the South east Quarter
and the West Half of the Southeast
Quarter of Section Thirty-three (33),
Township Twenty-five (25) North, Range
Five (5) East, Osage County, Oklahoma

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 proceeding for the recovery of income taxes due plaintiff from the estate of Carl E. Riley, deceased, in the amount of \$1603.03, together with interest thereon as provided by law, and for judgment declaring the lien of plaintiff upon the above described property to be a first and prior lien and barring said defendants from claiming or asserting any right, title or interest thereon; that notice be signed by the attorneys for the plaintiff 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 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 such action and further that if they do not answer the complaint of the plaintiff on file herein on or before the 9th day of January, 1943, such complaint will be taken as true and judgment for plaintiff in such action will be rendered accordingly as prayed, and the plaintiff is hereby authorized to incur the necessary expenses for such service by publication.

F. E. KENNAMER
JUDGE

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

Court adjourned to November 27, 1942

REGULAR NOVEMBER 1942 TERM

MIAMI, OKLAHOMA

WEDNESDAY NOVEMBER 25, 1942

On this 25th day of November, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular November, 1942 Term at Miami, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

Court adjourned subject to call.

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

United States of America, Plaintiff,)
)
vs.) No. 721 Civil
)
Board of County Commissioners of)
Creek County, Oklahoma, Defendants.)

O R D E R

Now on this 27th day of November, 1942, this matter coming on for hearing on the application of the United States of America by Whit V. Mauzy, United States Attorney for the Northern District of Oklahoma, requesting permission of the court to file an amended complaint herein, and the court being fully advised in the premises finds that the plaintiff herein has shown good and sufficient cause to be allowed to file said amended complaint and that said amended complaint should be filed herein

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said complaint be amended to conform to the request of the United States Attorney and the plaintiff herein be allowed to amend said complaint and file such amended complaint.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant herein be allowed twenty (20) days from this date to file his answer to the amended complaint.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 27 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 for the use and)
benefit of Tom W. Kelly, Plaintiff,)
)
vs.) Civil No. 722
)
The Central Construction Company, a)
corporation, and Continental Casualty)
Company, an insurance corporation,)
Defendants.)
)
Cities Service Oil Company, a)
corporation, et al., Interveners.)

ORDER GRANTING LEAVE TO AMEND

This cause coming on to be heard on the 27th day of November, 1942, on the Motion of Intervener Cities Service Oil Company for leave to file an amendment to its Complaint of Intervention filed herein, and the Court having heard the argument of the attorney for Intervener and of the attorneys for defendant Continental Casualty Company and being fully advised in the premises, finds that said motion should be sustained and Intervener granted leave to amend its complaint as set out in said Motion;

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, NOVEMBER 27, 1942

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

UNITED STATES OF AMERICA, Petitioner,)
vs.)
Certain Parcels of Land near the Town of Pryor, County of Mayes, State of Oklahoma, and Belle Ashbrook, et al., Respondents.)

No. 829 Civil

J U D G M E N T

Now on this 11th day of November, 1942, there comes on for hearing, pursuant to regular assignment, the above entitled matter upon the demands for jury trial as filed by the respondents and the petitioner. The petitioner appears by Curtis P. Harris, Special Attorney for the Department of Justice, and the respondents J. C. Wilkerson and J. C. Wickham appear by L. Keith Smith, Harve N. Langley and R. A. Wilkerson, their attorneys. Both petitioner and respondents agree in open court to waive a trial by jury and submit all issues of fact to the Court. The respondents introduced their evidence and rested, and the petitioner introduced its evidence and rested. Arguments of counsel were not heard, and the Court, having considered the evidence and being advised in the premises, finds:

That on June 9, 1942, there was deposited in court by the petitioner the sum of \$11,715.00, and title to the real state involved in this proceeding was on that date vested in the United States of America, and the right to just compensation therefor was vested in the lawful owners of said lands; and that on said date the United States of America took possession of said lands.

The Court finds that the real estate described as follows, to-wit:

A tract of land situate in the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Twenty-one (21) North, Range Nineteen (19) East, Near Pryor, County of Mayes, State of Oklahoma, described as follows:

Beginning at a point 33 feet West of the Eastline of Section Eighteen (18), Township Twenty-one (21) North, Range Nineteen (19) East, and 360.2 feet South of the North line of the Southeast Quarter of said Section 18; thence South parallel to and 33 feet West of the East line of said Section 18 a distance of 2382.9 feet, more or less, to the South line of said Section 18; thence West along the South line of said Section 18 a distance of 2525 feet; thence Northeast on a line at an angle of 52 degrees 29.2 minutes with the said South line of Section 18, a distance of 284.6 feet; thence on a line making a deflection angle of 5 degrees 52 minutes to the right with reference to the last-mentioned course, a distance of 1350 feet; thence on a line making a deflection angle of 1 degree 25 minutes to the right with reference to the last-mentioned course, a distance of 756.5 feet; thence on a line making a deflection angle of 2 degrees 40 minutes to the left with reference to the last-mentioned course, a distance of 665.5 feet, more or less, to a point 360.2 feet South of the North line of said Southeast Quarter of Section 18; thence East parallel to the said North line of the said South-

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

837

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, NOVEMBER 27, 1942

east quarter of Section 18 a distance of 293.7 feet, more or less, to the point of beginning, containing 77.91 acres, more or less; and subject to an easement of the Gulf Oil Company for pipe lines bordering along the Northwesterly line of the within described land; and subject to a standard highway easement and telephone line located along the Southerly line of the within described land.

was a part of a 155-acre tract of land, and that the said entire 155-acre tract of land was suitable and adaptable to use for an addition and townsite to the Town of Pryor, Oklahoma; and that the said land taken by these proceedings is used by the petitioner for the development of a housing project.

The Court further finds that the fair, cash, market value of the said 77.91 acres of land hereinabove described, as of June 9, 1942, including all lawful damages occasioned by the taking of the land, is in the total sum of \$18,000.00.

IT IS, THEREFORE ORDERED ADJUDGED AND DECREED that the United States of America deposit with the Clerk of this Court an additional sum of \$6,285.00, representing the deficiency judgment entered herein, and that on said sum of \$6,285.00 the petitioner shall pay interest at the rate of 6% per annum from June 9, 1942, until paid.

To all of which the petitioner excepts and objects, and such exceptions and objections are allowed.

ROYCE W. SAVAGE
JUDGE

ENDORSED: Filed Nov 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

Ned Puppy, known also as Ned Flinn, et al.,
Plaintiff,

vs.

NO. 837 CIVIL.

The Heirs of Annie Sawney, known also as Annie
Flinn, et al.,
Defendants.

ORDER FOR DISTRIBUTION OF MONEY

Now on this 25 day of November, 1942, come the plaintiffs by H. F. Felling, their attorney, and comes also the United States of America by Whit V. Hauzy, United States Attorney, and it is shown to the Court that John P. Logan, United States Marshal for the Northern District of Oklahoma as Special Commissioner appointed by this court to sell the real estate involved in this action, has sold said real estate for \$750 cash to D. L. Taylor and the sale has been confirmed and a deed executed to said purchaser and that he now has said sum on hand awaiting an order of distribution by this court and the court being sufficiently advised finds that said Special Commissioner should be and he is hereby ordered and directed to pay and distribute said sum of \$750 as follows:

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

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1.

To himself as and for his expenses in connection with said sale \$7.00.

2.

To the Clerk of the District Court of Washington County, Oklahoma, the costs in full in this cause while in said court and being No. 14068 therein before this case was removed to this court, the sum of \$31.95.

3.

To Musselman Abstract Company of Bartlesville, Oklahoma, for examination of record and pencil take-off for the plaintiffs prior to and for the purpose of bringing this action, the sum of \$46.00.

4.

To the Morning Examiner of Bartlesville, Oklahoma, for printing notices of sale of the real estate involved herein, the sum of \$16.25.

5.

To H. F. Fulling, attorney for plaintiffs, as expenses incurred by him in connection with the prosecution of this cause, the sum of \$20.50.

6.

To H. F. Fulling, attorney for Plaintiffs, in full for attorney's fee herein to which the United States Attorney objects and excepts, the sum of \$100.00.

7.

To the Clerk of this court in payment of all costs in this cause including the sum of \$35.30, as the charges and expenses of the commissioners in partition Elmer Vick, and C. C. Weber, the sum of \$106.06.

8.

That he pay the balance of said money to-wit \$422.24, to the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, for the use and benefit of and to be credited to the following named parties as more than half-blood Cherokee Indians in the proportions as follows:

To the plaintiff Ned Puppy, known also as Ned Flinn, the surviving husband of Annie Sawney, deceased, an undivided one-third interest.

To the plaintiffs, Maudie Puppy, Lula Puppy, known also as Lillie Puppy, Jack Puppy, Polly Puppy, Whodley Puppy, Seeley Puppy, Lucy Puppy, Ancy Puppy, Louise Puppy and Sarah Puppy, the last six being minors each an undivided one-fifteenth interest.

That he file with the Clerk of this court, a statement of payments made by him with the receipts or returned checks therefor to become a part of the files in this cause.

ROYCE H. SAVAGE
United States District Judge

RECORDED: Filed Nov 27 1942
H. P. Warfield, Clerk
U. S. District Court

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
vs.		)	No. 860 Civil
)	
580 acres of land, more or less,)	
situate in Mayes County, Oklahoma,)	
and John O. Allen, et al.,	Respondents.)	

PUBLICATION ORDER

Now on this 25th day of November, 1942, it appearing from the affidavit of Curtis P. Harris, Special Attorney for the Department of Justice, attorney for the petitioner herein, and the application of the United States of America, that the following named respondents, to-wit:

- John Brewington,
- Ida Brewington (Mrs. John Brewington),
- Goldie Clemons,
- Brose A. Dennis,
- Elsie Dunlap, formerly Tharp,
- J. V. Garrett,
- Zelda C. Garrett (Mrs. J. V. Garrett),
- Mary M. Jones,
- John Howard Jones,
- H. M. Morgan,
- Emmalyn Perriman,
- Ruby J. Russell,
- W. O. Tharp,
- Roy Tharp,
- Earl Tharp,
- Betty Tharp,
- Delmar C. Wise,
- Pearl Ward,

if living, or if any of the above named parties are deceased, their unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote, or their successors in interest, whose names, ages and addresses are unknown;

And if the following firm or partnership, if existing, or if defunct, its unknown creditors, assigns or successors, if any, all of whose names, legal status and addresses are unknown and cannot be ascertained by reasonable diligence and search, to-wit:

Mayor Brothers,

And the unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote, of the following named deceased persons, to-wit:

- Annie J. Allen, Full-blood Cherokee Indian, Roll No. 22,078,
- Raymond Tharp,

are either non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is necessary that they be served by public notice.

IT IS, THEREFORE, ORDERED AND DECREED that the petitioner's application for an order directing commissioners to appraise the lands sought to be condemned, and petitioner's application for an order fixing title and determining the rightful claimants to the funds to be deposited in court as

anchors, and to attach all necessary guy wires thereto, upon, over and across the lands situate, being and being in the Counties of Mayes and 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 (307 - 10.1)
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 21, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said NE $\frac{1}{2}$ NE $\frac{1}{4}$ 743 feet from the Northeast corner thereof; thence Southwesterly to a point in the West boundary of said NE $\frac{1}{2}$ NE $\frac{1}{4}$ 972 feet from the Northeast corner thereof.

TRACT NO. 2 (307 - 11.3)
Perpetual Easement

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

Beginning at a point in the East boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, 184 feet from the Southeast corner thereof; thence Southwesterly to a point in the West boundary of said N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, 82 feet from the Northeast corner thereof.

TRACT NO. 3 (307 - 21.2)
Perpetual Easement

All that part of the SE $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 22, T 20 N - R 16 E of the Indian Base and Meridian in Rogers County, Oklahoma, particularly described as follows, to-wit:

Beginning at the Southeast corner of said SE $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence northerly along the East boundary of said SE $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 45 feet; thence southwesterly to a point on the South boundary of said SE $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence easterly along the south boundary of said SE $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, 447 feet to the point of beginning.

TRACT NO. 4 (307 - 32.4)
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, and the Southeast 10.0 acres of Lot 1, Sec. 31, T 20 N - R 15 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 $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, 10 feet from the Northeast corner thereof; thence Southwesterly to a point in the West boundary of said Southeast 10.0 acres of Lot 1, 354 feet from the Northeast corner thereof.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
DISTRICT OF OKLAHOMA
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA FRIDAY, NOVEMBER 27, 1942

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

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

The Court further specifically finds that publication service was had according to order and the law made and provided in such cases and the affidavits of the publishers as filed herein 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, C. C. Weber, of Tulsa County, Oklahoma, and Elmer Vick of Tulsa, County, Oklahoma, each a disinterested freeholder in the Northern District of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular jury list of names in this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants as the owners thereof or having any right, title or interest therein will sustain by reason of the condemnation and appropriation of a perpetual easement for the erection, operation and maintenance of a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures, for the transmission of electric current, together with the perpetual easement and right to cut down, remove and trim any trees that may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles and anchors and to attach all of the necessary guy wires thereto, upon, over and across said lands, by the petitioner, irrespective of any benefits from any improvements proposed, and said commissioners shall forthwith report in writing to the Clerk of this Court, setting forth the quantity and boundaries of said tracts, separately, and assessing the injury and damages to the owner or owners thereof.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report to the Office of the Clerk of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 30th day of November, 1942, at 10 o'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

IT IS FURTHER ORDERED that the commissioners so selected and appointed shall receive as compensation for their services the sum of Ten Dollars (\$10.00) per day, each, for each day of service in the performance of their duties, and in addition thereto, five cents (\$.05) per mile for each mile traveled in the performance of their duties.

ROYCE U. SAVAGE
Judge of the United States District Court in
and for the Northern District of Oklahoma

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

Court adjourned to December 2, 1942

On this 2nd day of December, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

IN THE 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 FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this the 2nd day of December, 1942, it appearing to the Court that on the 12th day of October, 1942, the matter of distribution as to the funds on deposit as the just compensation for the estate taken as to Tract No. 4 (302-A-4.0) came on for hearing, and at that time the Court was unable to determine the rightful claimants to said compensation as to said tract, and the same was continued for further consideration;

And the Court being fully advised in the premises finds that the hereinafter named persons, firms, corporation and political subdivisions of the State are the owners of and/or have some right, title or interest in and to the lands involved herein, and that no person, firm, corporation, or political subdivision of the State have any right, title or interest in and to said lands other than those hereafter named, and that the owners and those having any right, title or interest in and to said lands as hereafter named and set forth are the only persons, firms and corporations having any right, title or interest in and to the funds that are now on deposit or that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the following named persons are the owners of and/or have some right, title or interest in and to the lands involved herein as hereinafter designated, and that they are the only persons having any right, title or interest in and to the funds that are now on deposit and that may hereafter be deposited for the use and benefit of the rightful claimants thereto as the owners of or those having any right, title or interest in and to the real estate involved in this proceeding, and that the Clerk of this Court be, and he is hereby authorized and directed to make distribution of said funds to said persons as hereinafter set forth - all as follows:

TRACT NO. 4 (302-A-4.0)

G. C. Fleming	12/20ths	\$114.00
Lottie E. Dunlap	1/30th	9.50
Chas. Fleming	1/30th	9.50
Harry Fleming	1/30th	9.50
Louanna Brown	1/30th	9.50
Murray Fleming	1/30th	9.50
Viola Fleming	1/30th	9.50

Belle McLaughlin	1/30th	9.50
Oroville Fleming	1/60th	3.17
Ethel Fleming	1/60th	3.17
Roxie McFarland	1/60th	3.16
Total		\$190.00

IT IS FURTHER ORDERED that this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE
J U D G E

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

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

Noel K. Boyd, Plaintiff,)
- vs-) NO. 823 CIVIL
English & Bagby Inc., and)
Oklahoma corporation, Defendant.)

JOURNAL ENTRY OF JUDGMENT

This matter comes on for hearing on this 25th day of November, 1942, before the Honorable Royce H. Savage, Judge presiding at Miami, Oklahoma, pursuant to regular assignment, Plaintiff appearing in person and by his attorney, H. G. E. Beauchamp and the defendant appearing by M. C. Bagby, President of the defendant Corporation, and by its attorney, A. L. Commons, and the Court being well and advised in the premises, finds:

That the Court has jurisdiction of the parties hereto and the subject matter hereof; that the employment of the plaintiff with the defendant Corporation comes within the Fair Labor Standards Act of 1938 and the regulations and provisions thereof; that the issues should be found in favor of the Plaintiff and upon the stipulation of the parties the Court should render judgment in favor of the plaintiff in the sum of One Hundred and Twenty-five (\$125.00) Dollars over-time due and unpaid, the further sum of One Hundred and Twenty-five (\$125.00) Dollars as liquidated damages under said Act, and the further sum of Fifty (\$50.00) Dollars as attorneys fees under said act.

It is therefore the order and judgment of the Court that the Plaintiff have and he hereby is granted judgment against the defendant in the sum of One Hundred and Twenty-five (\$125.00) Dollars as overtime under the Fair Labor Standards Act and the further sum of \$125.00 as liquidated damages provided in said Act and the further sum of \$50.00 as attorneys fees as provided in said Act, and the costs of this action.

Witness my hand this 25th day of November, 1942.

ROYCE H. SAVAGE
DISTRICT JUDGE, NORTHERN DISTRICT OF OKLAHOMA

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

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 \$62.00, and the 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 2nd day of December, 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 Craig, State of Oklahoma, and more particularly described by courses and distances, as follows, to-wit:

(TRACT NO. 305 - 41.2)
Perpetual Easement

Part of the E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T 26 N - R 21 E of the Indian Base and Meridian, Craig County, Oklahoma, and being a strip of land 100 feet in width, the center line of which is more particularly described as follows, to-wit:

Beginning at a point 397 feet West of the SE corner of the tract above described and running thence North 0° 13' East 329.5 feet, thence North 16° 29' West 184.9 feet.

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 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 5th day of December, 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
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

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

REGULAR JANUARY 1942 TERM

THURSDAY, DECEMBER 3, 1942

On this 3rd day of December, 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

M. M. VALERIUS,	Plaintiff,)	
)	
-vs-)	
		)	No. 8 3 2 CIVIL
The unknown heirs, executors, administrators,)	
devises, trustees and assigns, immediate and)	
remote, of GE-KIE CARSELUXE, full blood Cherokee)	
Citizen, Roll No. 32873, deceased,	Defendants.)	
)	
UNITED STATES OF AMERICA,	Intervener.)	

O R D E R

Now on this 2nd day of December, 1942, this comes on for hearing before the Court upon an application by the plaintiff to set aside the judgment of the Court heretofore rendered on the 23rd day of Sept., 1942, for the reason and upon the grounds that service was not complete at the time of the rendition of said judgment.

The Court upon examining the files and records in the case finds: That at the time of the rendition of said judgment the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940 had not been complied with and that no attorney had been appointed by this Court to represent the non-answering defendants who may be in military services of the United States of America within the meaning of said Act.

IT IS THEREFORE THE ORDER of this Court that said judgment heretofore rendered be vacated, set aside and held for naught.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to December 4, 1942

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

REGULAR JANUARY 1942 TERM

FRIDAY, DECEMBER 4, 1942

pay less than those specified in Paragraph II of this judgment;

The defendant shall not fail to make, keep, and preserve records of its employees and of the wages, hours, and other conditions and practices of employment maintained by it, as prescribed by the regulations of the Administrator issued, and from time to time amended, pursuant to Section 11 (c) of the Act, and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

It is further ordered that all costs incurred herein be, and they are hereby, assessed against the defendant.

Dated this 4 day of Dec. A. D. 1942.

ROYCE H. SAVAGE
United States District Judge

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

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

THE PRUDENTIAL INSURANCE COMPANY OF
AMERICA, a corporation, Plaintiff,)
vs.)
T. H. HAUGH, as Guardian of the)
person and estate of Richard Carroon, a)
minor et al.,)

No. 675 Civil - Consolidated

ENTRY OF JUDGMENT

The cause of action pending in this Court, entitled "Atlas Life Insurance Company a corporation, a corporation, plaintiff vs. T. H. Haugh, Guardian of Richard Carroon, Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, The Shelbyville National Bank of Shelbyville, Indiana Guardian of Richard F. Carroon, T. H. Haugh, Administrator of the Estate of Harold Carroon, and T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, Defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, Intervenor", being cause No. 639 Civil, and "The Prudential Insurance Company of America, a Corporation, plaintiff, vs. T. H. Haugh, guardian of the person and estate of Richard Carroon, a minor, Arnold Carroon, guardian of the person and estate of Richard F. Carroon, a minor, and The Shelby National Bank, of Shelbyville, Indiana, as Guardian of the person and property of Richard Francis Carroon, a minor, Defendants", being cause No. 674 Civil, and "The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, Administrator, of the Estate of Mary Frances Carroon, deceased, T. H. Haugh, Administrator of the Estate of Harold Carroon, deceased, and Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, deceased, defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, Intervenor", being Cause No. 675 Civil, having heretofore been consolidated.

Come now the parties, the plaintiffs, The Prudential Insurance Company of America, a corporation, by its attorneys, Coakley, McDermott and Gable, and Atlas Life Insurance Company, a corporation, by Rogers, Stephenson and Dickason, its attorneys, and the defendants, T. H. Haugh, Guardian of Richard Carroon, T. H. Haugh, Administrator of the Estate of Harold F. Carroon, and T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, by Hudson and Hudson,

their attorneys, and the defendants, Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, Wilbur F. Pell, Administrator of the Estate of Mary Frances Carroon, The Shelby National Bank of Shelbyville, Indiana, Guardian of Richard F. Carroon, by Donald L. Brown, and Pell and Pell, their attorneys, and all parties expressly waive right to trial by jury, and the parties now expressly agree to submit these consolidated causes for trial before the Court without intervention of a jury, and now by agreement of the parties hereto, these consolidated causes now come on for trial and hearing upon the issues formed by the pleadings filed herein.

And now said cause having come on for trial, evidence having been heard, and the Court being advised in the premises, and by agreement of the parties, now finds the following facts:

1. That Harold F. Carroon, now deceased, and Mary Frances Carroon, now deceased, each died intestate, and simultaneously on the 6th day of July, 1941;

2. That at the time of the death of said Harold F. Carroon and Mary Frances Carroon they were each citizens and residents of the State of Indiana.

3. That Richard F. Carroon, a minor, is the sole and only heir at law of said Harold F. Carroon and Mary Frances Carroon.

4. That T. H. Haugh, was appointed Administrator of the Estate of Harold F. Carroon, by the County Court in and for Tulsa County, Oklahoma.

5. That T. H. Haugh, was appointed Administrator of the Estate of Mary Frances Carroon, by the County Court in and for Tulsa County, Oklahoma.

6. That T. H. Haugh, was appointed Guardian of Richard F. Carroon, by the County Court in and for Tulsa County, Oklahoma.

7. That Wilbur F. Pell, was appointed Administrator of the Estate of Harold F. Carroon, by the Shelby Circuit Court of Shelbyville, Indiana.

8. That Wilbur F. Pell, was appointed Administrator of the Estate of Mary Frances Carroon by the Shelby Circuit Court of Shelby County, Indiana.

9. That The Shelby National Bank of Shelbyville, Indiana, was appointed Guardian of Richard F. Carroon, by the Shelby Circuit Court of Shelby County, Indiana.

10. That Arnold Carroon was appointed Guardian of Richard F. Carroon by the Court of Smith County, Texas.

11. That the Administration of the Estates of Harold F. Carroon and Mary F. Carroon, by T. H. Haugh; Administrator of the said Estates, so appointed by the County Court of Tulsa County, Oklahoma, is ancillary to the administration of the Estates of Harold F. Carroon and Mary F. Carroon, by Wilbur F. Pell, Administrator of said Estates, so appointed by the Shelby Circuit Court of Shelby County, Indiana.

12. That the Guardianship of the property of Richard F. Carroon, a minor, by T. H. Haugh, Guardian, so appointed by the County Court of Tulsa County, Oklahoma, is ancillary to the Guardianship of the property of Richard F. Carroon in the State of Indiana.

13. That Atlas Life Insurance Company, a corporation, plaintiff in Cause No. 639 Civil, entitled: "Atlas Life Insurance Company, a corporation, plaintiff vs. T. H. Haugh, Guardian of Richard Carroon, Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, The Shelbyville National Bank of Shelbyville, Indiana, Guardian of Richard F. Carroon, T. H. Haugh, Administrator of the Estate of Harold Carroon, and T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, Defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, Intergenor", and which is now consolidated with this cause; has paid into this Court the sum of five thousand dollars

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(\$5,000.00) by reason of a policy of insurance on the life of Harold F. Carroon, less the sum of Two Hundred Fifty and no/100 Dollars (\$250.00) allowed by the Court to Rogers, Stephenson and Dickason, attorneys for the plaintiff, and \$37.00 court cost refund, said balance to paid into this Court being the sum of Four Thousand Seven Hundred Thirteen and no/100 Dollars (\$4,713.00).

14. That the Prudential Insurance Company of American, plaintiff in Cause No. 674, entitled: "The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, Guardian of the person and estate of Richard Carroon, a minor, Arnold Carroon, guardian of the person and estate of Richard F. Carroon, a minor, and The Shelby National Bank of Shelbyville, Indiana, as Guardian of the person and property of Richard Francis Carroon, a minor, Defendants", and which is now consolidated with this cause, has paid into this Court the sum of One thousand eight hundred twenty-three dollars and fifty-two cents (\$1,823.52) by reason of a policy of insurance on the life of Mary F. Carroon, less the sum of One Hundred Ninety Two and 92/100 Dollars (\$192.92) allowed by the Court to G. Ellis Gable, attorneys for the plaintiff, said balance so paid into this Court being the sum of Sixteen Hundred Thirty and 60/100 Dollars (\$1630.60).

15. That The Prudential Insurance Company, plaintiff is Cause No. 675 Consolidated entitled: "The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, deceased, T. H. Haugh, Administrator of the Estate of Harold Carroon, deceased, and Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, deceased, defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon Intervenor", and which is now consolidated in this cause, has paid into this Court the sum of Eight Hundred sixty-two dollars and fifty-seven cents (\$862.57) by reason of a policy of life insurance on the life of Harold F. Carroon, less the sum of One Hundred Forty and 59/100 Dollars (\$140.59) allowed by the Court to G. Ellis Gable, attorney for the plaintiff, said balance so paid into this Court being the sum of Seven Hundred Twenty One and 98/100 Dollars (\$721.98).

And now upon the foregoing special findings of fact so found by the Court, the Court now states its conclusions of law to be as follows:

1. That Harold F. Carroon and Mary F. Carroon, died intestate and simultaneously on the 6th day of July, 1941, and at the time of their death, each were residents of the State of Indiana.

2. That the Administration of the Estates of Harold F. Carroon and Mary F. Carroon, by T. H. Haugh, Administrator of the said Estates, so appointed by the County Court of Tulsa County, Oklahoma, is ancillary to the administration of the Estates of Harold F. Carroon and Mary F. Carroon, by Wilbur F. Pell, Administrator of said Estates, so appointed by the Shelby Circuit Court of Shelby County, Indiana.

3. That the Guardianship of the property of Richard F. Carroon, a minor by T. H. Haugh, Guardian, so appointed by the County Court of Tulsa County, Oklahoma, is ancillary to the Guardianship of the property of Richard F. Carroon in the State of Indiana.

4. That the net amount of Four Thousand Seven Hundred thirteen and no/100 Dollars (\$4,713.00) paid to the Clerk of this Court by The Atlas Life Insurance Company, plaintiff, in Cause No. 639 Civil, entitled, "Atlas Life Insurance Company, a corporation, plaintiff vs. T. H. Haugh, Guardian of Richard Carroon, Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, The Shelbyville National Bank of Shelbyville, Indiana, Guardian of Richard F. Carroon, T. H. Haugh, Administrator of the Estate of Harold Carroon, and T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, intervener", and which is now consolidated with this cause, be paid by the Clerk of this Court as follows:

To the Clerk of this Court, court costs herein in the sum of \$
To T. H. Haugh, as such ancillary Administrator of the
Estate of Harold F. Carroon, deceased, the sum of Four thousand
Seven Hundred thirteen (\$4,713.00) Dollars.

5. That the net amount of Sixteen Hundred Thirty and 60/100 Dollars (\$1630.60 paid to the Clerk of this Court by The Prudential Insurance Company of America, plaintiff in Cause No. 674, entitled: "The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, guardian of the person and estate of Richard Carroon, a minor, Arnold Carroon, guardian of the person and estate of Richard F. Carroon, a minor, and The Shelby National Bank of Shelbyville, Indiana, as guardian of the person and property of Richard Francis Carroon, a minor, Defendants", and which is now consolidated with this cause, be paid by the Clerk of this Court as follows:

To the Clerk of this Court, court costs in the sum of \$
To T. H. Haugh, as such ancillary Administrator of the Estate of Harold F. Carroon, deceased, the sum of \$1630.00.

6. That the net amount of Seven Hundred Twenty One and 98/100 Dollars (\$721.98) be paid to the Clerk of this Court for The Prudential Insurance Company of America, plaintiff in Cause No. 675 Civil, entitled: "The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, deceased, T. H. Haugh, Administrator of the Estate of Harold Carroon, deceased, and Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon deceased, defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, Intervenor", and which is now consolidated in this cause be paid by the Clerk of this Court as follows:

To the Clerk of this Court court costs in the sum of \$
To T. H. Haugh, as such ancillary guardian of the property of Richard F. Carroon, a minor, the sum of \$721.98.

And upon the foregoing findings of fact and conclusions of law so made and stated by the Court and by agreement of the parties, the Court now renders the following judgment:

It is, therefore, considered, adjudged and decreed by the Court that:

1. That the net amount of Four Thousand Seven Hundred Thirteen and no/100 Dollars (\$4,713.00) paid to the Clerk of this Court by The Atlas Life Insurance Company, plaintiff, in Cause No. 639 Civil, entitled: "Atlas Life Insurance Company, a corporation, plaintiff, vs. T. H. Haugh, Guardian of Richard Carroon, Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, The Shelbyville National Bank of Shelbyville, Indiana, Guardian of Richard F. Carroon, T. H. Haugh, Administrator of the Estate of Harold Carroon, and T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, Defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, Intervenor", and which is now consolidated with this cause, be paid by the Clerk of this Court as follows:

To the Clerk of this Court, court costs herein in the sum of \$
To T. H. Haugh as such Ancillary Administrator of the Estate of Harold F. Carroon, deceased, the sum of \$4,713.00.

2. That the net amount of Sixteen Hundred Thirty and 60/100 Dollars (\$1630.00) paid to the Clerk of this Court by The Prudential Insurance Company of America, plaintiff, in Cause No. 674, entitled: " The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, guardian of the person and estate of Richard Carroon, a minor, Arnold Carroon, guardian of the person and estate of Richard F. Carroon, a minor, and The Shelby National Bank, of Shelbyville, Indiana, as Guardian of the person and property of Richard Francis Carroon, a minor, Defendants", and which is now consolidated with this cause, be paid by the Clerk of this Court as follows:

To the Clerk of this Court, court costs in the sum of \$

To T. H. Haugh as such ancillary Administrator of the Estate of Harold F. Carroon, deceased, the sum of \$1630.60.

3. That the net amount of Seven Hundred Twenty One and 98/100 Dollars (\$721.98) paid to the Clerk of this Court by The Prudential Insurance Company of America, plaintiff in Case No. 675 Civil, entitled: "The Prudential Insurance Company of America, a corporation, plaintiff, vs. T. H. Haugh, Administrator of the Estate of Mary Frances Carroon, deceased, T. H. Haugh, Administrator of the Estate of Harold Carroon, deceased, and Wilbur F. Pell, Administrator of the Estate of Harold F. Carroon, deceased, defendants, Wilbur F. Pell, as Administrator of the Estate of Mary Frances Carroon, Intervenor", and which is now consolidated in this cause, be paid by the Clerk of this Court as follows:

To the Clerk of this Court, court costs in the sum of \$
 To T. H. Haugh, as such ancillary guardian of the
 property of Richard F. Carroon, a minor, the sum of
 \$721.98.

Upon the rendition of said judgment, each of the parties hereto, by their counsel of record, now waive all right to an appeal from the foregoing judgment.

ROYCE H. SAVAGE
 JUDGE

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

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

Betsie Beaver,	Plaintiff,)	
)	
vs.		)	NO. 705 CIVIL
)	
LeRoy Proctor, et al,	Defendants.)	
)	
United States of America,	Intervener.)	

ORDER CONFIRMING COMMISSIONERS REPORT AND DIRECTING THE
 SALE OF REAL ESTATE

This case coming on to be heard in its regular order, this the 4th day of December, 1942, upon the return and report of the Commissioners heretofore appointed by this court, and upon plaintiff's motion to confirm the same as filed, and it being shown to the court that said report is in all things made as directed by the order of the court made in this cause, and duly filed, and that there are no objections or exceptions filed to the same, and that none of the interested parties have elected to take the lands involved at the appraised price, the plaintiff appearing by her attorneys, Ernest R. Brown, and J. S. Severson, and the defendant, LeRoy Proctor, appearing by Allen R. Shaw, his Guardian Ad Litem.

And the Court having heard said motion and being fully advised in the premises, the United States appearing by Whit Y. Mauzy, in his official capacity as United States District Attorney, as well for the Government as the full blood Indians, parties to said action, and having examined said report and the pleadings filed in said case and the argument of counsel and being fully advised finds:

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That said Commissioners report discloses that the lands involved cannot be partitioned in kind between the plaintiff and the defendants, the owners thereof, without manifest injury, and that the valuation placed thereon by the Commissioners to-wit: the sum of \$1650.00 is fair and said report should be in all things approved and confirmed and made firm and effectual forever, and that said lands should be sold by the United States Marshal for the Northern District of Oklahoma, and the proceeds thereof to be divided among the parties to this action as more fully set out in the decree of partition entered herein on August 24, 1942, after a reasonable time is given the United States to exercise its preferential right to take said lands at the appraised price.

It is therefore ordered, adjudged, and decreed by the court that said Commissioners report be and the same is in all things approved and confirmed, and made firm and effectual forever, and inasmuch as neither of the parties to this action have elected to take the same at the appraised price, that a sale of the premises involved should be had unless the United States of America should elect to take the same at the appraised price within ten days after the date of this decree.

Therefore, it is ordered, adjudged and decreed by the court that the Hon. John P. Logan, United States Marshal for the Northern District of Oklahoma, proceed to advertise and sell the said real estate involved herein, described as follows to-wit:

The North Half of the Northeast Quarter and the East Half of the Northeast Quarter of the Northwest Quarter and the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section 12, Township 28 North, Range 12 East, Washington County, Oklahoma, if no election to take said premises at the appraised price is made within ten days from the date hereof,

the said land to be sold for cash, in the same manner as in the case of sales of real estate under execution under the laws of the State of Oklahoma, and to be made for not less than two-thirds of the appraised price fixed by the Commissioners which was \$1650.00 and that said United States Marshal make due return of his proceedings hereunder to this court for confirmation and further orders of the court, and that this order is made pursuant to the jurisdiction conferred on this court by the acts of Congress and in accordance with the procedural provisions of the Statutes of the State of Oklahoma, in like cases made and provided.

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

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

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

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

ORDER CONFIRMING COMMISSIONERS REPORT AND DIRECTING THE SALE
 OF REAL ESTATE

This case coming on to be heard in its regular order this the 4th day of December, 1942, upon the return and report of the commissioners heretofore appointed by this court and upon the plaintiff's motion to confirm the same as filed, and it being shown to the court that said report is in all things made as directed by the order of the court made in this cause and duly filed. The plaintiff appearing by her attorneys, Ernest R. Brown and J. S. Severson and the United States of America appearing by Whit Y. Mauzy in his official capacity as United States District Attorney as well for the Government as the full blood Indians, parties to said action, and the court having examined said report and the objections thereto filed by the United States of America and having heard the argument of counsel and being fully advised finds that said objections should be overruled.

The court further finds that the commissioners report discloses that the lands involved cannot be partitioned in kind between the plaintiff and the defendants, the owners thereof, without manifest injury and that the valuation placed thereon by the Commissioners to-wit: the sum of \$640.00 is fair and said report should be in all things approved and confirmed and made firm and effectual forever, and that said lands should be sold by the United States Marshal for the Northern District of Oklahoma and the proceeds thereof to be divided among the parties to this action as more fully set out in the decree of partition entered herein on August 24th, 1942, after a reasonable time is given the United States to exercise its preferential right to take said lands at the appraised price.

It is therefore ordered, adjudged and decreed by the court that said Commissioners report be and the same is in all things approved and confirmed, and made firm and effectual forever, and inasmuch as neither of the parties to this action have elected to take the same at the appraised price, that a sale of the premises involved should be had unless the United States of America should elect to take the same at the appraised price within ten days after the date of this decree.

Therefore, it is further ordered, adjudged and decreed by the court that the Hon. John P. Logan, United States Marshal for the Northern District of Oklahoma, proceed to advertise and sell the said real estate involved herein, described as follows, to-wit:

The South Half of the Southeast Quarter of Section 7, Township 20 North, Range 21 East, Mayes County, Oklahoma, if no election to take said premises at the appraised price is made within ten days from the date hereof,

the said land to be sold for cash in the same manner as in the case of sales of real estate under execution under the laws of the State of Oklahoma, and to be made for not less than two-thirds of the appraised price fixed by the Commissioners which was \$640.00 and that said United States Marshal make due return of his proceedings hereunder to this court for confirmation and further orders of the court, and that this order is made pursuant to the jurisdiction conferred on this court by the acts of Congress and in accordance with the procedural provisions of the Statutes of the State of Oklahoma in like cases made and provided.

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

ENDORSED: Filed Dec 4 1942
 H. P. Warfield, Clerk
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

FANNIE E. WILLIAMS,	Plaintiff,)	
)	
vs.)	
		)	No. 761 Civil
CALLIE BUSHYHEAD, et al.,	Defendants,)	
)	
UNITED STATES OF AMERICA,	Intervener,)	

J U D G M E N T

The above styled and numbered cause heretofore came on regularly for trial before the court, pursuant to assignment. Plaintiff appeared by her attorneys of record, Saul A. Yager and Eben L. Taylor. The Intervener appeared by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, in its own behalf, and on behalf of the defendants, Callie Bushyhead, Butler Bushyhead, Joe Bushyhead, Ross Bushyhead and Robert Lee Bushyhead, all of whom are full-blood Cherokee Indians, and the defendant Liddie Bushyhead not appearing, but wholly making default.

And after hearing, receiving and considering the stipulation of facts submitted in writing by the parties hereto, which said stipulation the court ordered filed, and hearing further evidence in said cause and argument of counsel, and at the conclusion thereof having ordered that said cause be submitted and taken under advisement and that counsel prepare and submit briefs, and now on this 24th day of October, 1942, the court having considered the case and the evidence submitted and the briefs submitted by counsel for the respective parties, entered and filed its findings of fact and conclusions of law, and in pursuance thereof,

IT IS CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court that the title in and to the lands involved herein, described as follows:

The East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Sixteen (16), Township Twenty-four (24) North, Range Twenty-four (24) East, situate in Delaware County, State of Oklahoma,

be, and the same hereby is declared to be, held and owned in fee simple by the plaintiff, Fannie E. Williams.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the intervener, the United States of America, and the defendants herein and each of them, have no right, title interest or estate in or to said above described lands.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title in fee simple in and to the above described lands is quieted in the said plaintiff and that the intervener and the said defendants, and each of them, and all persons claiming by, through and under them, and each of them, are forever enjoined and restrained from asserting any right, title or interest therein.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Dec 4 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

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

M. M. VALERIUS,	Plaintiff,)	
)	
-vs-)	
)	
The unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of CE-KIE-GARSELUKE, full blood Cherokee Citizen, Roll No. 32873, deceased,	Defendants.	)	NO. 8 3 2 CIVIL
)	
UNITED STATES OF AMERICA,	Intervener.)	

ORDER APPOINTING ATTORNEY UNDER SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

Now on this 2 day of Dec., 1942, the same being a regular day of the 1942 term of said Court, the above entitled cause and matter comes duly and regularly on for hearing upon the verified application heretofore filed herein for the plaintiff for an order to appoint an attorney to represent and protect the interest of such defendants herein as are "persons in the military service of the United States," and as that term is defined and contemplated by the Act of Congress herein referred to and who are in default herein.

Thereupon, it is made to appear to the Court and the Court considers and finds that each and all of the defendants herein have been duly and regularly notified of the pendency of this action by actual or constructive service as by law provided or have entered their voluntary appearances herein; that the time within which for all of said defendants to appear and plead, answer or demur to the plaintiff's petition has expired; and that each and all of said defendants are now in default.

The Court further finds that the plaintiff has caused to be filed herein a verified application or affidavit by which it is made to appear that after due search and inquiry the plaintiff and his attorney have been unable to ascertain and not know positively whether any of said defendants are "persons in the military service of the United States" as such term is defined by the Act of Congress, or whether if they or any of them are dead, the respective unknown heirs, executors, administrators, devisees, trustees, and assigns, of such deceased persons; or the defendants if any named and designated as the "unknown heirs, executors, administrators, devisees, trustees and assigns" of persons stated to be deceased; are "persons in the military service of the United States" as such term was defined by the Act of Congress aforesaid.

The Court further finds that in order to comply with the provisions of the Soldier and Sailors' Civil Relief Act of 1940, an attorney should be appointed herein to represent and to protect the interest of all of the defendants who are in the military service of the United States, as said term is defined by said Act of Congress and who are in default herein. The Court further finds that Byron V. Boone of Tulsa, Oklahoma, is a qualified and practicing attorney at law and a member of the Bar of this State, is not attorney or agent of the plaintiff, or personally interest in this action, and is a proper person to be appointed herein as an attorney to represent and protect the interest of all of the defendants who are in the military service of the United States as defined by the Act of Congress and who are in default herein.

NOW THEREFORE, IT IS BY THE COURT CONSIDERED, ORDERED, ADJUDGED, AND DECREED that Byron V. Boone, of Tulsa, Oklahoma, a qualified and practicing attorney at law and member of the Bar of this State be and he is hereby appointed as attorney herein to represent such of the named defendants herein as are persons in the military service of the United States as defined by the Act of Congress as aforesaid and who are in default herein, including the respective unknown heirs, executors, administrators, devisees, trustees and assigns of such of them as are deceased; the defendants, if any, named and designated as the "unknown heirs, executors, administrators, devisees, trustees, and assigns" of persons stated to be deceased.

On this 7th day of December, 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, a)	
Municipal Corporation, ex rel)	
Brandon Barringer, et al.,	)	Plaintiffs,
	)	No. 484 - C
vs.)	
)	
1ST TRACT: W. S. GLASBY, et al.,	)	Defendants.

FINAL ORDER APPROVING AND CONFIRMING SALE MADE BY
MASTER OF CERTAIN PROPERTIES INVOLVED IN
THE ABOVE CASE

Now on this the 7th day of December, 1942, this matter coming on for hearing on the Motion of the plaintiffs for an order and judgment approving and confirming sale of certain real estate involved in the above case made by the Special Master appointed herein, said plaintiffs appearing by the firm of Shirk, Gilliland, Ogden, Withington & Shirk, and there being no objection to the confirmation of said sale the court after hearing said motion finds:

That on the 29th day of September, 1942, J. Harvey Smith, of Sapulpa, Oklahoma, was by this court appointed Special Master for the purpose of making sale of certain properties hereinafter described and to do whatever might be required of him under the law and the orders of this court with respect thereto, including the making, execution, acknowledgment and delivery of whatever deeds of conveyance might be necessary to pass title to the purchasers at the master's sale; and the court further finds that thereafter on the 29th day of September, 1942, there was issued out of the office of the clerk of the United States District Court for the Northern District of Oklahoma, an Order of Sale directed to such Special Master commanding him to cause the properties described in said Order of Sale to be sold, and thereafter caused Notice of Sale to be published as provided by law, and in keeping with the commands of said Order of Sale said Special Master did cause the property in such Order of Sale described to be advertised for sale, notice of said sale being published in the Sapulpa Legal News, a newspaper published and of general circulation in said County of Creek, State of Oklahoma, wherein said property is located for at least thirty (30) days prior to the date of such sale, the first publication being made on October 1st, 1942, and the last publication on October 29, 1942, and that such master did offer for sale and sell for cash to the highest and best bidder at public auction on the 2nd day of November, 1942, at the hour of 2:00 o'clock in the afternoon at the east front door of the court house in Sapulpa, Creek County, Oklahoma, each of the several lots, tracts, pieces and parcels of land separately described in said Order of Sale together with the improvements thereon situate, to satisfy the separate judgments in rem as in the final decree set forth.

The Court further finds at the time and place in the Notice of Sale set out, such Special Master offered for sale and sold the hereinafter described lots, tracts, pieces and parcels of land at public auction to the highest bidder for cash, and which sale of each such separate lot, tract, piece and parcel of land is regular and should be approved and confirmed, and said Special Master should be directed to deliver to the purchaser his instrument or instruments of conveyance.

The court further finds that the Special Master so making such sale incurred expenses in the aggregate of \$32.00, and that the same should be allowed, and that he is entitled to the sum of \$75.00 as a fee for services rendered up to this time in connection with such sale and to be hereafter done by him in passing title to the purchasers to the property sold at said sale aforesaid.

It is, therefore, by the Court, ordered, adjudged and decreed that the sales made by J. Harvey Smith as Special Master of those certain lots, tracts, pieces and parcels of land referred to and described in his Return, and herein likewise described, be and the same are hereby approved and in all respects and particulars confirmed, and the said J. Harvey Smith, Special Master, be and he is hereby ordered and directed to make, execute, acknowledge, and deliver unto the purchaser or purchasers of each separate lot, tract, piece or parcel of land so sold at such sale, his instrument of instruments of conveyances, passing all rights, titles, claims, equities, and demands as to the defendants named in the cause of action wherein the particular property hereby conveyed was involved, as well as such right, title, interest, estate, claim, demand or equity that any person, firm, association, or corporation, may have secured or obtained from such defendant or defendants, or their grantee or assignee, as well as those in actual or constructive possession as follows:

1. To R. C. Booton for Lot 24, Block 4, Forest Park Addition to Sapulpa, Oklahoma.

being the property described in Tract 9 of plaintiffs' Petition.

2. To R. C. Booton for Lot 15, Block 9, Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 46 of plaintiffs' Petition.

3. To R. C. Booton for Lot 61, Block 9, Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 47 of plaintiffs' Petition.

4. To R. C. Booton for Lot 17, Block 9, Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 48 of plaintiffs' Petition.

5. To R. C. Booton for Lot 5, Block 10, Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 51 of plaintiffs' Petition.

6. To R. C. Booton for Lot 6, Block 10, Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 51 of Plaintiffs' Petition.

7. To R. C. Booton for Lot 15, Block 10, Forest Park Addition to Sapulpa, Oklahoma

being the property described in Tract 54 of plaintiffs' Petition.

8. To R. C. Booton for Lot 16, Block 10 Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 54 of plaintiffs' Petition.

IN THE DISTRICT COURT OF THE United States IN AND FOR THE NORTHERN
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9. To R. C. Booton for Lot 14, Block 10,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 55 of plaintiffs' Petition.

10. To R.C. Booton for Lot 1, Block 11, Forest Park
Addition to Sapulpa, Oklahoma,

being the property described in Tract 56 of plaintiffs' petition.

11. To R. C. Booton for Lot 2, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 56 of plaintiffs' Petition.

12. To R.C.Booton for Lot 3, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 56 of plaintiffs' .Petition.

13. To R. C. .Booton for Lot 4, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 56 of plaintiffs' Petition.

14. To R. C. .Booton for Lot 5, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 57 of plaintiffs' petition.

15. To R. C. Booton for Lot 6, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 57 of plaintiffs' Petition.

16. To R. C. Booton for Lot 7, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 58 of plaintiffs' Petition.

17. To R. C. Booton for Lot 8, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 58 of plaintiffs' Petition.

18. To R.C. Booton for Lot 9, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 59 of plaintiffs' Petition.

19. To R. C. Booton for Lot 10, Block 11,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 59 of plaintiffs' Petition.

20. To R.C. Booton for Lot 19, Block 13,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 63 of plaintiffs' Petition.

21. To R. C. Booton for Lot 20, Block 13,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 63 of plaintiffs' Petition.

22. To R. C. Booton for Lot 21, Block 13,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 63 of plaintiffs' Petition.

23. To R. C. Booton for Lot 22, Block 13,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 63 of plaintiffs' Petition.

24. To R. C. Booton for Lot 23, Block 13,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 63 of plaintiffs' Petition.

25. To R. C. Booton for Lot 24, Block 13,
Forest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 64 of plaintiffs' Petition.

26. To R. C. Booton for Lot 14, Block 4,
Burnett Forrest Park Addition to Sapulpa, Oklahoma,

being the property described in Tract 73 of plaintiffs' Petition.

27. To R. C. Booton for Lot 15, Block 4,
Burnett Forrest Park Addition to Sapulpa,
Oklahoma,

being the property described in Tract 73 of plaintiffs' Petition.

It is further ordered, adjudged and decreed that out of the sum of \$270.00 paid unto the Special Master by the purchaser of the property herein described, there be deducted by him the sum of \$107.00 broken down as follows:

Costs of the Special Master,	\$32.00
Fee allowed Special Master	75.00
Total	<u>\$107.00</u>

as and for a reimbursement or repayment to him for expenses incurred, and as a fee unto him for all things done and to be done by him as Special Master with respect to the particular property sold at said sale of November 2nd, 1942 and in the Return of Sale described, and after payment of the court costs the balance of said sum of \$270.00 is to be paid to the City Treasurer of Sapulpa, Oklahoma upon the particular tracts sold at said sale.

It is by the court further ordered that the Special Master place the purchasers of the properties acquired by them at said Master's sale in full and complete possession of the property to which each purchaser is entitled.

It is further ordered that J. Harvey Smith, until the further order of this Court, remain and continue to act as Special Master to carry out and perform whatever commands and orders that may be issued by this court with respect to any part of the captioned case, and to have the right to

make sale of any additional property involved herein without a further Order of this Court.

ROYCE H. SAVAGE
United States District Judge

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

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

A. & H. Transportation & Investment
company, Plaintiff,)
))
vs.) No. 579
))
Jap Holland, Sheriff of Delaware
County, Oklahoma, Defendant.)

ORDER OVERRULING MOTION FOR NEW TRIAL

This matter coming on to be heard on the plaintiff's motion for a new trial; the matter having been briefed and submitted. Now on this 7th day of December, 1942 reading the briefs and being fully advised in the premises, the Court is of the opinion that there can be no recovery against the defendant in this case and that the plaintiff's motion for a new trial should be overruled.

IT IS, THEREFORE, HEREBY CONSIDERED, ORDERED, ADJUDGED by the Court that the plaintiff's motion for a new trial be and the same is hereby overruled. The plaintiff is allowed an exception.

BOWER BROADDUS
J u d g e

ENDORSED: Filed Dec 12 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

MITCHELL KNIGHTEN, Plaintiff,)
))
vs.) No. 694 Civil
))
SINCIAIR PRAIRIE OIL COMPANY, a
corporation, et al, Defendants.)

O R D E R

Now on this 7 day of December, 1942, motion that leave be granted to Barron Moore, as Guardian of the Estate in Oklahoma of Mitchell Knighten, an incompetent, to continue this action in the name of Mitchell Knighten, as plaintiff, coming on to be heard, and it appearing that due notice of such motion and this hearing has been given, and the Court being fully advised in the premises IT IS

ORDERED that Barron Moore, as Guardian of the Estate in Oklahoma of Mitchell Knighten, an incompetent, be and is hereby permitted and authorized to continue this action as such Guardian in the name of, on behalf of and for the benefit of the said Mitchell Knighten, plaintiff herein.

ROYCE H. SAVAGE
Judge

ENDORSED: Filed In Open Court
Dec 7 1942
H. P. Warfield, Clerk
U. S. District Court H

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

Mitchell Knighten, Plaintiff,)
vs.) No. 694 Civil
Sinclair Prairie Oil Company, et al., Defendants.)

O R D E R

The Court having heretofore heard arguments upon the motion of Sinclair Prairie Oil Company to dismiss; the motion to dismiss and for a more definite statement or for bill of particulars of defendant Arch H. Hyden, Administrator with the Will Annexed of Sarah C. Getty, deceased; the motion of Atlantic Refining Company to dismiss and for summary judgment; the motion of defendants Anglin & Stevenson, et al., to dismiss and for a more definite statement or for bill of particulars; and the motion of defendant Herman D. Cornell, Trustee for Katherine Cornell, to dismiss and for a more definite statement or for bill of particulars, and being now fully advised in the premises, it is ORDERED on this the 7th day of December, A. D. 1942, that the said motion and each of them be and the same are hereby overruled, with leave to the defendants and each of them to present the same matter in their subsequent pleadings.

IT IS FURTHER ORDERED that the said defendants and each of them be and they are hereby granted thirty (30) days from this date within which to file answer.

ROYCE H. SAVAGE
JUDGE

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

REGULAR JANUARY 1942 TERM

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MONDAY, DECEMBER 7, 1942

Sinclair Prairie Oil Company, a corporation, and The Commonwealth Oil & Gas Company, a corporation, and that said defendants recover their costs herein expended; to all of which plaintiffs except.

And on this day the Motion of defendants The Ohio Oil Company, a corporation, and Marathon Oil Company, a corporation, for a summary judgment in their favor and in favor of each of them separately coming on for hearing, and after arguments thereon, and being fully advised;

The Court is of the opinion that under Exhibit "C" to plaintiffs' complaint, denominated "Contract", and Exhibit "D", denominated "Ratification of Oil and Gas Lease", Mary Bruno, deceased and her husband, John A. Bruno, reserved the right to claim royalties payable under that certain lease, copy of which is attached to plaintiffs' complaint as Exhibit "B"; that by the terms of said lease "the royalties and rentals herein provided for shall be paid to said lessor only in the proportion which its interest bears to the whole and undivided fee". The Court finds that heretofore, in the case of Bruno v. Getzelman, 70 Okla. 143, 173 Pac. 850, it was finally adjudicated and determined that said John A. Bruno and Mary Bruno had no right, title, or interest in and to the premises described in plaintiffs' complaint herein and described in said oil and gas lease hereinbefore referred to as Exhibit "B" to plaintiffs' complaint.

The Court further finds that heretofore, on the 14th day of October, 1934, in a certain action then pending in the United States District Court for the Western District of Oklahoma, wherein the United States of America was plaintiff, acting for and on behalf of Mary Bruno and defendant Sinclair Prairie Oil Company, a corporation, The Prairie Oil & Gas Company, a corporation, and others were defendants; in which said plaintiff claimed title to the lands described in plaintiffs' complaint herein on behalf of Mary Bruno, asserting ownership of the title in and to said lands and in and to the oil and gas produced therefrom and the proceeds thereof, and prayed for an accounting with respect thereto and with respect to all royalties accruing or to accrue under said oil and gas lease heretofore referred to and identified as Exhibit "B" to plaintiffs' complaint herein, judgment was rendered dismissing said amended Bill of complaint herein with prejudice, which judgment of said court was affirmed by the Circuit Court of Appeals of the Tenth Circuit. United States vs. Getzelman, et al., #1450, 89 Fed. (2d) 531; certiorari denied; 302 U.S. 708, 82 L. ed. 548; that by said judgment it was adjudicated and determined that said Mary Bruno had no right, title, or interest in and to said premises.

The Court is therefore of the opinion that it having heretofore been adjudicated that said Mary Bruno and John Bruno had no interest in the lands described in plaintiffs' complaint and in said oil and gas lease, that the plaintiffs herein are not entitled to recover the royalties sued for herein, or any part thereof, and said defendants' motion for summary judgment should be and is hereby sustained.

IT IS THEREFORE ORDERED THAT this action be dismissed with prejudice as to defendants The Ohio Oil Company, a corporation, and Marathon Oil Company, a corporation, and that said defendants recover their costs herein expended, to all of which plaintiffs except.

ROYCE H. SAVAGE
JUDGE

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

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, DECEMBER 7, 1942

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

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

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 2 (305 - 35.2)

NOW, on this 7th day of December, 1942, there coming on for hearing the application of the defendants, F. M. Stoops and Idabell Stoops, his wife, and C. P. Clouse, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 2 (305 - 35.2), and the Court being fully advised in the premises, finds:

That the defendants, F. M. Stoops and Idabell Stoops, his wife, were the owners of the land designated as Tract No. 2 (305 - 35.2) when this proceeding was commenced, and the defendant C. P. Clouse was the tenant thereon; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$50.00 for the taking of a perpetual easement for transmission line purposes upon, over and across said tract of land; and that the Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the sum of \$38.00 is just compensation for the injuries and damages sustained by said defendants, F. M. Stoops and Idabell Stoops, as the owners of said tract of land, and that the sum of \$12.00 is just compensation for the injuries and damages sustained by said defendant, C. P. Clouse, as a tenant thereon.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, F. M. Stoops and Idabell Stoops, his wife, were the owners of the land designated as Tract No. 2 (305 - 35.2), and C. P. Clouse was a tenant thereon, when this proceeding was commenced, and that the sum of \$38.00 is the just compensation for the damages sustained by the defendants, F. M. Stoops and Idabell Stoops, his wife, as the owners of said tract of land, and that the sum of \$12.00 is just compensation for the damages sustained by the defendant, C. P. Clouse, as tenant thereon, and that said defendants are the only persons having any right, title or interest in and to said just compensation.

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

- TO: F. M. Stoops and Idabell Stoops, Owners of Tract No. 2 (305 - 35.2) \$38.00
C. P. Clouse, Tenant on Tract No. 2 (305 - 35.2) \$12.00

ROYCE H. SAVAGE JUDGE

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

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

MASSMAN CONSTRUCTION COMPANY,)
a corporation, Plaintiff,)
vs.) No. 853 Civil
GRAND RIVER DAM AUTHORITY, Defendant.)

O R D E R

Now on this date, upon the application of plaintiff, twenty (20) days' time from this date is allowed to plaintiff for the filing of an amended petition.

Dated this 7 day of December, 1942.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to December 9, 1942

REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA WEDNESDAY, DECEMBER 9, 1942

On this 9th day of December, 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

HELMERICH & PAYNE, INC., a Delaware)
corporation, Plaintiff,)
vs.) No. 777
WOOD OIL COMPANY, an Oklahoma Corporation,)
Defendant.)

ORDER DISMISSING PETITION AND CROSS PETITION WITH PREJUDICE TO
FURTHER ACTION

NOW on this the 9th day of December, 1942, the same being a regular judicial day of the January Term of the above indicated court, the settlement stipulation and joint motion of the plaintiff and defendant to dismiss the petition and cross petition filed in the above entitled cause with prejudice to further action coming on regularly for hearing and the Court being fully advised in

premises and finding that said motion should be sustained;

N O W, T H E R E F O R E,

IT IS HEREBY ORDERED that said cause and the petition and cross petition in the above entitled cause be dismissed with prejudice to further action thereunder of either party, all of the costs of the plaintiff.

Dated, December 9, 1942, at Tulsa, Oklahoma.

ROYCE H. SAVAGE
 Royce H. Savage, United States District
 Judge for the Northern District of Okla-
 homa.

ENDORSED: Filed Dec 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

Columbus Bell Stevens,	Plaintiff,)
)
vs.		) No. 876
)
Sinclair Prairie Oil Company, a corporation, et al.,	Defendants.)

O R D E R

Now on this the 7th day of December, A. D. 1942, after hearing argument of counsel for the interested parties upon the various and sundry pending motions in this cause, and the Court being fully advised, IT IS ORDERED:

1. The plaintiff having confessed the separate motion of defendant Sinclair Prairie Oil Company to add additional parties defendant, the plaintiff is directed to bring Izora Alexander Lee and Arch H. Huden as administrator with will annexed of the estate of Sarah C. Getty, deceased, as additional parties defendant to this action.
2. Paragraphs 1, 2a, 2b, 6a, 7a, 7d and 7f of the motion of defendant Sinclair Prairie Oil Company for more definite statement or for bill of particulars are sustained; all other paragraphs of said motion are overruled.
3. The motion of defendant Atlantic Refining Company to dismiss is sustained, with leave to plaintiff to file an amended complaint as hereinafter ordered.
4. The motion of Charles B. Cochran, amicus curiae, to quash and dismiss as to defendant Reserve Development Company is hereby sustained.
5. The motion of Claude Rosenstein, amicus curiae, to quash and dismiss as to the defendant Minnehoma Oil and Gas Company is hereby sustained.
6. Paragraphs 1, 2, 5, 8, 9 and 10 of the motion of defendants Josie Bruner et al, for order requiring plaintiff to enlarge his complaint by more definite and complete statement of facts are sustained; all other paragraphs of said motion are overruled.

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, DECEMBER 9, 1942

Upon application of counsel for plaintiff in open court, IT IS FURTHER ORDERED that the plaintiff be and he is hereby granted thirty (30) days from this date within which to file an amended complaint herein, the defendants, and each of them, to have twenty (20) days after service thereof within which to file their responsive pleadings thereto.

ROYCE H. SAVAGE
JUDGE

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

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

Linda Fields, formerly Keener,	Plaintiff,)	
)	
vs.)	
		)	No. 882 Civil
Robert Keener, et al.,	Defendants,)	
)	
United States of America,	Intervener.)	

ORDER APPOINTING GUARDIAN AD LITEM

Now on this the 9th day of December, 1942, it being shown to the court that the defendants Juanita Isaac and Levi Isaac, are minors, and that they have severally been served with summons, in the above action, as required by law, and that such personal service was had more than thirty days prior to this date, and that neither of said minors have filed herein a designated as to the appointment of a guardian ad litem, and that it is necessary that a guardian ad litem be appointed to defend said action in their behalf, and that they are necessary parties thereto, and that M. S. Robertson, United States Probate Attorney, is a proper person to be so appointed, and that he should be appointed as such.

It is therefore ordered, adjudged and decreed by the Court that said M.S. Robertson United States Probate Attorney be and he is hereby appointed Guardian Ad Litem for the said Minor defendants herein before mentioned, and that he is directed to file such answer forthwith.

ROYCE H. SAVAGE
U. S. District Judge, Northern District
of Oklahoma

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

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

J. P. RILEY, Plaintiff,)
)
vs.)
) Civil No. 908
RAILWAY EXPRESS AGENCY, INC.,)
a corporation, GLENN G. GOWING,)
and FRED P. VAN HORN, Defendants.)

O R D E R

NOW on this 7th day of December, 1942, this matter came on for hearing on the motion of the plaintiff to remand and on motion of the defendants, Glenn G. Gowing and Fred P. Van Horn, to dismiss, the plaintiff appearing by E. M. Connor and the defendants appeared by B. C. Conner, and the Court having heard the argument of counsel and being fully advised,

IT IS ORDERED AND ADJUDGED that the motion to remand be and the same hereby is denied and the motion of the defendants, Glenn G. Gowing and Fred P. Van Horn are hereby sustained and the action against them herein dismissed, to all of which the plaintiff duly excepted.

ROYCE H. SAVAGE
JUDGE

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

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

EVELYN SEBER, otherwise known as)
Osharsha John, Plaintiff,)
) No. 910 Civil
v.)
)
WADE H. PURDIN, et al., Defendants.)

O R D E R

Now on this 9th day of December, 1942, this matter coming on before the Court upon the motion of the United States of America for permission to intervene in this cause of action, and it appearing to the Court that this action involves lands allotted to a restricted Creek Indian, and that the United States of America should be a party to this action,

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

ROYCE H. SAVAGE
JUDGE

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

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

THURSDAY, DECEMBER 10, 1942

eminent domain the lands hereinafter described, and that the acquisition of said lands is necessary to the United States of America for use in connection with the Oklahoma Ordnance Plant, Defense Housing Project, near Pryor, Oklahoma, for the War Department, and for such other uses as may be authorized by Congress or by executive order under and by reason of the acts of Congress as set forth in the petition for Condemnation as filed herein.

The Court finds that the petitioner has been unable to acquire title to said property by private purchase and has heretofore instituted the above condemnation proceedings for the taking of certain lands by eminent domain.

The said lands being so acquire for said purposes, are described as follows,

to-wit:

Tract No. E-101

The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$), (also described as Lot Four (4) and the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{2} NW\frac{1}{4}$) of Section One (1), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 80.52 acres, more or less.

Tract No. E-102

All that part of the Southeast Quarter ($SE\frac{1}{4}$) of Section Two (2) lying east of the east boundary line of the Oklahoma Ordnance Plant; and that part of the South Half ($S\frac{1}{2}$) of Lot Five (5) in Section One (1) lying west of the Markham's Ferry Road; and that part of the North Half of Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of Section One (1) lying west of the Markham's Ferry Road; and Lot Three (3) of Section One (1); and the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4} NW\frac{1}{4}$) and the North Half of the Southwest Quarter ($N\frac{1}{2} SW\frac{1}{4}$) and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$), and the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$) and Lots Six (6), Seven (7), and Eight (8) of Section One (1); all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 370.53 acres of land, more or less.

Tract No. E-103

The North Half of the Southwest Quarter of the Northeast Quarter ($N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter ($SE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), and that part of the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$), lying West of the Markham Ferry Road; and that part of Ten (1) acres in a square in the Northeast corner of Lot Five (5) which lies west of the Markham Ferry Road; all in Section One (1), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 62 acres of land, more or less.

together with all and singular the rights, privileges and appurtenances thereunto belonging.

The estate taken in and to the hereinabove described real estate for said public purposes and uses is the full fee simple title thereto subject, however, to existing easements for public roads and highways for public utilities, for railroads and for pipe lines.

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

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THURSDAY, DECEMBER 10, 1942

It further appears that all of the persons who are now living and claim interests in said lands adverse to the United States of America, and which said persons are respondents 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 United States Marshals filed herein, showing service of the notice of the hearing on the application for the appointment of commissioners are true and correct and that service was had as stated in said returns.

The court further finds that publication service was had according to order and the law made and provided in such cases, and the affidavits of the publishers as filed herein are hereby accepted and approved by this court.

It is now proper for this court to enter its order appointing commissioners in this cause, as prayed for by the petitioner.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that W. L. Mayes of Mayes County, Oklahoma; C. C. Weber of Tulsa County, Oklahoma and Elmer Vick of Tulsa County, Oklahoma disinterested freeholders whose names are one the regular jury list of this Court be, and they are hereby appointed as Commissioners to inspect and view said real property hereinabove described and consider the fair, cash, market value of the damages the respondents in this cause as the owners thereof, will sustain by the appropriation of said lands and estate therein, as hereinabove described.

Said Commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law, to immediately inspect, view and appraise said real property, and file their report in this Court, as provided by law.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to December 11, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, DECEMBER 11, 1942

On this 11th day of December, 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.) No. 694 Civil
 SINCLAIR PRAIRIE OIL COMPANY,)
 a corporation, et al., Defendants.)

O R D E R

The motion of the Izora Alexander Lee group of defendants represented by C. B. Rogers, attorney, to dismiss this action and for a more definite statement or bill of particulars, and their motion to strike paragraph 10 of plaintiff's complaint as amended, having been heretofore heard and taken under advisement, the Court is of the opinion that said motions should be overruled.

Now on this 7th day of December, 1942, it is ordered that the motions of the Izora Alexander Lee group of defendants to dismiss and for a more definite statement or bill of particulars and to strike paragraph 10 of the plaintiff's complaint as amended be and the same are hereby overruled, to which action of the Court said defendants except, and exceptions are allowed. The defendants and each of them are allowed thirty (30) days to file answers to plaintiff's complaint as amended.

ROYCE H. SAVAGE
 JUDGE

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

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

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

ORDER OF DISTRIBUTION AS TO
 PARCEL 1

Now on this 11th day of December, 1942, this cause came on to be heard, and the Court having been duly advised in the premises, finds that distribution of the funds on deposit should be made.

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

Essie M. Avery	\$3,832.42
Harold Rollans	300.00

The Clerk shall make no charge for commission or poundage.

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

ROYCE H. SAVAGE
 JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
NORTHERN DISTRICT OF OKLAHOMA
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA MONDAY, DECEMBER 14, 1942

On this 14th day of December, 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 OF DISTRIBUTION AS TO TRACT C-17

Now on this 14th day of December, 1942, this cause came on to be heard, and the Court having been fully advised in the premises finds that distribution should be made as to Tract C-17.

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

Mabel Morgan \$250.00

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE
JUDGE

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

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

NORMAN TERRELL, Plaintiff,)
)
 vs.) No. 790 Civil
)
 W. E. GOTCHER, W. E. GOTCHER, JR., and)
 UTILITIES INSURANCE COMPANY, Defendants,)
 a corporation,)

ORDER REMANDING SUIT TO STATE COURT

The motion of plaintiff to remand this suit to the District Court of Creek County, Oklahoma, coming on for decision this 14th day of December, 1942, pursuant to setting by this court, and the court having heard the argument of counsel and examined the briefs of counsel, and being fully advised upon consideration finds that said motion should be sustained.

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

REGULAR JANUARY 1942 TERM

MONDAY, DECEMBER 14, 1942

IT IS THEREFORE, ORDERED that the motion of the plaintiff to remand this case to the District Court of Creek County, Oklahoma, be and the same is hereby granted, and this cause be and the same is hereby remanded to the District Court of Creek County, Oklahoma, for further proceedings.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

Paris F. Young, Plaintiff,)
vs.) No. 821 - Civil
J. H. Bloch, Defendant.)

O R D E R

This matter coming on to be heard on the plaintiff's motion to strike the part of the defendant's answer designated as Ninth Defense and Tenth Defense and the Court being fully advise in the premises finds that said motion to strike should be sustained.

IT IS THEREFORE HEREBY CONSIDERED, ORDERED, ADJUDGED AND DECREED that the plaintiff's motion to strike the defendant's Ninth Defense and Tenth Defense be and the same is hereby sustained and said defenses are ordered stricken from the answer of the defendant, J. H. Bloch.

ROYCE H. SAVAGE
Judge

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

Court adjourned to December 16, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, DECEMBER 16, 1942

On this 16th day of December, 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 DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, DECEMBER 16, 1942

LET EXECUTION ISSUE against the said defendant accordingly.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to December 18, 1942.

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, DECEMBER 18, 1942

On this 18th day of December, 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:

GRAND RIVER DAM AUTHORITY,	Plaintiff,)	
)	
-vs-		)	No. 324 - Civil
)	
JAMES W. ELLIOTT, ET AL.,	Defendants,)	

Now on this 18th day of December, A. D. 1942, it is ordered by the Court that the Clerk file and spread Mandate of record in the above cause, same being in words and figures as follows:

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 Grand River Dam Authority, Public Corporation, plaintiff, and James W. Elliott, et al., defendants, No. 325, Civil, the judgment of the said district court in said cause, entered on July 29, 1941, was in the following words, viz:

* * * * *

"It is therefore the decree of the court that Turkey Island, the land involved in this controversy, as hereinabove more particularly described, was

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, DECEMBER 18, 1942

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granted by the United States by treaty, to the Seneca Tribe of Indians; that said land was sold pursuant to an Act of Congress to John M. Bayless, and by mesne conveyances vested in Lena Elliott and Clyde Morsey; that the main channel of Grand River at the location of said island, is on the West side of said island; that the defendants, Lena Elliott, James W. Elliott and Clyde Morsey, were the owners of the land on the West bank of Grand River opposite Turkey Island.

"It is the further decree of the court that James W. Elliott, Lena Elliott, Clyde Morsey and Susanne Morsey, are entitled to the compensation for said island.

"It is the further decree of the court that the requested findings of fact and conclusions of law filed herein by the Cherokee Tribe of Indians and the requested findings of fact and conclusions of law filed herein by the Seneca-Cayuga Tribe of Indians be, and the same are hereby denied - to which ruling of the court the defendants, Cherokee Tribe of Indians, and the Seneca-Cayuga Tribe of Indians except, and exceptions are allowed."

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

AND WHEREAS, at the September 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 here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

-- November 9, 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 15th day of December, in the year of our Lord one thousand nine hundred and forty-two.

COSTS OF
Clerk -
Printing Record -
Attorney -

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

ENDORSED: Filed Dec 18 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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, DECEMBER 18, 1942

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

James Marshall and Noah Hagie,	Plaintiffs,)	
)	
vs.)	
)	
Ben Hagie, Anderson Hagie, Mary Fox, nee Marshall, Bettie Marshall, Charles Marshall, a minor, Mary Fox, Guardian, and the unknown heirs of Martha Hagie, nee Snow, nee Marshall,	Defendants,	)	No. 616 Civil
)	
United States of America,	Intervenor.)	

DECREE DETERMINING HEIRS AND ORDER FOR PARTITION

Now on this 11th day of December, 1942, the above entitled cause came on regularly for hearing upon the petition of the plaintiffs, the answer and cross-petition of the defendants, and the amended complaint in intervention of the United States of America, Intervenor. The plaintiffs appearing by their attorney, L. J. Burt; the defendants appearing by their attorneys, Wilkinson and Smith, and the intervenor, the United States of America, appears in its own behalf and in behalf of said plaintiffs and said defendants by Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, and Kenneth Hughes, Assistant United States Attorney for said District, acting under the direction of the Attorney General of the United States and at the request of the Secretary of the Interior of the United States, and no one appearing for the unknown heirs of Martha Hagie, nee Snow, nee Marshall, deceased, although due and proper notice was given to the unknown heirs of said Martha Hagie, nee Snow, nee Marshall, deceased, by publication as required by law in such cases made and provided, and the court after hearing the evidence and being fully advised in the premises finds:

That the United States of America was served with notice and copies of all pleadings in the State Court in the above entitled cause by service of the same upon the Superintendent of the Five Civilized Tribes under the provisions of the Act of Congress of April 12, 1926, (44 Stat. 23) entered its appearance in said cause in the District Court of Creek County, Oklahoma, and remove said cause to this court.

The Court further finds that said intervenor in its own behalf and in behalf of said plaintiffs and said defendants is an interested party for the reason that said plaintiffs and said defendants are restricted Indians and under the supervision of the United States of America.

The Court further finds that the real estate involved in this action is described as follows, to-wit:

Northwest Quarter (NW/4) of Section Seventeen
(17), Township Eighteen (18) North, Range
Eight (8) East, Creek County, Oklahoma,

and was duly allotted to Martha Hagie, nee Snow, nee Marshall, full-blood Creek Indian appearing opposite Roll No. 6109, who died intestate on February 18, 1937, while a resident of Tulsa County, Oklahoma, seized and possessed of the above described land. That at the time of the death of said Martha Hagie, nee Snow, nee Marshall, she left as her sole and only heirs at law the following persons who inherited the following interests in the above described land:

- Ben Hagie, Full-blood Creek Indian appearing opposite Roll No. 3260 - - One-fifth interest;
- James Marshall, son -- One-fifth interest;
- Noah Hagie, son -- One fifth interest;

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

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FULSA, OKLAHOMA

FRIDAY, DECEMBER 18, 1942

and to any funds that have been deposited or that may hereafter be deposited in court for the rightful claimants thereto as the former owners of the real estate, and estate therein taken, involved in this proceeding.

The Court hears evidence and finds that on the date title was vested in the United States of America by virtue of these proceedings, subject to existing easements for public roads and highways, for public utilities, for railroads, and for pipe lines, the title to the real estate hereinafter described was vested in the following manners and particulars, to-wit:

Tract No. E-100

That part of the East Half of the Northeast Quarter ($E\frac{1}{2} NE\frac{1}{4}$) of Section Two (2), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, lying east of the east line of Oklahoma Ordnance Plant, containing 65 acres of land, more or less, was vested in O. D. Mayor, subject only to unpaid ad valorem taxes, if any;

Tract No. E-101

The West Half of the Northwest Quarter ($W\frac{1}{2} NW\frac{1}{4}$), (also described as Lot Four (4) and the Southwest Quarter of the Northwest Quarter ($SW\frac{1}{4} NW\frac{1}{4}$) of Section One (1), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 80.52 acres, more or less, was vested in J. V. Garrett, subject to a mortgage in favor of Kansas City Life Insurance Company, and unpaid ad valorem taxes, if any;

Tract No. E-102

All that part of the Southeast Quarter ($SE\frac{1}{4}$) of Section Two (2) lying east of the east boundary line of the Oklahoma Ordnance Plant; and that part of the South Half ($S\frac{1}{2}$) of Lot Five (5) in Section One (1) lying west of the Markham's Ferry Road; and that part of the North Half of Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4}$) of Section One (1) lying west of the Markham's Ferry Road; and Lot Three (3) of Section One (1); and the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$), and the North Half of the Southwest Quarter ($N\frac{1}{2} SW\frac{1}{4}$), and the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter of the Southeast Quarter ($NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4}$), and the Southwest Quarter of the Southwest Quarter of the Northeast Quarter ($SW\frac{1}{4} NW\frac{1}{4} NE\frac{1}{4}$), and Lots Six (6), Seven (7), and Eight (8) of Section One (1); all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 370.53 acres of land, more or less, was vested in W. A. Graham, subject only to unpaid ad valorem taxes, if any;

Tract No. E-103

The North Half of the Southwest Quarter of the Northeast Quarter ($N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4}$), and the Southeast Quarter of the Southwest Quarter of the Northeast Quarter ($SE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), and that part of the Southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$), lying west of the Markham Ferry Road, and that part of Ten (10) acres in a square in the Northeast corner of Lot

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
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REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, DECEMBER 18, 1942

Five (5) which lies west of the Markham Ferry Road; all in Section One (1), Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 62 acres of land, more or less, was vested in the heirs of Annie J. Allen, full-blood Cherokee Indian, deceased, subject only to unpaid ad valorem taxes, if any;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the right to just compensation for the taking of the above real estate is hereby vested in the persons hereinabove set out as to each particular tract of land.

ROYCE H. SAVAGE
JUDGE

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

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

Daniel Bat, otherwise known as)
Dan Bat, Plaintiff,)
vs.) NO. 868 CIVIL
Patsy Bat, nee Ketcher, et al,)
Defendants.)

ORDER MODIFYING DECREE ENTERED HEREIN ON THE 22ND DAY OF OCTOBER, 1942

Now on this 18th day of December, 1942, it appearing to the Court that the decree aforesaid should be modified insofar as the claim of Hersman Funeral Home of Wagoner, Oklahoma, Paul Hersman, sole owner, in the sum of \$215.00 for funeral expenses, is concerned, in this, that the said claim should be limited to the persons signing the mortgage involved herein, which is recorded in Book 1006, Page 83, of the records of the County Clerk of Tulsa County, Oklahoma.

IT IS THEREFORE ordered, adjudged, and decreed by the Court that paragraph 7 of the judgment of said Court, being the next to the last paragraph of said judgment, is modified and amended so as to read as follows:

"IT IS THEREFORE ordered, adjudged and decreed by the Court that the obligation created as funeral expenses of Jack Bat, allottee herein, is valid, and a valid and subsisting obligation and that judgment is hereby given in favor of said Hersman Funeral Home, Wagoner, Oklahoma, Paul Hersman, owner, in the sum of \$215.00 and that a lien is declared on said land to make certain the payment of said sum to be effective only as to the interest decreed to the defendants, Patsy Bat, Earthy Bat, George Bat, Bettie Bat, Lillie Roach, nee Bat, Carrie Bat, nee Pumpkin, and George Bat, Jr.; that in case of a sale in partition of the premises involved herein, the said sum of \$215.00 to be decuted and apportioned according to the several interests of said persons herein named and paid to said Hersman Funeral Home before distribution is made of the proceeds of said sale; that the interests of all other parties to this action shall be free from said obligation.

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

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

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

REGULAR JANUARY 1942 TERM

FRIDAY, DECEMBER 18, 1942

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

Daniel Bat, otherwise known as)	
Dan Bat,	Plaintiff,)
)	
vs.	)	NO. 868 CIVIL
)	
Patsy Bat, nee Ketcher, et al,)	
	Defendants.)
)	
UNITED STATES OF AMERICA,	Intervener.)

ORDER CONFIRMING COMMISSIONERS REPORT AND DIRECTING THE SALE OF REAL ESTATE

This case coming on for hearing in its regular order this the 18th day of December 1942, upon the return and report of the commissioners heretofore appointed by this court and upon plaintiff's motion to confirm the same as filed; the plaintiff appearing by his attorneys, Ben L. Murdock and John S. Severson, the defendants, Patsy Bat, et al, appearing not, the United States of America appearing by Whit Y. Mauzy as United States District Attorney as well for the government as the restricted Indians, parties to this action, and it being shown to the court that said report is in all things made as directed by the order of the court made in said cause, and said report being duly filed, and there being no objections or exceptions filed to the same, and that none of the parties interested, including the United States of America, have elected to take the lands involved at the appraised price, the court finds that said commissioners report should in all things be approved and made firm and effectual forever.

The court further finds that said commissioners report discloses that the lands involved cannot be partitioned in kind between the plaintiff and the defendants, the owners thereof, without manifest injury to the value thereof and that said commissioners have placed their valuation of said tract in the sum of \$1200; that the said appraisement is fair and is not disproportionate to the value thereof and that the United States Marshal for the Northern District of Oklahoma, should proceed to sell said land at public sale as provided by the laws of the State of Oklahoma, as well as the Acts of Congress in like cases made and provided.

IT IS THEREFORE ordered, adjudged, and decreed by the court that said commissioner report be and the same is in all things approved and confirmed, and made firm and effectual forever and inasmuch as neither of the parties to this action have elected to take the same at the appraised price, that a sale of the premises involved herein should be made unless the United States of America should elect to take the same at the appraised price within ten days after the date of this decree.

IT IS FURTHER ORDERED, adjudged, and decreed by the court that the Hon. John P. Logan, United States Marshal for the Northern District of Oklahoma, proceed to advertise and sell said real estate involved herein, described as follows, to-wit:

The West Half of the Northeast Quarter of Section 23,
Township 21 North, Range 13 East, Tulsa County, Oklahoma,
if no election to sell said premises at the appraised
price be made within ten days from the date hereof.

IT IS FURTHER ordered that said land be sold for cash, in the same manner as in cases of sales of real estate by execution under the laws of the State of Oklahoma, and to be made for not less than two-thirds of the appraised value fixed by the commissioners which was \$1200, and that the United States Marshal make due return of his proceedings hereunder to this court for confirmation and further orders of the court, and that this order is made pursuant to the jurisdiction conferred upon the court by the Acts of Congress in like cases made and provided and in accordance with the

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
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procedural provisions of the Statutes of the State of Oklahoma and the Acts of Congress granting jurisdiction to partition the lands of deceased full-blood Indians of the Five Civilized Tribes.

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

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

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

Linda Fiels, formerly Keener, Plaintiff,)
)
vs.)
) NO. 882 CIVIL
Robert Keener, et al, Defendants,)
)
United States of America, Intervener.)

DECREE DETERMINING HEIRSHIP, QUIETING TITLE AND FOR PARTITION

The above case coming on for hearing on this 16th day of December, 1942, before the Honorable Royce H. Savage, United States District Judge in and for the Northern District of Oklahoma, the plaintiff appearing by her attorneys, John S. Severson and Ben L. Murdock, the minor defendants, Juanita Isaac and Levi Isaac appearing by their guardian ad litem, M. S. Robertson, United States Probate Attorney, the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, for and in behalf of the United States and the restricted Indian litigants and the Court having heard the evidence introduced, both oral and documentary and being fully advised in the premises, after inspecting the pleadings and hearing argument of counsel, doth find and decree that the land, the subject matter of this action described as follows:

The Southeast 10 Acres of Lot 4 and the South Half of the Southeast Quarter of the Southwest Quarter of Section 7, and the Southwest 9.27 acres of Lot 3, and the West 18.53 acres of Lot 4, and the Northeast 10 acres of Lot 4 and the North Half of the Southeast Quarter of the Southwest Quarter, all in Section 7, Township 27 North, Range 15 East, Nowata County, Oklahoma,

was duly allotted to one Levi Keener, a full blood restricted Cherokee Indian, duly enrolled opposite Roll No. 16087, and died intestate on or about the 18th day of May, 1928, seized and possessed of said real estate and left as his sole surviving heirs at law, the following named persons: Linda Fiels, formerly Keener, his surviving second wife. Robert Keener, Sam Keener, Myrtle, also known as Mirtle Deeringwater, nee Keener, Joe Keener, William R. R. Keener, Susie Foster, nee Keener, and Ella Isaac, nee Keener, that he left no other child or children or issue of any deceased child or children; that under the laws of descent and distribution of the State of Oklahoma, the said Linda Fiels formerly Keener, she being his second wife and no issue having been born to her by the said deceased, inherited an undivided one-eighth interest thereof and that the remaining interest be divided equally, share and share alike to his children by a former marriage to-wit: Robert Keener, Sam Keener, Myrtle Deeringwater, Joe Keener, William R. R. Keener, Susie Foster, and Ella Isaac, nee Keener.

The Court further finds that subsequent to the date of the death of said Levi Keener, the daughter, Ella Isaac, Nee Keener, departed this life intestate on or about August 11, 1931, seized and possessed of her inherited interest and that she left as her sole and surviving heirs the

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
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following persons, to-wit: John Isaac, surviving husband, Katie Isaac, Juanita Isaac, Levi Isaac and Simon McGowan, otherwise known as Simon McGann, and or Simon Gain, and therefore, the undivided one-eighth interest so inherited from her deceased father, in and to the lands hereinbefore described, passed to the above named, her heirs as follows,

John Isaac, an undivided 1/24th interest,
Katie Isaac, an undivided 1/48th interest,
Juanita Isaac, an undivided 1/48th interest,
Levi Isaac, an undivided 1/48th interest,
Simon McGown, also known as Simon McGann, and as Simon Gain,
an undivided 1/48th interest;

That said lands are now owned by the plaintiff and the defendants herein in the proportions above set out to-wit: The plaintiff, Linda Fields, and the defendants, Robert Keener, Sam Keener, Myrtle Deeringwater, Joe Keener, William R. R. Keener, Susie Foster and Ella Isaac, each an undivided 1/8 interest, John Isaac, an undivided 1/24th interest, Katie Isaac, Juanita Isaac, Levi Isaac, and Simon McGann, also known as Simon McGowan and as Simon Gain, each an undivided 1/48th interest.

The Court further finds that this action was originally filed in the District Court of Nowata County, Oklahoma, and that all of the defendant named herein have been lawfully served with summons or filed waivers herein and that the defendant, Ewing Halsell has filed herein his disclaimer disclaiming all interest in the lands involved except an agricultural lease which expires December 31, 1943; that service by publication was had, issued, and served as provided by the Statutes of the State of Oklahoma but issued under the orders of this Court, said publication being made in the Nowata Weekly Star Times for four successive issues, the first issue being published October 29, 1942, and the last being on November 19, 1942, and that the answer date as set out in said publication notice to-wit: the 12th day of December, 1942, is more than forty-one days after the publication of said first notice and said publication and proof thereof by proper affidavit is shown to the court and is by the court examined and approved. The court further finds that the United States of America did intervene in this action and that upon its petition said action was removed from the State Court to this Court under Act of Congress of April 12, 1926, and that this court has jurisdiction of the persons, the subject matter of this action.

The court further finds that said persons, the plaintiff and defendants, herein are vested with full and complete title to said land, except that the defendant, Ewing Halsell, is the owner of a grazing lease on the same which expires on December 31, 1943, which said lease is valid and if said land is partitioned, the various interests of the parties should be subject thereto; that if the commissioners find said land is not capable of being partitioned without manifest injury to the interests of the parties, a separate valuation of said lease should be made and said sum deducted out of the sale price received, if the same is made, which shall include a sale of all the oil, gas, and mineral rights, thereunder.

The court further finds that the plaintiff and said defendants are entitled to partition of said land according to the interests herein above found so that they might each own their interest in severalty but if the same cannot be partitioned in kind, then the same should be appraised and ordered sold, including the interest of the defendant, Ewing Halsell, to said agricultural lease, and that J. F. Pickens and Elmer Vick and Charles C. Weber are hereby appointed commissioners to make partition in kind among the plaintiff and the defendants, but if partition in kind cannot be equitably made, then said commissioners shall return an appraisal and valuation thereof and make a separate valuation of said agricultural lease in favor of the defendant, Ewing Halsell. The court further finds that the adverse claims of the unknown defendants, the executors, administrators, devisees, trustees and assigns, both immediate and remote of the decedents; Levi Keener and Ella Keener, nee Isaac, are void and without right as against the plaintiff and said defendants and as such, all their adverse interests should be cancelled, set aside and held for naught and that they should be jointly and severally barred and enjoined from claiming or setting up any adverse claim or interest to said land; that the title of the plaintiff and said defendants should be quieted in them and each of them and against the adverse claims of said unknown defendants; that the names and addresses

Defendant's motion for new trial came on for hearing on December 7, 1942, and was by the court overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover of and from the defendant, The Travelers Insurance Company, the sum of Twenty Thousand (\$20,000.00) Dollars, together with interest thereon at the rate of six per cent (6%) per annum from November 3, 1941, together with the costs of this action.

Dated this 19th day of December, 1942.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Dec 19 1942
H. P. Warfield, Clerk
U. S. District Court LN

Court adjourned to December 21, 1942

On this 21st day of December 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

Consolidated Cement Company, a
Delaware Corporation, Plaintiff,)
vs.) No. 201 Civil
Builders' Supply Company, a
corporation, Defendant.)

O R D E R

On application of J. M. Chandler as Receiver herein, therefor; and it being shown to the court the creditors of Builders Supply Company, a corporation, having claims of \$337.00 or less filed and allowed herein, have been paid in full, and said Receiver has on hand sufficient funds in excess of sums required for operating expenses and income taxes to pay a dividend of twenty-five per cent on the remaining claims of creditors of said corporation filed and allowed herein; said Receiver is hereby authorized to make payment of a twenty-five per cent dividend on the remaining claims of creditors of said corporation heretofore filed and allowed herein.

Application further being made therefor for reasons shown; the court fixes an allowance to said J. M. Chandler as receiver for Builders Supply Company and as manager of Builders Supply Company and as manager of Builders Supply Company and of the Builders Concrete Company for the calendar

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
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year 1942 in the sum of twenty-four hundred dollars (\$2,400.00), and directs payment of such allowance from the funds of Builders Supply Company. This allowance is awarded under paragraph 9 of the contract bearing date of October 1, 1940, which has been made a part of the files of this case.

ROYCE H. SAVAGE
District Judge

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

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

United States of America, Libelant,)
)
vs.)
) NO. 901 CIVIL
One 1941 Chrysler Sedan Automobile,)
Motor No. C30-2770, approximately 60)
gallons of assorted taxpaid intoxicating)
liquors, and George E. Buelke, Claimants.)

ORDER FOR DELIVERY OF SPARE WHEEL

On this 21st day of December, 1942, there appeared before the Court, Wm. Knight Powers, Assistant United States Attorney, for the Libelant, and Frank Hickman, Attorney for Bankers Investment Company, and it being made to appear to the Court by the statements of counsel that at the time of the seizure of the above-described automobile there was also seized a 1941 Buick Sedan automobile, and there the spare wheel, with tire and tube, belonging to and a part of said Buick automobile, was located in the above-described Chrysler automobile, and it further appearing to the Court that said spare wheel, with tire and tube, was inventoried with said Chrysler automobile and not with said Buick automobile, and the Court having further been informed that in cause No. 902 in this court, said Buick automobile was ordered delivered to said Bankers Investment Company and that it has received same, but that said spare wheel, with tire and tube, was not delivered along with said Buick automobile, and the court having found that Bankers Investment Company is entitled to delivery to it of said spare wheel, with tire and tube,

IT IS ORDERED that said spare wheel, with tire and tube, belonging to said Buick automobile, be awarded to said Bankers Investment Company, and the United States Marshal and the officers of the Alcohol Tax Unit are directed to deliver said spare wheel, with tire and tube, to said Bankers Investment Company, or its authorized representative.

ROYCE H. SAVAGE
JUDGE

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

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

UNITED STATES OF AMERICA, Petitioner,)
)
 -vs-) CIVIL NO. 915
)
 A CERTAIN PARCEL OF LAND IN CRAIG COUNTY,)
 OKLAHOMA; and Lottie Owens, et al, Defendants.)

ORDER APPOINTING COMMISSIONERS

NOW, on this 21st day of December, 1942, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appearing to the Court that the United States of America has the power and authority to acquire, by eminent domain the lands hereinafter described and the acquisition of said lands is necessary for the management, operation and maintenance of the Grand River Dam Project, and for generating and supplying power for the manufacture of explosives or munitions of war, or otherwise necessary to the safety and defense of the United States.

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

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

TRACT NO. 305 - 41.2
Perpetual Easement

Part of the E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T 25 N - R 21 E of the Indian Base and Meridian, Craig County, Oklahoma, and being a strip of land 100 feet in width, the center line of which is more particularly described as follows, to-wit:

Beginning at a point 397 feet West of the SE corner of the tract above described and running thence North 16° 29' West 184.9 feet.

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 Marshal filed herein showing service of notice of the hearing and application and petition for the appointment of commissioners are true and correct, and service was had as stated in said returns.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
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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 C. C. Weber of Tulsa County, Oklahoma, each, a disinterested freeholder in the Northern District 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 a perpetual easement for the erection, operation and maintenance of a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures, for the transmission of electric current, together with the perpetual easement and right to cut down, remove and trim any trees that may interfere with or endanger said transmission line or lines, or the maintenance and operation thereof, together with the perpetual easement to set the necessary guy and brace poles and anchors and to attach all of the necessary guy wires thereto, upon, over and across said lands by the petitioner, irrespective of any benefits from any improvements proposed, and said commissioners shall forthwith report in writing to the Clerk of this Court, setting forth the quantity and boundaries of said tract, and assessing the injury and damages to the owners thereof.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report to the office of the Clerk of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 23 day of December, 1942, at 10 o'clock A.M., for the purpose of taking the oath of office and for the performance of their duties.

IT IS FURTHER ORDERED that the commissioners so selected and appointed shall receive as compensation for their services the sum of Ten Dollars (\$10.00) per day, each, for each day of service in the performance of their duties, and in addition thereto, five cents (\$.05) per mile for each mile traveled in the performance of their duties.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,)
)
-vs-) No. 925 Civil
)
5900 Pounds of Sugar, Minerva Romine and
William F. Romine, Claimants.)

O R D E R

Now on this 21st day of December, 1942, this cause came on to be heard in open court, before the Honorable Royce H. Savage, Judge presiding, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the claimants, Minerva Romine and William F. Romine, appearing not, and the Court being fully advised in the premises, finds that 5900 pounds of sugar seized by Henry R. Smith and William F. Wolverton, Investigators for the Alcohol Tax Unit of the United States, from the claimants, Minerva Romine and William F. Romine,

on July 1, 1942, together with a moonshine distillery, on premises occupied by them located about three (3) Miles West of West Tulsa, in Tulsa County, Northern Judicial District of Oklahoma, should be forfeited to the United States of America,

And the Court further finds that 1500 pounds of said sugar thus seized should be delivered to the Salvation Army of Tulsa, Oklahoma, upon presentation by them of the proper O.P.A. certificate, and that 2500 pounds of said sugar thus seized should be delivered to the Superintendent of the Five Civilized Tribes Agency of Muskogee, Oklahoma, for use in the Indian School, upon presentation by him of the proper O.P.A. certificate, and that the balance of said sugar thus seized therein should be held pending the further order of this Court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture be, and the same is hereby allowed as to \$900 pounds of sugar thus seized;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that 1500 pounds of said sugar be, and the same are hereby ordered delivered to the Salvation Army of Tulsa, Oklahoma, upon presentation by them of the proper O.P.A. certificate;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that 2500 pounds of said sugar be, and the same are hereby ordered delivered to the Superintendent of the Five Civilized Tribes Agency at Muskogee, Oklahoma, for use in the Indian School, upon presentation by him of the proper O.P.A. certificate;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the balance of said sugar thus seized be, and the same is hereby ordered held pending the further order of this Court.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to December 22, 1942

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On this 22nd day of December, 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. _____ 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

JAMES S. CHALMERS, Administrator of the estate of Elizabeth Chalmers, deceased,)	
PLAINTIFF,)	
vs.	)	No. 511 - Civil
)	
GUY A. THOMPSON, Trustee for the Missouri Pacific Railroad Company, Bankrupt,)	
DEFENDANT.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 27th day of October, 1942, the above-entitled and numbered cause comes on for trial before the Honorable Bower Broadus, one of the judges of this court, and a jury, the same having been consolidated for trial, by previous order of the court with Civil Action No. 513 wherein Ted DeWitt, Administrator of the estate of Teddie Joy DeWitt, deceased, is plaintiff and the defendant above named in the defendant. The plaintiff appeared in person and by his attorneys, Messrs. H. L. Smith and Robert D. Hudson; and the defendant appeared by its attorneys, Mr. Thomas Harper and Jack L. Langford. Thereupon, both parties having announced ready for trial, a jury of twelve men is empaneled consisting of T. R. McSpadden and eleven others, and after said jury was accepted by the parties and qualified and sworn to try said cause, the trial of the case proceeds, and the hour of adjournment having arrived, court is adjourned to meet at the same place on the following day, to-wit: October 28, 1942.

Now on this 28th day of October, 1942, said cause comes on for further proceedings in the trial thereof, pursuant to adjournment had on the previous day, the parties appearing as before. Thereupon the introduction of evidence by the parties is completed, argument of counsel is presented to the jury and the Court's instructions and written interrogatories to be answered by the jury are delivered to the jury, and the hour of adjournment having arrived, court is adjourned to meet at the same place on the following day, the jury being instructed to meet in the jury room and receive from the bailiff the exhibits introduced in evidence and the written interrogatories to which answers are to be made.

Now on this 29th day of October, 1942, said cause comes on for further proceedings in the trial, pursuant to adjournment had on the previous day, the parties appearing as before and the jury reporting to its jury room in charge of a sworn bailiff. Thereupon and after the jury had deliberated for a period of approximately two hours it sends word to the Court that it desires to be furnished a dictionary. Thereupon the jury is brought into open court and on being interrogated by the presiding Judge, Honorable Bower Broadus, announces that it wishes further instructions as to the terms "proximate cause" and "sole proximate cause". Thereupon further instructions are given to the jury by the Court and the jury returned to its jury room. Thereupon, and after again deliberating for several hours, the jury returns into open court with the interrogatories which had previously been submitted to it by the Court, namely:

1.

Do you find from the evidence that this crossing was unusually hazardous or dangerous by reason of its construction, location and attending circumstances?

Answer yes or no.

2.

Do you find the driver of the automobile, Mrs. Wasson, was negligent as defined in these instructions, as she approached this crossing?

Answer yes or no.

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

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3.

Do you find the driver of the automobile, Mrs. Wasson, could, in the exercise of ordinary care, as defined to you, on her part, have seen or otherwise discovered the approach of this train in sufficient time to have stopped her automobile safely before it got to the crossing?

Answer yes or no.

4.

If you have answered any or all of the foregoing in the affirmative, do you find that such conduct on the part of the driver of the automobile was the proximate cause of the collision?

Answer yes or no.

5.

Do you find such conduct on the part of the driver was the sole proximate cause of the collision?

Answer yes or no.

6.

Under the court's instructions regarding negligence heretofore given you, do you find that the defendant was negligent in any of the following respects:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy?

Answer yes or no.

(b) Failure of the defendant to operate its locomotive and train at a reasonable rate of speed?

Answer yes or no.

(c) Failure to keep a proper lookout for automobile traffic on the highway including the car in which the deceased parties were riding?

Answer yes or no.

(d) Failure of the locomotive engineer to sound adequate crossing alarms ?

Answer yes or no.

(e) Failure of the locomotive engineer after discovering the alleged peril of the deceased persons to stop or slacken the speed of said locomotive and train?

Answer yes or no.

(f) Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway?
Answer yes or no.

(g) Failure of the defendant to keep the locomotive and train in question under proper control so as to be able to stop same or slacken its speed when discovering persons approaching a crossing in a position of peril?

Answer yes or no.

7.

If you find any of the above described acts of negligence to have been committed by the defendant, then designate herein after yes or no, which of the acts of negligence, whether one or more, if any, contributed to and was the proximate cause of the plaintiff's injuries:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy?

Answer yes or no.

(b) Failure of the defendant to operate its locomotive and train at a reasonable rate of speed?

Answer yes or no.

(c) Failure to keep a proper lookout for automobile traffic on the highway including the car in which the deceased parties were riding?

Answer yes or no.

(d) Failure of the locomotive engineer to sound adequate crossing alarms?

Answer yes or no.

(e) Failure of the locomotive engineer after discovering the alleged peril of the deceased persons to stop or slacken the speed of said locomotive and train?

Answer yes or no.

(f) Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway.

Answer yes or no.

(g) Failure of the defendant to keep the locomotive and train in question under proper control so as to be able to stop same or slacken its speed when discovering persons approaching a crossing in a position of peril?

Answer yes or no.

And at the same time the jury returned its written answers, written after each of said interrogatories, with each interrogatory signed by the aforesaid T. R. McSpadden as foreman and the Court read and announced the answers as those made by the jury to each of the interrogatories, as above set forth, such answers being as follows, to-wit:

- To interrogatory No. 1; Yes.
- To interrogatory No. 2; Yes.
- To interrogatory No. 3; Yes.
- To interrogatory No. 4; Yes.
- To interrogatory No. 5; Yes.
- To interrogatory No. 6 (a) Yes.
- To interrogatory No. 6 (b) No.
- To interrogatory No. 6 (c) No.
- To interrogatory No. 6 (d) No.
- To interrogatory No. 6 (e) No.
- To interrogatory No. 6 (f) Yes.
- To interrogatory No. 6 (g) No.

To interrogatory No. 7 (a) No.
To interrogatory No. 7 (b) No.
To interrogatory No. 7 (c) No.
To interrogatory No. 7 (d) No.
To interrogatory No. 7 (e) No.
To interrogatory No. 7 (f) No.
To interrogatory No. 7 (g) No.

THE COURT; Gentlemen, have you reached a verdict?

FOREMAN OF THE JURY: Yes sir, we have answered the questions.

THE COURT: All right, pass them up. All right, gentlemen, I will read these interrogatories and answers.

"Do you find from the evidence that this crossing was unusually hazardous or dangerous by reason of its construction, location and attending circumstances?"

Answer yes or no. Yes."

"Do you find the driver of the automobile, Mrs. Wasson, was negligent as defined in these instructions, as she approached this crossing?"

Answer yes or no. Yes."

"Do you find the driver of the automobile, Mrs. Wasson, could, in the exercise of ordinary care, as defined to you, on her part, have been or otherwise discovered the approach of this train in sufficient time to have stopped her automobile safely before it got to the crossing?"

Answers yes or no. Yes."

"If you have answered any or all of the foregoing in the affirmative, do you find that such conduct on the part of the driver of the automobile was the proximate cause of the collision?"

Answer yes or no. Yes."

"Do you find such conduct on the part of the driver of the automobile was the sole proximate cause of the collision?"

Answer yes or no. Yes."

"Under the Court's instructions regarding negligence heretofore given you, do you find that the defendant was negligent in any of the following respects:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy?"

Answer yes or no. Yes."

Now as to the rest of these down to (f) you answer "No." Do you all understand that?

As to (f) "Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway?"

Answer yes or no. Yes."

And (g) "Failure of the defendant to keep the locomotive and train in question

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under proper control so as to be able to stop same or slacken its speed when discovering persons approaching a crossing in a position of peril?

Answer yes or no. No."

Now gentlemen, as to there being proximate cause as to each of those you have answered them all "No." You say that is the judgment as to each one of those.

Now do you want any further polling, gentlemen?

Do you want to examine the verdict?

MR. SMITH. Yes sir.

MR. HARPER: If I understood your Honor correctly I don't care to examine them.

THE COURT: They have held that you violated the law in two respects and were negligent, but that they have held it was not the proximate cause of the accident.

MR. SMITH. It is the position of the plaintiff, if the court please, that the verdict, which I understand is a general verdict now in favor of the defendant, is contrary to the law.

THE COURT: No, they haven't returned a general verdict as yet, and they should not under the answers to the questions.

MR. SMITH. Then our position is because of the answer made in the affirmative by the jury to question No. 6, which is sub-division (a), "Failure to maintain adequate crossing protection at the crossing that is in controversy", which answer is "Yes", and because of the answer in the affirmative made by the jury to sub-division (f) of question No. 6, which is "Failure of the defendant to comply with the Oklahoma Statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway, "which answer is "yes", is inconsistent with the other answers made by the jury, and requires, in our humble opinion, submission of the case to the jury for the awarding of damages.

THE COURT: Which request is denied, and exceptions allowed.

MR. SMITH: Exceptions.

THE COURT: Gentlemen of the jury, it will not be necessary to consider the case any further. Upon the answers to these interrogatories the court will enter a judgment consisting therewith, which will be a judgment for the defendant.

Now if that was not the intention of your gentlemen to reach that conclusion I wish you would now express it to me. All right, gentlemen, the judgment will be entered.

MR. SMITH: We insist that the jury should answer whether there were joint and concurring acts of negligence of the defendant and the driver of the automobile that were the proximate cause of the death of Mrs. Chalmers and the DeWitt child.

THE COURT: They have answered it under the record in this case clearly and expressly after it was explained to them again this morning. The attorney for the defendant will draw a journal entry incorporating these answers to the interrogatories in it and present it to me. You may present it to me before you leave, if not mail it to me. If you do mail it to me send it to Mr. Smith for his approval as to form.

MR. HARPER: I will get it here as quickly as I can. I would like to leave for home this evening.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
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THE COURT: Well, you send it to me at Muskogee.

MR. HARPER. I will send it or drive over there.

THE COURT: The case was well tried by both counsel."

Thereupon the said jury was discharged and on this 29th day of October, 1942, IT IS CONSIDERED, ORDERED AND ADJUDGED BY THE COURT that the plaintiff take nothing upon his complaint, that the same be dismissed upon its merits, and that the defendant have judgment against the plaintiff for his costs herein laid out and expended; to all of which the plaintiff excepts.

BOWER BROADDUS
United States District Judge

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

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

TED DeWITT, Administrator of the Estate
of Teddie Joy DeWitt, deceased,

PLAINTIFF,

vs.

No. 512 - Civil

GUY A. THOMPSON, Trustee for the Missouri
Pacific Railroad Company, Bankrupt,

Defendant.

JOURNAL ENTRY OF JUDGMENT

Now on this 27th day of October, 1942, the above-entitled and numbered cause comes on for trial before Honorable Bower Broaddus, one of the judges of this court, and a jury, the same having been consolidated for trial, by previous order of the court with Civil Action No. 511 wherein James S. Chalmers, Administrator of the estate of Elizabeth Chalmers, deceased, is plaintiff and the defendant above named is the defendant. The plaintiff appeared in person and by his attorneys, Messrs. H. L. Smith and Robert D. Hudson; and the defendant appeared by its attorneys, Mr. Thomas Harper and Jack L. Langford. Thereupon, both parties having announced ready for trial, a jury of twelve men is empaneled and consisting of T. R. McSpadden and eleven others, and after said jury was accepted by the parties and qualified and sworn to try said cause, the trial of the case proceeds, and the hour of adjournment having arrived, court is adjourned to meet at the same place on the following day, to-wit, October 28, 1942.

Now on this 28th day of October, 1942, said cause comes on for further proceedings in the trial thereof, pursuant to adjournment had on the previous day, the parties appearing as before. Thereupon the introduction of evidence by the parties is completed, argument of counsel is presented to the jury and the Court's instructions and written interrogatories to be answered by the jury are delivered to the jury, and the hour of adjournment having arrived, court is adjourned to meet at the same place on the following day, the jury being instructed to meet in the jury room and receive from the bailiff the exhibits introduced in evidence and the written interrogatories to which answers are to be made.

Now on this 29th day of October, 1942, said cause comes on for further proceedings in the trial, pursuant to adjournment had on the previous day, the parties appearing as before and the jury reporting to its jury room in charge of a sworn bailiff. Thereupon and after the jury had deliberated for a period of of approximately two hours it sends word to the court that it desires to be

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN
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furnished a dictionary. Thereupon the jury is brought into open court and on being interrogated by the presiding Judge, Honorable Bower Broadus, announces that it wishes further instructions as to the terms "proximate cause" and "sole proximate cause". Thereupon further instructions are given to the jury by the Court and the jury returned to its jury room. Thereupon, and after again deliberating for several hours, the jury returns into open court with the interrogatories which had previously been submitted to it by the Court, namely:

1.

Do you find from the evidence that this crossing was unusually hazardous or dangerous by reason of its construction, location and attending circumstances?

Answer yes or no.

2.

Do you find the driver of the automobile, Mrs. Wasson, was negligent as defined in these instructions, as she approached this crossing?

Answer yes or no.

3.

Do you find the driver of the automobile, Mrs. Wasson, could, in the exercise of ordinary care, as defined to you, on her part, have seen or otherwise discovered the approach of this train in sufficient time to have stopped her automobile safely before it go to the crossing?

Answer yes or no.

4.

If you have answered any or all of the foregoing in the affirmative, do you find that such conduct on the part of the driver of the automobile was the proximate cause of the collision?

Answer yes or no.

5.

Do you find such conduct on the part of the driver was the sole proximate cause of the collision?

Answer yes or no.

6.

Under the Court's instructions regarding negligence heretofore given you, do you find that the defendant was negligent in any of the following respects:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy?

Answer yes or no.

(b) Failure of the defendant to operate its locomotive and train at a reasonable rate of speed?

Answer yes or no.

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(c) Failure to keep a proper lookout for automobile traffic on the highway including the car in which the deceased parties were riding?

Answer yes or no.

(d) Failure of the locomotive engineer to sound adequate crossing alarms?

Answer yes or no.

(e) Failure of the locomotive engineer after discovering the alleged peril of the deceased persons to stop or slacken the speed of said locomotive and train?

Answer yes or no.

(f) Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway?

Answer yes or no.

(g) Failure of the defendant to keep the locomotive and train in question under proper control so as to be able to stop same or slacken its speed when discovering persons approaching a crossing in a position of peril?

Answer yes or no.

7.

If you find any of the above described acts of negligence to have been committed by the defendant, then designate herein after yes or no, which of the acts of negligence, whether one or more, if any, contributed to and was the proximate cause of the plaintiff's injuries:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy?

Answer yes or no.

(b) Failure of the defendant to operate its locomotive and train at a reasonable rate of speed?

Answer yes or no.

(c) Failure to keep a proper lookout for automobile traffic on the highway including the car in which the deceased parties were riding?

Answer yes or no.

(d) Failure of the locomotive engineer to sound adequate crossing alarms?

Answer yes or no.

(e) Failure of the locomotive engineer after discovering the alleged peril of the deceased persons to stop or slacken the speed of said locomotive and train?

Answer yes or no.

(f) Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway.

Answer yes or no.

(g) Failure of the defendant to keep the locomotive and train in question under proper control so as to be able to stop same or slacken its speed when discovering persons approaching a crossing in a position of peril?

Answer yes or no.

And at the same time the jury returned its written answers, written after each of said interrogatories, with each interrogatory signed by the aforesaid T. R. McSpadden as foreman and the Court read and announced the answers as those made by the jury to each of the interrogatories, as above set forth, such answers being as follows, to-wit:

To interrogatory No. 1: Yes.
To interrogatory No. 2: Yes.
To interrogatory No. 3: Yes.
To interrogatory No. 4: Yes.
To interrogatory No. 5: Yes.
To interrogatory No. 6 (a) Yes.
To interrogatory No. 6 (b) No.
To interrogatory No. 6 (c) No.
To interrogatory No. 6 (d) No.
To interrogatory No. 6 (e) No.
To interrogatory No. 6 (f) Yes.
To interrogatory No. 6 (g) No.
To interrogatory No. 7 (a) No.
To interrogatory No. 7 (b) No.
To interrogatory No. 7 (c) No.
To interrogatory No. 7 (d) No.
To interrogatory No. 7 (e) No.
To interrogatory No. 7 (f) No.
To interrogatory No. 7 (g) No.

THE COURT: Gentlemen, have you reached a verdict?

FOREMAN OF THE JURY: Yes, sir, we have answered the questions.

THE COURT: All right, pass them up. All right, gentlemen, I will read these interrogatories and answers.

"Do you find from the evidence that this crossing was unusually hazardous or dangerous by reason of its construction, location and attending circumstances?"

Answers yes or no. Yes."

"Do you find the driver of the automobile, Mrs. Wasson, was negligent as defined in these instructions, as she approached this crossing?"

Answer yes or no. Yes."

"Do you find the driver of the automobile, Mrs. Wasson, could, in the exercise of ordinary care, as defined to you, on her part, have been or otherwise discovered the approach of this train in sufficient time to have stopped her automobile safely before it got to the crossing?"

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Answer yes or no. Yes".

"If you have answered any or all of the foregoing in the affirmative, do you find that such conduct on the part of the driver of the automobile was the proximate cause of the collision?

Answer yes or no. Yes."

"Do you find such conduct on the part of the driver of the automobile was the sole proximate cause of the collision ?

Answer yes or no. Yes."

"Under the Court's instructions regarding negligence heretofore given you, do you find that the defendant was negligent in any of the following respects:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy?

Answer yes or no. Yes."

Now as to the rest of these down to (f) you answer "No". Do you all understand that?

As to (f) "Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway?

Answer yes or no. Yes".

And (g) "Failure of the defendant to keep the locomotive and train in question under proper control so as to be able to stop same or slacken its speed when discovering persons approaching a crossing in a position of peril?

Answer yes or no. No".

Now gentlemen, as to there being proximate cause as to each of those you have answered them all "No." You say that is the judgment as to each one of those.

Now do you want any further polling, gentlemen?

Do you want to examine the verdict?

MR. SMITH: Yes sir.

MR. HARPER: If I understood your Honor correctly I don't care to examine them.

THE COURT: They have held that you violated the law in two respects and were negligent, but they have held it was not the proximate cause of the accident.

MR. SMITH: It is the position of the plaintiff, if the court please, that the verdict, which I understand is a general verdict now in favor of the defendant, is contrary to the law.

THE COURT: No, they haven't returned a general verdict as yet, and they should not under the answers to the questions.

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MR. SMITH: Then our position is because of the answer made in the affirmative by the jury to question No. 6, which is sub-division (a), "Failure to maintain adequate crossing protection, at the crossing that is in controversy", which answer is "yes", and because of the answer in the affirmative made by the jury to sub-division (f) of question No. 6, which is "Failure of the defendant to comply with the Oklahoma statute requiring the erection and maintenance of suitable signs of crossing at each crossing of a railroad with a public highway, which answer is "Yes", is inconsistent with the other answers made by the jury, and requires, in our humble opinion, submission of the case to the jury for the awarding of damages.

THE COURT: Which request is denied, and exceptions allowed.

MR. SMITH: Exceptions.

THE COURT: Gentlemen of the jury, it will not be necessary to consider the case any further. Upon the answers to these interrogatories the court will enter a judgment consistent therewith, which will be a judgment for the defendant.

Now if that was not the intention of you gentlemen to reach that conclusion I wish you would now express it to me. All right, gentlemen, the judgment will be entered.

MR. SMITH: We insist that the jury should answer whether there were joint and concurring acts of negligence of the defendant and the driver of the automobile that were the proximate cause of the death of Mrs. Chalmers and the DeWitt child.

THE COURT: They have answered it under the record in this case clearly and expressly after it was explained to them again this morning. The attorney for the defendant will draw a journal entry incorporating these answers to the interrogatories in it and present it to me. You may present it to me before you leave, if not, mail it to me. If you do mail it to me send it to Mr. Smith for his approval as to form.

MR. HARPER: I will get it here as quickly as I can. I would like to leave for home this evening.

THE COURT: Well, you send it to me at Muskogee.

MR. HARPER: I will send it or drive over there.

THE COURT: The case was well tried by both counsel."

Thereupon the said jury was discharged and on this 29th day of October, 1942, IT IS CONSIDERED, ORDERED AND ADJUDGED BY THE COURT that the plaintiff take nothing upon his complaint, that the same be dismissed upon its merits, and that the defendant have judgment against the plaintiff for his costs herein laid out and expended, to all of which the plaintiff excepts.

BOWER BROADDUS
United States District Judge

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

Court adjourned to December 23, 1942

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, DECEMBER 23, 1942

On this 23rd day of December, 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

In the Matter of the Estate of Peter Micco, Seminole 1600, deceased, No. 826 Civil

ORDER TO PAY FUNDS

On this 23rd day of December, 1942, this matter coming on for hearing on the application filed herein by N. B. Day and G. Ellis Gable, co-administrators of the estate of Peter Micco, Seminole 1600, deceased, showing to the Court that said estate is the owner of and there are taxes due upon the following lands, to-wit:

4/5 interest in NW NW, or Lot ; North 10 acres of Lot 4; W 1/2 NW NE; W 1/2 E 1/2 NW NE, Section 18-11N-8E, Okfuskee County, Oklahoma,

Table with 2 columns: Year, Amount. Rows for years 1935-1941 and Penalties.

\$199.26

4/5 interest in E 1/2 NE, Section 6-11N-8E, Okfuskee County, Oklahoma,

Table with 2 columns: Year, Amount. Rows for years 1935-1941 and Penalties.

197.99

SW, Section 8-11N-8E, Okfuskee County, Oklahoma,

Table with 2 columns: Year, Amount. Rows for years 1940 and 1941.

161.86

3/5 interest in SE, Section 33-11N-0E,
 Seminole County, Oklahoma,

For year 1942 21.89 21.89

Applicants further show to the Court that there has been filed against said estate within the statutory four months from the first publication notice to creditors and which have been approved by the undersigned administrators, together with M. S. Robertson, United States Probate Attorney, items of indebtedness as follows:

Ernest Moose, witness fees, 1/2 day at Tulsa on 10.27042,	\$5.00	
Mileage from Okemah, Oklahoma, and return, 150 miles @ 5¢ per mile,	<u>7.50</u>	12.50
Mileage from Okemah, Oklahoma, and return 150 miles @ 5¢ per mile, for Dwight Tolle,	7.50	
Dwight Tolle, witness fees, 1 day at Tulsa on 10-27-42	<u>5.00</u>	12.50
M. S. Robertson for certified copy of transcript of Okfuskee County Court, Re; Peter Micco, deceased - Administration,	2.00	2.00
N. B. Day, Co-administrator, traveling expense, accompanying court appraisers Re: Estate of Peter Micco, pending in U. S. Court for Northern District of Oklahoma No. 826 Civil, 6 days @ \$3.00 per day,		18.00
Ming-Vernon Clinic & Hospital, Okmulgee, Oklahoma, 2/25/42 to 3/29/42 inc., services rendered to Hettie Micco, then wife of Peter Micco, Sem. 1600, deceased,		538.00
Vera Nave Hollis, Registered Nurse, services to said Hettie Micco, 3-9-42 to 3-20-42, 12 days @ \$5.00 per day,		60.00
Olga Bane Thompson, Registered Nurse, services to Hettie Micco, then wife of Peter Micco, deceased, 3-9-42 to 3-20-42,		
12 days, 8 hr. duty @ \$5.00	60.00	
7 " 12 " " @ 6.00	<u>42.00</u>	102.00
Emma Boone, Registered Nurse, services to Hettie Micco, wife of Peter Micco, deceased, 3-9-42 to 3-20-42, 12 days @ \$5.00 per day,		60.00
Barry Funeral Home, Okemah, funeral services complete for Peter Micco, dec'd.	\$600.00	
Ambulance for Peter Micco from Wallace Cook Home to hospital during last illness,	<u>10.00</u>	610.00

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Davis Funeral Home, ambulance service for Hettie Micco, then wife of Peter Micco, deceased, to hospital prior to operation on 3-9-42, 15.00

Settlem Monnett & Clammer, legal services to Peter Micco, deceased:

(a) Wallace Cook, et al., case,	2500.00	
(b) Commerce Trust Company case,	500.00	
(c) Unpaid quarterly of \$1,000 per year moneys used by Hettie Micco and surcharged to her on guardian's report,	250.00	
(d) Last quarterly payment of \$1,000 per year,	250.00	
(e) Winey Wind case, fee	<u>250.00</u>	3750.00

Farmers State Bank, Boley, Oklahoma, report in Hettie Micco's guardian's final report and allowed, 275.31

Bank Box Cleaners, Okemah, Oklahoma, 7.65

Maude F. Jones, 2/5 of \$300.00, farm rents collected by N. B. Day, Guardian, accounted for and approved in such guardian's final report, \$120.00 less collection charge, and accounted for by N. B. Day, Guardian, \$10.00 (deduction: approved by Maude F. Jones), 110.00

\$6,154.06

and applicants pray an order of this Court granting authority to these co-administrators to make application to the Department of the Interior for funds now on deposit to the credit of said decedent's estate sufficient to pay said indebtedness in the total amount of \$6,154.06 and the Court being well and sufficiently informed in the premises finds that said application should be in all things allowed as prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED That the said N. B. Day, and G. Ellis Gable, co-administrators of the estate of Peter Micco, Seminole 1600, deceased, be and they are hereby authorized and directed to make application to the Department of the Interior for the withdrawal of funds to pay said indebtedness in the total amount of \$6,154.06 and it is further ordered that a certified copy of this Order will be authority to the Department of the Interior to issue separate checks, payable to said co-administrators for the payment of the indebtedness against said estate as hereinabove set forth.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Dec 23, 1942
H. P. Warfield, Clerk
U. S. District Court JS

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

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WEDNESDAY, DECEMBER 23, 1942

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

DANIEL BAT, otherwise known as Dan Bat,)
Plaintiff,)
v.) No. 868 Civil
PATSY BAT, nee KETCHER, et al,)
Defendants.)

ORDER CORRECTING DECREE OF OCTOBER 22, 1942

Now on this 21st day of December, 1942, it being shown to the court that there is a slight irregularity and defect in the decree of this court of October 22, 1942, insofar as the finding of heirs of the deceased Jack Bat is concerned, in the name of Lillie Bat, one of the heirs at law, is omitted, and that said decree should be so modified as to include the name of the said Lillie Bat.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that Paragraph No. 2 of the findings of the court be and the same is amended so as to read as follows:

"That the said Jack Bat, full blood Cherokee Indian, Roll No. 15606, departed this life, intestate, on or about November 24, 1929, while the owner of the above described property and a resident of Cherokee County, Oklahoma; that the said Jack Bat, at the time of his death, left surviving him as his heirs at law the following named persons and none other:

Patsy Bat, nee Ketcher, surviving wife; Earthy Bat, Daniel Bat, otherwise known as Dan Bat, George Bat, Bettie Bat, Susie Roach, nee Bat, Lizzie Whitekiller, nee Bat, Linda Bat, Lillie Bat, Jefferson Bat, Esther Bat and Ida Bat, sons and daughters.

"That he left no other child or children and no issue of any deceased child or children. That under the intestate laws of the State of Oklahoma, the said Patsy Bat, nee Ketcher, surviving widow, inherited an undivided one-third interest in and to the above described property; that the above named children of the said Jack Bat inherited each an undivided 2/33 interest in and to the above described property; that each and all of the above named heirs are restricted Indians and are under the supervision and control of the Federal Government by reason whereof this Court has jurisdiction to hear and determine this cause."

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Dec 23 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

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

HARRIS TRUST AND SAVINGS BANK, a corporation, as Trustee, etc.,

Plaintiff,

Civil Action File No. 877

vs.

MARIE DAHLGREN FOSTER, individually and as Executrix, etc., et al.,

Defendants.

DECREE OF FORECLOSURE AND ORDER OF SALE

This cause came on to be heard at this term and was argued by counsel, and thereupon, upon consideration thereof,

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. That the court has jurisdiction of the subject matter of the above entitled cause and of all of the parties to the complaint herein, of HARRIS TRUST AND SAVINGS BANK, a corporation, as trustee under that certain collateral pledge and mortgage agreement dated February 7, 1941, between Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, and The First National Bank and Trust Company of Tulsa, Oklahoma, and Marie Dahlgren Foster, as trustees of a trust estate created in the last will and testament of Henry Vernon Foster, deceased, and Harris Trust and Savings Bank, as trustee, plaintiff; and that all of the material allegations of said complaint are proved and established.

2. That the three certain promissory notes, each dated February 7, 1941, and each maturing eighteen (18) months after the date thereof and being respectively numbered and payable as follows:

<u>Note Number</u>	<u>Payee</u>	<u>Principal Amount</u>
One	Harris Trust and Savings Bank	\$940,000.00
Two	National Bank of Tulsa	400,000.00
Three	The First National Bank and Trust Company of Oklahoma City	500,000.00

were each duly execute and delivered for a valuable consideration by the defendants, Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, and The First National Bank and Trust Company of Tulsa, Oklahoma, and Marie Dahlgren Foster, as trustees of a trust estate created in the last will and testament of Henry Vernon Foster, deceased; that said three promissory notes each constitute valid obligations of said defendants in their respective representative capacities and not personally, and said defendants in their respective representative capacities are indebted to the respective payees and holders of said three promissory note in the amounts as follows:

<u>Note Number</u>	<u>Payee and Holder</u>	<u>Amount of Indebtedness</u>
One	Harris Trust and Savings Bank,	\$940,000 together with interest thereon at the rate of 2 1/4% per annum from August 7, 1942, until paid.
Two	National Bank of Tulsa	\$500,000 together with interest thereon at the rate of 2 1/4% per annum from August 7, 1942, until paid.
Three	The First National Bank and Trust Company of Oklahoma City,	\$500,000 together with interest thereon at the rate of 2 1/4% per annum from August 7, 1942, until paid.

and that the holders of said three promissory notes are entitled to the benefit and security of that certain collateral pledge and mortgage agreement dated February 7, 1941, between Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, and The First National Bank and Trust Company of Tulsa, Oklahoma, and Marie Dahlgren Foster, as trustees of a trust estate created in the last will and testament of Henry Vernon Foster, deceased, and Harris Trust and Savings Bank, as trustee thereunder (hereinafter referred to as the "pledge agreement"), pro rata according to the amount of the indebtedness due to each of said holders, respectively, but subject and subordinate to the rights of Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, and its attorneys as hereinafter provided.

3. That said pledge agreement constitutes a valid and subsisting first lien upon all of the 50,000 shares of the Class B Capital Stock of the defendant, Foster Petroleum Corporation, therein described and hereinafter more fully described in paragraph 5 of this decree, first, for the benefit of Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, and its attorneys herein to secure the payment of the amounts decreed to be due to each of them respectively under paragraph 4 of this decree, and next for the benefit of the above named holders of said three promissory notes to secure the pro rata payment of the amounts due to each of them respectively under paragraph 2 of this decree, and that the lien of said pledge agreement upon said shares of stock is prior and superior to all of the rights and interests of all parties hereto (other than the plaintiff) and/or of any one claiming by, through or under them, or any of them, of, in and to said shares of stock.

4. That there is due to Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, the sum of \$57.08 for court costs heretofore paid by it in connection with this proceeding, and said sum is hereby allowed to the plaintiff; that there is due to the plaintiff the sum of \$17.36 for expenses heretofore paid by it in connection with this proceeding and said sum is hereby allowed to the plaintiff; that there is due to Chapman and Cutler and Steele, Daugherty & Downey as attorneys for the plaintiff for their services in connection with this proceeding the sum of \$5,000 and said sum is hereby allowed to Chapman and Cutler and Steele, Daugherty & Downey, as attorneys for the plaintiff, as reasonable compensation in full for their services performed and to be performed in and about this cause; that there is due to Chapman and Cutler and Steele, Daugherty & Downey for expenses incurred by them in connection with this proceeding the sum of \$376.62, and said sum is hereby allowed to said attorneys; and that the sums decreed to be due by this paragraph hereof are secured by the lien of said pledge agreement prior and superior to the lien thereof to secure the payment of said three promissory notes.

5. That the property subject to the lien of said pledge agreement consists of 50,000 shares of the Class B Capital stock of the defendant, Foster Petroleum Corporation, evidenced by Certificates numbered 42B to 46B, inclusive, each for 10,000 shares of said stock, and each issued to the defendant, Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, and by her endorsed in blank.

6. That for the purposes of this proceeding the defendant, Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, is hereby decreed to be the representative of all persons who have not been made parties to this suit who have, or may claim to have, some right, title or interest in and to said shares of stock as heirs, legatees, devisees, creditors, beneficiaries or otherwise, of the estate of Henry Vernon Foster, deceased, and the defendants, The First National Bank and Trust Company of Tulsa, Oklahoma, and Marie Dahlgren Foster, as Trustees of a trust estate created in the last will and testament of Henry Vernon Foster, deceased, are hereby decreed to be the representatives of all persons who have not been made parties defendant to this suit who may have, or may claim to have, some right, title or interest in and to said shares of stock as beneficiaries of the trust estate created in and by said last will and testament.

7. That the defendants, Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, and the First National Bank and Trust Company of Tulsa, Oklahoma, and Marie Dahlgren Foster, as trustees of a trust estate created in the last will and testament of

Henry Vernon Foster, deceased, or some one in their behalf, shall within five (5) days hereafter pay or cause to be paid into the registry of this court the sum of \$1,940,000, together with interest thereon at the rate of two and one-quarter per cent (2 1/4) per annum from August 7, 1942, to the date of payment, for the use and benefit of the owners and holders of said three promissory notes, plus the sum of \$5,451.36 for the costs, fees and expenses of this suit. If the payments directed to be made in this paragraph shall be made, any of the parties to this cause, or the owners and holders of said three promissory notes, may apply to this court for such further instructions as shall be equitable.

8. That in default of the payment of the sums directed to be paid in the past preceding paragraph hereof, all of the shares of stock described in paragraph 5 hereof, or so many shares thereof as may be necessary, to pay the amounts herein decreed to be due to Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, or its attorneys, and to the holders of said three promissory notes, and to pay the costs, fees, expenses and taxes payable in connection with said sale, shall be sold without valuation or appraisal, as hereinafter directed.

9. That any sale of said shares of stock, or any of them, shall be free from redemption and free and clear of and from all claim, right, title or interest by or of any of the parties to this suit and/or of any persons claiming by, through or under them, or any of them, of, in and to the shares of stock so sold; that the sale of said shares of stock shall be made by and under the direction of Byron V. Boone, Special Master in Chancery of this court, who is hereby appointed as Master in Chancery for that purpose, and who is hereby directed to make and conduct said sale and to execute an assignment or assignments, or other instrument or instruments of assignment and transfer as may be necessary to assign and transfer the shares of stock sold to the purchaser or purchasers thereof, or to the assigns of such purchaser or purchasers, upon an order of this court confirming such sale or sales, and upon payment or settlement of the purchase price as hereinafter provided; and the court reserves the right at any time hereafter to appoint any other person as such Master in Chancery, with like powers in the case of death, inability to serve, or removal of the Master in Chancery herein designated.

10. The sale shall be made at the West front door of the County Court House of Tulsa County, Oklahoma, located at the corner of 6th Street and Boulder Avenue, in the City of Tulsa, County of Tulsa, State of Oklahoma, in which county the certificates evidencing the shares of stock directed to be sold are located, at public vendue, at a date and hour to be fixed by said Master, at the request of Chapman and Cutler, attorneys for the plaintiff. The Master shall fix the date and hour of said sale or sales by filing in this cause in the office of the Clerk of this Court an instrument in writing designating the date and hour so fixed by him. Notice of the time, place and terms of such sale or sales, describing briefly the shares of stock to be sold and referring to this decree, shall be published four times, once a week for at least four successive weeks, prior to such sale, in the Tulsa Daily Legal News, a newspaper published at Tulsa, Oklahoma, printed, regularly issued, and having a general circulation in Tulsa county, Oklahoma. The Master may adjourn or postpone said sale or sales from time to time, and may, without further notice or advertisements, proceed with the sale or sales on any date to which the same may have been so adjourned. The Master may give such further notice of sale in addition to the notice above described, or of any adjournment thereof, as in his discretion he may deem advisable.

11. That the Master shall offer for sale the shares of stock herein directed to be sold, in the manner hereinafter provided, and all bids that may be received for any of such shares of stock shall be received and noted subject to the terms of this decree. The Master shall offer said 50,000 shares of stock for sale in blocks of 100 shares or any multiples thereof and he shall accept only the bid or bids received by him therefor which result in the highest unit price per share therefor and provided that no bid or bids shall be accepted by him unless the aggregate amount thereof is sufficient to pay the amounts herein decreed to be due to Harris Trust and Savings Bank as trustee under said pledge agreement, to its attorneys and to the holders of said three promissory notes and the costs, fees, expenses and taxes incurred in connection with such sale, and the Master shall sell such shares of stock to the purchaser or purchasers making such bid or bids subject to confirmation of the court.

12. The Master shall receive no bid for said shares of stock from any bidder who shall not, on or before 12:00 o'clock noon of the day preceeding the offering by the Master of the shares of stock directed by this decree to be sold, first deposit with the Master as a pledge that such bidder will make good his bid in case of its acceptance the sum of \$100,000 in cash, or in the form of a certified check or draft, drawn on or by some bank or trust company acceptable to said Master, or in face amount of one or more of the promissory notes described in paragraph 2 of this decree, or partly in cash and partly in such promissory notes. Any such deposit made by an unsuccessful bidder shall be returned to the bidder upon the final rejection of his bid. The deposit made by any successful bidder shall be applied on the purchase price of said shares of stock. If at said sale any of the shares of stock offered for sale shall not be sold, the Master shall apply to the court for further instructions. No minimum price is put by this decree on the shares of stock to be sold, or any part thereof, the court reserving full power and discretion to reject any bid which, in the judgment of the court, is inadequate or subject to just objection. The Master shall forthwith, after such sale, present to the court for confirmation any bid or bids received and accepted by him under the provisions of this decree.

13. That Harris Trust and Savings Bank, as trustee under said pledge agreement, or any holder or holders or committee of holders of any of the promissory notes, described in paragraph 2 of this decree, may bid at such sale and, if a successful bidder, may purchase in its, his or their own right. The successful bidder or bidders may assign its, his or their bid, and the assignee of said bid shall thereupon succeed to all of the rights and be bound by all of the obligations of the purchaser hereunder.

14. That upon the acceptance of any bid for said shares of stock, the successful bidder (if such bidder has not made a deposit of cash or in check or draft in the sum of \$100,000 as provided in paragraph 12 hereof) shall forthwith deposit with said Master, in cash or by certified check or draft drawn on or by some bank or trust company acceptable to said Master, the sum of \$4,451.36, said sum being the amount of cash necessary to pay the amounts herein decreed to be due to Harris Trust and Savings Bank and Trustee under said pledge agreement and to its attorneys. The purchaser of said shares of stock, or the respective successors and assigns, of said purchaser, upon confirmation of the sale of said shares of stock, shall make such further payment in cash on account of the purchase price as the court may from time to time direct, provided, however, that the purchaser or purchasers, his, its or their successors or assigns, may satisfy and make good any part of their bid not required by order of the court to be paid in cash, by delivering to said Master, to be cancelled or credited as herein provided, any of said promissory notes described in paragraph 2 of this decree, and thereupon, such purchaser or purchasers shall be credited on account of the purchase price with such sums as would be payable on said promissory notes and the accrued interest thereon out of the net proceeds of said sale if the whole amount of the purchase price had been paid in cash.

14. No purchaser shall be required to pay on account of the purchase price of the shares of stock described in paragraph 5 of this decree any amount in cash required for distribution out of the proceeds of sale upon any of said three promissory notes described in paragraph 2 of this decree and the accrued interest thereon, entitled to share in the distribution of the proceeds of the sale, until ten days after the court, on application of or on behalf of the holder or holders of any of said promissory notes, shall enter its order or decree directing payment of the cash distributive share upon such promissory notes and the accrued interest thereon. Any payment required by the provisions of this decree, to be made in cash, may be made by the delivery of a certified check or draft, payable to the order of the said Master, drawn on or by some bank or trust company acceptable to said Master. The said Master may, in lieu of the deposit with him of said promissory note, or any of them, under any of the provisions of this decree, accept the certificate of any bank or trust company, acceptable to said Master, certifying that a specified amount of said promissory notes have been deposited with it and are held by it subject to the order of said Master, and designating the number and amount of said promissory notes.

15. In case any bidder, upon acceptance of his bid, shall fail to comply with any order of the court requiring or relating to the payment of the balance of the purchase price within the period of twenty days after the service of notice of entry thereof, or if an appeal be taken from any such order, for the period of twenty days after service of notice of entry of the order finally affirming such order on appeal, then the money, checks, drafts and/or promissory notes deposited by such accepted bidder, as herein provided, may be forfeited as an exclusive penalty for such failure, and if

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forfeited as an exclusive penalty for such failure, and if forfeited shall be applied to the payment of the expenses of a re-sale and to make good any deficiency or loss in case the shares of stock, in respect of the payment of the purchase price of which said bidder shall make default, shall be sold at a less price on such resale, and for such other purposes as the court may direct. If the court shall not confirm any sale, the deposit made by the accepted bidder at such sale shall be forthwith returned to such bidder. A purchaser shall not be required to see to the application of the purchase money, nor be answerable in any manner whatsoever for any loss, misapplication or non-application of any purchase money, or any part thereof.

16. Upon confirmation of the sale or sales, by the court, of said shares of stock, and upon payment by the purchaser or purchasers of the purchase price, or several purchase prices thereof, said Master shall execute an assignment or such other instrument or instruments of assignment and transfer, as may be necessary to assign and transfer to such purchaser the shares of stock sold to such purchasers, and upon the production of such assignment or assignments or other instrument or instruments of assignment and transfer such purchaser or purchasers shall be entitled to delivery of certificates evidencing the number of shares of said stock which have been purchased by the purchaser, and shall thereafter hold and possess the same, free from redemption and free and clear of all from all claim, right, title and interest by or of any of the parties to this suit, and by or of all other persons claiming by, through or under them, or any of them, in and to said shares of stock. The defendant Foster Petroleum Corporation is hereby directed to issue to the purchaser or purchasers at such sale certificates evidencing such number of shares as may have been purchased by each of them, respectively, but only upon surrender to said defendant of certificates evidencing an equal or greater number of shares of said stock and only upon the further order and direction of this court, and the court hereby retains jurisdiction over said defendant for the purpose of carrying out the provisions of this decree.

17. The fund arising from the sale of said shares of stock shall be applied by the Master as follows:

(a) To the payment of all taxes due, or to become due, to the State of Oklahoma or any of the taxing subdivisions thereof, and to the payment of all taxes due, or to become due, to the United States in connection with said sale or sales and the assignment and transfer of any of the shares of said stock sold thereat.

(b) To the payment of the costs of this proceeding and the costs and expenses of said sale or sales.

(c) To the payment of Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, of the sum of \$17.36.

(d) To the payment of Chapman and Cutler, and Steele, Daugherty & Downey, attorneys for Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, of the sum of \$5,000 as payment in full of the services rendered and to be rendered by said attorneys herein.

(e) To the payment to Chapman and Cutler, and Steele, Daugherty & Downey attorneys for Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, of the sum of \$376.62 in payment in full for all expenses and disbursements of said attorneys herein.

(f) After payment of the amounts above set forth, to the payment of the indebtedness evidenced by the said three promissory notes described in paragraph 2 hereof, including the full amount of the principal thereof and all accrued interest thereon. In case the proceeds shall be insufficient to pay in full the whole amount due on said three promissory notes for principal and accrued interest thereon, then to the payment of such promissory notes and the interest thereon, pro rata, without preference or priority of one note over the other or of principal over interest, or otherwise.

The payment shall be made to the holders of said three promissory notes as follows:

(i) To said promissory notes then held by the Master and delivered to him for credit on account of the purchase price, by crediting on the amount of such purchase price the pro rata amounts found by him to be distributable in respect of such promissory notes, and the interest thereon, from the net proceeds of sale.

(ii) As to said promissory notes delivered to the Master for distribution but not for credit on account of the purchase price, by payment to the holders of said promissory notes such pro rata amounts as were found by him to be distributable in respect of such promissory notes and interest thereon from the net proceeds of sale.

(iii) The payments and the amounts thereof made by the Master on said promissory notes, and the accrued interest thereon (either by crediting the same on the amount of the purchase price or by payment in cash) shall be properly stamped or endorsed on said promissory notes. Said Master, in lieu of the actual presentation of said promissory notes to him, may deputize some bank or trust company, acceptable to him (which bank or trust company has certified to said Master that it holds said promissory notes subject to his order), to stamp or endorse said promissory notes, as aforesaid, and said Master may accept the certificate of said bank or trust company, reciting that said promissory notes have been so stamped or endorsed, as conclusive evidence of such fact, and may thereupon pay to the holders of said promissory notes the amounts due thereon from distribution.

After making the payment of all of the amounts above set forth, any surplus then remaining from the proceeds of said sale shall be paid to the defendant, Marie Dahlgren Foster, as executrix of the estate of Henry Vernon Foster, deceased, or to whosoever shall, by further order of this court, be found to be entitled thereto.

18. When the said Master shall be prepared to pay out of the proceeds of the sale or sales of said shares of stock so sold, pursuant to this decree, he shall give notice of the time and place where he will make such payment to Harris Trust and Savings Bank, as trustee under said pledge agreement, plaintiff, 115 West Monroe Street, Chicago, Illinois, and to its attorneys, and any holder of said three promissory notes who shall fail to present the same for payment at the time and place specified shall not be entitled to payment of any interest accruing thereon after the date for payment so specified.

19. In case the proceeds of the sale or sales shall not be sufficient to pay in full the amount hereinbefore found to be due and unpaid in respect of said three promissory notes and the accrued interest thereon, the Master shall forthwith report to this court the amount of any such deficiency, and the owners and holders of said promissory notes shall be entitled to intervene herein and have judgment against the defendants, Marie Dahlgren Foster, not personally but as executrix of the estate of Henry Vernon Foster, deceased, and The First National Bank and Trust Company of Tulsa, Oklahoma, and Marie Dahlgren Foster, not personally but as trustees of a trust estate created in the last will and testament of Henry Vernon Foster, deceased, for the amount of the deficiency due to each of them respectively.

20. No description of the shares of stock herein ordered to be sold, whether contained in this decree, or the findings filed herein, or in the notice of sale, shall constitute any warranty or representation by the court or the Master herein appointed to make said sale to any purchaser at said foreclosure sale as to the accuracy of said description or the existence or nonexistence of any of said shares of stock.

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21. The court expressly reserves jurisdiction over this cause for the entry of any and all further orders herein which may be necessary or essential for the completion of said sale or sales, the distribution of the proceeds thereof, and for the protection of the rights and interests of the parties hereto.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed Dec 23 1942
H. P. Warfield, Clerk
U. S. District Court LN

Court adjourned to January 2, 1943.

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SATURDAY, JANUARY 2, 1943

On this 2nd day of January, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment Hon. Royce H. Savage, Judge, present and presiding.

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

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

MISCELLANEOUS - ORDER DISCHARGING GRAND JURORS.

Now on this 2nd day of January, A. D. 1943, it is ordered by the Court that the Grand Jury be and it is hereby discharged Sine Die.

It is this day ordered in pursuance of Section 12 of the Judicial Code, that the Regular January 1942 Term of said Court at Tulsa, Oklahoma, be adjourned Sine Die.

JAMES H. HARRIS, Clerk
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