

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

REGULAR JANUARY TERM

TULSA, OKLAHOMA

THURSDAY, OCTOBER 23, 1942

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

Lucy Sawney, et al, Plaintiffs, )
vs. ) NO. 699 CIVIL
Samuel Sawney, et al, Defendants. )

ORDER ALLOWING COMMISSIONERS FEES AND EXPENSES.

Now on this 22nd day of October, 1942, come the plaintiffs by H. F. Felling, their attorney, and comes also the United States of America by Whit Y. Manzy, United States Attorney, and it appears that Elmer Vick and C. C. Weber, commissioners herein, show charges in their report for expenses and per diem in the sum of \$13.05 to each, making a total of \$26.10, and that no order has been but should be made approving and allowing the same.

IT IS THEREFORE ordered and adjudged that said commissioners charges be and the same are hereby approved and allowed and the Clerk is directed to tax as costs the amount of \$13.05 for Elmer Vick and \$13.05 for C. C. Weber and the Clerk is directed to pay said sum to them.

ROYCE H. SAVAGE
United States District Judge

ENDORSED: Filed In Open Court
Oct 22 1942
H. P. Warfield, Clerk
U. S. District Court LN

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

Lucy Sawney, et al, Plaintiffs, )
vs. ) NO. 699 Civil
Samuel Sawney, et al, Defendants. )

ORDER FOR DISTRIBUTION OF FUNDS

Now on this 22 day of October, 1942, come the plaintiffs by J. F. Felling, their attorney, and comes also the United States of America by Whit Y. Manzy, 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 the court to sell the real estate involved in this action has sold said real estate for the sum of \$450 and the sale has been confirmed and a deed has been executed by him to the purchasers 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 said proceeds of sale as follows:

1.

To the Clerk of the District Court of Tulsa County, Oklahoma, the court is full in this cause, said cause being 69172 in said court before this cause was removed to this court; the sum of \$100.00.

2.

to the Clerk of the District Court of Tulsa County, Oklahoma, for printing notices in this cause since in



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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

THURSDAY, OCTOBER 22, 1942

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:

John H. Cole; William Downing; Cherokee Roll No. 17620; T. H. Morton; M. E. Worsley; Tillman England, Cherokee Roll No. 18003; Sarah L. Davenport; Edd F. Black; E. J. Hoggard; C. J. McGuire; W. A. Ingram; John Coats, Rufus Fisher, and Albert Hostettler, if living, or in existence, or if deceased or not in existence, their known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors, successors, 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 Margretha Hostettler, 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:

John H. Cole; William Downing, Cherokee Roll No. 17620; T. H. Morton; M. E. Worsley; Tillman England, Cherokee Roll No. 18003; Sarah L. Davenport; Edd F. Black; E. J. Hoggard; C. J. McGuire; W. A. Ingram; John Coats, Rufus Fisher, and Albert Hostettler, if living, or in existence, or if deceased or not in existence, their known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors, successors, 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 Margretha Hostettler, deceased;

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

ROYCE W. SAVAGE  
J U D G E

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

FILED JANUARY 24 1942

OKLAHOMA, OKLAHOMA

THURSDAY, OCTOBER 22, 1942

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

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

J U D G M E N T

NOW, on this 18th 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 herein-after 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 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 hereinafter 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 3rd day of June, 1942, by taking and filing herein their oath of office as such, and who fully qualified commissioners, after inspection of the premises and consideration of the fair market value of the estate taken, filed their report herein on the 2nd 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:

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RECEIVED JANUARY 1948 PERM

OKLAHOMA

THURSDAY, OCTOBER 22, 1948

TRACT NO. 1 (207 - 40.1 (Rev.)  
Perpetual Easement

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

Beginning at a point in the South boundary of said SE $\frac{1}{2}$  SW $\frac{1}{4}$  829.7 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said SE $\frac{1}{2}$  SW $\frac{1}{4}$  1095.5 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 \$84.00

TRACT NO. 2 (307 - 40.2(Rev.)  
Perpetual Easement

All that part of the N $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{2}$ , Sec. 15, T 20 N - R 18 E of the Indian Base and Meridian, in Mayes County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said N $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{2}$ ; thence Northerly along the East boundary of said N $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{2}$  a distance of 50.8 feet; thence Southwesterly to a point in the South boundary of said N $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{2}$ , thence Easterly along said South boundary a distance of 59.4 feet to the point of beginning.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 6.00

TRACT NO. 3 (307 - 40.4 (Rev.)  
Perpetual Easement

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

TRACT A:

Beginning at a point in the South boundary of said W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 169.3 feet from the SW corner thereof; thence Northeasterly to a point in the East boundary of said W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 671.4 feet from the NE corner thereof; and

TRACT B:

Beginning at a point in the South boundary of said SE $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{2}$ , 152.6 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said SE $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{2}$ , 201.7 feet from the SE corner thereof; and

TRACT C:

Beginning at a point in the South boundary of said  $N\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , 974.2 feet from the SE corner thereof; thence North-easterly to a point in the East boundary of said  $S\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$ , 32.1 feet from the NE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$178.00

TRACT NO. 4 (307 - 40.5 (Rev.))

Perpetual Easement

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

Beginning at a point in the West boundary of said  $S\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$  201.7 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said  $S\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$  974.2 feet from the Northeast corner thereof.

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

TRACT NO. 5 (307 - 42.1)

Perpetual Easement

A strip of land 100 feet in width in the  $S\frac{1}{2}$   $SW\frac{1}{4}$ , Sec. 11, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the South boundary of said  $S\frac{1}{2}$   $SW\frac{1}{4}$ , 523.5 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said  $S\frac{1}{2}$   $SW\frac{1}{4}$ , 1534.0 feet from the Northwest corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 121.00

TRACT NO. 6 (307 - 42.2 and 42.4 (Rev.))

Perpetual Easement

A strip of land 100 feet in width in the  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , the  $SW\frac{1}{4}$   $NE\frac{1}{4}$  and the  $SE\frac{1}{4}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$ , Sec. 11, 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:

42.2

Beginning at a point in the South boundary of said  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , 216.6 feet from the SW corner thereof; thence Northeasterly to a point in the North boundary of said  $NE\frac{1}{4}$   $SW\frac{1}{4}$ , 91.3 feet from the NE corner thereof.

42.4

Beginning at a point in the West boundary of said SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 119.1 feet from the SW corner thereof; thence Northeasterly to a point in the East boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 521.1 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      \$244.00

TRACT NO. 7 (307 - 42.3)  
Perpetual Easement

A strip of land 100 feet in width in the SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 11, T 20 N - R 13 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY      \$ 13.00

TRACT NO. 8 (307 - 42.6)  
Perpetual Easement

A strip of land 100 feet in width in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 11, T 20 N - R 13 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 West boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  521.1 feet from the SE corner thereof; thence Northeasterly to a point in the North boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  704 feet from the Northeast corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY      \$46.75

TRACT NO. 9 (307 - 43.1)  
Perpetual Easement

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

Beginning at a point in the South boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 44.7 feet from the SE corner thereof; thence Northeasterly to a point in the East boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 59.4 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      \$ 1.00

REGULAR JANUARY 1949 TERM

TRUST, WILLAMIZ.

WEDNESDAY, OCTOBER 10, 1948

TRACT No. 10 (307 - 44.0)  
Perpetual Easement

A strip of land 100 feet in width in the  $N\frac{1}{2}$   $7E\frac{1}{2}$   $SE\frac{1}{2}$ , Sec. 2, 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 West boundary of said  $E\frac{1}{2}$   $SE\frac{1}{2}$   $SE\frac{1}{2}$ , 58.4 feet from the Southwest corner thereof; thence Northerly to a point in the East boundary of said  $E\frac{1}{2}$   $SE\frac{1}{2}$   $SE\frac{1}{2}$ , 300 feet from the Southeast corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY . . . \$58.50

TRACT No. 11 (307 - 44.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $S\frac{1}{2}$   $SE\frac{1}{2}$ , Sec. 1, 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 West boundary of said  $S\frac{1}{2}$   $SE\frac{1}{2}$  330 feet from the SW corner thereof; thence Northerly to a point in the North boundary of said  $S\frac{1}{2}$   $SE\frac{1}{2}$  295.2 feet from the Northeast corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY . . . \$19.00

TRACT No. 14 (307 - 44.5 (Rev.))  
Perpetual Easement

A strip of land 100 feet in width in the SW 10.0 acres of Lot 1 except rights of way for U. S. Highway #39 and L. K. and T. R. R., Sec. 1, 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 North boundary of said SW 10.0 acres of Lot 1, 223.1 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said Lot 1, 521.5 feet from the SE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE EASEMENT TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY . . . \$ 3.00

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

(2) More than sixty days have elapsed since the filing of the report of Commissioners herein, and no written objections thereto have been filed for jury trial have been filed for the petitioner of A. G. Gentry herein as to the terms of land heretofore set forth, and the said report of Commissioners filed herein as to said tracts is hereby confirmed and approved in every respect.

(3) The United States Marshal is directed to file its Declaration of

IN THE PROBATE COURT OF THE UNITED STATES IN AND FOR THE DISTRICT OF COLUMBIA  
DISTRICT OF COLUMBIA

OFFICE JANUARY 28-29 1942

TULSA, OKLAHOMA

THURSDAY, OCTOBER 15, 1942

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 (307 - 40.1 (Rev.))	\$83.00
TRACT NO. 2 (307 - 40.2 (Rev.))	\$ 5.00
TRACT NO. 3 (307 - 40.4 (Rev.))	173.00
TRACT NO. 4 (307 - 40.5 (Rev.))	25.00
TRACT NO. 5 (307 - 42.1)	101.00
TRACT NO. 6 (307 - 42.4 and 42.4 (Rev.))	194.80
TRACT NO. 7 (307 - 42.3)	10.00
TRACT NO. 8 (307 - 42.6)	45.75
TRACT NO. 9 (307 - 43.1)	5.00
TRACT NO. 10 (307 - 43.2)	52.50
TRACT NO. 11 (307 - 44.1)	18.00
TRACT NO. 14 (307 - 44.5 (Rev.))	<u>5.00</u>
 TOTAL	 \$728.05

(9) The Court having fully considered the petition for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1933, 48 Stat. 195, 200 (U.S.C. Title 40, Secs. 401-407, 409, 411, 413 and 414), as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 309); 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 purport of the above designated Acts of Congress.

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

TRACT NO. 1 (307 - 40.1 (Rev.))	\$84.00
TRACT NO. 2 (307 - 40.2 (Rev.))	6.00
TRACT NO. 3 (307 - 40.4 (Rev.))	173.00
TRACT NO. 4 (307 - 40.5 (Rev.))	20.00
TRACT NO. 5 (307 - 42.1)	121.00
TRACT NO. 6 (307 - 42.2 and 42.4 (Rev.))	244.00
TRACT NO. 7 (307 - 42.3)	13.00
TRACT NO. 8 (307 - 42.6)	46.75
TRACT NO. 9 (307 - 43.1)	5.00
TRACT NO. 10 (307 - 43.2)	52.50
TRACT NO. 11 (307 - 44.1)	19.00
TRACT NO. 14 (307 - 44.5 (Rev.))	<u>5.00</u>
TOTAL	\$314.25

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 energy 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, anchors and to attach all guy lines thereto.



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

FILED JANUARY 1946 TULSA

TULSA, OKLAHOMA

THURSDAY, OCTOBER 22, 1942

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:

- Lydia Backward, Cherokee N.E.;
- Henry Backward, Cherokee N. E.;
- Thomas H. Robinson, J. A. Reynolds, Ned Hayes, J. A. Wood, F. S. McClain, M. E. Evans, Louella P. Chestnut, 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 Cherokee Brewer, Cherokee Roll No. 6734, deceased; and of Carrie Backward, nee Downing, Cherokee Roll No. 18168, 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. F. Colley a regular practicing attorney of Tulsa, Oklahoma, do, and he is hereby appointed to represent and protect the interests of each of the following defendants, to-wit:

- Lydia Backward, Cherokee N. E.;
- Henry Backward, Cherokee N.E.;
- Thomas H. Robinson, J. A. Reynolds, Ned Hayes, J. A. Wood, F. S. McClain, M. E. Evans, Louella P. Chestnut, 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 Cherokee Brewer, Cherokee Roll No. 6734, deceased; and of Carrie Backward, nee Downing, Cherokee Roll No. 18168, deceased;

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

ROYCE W. SAVAGE  
JUDGE

ENTERED: Filed Oct 22 1942  
R. F. Farfield, Clerk  
U. S. District Court



TRACT NO. 1 (306 - 26.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $W\frac{1}{2}$ ,  $NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ , Sec. 26, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said  $W\frac{1}{2}$ ,  $NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ , 259 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said  $W\frac{1}{2}$ ,  $NE\frac{1}{4}$ ,  $NW\frac{1}{4}$ , 1232.6 feet from the NW corner thereof.

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

TRACT NO. 2 (306 - 26.2)  
Perpetual Easement

A strip of land 100 feet in width in the  $E\frac{1}{2}$ ,  $NW\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $E\frac{1}{2}$ ,  $S\frac{1}{4}$ ,  $NW\frac{1}{4}$ ,  $W\frac{1}{2}$ ,  $SE\frac{1}{4}$ ,  $NW\frac{1}{4}$ , and the  $E\frac{1}{2}$ ,  $NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 26, T 21 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $E\frac{1}{2}$ ,  $NW\frac{1}{4}$ ,  $NW\frac{1}{4}$ , 1232.6 feet from the NE corner thereof; thence Southwesterly to a point in said  $E\frac{1}{2}$ ,  $SW\frac{1}{4}$ ,  $NW\frac{1}{4}$ , 608.7 feet South and 146 feet West of the NE corner thereof; thence South to a point in the South boundary of said  $E\frac{1}{2}$ ,  $NW\frac{1}{4}$ ,  $SW\frac{1}{4}$ , 146 feet from the SE corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY      \$172.00

TRACT NO. 3 (306 - 26.3)  
Perpetual Easement

A strip of land 100 feet in width in the  $E\frac{1}{2}$ ,  $S\frac{1}{4}$ ,  $SW\frac{1}{4}$ , Sec. 26, T 21 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said  $E\frac{1}{2}$ ,  $S\frac{1}{4}$ ,  $SW\frac{1}{4}$ , 146 feet from the NE corner thereof; thence South to a point in the South boundary of said  $E\frac{1}{2}$ ,  $S\frac{1}{4}$ ,  $SW\frac{1}{4}$ , 146 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      \$48.00

TRACT NO. 4 (306 - 27.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $E\frac{1}{2}$ ,  $W\frac{1}{2}$ ,  $NW\frac{1}{4}$ , Sec. 26, T 21 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows to-wit:

REGULAR JANUARY 1949 TERM.

TULSA, OKLAHOMA

CHIEF JUSTICE, OCTOBER 22, 1948

Beginning at a point in the North boundary of said E<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub>, 146 feet from the NE corner thereof; thence South to a point in the South boundary of said E<sup>1</sup>/<sub>4</sub> of NW<sup>1</sup>/<sub>4</sub>, 139 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 \$108.00

TRACT NO. 5 (306 - 27.3)  
Perpetual Easement

A strip of land 100 feet in width in the E<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>, Sec. 25, T 21 N, R 19 E of the Indian Base and Meridian in Nowata County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said E<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>, 139 feet from the NE corner thereof; thence South to a point in the South boundary of said E<sup>1</sup>/<sub>4</sub> of SW<sup>1</sup>/<sub>4</sub>, 131 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 \$135.00

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 March 5, 1948, 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 - 26.1)	\$38.00
TRACT NO. 2 (306 - 26.2)	\$147.60
TRACT NO. 3 (306 - 26.3)	\$48.00
TRACT NO. 4 (306 - 27.1)	\$108.00
TRACT NO. 5 (306 - 27.2)	\$170.00
TOTAL	<u>\$461.60</u>

(9) The Court having fully considered the petition for condemnation, the declaration of taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1933, 48 Stat. 195, 200 (U.S.C. Title 40, Secs. 401-407, 409, 411, 413 and 414), as amended and supplemental; the Act of June 16, 1920, 41 Stat. 1633 (U.S.C. Title 16, Sec. 209); and Executive Order No. 3944, dated November 19, 1941, in all 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 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 filed, and the fair, cash, market value of the estate taken and the damages to the remainder as set forth in said report of commissioners is just, and is just compensation for said lands, with said estate therein taken, all as follows, to-wit:

IN RE: ESTATE OF ONE OF THE UNITED STATES AND FOR THE FURTHER  
DISTRICT OF OKLAHOMA.

TERMINAL JANUARY 1942 TERM

TULSA, OKLAHOMA

THURSDAY, NOVEMBER 22, 1942

TRACT NO. 1 (306 - 26.1)	\$50.00	
TRACT NO. 2 (306 - 26.2)	\$172.60	
TRACT NO. 3 (306 - 26.3)	\$43.00	
TRACT NO. 4 (306 - 27.1)	\$108.00	
TRACT NO. 5 (306 - 27.2)	<u>\$135.00</u>	
TOTAL		\$514.20

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 get 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 guy wires thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in the above described and described real estate, and the interest therein taken by those eminent domain proceedings, was vested in the United States of America on March 3, 1942, upon the filing of the declaration of taking, and the depositing of the sum of four hundred sixty one and 60/100 Dollars (\$461.60) with the registry of this Court, for the estate taken in and to 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 use 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 fifty two and 60/100 Dollars (\$52.60), 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. 1 (306 - 26.1)	\$12.60	
TRACT NO. 2 (306 - 26.2)	\$25.00	
TRACT NO. 5 (306 - 27.2)	<u>\$15.00</u>	
TOTAL		\$52.60

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

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

ENCLOSED: Filed Oct 22 1942  
H. P. Warfield, Clerk  
U. S. District Court - 33

RECORDED JANUARY 10-27 TERM

OKLAHOMA

THURSDAY, OCTOBER 22, 1942

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

In the Matter of the Estate of ) No. 826 Civil  
PETER MICCO, Seminole 1600, deceased, )

ORDER AUTHORIZING WITHDRAWAL OF FUNDS AND PAYMENT  
OF CLAIMS

On this 22nd day of October, 1942, this matter coming on for hearing on the application of N. E. Day and G. Ellis Gable, co-administrators of the estate of Peter Micco, Seminole 1600, deceased, showing that by order of this court C. C. Weber, J. A. Spinks, and J. F. Pickens were appointed as appraisers of the above named estate, and after qualifying as such said appraisers on actual view of the farm lands involved in this estate, have rendered their findings to this court, and the court further finds that C. C. Weber and J. A. Spinks have filed herein appended to their official report a claim for services rendered for a period of six days each at \$10.00 per day, totaling \$60.00 each, plus sustenance and support for said period at \$3.00 per day, totaling \$18.00 each for expenses, being a total amount due C. C. Weber and J. A. Spinks of \$78.00 each. The court further finds that J. F. Pickens, the third appraiser, is an employee of the United States Indian Service and is paid a salary by the Government and should receive no compensation herein.

It is further shown to the court by such application that there are due and unpaid costs accrued in the District Court of Tulsa County in cause No. 70731 wherein J. Hugh Nolan was awarded a judgment of \$4,000 and that such judgment has been compromised and settled and payment made in the sum of \$2500.00 and that a release of such judgment has been filed in said cause and that there is still due and unpaid as costs against the estate of said Peter Micco, deceased, the amount of \$25.75, and the court being well and sufficiently informed in the premises, finds that such application should be in all things allowed and authority granted to the co-administrators herein to make application to the Department of the Interior for funds belonging to the estate of said decedent to pay such lawful obligations against said estate.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that N. E. Day and G. Ellis Gable, as co-administrators, be and they are hereby authorized and directed to make application to the Department of the Interior for funds belonging to said estate to pay such claims hereinabove set forth, to-wit:

C. C. Weber	\$78.00
J. A. Spinks,	78.00
Court Clerk of Tulsa County,	25.75

and it is further ordered that a certified copy of this order will be authority for the Department of the Interior to disburse such funds in the form of official checks payable to the joint administrators and by them to be endorsed to the parties to whom such funds shall be disbursed.

ROYCE H. SAVAGE  
JUDGE

RECORDED: Filed Oct 22 1942  
H. P. Terfield, Clerk  
U. S. District Court LM

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

WEDNESDAY JANUARY 1942 HERE

OKLAHOMA, OKLAHOMA

THURSDAY, OCTOBER 22, 1942

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

Daniel Bat, otherwise known as Dan Bat,  
Plaintiff,

vs.

Patsy Bat, nee Ketcher, Martha Bat, Little  
Roch, nee Bat, Carrie Bat, nee Pumpkin,  
George Bat, Jr., Bettie Bat, Susie Roch, nee  
Bat, Lizzie Whitekiller, nee Bat, Linda Bat,  
Jefferson Bat, Esther Bat, Ida Bat, Irving Hallock,  
the heirs, executors, administrators, devisees,  
creditors, trustees and assigns, immediate and re-  
mote of Jack Bat, deceased, and of George Bat, de-  
ceased, and the unknown heirs, executors, adminis-  
trators, devisees, creditors, trustees and assigns,  
immediate and remote, of Jack Bat, deceased, and of  
George Bat, deceased,  
Defendants.

NO. 862 CIVIL

ORDER APPOINTING GUARDIAN AD LITEM

Now on this 22nd day of October, 1942, it being shown to the Court that the defendants Ida Bat, and George Bat, Jr., are minors and that no guardian ad litem has been appointed and that the Honorable H.S. Robertson, United States Probate Attorney should be appointed as such guardian to defend such interest in their behalf; it being seen that said minors have been personally served with summons more than thirty days prior to this date.

IT IS THEREFORE ordered, adjudged and decreed by the court that H. S. Robertson, United States Probate Attorney, do and he is hereby appointed guardian ad litem for the minor defendants, Ida Bat and George Bat, Jr.

ROYCE H. SAVAGE  
United States District Judge

RECORDED: Filed in Open Court  
Oct 22 1942  
K. P. Verfield, Clerk  
U. S. District Court EM

JANUARY 1942

OKLAHOMA

OCTOBER 29, 1942

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

Daniel Bat, otherwise known as  
Don Bat, Plaintiff,  
vs.  
Fatsy Bat, nee Ketcher, Martha Bat, Lillie  
Roch, nee Bat, Carrie Bat, nee Pumpkin,  
George Bat, Jr., Bettie Bat, Susie Roch, nee  
Bat, Lillie Whitekiller, nee Bat, Linda Bat,  
Jefferson Bat, Esther Bat, Ida Bat, Ewing Hal-  
sell, the heirs, executors, administrators,  
devisees, creditors, trustees and assigns,  
immediate and remote, of Jack Bat, deceased,  
and of George Bat, deceased, and the unknown  
heirs, executors, administrators, devisees,  
creditors, trustees and assigns, immediate  
and remote, of Jack Bat, deceased, and of  
George Bat, deceased, Defendants.

NO. 283 CIVIL

DECREE SETTLING TITLE, DETERMINING HEIRS AND AWARDED PARTITION

The above cause coming on for hearing in its regular order on the 29th day of October, 1942, the plaintiff, Daniel Bat, appearing in person and by his attorneys of record, Ben L. Murdock and J. S. Severson, and the defendants, Fatsy Bat nee Ketcher, Martha Bat, Lillie Roch nee Bat, Carrie Bat, nee Pumpkin, Bettie Bat, Susie Roch, nee Bat, Lillie Whitekiller, nee Bat, Linda Bat, Jefferson Bat, Ida Bat, appearing et, all of said defendants having filed herein their waiver of issuance and service of summons and have entered their general appearance for the purposes and agreed that this action might be tried without further notice to them or either of them, and the defendant, George Bat, Jr., and Ida Bat, minor defendants, appearing by Hon. H. S. Robertson, United States Probate Attorney and the defendant, Ewing Halsell, appearing et, having filed herein his waiver of summons and disclaimer in which he disclaims all right, title and interest in the premises involved herein except an agriculture lease which expires December 31, 1942, and Hersman Funeral Home of Wagoner, Paul Hersman, owner, appearing by their attorneys, George F. Waggoner and Z.I.J. Holt, and the United States of America appearing in behalf of the restricted Indians by the Hon. Whit V. Mauzy, United States District Attorney and the court having heard the evidence introduced by the plaintiff and having examined all pleadings and exhibits thereto attached and the proof of publication of notice to the unknown defendants including the notice of the pendency of this suit served on the Honorable A. H. Landman, Superintendent of the Five Civilized Tribes, being fully advised in the premises, finds that this action was originally filed in the District Court of Tulsa County, Oklahoma, which said court had jurisdiction of the persons and the subject matter of this action; that notice of publication against the unknown heirs, executors, administrators, creditors, trustees and assigns, immediate and remote of Jack Bat, deceased, and the said George Bat, deceased, was lawfully given by publication of said notice in the West Tulsa News, a newspaper of general circulation and lawfully entitled to publish the same under the laws of Oklahoma, for four consecutive issues, the first of said publications being made on the 18th day of June, 1942, and the last publication being made in the issue of July 9, 1942, and that date therein set thereby said defendants might answer was the 31st day of July, 1942, which was one day forty-one days from date of the first publication herein made.

The Court further finds;

1.

That all parties of this suit have been duly notified and that the title is settled and awarded as follows:

RETURNED JANUARY 1914

The east half of the Northeast quarter of Section 23, Township 21 North, Range 13 East, containing 30 acres more or less.

were allotted to Jack Batt, deceased.

2.

That the said Jack Batt, full blood Cherokee Indian, Roll No. 15306, departed this life, intestate, on or about November 24, 1909, while the owner of the above described property and a resident of Cherokee County, Oklahoma; that the said Jack Batt, at the time of his death, left surviving him as his heirs at law the following named persons and no one other:

- Patsy Batt, nee Ketcher, surviving wife, Earthy Batt,
- Daniel Batt, otherwise known as Dan Batt, George Batt,
- Bettie Batt, Susie Roach, nee Batt, Lizzie Whitekiller,
- nee Batt, Linda Batt, Jefferson Batt, Esther Batt and
- Ida Batt, 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 Batt, nee Ketcher, surviving widow, inherited an undivided one-third interest in and to the above described property; that the abovenamed children of the said Jack Batt 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.

3.

That George Batt, one of the surviving children of the said Jack Batt, departed this life intestate while a resident of Cherokee County, Oklahoma, on or about May 27, 1933; that the said George Batt, at the time of his death, was the owner of an undivided 2/33 interest in and to the above described property; that the said George Batt left surviving him as his heirs at law the following named persons and no one other:

- Carrie Batt, nee Pumpkin, surviving widow, and George Batt, Jr., son,

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 interest owned in the above described property by the said George Batt, at the time of his death, passed into the said Carrie Batt, nee Pumpkin, surviving widow and George Batt, Jr., surviving child in equal shares, that is to say, each would own an undivided 1/33 interest in and to the above described property.

4.

That the plaintiff herein, being one of the heirs of the said Jack Batt, deceased, owns an undivided 2/33 interest in and to the property hereinabove described, and that the defendants Earthy Batt, Lillie Roach, nee Batt, Bettie Batt, Susie Roach, nee Batt, Lizzie Whitekiller, nee Batt, Linda Batt, Jefferson Batt, and Ida Batt, and Esther Batt, each own an undivided 2/33 interest in and to said land; and Carrie Batt, nee Pumpkin and George Batt, Jr., each own an undivided 1/33 interest in and to said property.

The court further finds from the evidence that the defendant, Ewins Halsell, is vested with legal title to an agricultural lease ending December 31, 1912; the court further finds that there is due and payable to Hersoman James L Howe of Lawton, Oklahoma, Paul Hersoman, Sole Owner, the sum of \$218.00, the said indebtedness evidencing the funeral expenses of said deceased incurred by the heirs, parties to this action at the time when said land were not restricted and that said indebtedness is evidenced by a chattel mortgage recorded in Book 1022, Page 30 of the County Clerk's Office of Tulsa County, Oklahoma, a said mortgage for the sum of \$27.50 has been paid leaving a balance due of

REGULAR JANUARY 1942 TERM

DISTRICT OF OKLAHOMA  
MULLEN, OKLAHOMA

THURSDAY, OCTOBER 29, 1942

\$215.00 and by reason thereof a lien should be adjudged in favor of said General Bank for said amount to be deducted out of the purchase price of said land in case sale and partition is made.

The court further finds that the defendants named as the unknown heirs, executors, administrators, devisees, creditors, trustees and assigns, immediate and remote of Jack Bat, deceased and of George Bat, deceased, have no right, title, or interest in said land and that their adverse claims should be cancelled, set aside, and held for naught and that the plaintiff and defendants herein, the descendants of the said Jack Bat, Cherokee Indian, Roll No. 15606, deceased, and George Bat, deceased, are the owners of said land and that the title thereto should be quieted in them and against the adverse claims of the said unknown defendants.

The Court further finds that no administration was ever had over the estate of the said Jack Bat, deceased, by any court having jurisdiction of his estate nor by any other court having jurisdiction to determine such issue and that more than three years have elapsed since the respective deaths of said decedents and that there is now no cause or reason for administration of said estate and the District Court of Tulsa County, Oklahoma, had jurisdiction of this action and upon transfer of same to this Court, this Court obtained jurisdiction of the same and is now vested with full and complete jurisdiction of the parties and the subject matter of the same and that said transfer was made in accordance with the provisions of Section 5 of the Act of Congress of April 12, 1926, notice of the pendency of the action having been lawfully served on the Superintendent of the Five Civilized Tribes, Muskogee, Oklahoma, as provided by the Act of Congress and like cases.

The Court further finds that the plaintiff and defendants are entitled to partition of the real estate involved herein so that they each might have their interest in severalty as hereinbefore found if the same can be made without manifest injury to said estate.

IT IS THEREFORE ADJUDGED, and decreed by the court that the findings heretofore made, be, and the same are hereby made the judgment of this Court. It is further ordered, adjudged and decreed by the court that the plaintiff and defendants, the heirs of Jack Bat, and George Bat, both deceased, are entitled to partition of lands involved in this action as heretofore described including the mineral rights so that they each may have and hold their undivided interest in accordance with the following proportions to-wit:

Patsy Bat,	1/8 interest,
Daniel Bat,	2/32 interest,
Lillie Bat,	2/32 interest,
Bettie Bat,	2/32 interest,
Susie Beach,	2/32 interest,
Lizzie Whitekiller,	2/32 interest,
Linda Bat,	2/32 interest,
Jefferson Bat,	2/32 interest,
Esther Bat,	2/32 interest,
Ida Bat,	2/32 interest,
Carrie Bat nee Dinkin,	1/32 interest,
George Bat, Jr.,	1/32 interest,
Erathy Bat,	2/32 interest,

If the same can be done without manifest injury to the interests of the parties hereto, the plaintiff and the defendants,

It is further ordered, adjudged, and decreed by the court that the title to the premises involved herein as heretofore described be quieted in the plaintiff and defendants herein named, the heirs of the said Jack Bat, deceased, and George Bat, deceased, against the adverse claims of the unknown heirs, executors, administrators, devisees, creditors, trustees and assigns, immediate and remote, of the said Jack Bat, and George Bat, deceased, in and through heretofore jointly and severally being defendants herein, and that the title thereto be quieted in the plaintiff and defendants herein named and against the adverse claims of the said unknown heirs, executors, administrators, devisees, creditors, trustees and assigns, immediate and remote, of the said Jack Bat, and George Bat, deceased.

It is further ordered, adjudged and decreed by the court that E. V. Williams, and Elmer Wick and C. C. Webb, disinterested parties are hereby appointed commissioners to partition said land in all the same can be done without manifest injury to the interests of said parties, otherwise, they shall make an appraisal and valuation thereof and file their said report forthwith and the Honorable H. P. Garfield, Clerk of this Court, is directed to issue to said commissioners a writ of partition directing them to give said partition or appraisal in accordance herewith without unnecessary delay.

It is further ordered, adjudged and decreed by the court that the persons named as heirs of Jack Bat, deceased, and George Bat, deceased, are set out in the findings of herein as the sole and only heirs of said deceased persons and as such the owners of said lands.

It is further ordered, adjudged and decreed by the court that this decree be binding in all respects on the United States of America as intervenor as the decree is binding on all other parties to this action as provided by the Act of Congress of April 12, 1926, and that notice given pursuant to said Act of Congress and served on the Superintendent of the Five Civilized Tribes at Muskogee is valid and made in accordance therewith.

It is further ordered, adjudged and decreed by the court that the unexpired lease of the defendant, Ewing Halsell, expiring December 31, 1942, is valid and perfect and that the value of said lease should be by said commissioners ascertained separately to set a value thereof to be deducted from the purchase price hereof in case a sale and partition is made.

It is further ordered, adjudged and decreed by the court that the obligation created by funeral expenses for Jack Bat, a letter herein, is valid and a valid and subsisting obligation and that judgment should be given in favor of Henson Funeral Home of Lawton, Oklahoma, Paul Henson, owner, in the sum of \$218, and that a lien is declared on said land for said amount herein and in case of sale and partition that said amount be deducted out of the sum received before distribution is made.

It is further ordered, adjudged and decreed by the court that the publication service against the unknown heirs, etc. of Jack Bat, deceased, and George Bat, deceased, defendants herein, made in the West Tulsa News, proof of said publication having been filed herein, be and the same is in all things approved and confirmed and that the service of notice on the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, as made and returned by the United States Marshal of the Eastern District of Oklahoma, be and the same is in all things approved and confirmed and said service is a judgment valid and perfect and made in accordance with the provisions of the Act of Congress of April 12, 1926, as amended and provided and in conformity with the Act of Congress of April 12, 1926.

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

RECORDED: Filed Oct 22 1948  
 H. P. Garfield, Clerk  
 U. S. District Court LN

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,

-vs-

MARIE DAHLGREN FOSTER, individually  
and as Executrix, etc., et al, Defendants.

Civil Action File No. 277

ORDER APPOINTING GUARDIAN AD LITEM

This cause coming on to be heard on motion of the Plaintiff herein and on the petition of the Plaintiff filed herein, due notice of the application for the entry of this order having been given to each of the parties affected thereby; and it appearing to the court that the defendants, ANNE MARIE DOORNBOOS, CHARLES FOSTER DOORNBOOS, JOHN FOSTER KANE and HENRY FOSTER KANE, and each of the , are infants under the age of twenty-one years, and that VILLARD MARTIN, ESQ., is a fit and proper person to be appointed their guardian ad litem, and has no interest in this suit adverse to said infant defendants, and has consented to act as their guardian ad litem herein.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that VILLARD MARTIN, ESQ., be and he is hereby appointed guardian ad litem for said infant defendants, ANNE MARIE DOORNBOOS, CHARLES FOSTER DOORNBOOS, JOHN FOSTER KANE and HENRY FOSTER KANE, to represent their interests in this cause and to defend this suit; and he is hereby authorized and directed to appear and defend on their behalf in this proceeding.

Dated this 22 day of October, 1942.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed in Open Court  
Oct 22 1942  
H. P. Garfield, Clerk  
U. S. District Court IN

Court adjourned to October 23, 1942

On this 24th day of October, 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. Garfield, Clerk, U. S. District Court  
Walt V. Hamer, United States Attorney  
John P. Logan, United States Marshal

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

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U. S. DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

SA TURDAY, OCTOBER 24, 1942

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

UNITED STATES OF AMERICA, Plaintiff, )
- vs - ) NO. 898 - CIVIL
JOSEPH WATSON, Defendant. )

ORDER OF DISMISSAL

Comes now the United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and moves that the above action be dismissed for the reason that a compromise settlement has been entered in this matter whereby a deed to the property involved has been given to the defendant and that the defendant has paid in consideration thereof the sum of Three Hundred Fifty Dollars (\$350.00) and Fifteen Dollars (\$15.00) court costs.

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

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to October 26, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 26, 1942

On this 26th day of October, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Hon. Bower Broadus and Hon. F. E. Kennamer, Judges, present and presiding.

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

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

MISCELLANEOUS - ORDER EMPANELING PETIT JURY.

On this 26th day of October, A. D. 1942, comes the Marshal and makes return on the Venire heretofore issued out of this Court for Petit Jurors for this Regular January 1942 Term of Court at Tulsa, Oklahoma, Thereupon, the Clerk calls the names of the Jurors so summoned, as follows:

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

691

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 26, 1942

T. H. McSpadden  
Wilbur L. Marrs  
Curtis F. Bryan  
Frank B. Scott  
George B. Marsh  
B. A. Thompson  
Floyd W. Scott  
George M. Reeves  
E. A. Todd  
Glenn E. Matter  
Harold Boyd  
Jerome Fletcher Streetman  
Evert Inman  
Geo. Lee Parent  
Leo Stanford  
Kenneth Cargile  
J. P. Gardner  
Leo S. Scott  
A. A. Thompson  
Harold Purshing Christian  
William L. Mayes  
Fred Massey  
Rowe Neal Scott  
Wm. Morris  
Alvin Shaeffer  
H. R. Dean  
Jack DeFrees  
John Lemester  
Ralph D. Curtis  
Curtis Edward Stover  
Hubert A. McNally  
Acy A. Fulks

L. O. McNabb  
Tommy H. Goins  
Roy E. Henricks  
Floyd M. Miller  
Leland Hensley  
William H. Scott  
H. E. Wilkins  
L. C. Lowery  
Don McMasters  
Lee Gilliland  
Carl Schubert  
James Oliver Burgess  
Ed Richardson  
Charles Douglas Workman  
Paul Mustain  
Elmer Sawyer  
Norman C. Matlock  
Alva Benton Switzer  
Virgil Hamilton  
Joe A. Huitt  
Henry C. Killion  
H. R. Kenton  
Clyde W. Audrain  
J. Lester Sharp  
Glenn Johnson  
William Howell Kelly  
Elmer Malott  
Lawrence Earl Medlin  
Albert O. Bettis  
Joe C. Brown  
Charlie L. Osburn  
Frank L. Wheeler

John H. Durnil

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

Curtis F. Bryan  
George B. Marsh  
B. A. Thompson  
Glenn E. Matter  
Harold Boyd  
Geo. Lee Parent  
J. P. Gardner  
Leo C. Scott  
Alvin Shaeffer  
Ralph D. Curtis  
Acy A. Fulks  
L. O. McNabb  
Tommy H. Goins

Roy E. Henricks  
Leland Hensley  
H. E. Wilkins  
L. C. Lowery  
Carl Schubert  
Paul Mustain  
Elmer Sawyer  
Joe A. Huitt  
Henry C. Killion  
Glenn Johnson  
Elmer Malott  
Lawrence Earl Medlin  
Joe C. Brown

Frank L. Wheeler

are excused from service as Jurors for the term.

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

Kenneth Cargile      Wm. Morris      Floyd M. Miller      Alva Benton Switzer

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

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

ENDORSED: Filed In Open Court  
Oct 26 1942  
H. P. Warfield, Clerk  
U. S. District Court

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

Deshalecowney (Joe) Hay, et al., Plaintiffs, )  
)  
v. )  
) No. 521 Civil  
Sakcota Hay, nee Staley, Defendant, )  
)  
United States of America, Intervener. )

O R D E R

This matter coming on for hearing this 26 day of Oct., 1942, and the court being fully advised in the premises, finds that the order approving the commissioners' report and the order of sale issued herein be vacated; and

The Court further finds that new commissioners should be appointed

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the order entered in this cause on the 22nd day of September, 1942, confirming report of commissioners be and the same hereby is vacated set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the order of sale issued herein on the 22nd day of September, 1942, be and the same hereby is vacated, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that J. F. Pickens, T. V. Williams, and Woodrow Tiger are hereby appointed as commissioners to make partition of the real estate herein and in case they find that the same cannot be partitioned in kind without manifest injury, they are directed to make an appraisalment of said real estate; take the oath and report back to this court all as required by law.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE  
Judge of the U. S. District Court

ENDORSED: Filed Oct 26 1942  
H. P. Warfield, Clerk  
U. S. District Court ME

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

UNITED STATES OF AMERICA, Petitioner, )  
 )  
-vs- )  
 ) CIVIL NO. 822  
CERTAIN PARCELS OF LAND IN MAYES COUNTY, )  
OKLAHOMA; and James S. Freeman, et al., )  
Defendants. )

ORDER FIXING INTEREST, DECREERING JUST COMPENSATION AND  
MAKING DISTRIBUTION OF FUNDS AS TO TRACT NO. 4 (305 - 33.1 & 32.7)

NOW, on this 26th day of October, 1942, there coming on for hearing the application of the defendant, Ezra C. Harp, for an order fixing interest, decreeing just compensation and making distribution as to Tract No. 4 (305 - 33.1 & 32.7), and the Court being fully advised in the premises finds:

That the defendant, Ezra C. Harp, is the tenant on the land described as Tract No. 4 (305 - 33.1 & 32.7); that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$65.00 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, Ezra C. Harp, tenant on Tract No. 4 (305 - 33.1 & 32.7), in writing, agreed to release and discharge the petitioner from any and all demands and claims for damages upon the payment of the sum of \$20.00, which was accepted by the petitioner.

The Court further finds that the sum of \$20.00 is just compensation for the injuries and damages sustained by said defendant, Ezra C. Harp as tenant on Tract No. 4 (305 - 33.1 and 32.7)

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Ezra C. Harp, is the tenant upon the land described as Tract No. 4 (305 - 33.1 & 32.7), and that the sum of \$20.00 is just compensation for the damages sustained by the defendant, Ezra C. Harp, tenant upon said Tract No. 4 (305 - 33.1 & 32.7).

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:

Ezra C. Harp, tenant, Tract No. 4 (305 - 33.1 & 32.7) \$20.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Oct 26 1942  
H. P. Warfield, Clerk  
U. S. District Court ACC

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

UNITED STATES OF AMERICA, Petitioner, )  
 )  
-vs- ) CIVIL NO. 833  
 )  
CERTAIN PARCELS OF LAND IN MAYES COUNTY, )  
OKLAHOMA; and G. R. Bracken, et al, Defendants. )

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 8 (305 - 34.5)

NOW on this 26th day of October, 1942, there coming on for hearing the application of the defendant, R. A. Byers, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 8 (305 - 34.5), and the Court being fully advised in the premises, finds:

That the defendant, R. A. Byers, the owner of the land designated as Tract No. 8 (305 - 34.5) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$32.00 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, R. A. Byers, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$32.00, which was accepted by the petitioner.

The Court further finds that the sum of \$32.00 is just compensation for the injuries and damages sustained by said defendant, R. A. Byers.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant R. A. Byers, is the owner of the land designated as Tract No. 8 (305 - 34.5), when this proceeding was commenced, and that the sum of \$32.00 is just compensation for the damages sustained by the defendant, R. A. Byers, and that said defendant is the only person having any right, title or interest in and to said just compensation.

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

TO: R. A. Byers                      Owner              TRACT NO. 8 (305 - 34.5)              \$32.00

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Oct 26 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.		)	
		)	
77.15 acres of land, more or less,		)	
situate in Mayes County, Oklahoma,		)	No. 900 Civil
and the Known and Unknown Heirs,		)	
executors, administrators, devisees,		)	
legatees, trustees and assigns,		)	
immediate and remote, of Will Giles,		)	
deceased, et al.,	Respondents.	)	

ORDER GRANTING POSSESSION

Now on this 26 day of October, 1942, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, appeared before this Court and presented the verified petition for condemnation in the above entitled proceeding, in which it is prayed that this Court enter an order granting to the United States of America immediate possession of the lands described in said petition.

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

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

Tract No. F-200

All that tract of parcel of land situate in the County of Mayes, State of Oklahoma, and more particularly described as follows:

All of Lot Three (3) of Section Eleven (11), and Southeast Quarter of Southwest Quarter of Southwest Quarter (SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and Southwest Quarter of Southwest Quarter of Southwest Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Twelve (12), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, containing 28.65 acres of land, more or less.

Tract No. F-201

All that part of parcel of land situate in the County of Mayes, State of Oklahoma, and more particularly described as follows:

Northeast Quarter of Northwest Quarter of Northwest Quarter (NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) and South Half of Northwest Quarter of Northwest Quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ); and Northwest Quarter of Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section Thirteen (13), and all of Lot One (1), in Section Fourteen (14), all in township twenty (20) north, Range Nineteen (19) East of the Indian Meridian, containing in all 48.50 acres of land, more or less.

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

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REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 26, 1942

and all and singular the rights, privileges and appurtenances thereunto belonging, are hereby ordered and directed to deliver up and surrender forthwith full and complete possession thereof to the United States of America, to the extent of the estate hereby taken, and the United States of America is hereby granted leave to take immediate possession of said lands.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed 9:09 A.M.  
Oct 26 1942  
H. P. Warfield, Clerk  
U. S. District Court ME

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 26 day of October, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing to the court that among the assets coming into the hands of said trustee was a note, dated November 14, 1930, executed by Katie Einhorn Bercutt and Jake Bercutt, for the principal sum of Four Thousand Six Hundred Dollars (\$4,600.00), upon which there was due the principal sum of Four Thousand One Hundred Fifty Four & 63/100 Dollars (\$4,154.63) said note being secured by a real estate mortgage covering

Lots Nine (9), Ten (10), Twelve (12) and Thirteen (13), in Block Two (2) of Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof; that because of the inability of the trustee to collect said note, he instituted cause No. 61727 in the District Court of Tulsa County, Oklahoma, and obtained judgment therein on the 11th day of September, 1937, against Katie Einhorn Bercutt, Jake Bercutt, and Katie Bercutt, Guardian of the person and estate of Jake Bercutt, incompetent, for the principal sum of Four Thousand One Hundred Fifty Four & 63/100 Dollars (\$4,154.63), together with interest to the date of judgment in the amount of One Thousand Nine Hundred Eighty-Six & 07/100 Dollars (\$1,986.07), plus attorney fees; and further finds that said real estate was thereafter sold by the Sheriff of Tulsa County, Oklahoma, pursuant to appropriate proceedings therefor, and said real estate and improvements were purchased by J. H. McBirney, Successor Trustee, who is the present legal owner and holder of title thereto.

The Court further finds that the said trustee has been unable to sell said real estate in one parcel, and further finds that he has conferred with the members of the Advisory Committee, appointed and designated by this Court, upon whom notice shall be given of proposed sales of real estate, and further finds that the members of the Advisory Committee have been notified and have considered the sale of said real estate in separate parcels, and have approved the same.

The Court further finds that J. H. McBirney, has offered the sum of Seven Hundred Dollars (\$700.00) in cash for the purchase of:

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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

MONDAY, OCTOBER 26, 1942

Lot Nine (9) of Block Two (2) of Crutchfield Addition to the  
City of Tulsa, Tulsa County, Oklahoma, according to the recorded  
plat thereof,

and the said sum approximates the value of said real estate; that the said trustee has recommended  
the sale of said lots for said cash consideration; and it appears that said sum is the highest and  
best offer received by said trustee for said real estate.

The Court further finds that J. E. Blair and William Blair, real estate brokers  
in the City of Tulsa, Oklahoma, arranged the sale of said lots for the sum of Seven Hundred Dollars  
(\$700.00), and are entitled to compensation for their said services, and that five percent (5%)  
of the purchase price of said lots is reasonable compensation for said services, and that the said  
J. E. Blair and William Blair should be paid the sum of Thirty Five Dollars (\$35.00) as compensation  
in full for their said services.

IT IS, THEREFORE, ORDERED that J. H. McBirney, Successor Trustee, be and he is  
hereby authorized to sell to J. W. Marvin

Lot Nine (9) of Block Two (2) of Crutchfield Addition to the  
City of Tulsa, Tulsa County, Oklahoma, according to the recorded  
plat thereof,

upon payment to him of the sum of Seven Hundred Dollars (\$700.00).

IT IS FURTHER ORDERED that the sale of said Lot Nine, Block Two, Crutchfield Addition  
to the City of Tulsa, Oklahoma, by J. H. McBirney, Successor Trustee, to J. W. Marvin, be and the same  
is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to  
J. W. Marvin, his trustee's special warranty deed, transferring and conveying Lot Nine (9), Block Two  
(2), Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, upon receipt by him of the  
said sum of Seven Hundred Dollars (\$700.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby  
authorized to pay to J. E. Blair and William Blair the sum of Thirty Five Dollars (\$35.00) as compen-  
sation in full for their services as real estate broker in arranging the sale of the real estate above  
described.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Oct 26 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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 26, 1942

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 26th day of October, 1942, upon the application of J. H. McBirney, Successor Trustee, and for authority to sell real estate; and it appearing to the court that among the assets coming into the hands of said trustee was a note, dated November 14, 1930, executed by Katie Einhorn Bercutt and Jake Bercutt, for the principal sum of Four Thousand Six Hundred Dollars (\$4,600.00), upon which there was due the principal sum of Four Thousand One Hundred Fifty Four & 63/100 Dollars (\$4,154.63), said note being secured by a real estate mortgage covering

Lots Nine (9), Ten (10), Twelve (12), and Thirteen (13), in Block Two (2) of Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof;

that because of the inability of the trustee to collect said note, he instituted cause No. 61727 in the District Court of Tulsa County, Oklahoma, and obtained judgment therein on the 11th day of September, 1937, against Katie Einhorn Bercutt, Jake Bercutt, and Katie Bercutt, Guardian of the person and estate of Jake Bercutt, incompetent, for the principal sum of Four Thousand One Hundred Fifty Four & 63/100 Dollars (\$4,154.63), together with interest to the date of judgment in the amount of One Thousand Nine Hundred Eighty Six & 07/100 Dollars (\$1,986.07), plus attorney fees; and further finds that said real estate was thereafter sold by the Sheriff of Tulsa County, Oklahoma, pursuant to appropriate proceedings therefor, and said real estate and improvements were purchased by J. H. McBirney, Successor Trustee, who is the present legal owner and holder of title thereto.

The Court further finds that the said trustee has been unable to sell said real estate in one parcel, and further finds that he has conferred with the member of the Advisory Committee, appointed and designated by this court, upon whom notice shall be given of proposed sales of real estate, and further finds that the members of the Advisory Committee have been notified and have considered the sale of said real estate in separate parcels, and have approved the same.

The court further finds that G. F. Green has offered the sum of One Thousand Six Hundred Fifty Dollars (\$1,650.00) in cash for the purchase of:

Lots Twelve (12) and Thirteen (13), of Block Two (2), of Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

and said sum approximates the value of said real estate; that the said trustee has recommended the sale of said lots for said cash consideration; and it appears that said sum is the highest and best offer received by said trustee for said real estate.

The court further finds that J. E. Blair and William Blair, real estate brokers in the City of Tulsa, Oklahoma, arranged the sale of said lots for the sum of One Thousand Six Hundred Fifty Dollars (\$1,650.00), and are entitled to compensation for their said services, and that five per cent (5%) of the purchase price of said lots is reasonable compensation for said services, and that the said J. E. Blair and William Blair should be paid the sum of Eighty Two & 50/100 Dollars (\$82.50) as compensation in full for their said services.

IT IS, THEREFORE, ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to G. F. Green

Lots Twelve (12) and Thirteen (13), of Block Two (2),  
of Crutchfield Addition to the City of Tulsa, Tulsa  
County, Oklahoma, according to the recorded plat thereof,

upon payment to him of the sum of One Thousand Six Hundred Fifty Dollars (\$1,650.00).

IT IS FURTHER ORDERED that the sale of said lots 12 and 13, Block 2, Crutchfield Addition to the City of Tulsa, Oklahoma, by J. H. McBirney, Successor Trustee, to G. F. Green be and the same is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to G. F. Green, his trustee's special warranty deed, transferring and conveying Lots 12 and 13, Block 2, Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, upon receipt by him of the said sum of One Thousand Six Hundred Fifty Dollars (\$1,650.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to J. E. Blair and William Blair the sum of Eighty Two & 50/100 Dollars (\$82.50) as compensation in full for their services as real estate broker in arranging the sale of the real estate above described.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Oct 26 1942  
H. P. Warfield, Clerk  
U. S. District Court ME

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

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

ORDER AUTHORIZING TRUSTEE TO SELL REAL ESTATE

On this 24th day of July, 1942, upon the application of J. H. McBirney, Successor Trustee, for authority to sell real estate; and it appearing to the court that among the assets coming into the hands of said trustee was a note, dated November 14, 1930, executed by Katie Einhorn Bercutt and Jake Bercutt, for the principal sum of Four Thousand Six Hundred Dollars (\$4,600.00), upon which there was due the principal sum of Four Thousand One Hundred Fifty Four & 63/100 Dollars (\$4,154.63), said note being secured by a real estate mortgage covering  
Lots Nine (9), Ten (10), Twelve (12) and Thirteen (13),  
in Block Two (2) of Crutchfield Addition to the City of Tulsa,  
Tulsa County, Oklahoma, according to the recorded plat thereof;

that because of the inability of the trustee to collect said note, he instituted cause No. 61727 in the District Court of Tulsa County, Oklahoma, and obtained judgment therein on the 11th day of September, 1937, against Katie Einhorn Bercutt, Jake Bercutt, and Katie Bercutt, Guardian of the person and estate of Jake Bercutt, incompetent, for the principal sum of Four Thousand One Hundred Fifty Four & 63/100 Dollars (\$4,154.63), together with interest to the date of judgment in the amount of One Thousand Nine Hundred Eighty Six & 07/100 Dollars (\$1,986.07), plus attorney fees; and further finds that said real estate was thereafter sold by the Sheriff of Tulsa County, Oklahoma, pursuant to appropriate proceedings therefor, and said real estate and improvements were purchased by J. H. McBirney, Successor Trustee, who is the present legal owner and holder of title thereto.

The court further finds that the said trustee has been unable to sell said real estate in one parcel, and further finds that he has conferred with the members of the Advisory Committee, appointed and designated by this court, upon whom notice shall be given of proposed sales of real estate, and further finds that the members of the Advisory Committee have been notified and have considered the sale of said real estate in separate parcels, and have approved the same.

The court further finds that Ora Mary Dake has offered the sum of Four Hundred Dollars (\$400.00) in cash for the purchase of

Lot Ten (10), Block Two (2), of Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

and said sum approximates the value of said real estate; and that the said trustee has recommended the sale of said lot for said cash consideration; and it appears that said sum is the highest and best offer received by said trustee for said real estate.

The court further finds that J. E. Blair, a real estate broker in the City of Tulsa, arranged the sale of said lot for the sum of Four Hundred Dollars (\$400.00), and is entitled to compensation for his said services, and that five per cent (5%) of the purchase price of said lot is reasonable compensation for said services, and that the said J. E. Blair should be paid the sum of Twenty Dollars (\$20.00) as compensation in full for his said services.

IT IS, THEREFORE, ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to sell to Ora Mary Dake

Lot Ten (1), Block Two (2) of Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

upon payment to him of the sum of Four Hundred Dollars (\$400.00).

IT IS FURTHER ORDERED that the sale of said Lot 10, Block 2, Crutchfield Addition to the City of Tulsa, Oklahoma, by J. H. McBirney, Successor Trustee, to Ora Mary Dake, be and the same is hereby ratified, confirmed and approved.

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, execute and deliver to Ora Mary Dake, his trustee's special warranty deed, transferring and conveying Lot Ten (1), Block Two (2), Crutchfield Addition to the City of Tulsa, Tulsa County, Oklahoma, upon receipt by him of the said sum of Four Hundred Dollars (\$400.00).

IT IS FURTHER ORDERED that J. H. McBirney, Successor Trustee, be and he is hereby authorized to pay to J. E. Blair the sum of Twenty Dollars (\$20.00) as compensation in full for his services as real estate broker in arranging the sale of the real estate above described.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed Oct 26 1942  
H. P. Warfield, Clerk  
U. S. District Court AC

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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

TUESDAY, OCTOBER 27, 1942

On this 27th day of October, A.D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broaddus, Judges, present and presiding.

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

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

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,		)	
situated in Mayes County, Oklahoma,		)	
and John M. Niehaus, Jr., et al,	Respondents.	)	

ORDER APPOINTING ATTORNEY

NOW, on this 27th day of October, 1942, there comes on for hearing the application of Dennis Nivens for the appointment of an attorney to represent the interests of those of the defendants named in said application who are, or may be, in the Military or Naval Service of the United States; it being made to appear to the court that such defendants have been legally notified of the commencement of this action; that none of such defendants have appeared personally or have authorized any attorney to represent them herein, and that such appointment is authorized by the terms of the Act of Congress, entitled Soldiers' and Sailors' Civil Relief Act of 1940, signed by the President of the United States On October 18, 1940; and for good cause shown, and the proofs made herein, the court finds that said appointment should be made pursuant to the terms of said Act.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

that J. S. Severson, a qualified member of the Bar of this County be, and he is hereby appointed to represent and protect the interest of the following named defendants; O. B. Mann, John D. Weakly, T. H. Thompson, J. R. Perry, and Sarah Shelburn, and to serve, without compensation, as their attorney with such authority as provided by the terms of said Act, until the conclusions of this action.

ROYCE H. SAVAGE  
United States Judge

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

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

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

NO. 1

Do you find from a preponderance of the evidence that it was proper for the plaintiff, under its managing and development agreement with defendant to proceed to develop the lease at the depth of 5356 feet to 5410 feet by the shooting of the sand at that depth?

Answer yes or no. Yes.

WILLIAM L. MAYES  
Foreman.

NO. 2

Do you find from the evidence that there was an oral agreement between plaintiff and defendant that there was to be no expenditure in excess of \$1,000.00 on the Pure leasehold without the consent of the defendant?

Answer yes or no. Yes.

WILLIAM L. MAYES  
Foreman.

NO. 3.

If your answer to the above question No. 2 is yes, then do you find from the preponderance of the evidence that in undertaking the shooting of the sand at the depth of 5336 to 5410 feet, it could be reasonably anticipated by the plaintiff that the expenditure would exceed \$1,000.00.

Answer yes or no. No.

William L. Mayes  
Foreman.

NO. 4

If you answer to above question No. 2 is yes, do you find from the preponderance of the evidence that defendant, through its officers and agents, acquiesced in shooting the sand at the depth of 5356 feet to 5410 feet?

Answer yes or no. Yes

WILLIAM L. MAYES  
Foreman

NO. 5

Do you find from a preponderance of the evidence that the plaintiff was negligent in the manner and method of shooting the sand found at the depth of 5356 feet to 5410 feet?



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

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

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

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT  
OF OKLAHOMA AND THE UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE TENTH CIRCUIT

Thomas D. Taylor, Plaintiff, )  
vs. ) Civil Action No. 47  
Tulsa Tribune Company, a Corporation, Defendant. )

ORDER FOR TRANSMISSION OF ORIGINAL EXHIBITS TO COURT OF  
APPEALS

On this 13th day of October, 1942, the plaintiff and appellant in open court applies for an order authorizing and permitting the transmission of all exhibits filed and in evidence in this cause to this Circuit Court of Appeals as a part of the record herein and in lieu of copies thereof; and the defendant and appellee in open court consents and agrees thereto; and for good cause shown the court is of the opinion that said application should be granted.

Wherefore, it is ordered that all original exhibits offered and introduced in evidence in this cause at the trial hereof shall be attached to the transcript of the testimony taken at the trial hereof and sent to the Circuit Court of Appeals as a part of the record herein in lieu of copies thereof.

ROYCE H. SAVAGE  
United States District Judge

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

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF  
OKLAHOMA AND THE UNITED STATES CIRCUIT COURT OF APPEALS  
FOR THE TENTH CIRCUIT

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

ORDER FOR WITHDRAWAL OF EXHIBIT AND TRANSFER TO FILE IN THE ABOVE  
ENTITLED CAUSE

Now on this 13 day of October, 1942, on application of the plaintiff and appellant in the above entitled cause, and the defendant and appellee consenting thereto, it having been made to appear to the court that it is necessary to withdraw from the files Civil Action No. 297 in the above

ENTITLED court, styled Thomas D. Taylor, Plaintiff, vs. Tulsa Tribune Company, a corporation, Defendant, a certain photostatic print of a contract attached to the petition in said Civil Action No. 297 as an exhibit thereto in order to supply the record in this cause with a more legible copy of said contract,

It is hereby ordered, and decreed, that the Clerk shall withdraw from the petition filed in Civil Action No. 297 said contract of July 21, 1942, and place the same in the record in this cause and shall note on the petition in said cause No. 297 that said contract of July 21, 1932, has been withdrawn from the files of said cause for the purpose of supplying the record in the above entitled action.

ROYCE H. SAVAGE  
United States District Judge

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

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

Ned Wilson, also Kenney Vann by Ned Wilson,  
his next friend, Plaintiffs,

substituted for Lila Gourd Wilson deceased,

vs.

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

NO. 629 CIVIL

CONFIRMATION OF SALE

Now on this 28 day of October, 1942, came 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 B. F. Pallett for \$305.00 and to K. J. Montgomery for \$1200.00 for the respective parcels of real estate shown in said return and the court having examined said return and being fully and sufficiently advised finds that said sales were 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 of said respective parcels of real estate and the sales should in all things be confirmed and approved and a deed order executed to the purchasers.

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:

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

697

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, OCTOBER 28, 1942

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

to B. F. Pallett for \$305.00 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 B. F. Pallett.

It is further considered, adjudged, ordered and decreed by the court that the said  
real estate involved in this action in Washington County, Oklahoma, to-wit:

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

to K. J. Montgomery for \$1200.00 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 the said  
real estate to said purchaser, K. J. Montgomery.

It is further ordered that said John P. Logan, as such Special Commissioner hold the  
proceeds of said said awaiting the further order of this Court.

ROYCE H. SAVAGE  
United States District Judge

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

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

UNITED STATES OF AMERICA,	Plaintiff, )	
vs.	)	Case No. 762 Tract No. 12-A Tract No. 13 and
A. E. MADOLE,	Defendant. )	Tract No. 15

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find  
for the defendant and assess damages at \$300.00.

ED RICHARDSON,  
foreman.

ENDORSED: Filed In Open Court  
Oct 28 1942  
H. P. Warfield, Clerk  
U. S. District Court

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

UNITED STATES OF AMERICA, Plaintiff, )  
) )  
vs. ) Case No. 762 Tract No. 12-B  
) )  
RONALD R. MADOLE, Defendant. )

We, the jury in the above entitled case duly impaneled and sworn upon our oaths, find for the defendant and assess damages at \$105.00.

ED RICHARDSON  
Foreman.

ENDORSED: Filed In Open Court  
Oct 28 1942  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA, Petitioner, )  
) )  
vs. ) No. 825.- Civil  
) )  
Certain Parcels of land in the )  
Town of Dawson, County of Tulsa, State of )  
Oklahoma, and Town of Dawson, Oklahoma, )  
et al., Respondents. )

J U D G M E N T

Now on this 28 day of October, 1942, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the stipulations, binding contracts and agreements entered into by the petitioner and certain respondents, being the oners of the real estate involved in this proceeding and hereinafter specifically described.

THEREFORE, the Court proceeded to hear and pass upon said application, the petition for condemnation, stipulations, written contracts and agreements and all other matters herein, and finds that:

- (1) Each and all of the allegations in said petition for condemnation are true, and the United States of America is entitled to acquire property eminent domain for the uses and purposes therein set forth.
- (2) The said petition for condemnation was filed at the request of the Secretary of War, the person duly authorized by law to acquire the lands described in said document, for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding.
- (3) In said petition for condemnation is set forth a statement of the authority under which and the public use for which said lands were taken.

(4) A proper description of the lands sought to be taken sufficient for the identification thereof, is set out in said petition for condemnation, and a statement of the estate or interest in said lands taken for 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, and notice of determining rightful owners and claimants was served upon each and all of the respondents named in said Petition for Condemnation, as required by law and the order of this Court.

(6) The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that same are in accordance with law. The Court further finds that the publication notice and the affidavit of the publisher as filed herein are in all respects in accordance with the law in such cases made and provided, and the same are hereby approved by this Court.

(6) The United States of America did, on the 5th day of June, 1942, filed its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the persons entitled thereto, the sum of Six and 00/100 Dollars (\$6.00), as the estimated compensation for said real estate involved in this proceeding and more particularly hereinafter described.

(7) The Court finds that the owners of the real estate and estates therein taken and involved in this proceeding all as determined by the order fixing title herein and, therefore, the persons entitled to just compensation to be paid for the real estate herein involved, have signed binding written contracts, filed stipulations, or agreed in open court that the fair, cash, market value of the various tracts of land involved herein is as hereinafter specifically set forth.

(8) The Court finds that it is unnecessary to appoint Commissioners in this proceeding because the said stipulations, contracts and agreements which the Government has are with the rightful owners and claimants who are parties respondent to this proceeding, and the same are binding upon the United States of America and the said parties respondent.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the stipulations and written pleadings herein are final, and the fair, cash, market value in the sum of Six and 00/100 Dollars (\$6.00), is final as to the particularly designated and described lands and values and estate therein taken, all as follows, to-wit:

PARCEL 1, TRACT A

All that part of Booth Street extending North from the North line of the Original Town of Dawson, Oklahoma, as shown by the Amended Plat of said Town of Dawson, filed November 7th, 1906, at 11:15 o'clock A.M., in the Office of the Deputy Clerk of U. S. Court and Ex-Officio Recorded at Tulsa, and Recorded in Book 12 at page 641, to the North Boundary line of Woodrow Street, all as located and shown by Plat of Fishbaugh Addition to the Town of Dawson, Oklahoma, filed and recorded,

PARCEL 1, TRACT B

Streets and Alleys in Woolley's Addition to the Townsite of Dawson, Oklahoma, as shown by the plat and dedication filed November 28, 1911, under Instrument #36150,

PARCEL 1, TRACT D

All streets and alleys in Original Town of Dawson, (or East Tulsa), Oklahoma, as shown by the Amended Plat thereof filed November 7th, 1906, at 11:15 A.M., in the office of

the Deputy Clerk of United States Court and Ex-Officio Re-  
corded at Tulsa, and recorded in Book 12, at page 641; and

All of Lots 13 and 14 in Block 17, and all that part of Tracts  
"C" and "D", more particularly described as follows: Beginning  
at the Southeast corner of Lot 12, Block 26, thence East along  
the extended South line of Lot 12, a distance of 10 feet to  
the intersection of a line parallel to and 10 feet distant from  
the East line of Block 26 for the true place of beginning;  
thence East to the Northwest corner of Lot 13, in Block 17,  
thence South along the West line of Lots 13 and 14, to the  
Southwest corner of Lot 14, in said Block 17, thence West to a  
point in the intersection of a line parallel to and distant 10  
feet East from the East line of Blocks 33 and 26, and a line  
parallel to and distant 10 feet North from the North line of  
Block 33, extended thence North 50 feet to the point and place  
of beginning, all being situated in the Original Town of Dawson,  
Tulsa County, State of Oklahoma, according to the Recorded Plat  
thereof.

PARCEL 2, TRACT C

An easement to construct, operate, maintain, together with the  
right of entry, a sewer line across the North 20 feet of Lot 2,  
Block 3, of the Industrial Addition to the Town of Dawson, Tulsa  
County, Oklahoma, according to the recorded plat thereof.

A total fair, cash, market value of \$1.00

PARCEL 3

An easement to construct, operate, maintain, together with the  
right of entry, a sewer line across the North 20 feet of Lot 7,  
Block 2, of the Industrial Addition to the Town of Dawson, Tulsa  
County, Oklahoma, according to the recorded plat thereof.

A total fair cash market value of \$1.00

PARCEL 4

An easement to construct, operate, maintain, together with the  
right of entry, a sewer line across the North 20 feet of Lot 2,  
Block 2, of the Industrial Addition to the Town of Dawson, Tulsa  
County, Oklahoma, according to the recorded plat thereof.

A total fair, cash, market value of \$1.00

PARCEL 5

An easement to construct, operate, maintain, together with the  
right of entry, a sewer line across the North 20 feet of Lot 9,  
Block 1, of the Industrial Addition to the Town of Dawson, Tulsa  
County, Oklahoma, according to the recorded plat thereof.

A total fair, cash, market value of \$1.00

PARCEL 6

An easement to construct, operate, maintain, together with the right of entry, a sewer line across the North 20 feet of Lot 2, Block 1, of the Industrial Addition to the town of Dawson, Tulsa County, Oklahoma, according to the recorded plat thereof,

A total fair, cash, market value of \$1.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title to a perpetual easement in and to the lands hereinabove described, to construct, maintain, repair, replace and use a sewer pipe line, was vested in the United States of America on the 5th day of June, 1942, upon the depositing of the said sum of Six and 00/100 Dollars (\$6.00), in the Registry of this court as the total estimated compensation for the said estate taken in the above described tracts of land, and the filing of the Declaration of Taking herein, and the right to just compensation in said sum is hereby vested in the parties entitled thereto as adjudged to be the former owners of said real estate.

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

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

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 MONITION

Now on this 28th day of October, 1942, it appearing to the court that the said 1941 Chrysler Sedan Automobile, Motor No. C30-2770, with approximately Sixty (60) gallons of assorted taxpaid intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on U. S. Highway No. 66, at the southwest edge of Miami, in Ottawa County, State of Oklahoma, Northern District of Oklahoma and within the jurisdiction of this court, on August 20, 1942 by George E. Carver, Special Investigator, Alcohol Tax Unit, United States Bureau of Internal Revenue, in and for the Northern District of Oklahoma, by virtue 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 one Mary E. Cox for transporting such intoxicating liquors from the State of Missouri into the State of Oklahoma, and to the aforesaid point of seizure, and that said automobile and seizure were thereupon, turned over and delivered into the possession of W. I. Giles, Investigator in Charge of the Alcohol Tax Unit, Bureau of Internal Revenue, Oklahoma City, Oklahoma, and that said automobile and intoxicating liquors are now in his custody within the jurisdiction of this court awaiting lawful disposition; it further

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

WEDNESDAY, OCTOBER 28, 1942

appearing that thereupon said property was appraised at more than Five Hundred (\$500.00) Dollars whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimant George E. Buelke, 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 claimant George E. Buelke, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, 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 Oct 28 1942  
H. P. Warfield, Clerk  
U. S. District Court AC

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Court adjourned to October 29, 1942

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

THURSDAY, OCTOBER 29, 1942

On this 29th day of October, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broadus 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 - ASSIGNMENT OF JUDGES.

UNITED STATES OF AMERICA

TENTH CIRCUIT

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

I do, therefore, by these presents designate and assign the Honorable Eugene Rice, a District Judge for the Eastern District of Oklahoma, to hold or assist in holding a District Court of the United States for the Northern District of Oklahoma from October 26, A. D. 1942, until June 30, A. D. 1943, both inclusive.

REGULAR JANUARY 1942 TERM

Witness my hand this 26th day of October, A. D. 1942.

ORIE L. PHILLIPS  
Senior Circuit Judge

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

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

James S. Chalmers, as Administrator of  
the estate of Elizabeth Chalmers,  
deceased, Plaintiff,

vs.

Guy A. Thompson, as Trustee of Missouri  
Pacific Railroad Company, a corporation  
Defendant.

No. 511 - Civil

Ted DeWitt, as Administrator of the Estate of  
Teddie Joy DeWitt, deceased, Plaintiff,

vs.

Guy A. Thompson, as Trustee of Missouri  
Pacific Railroad Company, a corporation,  
Defendant.

No. 512 - Civil

No. 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. Yes

T. R. McSpadden  
Foreman

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. Yes.

T. R. McSpadden  
Foreman.

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 got to the crossing?

Answer yes or no. Yes.

T. R. McSpadden  
Foreman.

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. Yes/

T. R. McSpadden  
Foreman

No. 5

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.

T. R. McSpadden  
Foreman

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. Yes.

T. R. McSpadden  
Foreman

(b) Failure of the defendant to operate its locomotive and train at a reasonable rate of speed?

Answer yes or no. Yes.

T. R. McSpadden  
Foreman

(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. No.

T. R. McSpadden,  
Foreman

(d) Failure of the locomotive engineer to sound adequate crossing alarms?

Answer yes or no. No.

T. R. McSpadden  
Foreman

(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. No.

T. R. McSpadden  
Foreman

(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.

T. R. McSpadden  
Foreman

(g) Failure of the defenant 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.

T. R. McSpadden  
Foreman

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 plaintiffs' injuries:

(a) Failure to maintain adequate crossing protection at the crossing that is in controversy.

Answer yes or no. No.

T. R. McSpadden  
Foreman

(b) Failure of the defendant to operate its locomotive and tain at a reawonable rate of speed.

Answer yes or no. No.

T. R. McSpadden  
Foreman

(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. No.

T. R. McSpadden  
Foreman

(d) Failure of the locomotive engineer to sound adequate crossing alarms.

Answer yes or no. No.

T. R. McSpadden  
Foreman

(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. No.

T. R. McSpadden  
Foreman

(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. No.

T. R. McSpadden  
Foreman

(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.

T. R. McSpadden  
Foreman

ENDORSED: Filed In Open Court  
Oct 29 1942  
H. P. Warfield, Clerk  
U. S. District Court H

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

A. & H. TRANSPORTATION & INVESTMENT  
COMPANY,

Plaintiff,

vs.

No. 579 Civil

JAP HOLLAND, SHERIFF OF DELAWARE  
COUNTY, OKLAHOMA,

Defendant.

JOURNAL ENTRY OF JUDGMENT

Now on this 29th day of October, 1942, the matter of final hearing and consideration of the cause herein coming on regularly to be heard, having been continued to this date from the 11 day of Sept., 1942, the plaintiff being present by its attorney, A. A. Davidson, and the defendant being present by his attorneys, Bailey E. Bell and C. S. Fenwick, and a jury having heretofore been waived and the Court having heard all of the testimony and argument of counsel, and having made and filed herein Findings of Fact and Conclusions of Law, which are hereby adopted and made a part of this Journal Entry of Judgment, and the Court finds that the plaintiff is not entitled to recover of and from the defendant and that the defendant is entitled to his costs herein expended.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Court's Findings of Fact and Conclusions of Law are incorporated and adopted herein, and that the plaintiff have and recover nothing against the defendant and that the defendant, Jap Holland, Sheriff of Delaware County, Oklahoma have and recover his costs herein expended against the plaintiff, A. & H. Transportation & Investment Company; to all of which plaintiff objects and excepts and exception is allowed.

All costs to be charged to defendant to the 27 day of March, 1942.

Bower Broadbus  
Judge

ENDORSED: Filed In Open Court  
Oct 29 1942  
H. P. Warfield, Clerk  
U. S. District Court LN

VERDICT

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

DOROTHY HUGHES,

Plaintiff, )

vs. )

Southern Kansas Greyhound Lines, Inc.,  
a corporation,

Defendant. )

Case No. 780 Civil

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

ENDORSED: Filed In Open Court  
Oct 29 1942  
H. P. Warfield, Clerk  
U. S. District Court LN

On this 30th day of October, A. D. 1942, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1942 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. Bower Broaddus, Judges, present and presiding.

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

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

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

City of Sapulpa, Oklahoma ex rel )  
 George A. Ritzinger, et al, ) Plaintiff, )  
 vs. ) No. 490 Civil )  
 Mary L. Knipp, et al., ) Defendants. )

ORDER CONFIRMING UNITED STATES MARSHAL'S SALE OF REAL ESTATE

Now on this 30 day of Oct., 1942, comes on for hearing the motion of plaintiff herein to confirm the sale of real estate made by the United States Marshal for the Northern District of Oklahoma on the 30th day of September, 1942, under order of sale issued out of the office of the Clerk of the United States District Court for the Northern District of Oklahoma, dated the 26th day of August, 1942, the real estate sold, the same of the purchasers, and the purchase price thereof being as follows:

DESCRIPTION OF PROPERTY	NAME OF PURCHASER	PURCHASE PRICE
Lot 1, Block 18,	George A. Ritzinger	\$39.00
Lot 2, Block 19,	George A. Ritzinger	33.35
Lot 10, Block 20	Herbert P. Johnson	10.00
Lot 8, Block 21,	Herbert P. Johnson	10.00
Lot 9, Block 21,	Herbert P. Johnson	10.00
Lot 7, Block 23,	Herbert P. Johnson	10.00
Lot 10, Block 21	Herbert P. Johnson	10.00
Lot 12, Block 21	Herbert P. Johnson	33.35
Lot 13, Block 21	Herbert P. Johnson	33.35
North 12.8 feet of Lot 4, Block 22	Herbert P. Johnson	8.00
South 12.2 feet of North Half of Lot 4, Block 22	Herbert P. Johnson	8.00
South Half of Lot 4, Block 22	Herbert P. Johnson	16.00
Lot 13, Block 22	Herbert P. Johnson	5.00
all in Fife Place Addition to Sapulpa, Creek County, Oklahoma		

and the court having carefully examined the proceedings of the United States Marshal for the Northern District of Oklahoma under said Order of Sale is satisfied that the same has been performed in all respects in conformity to law, that due and legal notice of such sale was given by publication for thirty (30) days in the Democrat News, a newspaper printed and of general circulation in Creek County, State of Oklahoma, as shown by proof of publication on file herein, and that on the day fixed therein, to-wit, the 30th day of September, 1942 said property was sold to the above named purchasers, they being the highest and best bidders therefor and said sums bid being more than two-thirds of the net appraised value of said property and the Clerk is accordingly directed to make entry on the journal of said court that the court is satisfied of the legality of said sale, and no exceptions being filed or objections being made, it is ordered and adjudged by the court that said sale and the proceedings be, and the same are hereby approved and confirmed, and it is further ordered that

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TULSA, OKLAHOMA

FRIDAY, OCTOBER 30, 1942

John P. Logan, United States Marshal for the Northern District of Oklahoma, make and execute to the said purchasers at said sale a good and sufficient deed for the said premises so sold.

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

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

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

City of Sapulpa, Oklahoma ex rel George A. Ritzinger, et al.,	Plaintiff,	) No. 490 Civil
vs.	)	
Mary L. Knipp, et al.,	Defendants.	)

O R D E R

Now on this 30 day of Oct., 1942 came on for hearing the above entitled case on the application of the plaintiff herein for an order of distribution and directing the County Treasurer of Creek County, Oklahoma to cancel certain paving instalments, and it appearing to the court that judgments in rem were heretofore rendered against the lots and tracts of land hereinafter described for the delinquent and unpaid instalments of the paving assessments on said property in Sapulpa, Oklahoma Street Improvement District No. 64 as follows:

DESCRIPTION OF PROPERTY	INSTALMENTS OF PAVING ASSESSMENTS FORECLOSED	AMOUNT OF JUDGMENT	COURT COSTS
Lot 1, Block 18,	1927 to 1933, inclusive	\$653.94	\$2.00
Lot 2, Block 19,	1932 and 1933	171.14	2.00
Lot 10, Block 20,	1925 to 1933, inclusive	1164.76	1.50
Lot 8, Block 21,	1926 to 1933, inclusive	796.96	1.50
Lot 9, Block 21,	1924 to 1933, inclusive	1065.68	1.00
Lot 7, Block 23,	1924 to 1933, inclusive	739.89	1.00
Lot 10, Block 21,	1930 to 1933, inclusive	317.35	2.00
Lot 12, Block 21,	1927 to 1933, inclusive	840.57	2.50
Lot 13, Block 21,	1929 to 1933, inclusive	534.26	2.50
North 12.8 feet of Lot 4, Block 22,	1930 to 1933, inclusive	102.96	1.00
South 12.2 feet of North Half of Lot 4, Block 22	1930 to 1933, inclusive	79.70	1.00
South Half of Lot 4, Block 22	1930 to 1933, inclusive	158.51	1.00
Lot 13, Block 22	1926 to 1933, inclusive	745.68	1.50
all in Fife Place Addition to Sapulpa, Creek County, Oklahoma			

and that said lots and tracts of land were duly and regularly advertised and were sold, subject to the outstanding ad valorem taxes and other special assessments in Sapulpa Street Improvement District 64 on the 30th day of September, 1942 to satisfy said judgments and costs of said action, the aggregate amount received from the sale of said properties being the sum of \$226.05, as will more fully appear from the United States Marshal's return of sale filed herein.

It further appearing to the court that the sale of the foregoing property having been duly confirmed by this court, said United States Marshal for the Northern District of Oklahoma is ordered and directed to distribute the proceeds thereof, first to the payment of the costs of this action, together with the costs of the sale of said property, and the residue, if any there be, be paid to the Treasurer of the City of Sapulpa to become a part of the special fund of Sapulpa, Oklahoma Street Improvement District 64 for the payment of the outstanding bonds thereof and the interest thereon.

And it further appearing to the court that the sale of the above described property in satisfaction of the judgments rendered against the same operated as a cancelation of the delinquent and unpaid instalments of the paving assessments foreclosed in said District, the defendant, County Treasurer of Creek County, Oklahoma, is ordered and directed to make endorsement on the records in his office showing the cancelation by foreclosure of the delinquent and unpaid instalments of the paving assessments on the property above described in Sapulpa, Oklahoma Street Improvement District 64.

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

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

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

City of Sapulpa, Oklahoma, ex rel )  
George A. Ritzinger, et al., ) Plaintiffs, )  
 ) No. 490 Civil  
vs. )  
 )  
Mary L. Knipp, et al., ) Defendants. )

ORDER ALLOWING REFUND OF COSTS ADVANCED

Now on this 30 day of Oct., 1942, comes on regularly for hearing the application of plaintiff by its attorneys, Norman E. Reynolds, W. Otis Ridings and Frances L. Evans, for an order authorizing and directing John P. Logan, United States Marshal for the Northern District of Oklahoma to refund certain costs advanced out of the first proceeds received from the sale of real property in Street Improvement District No. 64 of Sapulpa, Oklahoma.

The court finds that plaintiff has advanced costs in the above action in the total amount of \$119.00; that at this time there is a total amount of un-refunded costs of \$115.90, and that under and pursuant to Rule 54 of the Rules of Civil Procedure that plaintiff is entitled to a refund of such amount. The court further finds that certain property in Street Improvement District No. 64 of Sapulpa, Oklahoma has been sold by John P. Logan, United States Marshal for the Northern District of Oklahoma, under and pursuant to an order of sale issued out of this court, and that plaintiff is entitled to a refund of \$115.90 out of the first proceeds derived from the sale of said property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that John P. Logan, United States Marshal for the Northern District of Oklahoma, be and he is hereby authorized and directed to deduct from the proceeds of the sale of real property under said Order of sale the sum of \$115.90, together with any accruing costs, and to pay the same to Norman E. Reynolds, W. Otis Ridings and Frances L.

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

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TULSA, OKLAHOMA

FRIDAY, OCTOBER 30, 1942

Evans, attorneys for plaintiff, 421 Petroleum Building, Oklahoma City, Oklahoma.

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

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

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

City of Sapulpa, Oklahoma ex rel )  
George A. Ritzinger, et al., ) Plaintiff, )  
 ) No. 490 Civil  
vs. )  
 )  
Mary L. Knipp, et al., ) Defendants. )

O R D E R

Now on this 30 day of Oct., 1942, the same being one of the days of the regular term of this court, this matter comes on for hearing before the court upon the motion of the plaintiff in the above styled action for an order dismissing said action as to the 2nd cause of action in plaintiff's complaint and as to the property and defendants set out in said cause of action, and the court being fully advised in the premises finds that the paving instalments for the years 1930 to 1933, inclusive, assessed against Lot 9, Block 13, Fife Place Addition to Sapulpa, Creek County, Oklahoma, in Street Improvement District No. 64, have been paid in full in cash to the County Treasurer of Creek County, Oklahoma, and that said motion should be sustained and an order of dismissal should be issued.

IT IS, THEREFORE, ORDERED ADJUDGED AND DECREED BY THE COURT that the above styled action be and the same is hereby dismissed as to the 2nd cause of action covering Lot 9, Block 13, Fife Place Addition to Sapulpa, Creek County, Oklahoma, and as to the defendants set out therein, to-wit, T. H. Stuart and Gertrude Stuart and Guy L. Berry, Jr., and R. E. McKernan, Trustees, but that this order of dismissal does not affect or dismiss any of the other causes of action contained in said complaint and the defendant or defendants therein named, and the property therein described.

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

ENDORSED: Filed Oct 30 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  
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA FRIDAY, OCTOBER 30, 1942

IT IS FURTHER ORDERED that the said George A. Ritzinger, the purchaser of the East 38 feet of the West 78 feet of Lot 12, Block 9, Frank & Root Addition to Sapulpa, Creek County, Oklahoma, be immediately let into possession of said premises, and each and every part thereof, and the Clerk of this Court is ordered to issue a writ of assistance to John P. Logan, United States Marshal for the Northern District of Oklahoma, directing him to place the said George A. Ritzinger purchaser of said premises, in full possession thereof, and the said defendants, Sam Sheffel, Lena Sheffel, R. C. Booten, E. C. Knight and Rena Knight, and each of them, and every person who has come into possession of said premises, or any part thereof, under said defendants, or either of them, since the commencement of this action, shall upon presentation of such writ of assistance, immediately deliver possession thereof to the said purchaser, and that the refusal of said defendants, or either of them, or anyone in possession of said premises or any part thereof, under them or either of them, as aforesaid, to deliver immediate possession of said premises to the said purchaser, shall constitute contempt of this court.

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

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

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

City of Sapulpa, Oklahoma ex rel )  
George A. Ritzinger, et al., ) Plaintiff, )  
vs. ) No. 491 Civil )  
Edith Helser, et al, ) Defendants. )

O R D E R

Now on this 30 day of Oct., 1942, comes on for hearing the above entitled cause on the application of the plaintiff herein for an order of distribution and directing the County Treasurer of Creek County, Oklahoma to cancel certain paying instalments, and it appearing to the court that judgments in rem were heretofore rendered against the lots and tracts of land hereinafter described for the delinquent and unpaid instalments of the paving assessments on said property in Sapulpa, Oklahoma Street Improvement District No. 69 as follows:

DESCRIPTION OF PROPERTY	INSTALMENTS OF PAVING ASSESSMENTS FORECLOSED	AMOUNT OF JUDGMENT	COURT COSTS
North 22.89 feet of Lot 12, Block 7, Frank & Root Addition	1927 to 1933, inclusive	\$269.72	\$2.00
East 38 feet of the West 78 feet of Lot 12, Block 9, Frank & Root Addition	1930 to 1933, inclusive	107.08	5.00
West 38 feet of the East 76 feet of Lot 12, Block 9, Frank & Root Addition	1928 to 1933, inclusive	84.94	4.00
Lot 13, Block 9, Frank & Root Addition	1924 to 1933, inclusive	943.65	1.00
Lot 19, Block 9, Frank & Root Addition	1930 to 1933, inclusive	282.31	1.00
North 62 feet of Lot 1, Block 21, Fife Place Addition	1926 to 1933, inclusive	1087.15	1.00
Lot 14, Block 9, Frank & Root Addition	1924 to 1933, inclusive	943.65	1.00
Lot 15, Block 9, Frank & Root Addition	1924 to 1933, inclusive	943.65	1.00
Lot 16, Block 9, Frank & Root Addition	1924 to 1933, inclusive	943.65	1.00

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

REGULAR JANUARY 1942 TERM

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Lot 17, Block 9, Frank & Root Addition	1924 to 1933, inclusive	1943.65	1.00
Lot 6, Block 20, Fife Place Addition	1924 to 1933, inclusive	1320.81	1.00
Lot 18, Block 9, Frank & Root Addition	1930 to 1933, inclusive	282.31	3.00
Lot 7, Block 21, Fife Place Addition	1926 to 1933, inclusive	715.85	3.00
West 40 feet of Lot 12, Block 9, Frank & Root Addition all in Sapulpa, Creek County, Oklahoma	1931, 1932 and 1933	108.03	3.00

and that said lots and tracts of land were duly and regularly advertised and were sold, subject to the outstanding ad valorem taxes and other special assessments on the 30th day of September, 1942 to satisfy said judgments and costs of said action the aggregate amount received from the sale of said properties being the sum of \$367.00 as will more fully appear from the United States Marshal's return of sale on file herein.

It further appearing to the court that the sale of the foregoing property having been duly confirmed by this court, said United States Marshal for the Northern District of Oklahoma is ordered and directed to distribute the proceeds thereof, first to the payment of the costs of this action, together with the costs of the sale of said property, and the residue, if any there be, be paid to the Treasurer of the City of Sapulpa, to become a part of the special fund of Sapulpa, Oklahoma Street Improvement District Series 69 for the payment of the outstanding bonds thereof and the interest thereon.

And it further appearing to the court that the sale of the above described property in satisfaction of the judgments rendered against the same operated as a cancelation of the delinquent and unpaid instalments of the paving assessments foreclosed in said district, the defendant, County Treasurer of Creek County, Oklahoma, is ordered and directed to make endorsement on the records in his office showing the cancelation by foreclosure of the delinquent and unpaid instalments of the paving assessments on the property above described in Sapulpa, Oklahoma Street Improvement District 69.

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

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

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

City of Sapulpa, ex rel George A. Ritzinger, et al.,	Plaintiff,	)	
		)	
vs.		)	No. 491 Civil
		)	
Edith Helser, et al.,	Defendants.	)	

ORDER ALLOWING REFUND OF COSTS ADVANCED

Now on this 30 day of Oct., 1942, comes on regularly for hearing the application of plaintiff by its attorneys, Norman E. Reynolds, W. Otis Ridings and Frances L. Evans, for an order authorizing and directing John P. Logan, United States Marshal for the Northern District of Oklahoma, to refund certain costs advanced out of the first proceeds received from the sale of real property in Street Improvement District No. 69 of Sapulpa, Oklahoma.

The court finds that plaintiff has advanced costs in the above action in the total amount of \$120.12; that there is, at this time, a total amount of unrefunded costs of \$120.12 and that under and pursuant to Rule 54 of the Rules of Civil Procedure that plaintiff is entitled to a refund of such amount. The court further finds that certain property in Street Improvement District No. 69 of Sapulpa, Oklahoma has been sold by John P. Logan, United States Marshal for the Northern District of Oklahoma under and pursuant to an Order of Sale issued out of this court and that plaintiff is entitled to a refund of \$120.12 out of the first proceeds derived from the sale of said property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that John P. Logan, United States Marshal for the Northern District of Oklahoma, be and he is hereby authorized and directed to deduct from the proceeds of the sale of said property under said Order of Sale the sum of \$120.12, together with any accruing costs, and to pay the same to Norman E. Reynolds, W. Otis Ridings and Frances L. Evans, attorneys for plaintiff, 421 Petroleum Building, Oklahoma City, Oklahoma.

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

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

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

City of Sapulpa, Oklahoma ex rel	)	
George A. Ritzinger, et al,	)	
	)	Plaintiff,
	)	
vs.	)	No. 491 Civil
	)	
Edith Helser, et al.,	)	
	)	Defendants.

RELEASE AND SATISFACTION OF JUDGMENT

WHEREAS, on the 11th day of February, 1942 judgments in rem were rendered against the following described real property for the delinquent and unpaid instalments of the paving assessments levied against said property in Sapulpa Street Improvement District 69 in the amounts set opposite each tract of land with interest thereon from November 26, 1940 at 6% per annum until paid as follows, to-wit:

DESCRIPTION OF PROPERTY	AMOUNT OF JUDGMENT
East 38 feet of Lot 12, Block 9, Frank & Root Addition	\$ 50.28
Lot 17, Block 7, Frank & Root Addition	\$ 374.55
Lot 18, Block 7, Frank & Root Addition	\$ 374.55
East 38 feet of West 116 feet of Lot 12, Block 9, Frank & Root Addition	82.40
Lot 20, Block 9, Frank & Root Addition	199.05
Lot 6, Block 13, Fife Place Addition	273.49
Lot 3, Block 21, Fife Place Addition	262.74
all in Sapulpa, Creek County, Oklahoma	

WHEREAS, all the delinquent instalments of the paving assessments so levied against the above described property, together with interest and penalty interest thereon, have been fully paid to the County Treasurer of Creek County, Oklahoma and which payments so made to the County Treasurer of Creek County, Oklahoma, have been accepted in full and complete payments and satisfaction



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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, OCTOBER 30, 1942

Lot 2, Block 12, Business Men's Addition	George A. Ritzinger	\$ 50.00
Lot 6, Block 2, Arthox Addition	Charles Groxell	\$150.00
North 40 feet of Lot 3, Block 16, Five Place Addition	George A. Ritzinger	\$131.00
West 48.13 feet of Lot 4, Block 6, Frank & Root Addition	George A. Ritzinger	\$125.00
all in Sapulpa, Creek County, Oklahoma,		

and the court having carefully examined the proceedings of the United States Marshal for the Northern District of Oklahoma under said order of sale is satisfied that the same has been performed in all respects in conformity to law, that due and legal notice of such sale was given by publication for thirty (30) days in the Democrat News, a newspaper printed and of general circulation in Creek County, State of Oklahoma, as shown by proof of publication, on file herein, and that on the day fixed therein, to-wit, the 30th day of September, 1942 said property was sold to the above named purchasers, they being the highest and best bidders therefor and said sums bid being more than two-thirds of the net appraised value of said property, and the Clerk is accordingly directed to make entry on the journal of said court that the court is satisfied of the legality of said sale, and no exceptions being filed or objections being made, it is ordered and adjudged by the court that said sale and the proceedings be, and the same are hereby approved and confirmed, and it is further ordered that John P. Logan, United States Marshal for the Northern District of Oklahoma, make and execute to the said purchasers at said sale a good and sufficient deed for the said premises so sold.

IT IS FURTHER ORDERED that George A. Ritzinger, the purchaser of the following described property, to-wit:

Lot 12, Block 1, Arthox Addition; Lot 2, Block 12, Business Men's Addition; West 48.13 feet of Lot 4, Block 6, Frank & Root Addition, all in Sapulpa, Creek County, Oklahoma,

be immediately let into possession of said premises, and each and every part thereof, and the Clerk of this Court is ordered to issue a writ of assistance to the United States Marshal for the Northern District of Oklahoma, directing him to place the said George A. Ritzinger, purchaser of said premises, in full possession thereof, and the defendants, A. J. Whitfield, Dla Whitfield, R. F. Henshaw, Grace I. Henshaw, J. H. Whitfield, Pauline Whitfield, Claude Masters, Rufie Masters, Mrs. Betty W. Smith, Capitol Federal Savings and Loan Association, a corporation, John Keahey, and each of them, and every person who has come into possession of said premises, or any part thereof, under said defendants, or either of them since the commencement of this action, shall upon presentation of such writ of assistance immediately deliver possession thereof to the said purchaser and that the refusal of said defendants, or either of them, or anyone in possession of said premises or any part thereof, under them or either of them, as aforesaid, to deliver immediate possession of said premises to the said purchaser, shall constitute contempt of this Court.

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

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

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

City of Sapulpa, Oklahoma ex rel	)	
George A. Ritzinger, et al.,	)	
	)	Plaintiff,
vs.	)	
	)	No. 492 Civil
	)	
A. J. Whitfield, et al.,	)	
	)	Defendants.

O R D E R

Now on this 30 day of Oct., 1942 comes on for hearing the above entitled cause on the application of the plaintiff herein for an order of distribution and directing the County Treasurer of Cceek County, Oklahoma to cancel certain paving instalments, and it appearing to the court that judgments in rem were heretofore rendered against the lots and tracts of land hereinafter described for the delinquent and unpaid instalments of the paving insstalments on said property in Sapulpa, Oklahoma Street Improvement District No. 61 as follows:

DESCRIPTION OF PROPERTY	INSTALMENTS OF PAVING ASSESSMENTS FORECLOSED	AMOUNT OF JUDGMENT	COURT COSTS
Lot 12, Block 1, Arthox Addition	1931, 1932 and 1933	\$99.88	\$4.00
Lot 2, Block 12, Business Men's Addition	1933	<del>65.36</del>	2.00
North 40 feet of Lot 3, Block 16, Fife Place Addition	1930 to 1933, inclusive	154.21	1.50
West 48.13 feet of Lot 4, Block 6, Frank & Root Addition	1930 to 1933, inclusive	218.02	3.00
Lot 6, Block 2, Arthox Addition	1929 to 1933, inclusive	417.85	2.00
all in Sapulpa, Cceek County, Oklahoma			

and that said lots and tracts of land were duly and regularly advertised and were sold, subject to the outstanding ad valorem taxes, other special assessments, on the 30th day of September, 1942 to satisfy said judgments and costs of said action, the aggregate amount received from the sale of said properties being the sum of \$623.00 as will more fully appear from the United States Marshal's return of sale filed herein.

It further appearing to the court that all of the above described property with the exception of Lot 12, Block 1, Arthox Addition to Sapulpa, Creek County, Oklahoma sold for an amount less then the amount of the judgment rendered against each of the respective pieces of property, but that the amount realized from the sale of Lot 12, Block 1, Arthox Addition was \$49.23 in excess of the judgment entered against said lot, and that said amount of \$49.23 should be deposited by the United States Marshal with the Clerk of the United States District Court for the Northern District of Oklahoma and held by said Clerk subject to the further order of this court.

It further appearing to the court that the sale of the foregoing property having been duly confirmed by this court, said United States Marshal for the Northern District of Oklahoma is ordered and directed to distribute the proceeds thereof, first to the payment of the costs of this action, together with the costs of the sale of said property, second, to deposit with the Clerk of the United States District Court for the Northern District of Oklahoma the sum of \$49.23 said sum constituting the amount realized from the sale of Lot 12, Block 1, Arthox Addition to Sapulpa, Creek County, Oklahoma over and above the amount of the judgment, interest and costs, and the residue, if any there be, be paid to the Treasurer of the City of Sapulpa to become a part of the special fund of Sapulpa, Oklahoma Street Improvement District 61 for the payment of the outstanding bonds thereof and the interest thereon.

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

FRIDAY, OCTOBER 30, 1942

And it further appearing to the court that the sale of the above described property in satisfaction of the judgments rendered against the same operated as a cancelation of the delinquent and unpaid instalments of the paving assessments foreclosed in said district, the defendant, County Treasurer of Creek County, Oklahoma, is ordered and directed to make endorsement on the records in his office showing the cancelation by foreclosure of the delinquent and unpaid instalments of the paving assessments on the property above described in Sapulpa, Oklahoma Street Improvement District 61.

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

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

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

City of Sapulpa, Oklahoma ex rel )  
George A. Ritzinger, et al, ) Plaintiff, )  
) No. 492 Civil  
vs. )  
)  
A. J. Whitfield, et al., ) Defendants. )

ORDER ALLOWING REFUND OF COSTS ADVANCED

Now on this 30 day of Oct., 1942 comes on regularly for hearing the application of plaintiff by its attorneys, Norman E. Reynolds, W. Otis Ridings and Frances L. Evans, for an order authorizing and directing John P. Logan, United States Marshal for the Northern District of Oklahoma, to refund certain costs advanced out of the first proceeds received from the sale of real property in Street Improvement District No. 61 of Sapulpa, Oklahoma.

The court finds that plaintiff has advanced the sum of \$152.30 as costs in the above action; that at this time there is a total amount of unrefunded costs of \$152.30, and that under and pursuant to Rule 54 of the Rules of Civil Procedure that plaintiff is entitled to a refund of such amount. The court further finds that certain property in Street Improvement District 61 of Sapulpa, Oklahoma, has been sold by John P. Logan, United States Marshal for the Northern District of Oklahoma, under and pursuant to an Order of sale issued out of this court and that plaintiff is entitled to a refund of \$152.30 out of the first proceeds derived from the sale of said property.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that John P. Logan, United States Marshal for the Northern District of Oklahoma, be and he is hereby authorized and directed to deduct from the proceeds of the sale of said property under said Order of sale the sum of \$152.30 together with any accruing costs, and to pay the same to Norman E. Reynolds, W. Otis Ridings and Frances L. Evans, attorneys for plaintiff, 421 Petroleum Building, Oklahoma City Oklahoma.

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

ENDORSED: Filed Oct 30 1942  
H. P. Warfield, Clerk  
U. S. District Court ME  
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2  
IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA FRIDAY, OCTOBER 30, 1942

DESCRIPTION OF PROPERTY	AMOUNT OF JUDGMENT
West 15.7 feet of Lot 5, Block 3, Frank & Root Addition,	\$ 97.80
Lot 6, Block 3, Frank & Root Addition,	294.63
Lot 1, Block 12, Business Men's Addition,	288.82
Lot 5, Block 13, Fife Place Addition,	285.03
Lot 6, Block 12, Fife Place Addition,	285.03
Lot 1, Block 16, Fife Place Addition,	395.81
Lot 2, Block 16, Fife Place Addition,	157.24
all in Sapulpa, Creek County, Oklahoma	

WHEREAS all of the delinquent instalments of the paving assessments so levied against the above described property, together with interest and penalty interest thereon, have been fully paid to the County Treasurer of Creek County, Oklahoma and which payments so made to the County Treasurer of Creek County, Oklahoma, have been accepted in full and complete satisfaction and payment of the delinquent and unpaid instalments of the paving assessments levied against said property in said Street Improvement District No. 61 of Sapulpa, Oklahoma.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that the payment of the judgments as above set out and court costs are acknowledged in full and complete satisfaction and payment of said judgments so rendered against said property herein for the delinquent and unpaid instalments of paving assessments in said Sapulpa, Oklahoma Street Improvement District No. 61 and the real property above described and the defendants, R. O. Easley, Mrs. R. O. Easley, Leslie C. McDaniel, Helen McDaniel, Geo. T. Oliver, Mayme C. Oliver, Delmar Hodges, Zilla Hodges, Ruby Wood, Emmett B. Matthews, Madge Matthews, E. E. Cowman, Edith N. Cowman and Josephine A. Moreau, are hereby released, acquitted and forever discharged from any and all liability to and demand in respect to said judgments.

This release and satisfaction of judgment shall be filed in the office of the Clerk of the United States District Court for the Northern District of Oklahoma at Tulsa, Oklahoma, and the said Clerk is hereby authorized and directed to enter said release and satisfaction of judgment on the judgment docket of said court and appearance docket of said court and to release of record the judgment rendered herein on the 11th day of February, 1942 insofar as it affects the above mentioned and described real property and premises and the above mentioned defendants, but not as to said defendants with respect to other property in said action in which said defendants might be interested.

DATED this 30 day of Oct, 1942.

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

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

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

D. B. Hellard,	Plaintiff,	)	
		)	
vs.		)	
		)	
Ethleene Fulson, now Bevenue, Anderson Allen, otherwise known as Anderson Char-co-te-ten-na, Deshalecowney Hay, otherwise known as Joe Hay, Modie Hay, Eva Barnett, nee Hay, and Lofa Hay,	Defendants,	)	No. 664 Civil
		)	
United States of America,	Intervener.	)	

D E C R E E

This cause comes on to be heard on this 30 day of October, 1942; the plaintiff appearing by his attorney of record, George H. Jennings, and the defendants and intervener, United States of America, appearing by the Hon. Whit Y. Mauzy, United States Attorney, and the Court having heard the evidence, and being fully advised, finds the issues in favor of the plaintiff and against the defendants and intervener.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

That the plaintiff, D. B. Hellard, is the legal owner in possession of the premises described in the complaint herein, to-wit:

The Southwest Quarter (SW4) of Section Twenty-five (25), Township Eighteen (18) North, Range Ten (10) East, Creek County, Oklahoma;

and that his title thereto is valid and perfect and superior to any right or interest claimed by defendants, and the intervener herein, and that defendants, and each of them, have no right, title or interest in and to said premises.

It is further ordered, adjudged and decreed that the title and possession of said plaintiff in said premises be, and the same is hereby forever settled and quieted in the plaintiff as against all claim or demand by said defendants, and those claiming under them, or either of them, and against all claims or demands by the intervener, United States of America.

And it is further ordered, adjudged and decreed that said defendants, and each of them, and those claiming by, through or under them, or either of them, be, and they are hereby perpetually enjoined and forbidden to claim any right, title or interest or estate in or to said premises, hostile or adverse to the possession and title of the plaintiff herein.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Oct 30 1942  
H. P. Warfield, Clerk  
U. S. District Court JS



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

United States of America, Plaintiff, )  
 ) Case No. 762  
 -vs- )  
 ) Tract No. 12-B  
 Ronald R. Madole, Defendants. )

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, find for the defendant and assess damages at \$105.00.

Ed Richardson  
 Foreman

ENDORSED:  
 Filed In Open Court  
 October 28, 1942  
 H. P. Warfield,  
 Clerk U. S. District Court "

Whereupon, it is by the Court ORDERED, ADJUDGED AND DECREED that said verdicts be accepted and approved in every respect, and that the defendant, A. E. Madole is entitled to and shall receive as just compensation the total sum of \$300.00 as to Tract A of Tract 12 (307 - 44.2), Tract 13 (307 - 44.3) and Tract 15 (307 - 44.6) by reason of the condemnation and taking of a perpetual easement by the United States of America upon, over and across said Tract A of Tract 12 (307 - 44.2), Tract 13 (307 - 44.3) and Tract 15 (307 - 44.6); and the defendant, Ronald R. Madole, is entitled to and shall receive as just compensation the sum of \$105.00 as to Tract B of Tract 12 (307 - 44.2) by reason of the condemnation and taking of a perpetual easement by the United States of America upon, over and across said Tract B of Tract 12 (307 - 44.2).

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 A OF TRACT NO. 12 (307 - 44.2)

A strip of land 100 feet in width in the SE 10.0 acres of Lot 3, Sec 1, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the South boundary of said SE 10.0 acres of Lot 3, 321.2 feet from the SE corner thereof; thence N. 7° 35' East to a point in the East boundary of said Lot 3, 113.9 feet from the Southeast corner thereof.

TRACT NO. 13 (307 - 44.3)

A strip of land 100 feet in width in the SE 1/4 NW 1/4, Sec. 1, 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 West boundary of said SE 1/4 NW 1/4 33.8 feet from the SW corner thereof; thence Northeasterly to a point in said SE 1/4 NW 1/4 10.7 feet South and 351.7 feet West of the NE corner thereof; thence N. 70° 35' East to a point in the North boundary of said SE 1/4 NW 1/4 321.2 feet West of the NE corner thereof.

TRACT NO. 15 (307 - 44.6)

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

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

all being owned by the defendant, A. E. Madole; and

TRACT B OF TRACT NO. 12 (307 - 44.2)

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

Beginning at a point in the South boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ , 295.2 feet from the Southwest corner thereof; thence North-easterly to a point in the East boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 33.8 feet from the Southeast corner thereof.

being owned by the defendant, Ronald R. Madole; and that the estate taken in said real estate is a perpetual easement for the rection, operation and maintenance of a line or lines of poles, towers, or other structures, wires, cables and figures, 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 petitioner, United States of America, pay into court forthwith for the use and benefit of the rightful claimants thereto the additional sum of \$149.75, which is and does constitute the balance of the just compensation for the estate taken in the real estate hereinabove particularly described and for all lawful damages occasioned.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Oct 30 1942  
H. P. Warfield, Clerk  
U. S. District Court LN

-----  
Court adjourned to October 31, 1942



6.

To the Clerk of this court in payment of all costs in this cause including the sum of \$34.60 as the charges and expenses of the commissioners in partition, Elmer Vick and C. C. Weber, the sum of \$92.61.

7.

To Eugene Rust, Guardian Ad Litem for the defendants, Daniel Houston and William McKey the sum of \$25.00

8.

That he pay the balance of said money to-wit \$1145.09 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 in the proportions hereinafter set out to-wit:

- The plaintiff, Ned Wilson, 1/6.
- The plaintiff, Kenney Vann, 1/6,
- The defendant, Looney R. Gourd, 1/3,
- The defendant, Leon Bird, 1/6
- The defendant, Daniel Houston, 1/12
- The defendant, William McKey, 1/12,

the last two being minors and all being full blood Cherokee Indians; to be credited by the Superintendent of the Five Civilized Tribes to said parties as other full bloods are credited, paid and distributed by the Department of the Interior.

9.

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

ROYCE H. SAVAGE  
United States District Judge.

ENDORSED: Filed Oct 31 1942  
H. P. Warfield, Clerk  
U. S. District Court ME

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		)	No. 829 - Civil
Town of Pryor, County of Mayes,		)	
State of Oklahoma and Belle Ashbrook, et al.		)	
	Respondents.	)	

ORDER DISTRIBUTING FUNDS.

Now on this 31 day of October, 1942, this cause comes on to be heard, and the Court having been fully advised in the premises, finds that the sum of \$11,715.00 heretofore deposited in the above entitled proceeding for the lands involved herein, should be distributed to J. C. Wilkerson and J. C. Wickham.

IT IS, THEREFORE, ORDERED AND DIRECTED that the Clerk of this Court issue check, payable to the order of J. C. Wilkerson and J. C. Wickham, and that said Clerk shall make no charge as commission or poundage for the handling and distribution of said funds.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Oct 31 1942  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to November 2, 1942

On this 2nd 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 and Hon. F. E. Kennamer, Judges, present and presiding.

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

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

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

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. )

ORDER OF COURT

Now on this 2nd day of November, 1942, it appearing to the court that no attorney was appointed to represent the defendants in default at the time the judgment was entered herein decreeing heirs of William Terrell, deceased, and directing partition of the real estate involved on September 18, 1942, and for that reason said judgment should be vacated, set aside and held for naught, to afford an opportunity to the parties of interest to file the necessary pleadings to comply with the provisions of Public Resolution No. 96, 76th Congress, approved August 27, 1940, and the Selective Training and Service Act of 1940, approved September 16, 1940.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the judgment entered herein on September 18, 1942, should be, and the same is, hereby, vacated, set aside and held for

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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, NOVEMBER 2, 1942

naught, for the purposes above mentioned, and that said cause stand for the further consideration of the Court.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

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

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

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

ORDER OF COURT

Now, on this 2nd 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, devisees, 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 Training and Service Act of 1940, approved September 16, 1940.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Nov 2 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-	)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY,	)	CIVIL NO. 794
OKLAHOMA, and Strick Armstrong, et al.,	)	
	Defendants. . . )	

SUPPLEMENTAL ORDER MAKING DISTRIBUTION AS TO TRACT NO. 9 (306 - 15.2)

NOW, on this the 2nd day of October, 1942, it appearing that on the 12th day of October, 1942, this Court made and entered an order fixing the title and directing distribution of the funds on deposit with the Clerk of this Court as to the above mentioned tract, and therein directed that said funds be paid out as follows, to-wit:

"Canaro C. Smith, Trustee, fee owner,	
and	
The Federal Farm Mortgage Corporation,	
a corporation, mortgagee	\$72.00
W. F. Wright, tenant	5.00

That before distribution was made by the Clerk, The Federal Farm Mortgage Corporation, a corporation, disclaimed any interest in and to said compensation; and it now appears that the defendant, The Federal Farm Mortgage Corporation, a corporation, has and claims no interest in and to the compensation on deposit for Tract No. 9 (306 - 16.2).

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said order of October 12, 1942, be, and it is hereby supplemented and amended as to Tract No. 9 (306 - 16.2) and the Clerk is hereby authorized and directed to make distribution of funds on deposit for said Tract No. 9 (306 - 16.2) as follows, to-wit:

Canaro C. Smith, Trustee	fee owner	\$72.00
W. F. Wright	tenant	5.00

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Nov 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 MONDAY, NOVEMBER 2, 1942

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

UNITED STATES OF AMERICA, Petitioner, )  
)  
-vs- )  
) CIVIL NO. 858  
CERTAIN PARCELS OF LAND IN CRAIG COUNTY, )  
OKLAHOMA; and Charles Sanders, et al., )  
Defendants. )

ORDER FIXING INTEREST, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION OF FUNDS AS TO TRACT NO. 5 (305 - 40.1)

NOW, on this 2nd day of November, 1942, there coming on for hearing the application of the defendant, Floyd Myers, for an order fixing interest, decreeing just compensation and making distribution as to Tract No. 5 (305 - 40.1), and the Court being fully advised in the premises, finds:

That the defendant, Floyd Myers, is the tenant on the land described as Tract No. 5 (305 - 40.1); that the petitioner filed a Declaration of Taking and deposited in the Registry of this Court the estimated just compensation in the sum of \$110.00 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, Floyd Myers tenant, on Tract No. 5 (305-40.1) in writing, agreed to release and discharge the petitioner from any and all demands and claims for damages upon the payment of the sum of \$25.00, which was accepted by the petitioner.

The Court further finds that the sum of \$25.00 is just compensation for the injuries and damages sustained by said defendant, Floyd Myers, as tenant on Tract No. 5 (305 - 40.1).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Floyd Myers, is the tenant upon the land described as Tract No. 5 (305 - 40.1), and that the sum of \$25.00, is just compensation for the damages sustained by the defendant, Floyd Myers, tenant upon said Tract No. 5 (305 - 40.1).

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

Floyd Myers,  
tenant,  
Tract No. 5 (305 - 40.1) \$25.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Nov 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  
 REGULAR JANUARY 1942 TERM                      TULSA, OKLAHOMA                      MONDAY, NOVEMBER 2, 1942

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	CIVIL NO. 858
CERTAIN PARCELS OF LAND IN CRAIG COUNTY,		)	
OKLAHOMA; and Charles Sanders, et al.,		)	
	Defendants.	)	

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
 DISTRIBUTION AS TO TRACT NO. 6 (305 - 40.2)

NOW, on this 2nd day of November, 1942, there coming on for hearing the application of the defendant, Hazel Owens, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 6 (305 - 40.2), and the Court being fully advised in the premises, finds:

That the defendant, Hazel Owens, was the owner of the land designated as Tract No. 6 (305 - 40.2), when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$40.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, Hazel Owens, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$25.00, which was accepted by the petitioner.

The Court further finds that the sum of \$\_\_\_ is just compensation for the injuries and damages sustained by said defendant, Hazel Owens.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Hazel Owens, was the owner of the land designated as Tract No. 6 (305 - 40.2), when this proceeding was commenced, and that the sum of \$25.00 is just compensation for the damages sustained by the defendant, Hazel Owens and that said defendant is the only person having any right, title or interest in and to said just compensation.

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

TO: Hazel Owens	Owner	
TRACT NO. 6 (305 - 40.2)		\$25.00

ROYCE H. SAVAGE  
 JUDGE

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

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

UNITED STATES OF AMERICA, Petitioner, )  
 )  
-vs- )  
 )  
CERTAIN PARCELS OF LAND IN CRAIG COUNTY, ) CIVIL NO. 858  
OKLAHOMA: and Charles Sanders, et al., )  
 )  
Defendants. )

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND  
MAKING DISTRIBUTION AS TO TRACT NO.  
5 (305 - 40.1)

NOW, on this 2nd day of November, 1942, there coming on for hearing the application of the defendant, Laura G. Darrough for an order fixing title, decreeing just compensation and making distribution as to Tract No. 5 (305 - 40.1), and the Court being fully advised in the premises, finds:

That the defendant, Laura G. Darrough, was the owner of the land designated as Tract No. 5 (305 - 40.1) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$110.00 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, Laura G. Darrough in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$85.00, which was accepted by the petitioner.

The Court further finds that the sum of \$85.00 is just compensation for the injuries and damages sustained by said defendant, Laura Darrough.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Laura Darrough, was the owner of the land designated as Tract No. 5 (305 - 40.1), when this proceeding was commenced, and that the sum of \$85.00 is just compensation for the damages sustained by the defendant, Laura G. Darrough, and that said defendant was the only person having any right, title or interest in and to said just compensation.

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

TO: Laura G. Darrough, Owner  
TRACT NO. 5 (305 - 40.1) \$85.00.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Nov 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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

MONDAY, NOVEMBER 2, 1942

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,	)	
		)	
vs.		)	
		)	
One 1940 DeSoto Coach Automobile, Motor No. S7-54,642, and approximately One Gallon Untaxpaid Whiskey seized therewith; G. A. Alberty and the United Tire & Investment Company of Tulsa, Oklahoma,	Claimants.	)	No. 864 CIVIL

JOURNAL ENTRY OF JUDGMENT

Now on this 2nd day of November, 1942, this cause of action having come on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney, for the Northern District of Oklahoma, and the claimant, G. A. Alberty, having made his general appearance herein and filed his answer to the Libel of Information in this cause, now fails, neglects and refuses to appear and contest this litigation and because thereof, is by the Court found to be in default, and the claimant, United Tire & Investment Company of Tulsa, Oklahoma, appearing by its attorney, Eben L. Taylor, the hearing proceeds, whereupon libelant presents its evidence and rests, and the claimant, United Tire & Investment Company of Tulsa, Oklahoma, presents its evidence and rests, and the Court after hearing arguments of counsel and being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors, and further finds that the claimant, United Tire & Investment Company of Tulsa Oklahoma is the holder in good faith of a chattel mortgage upon said automobile and that such claimant at this time has an interest in said automobile to the extent of One Hundred Forty-seven Dollars and Thirty-five Cents (\$147.35), such interest representing the amount of principal and interest as provided by the note and mortgage held by said claimant, and that such forfeiture should be remitted and mitigated insofar as said claimant's interest in said automobile is concerned.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is, hereby allowed as to the said 1940 DeSoto Coach Automobile, Motor No. S7-54,642, and one gallon of untaxpaid whiskey, insofar as the right, title and interest of said claimant, G. A. Alberty, is concerned, and said untaxpaid whiskey is hereby ordered destroyed in a manner provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that such forfeiture as to the said described automobile be, and the same is, hereby remitted and mitigated to the extent of One Hundred Forty-seven Dollars and Thirty-five Cents (\$147.35) due the claimant, the United Tire & Investment Company of Tulsa, Oklahoma, and that upon payment of such amount to the said claimant by libelant, said automobile is ordered delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE  
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant, )  
 )  
vs. )  
 )  
One 1941 Buick Sedan Automobile, Motor No. ) No. 902 CIVIL  
44,240,534, approximately Forty-one gallons )  
of assorted taxpaid intoxicating liquors; )  
Bankers Investment Company of Tulsa, )  
Oklahoma, and Mary E. Cox, Claimants. )

JOURNAL ENTRY OF JUDGMENT

Now on this 2nd day of November, 1942, this cause of action came on for hearing before the Court, libelant appearing by Whit Y. Mauzy, United States Attorney, and William K. Powers, Assistant United States Attorney, for the Northern District of Oklahoma, and the claimant, Bankers Investment Company of Tulsa, Oklahoma and Mary E. Cox, having entered their general appearance herein and filed their answer and response to the libel of Information herein, and the said claimants appearing by their attorneys, Frank Hickman, for the Bankers Investment Company, and Eben L. Taylor for the claimant Mary E. Cox, and thereupon the evidence was presented to the Court and the Court being fully advised in the premises finds that a forfeiture should enter as to the said automobile and intoxicating liquors above described, and further finds that the claimant, Bankers Investment Company is the owner and holder in good faith of a purchase money chattel mortgage against said described automobile upon which there is a balance due and owing of Six Hundred Sixty-nine Dollars (\$669.00), executed by the said claimant, Mary E. Cox, and that before it purchased said chattel mortgage and the note secured thereby it investigated the said Mary E. Cox as required by law and that by reason of said investigation the said claimant learned that the said Mary E. Cox did not have a reputation for being engaged in the liquor business, and that the said claimant, Bankers Investment Company, was innocent in said transaction and that the forfeiture of said automobile should be remitted and mitigated insofar as the interest of the said Bankers Investment Company in said automobile is concerned; the Court further finds that said Mary E. Cox, the owner of said automobile, has filed her answer herein, disclaiming any interest in said automobile and in said intoxicating liquor, and the Court further finds that said automobile is worth and of the value of Seven Hundred Sixty-nine Dollars (\$769.00) and that said claimant, Mary E. Cox, who has disclaimed her interest in and to said automobile and said intoxicating liquors, has an equity therein of One Hundred Dollars (\$100.00), and said equitable interest of the said Mary E. Cox is hereby forfeited to the United States of America.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the approximately forty-one (41) gallons of assorted tax paid intoxicating liquors described in this action, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the said 1941 Buick sedan automobile, motor No. 44,240,534, insofar as the right, title and interest of said claimant, Mary E. Cox, is concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the forfeiture as to said automobile be, and the same is hereby remitted and mitigated as to the claimant, Bankers Investment Company upon the payment of said Bankers Investment Company of the sum of One Hundred Dollars (\$100.00) to the office of the Clerk of this Court, and upon the further payment of all costs and storage charges incident to the seizure and storage of said automobile.

ROYCE H. SAVAGE  
Judge

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

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Court adjourned to November 4, 1942

On this 4th 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, Eugene Rice and F. E. Kennamer, Judges, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs.		)	
		)	No. 825 Civil
Certain Parcels of Land in the		)	
Town of Dawson, County of Tulsa,		)	
State of Oklahoma, and Town of		)	
Dawson, Oklahoma, et al,	Respondents.	)	

ORDER OF DISBURSEMENT

Now on this 4th day of November, 1942, there comes on for hearing, the matter of distribution of funds in the above entitled proceedings, and the Court having been fully advised in the premises, finds that distributjon whould be made as to all the funds deposited in the above entitled proceeding, in the total amount of Six and no/100 (\$6.00) Dollars, for the hereinafter designated tracts, all as follows, to-wit:

PARCEL 1, TRACT A, TRACT B & TRACT D

Town of Dawson, Oklahoma	\$1.00
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PARCEL 2, TRACT C

A. J. Williams and Ella Williams	\$1.00
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PARCEL 3

Mell Lewis and Beatrice Lewis	\$1.00
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PARCEL 4

Mell Lewis and Beatrice Lewis	\$1.00
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PARCEL 5

John W. Allman and Lela Allman	\$1.00
--------------------------------	--------

PARCEL 6

A uda Hedgecock	\$1.00
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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

WEDNESDAY, NOVEMBER 4, 1942

IT IS, THEREFORE, ORDERED AND DIRECTED that the Clerk of this Court issue checks as above set out, and that said Clerk shall make no charge as commission or poundage for the handling and distribution of said funds.

ROYCE H. SAVAGE  
JUDGE

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

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 9

Now on this 4th day of November, 1942, this cause came on to be heard, and the court having been fully advised in the premises finds that distribution of the funds on deposit should be made as to Parcel 9.

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

Pauline D. Wallace and G. O. Wallace and  
the County Treasurer of Tulsa County, Okla. \$150.00.

The Clerk shall make no charge for commission or poundage.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Nov 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  
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA WEDNESDAY, NOVEMBER 4, 1942

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

R. W. BLEVINS, as Administrator of the )  
Estate of Cecil Luther Blevins, de- )  
ceased, Plaintiff, )  
vs. ) No. 880 Civil  
FRANK O. LOWDEN and JOSEPH B. FLEMING, )  
Trustees of the Chicago, Rock Island )  
and Pacific Railway Company, Defendants. )

DISMISSAL OF ACTION, WITH PREJUDICE

Settlement of all matters and things in controversy in the above entitled and numbered cause, having been made, and the court costs accrued herein have been paid by the defendants, the plaintiff hereby dismisses the action with prejudice to his right to again litigate with the defendant concerning the subject matter of said action.

DATED this 4th day of November, 1942.

R. W. BLEVINS  
As Administrator of the Estate of  
Cecil Luther Blevins, deceased Plaintiff

H. L. SMITH  
Attorney for Plaintiff

Pursuant to the above dismissal of plaintiff it is hereby Ordered by the Court that said action be and it is hereby Dismissed with prejudice at cost of defendant.

ROYCE H. SAVAGE  
U. S. District Judge

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

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Court adjourned to November 5, 1942

On this 5th 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. Eugene Rice, F. E. Kennamer and Royce H. Savage, Judges, present and presiding]

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

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

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

HARRY G. HAYES, Plaintiff, )  
 vs. )  
 MANNING, MAXWELL & MOORE, INC., ) No. 840 Civil  
 A Corporation, Defendant. )

JOURNAL ENTRY OF JUDGMENT

On this 4th day of November, 1942, this cause comes on regularly for trial before the undersigned Judge, plaintiff appearing in person and by his attorney, William L. Shirey, the defendant appearing by its attorneys L. O. Todd and Ownby & Warren, and both sides having announced ready for trial the plaintiff proceeded to introduce his evidence, and the hour of adjournment having arrived said cause was continued for further hearing to November 5, 1942, on which day the parties appeared as before and further evidence was introduced by both the plaintiff and defendant. At the conclusion of the evidence argument of counsel was had and the Court being fully advised in the premises found that the defendant during the times mentioned in plaintiff's petition was engaged in interstate commerce and that the plaintiff, as an employee of the defendant, was engaged in the production of good for interstate commerce as defined by the Fair Labor Standards Act of 1938.

The Court further finds that all claims and demands of the plaintiff for overtime wages prior to June 26, 1939, are barred by the Statute of Limitations of the State of Oklahoma.

The Court further finds that plaintiff is entitled to overtime wages from June 1, 1940 to the date of the termination of his employment with the defendant on April 17, 1942, in the sum of Two Hundred Dollars (\$200.00), for which overtime wages said plaintiff was not been paid. The Court further finds that the plaintiff is entitled to no overtime wages from June 26, 1939 to May 31, 1940 for the reason that plaintiff has failed to sustain the burden of proof for the overtime wages claimed by him during such period of time. The Court further finds that plaintiff is entitled to the sum of Two Hundred Dollars (\$200.00) liquidated damages in addition to the Two Hundred Dollars (\$200.00) due him for overtime wages, and the further sum of One Hundred Dollars (\$100.00) attorney fees.

IT IS THEREFORE BY THE COURT CONSIDERED, ADJUDGED AND DECREED that the plaintiff have and recover of and from the defendant the sum of Four Hundred Dollars (\$400.00) and the further sum of One Hundred Dollars (\$100.00) attorney fees, and that plaintiff and defendant each pay the respective costs incurred by him in said cause.

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

F. E. KENNAMER  
 Judge of the District Court

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 Court adjourned to November 6, 1942

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMA  
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA FRIDAY, NOVEMBER 6, 1942

On this 6th 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, Eugene Rice and F. E. Kennamer, Judges, present and presiding.

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

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

MISCELLANEOUS - ADMISSION TO BAR.

On this 6th day of November, A.D. 1942, it being made satisfactorily to appear that Judd Black is duly qualified for admission to the Bar of the Court, the oath is duly administered and said attorney is admitted to the Bar of the Court.

MISCELLANEOUS - OATH OF DEMA COTTLE, DEPUTY U. S. MARSHAL.

FOR THE NORTHERN DISTRICT OF OKLAHOMA

I, Dema Cottle, do solemnly swear that I will faithfully execute all lawful precepts directed to the Marshal of the Northern District of Oklahoma, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of Deputy United States Marshal for the Northern District of Oklahoma during my continuance in said office, and take only my lawful fees; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; and I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office upon which I am about to enter; SO HELP ME GOD.

DEMA COTTLE

Sworn to and subscribed before me, this 6th day of November, 1942.

F. E. KENNAMER

TULSA, OKLAHOMA, NOVEMBER 6, 1942

I certify that the above-named Dema Cottle, office, Deputy Marshal, entered upon the performance of her official duties the 6th day of November, 1942.

JNO. P. LOGAN  
United States Marshal

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

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

Annie Jack, nee Watashe, et al, Plaintiffs, )  
vs )  
Theodore Crosby et al, Defendants. ) 617 Civil  
United States of America, Intervenor. )

ORDER APPOINTING BOARD OF APPRAISERS.

Now on this 6th day of November, 1942, upon motion of the plaintiffs herein, and for good cause shown, the court hereby appoints T. B. Williams, J. F. Pickens, and Woodrow Tiger to view and appraise the following lands located in Creek County, State of Oklahoma, towit:

The West Half of the Northwest Quarter of Section 17, Township 18 North, Range 11 East and containing 80 acres more or less;

and that they make return to this court in writing of their valuation including the land and improvements thereon and the mineral rights.

ROYCE H. SAVAGE  
JUDGE

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

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

National Life & Accident Insurance Company, a corporation, Plaintiff, )  
vs. ) No. 651 - Civil  
Joe T. Parkinson, County Treasurer of Tulsa County, Oklahoma, et al, Defendants. )

ORDER EXTENDING TIME FOR FILING RECORD

For good cause shown the time for filing the record, on appeal and for docketing the above action in the Circuit Court of Appeals for the Tenth Circuit, is hereby extended to and including the 15 day of December, 1942.

Dated this 6th day of November, 1942.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Nov 6 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  
REGULAR JANUARY 1942 TERM TULSA, OKLAHOMA FRIDAY, NOVEMBER 6, 1942

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

UNITED STATES OF AMERICA, Petitioner, )  
-vs- ) CIVIL NO. 763  
A CERTAIN PARCEL OF LAND IN MAYES COUNTY, )  
OKLAHOMA; and Reba Frances Bogle, et al., )  
Defendants. )

O R D E R

NOW, on this 12th day of October, 1942, this cause comes on for hearing on the affidavit filed by the petitioner herein asking for an order directing that a judgment be entered confirming and approving the report of commissioners filed herein, and against the following defendants, to-wit:

- Reba Frances Bogle;
- Clifford Bogle;
- Public Service Company of Oklahoma, a corporation;
- L. W. Bradley, County Treasurer of Mayes County, Oklahoma;
- Board of County Commissioners of Mayes County, Oklahoma;

and each of them, and it appearing to the Court from the affidavit filed that none of said defendants are in the military service of the United States of America, and that said judgment should be entered.

IT IS THEREFORE ORDERED by the Court that a judgment be entered, confirming and approving the report of commissioners filed in this cause.

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

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

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

UNITED STATES OF AMERICA, Petitioner, )  
vs. ) CIVIL NO. 763  
A CERTAIN PARCEL OF LAND IN MAYES COUNTY, )  
OKLAHOMA; and Reba Frances Bogle, et al., )  
Defendants. )

J U D G M E N T

NOW, on this the 12th day of October, 1942, there comes on for hearing pursuant to regular assignment to 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 here-

inafter specifically described; the petitioner appearing by its attorneys, Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and Q. B. Boydston, attorney for the Federal Works Agency, of counsel; and the defendant, Reba Frances Bogle, appearing in person and by her attorneys, R. A. Wilkerson and Ben Murdock; and the defendant, Public Service Company of Oklahoma, a corporation, appearing by its attorney, T. M. Markley;

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 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 said lands were taken was set forth.
- (4) A proper description of the lands sought to be taken sufficient for the identification thereof, is set out in said petition for condemnation and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) 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 the order of this Court.

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

(6) The Court finds that said commissioners appointed herein to appraise and fix the value of the real estate involved in this proceeding, duly qualified on the 3rd day of April, 1942, by taking and filing herein their oath of office as such; and the said duly qualified commissioners, after inspection of the premises and consideration of the fair market value thereof, filed their report hereon on the 9th day of April, 1942, wherein they fixed the fair cash market value of the real estate involved in this proceeding, in full, absolute, fee simple title, subject only to existing public easements, if any, in a public road along the North and East side of said East Half ( $\frac{E_2}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ), and in a fifty (50) foot public road along the West side of said East Half ( $\frac{E_2}{2}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) to be in the sum of \$1,750.00, 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 demand for jury trial have been filed by the petitioner herein or the defendants, except a response and exceptions were filed by the defendant, Public Service Company of Oklahoma, a corporation; and the Court having heard the statements of counsel for the respective parties and being fully advised in the premises, finds that the defendant, Public Service Company of Oklahoma, a corporation, had no right, title or interest in and to the lands involved in this proceeding, but that the defendant, Public Service Company of Oklahoma, a corporation, did own certain facilities consisting of poles and wires located upon said land at the time title to the lands involved herein vested in the petitioner; that since the taking by the petitioner, the defendant, Public Service Company of Oklahoma, a corporation, has, with the approval and consent of the petitioner, relocated its facilities upon and across the lands involved herein at a location satisfactory to the petitioner, and that said defendant, Public Service Company of Oklahoma, has the right to operate and maintain said facilities as now located upon, over and across said lands; and that the exceptions filed herein by the defendant, Public Service Company of Oklahoma, a corporation, should be denied.

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

REGULAR JANUARY 1942 TERM

FRIDAY, NOVEMBER 6 1942

That said report of commissioners filed herein should be confirmed and approved in every respect as to the land involved in this proceeding and hereinafter more particularly described, in the total sum of \$1750.00.

(8) The United States of America did on February 24, 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 sum of \$1750.00, for said real estate involved in this proceeding and hereinafter more particularly described.

(9) The Court having fully considered the petition for condemnation, the declaration of Taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1933, 48 Stat. 195, 200 U.S.C. Title 40, Secs. 401-407, 409, 411, 413 and 414 as amended and supplemented, the Act of June 30, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 309); 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 thereto 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 exceptions to the report of commissioners filed herein by the defendant, Public Service Company of Oklahoma, a corporation, be and it is hereby denied, and that the Report of Commissioners filed herein is final, and the fair cash market value as set out and fixed in said report of commissioners is final as to said lands involved therein, and sales and estate taken therein, all as follows, to-wit:

TRACT NO. 1 GR-M 200

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

in fee simple, subject to existing public easements, if any, in a public road along the North and East side of said East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and in a fifty (50) foot public road along the West side of said East Half (E $\frac{1}{2}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) - a total fair cash market value of \$1750.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title to 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 February 24, 1942, upon the depositing the sum of \$1750.00 with the Registry of this Court for the above described tract of land, and the filing of the Declaration of Taking herein, which sum is and does constitute the just compensation for the above described tract of land and for all lawful damages occasioned.

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

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

VERDICT

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

Sarah P. Gillespie as Administratrix of the )  
Estate of C. F. Gillespie, deceased, )  
Plaintiff, )  
vs. ) Case No. 803 Civil  
Evans-Wallower Zinc, Inc., a corporation, )  
Defendants. )

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths find for the plaintiff, and assess the damages at Six Thousand, \$6500.00 DOLLARS.

WILLIAM L. MAYES  
Foreman

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

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

Sarah P. Gillespie, as administratrix )  
of the estate of C. F. Gillespie, )  
deceased, ) Plaintiff, )  
-vs- ) No. 803 Civil  
Evans-Wallower Zinc Inc., a corporation, )  
Defendants. )

JOURNAL ENTRY

Now this 4th day of November, 1942, the same being a judicial day of said Court, sitting in the City of Tulsa, in the Northern Judicial District of the State of Oklahoma, this cause comes on for trial in its regular order of setting on the jury trial docket on the Petition and Answer. The parties litigant appear by their respective attorneys of record and announced ready for trial; thereupon a jury of twelve lawful men drawn from said judicial district was impanelled and sworn; thereupon witnesses were sworn and placed under the rule of Court, the attorneys for the parties litigant made their respective opening statements, and the plaintiff introduced her evidence and rested. The hour of 5:00 o'clock P.M. having arrived, the jury was duly admonished, according to law and the further hearing of said cause was recessed to the 5th day of November, 1942, at 9:30 o'clock a.m.

Now this 5th day of November, 1942, the parties appearing, as first hereinbefore stated the plaintiff having announced in open Court that she rested her case, the defendant demurred to plaintiff's evidence and moved the Court to dismiss plaintiff's action. Said demurrer and motion were overruled and the defendant allowed an exception. Thereupon the defendant introduced its evidence and rested; thereupon plaintiff introduced her rebuttal evidence and both sides closed; thereupon the defendant renewed its demurrer to the evidence and motion to dismiss plaintiff's action, which Demurrer and Motion were overruled and the defendant allowed an exception; thereupon the attorneys for the respective parties litigant argued said cause to the jury; thereupon the Court instructed the jury on the law and

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA  
REGULAR JANUARY 1942 TERM  
FRIDAY, NOVEMBER 6, 1942

the jury retired in charge of their sworn bailiff to deliberate upon said case in private.

And, now this 6th day of November, 1942, after due deliberation, the jury returned into open Court with their verdict, which verdict, omitting the caption is in words and figures as follows, to wit:

"We, the jury impanelled and sworn in the above entitled cause, do upon our oaths find for the plaintiff and assess her damages at \$6500.00."

CULLIS MAYES, Foreman.

Said verdict was read in open Court in the presence of the Court, the jury, the parties, and their attorneys of record, was announced by said jury to be its verdict, and said verdict was ordered to be received, filed, and made a part of the records of said cause, and said jury was thereupon discharged from the further consideration of said cause.

IT IS THEREFORE ADJUDGED AND DECREED on the verdict of the jury that plaintiff do have judgment against the defendant herein for the sum of Six Thousand Five Hundred Dollars (\$6,500.00) with interest thereon at 6% per annum from the 6th day of November, 1942, until paid, and the costs of this action, to which the defendant is allowed an exception.

ROYCE H. SAVAGE  
JUDGE

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

VERDICT

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

EDNA ELIZABETH McBRIDE, Plaintiff, )  
vs. )  
Tulsa City Lines, Inc., Defendant. )  
Case No. 828 Civil

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, \$1700.00.

GEORGE M. REEVES  
Foreman

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

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

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

ORDER JOINING ADDITIONAL PARTIES RESPONDENT

Now on this 6th day of November, 1942, this cause came on to be heard upon the oral application of the petitioner to join the following parties, to-wit:

Known and unknown heirs, executors, administrators,  
 devisees, legatees, trustees and assignees, immediate  
 and remote, of Annie J. Allen, full-blood Cherokee  
 Indian, Roll No. 22,078, deceased

- Marie C. Allen
- John Brewington
- Ida Brewington (Mrs. John Brewington)
- Goldie Clemmons
- City of Pryor Creek
- Brose A. Dennis
- Elsie Dunlap, formerly Tharp
- Zelda C. Garrett (Mrs. J. V. Garrett)
- Mary M. Jones
- John Howard Jones
- Kansas City Life Insurance Company
- A. M. Landman, Superintendent of Five Civilized Tribes
- O. D. Mayor
- W. M. Melugin
- H. M. Morgan
- Emmalyn Perriman
- G. H. Rainwater
- Ruby J. Russell
- Francis Shipley
- Eena M. Shipley
- W. O. Tharp
- Roy Tharp
- Earl Tharp
- Betty Tharp
- Known and unknown heirs, exectuors, administrators,  
 devisees, legatees, trustees and assigns, immediate  
 and remote, of Raymond Tharp, deceased
- J. B. Whittington, Receiver of Gum Brothers
- Delmar C. Wise
- Pearl Ward

as parties respondent, and the Court having been fully advised in the premises finds that these parties should be made parties to this cause.

IT IS, THEREFORE, ORDERED that the parties named in the finding of the Court herein-  
 above be and the same are hereby joined as parties respondent to this cause, and the petition and

proceedings are amended accordingly.

ROYCE H. SAVAGE  
JUDGE

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

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

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

O R D E R

Now on this 6th day of November, 1942, it being made to appear to the Court that the petitioner has filed its Petition for Condemnation in the above styled cause, and that it is necessary that notices be served on various parties claiming an interest in and to said land. It further appears that to attempt to comply or conform strictly to procedural laws of the State of Oklahoma would cause injustice, unnecessary delay, hardship, and is too burdensome; and, therefore, the Court by this order should and does prescribe its own process, conforming as near as may be to said procedural laws of the State of Oklahoma.

NOW, THEREFORE, IT IS HEREBY ORDERED AND DIRECTED that notices, as attached hereto, be served upon each of the parties named as respondents herein by the United States Marshals for the Northern, Western, and Eastern Districts of Oklahoma, and that said Marshals make their returns hereon within fifteen (15) days from this date.

ROYCE H. SAVAGE

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

VERDICT

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

ADDIE FULLER, Plaintiff, )  
vs. ) Case No. 863 Civil  
TULSA CITY LINES, INC. Defendant. )

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oath find for the defendant not guilty.

H. A. MCANNALLY  
FOREMAN

ENDORSED: Filed In Open Court Nov 6 1942  
H. P. Warfield, Clerk, U. S; District Court

Court adjourned to November 7, 1942

On this 7th 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:

MISCELLANEOUS - ORDER FOR ADDITIONAL JURORS.

On this 7th day of November, A. D. 1942, it appearing to the Court that there are not sufficient jurors in the panel, it is ordered that the Marshal of said District summon from the bystanders four good and lawful men, duly qualified, to serve as Petit jurors for this Regular January 1942 Term of said Court.

Thereupon, the Marshal returns the names of Glenn D. Porch, Harry Calvin, R. J. McCune and Jesse V. Shannon, who are examined by the Court, and all are accepted as petit jurors for this Regular January 1942 Term of Court.

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IN THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE TENTH JUDICIAL CIRCUIT  
SITTING AT DENVER, COLORADO.  
TWENTY-NINTH DAY, SEPTEMBER TERM, WEDNESDAY, NOVEMBER 4th, A. D. 1942.

PRESENT: Honorable Oris L. Phillips, Senior Circuit Judge,  
Honorable J. Foster Symes, District Judge,  
And other officers as noted on the 8th day of September, A. D. 1942.

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

United States of America, Appellant, )  
2645 vs. ) Appeal from the District Court of the United  
) States for the Northern District of Oklahoma  
Associated Petroleum Properties, )  
a Trust Estate, Provident Trust, )  
a Trust Estate, E. R. Perry and )  
S. L. Dedman, Appellees. )

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

On consideration whereof, counsel for appellees consenting thereto, it is now here ordered by the court that the said motion be and the same is hereby granted; that appellant may docket the cause instanter, which is accordingly done, and that the appeal in this cause be and the same is hereby dismissed out of this court.

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

(SEAL) A true copy as of record,  
TESTE: ROBERT B. CARTWRIGHT  
CLERK  
ENDORSED: Filed Nov 7 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

REGULAR JANUARY 1942 TERM

TULSA, OKLAHOMA

SATURDAY, NOVEMBER 7, 1942

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

Helen L. Avery,	Plaintiff,	)	
		)	
v.		)	
		)	No. 809 Civil
Gordon Denton, Executor of the Estate of		)	
Mollie Davis nee Jones, deceased; and		)	
Millie Wilson, now Harjo,	Defendants.	)	

O R D E R

This matter coming on for hearing this 7th day of Nov., 1942, upon the application of the United States of America to file an intervening complaint herein, and the Court being fully advised in the premises, and for good cause shown, finds that the United States should be allowed to file an intervening complaint herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America be and it hereby is granted permission to file, within five days from the date hereof, an intervening complaint.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE  
JUDGE

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

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

United States of America,	Libelant,	)	
		)	
vs.		)	
		)	No. 903 Civil
One 1938 Chevrolet Coupe		)	
Automobile, Motor No. 1,823,936, and		)	
Clara E. Holmes,	Claimants.	)	

J U D G M E N T

Upon the findings of fact and conclusions of law heretofore entered in this cause;

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that the forfeiture prayed for herein is denied and that the plaintiff take nothing in this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the defendant, Clara E. Holmes, recover her costs herein.

Dated this 2nd day of November, 1942.

ROYCE H. SAVAGE  
U. S. District Judge

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

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Court adjourned to November 9, 1942



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

Ruby Lee Backer, and the following named persons, all similarly situated;  
Mergie Van Sickle, Bobbie Hoffman,  
Thelma Boyd, Gwendolyn Smith, Pauline  
Butler, Bethyl Brandon Roberts, Plaintiffs,

Civil No. 746

vs.

The First National Bank of Miami, Oklahoma,  
Defendant.

ORDER OF COURT

Now on this 5th day of November, 1942, there coming on for hearing in open court a motion for new trial filed by the plaintiffs in said action and a motion to set aside judgment heretofore rendered in said cause upon the 28th day of July, 1942 filed by the plaintiffs herein, and the plaintiffs appearing by their attorneys of record Harold E. Rorschach and Jack L. Rorschach, counsel for the plaintiffs, and E. C. Fitzgerald and Ray McNaughton, counsel for the defendant, and the matters coming on for hearing;

It is ordered that the motion for new trial above referred to be and the same is hereby overruled, to which ruling of the Court the plaintiffs except;

And it appearing to the Court that some question has been raised as to whether or not the judgment rendered in said cause upon the 28th day of July, 1942 was rendered in open court and it further appearing that all parties to this action by their attorneys of record aforesaid have agreed in open court this date that said judgment may be vacated and set aside in open court on this date and a new judgment rendered herein;

It is, therefore, ordered, adjudged and decreed by the Court that the judgment rendered in said cause upon the 28th day of July, 1942 be and the same is hereby vacated and set aside;

And now upon this 5th day of November, 1942, in open Court, in the presence of counsel for plaintiffs and defendant and with their acquiescence and consent, the Court does now enter the following judgment, to-wit:

JOURNAL ENTRY OF JUDGMENT

Now on this 5th day of November, 1942, the above entitled matter having heretofore been submitted to the Court for judgment upon the evidence and briefs of counsel for plaintiffs and defendant filed herein, and the matter coming on for judgment upon this date;

The Court finds that the plaintiffs have wholly failed to prove that they were performing duties involving interstate commerce at the time their cause of action accrued.

It is, therefore, ordered, adjudged and decreed by the Court that the issues of law and fact be and they are hereby decided in favor of the defendant herein.

It is further ordered, adjudged and decreed by the Court that the plaintiffs take nothing by their suit herein and that the defendant recover its costs herein expended.

Done in open court at Tulsa, Oklahoma the day and year above written.

F. E. KENNAMER  
United States District Judge

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

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

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

William C. Whitse; and  
James M. Whitse;

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:

- Eliza Eades;
- Lucille Jones;
- William Branson;
- John Mayford Malone;
- William D. Brown, Cherokee Roll No. 2212, Chas. Wood Friend, Gwynne Boyer Widdicombe, Susan Overholt, Anna Y. Moore, Theodore W. Friend, Rebecca F. Johnston, Elizabeth F. Parks, James L. Evans, Henry C. J. Evans, Robert L. Evans, Florence Tincup, Cherokee Roll No. 6234, Frank B. Gardner, Spire M. Berry, S. E. Price, Lenard Marston, Chas. W. Whaley, M. K. Read, Harry Barndollar, R. W. McCullough, J. L. Warnner, B. L. Murphy, individually and as trustee, W. E. Doan, individually and as trustee, Thomas H. Robinson, Herman Schmidt, individually and as trustee, E. W. Thiele, individually and as trustee, James Leach, sometimes known as J. A. Leach, George Henry, A. A. King, Asa Faubus, Humphrey & Humphrey, A. C. Neel and W. C. Priddy, if living, or in existence or if deceased, and not in existence, their known and unknown heirs, execturos, administrators, devisees, legatees, trustees, creditors, successors 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 John C. Whitse, deceased; Emma Branson, Cherokee Roll No. 658, deceased; Jacob Scheffel, deceased; Daniel Tilden, Cherokee Roll No. 16201, deceased; Tyler Tilden, deceased; James F. Allen, deceased; William Lynch, Cherokee Freedman, Roll No. 1793, deceased; Alex Wilson, deceased, Bessie Moore, deceas4d; D. B. Haddan, deceased; Alex Littledave, Cherokee Roll

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

No. 29691, deceased; Johnson Littledave, Cherokee Roll No. 29692, deceased; Janny Bell Malone, also known as Janey Bell Malone, deceased; Jas. Washington Malone, deceased; and Cherokee Brewer, Cherokee Roll No. 6734, 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:

- William C. Whitsel;
- James M. Whitsel;
- Eliza Eades;
- Lucille Jones;
- William Branson;
- John Rayford Malone;
- William D. Brown, Cherokee Roll No. 2212, Chas. Wood Friend, Gwynne Boyer Widdicombe, Susan Overholt, Anna W. Moore, Theodore W. Friend, Rebecca F. Johnston, Elizabeth F. Parks, James L. Evans, Henry C. J. Evans, Robert L. Evans, Florence Tincup, Cherokee Roll No. 6234, Frank B. Gardner, Spire M. Berry, S. E. Price, Lenard Marston, Chas. W. Whaley, M. K. Reed, Hary Barndollar, R. W. McCullough, J. L. Warner, B. L. Murphy, individually and as trustee, W. E. Doan, individually and as trustee, Thomas H. Robinson, Herman Schmidt, individually and as trustee, E. W. Thiele, individually and as trustee, James Leach sometimes known as J. A. Leach, George Henry, A. A. King, Asa Faubus, Humphrey & Humphrey, A. C. Neel and W. C. Priddy, if living or in existence, or if deceased, and not in existence, their known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors, successors 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 John C. Whitsel, deceased; Emma Branson, Cherokee Roll No. 658, deceased; Jacob Scheffel, deceased; Daniel Tilden, Cherokee Roll No. 16201, deceased; Tyler Tilden, deceased; James P. Allen, deceased; William Lynch, Cherokee Freedman, Roll No. 1793, deceased; Alex Wilson, deceased; Bessie Moore, deceased; D. B. Haddan, deceased, Alex Littledave, Cherokee Roll No. 29691, deceased; Johnson Littledave, Cherokee Roll No. 29692, deceased; Janny Bell Malone, also known as Janey Bell Malone, deceased; Jas. Washington Malone, deceased; and Cherokee Brewer, Cherokee Roll No. 6734, 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 9 1942  
H. P. Warfield, Clerk  
U. S. District Court ME

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. 785  
OKLAHOMA; and Laura E. Jones, 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 personal 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 15th 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 25th 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:

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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

MONDAY, NOVEMBER 9, 1942

TRACT NO. 1 (306 - 18.1)  
PERPETUAL EASEMENT

A strip of land 100 feet in width in the NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 23, 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 North boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  489.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  926.2 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. 2 (306 - 18.2)  
PERPETUAL EASEMENT

A strip of land 100 feet in width in the W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 24, T 22 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 266.8 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 44.6 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, \$ 97.00

TRACT NO. 3 (306 - 18.3)  
Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 24, T 22 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

TRACT A:

Beginning at a point in the North boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 44.6 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 123.5 feet from the SW corner thereof; and

TRACT B:

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN ( PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$119.00

TRACT NO. 4 (306 - 19.4)  
Perpetual Easement

A strip of land 100 feet in width in the NW $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 24, 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 NW $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 123.5 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said NW $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  40.9 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 \$5.00

TRACT NO. 5 (306 - 19.1)  
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. 25, 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 North boundary of said W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 400 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 1232.4 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 \$70.00

TRACT NO. 6 (306 - 19.2)  
Perpetual Easement

A strip of land 100 feet in width in the E $\frac{1}{2}$  E $\frac{1}{2}$  NW $\frac{1}{4}$  and the E $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 25, T 22 N - R 19 E of the Indian Base and Meridian, in 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 $\frac{1}{4}$ , 1232.4 feet from the NE corner thereof; thence Southwesterly to a point in said E $\frac{1}{2}$  SW $\frac{1}{4}$ , 942.7 feet North and 311.9 feet East of the SW corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$  SW $\frac{1}{4}$ , 140 feet from the SW corner thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$216.00

TRACT NO. 7 (306 - 19.3)  
Perpetual Easement

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

Beginning at the NW corner of said W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence Easterly

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

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

TRACT NO. 8 (306 - 20.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$ , and the  $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$ , Sec. 36, 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 North boundary of said  $W\frac{1}{2}E\frac{1}{2}NW\frac{1}{4}$ , 140 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said  $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}$ , 318.4 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 \$170.00

TRACT NO. 9 (306 - 20.2)  
Perpetual Easement

A strip of land 100 feet in width in the  $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ , Sec. 36, 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 North boundary of said  $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ , 318.4 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said  $E\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ , 77.8 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 \$85.00

TRACT NO. 10 (306 - 20.3)  
Perpetual Easement

A strip of land 100 feet in width in the  $SW\frac{1}{4}SW\frac{1}{4}$ , Sec. 36, 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 North boundary of said  $SW\frac{1}{4}SW\frac{1}{4}$ , 582.2 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $SW\frac{1}{4}SW\frac{1}{4}$ , 498 feet from the SW corner thereof.

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

TRACT NO. 11 (306 - 21.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $W\frac{1}{2}$  of Lot 4, Sec. 1, T 21 N - R 19 E of the Indian Base and Meridian in 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 4, 498 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said Lot 4, 253.8 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 \$85.00

TRACT NO. 12 (306 - 21.2  
22.1)  
Perpetual Easement

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

TRACT A:

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

Beginning at a point in the North boundary of said  $NW\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ , 253.8 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said  $NW\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ , 132.7 feet from the SW corner thereof.

TRACT B:

Beginning at the NW corner of said  $W\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$ , thence Easterly along the North boundary of said  $W\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$ , a distance of 62.4 feet; thence Southwesterly to a point in the West boundary of said  $W\frac{1}{2} NW\frac{1}{4} SW\frac{1}{4}$ , thence northerly along said West boundary a distance of 340.0 feet to the point of beginning;

TRACT C:

Beginning at the SE corner of said  $E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , Sec. 2; thence Northerly along the East boundary of said  $E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , a distance of 218.6 feet; thence Southwesterly to a point in the South boundary of said  $E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ ; thence Easterly along the South boundary of said  $E\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$ , a distance of 39.2 feet to the point of beginning.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$45.00

TRACT NO. 13 (306 - 21.3)  
Perpetual Easement

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

Beginning at a point in the North boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 132.7 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 11.6 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 \$30.00

TRACT NO. 14 (306 - 22.2)  
Perpetual Easement

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

Beginning at a point in the East boundary of said E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 63.0 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 230.7 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 \$65.00

TRACT NO. 15 (306 - 22.3)  
Perpetual Easement

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

Beginning at a point in the North boundary of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 230.7 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , 473 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 \$75.00

TRACT NO. 16 (306 - 23.1)  
Perpetual Easement

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

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$42.00

TRACT NO. 17 (306 - 23.2)  
Perpetual Easement

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

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$12.00

TRACT NO. 18 (306 - 23.3)  
Perpetual Easement

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

Beginning at a point in the North boundary of said  $NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$ , 57.7 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$  180.6 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 \$40.00

TRACT NO. 19 (306 - 23.4)  
Perpetual Easement

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

Beginning at a point in the North boundary of said  $SW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$  180.6 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $SW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$  303.5 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 \$29.00

TRACT NO. 20 (306 - 23.5)  
Perpetual Easement

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

Beginning at a point in the North boundary of said  $W\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  303.5 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $W\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ , 111.4 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. 21 (306 - 23.6)  
Perpetual easement

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

Beginning at a point in the North boundary of said  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$  111.4 feet from the NW corner thereof; thence Southwesterly to a point in the West boundary of said  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$  721.6 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 \$27.00

TRACT NO. 22 (306 - 23.7)  
Perpetual Easement

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

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$27.00

TRACT NO. 23 (305 - 24.1)  
Perpetual Easement

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

Beginning at a point in the North boundary of said  $E\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , 135 feet from the NE corner thereof; thence Southwesterly to a point in said  $E\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , 341.1 feet South and 198.5 feet West of the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $E\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , 251.0 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

\$49.20

TRACT NO. 24 (306 - 24.2)  
Perpetual Easement

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

Beginning at a point in the North boundary of said SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 911.6 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 629.1 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

\$55.00

TRACT NO. 25 (306 - 24.3)  
Perpetual Easement

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

Beginning at a point in the North boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 629.1 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 346.9 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

\$85.00

TRACT NO. 26 (306 - 24.4)  
Perpetual Easement

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

Beginning at a point in the North boundary of said W $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 346.9 feet from the NW corner thereof; thence Southwesterly to a point in the South boundary of said W $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , 65 feet from the SW corner thereof.

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

\$61.50

TRACT NO. 27 (306 - 25.1)  
Perpetual Easement

A strip of land 100 feet in width in the W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 23, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

TRACT A:

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

and

TRACT B:

Beginning at a point in the North boundary of said  $NE\frac{1}{4} NE\frac{1}{4} NW\frac{1}{4}$ , 216.9 feet from the NE corner thereof, thence Southwesterly to a point in the South boundary of said  $NE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ , 357.9 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 \$54.25

TRACT NO. 28 (306 - 25.2)  
Perpetual Easement

A strip of land 100 feet in width in the  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$ , Sec. 23, T 21 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$  304.3 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$  216.9 feet from the SE corner thereof.

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

TRACT NO. 29 (306 - 25.3)  
Perpetual Easement

A strip of land 100 feet in width in the  $S\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$ , and the  $NE\frac{1}{4} SW\frac{1}{4}$ , Sec. 23, T 21 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said  $S\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$ , 357.9 feet from the NE corner thereof; thence Southwesterly to a point in the South boundary of said  $NE\frac{1}{4} SW\frac{1}{4}$  380.8 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 \$77.60

TRACT NO. 30 (306 - 25.4)  
Perpetual Easement

A strip of land 100 feet in width in the  $W\frac{1}{2} SE\frac{1}{4} SW\frac{1}{4}$ , Sec. 23, T 21 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

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

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

\$77.75

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

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

(8) The United States of America did on March 28, 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 - 18.1)	\$95.00
TRACT NO. 2 (306 - 18.2)	70.00
TRACT NO. 3 (306 - 18.3)	119.00
TRACT NO. 4 (306 - 18.4)	5.00
TRACT NO. 5 (306 - 19.1)	65.00
TRACT NO. 6 (306 - 19.2)	216.00
TRACT NO. 7 (306 - 19.3)	5.00
TRACT NO. 8 (306 - 20.1)	150.00
TRACT NO. 9 (306 - 20.2)	65.00
TRACT NO. 10 (306 - 20.3)	65.60
TRACT NO. 11 (306 - 21.1)	66.00
TRACT NO. 12 (306 - 21.2 and 22.1)	30.00
TRACT NO. 13 (306 - 21.3)	30.00
TRACT NO. 14 (306 - 22.2)	65.00
TRACT NO. 15 (306 - 22.3)	75.00
TRACT NO. 16 (306 - 23.1)	42.00
TRACT NO. 17 (306 - 23.2)	12.00
TRACT NO. 18 (306 - 23.3)	40.00
TRACT NO. 19 (306 - 23.4)	29.00
TRACT NO. 20 (306 - 23.5)	50.00
TRACT NO. 21 (306 - 23.6)	23.00
TRACT NO. 22 (306 - 23.7)	27.00
TRACT NO. 23 (306 - 24.1)	49.20
TRACT NO. 24 (306 - 24.2)	55.00
TRACT NO. 25 (306 - 24.3)	82.50
TRACT NO. 26 (306 - 24.4)	61.50
TRACT NO. 27 (306 - 25.1)	54.25
TRACT NO. 28 (306 - 25.2)	47.25
TRACT NO. 29 (306 - 25.3)	77.60
TRACT NO. 30 (306 - 25.4)	77.75
TOTAL	<u>\$1849.55</u>

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

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

REGULAR JANUARY 1942 TERM

MONDAY, NOVEMBER 9, 1942

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

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

TRACT NO. 1 (306 - 18.1)	\$120.00
TRACT NO. 2 (306 - 18.2)	97.00
TRACT NO. 3 (306 - 18.3)	119.00
TRACT NO. 4 (306 - 18.4)	5.00
TRACT NO. 5 (306 - 19.1)	70.00
TRACT NO. 6 (306 - 19.2)	216.00
TRACT NO. 7 (306 - 19.3)	5.00
TRACT NO. 8 (306 - 20.1)	170.00
TRACT NO. 9 (306 - 20.2)	85.00
TRACT NO. 10 (306 - 20.3)	85.00
TRACT NO. 11 (306 - 21.1)	85.00
TRACT NO. 12 (306 - 21.2 and 22.1)	45.00
TRACT NO. 13 (306 - 21.3)	30.00
TRACT NO. 14 (306 - 22.2)	65.00
TRACT NO. 15 (306 - 22.3)	75.00
TRACT NO. 16 (306 - 23.1)	42.00
TRACT NO. 17 (306 - 23.2)	12.00
TRACT NO. 18 (306 - 23.3)	40.00
TRACT NO. 19 (306 - 23.4)	29.00
TRACT NO. 20 (306 - 23.5)	50.00
TRACT NO. 21 (306 - 23.6)	27.00
TRACT NO. 22 (306 - 23.7)	27.00
TRACT NO. 23 (306 - 24.1)	49.20
TRACT NO. 24 (306 - 24.2)	55.00
TRACT NO. 25 (306 - 24.3)	85.00
TRACT NO. 26 (306 - 24.4)	61.50
TRACT NO. 27 (306 - 25.1)	54.25
TRACT NO. 28 (306 - 25.2)	55.00
TRACT NO. 29 (306 - 25.3)	77.60
TRACT NO. 30 (306 - 25.4)	77.75
TOTAL	\$2,014.30

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, 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 the 28th day of March, 1942, upon the filing of the Declaration of Taking, and the depositing of the sum of One Thousand Eight Hundred Fifty Nine and 65/100 (\$1849.65) Dollars with the registry of this Court, for the estate taken in and to 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 for the use and benefit of the rightful claimants thereto, an additional sum of One Hundred Sixty Four and 65/100 Dollars (\$164.65), 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. 1 (306 - 18.1)	\$25.00
TRACT NO. 2 (306 - 18.2)	27.00
TRACT NO. 5 (306 - 19.1)	5.00
TRACT NO. 8 (306 - 20.1)	20.00
TRACT NO. 9 (306 - 20.2)	20.00
TRACT NO. 10 (306 - 20.3)	19.40
TRACT NO. 11 (306 - 21.1)	19.00
TRACT NO. 12 (306 - 21.2 22.1)	15.00
TRACT NO. 21 (306 - 23.6)	4.00
TRACT NO. 25 (306 - 24.3)	2.50
TRACT NO. 28 (306 - 25.2)	7.75
TOTAL	<u>164.65</u>

\$164.65

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 9 1942  
 H. P. Warfield, Clerk  
 U. S. District Court ME

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

UNITED STATES OF AMERICA, Petitioner, )  
 )  
 -vs- ) CIVIL NO. 806  
 )  
 CERTAIN PARCELS OF LAND IN MAYES COUNTY, )  
 OKLAHOMA: and R.D. Hudson, et al., Defendants. )

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
 DISTRIBUTION AS TO TRACT NO. 17 (306 - 6.1)

NOW, on this 9th day of November, 1942, there coming on for hearing the application of the defendant, Lewis R. Thompson for an order fixing title, decreeing just compensation and making distribution as to Tract No. 17 (306 - 6.1), and the Court being fully advised in the premises, finds:

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

That the defendant, Lewis R. Thompson, was the owner of the land designated as Tract No. 17 (306 - 6.1), when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$80.00 for the taking of a perpetual easement for transmission line purposes, upon, over and across said tract of land; and that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for transmission line purposes, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, Lewis R. Thompson in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, or other structures, wires, cables and fixtures for the transmission of electric current, for the sum of \$60.00, which was accepted by the petitioner.

The Court further finds that the sum of \$60.00 is just compensation for the injury and damages sustained by said defendant, Lewis R. Thompson.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Lewis R. Thompson, was the owner of the land designated as Tract No. 17 (306 - 6.1), when this proceeding was commenced, and that the sum of \$60.00 is just compensation for the damages sustained by the defendant, Lewis R. Thompson and that said defendant was the only person having any right, title or interest in and to said just compensation.

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

TO: Lewis R. Thompson, Owner  
TRACT NO. 17 (306 - 6.1)

\$60.00

ROYCE H. SAVAGE  
J U D G E

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

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

ERA M. GORDON, Plaintiff, )  
vs. ) Case No. 813 Civil  
THE TRAVELERS INSURANCE COMPANY, Defendant. )

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, find for the plaintiff, and assess damages at \$20000.00 DOLLARS. Twenty Thousand and no/100 Dollars.

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

H. A. McANALLY  
FOREMAN

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

F. M. STOWELL, Plaintiff, )  
vs. )  
OKLAHOMA NATURAL GAS COMPANY, ) No. 883 Civil  
a Corp., Defendant. )

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

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

ALBERT O. BETTES  
Foreman

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

F. M. STOWELL, Plaintiff, )  
vs. )  
OKLAHOMA NATURAL GAS COMPANY, ) No. 883 - Civil  
a corporation, Defendant. )

JOURNAL ENTRY OF JUDGMENT

On this 9th day of November, 1942, this cause came on regularly for trial pursuant to setting and pursuant to prior continuance and the plaintiff appearing by his counsel and in person, and the defendant appearing by its counsel, and thereupon both parties having announced ready for trial, the court caused to be duly impaneled and sworn well and truly to try the issues a jury composed of twelve good and lawful men. The plaintiff introduced his evidence and rested, and the defendant introduced its evidence and rested, and the plaintiff introduced rebuttal evidence and rested, and thereupon after the cause was argued to the jury and the court had duly instructed the jury as to the law of the case, the jury retires and returned into open court their verdict in favor of the defendant and against the plaintiff herein.

The said verdict was thereupon read, filed and by the court approved and it is

ORDERED AND ADJUDGED that the plaintiff take nothing by this action, but that the defendant have and recover from the plaintiff herein its costs taxed at \$\_\_\_\_\_.

F. E. KENNAMER  
JUDGE

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