

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

REGULAR JANUARY 1943 TERM

THURSDAY, JULY 29, 1943

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

ORVILLE HERRINGTON, )  
Plaintiff, )  
 )  
-vs- ) No. 1014  
 )  
Saint Paul Mercury Indemnity Company, )  
a Corporation, )  
Defendant. )

JOURNAL ENTRY

Now on this 29th day of July, 1943, this matter came on to be heard before the Honorable Royce Savage, Judge of the District Court for the Northern District of Oklahoma, upon the motion of the defendant to dismiss both causes of action. And the parties being present, the plaintiff by his counsel, C. S. McDonald and F. W. Files, and the defendant by it's counsel, Fred Tillman, and the matter being called the same was argued and presented to the Court by the counsel for their respective sides. And the Court, after being fully advised in the premises, finds that the motion of the defendant herein, to dismiss, should be overruled, as to the first cause of action. That it should be sustained as to the second cause of action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED, by the Court, that the defendant's motion to dismiss as to the plaintiff's first cause of action, should be and the same is overruled. Further ordered, adjudged and decreed, by the Court, that the defendant's motion to dismiss, as to the second cause of action, be and the same is hereby sustained, and said second cause of action is dismissed. The defendant herein is given twenty days, from this date, to file their answer to the plaintiff's first cause of action. It is so ordered.

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

ENDORSED: Filed Aug 11 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to July 20, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 30, 1943

On this 30th day of July, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 30, 1943

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,	)
		)
vs		) NO. 888 CIVIL
		)
George Newman,	Defendant,	)

JOURNAL ENTRY OF JUDGMENT

This matter coming on for hearing on this 30th day of July, 1943, before the Honorable F. E. Kennamer, United States District Judge for the Northern District of Oklahoma, United States of America appearing by Whit Y. Mauzy, United States Attorney in and for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney in and for said District and the defendant appearing by A. M. Widdows, Attorney-at-Law, Tulsa, Oklahoma, and the Court after hearing argument of counsel and being fully advised in the premises, finds that plaintiff's ward, Nellie I. Ririe, Osage allottee No. 1798, a one-sixteenth degree blood Osage Indian, was allotted as her homestead, the following described property, to-wit:

Lots Three (3) and Four (4), Section 15, Township 22 North, Range 12 East, Osage County, State of Oklahoma,

said real estate being non-taxable prior to April 8, 1931. That notwithstanding such non-taxable status of said real estate, said land was placed upon the tax rolls of Osage County, State of Oklahoma, and after nonpayment of taxes so assessed, was sold for taxes and by tax deed conveyed to the defendant George Newman, such tax deed being recorded in the office of the County Clerk of Osage County, State of Oklahoma, on July 2, 1934. The Court further finds that said tax deed above referred to is void and fictitious and conveyed no right, title or interest in and to said real estate to the defendant George Newman.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Nellie I. Ririe is the owner of the legal and equitable title in fee simple, of the above-described property and that said tax deed issued by the County Treasurer of Osage County, State of Oklahoma to George Newman, defendant herein, on July 2, 1934, is cancelled, set aside and held for naught, and

IT IS FURTHER ORDERED that the defendant George Newman has no right, title or interest in and to said real estate and is forever barred and enjoined from setting up or asserting any right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs herein be assessed against the defendant.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Jul 30 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

J. W. Cranor,	Plaintiff,	)	
		)	
vs		)	No. 922 Civil
		)	
James Bryant McCartlin,		)	
et al.,	Defendants.	)	

ORDER FOR PARTITION

Now on this 30th day of July, 1943, this cause came on for hearing. The plaintiff appearing by Chas. W. Pennel, his attorney, and the defendants, Albert McCartlin, William McCartlin, Nona Johnson, Sadie Benbo Edwards, James Bryant McCartlin, John George McCartlin, and Glen Roy McCartlin, and the intervener, United States of America, appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Kenneth G. Hughes, Assistant United States Attorney for said District, and the defendants, James Bryant McCartlin, John George McCartlin, and Glen Roy McCartlin appearing by their guardian ad litem, M. S. Robertson, United States Probate Attorney, and after hearing the testimony and being fully advised in the premises,

IT IS FOUND, adjudged, and decreed by the Court, that the plaintiff, J. W. Cranor, is the owner in fee simple of an undivided 2/5 interest, and the defendants, Sadie Benbo Edwards, an undivided 1/5 interest, Albert McCartlin, an undivided 1/5 interest, Glen Roy McCartlin, an undivided 1/15 interest; James Bryant McCartlin, an undivided 1/15 interest, and John George McCartlin, an undivided 1/15 in the following described real estate, situated in Washington County, Oklahoma, to wit:

The East Half of the West Half of the Southeast Quarter;  
and the Southeast Quarter of the Southeast Quarter of  
Section 11, Township 25, North, Range 13  
East.

IT IS THEREFORE, Considered, and Adjudged by the Court that the shares of the aforesaid parties and their respective interest in the aforesaid land be and they are hereby confirmed, and

It is further ordered, adjudged, and decreed that the partition of said lands be made accordingly;

That Frank Harris, C. M. Keefer, and J. F. Pickens are hereby appointed Commissioners, and upon taking the oath prescribed by law, shall proceed to make partition of the above described property and report the same to this Court.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Jul 30 1943  
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 1943 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 30, 1943

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs.		)	No. 1053 Civil
		)	
9.50 acres of land, more or less,		)	
situate in Tulsa County, Oklahoma,		)	
and The City of Tulsa, a municipal		)	
corporation, et al.,	Respondents.	)	

JUDGMENT ON THE DECLARATION OF TAKING

This day comes the petitioner, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the property hereinafter described, and described in the Petition for Condemnation and the Declaration of Taking filed herein.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation and Declaration of Taking, and finds that:

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

(2) In said petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.

(3) The Petition and Declaration of Taking were filed at the request of the Secretary of War of the United States, the person duly authorized by law to acquire the lands described in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings.

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) A statement is contained in said Declaration of Taking of the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of One Thousand and no/100 Dollars (\$1,000.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

(6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of the Secretary of War of the United States will probably be within any limits prescribed by Congress on the price to be paid therefor.

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking, the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. Sec. 258a) and Acts supplementary thereto and amendatory thereof, and the Act of Congress approved August 18, 1890 (26 Stat. 316), as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), April 11, 1918 (40 Stat. 518; 50 U.S.C., Sec. 171) and March 27, 1942 (Public Law 507 - 77th Congress) and July 2, 1942 (Public Law 649 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the following described lands was vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of One Thousand and no/100 Dollars (\$1,000.00) and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

THE lands aggregate 9.50 acres, more or less, and are described as follows, to-wit:

Tract No. 3

A tract of land in the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, Described as follows:

BEGINNING at a point on the South line of said Southeast Quarter ( $SE\frac{1}{4}$ ) 690 feet East of the Southwest corner thereof; thence Northerly a distance of 866 feet; thence Easterly a distance of 1290 feet to a point on the West line of the East Half of the Southeast Quarter ( $E\frac{1}{2}$   $SE\frac{1}{4}$ ) of Section Thirteen (13); thence Southerly along the West line of said Subdivision a distance of 66 feet to a point; thence Westerly 440 feet; thence along a curve to the left for a distance of approximately 450 feet; thence Southwesterly a distance of 500 feet; thence along a curve to the right for a distance of 270 feet; thence West 10 feet to the point of beginning, containing 9.50 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be, and it is hereby, granted leave to take full and complete possession of said lands on the 31 day of July, 1943.

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

Entered this 30 day of July, 1943.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed 9:30 A.M.,  
Jul 30 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to July 31, 1943

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

REGULAR JANUARY 1943 TERM

SATURDAY, JULY 31, 1943

On this 31st day of July, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA, Plaintiff, )  
vs. ) NO. 110 Civil  
BOARD OF COUNTY COMMISSIONERS OF OSAGE )  
COUNTY, OKLAHOMA, et al., Defendants. )

O R D E R

This matter coming on for hearing this 31 day of July, 1943, upon the application of the United States to dismiss this action, and the Court being advised in the premises, and for good cause shown, finds that said application should be granted;

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

AND IT IS SO ORDERED.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 31 1943  
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. 1046  
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA, )  
containing approximately 9.9 acres, more or less; )  
and Carey Caldwell, et al., Defendants. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 31st day of July, 1943, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

C. S. Shively;  
Jeff D. Sexton, Jr., same as Dennis Sexton;  
Mrs. Lewis Sexton;  
Eugene T. Witt;  
Helen Witt;  
J. F. Harris;  
Phebe A. Hood;  
Ruth Clanin;  
Edith M. Blaine;  
Frederick E. Blaine;  
James B. Lacey and Tom T. Steele, a partnership, doing business  
as Lacey & Steele;  
Pearl Barlow, Florence Sparr, Georgia Cihak, J. B. Biles, Samuel  
P. Richard, one and the same person as Samuel P. Richards, W. P.  
Jones, Rhoda Jones, E. G. Johnson, T. E. Johnson, C. D. Stark,  
Orpha Stark, Mrs. J. B. Hallum, Martha Smith, Blunt Martin, also  
known as General Blunt Martin, J. A. Ehart, and Oklahoma Farm  
Mortgage Company, a corporation, Gilbert E. Scott, if living,  
or in existence, or if deceased, and not in existence, their  
known and unknown heirs, executors, administrators, devisees,  
legatees, trustees, successors, 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 Cassie A. Ward, Cherokee Roll No. 31075, deceased;  
James Hopkins, deceased; Jeff D. Sexton, deceased; Jennie Sexton,  
deceased; Lewis Sexton, deceased; Robert M. Haines, Cherokee Roll  
No. 1569, deceased; Catherine Yost, Cherokee Roll No. 8651, deceased;  
Felix Martin, deceased; Thura Thomas, deceased; and Jesse Rowe, Sr.,  
deceased.

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is therefore necessary that the above named defendants, and any and all other persons, firms, corporations, or legal entities, claiming any interest whatever in the real estate herein described and involved be served by publication.

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in The Pryor Jeffersonian, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendants, and each of them, of the institution of the condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners on or before the 27th day of September, 1943, the petitioner, United States of America, will, on the 27th day of September, 1943, at the hour of ten o'clock A.M., as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court for the Northern District of Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of this Court to inspect said real property consider the injury and assess the damages which said defendants, as the owners thereof, or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of a perpetual easement upon and over the lands involved herein, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Jul 31 1943  
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- )  
 )  
A CERTAIN PARCEL OF LAND IN MAYES COUNTY, OKLAHOMA, )  
containing approximately 1.6 acres, more or less; )  
and J. F. Harris, et al., Defendants. )

CIVIL NO. 1054

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard at this term of court upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on July 31, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof and of the condemnation petition filed herein, said Declaration of Taking, the statutes in such cases made and provided, and the Executive Order of the President of the United States made pursuant to the authority, contained in the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Section 809), and it appearing to the satisfaction of the Court;

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

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

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

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

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

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

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands in the amount of \$60.00 and that said sum was deposited in the Registry of this Court, for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

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

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REGULAR JANUARY 1943 TERM

SATURDAY, JULY 31, 1943

THEREFORE, On this 31st day of July, 1943, IT IS ORDERED, ADJUDGED AND DECREED that the full fee simple title to the lands, situate, lying and being in the County of Mayes, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (2- FW-43 Rev.)  
Fee Title

All that part of the  $N\frac{1}{2}$   $N\frac{1}{2}$  NW 10.0 acres of Lot 2, Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the north boundary of said Lot 2 and 200 feet east of the NW corner thereof,  
thence easterly along said north boundary line a distance of 450.7 feet to a point in the north boundary of said NW 10 acres of Lot 2 and 9.4 feet west of the NE corner thereof;  
thence S 17° 33' W. 78.6 feet; thence S. 4° 10' E. 89.6 feet to a point on the south boundary of said  $N\frac{1}{2}$   $N\frac{1}{2}$  NW 10.0 acres of Lot 2;

thence westerly along said south boundary of said  $N\frac{1}{2}$   $N\frac{1}{2}$  NW 10.0 acres of Lot 2 a distance of 431.5 feet to a point in the south boundary of said  $N\frac{1}{2}$   $N\frac{1}{2}$  NW 10.0 acres of Lot 2 and 200 feet east of the SW corner thereof;

thence northerly parallel to the west boundary of said Lot 2 a distance of 164.4 feet to the point of beginning, containing approximately 1.6 acres.

vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of \$60.00, as hereinabove recited, that said lands are deemed to have been condemned and taken for the use of the United States of America and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the possession of the above described property shall be delivered to the United States of America on or before the 2nd day of Aug., 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed Jul 31 1943  
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 1943 TERM

TULSA, OKLAHOMA

SATURDAY, JULY 31, 1943

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) CIVIL NO. 1055
		)
CERTAIN PARCELS OF LAND IN THE TOWNSITE OF		)
CLEORA, DELAWARE COUNTY, OKLAHOMA; and R. F.		)
Olrich, et al,	Defendants.	)

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard at this term of court upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on July 31st, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof and of the condemnation petition filed herein, said Declaration of Taking, the statutes in such cases made and provided, and the Executive Order of the President of the United States made pursuant to the authority contained in the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Section 809), and it appearing to the satisfaction of the Court;

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

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

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

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

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

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

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$17,482.50, and that said sum was deposited in the Registry of this Court, for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

THEREFORE on this 31st day of July, 1943, IT IS ORDERED, ADJUDGED AND DECREED that the full fee simple title to the lands, situate, lying and being in the County of Delaware, State of

Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (6 - FW-628)  
Fee Title

Lots 1 to 5 inclusive, and Lots 7 to 12 inclusive, in Block 5 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title, or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 2 (6 - FW-629)  
Fee Title

Lot 6 in Block 5 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 3 (6 - FW-631)  
Fee Title

Lot 8 in Block 4 of the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title, or interest, in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 4 (6 - FW-632)  
Fee Title

Lots 7, 8, 10, 11 and 12 in Block 4 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 5 (6 - FW-633)  
Fee Title

Lot 14 in Block 4 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 6 (6 - FW-634)  
Fee Title

Lot 11 in Block 17 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 7 (6 - FW-635)  
Fee Title

Lots 1 to 10 inclusive, and Lots 12 to 16 inclusive, in Block 7 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys, adjacent thereto, incident to the ownership of said lots.

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

REGULAR JANUARY 1943 TERM

SATURDAY, JULY 31, 1943

TRACT NO. 8 (6 - FW-636)

Fee Title

Lots 1, 2, 3 and 4 in Block 14 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 9 (6 - FW-637)

Fee Title

Lots 5, 6 and 7 in Block 14 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said Lots.

TRACT NO. 10 (6 - FW-638)

Fee Title

Lots 8 and 9 in Block 14 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title, or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 11 (6 - FW-639)

Fee Title

Lots 10, 11 and 12 in Block 14 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 12 (6 - FW-640)

Fee Title

Lots 13 to 22 inclusive in Block 13 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right title or interest in and to the streets, avenues and alleys, adjacent thereto, incident to the ownership of said lots.

TRACT NO. 13 (6 - FW-641)

Fee Title

Lots 1 to 4 inclusive, and Lots 23 and 24 in Block 13 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 14 (6 - FW-642)

Fee Title

Lots 1, 2, 3 & 4 in Block 25 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 15 (6 - FW-643)

Fee Title

Lots 1, 2, and 4, and Lots 7 to 18, inclusive, in Block 8 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 16 (6 - FW-644)

Fee Title

Lot 19 in Block 8 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title, or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 17 (6 - FW-645)

Fee Title

Lots 20 and 21 in Block 8 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 18 (6 - FW-646)

Fee Title

Lot 22 in Block 8 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 19 (6 - FW-647)

Fee Title

Lots 5 and 6 in Block 8 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 20 (6 - FW-648)

Fee Title

Lot 3 in Block 8 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title, or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 21 (6 - FW-649)

Fee Title

Lots 17 and 18 in Block 39 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

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TRACT NO. 22 (6 - FW-650)

Fee title

Lots 1 to 16 inclusive in Block 3 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 23 (6 - FW 651)

Fee Title

Lots 9, 10 and 11 in Block 2 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys, adjacent thereto, incident to the ownership of said lots.

TRACT NO. 24 (6 - FW 652)

Fee Title

Lots 1 to 8 inclusive, and Lot 21 in Block 2 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 25 (6 - FW-653)

Fee Title

Lot 22 in Block 2 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 26 (6 - FW-654)

Fee Title

Lots 1 to 16 inclusive in Block 22 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

TRACT NO. 27 (6 - FW-655)

Fee Title

Lot 6 in Block 23 in the Townsite, of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lot.

TRACT NO. 28 (6 - FW 657)

Fee Title

Lots 1 to 9 inclusive in Block 24 in the original Townsite of Cleora, Delaware County, State of Oklahoma, including all right, title or interest in and to the streets, avenues, and alleys adjacent thereto, incident to the ownership of said lots.

vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of \$17,482.50, as hereinabove recited, and that said lands

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
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are deemed to have been condemned and taken for the use of the United States of America and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law, and

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the possession of the above described property shall be delivered to the United States of America on or before the 1st day of Oct. 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed Jul 31 1943  
H. P. Warfield, Clerk  
U. S. District Court ME.

-----  
Court adjourned to August 4, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, AUGUST 4, 1943

On this 4th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment. Namely,

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

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

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

OATH OF OFFICE

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

SO HELP ME GOD.

C. E. BALDWIN

ENDORSED: Filed Aug 4 1943  
H. P. Warfield, Clerk  
U. S. District Court

-----  
Court adjourned to August 5, 1943

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

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THURSDAY, AUGUST 5, 1943

On this 5th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

HELEN L. AVERY,	Plaintiff,	)	
		)	
vs.		)	
		)	NO. 809 - CIVIL
GORDON DENTON, Executor of the Estate of		)	
Mollie Davis, nee Jones, deceased, and		)	
Millie Wilson, now Harjo,	Defendants,	)	
		)	
UNITED STATES OF AMERICA,	Intervener.	)	

JOURNAL ENTRY

This matter coming on for hearing this 31st day of May, 1943, and the plaintiff appearing by her attorney, Floyd L. Rheam, and Gordon Denton, Executor of the Estate of Mollie Davis, nee Jones, deceased, and Millie Wilson, now Harjo, appearing by their attorney, Forrester Brewster, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and all parties announcing ready, said cause proceeds to trial.

The court, after being fully advised in the premises and after argument of counsel, has been made certain findings of fact and conclusions of law, as more fully appears from the findings of fact and conclusions of law filed in this cause.

The court finds that judgment should be entered for the intervener and the defendants and that the costs should be assessed against the defendant Millie Wilson, now Harjo.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that the tax deed issued to the Board of County Commissioners of Tulsa County, Oklahoma, dated May 10, 1939 and recorded in the office of the County Clerk of Tulsa County on the 16th day of May, 1939 in Book 1322, page 591, and the deed from the County Commissioners of Tulsa County, Oklahoma to Helen L. Avery, dated April 12, 1940 and recorded in the office of the County Clerk of Tulsa County, on the 25th day of April, 1940, in Book 1373, Page 489, be and they hereby are canceled, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that title to the following described real estate, to-wit:

Northwest Quarter of Northwest Quarter of Southwest Quarter of  
Section Thirty-six (36), Township Twenty (20) North, Range Thirteen  
(13) East, Tulsa County, Oklahoma,

be and the same hereby is found to vest in Millie Wilson, now Harjo, free from any claim of any kind whatsoever of the plaintiff, Helen L. Avery, or any persons claiming through, under or by her.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiff, Helen L. Avery, have and recover judgment against Millie Wilson, now Harjo, for the sum of One Hundred Dollars (\$100.00), with interest thereon at the rate of four percent (4%) per annum from the 19th day of February, 1940.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the deed executed by Mollie Davis, nee Jones, dated the 19th day of June, 1939, recorded in the office of the County Clerk of Tulsa County, Oklahoma, in Book 1407, at Page 303, be reformed, and the same is decreed to vest the fee simple title in and to the following described property, to-wit:

A tract of land lying in the West 1/2 of Section 36, Township 20 North, Range 13 East, and a small portion lying in Lot 1 of Section 1, Township 19 North, Range 13 East, known as the Mingo Valley Subdivision No. 2, the boundary line of which is described as follows:

Beginning at the NW corner of SW 1/4 of NW 1/4 of Section 36, Township 20 North, Range 13 East, thence South 0 degrees 01 minute East along the section line on the West side of Section 36, Township 20 North, Range 13 East, for a distance of 1980.0' to the NW corner of the N 1/2 SW NW of Section 36, Township 20 North, Range 13 East, thence due East a distance of 660.0' to the NE corner of the N 1/2 SW NW of Section 36, Township 20 North, Range 13 East, thence South 0 degrees 01 minute East, a distance of 330.0' to the SE corner of the N 1/2 SW NW of Section 36, Township 20 North, Range 13 East, thence due West a distance of 660.0' to the SW corner of the N 1/2 SW NW of Section 36, Township 20 North, Range 13 East; thence South 0 degrees 01 minute East for a distance of 120.0' along the section line to a point on the section line 110.0' South of the 1/4 corner between Sections 35 and 36, Township 20 North, Range 13 East; thence due East a distance of 50.0' to a point of curvature of bearing South 0 degrees 01 minute East of a 75.0' radius curve to the left a distance of 110.62' bordering Mingo Heights Subdivision on the North; thence on a bearing of South 84 degrees 27 minutes East a distance of 78.58'; thence to the right on a 475.0' radius curve for a distance of 267.38', thence on a bearing of South 52 degrees 12 minutes East a distance of 152.89'; thence left on a 350.0' radius curve a distance of 205.3'; thence South 88 degrees 46 minutes East a distance of 127.09'; thence right on a 345.0' radius curve a distance of 397.0'; thence on a bearing of South 21 degrees 46 minutes East a distance of 235.0'; thence right on a 250.0' radius curve a distance of 455.0' thence right on a 1070.0' radius curve a distance of 286.38', thence on a bearing of South 71 degrees 14 minutes West a distance of 165.5'; thence left on a 449.0' radius curve a distance of 232.0'; thence left on a 120.0' radius curve a distance of 127.59' to a point which is the North extremity of boundary line between Mingo Heights and Mingo Terrace Subdivision; thence on bearing of North 69 degrees 30 minutes East a distance of 178.0'; thence South 75 degrees 40 minutes East distance of 21.54'; thence North 81 degrees 33 minutes East a distance of 278.31'; thence North 62

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IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
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degrees 01 minute East a distance of 232.36'; thence North 46 degrees 35 minutes East a distance of 226.57'; thence North 13 degrees 36 minutes East a distance of 316.27'; thence North 89 degrees 57 minutes East a distance of 180.0' to a point which is the west extremity of a boundary line between Mingo Terrace Subdivision and Mingo Valley Subdivision No. 1, thence due North a distance of 63.75' to a point on the center line of Carolina Street, boundary line between Mingo Terrace Subdivision and Mingo Valley Subdivision No. 1, 1041.37' East of center line of Lindell Blvd., thence North 89 degrees 57 minutes East a distance of 190.0' along center line of Carolina Street; thence North 0 degrees 01 minute West a distance of 330.0'; thence North 89 degrees 47 minutes West a distance of 140.0'; thence North 0 degrees 01 minute West a distance of 1650.0' to a point on the 1/4 section line 1650.0' East of 1/4 corner between Sections 35 and 36, Township 20 North, Range 13 East; thence North 89 degrees 57 minutes West a distance of 330.0' along 1/4 section line to NE corner of NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 36, Township 20 North, Range 13 East, thence North 0 degrees 01 minute West a distance of 1320.0' to the NE corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence North 89 degrees 57 minutes West a distance of 1320.0' to the point of beginning, containing in all 109.27' acres, more or less,

in Millie Wilson, now Harjo, the said property being the identical property as shown by the description in said deed and the plaintiff, Helen L. Avery, and the defendant, Gordon Denton, Executor of the Estate of Mollie Davis, nee Jones, deceased, and all persons claiming by, through or under them, be and they are forever foreclosed of any right, title, interest or estate in and to said real estate or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this action be and they are assessed against the defendant, Millie Wilson, now Harjo.

F. E. KENNAMER  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 5, 1943  
H. P. Warfield, Clerk  
U. S. District Court: ME



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
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W. E. Harper;  
H. W. Sterling, sometimes known as Harry W. Sterling;  
Mary Sterling;  
H. O. Mills;  
Hattie Woods;  
Robert K. Mills;  
Neva Goss;  
J. Charles Mills;  
Lorraine Niehus;  
Dorothy Ray;  
John Sherman Mills;  
V. J. Wilson, Edith Wilson, Charles Wilson, J. A. Ehart, H. O.  
Meyer, O. O. Saxton, O. E. Saxton, M. C. Robison, Frank L. Tolbott,  
D. N. Chancellor, Will G. McNance, Henry B. Ahler, Joe McCusker,  
Jennie Weaver, Cherokee Roll No. 12735, Edna Campbell, Cherokee  
Fredman, Roll No. 1894, Miney Griggs, and H. B. Harris, if living,  
or if deceased, their known and unknown heirs, executors, ad-  
ministrators, trustees, devisees, legatees, creditors and assigns,  
immediate and remote, and their spouses, if any; and the known  
and unknown heirs, executors, administrators, trustees, devisees,  
legatees, creditors and assigns, immediate and remote, and their  
spouses, if any, of Wm. P. Thompson, deceased; Henry R. Bullock,  
also known as Henry Edwin Bullock, deceased; James E. Bullock,  
deceased; Lucy Buzzard, Cherokee Citizen, Roll No. 19368, deceased;  
Nancy Buzzard, deceased; Annie E. King, Cherokee Roll No. 9227, de-  
ceased; Nancie King, Cherokee Citizen, Roll No. 9231, deceased;  
Oliver D. King, Cherokee Citizen, Roll No. 9229, deceased; T. P.  
Tobin, deceased; Thomas A. Hopkins, Cherokee Roll No. 30142, deceased;  
J. D. Thomason, deceased; and Florence Buzzard, deceased,

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is therefore necessary that the above named defendants, and any and all other persons, firms, corporations, or legal entities, claiming any interest whatever in the real estate herein described and involved be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE GROVE SUN, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendant, and each of them, of the institution of the condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners, on or before the 4th day of October, 1943, the petitioner, United States of America, will, on the 4th day of October, 1943, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court for the Northern District of Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of this Court to inspect said real property, consider the injury and assess the damages which said defendants, as the owners thereof, or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of a perpetual easement upon and over the lands involved herein, and that said defendants, and each of them, may be present, if they so desire.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Aug 5 1943  
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. 1010
CERTAIN PARCELS OF LAND IN DELAWARE		)	
COUNTY, OKLAHOMA, containing 46.2 acres,		)	
more or less; and Lewis Foster, et al.,	Defendants.	)	

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO  
PETITION FOR CONDEMNATION

NOW, on this 5th day of August, 1943, there coming on for hearing the application of petitioner, United States of America, for leave to make additional parties defendant, the Court being fully advised in the premises finds said application should be granted and the petitioner granted leave to file an amendment to its petition herein, naming the known and unknown heirs of Florence Buzzard, deceased, as parties defendant,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED, that the petitioner, United States of America be and it is hereby granted leave and permission of this court to file an amendment to its petition making the known and unknown heirs of Florence Buzzard, deceased, parties defendant.

F. E. KENNAMER  
JUDGE, UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF OKLAHOMA

ENDORSED: Filed Aug 5 1943  
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. 1056
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)	
OKLAHOMA, containing approximately 89.5 acres,		)	
more or less, and J. F. Seabolt, et al.,	Defendants.	)	

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 5th day of August, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court;

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

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

**THIRD:** That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

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

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

**SIXTH:** That a plan map showing the land taken is incorporated in said Declaration of Taking.

**SEVENTH:** That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$1,209.88, and that said sum was deposited in the Registry of this Court for the use of the persons entitled thereto, upon, at and at the time of filing of said Declaration of Taking;

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

IT IS THEREFORE, On this 5th day of August, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (17 - FW-340)  
Flowage Easement

All that part of Lot 3, and all that part of the West 19.61 acres of Lot 2, and all that part of the SE 10.0 acres of Lot 2 in Sec. 19, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, described as follows, to-wit:

Beginning at a point in the north boundary of said SE 10.0 acres of Lot 2 and 528.3 feet west of the N E corner thereof, and 131.4 feet east of the NW corner thereof; thence S. 5° 13' E 32.9 feet; thence S 79° 28' W 285.5 feet; thence S 5° 02' W 255.8 feet; thence S 7° 21' W 238.0 feet; thence S 7° 37' W 189.0 feet; thence S 0° 21' W 190.5 feet; thence S 7° 26' W 246.4 feet; thence N 41° 36' W 435.0 feet; thence N 11° 24' E 245.3 feet; thence S 37° 40' W 249.8 feet; to a point in the west boundary of said Lot 3 and 1144.6 feet north of the SW corner thereof. thence southerly along said west boundary a distance of 160.0 feet;

thence S 41° 51' E 710.0 feet; thence N 1° 00' E 750.0 feet;  
thence N 7° 25' E 650.0 feet; thence S 89° 44' E 332.8 feet;  
thence N 0° 31' W 125.3 feet to a point in the north boundary  
of said SE 10.0 acres of Lot 2;  
thence westerly along said north boundary a distance of 120.0  
feet to the point of beginning containing approximately 4.9 acres.

TRACT NO. 2 (17-FW-341)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 1, and all that part  
of the NE 10.0 acres of Lot 2, Sec. 19, T 24 N, R 23 E of the  
Indian Base and Meridian in Delaware County, Oklahoma, described  
as follows, to-wit:

Beginning at a point on the north boundary of said SE 10.0  
acres of Lot 1, 361.9 feet east of the N W corner thereof, and  
297.8 feet west of the NE corner thereof;  
thence S 26° 12' W 360.9 feet; thence S 0° 24' E 179.5 feet;  
thence S 36° 48' W 108.0 feet; thence S 20° 28' W 203.5 feet;  
thence S 24° 13' W 143.5 feet; thence S 23° 16' E 115.8 feet;  
thence S 73° 46' E 68.9 feet; thence S 1° 15' E 138.0 feet;  
thence S 5° 13' E 136.1' to a point in the south boundary of  
said NE 10.0 acres of Lot 2 and 131.4 feet east of the SW corner  
thereof.

thence easterly along said south boundary a distance of 120.0 feet;  
thence N 0° 31' W 429.6 feet; thence N 88° 00' W 122.7 feet;  
thence N 18° 30' E 933.0 feet to a point in the north boundary  
of said SE 10.0 acres of Lot 1;  
thence westerly along said north boundary a distance of 64.0 feet  
to the point of beginning, containing approximately 3.4 acres.

TRACT NO. 3 (17 - FW-342)  
Flowage Easement

All that part of the NE 10.0 acres of Lot 1, Sec. 19, T  
24 N, R 23 E of the Indian Base and Meridian in Delaware  
County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the east boundary of said NE 10.0 acres  
of Lot 1, 36.3 feet south of the NE corner thereof and  
623.6 feet north of the SE corner thereof;  
thence S 57° 21' W 7.5 feet; thence S 24° 10' W 284.6 feet;  
thence S 24° 58' W 150.0 feet; thence S 26° 12' W 247.5 feet;  
to a point in the south boundary of said NE 10.0 acres of Lot 1  
and 361.9 feet east of the SW corner thereof;  
thence easterly along said south boundary a distance of 64.0  
feet;  
thence N 27° 40' E 500.0 ft. to a point in the east boundary  
of said NE 10.0 acres of Lot 1;  
thence northerly along said east boundary a distance of 179.0  
feet to the point of beginning, containing approximately 1.0  
acre.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
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TRACT NO. 4 (17 - FW-343)

Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, particularly described as follows, to-wit:

Beginning at a point in the west boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  215.3 feet south of the N W corner thereof, thence N 27° 40' E 155.0 feet; thence S 72° 30' E 148.0 feet; thence S 26° 18' E 372.0 feet; thence S 11° 22' W 210.1 feet to a point on the south boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  334.8 feet east of the SW corner thereof; thence easterly along said south boundary a distance of 39.0 feet; thence N 20° 09' E 199.2 feet; thence N 14° 00' W 220.4 feet; thence N 36° 14' W 256.5 feet; thence N 73° 07' W 190.4 feet; thence S 57° 21' W 68.5 feet to a point on the west boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence southerly along said west boundary a distance of 179.0 feet to the point of beginning, containing approximately 1.4 acres.

And all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , not described above, and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.0 acres.

All in T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, the total acreage being approximately 4.4 acres.

TRACT NO. 5 (17 - FW-344)

Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 19, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.3 acres.

TRACT NO. 6 (17 - FW-345)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 7 (17 - FW-346)

Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 2.8 acres.

TRACT NO. 8 (17 - FW-347)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

TRACT NO. 9 (17 - FW-348)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.4 acres.

TRACT NO. 10 (17 - FW-349)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the north boundary of said N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 411.2 feet west of the NE corner thereof, and 908.2 feet east of the NW corner thereof;  
thence S 45° 06' E 44.4 feet; thence N. 69° 29' W 91.4 feet to a point in the North boundary of said N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
thence westerly along said north boundary a distance of 467.7 feet;  
thence S 67° 46' W 41.0 feet; thence S 52° 50' W 147.9 feet;  
thence S 8° 12' E 116.8 feet; thence S 25° 39' E 103.6 feet;  
thence S 79° 10' W 107.3 feet; thence S 31° 53' W 128.2 feet;  
thence S 39° 13' E 238.6 feet; thence S 58° 43' E 59.3 feet to a point in the south boundary of said N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 326.9 feet east of the SW corner thereof;  
thence easterly along said south boundary a distance of 57.0 feet;  
thence N 35° 46' W 285.7 feet; thence N 69° 04' E 180.0 feet;  
thence N 20° 45' W 225.0 feet; thence N 64° 47' E 340.0 feet;  
thence S 60° 00' E 296.0 feet; thence N 50° 50' E 239.0 feet to a point in the north boundary of said N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ;  
thence westerly along said north boundary a distance of 140.0 feet to the point of beginning, containing approximately 2.4 acres;

And all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 18, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.8 acres.

All in T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, the total acreage being approximately 7.2 acres.

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

REGULAR JANUARY 1943 TERM

THURSDAY, AUGUST 5, 1943

TRACT NO. 11 (17-FW-350)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 19; and all that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 20; and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18; and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17; all in T 24 N, R 23 E. of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.4 acres.

TRACT NO. 12 (17 - FW-351)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.4 acres.

TRACT NO. 13 (17 - FW-352)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E. of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.3 acres.

TRACT NO. 14 (17 - FW-353)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Tract A

Beginning at a point in the south boundary of said E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 411.2 feet west of the SE corner thereof; and 248.5 feet east of the SW corner thereof;  
thence N 45° 06' W 275.7 feet; thence N 55° 35' W 193.3 feet;  
thence N 72° 01' W 238.6 feet; thence N. 55° 11' E 260.7 feet;  
thence N 43° 04' E 183.8 feet; thence N 28° 35' E 120.9 feet;  
thence N 49° 35' W 74.1 feet to a point in the west boundary of said E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 504.3 feet south of the NW corner thereof;  
thence northerly along said West boundary a distance of 72.6 feet;  
thence S 85° 44' E 73.5 feet; thence S 64° 33' E 144.1 feet;  
thence N 32° 03' E 226.9 feet; thence N 89° 12' E 179.2 feet;  
thence N 6° 40' E 74.5 feet; thence N 53° 32' E 117.8 feet;  
thence N 84° 57' E 250.2 feet; thence S 48° 41' E 172.0 feet;  
thence N 31° 45' E 219.5 feet; thence N 75° 23' E 215.2 feet;  
thence S 83° 33' E 13.3 feet; to a point in the east boundary of said W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 11.5 feet south of the NE corner thereof;  
thence southerly along said east boundary a distance of 54.0 feet;

thence S 76° 33' W 200.0 feet; thence S 29° 35' W 271.0 feet;  
thence N 48° 53' W 234.0 feet; thence S 83° 14' W 227.5 feet;  
thence S 13° 19' W 149.0 feet; thence S 57° 50' W 340.0 feet;  
thence S 48° 29' W 544.0 feet; thence S 59° 30' E 622.0 feet;  
thence S 12° 00' W 92.0 feet to a point in the south boundary  
of said E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
thence westerly along said south boundary a distance of 140.0  
feet to the point of beginning, containing approximately 6.4  
acres.

TRACT B

Beginning at a point in the south boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$   
and 386.4 feet east of the SW corner thereof;  
thence N 67° 46' E 237.4 feet; thence S 69° 29' E 264.8 feet to  
a point in the south boundary of said E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 194.4 feet  
east of the SW corner thereof;  
thence westerly along the south boundaries of said E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$   
and SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 467.7 feet to the point of  
beginning, containing approximately 0.3 acre.

The two tracts containing in all approximately 6.7 acres.

TRACT NO. 15 (17 - FW-355)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  - NE $\frac{1}{4}$  of Sec. 18, T 24 N, R 23  
E of the Indian Base and Meridian in Delaware County, Oklahoma,  
particularly described as follows:

Beginning at a point in the west boundary of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$   
and 11.5 feet south of the NW corner thereof and 647.4 feet  
north of the SW corner thereof;  
thence S 83° 33' E 231.8 feet; thence S 45° 14' E 114.3 feet;  
thence S 35° 03' W 231.6 feet; thence S 33° 29' W 149.4 feet;  
thence S 1° 45' W 101.5 feet; thence S 51° 45' E 164.0 feet;  
thence N 17° 59' E 122.2 feet; thence N 43° 46' E 149.4 feet;  
thence S 65° 50' E 206.7 feet; thence N 14° 56' E 185.3 feet;  
thence N 38° 44' E 93.7 feet to a point in the east boundary  
of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 419.5 feet north of the SE corner thereof;  
thence southerly along said east boundary a distance of 20.0 feet.  
thence S 21° 54' W 205.1 feet; thence N 50° 20' W 266.7 feet;  
thence S 17° 20' W 175.2 feet to a point in the south boundary  
of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  - NE $\frac{1}{4}$  and 333.0 feet west of the SE corner thereof;  
thence westerly along said south boundary a distance of 209.7  
feet;  
thence N 44° 19' W 155.5 feet; thence N 27° 50' E 475.4 feet;  
thence N 74° 32' W 233.8 feet to a point in the west boundary  
of said NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ;  
thence northerly along said west boundary a distance of 54.0  
feet to the point of beginning, containing approximately 2.8  
acres.

TRACT NO. 16 (17 - FW-356 A)  
Flowage Easement

The north 20.0 feet of the East 20.0 feet of the West 132.0  
feet of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian  
Base and Meridian in Delaware County, Oklahoma, containing less  
than 0.1 acre.

## TRACT NO. 17 (17 - FW-356 B)

## Flowage Easement

The North 50.0 feet of the East 33.0 feet of the West 165.0 feet, less the South 30.0 feet thereof, in the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing less than 0.1 acre.

## TRACT NO. 19 (17 - FW-356 C)

## Flowage Easement

The North 50.0 feet of the East 30.0 feet of the West 195.0 feet, and also the North 120.0 feet of the West 3.0 feet of the East 399.0 feet in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing less than 0.1 acre.

## TRACT NO. 19 (17 - FW-356 D)

## Flowage Easement

The North 120.0 feet of the West 33.0 feet of the East 465.0 feet, less than South 30.0 feet thereof, in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing approximately 0.1 acre.

## TRACT NO. 20 (17 - FW-356 E)

## Flowage Easement

The North 120.0 feet of the West 33.0 feet of the East 432 feet, less the South 30.0 feet thereof, in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing approximately 0.1 acre.

## TRACT NO. 21 (17 - FW-356 F)

## Flowage Easement

The North 150.0 feet of the West 33.0 feet of the East 396.0 feet, less the South 30.0 feet thereof, in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing approximately 0.1 acre.

## TRACT NO. 22 (17 - FW-356 G)

## Flowage Easement

The North 150.0 feet of the West 33.0 feet of the East 363.0 feet, less the South 30.0 feet thereof, in the SE  $\frac{1}{4}$  SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 18, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing approximately 0.1 acre.

## TRACT NO. 23 (17-FW-357)

## Flowage Easement

All that part of the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the west boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  239.4 feet south of the NW corner thereof and 419.5 feet north of the SW corner thereof;  
thence N 38° 44' E 93.9 feet; thence N 89° 01' E 160.0 feet;  
thence S 35° 21' E 136.7 feet; thence S 5° 36' E 329.0 feet;  
thence N 44° 26' E 313.1 feet; thence S 71° 04' E 114.4 feet to a point in the east boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 247.0 feet north of the SE corner thereof; thence southerly along said east boundary a distance of 65.0 feet;  
thence N 73° 14' W 100.0 feet; thence S 41° 43' W 279.8 feet to a point in the south boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  280.4 feet west of the SE corner thereof;  
thence westerly along said south boundary a distance of 138.0 feet; thence N 5° 33' W 386.0 feet; thence N 81° 04' W 122.0 feet; thence S 20° 50' W 227.0 feet to a point in the west boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
thence northerly along said west boundary a distance of 230.0 feet to the point of beginning, containing approximately 2.2 acres.

TRACT NO. 24 (17 - FW-358)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the north boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 240.2 feet east of the NW corner thereof; thence S 5° 33' E 141.2 feet; thence N 41° 43' E 187.0 feet to a point in the north boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 280.4 feet west of the NE corner thereof;  
thence westerly along said north boundary a distance of 138.0 feet to the point of beginning, containing approximately 0.2 acres.

TRACT NO. 25 (17 - FW-359)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the west boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 247.0 feet north of the SW corner thereof and 411.8 feet south of the NW corner thereof;  
thence S 71° 04' E 61.6 feet; thence S 31° 11' E 105.5 feet;  
thence N 69° 53' E 85.5 feet; thence S 58° 44' E 143.6 feet;  
thence S 23° 56' E 102.7 feet to a point in the south boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 392.7 feet west of the SE corner thereof;  
thence westerly along said south boundary a distance of 73.0 feet;  
thence N 22° 18' W 54.0 feet; thence N 89° 10' W 168.0 feet;  
thence N 37° 11' W 154.0 feet to a point in the west boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
thence northerly along said west boundary a distance of 65.0 feet to the point of beginning, containing approximately 0.7 acre.

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

REGULAR JANUARY 1943 TERM

OKLAHOMA

THURSDAY, AUGUST 5, 1943

TRACT NO. 26 (17 - FW-360)

Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the north boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  359.9 feet east of the NW corner thereof and 298.7 feet west of the NE corner thereof;  
thence S 23° 56' E 229.3 feet; thence N 40° 31' E 253.3 feet;  
thence N 89° 27' E 41.1 feet to a point on the east boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 14.6 feet south of the NE corner thereof;  
thence southerly along said east boundary a distance of 68.0 feet;  
thence S 35° 24' W 558.7 feet; thence N 5° 30' E 346.0 feet;  
thence N 22° 18' W 212.0 feet to a point in the North boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence easterly along said north boundary a distance of 73.0 feet to the point of beginning, containing approximately 1.6 acres.

TRACT NO. 27 (17 - FW-361)

Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point on the west boundary of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 14.6 feet south of the NW corner thereof,  
thence N 89° 27' E 267.1 feet; thence S 78° 27' E 347.1 feet;  
thence S 1° 04' W 200.1 feet; thence S 34° 40' W 169.4 feet;  
thence N 58° 13' E 180.3 feet to a point in the east boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 344.5 feet north of the SE corner thereof;  
thence southerly along said east boundary a distance of 61.0 feet;  
thence S 59° 30' W 272.0 feet; thence N 17° 16' E 420.0 feet;  
thence N 85° 39' W 553.0 feet to a point in the west boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
thence northerly along said west boundary a distance of 68.0 feet to the point of beginning, containing approximately 1.9 acres.

TRACT NO. 28 (17 - FW-362)

Flowage Easement

All that part of the East 14.10 acres of Lot 5, less the East 1.01 acres thereof, and all that part of the Southwest 10.0 acres of Lot 5, and all that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Tract A

Beginning at a point in the west boundary of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  314.4 feet south of the NW corner thereof and 344.5 feet north of the SW corner thereof,

thence N 58° 13' E 3.7 feet; thence S 67° 16' E 163.0 feet;  
thence S 25° 32' E 173.2 feet; thence S 35° 52' E 150.5 feet  
to a point in the south boundary of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  and 323.6  
feet east of the SW corner thereof;  
thence westerly along said south boundary a distance of 116.1  
feet;  
thence N 17° 27' W 234.0 feet; thence N 67° 35' W 140.0 feet  
to a point in the west boundary of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
thence northerly along said west boundary a distance of 61.0  
feet to the point of beginning, containing approximately 0.6  
acre.

Tract B

Beginning at a point in the south boundary of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$   
and 329.5 feet east of the SW corner thereof;  
thence N 2° 39' W 288.7 feet; thence N 14° 21' E 173.4 feet;  
thence N 76° 51' E 161.0 feet; thence S 67° 53' E 186.4 feet;  
thence S 41° 50' E 105.1 feet; thence S 84° 19' E 153.1 feet;  
thence S 58° 11' E 218.2 feet; thence S 21° 22' E 146.1 feet;  
thence N 88° 39' E 155.1 feet; thence S 56° 04' E 160.1 feet;  
to a point in the south boundary of said Lot 5 and 778.9 feet  
east of the SW corner thereof;

thence westerly along said south boundary a distance of 300.0  
feet;  
thence N 23° 48' W 220.6 feet; thence N 71° 20' W 320.0 feet;  
thence N 58° 58' W 240.0 feet; thence S 78° 30' W 141.0 feet;  
thence S 0° 42' E 393.0 feet to a point in the south boundary  
of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ ;  
thence westerly along said south boundary a distance of 78.2  
feet to the point of beginning, containing approximately 2.3  
acres.

The two tracts containing in all approximately 2.9 acres.

TRACT NO. 39 (17 - FW-363)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and  
Meridian in Delaware County, Oklahoma, particularly described  
as follows, to-wit:

Beginning at a point in the north boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$   
and 866.4 feet east of the NW corner thereof;  
thence S 17° 27' E 384.0 feet; thence N 13° 05' E 374.7 feet;  
to a point in the north boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  and 251.0  
feet west of the NE corner thereof;  
thence westerly along said north boundary a distance of 200.0  
feet to the point of beginning, containing approximately 0.8  
acre.

And also all that part of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , lying below Elev.  
757 Sea Level Datum, not owned by the Grand River Dam Authority  
containing approximately 0.1 acre.

The total acreage being approximately 0.9 acre.

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

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TULSA, OKLAHOMA

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TRACT NO. 30 (17 - FW-364)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the south boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 273.1 feet east of the SW corner thereof and 385.7 feet west of the SE corner thereof.

thence N 35° 54' E 32.1 feet; thence N 57° 47' E 189.3 feet;

thence N 68° 21' E 182.9 feet; thence S 71° 57' E 40.4 feet to a point in the east boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and 184.5 feet north of the SE corner thereof;

thence southerly along said east boundary a distance of 47.0 feet;

thence S 68° 44' W 372.3 feet to a point in the south boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ;

thence westerly along said south boundary a distance of 40.0 feet to the point of beginning, containing approximately 0.6 acre,

and all that part of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and except that portion described above, containing approximately 0.2 acre.

The total acreage being approximately 0.8 acre.

TRACT NO. 31 (17 - FW-365)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 2.2 acres.

TRACT NO. 32 (17 - FW-366)  
Flowage Easement

All that part of Lot 8 in Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

TRACT A

Beginning at a point in the west boundary of said Lot 8 and 343.3 feet north of the SW corner thereof and 474.4 feet south of the N W corner thereof;

thence S 71° 57' E 170.3 feet; thence S 38° 31' E 229.8 feet;

thence S 14° 08' E 247.5 feet; thence S 46° 12' W 245.5 feet;

thence S 82° 04' W 127.2 feet; thence S 32° 06' E 54.2 feet;

thence S 13° 02' W 125.6 feet to a point in the south boundary of said Lot 8 and 68.0 feet east of the SW corner thereof;

thence westerly along said south boundary a distance of 35.0 feet;

thence N 6° 15' E 180.0 feet; thence N 53° 09' E 342.8 feet;  
thence N 17° 04' W 259.4 feet; thence N 55° 57' W 292.9 feet  
to a point in the west boundary of said Lot 8;  
thence northerly along said west boundary a distance of 47.0  
feet to the point of beginning, containing approximately 1.2  
acres.

TRACT B

Beginning at a point on the south boundary of said Lot 8, 286.2  
feet east of the SW corner thereof;  
thence N 53° 08' E 76.1 feet; thence S 84° 23' E 33.5 feet;  
thence S 21° 42' E 41.0 feet to a point in the south boundary  
of said Lot 8;  
thence westerly along said south boundary a distance of 164.2  
feet to a point of beginning, containing approximately 0.1 acre.

The two tracts containing in all approximately 1.3 acres.

TRACT NO. 33 (17 - FW-367)  
Flowage Easement

All that part of the  $N\frac{1}{2}$  of the West 20.0 acres of Lot 9 in  
Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in  
Delaware County, Oklahoma, particularly described as follows,  
to-wit:

Beginning at a point on the north boundary of  $N\frac{1}{2}$  of West  
20.0 acres of Lot 9, 32.0 feet east of the NW corner thereof;  
thence S 6° 15' W 237.0 feet; thence N 58° 13' E 435.0 feet;  
thence S 28° 42' E 249.0 feet; thence S 28° 30' W 260.0 feet;  
thence S 88° 30' E 192.4 feet; thence S 25° 21' E 209.0 feet  
to a point on the east boundary of said  $N\frac{1}{2}$  of West 20.0 acres  
of Lot 9;  
thence northerly along said east boundary a distance of 103.2  
feet to a point 541.0 feet south of the NE corner thereof;  
thence N 26° 25' W 140.1 feet; thence S 89° 26' W 193.1 feet;  
thence N 37° 43' E 235.6 feet; thence N 21° 42' W 250.2 feet  
to a point on the north boundary of said  $N\frac{1}{2}$  of the West 20.0  
acres of Lot 9, 208.5 feet west of the NE corner thereof;  
thence westerly along said north boundary a distance of  
164.2 feet;  
thence S 53° 08' W 166.8 feet; thence S 48° 09' W 183.4 feet;  
thence N 13° 02' E 229.9 feet to a point on the north boundary  
of said  $N\frac{1}{2}$  of the West 20.0 acres of Lot 9; thence westerly along  
said north boundary a distance of 36.0 feet to the point of be-  
ginning, containing approximately 1.1 acres.

TRACT NO. 34 (17 - FW-368)  
Flowage Easement

All that part of the East 13.60 acres of Lot 9, Sec. 17,  
T 24 N, R 23 E of the Indian Base and Meridian in Delaware  
County, Oklahoma, particularly described as follows, to-wit:

TRACT A

Beginning at a point in the west boundary of said East 13.60

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acres of Lot 9, 241.1 feet north of the SW corner and 1067.5 feet south of the NW corner thereof;  
thence N 48° 58' E 6.2 feet; thence N 67° 30' E 205.0 feet;  
thence S 30° 24' E 245.3 feet; thence S 31° 04' E 133.9 feet to a point in the south boundary of said West 13.60 acres of Lot 9 and 389.4 feet east of the SW corner thereof;  
thence westerly along said south boundary a distance of 59.0 feet;  
thence N 31° 17' W 294.3 feet; thence S 72° 00' W 185.0 feet to a point in the west boundary of said East 13.60 acres of Lot 9;  
thence northerly along said west boundary a distance of 49.0 feet to the point of beginning, containing approximately 0.7 acres.

Tract B

Beginning at a point in the west boundary of said East 13.60 acres of Lot 9 and 541.0 feet south of the NW corner thereof;  
thence S 26° 25' E 181.5 feet; thence S 36° 58' W 138.2 feet to a point in the west boundary of said East 13.60 acres of Lot 9 and 508.6 feet north of the SW corner thereof;  
thence northerly along said west boundary a distance of 273.0 feet to the point of beginning, containing approximately 0.2 acre.

Tract C

All that part of said East 13.60 acres of Lot 9 lying below Elev. 757 Sea Level Datum, not owned by the Grand River Dam Authority and not described above, containing approximately 0.2 acre.

The three tracts containing in all approximately 1.1 acres.

TRACT NO. 35 (17 - FW-369)  
Flowage Easement

All that part of the S $\frac{1}{2}$  of the West 20.00 acres of Lot 9, in Sec. 17, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.5 acres.

TRACT NO. 36 (17 - FW-370)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 20, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.9 acre.

TRACT NO. 37 (17 - FW-371)  
Flowage Easement

All that part of Lot 4, and all that part of Lot 3 in Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in

Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, including the bed and banks of Grand River adjacent thereto, except that portion owned by the Grand River Dam Authority, containing approximately 1.5 acres.

TRACT NO. 38 (17 - FW-372)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.3 acre.

TRACT NO. 39 (17 - FW-373)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.1 acre.

TRACT NO. 40 (17 - FW-374)  
Flowage Easement

All that part of Lot 3 in Sec. 16, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 41 (17 - FW-375)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

TRACT NO. 42 (17 - FW-376)  
Flowage Easement

All that part of Lot 9 less the NW 2.90 acres thereof and less the NE 6.2 acres thereof in Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

TRACT NO. 43 (17 - FW-377)  
Flowage Easement

All that part of the NE 6.2 acres of Lot 9 in Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

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TRACT NO. 44 (17- FW-378)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage.

TRACT NO. 45 (17 - FW-379)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing 0.1 acre, more or less.

TRACT NO. 46 (17 - FW-380)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing 0.1 acre, more or less.

TRACT NO. 47 (17 - FW-381)  
Flowage Easement

All that part of the  $NE\frac{1}{4}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 21, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 48 (17 - FW-382)  
Flowage Easement

All that part of Lots 1 to 15 inclusive in Block A, and all that part of a certain unnamed and unnumbered tract of land lying between said Lot 15 in Block A and Lots 2 and 3 in Block D, and all that part of Lots 17, 18, 19, 20, 26, 27 and 28 in Block D, and all that part of a certain unnamed and unnumbered tract of land lying between said Lots 19 and 20 in Block D and Lot 26 in Block D, all in the Townsite of Lakenna Park, Delaware County, Oklahoma, as shown on the plat and dedication thereof filed on the 3rd day of December, 1941, in the Office of the County Clerk of Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.2 acres, together with all that part of the streets, avenues, and alleys adjacent to said Lots and said Tracts lying below Elev. 757 Sea Level Datum.

TRACT NO. 49 (17 - FW-383)  
Flowage Easement

All that part of Lots 2 to 4 inclusive, and Lots 12 to

16 inclusive in Block D in the Townsite of Lakoma Park, Delaware County, Oklahoma, as shown on the plat and dedication filed on the 3rd day of December, 1941, in the office of the County Clerk of Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 50 (17 - FW-384)  
Flowage Easement

All that part of Lot 5 in Block D in the Townsite of Lakoma Park, Delaware County, Oklahoma, as shown on the plat and dedication filed on the 3rd day of December, 1941, in the office of the County Clerk of Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 51 (17 - FW-746)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 16, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.9 acres.

TRACT NO. 52 (17 - FW-747)  
Flowage Easement

All that part of the  $NE\frac{1}{2}$   $NW\frac{1}{4}$  of Sec. 16, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.1 acres.

TRACT NO. 53 (17 - FW-748)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $SE\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $SE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 16, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.4 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

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

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

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
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surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 12th day of August, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed Aug 5 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

I. E. Nelson, Trustee, Complainant, )  
vs ) No. 1266 Equity  
Sapulpa Gas Company, Defendant. )

C R D E R

On this 5th day of August, 1943, upon the verified application of The First National Bank and Trust Company of Oklahoma City, the Court finds that said applicant is the owner of First Mortgage 5% Gold Bonds numbered 228, 229 and 230, of Sapulpa Gas Company, Sapulpa, Oklahoma, each of the par value of \$500.00 dated October 1, 1932, due October 1, 1952, and interest coupons thereof maturing October 1, 1937 and subsequent thereto.

IT IS, THEREFORE, ORDERED that the registry of the Court be and it is hereby authorized to pay to The First National Bank and Trust Company of Oklahoma City, upon the surrender of said bonds and coupons, the sum of \$772.50, being 51-1/2% of the face amount of said bonds, and that the Registry make disposition of said bonds and coupons as heretofore authorized by Court.

F. E. KENNAMER  
DISTRICT JUDGE

ENDORSED: Filed Aug 5 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

Court adjourned to August 11, 1943

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

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REGULAR MARCH 1943 TERM

FRIDAY, AUGUST 6, 1943

On this 6th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1943 Term at Vinita, met pursuant to adjournment, Hon. Eugene Rice 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.

Now on this 6th day of August, A. D. 1943, it is ordered by the Court that court be recessed subject to call.

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, AUGUST 11, 1943

On this 11th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

MISCELLANEOUS \* BOND OF C. E. BALDWIN, Conciliation Commissioner.

BOND OF CONCILIATION COMMISSIONER

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

Signed and sealed this 3rd day of August, A. D. 1943.

The condition of this obligation is such that whereas the said C. E. Baldwin has been on the 15th day of July, A. D. 1943, appointed by the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma, a Conciliation Commissioner under Section 75 of the Bankruptcy Act, in and for the County of Tulsa, in said District:

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

Signed and sealed in the presence of:

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

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA  
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REGULAR JANUARY 1943 TERM

WEDNESDAY, AUGUST 11, 1943

APPROVED: this 11 day of Aug. 1943.

ROYCE H. SAVAGE  
DISTRICT JUDGE

ENDORSED: Filed Aug 11 1943  
H. P. Warfield, Clerk  
U. S. District Court

THE NATIONAL LIFE & ACCIDENT INS. CO. Plaintiff, )  
-vs- ) No. 651 - Civil  
JOE T. PARKINSON, Co. Treasurer, et al, Defendants. )

Now on this 11th day of August, A. D. 1943, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above styled cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

(SEAL)

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between National Life and Accident Insurance Company, a corporation, plaintiff, and Joe T. Parkinson, County Treasurer of Tulsa County, Oklahoma, et al defendants, No. 651 Civil, the judgment of the said district court in said cause, entered on September 9, 1942, was in the following words, viz:

\* \* \* \* \*

"It is, therefore, adjudged, found and decreed that the plaintiff take nothing as to the defendant, Joe T. Parkinson, County Treasurer, and his successors in office, and that the amounts due as taxes on the property in question, to-wit: Lot Seventeen (17) in Block One hundred seventeen (117) in the original town of tulsa, Oklahoma, are as follows, to-wit:

- For 1931, \$1873.31, with penalty since January 1st, 1941;
- For 1932, \$1680.38, with penalty since January 1st, 1941;
- For 1935, \$1302.45, with penalty since January 1st, 1941.

"The Court retains jurisdiction hereof to make such further orders as may be necessary in connection with the penalties on said taxes and sale of the land herefor by the county treasurer."

The judgment of the said district court in said cause, entered on September 15, 1942, was in the following words, viz:

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

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"It is ordered, adjudged and decreed by the court that the plaintiff take nothing as against the defendants Guaranty Abstract Company and National Surety Corporation, a corporation, in this cause.

"It is further ordered, adjudged and decreed by the court that the abstracts referred to in plaintiff's complaint, prepared by Guaranty Abstract Company, a corporation, and bearing certificates dated October 4, 1939, and October 28, 1939, covering the following described property, to-wit:

Lot Seven (7) in Block One Hundred Seventeen (117) in the Original Town now City of Tulsa

be, and they are hereby adjudged to be complete and correct and it is further adjudged that the same reflected the true state of the records therein certified to, and that said abstracts and said certificates were neither incomplete, imperfect, erroneous or false.

"It is further ordered, adjudged and decreed by the court that the plaintiff has no cause of action or rights as against the said defendants by reason of said abstract and certificates.

"It is further ordered, adjudged and decreed by the court that the defendants Guaranty Abstract Company and National Surety Company recover their costs herein."

as by the inspection of the transcript of the record of the said District Court, which was brought into the United States Circuit Court of Appeals, Tenth Circuit, by virtue of an appeal by National Life and Accident Insurance Company, a corporation, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

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

On consideration whereof, it is now here ordered and adjudged by the court that the judgment of the said district court in this cause be and the same is hereby affirmed; and that Joe T. Parkinson, County Treasurer of Tulsa County, Oklahoma, Guaranty Abstract Company, a corporation, and National Surety Corporation, a corporation, appellees, have and recover of and from National Life and Accident Insurance Company, a corporation, appellant, their costs herein.

-- May 29, 1943.

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

WITNESS, the Honorable HARLAN F. STONE, Chief Justice of the United States, the 7th day of August, in the year of our Lord one thousand nine hundred and forty-three.

COSTS OF  
Clerk  
Printing Record  
Attorney

APPELLEES:  
\$-- --  
\$-- --  
\$20.00  
\$20.00

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

ENDORSED: Filed Aug 11 1943  
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 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, AUGUST 11, 1943

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

ERNEST L. HUGHES, THOMAS MILIER, JOHN BORDEN and FRANCES BORDEN,	Plaintiffs,	)	
		)	
v		)	No. 820 - Civil
		)	
M. S. RIGLANDER, TRUSTEE,	Defendant.	)	

ORDER GRANTING SUMMARY JUDGMENT

Motion for summary judgment having been filed herein by the defendant on the ground that the plaintiffs have no claim entitling them to relief against the defendant under the law; the parties submitted written briefs and memoranda in support of and in opposition to said motion and on the 5th day of February, 1943, after due notice, the court heard D. E. Hodges, one of the attorneys for the defendant, in favor of said motion and C. A. Ambrister, one of the attorneys for the plaintiffs, in opposition to said motion.

On reading the complaint, the answer, the stipulation of facts and the affidavit of M. S. Riglander filed herein and due deliberation hving been had,

IT IS ORDERED AND DECREED that said motion for summary judgment be sustained and that this cause be and the same hereby is dismissed at the cost of the plaintiffs.

Dated February 5, 1943;

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Aug 11 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

The City of Miami, Oklahoma, a municipal corporation, ex rel Leonard Versluis,	Complainant,	)	
		)	
vs.		)	Civil Action No. 928
		)	
Chas. L. Hale, et al,	Defendants.	)	

O R D E R

Now on this 11 day of Aug., 1943, the parties to the above entitled cause having stipulated that the defendants may have a further extension until October 1, 1943, in which to plead in said cause

It is hereby ordered that the defendants be and they are hereby given a further extension until October 1, 1943, in which to plead.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Aug 11 1943  
H. P. Warfield, Clerk  
U. S. District Court ME





REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, AUGUST 11, 1943

PARCEL 1

A strip of land 10 feet in width, the center line of which is particularly described as follows: Beginning at a point in the east line of Beech Street, said point being distant 44 feet north, measured along the east line of Beech Street, from a point in the intersection of the east line of Beech Street, with the north line of Pine Street; running thence across Beech Street West 30 feet to connect with an existing 8-inch sewer line;

PARCEL 2

A strip of land 10 feet in width, the center line of which is particularly described as follows: Beginning at a point in the east line of Beech Street, said point being distant 44 feet North, measured along the east line of Beech Street, from a point in the intersection of the east line of Beech Street with the north line of Pine Street; said point also being the point of beginning of the easement area hereinbefore described as Parcel 1; running thence across Lot 1, Block 1, Hefflefinger Addition, and along a line parallel to and distant 6 feet south from the north line of said Lot 1 East 130 feet to a point in the west line of a 20-foot street or alley;

PARCEL 3

A strip of land 10 feet in width, the center line of which is particularly described as follows: Beginning at a point in the west line of a 20-foot street or alley, said point being distance 44 feet North, measured along the west line of said street or alley, from a point in the intersection thereof with the north line of Pine Street, said point also being at the terminus of the course of Parcel 2 hereinbefore described, running thence across said street or alley East 17.5 feet to a point therein;

PARCEL 4

A strip of land 5 feet in width, the center line of which is particularly described as follows: Beginning at a point in a 20-foot street or alley, said point being at the terminus of the course of Parcel 3 hereinbefore described; running thence along said street or alley and along a line parallel to and distant 2.5 feet west from the east line of said street or alley South 28.9 feet to a point in Pine Street;

PARCEL 5

A strip of land 10 feet in width, the center line of which is particularly described as follows: Beginning at a point in the intersection of Pine Street and a 20-foot street or alley, said point being at the terminus of the course of Parcel 4 hereinbefore described; running thence along Pine Street and along a line parallel to and distance 8.5 feet south from the north line thereof East 968.6 feet to a point in McArthur Road.

IT IS FURTHER ORDERED that these proceedings are hereby approved and finally concluded.

ROYCE H. SAYAGE  
JUDGE

ENDORSED: Filed Aug 11 1943  
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  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

WEDNESDAY, AUGUST 11, 1943

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs.		)	
		)	No. 976 Civil
Certain Lands in Hopping Heights,		)	
McNulty Addition to the City of Tulsa,		)	
Tulsa County, Oklahoma, and First National		)	
Bank of St. Louis, et al.,	Respondents.	)	

ORDER FOR PAYMENT TO COMMISSIONERS

Now on this 11th day of August, 1943, it appearing to the Court that on the 13th day of May, 1943, Ben O. Kirkpatrick, G. H. Galbreath and Kenneth Crouch were appointed by the Court as appraisers in the above entitled and numbered cause, and pursuant to said appointment did serve as appraisers and fix the value of the real estate being taken by eminent domain and filed their report herein on the 5th day of August, 1943.

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

Ben O. Kirkpatrick	\$ No compensation
G. H. Galbreath	\$50.00
Kenneth Crouch	\$50.00

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 11 1943  
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. 976 - Civil
Certain Lands in Hopping Heights,		)	
McNulty Addition to the City of Tulsa,		)	
Tulsa County, Oklahoma, and First National		)	
Bank of St. Louis, et al.,	Respondents.	)	

JUDGMENT ON THE DECLARATION OF TAKING

This day comes the petitioner, the United States of America, by Curtis P. Harris Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America the full, fee simple title in and to the property hereinafter described, and described in the Petition for Condemnation and the Declaration of Taking filed herein.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation and Declaration of Taking, and finds that:

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

(2) In said Petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.

(3) The Petition and Declaration of Taking were filed at the request of Philip B. Fleming, Federal Works Administrator of the Federal Works Agency of the United States of America, the person duly authorized by law to acquire the lands described in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of said proceedings.

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) A statement is contained in said Declaration of Taking for the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Seventy Five Thousand Five Hundred and no/100ths Dollars (\$75,500.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

(6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of Philip B. Fleming, Federal Works Administrator of the Federal Works Agency of the United States of America, will probably be within any limits prescribed by Congress on the price to be paid therefor.

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking, the Acts of Congress approved August 1, 1888, 25 Stat. 357 (U.S.C. Title 40, Sec. 257); February 26, 1931, 46 Stat. 1421 (U.S.C. Title 40, Secs. 258 (a) to 258 (e)); the Act of Congress approved October 14, 1940 (Public No. 849, 76th Congress) as amended by the Act of June 28, 1941, (Public No. 137, 77th Congress); and the Act of Congress approved July 3, 1941 (Public No. 150, 77th Congress), is of the opinion that the United States was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full, fee simple title in and to the following described lands, to-wit:

A tract of land lying and being in the City of Tulsa, County of Tulsa, State of Oklahoma, being all of Lots 6 and 7, Block 2, Hopping Heights, McNulty Addition to the City of Tulsa, Oklahoma, as shown by Plat No. 546, Recording Instrument No. 191793, Tulsa County, Oklahoma, and being more particularly described as follows:

Beginning at a point being the intersection of the northerly line of 12th Street (50 feet in width) with the westerly line of Troost Avenue (60 feet in width); running thence in a westwardly direction along the northerly line of 12th Street a distance of 140 feet to a point being the intersection of the northerly line of said street with the easterly line of an alley



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

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hereto, be served upon each of the parties named as respondents herein by the United States Marshals for the Northern and Western Districts of Oklahoma, and that said Marshals make their returns hereon within five (5) days from this date.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 11 1943  
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

FARM AND HOME SAVINGS AND LOAN ASSOCIATION )  
OF MISSOURI, a corporation, Plaintiff )  
vs. ) No. 1249 Equity  
STANDARD PAVING COMPANY, a corporation, et al, )  
Defendants. )

ORDER EXTENDING TIME FOR ATTORNEYS FOR PLAINTIFF TO FURNISH  
ANSWER BRIEF

On this 11 day of August, 1943, upon the application of James W. Cosgrove, one of the attorneys for said plaintiff, and for good cause shown the time heretofore extended to and including August 10, 1943, is hereby extended to and including September 1st, 1943, for counsel for plaintiff to file answer brief to the written brief heretofore filed herein by Quincy Jones, Esq., as attorney for R. P. Kistler, in connection with the latter's motion to vacate judgment rendered in the above entitled cause on or about February 7, 1938.

ROYCE H. SAVAGE  
District Judge

ENDORSED: Filed Aug 11 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to August 12, 1943

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, AUGUST 12, 1943

On this 12th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage and Hon. F. E. Kennemer, 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. 1009 Civil

94.35 acres of land, more or less,  
situate in Tulsa County, State of  
Oklahoma, and A. E. Duran, et al.,

) Respondents. )

ORDER FIXING TITLE

Now on this 12 day of August, 1943, this cause came on to be heard pursuant to due notice given and the Court, having been fully advised in the premises, finds that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads, and for pipe lines, was, at the time of taking by the petitioner, as to the following tracts of land vested as follows, to-wit:

Tract No. 1

All that certain tract or parcel of land in Tulsa County, State of Oklahoma, and described by metes and bounds as follows, to-wit:

BEGINNING at a point 1625.94 feet North of the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian and extending North along the quarter section line for a distance of 540 feet; thence East 660 feet; thence South 540 feet; thence West 660 feet to the point of beginning, containing 8.18 acres, more or less.

Title in: Fred Charles Langenkamp subject to mortgage in favor of Frank Schroeder

Tract No. 2

All that certain tract or parcel of land situate in Tulsa County, State of Oklahoma, more particularly described as follows:

A parcel of land in the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, described as follows:





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

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TULSA, OKLAHOMA

THURSDAY, AUGUST 12, 1943

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

UNITED STATES OF AMERICA,

Petitioner, )

-vs-

No. 1009 Civil )

94.35 acres of land, more or less,  
situate in Tulsa County, State of  
Oklahoma, and A. E. Duran, et al,

Respondents. )

ORDER REGARDING AD VALOREM TAXES

Now on this 12th day of August, 1943, this cause came on to be heard, the petitioner appearing by Cl Harold Thweatt, Special Attorney for the Department of Justice, and Tulsa County appearing by and through Wm. Taylor, Assistant County Attorney, The Court, having heard the evidence and having been fully advised in the premises finds that the County is making no claim for taxes in this proceeding as to Tract No. 1.

The Court further finds that as to Tract No. 2, Tulsa County has filed a claim in the sum of \$370.25 for taxes against said tract which arose prior to the year 1943. The Court further finds that said claim for taxes should be allowed.

The Court further finds that as to Tract No. 2, Tulsa County is claiming taxes for the year of 1943 in an unstated amount are a lien against the land and that an allowance for the payment of said 1943 taxes should be made.

The Court further finds that Tract No. 2 was taken by the petitioner by a Declaration of Taking which was filed in this cause on June 1, 1943; that at the time of filing of said Declaration of Taking, or at the time of this hearing, the 1943 taxes did not constitute a lien against Tract No. 2.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the claim of Tulsa County for taxes as to Tract No. 2 for the years of 1941 and 1942 in the sum of \$370.25 be, and the same is hereby allowed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the ad valorem taxes for 1943 neither at the time of taking of this land on June 1, 1943, nor at the time of this hearing on August 12, 1943, were a lien against Tract No. 2 and the claim of Tulsa County for 1943 taxes be and the same is hereby disallowed.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 14 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

Court adjourned to August 13, 1943

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

REGULAR JANUARY 1943 TERM

FRIDAY, AUGUST 13, 1943

On this 13th day of August, A. D. 1943, the District Court of the United States, for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

RISS & COMPANY, INC., a corporation, Plaintiff, )  
vs ) CIVIL NO. 525  
UNITED STATES OF AMERICA and )  
INTERSTATE COMMERCE COMMISSION; Defendants. )

ORDER ALLOWING APPEAL

The plaintiff herein having filed a petition for appeal to the Supreme Court of the United States from the judgment entered herein on the 23rd day of June, 1943, and having filed its Assignments of Error, it is

ORDERED that the appeal herein to the Supreme Court of the United States be and it is hereby allowed, and it is further

ORDERED that petitioners give bond in the sum of Five Hundred Dollars (500.00) which shall serve as a supersedeas as well as a cost bond.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Aug 13 1943  
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. 1055  
CERTAIN PARCELS OF LAND IN THE TOWNSHIP OF CLEORA, DELAWARE COUNTY, OKLAHOMA, AND )  
R. F. Clrich, et al., Defendants. )

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION IN CONDEMNATION TO INCLUDE PERSONAL PROPERTY

NOW on this the 13th day of August, 1943, there coming on for hearing the application of the petitioner, United States of America, for leave to file an amendment to its petition herein, and the court, being fully advised in the premises, find that said application should be granted, and the



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

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TULSA, OKLAHOMA

MONDAY, AUGUST 16, 1943

\* \* \* \* \*

"It is ordered, adjudged, and decreed by this court, that plaintiff's amended complaint herein be, and the same is hereby dismissed, and said action is hereby dismissed with costs to the defendant and against the plaintiff."

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

AND WHEREAS, by order of the United States Circuit Court of Appeals for the Tenth Circuit, entered on March 15, 1943, Fannie W. Taylor, Executrix of the Estate of Thomas D. Taylor, deceased, was substituted as appellant in this cause in the place and stead of Thomas D. Taylor.

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed; that Tulsa Tribune Company, a corporation, appellee, have and recover of and from Fannie W. Taylor, Executrix of the Estate of Thomas D. Taylor, deceased, appellant, its costs herein.

-- June 28, 1943.

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

WITNESS, the Honorable EARL WARREN, Chief Justice of the United States, the 16th day of August, in the year of our Lord one thousand nine hundred and forty-three.

COSTS OF	Appellee:
Clerk	\$-- --
Printing Record	\$-- --
Attorney	\$20.00
	<u>\$20.00</u>

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

ENDORSED: Filed Aug 16 1943  
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

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TULSA, OKLAHOMA

MONDAY, AUGUST 16, 1943

W 35' of W 110'	5	2	Emmitt R. Taylor	16.00
E 25' of W 110'	1	2	J. W. Weaver	180.00
E 25' of W 110'	2	2	J. W. Weaver	100.00
E 25' of W 110'	3	2	J. W. Weaver	15.00
E 25' of W 110'	4	2	Robt. Kilgore	1.00
E 25' of W 110'	5	2	Robt. Kilgore	1.00
	6	2	L. B. Sneed	6.40
	7	2	L. B. Sneed	6.40
	8	2	L. B. Sneed	6.40
	6	4	Jack Diehl	19.00
N 3' of E 1/2	3	17	John Felactu	2.00
E 1/2	7	17	Harry Felactu	4.00
E 1/2	8	17	Harry Felactu	126.56

Mounts Addition

E 1/2	1	1	L. M. Bethel	5.00
E 1/2	2	1	L. M. Bethel	5.00
E 1/2	3	1	L. M. Bethel	3.40
E 1/2	4	1	L. M. Bethel	3.40
E 1/2	5	1	L. M. Bethel	3.40
W 1/2	1	1	L. M. Bethel	3.40
W 1/2	2	1	L. M. Bethel	3.35
W 1/2	3	1	L. M. Bethel	3.35
W 1/2	4	1	L. M. Bethel	3.35
W 1/2	5	1	L. M. Bethel	3.35
	1	2	E. E. Mount	301.27
	2	2	E. E. Mount	109.90
	3	2	E. E. Mount	143.24
	4	2	E. E. Mount	14.60
	5	2	E. E. Mount	14.60
	6	2	E. E. Mount	18.37
	7	2	E. E. Mount	98.36
E 1/2	8	2	E. E. Mount	7.24
W 1/2	8	2	E. E. Mount	7.24
	9	2	E. E. Mount	14.47
	10	2	E. E. Mount	15.26
	11	2	E. E. Mount	15.26
	12	2	E. E. Mount	15.26
	13	2	E. E. Mount	1.00

and the Court having carefully examined the proceedings of said Special master under said order of sale is satisfied that the same have been performed in all respects in conformity to law; that due and legal notice of said sale was given by publication in The Shopper, a newspaper published and of general circulation in said county and state wherein said property is located, in the Thursday issues of said paper on the following dates: June 24, and July 1, 8, 15 and 22, 1943, as required by law and as shown by proof of publication on file herein, and that on the day fixed therein, to-wit: July 27, 1943, said lots were sold separately to the above named parties, subject to ad valorem taxes and special assessments not herein foreclosed, they being the highest and best bidders therefor; and the Clerk is accordingly directed to make an entry on the journal of said Court and the Court is satisfied of the legality of said sale; and, no objections being made or exceptions filed,

IT IS ORDERED, ADJUDGED AND DECREED that said sale and the proceeds thereof be, and the same are hereby approved and confirmed; and it is further ordered that Paul M. Cameron, Special Master, make and execute to the said purchasers at said sale good and sufficient deeds for the premises so sold.

IT IS FURTHER ORDERED that the said purchasers of said premises, lands and tenements at said sale 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 Marshall of the





IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
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authorized to acquire in the name of the United States of America, said estate in said lands.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes, a perpetual easement to inundate, submerge and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon said lands from time to time in the performance of said acts - upon and over certain lands situate, lying and being in the County of Mayes, in the Northern District of the State of Oklahoma, within the jurisdiction of this Court, and more particularly described by courses and distances as follows, to-wit:

For description of lands see Journal 6, Page 253

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

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

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that T. G. Grant, of Tulsa County, Oklahoma, W. L. Mayes of Mayes County, Oklahoma, and C. V. Hamilton, of Ottawa County, Oklahoma, each a disinterested freeholder in the Northern District of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular list of names of this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants as the owners thereof or having any right, title or interest therein will sustain by reason of the condemnation and appropriation by the petitioner, of a perpetual easement upon and over said lands to inundate, submerge and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon said lands from time to time in the performance of said acts.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report to the office of the Clerk of the United States District Court in and for the Northern District of Oklahoma, in the Federal Building, at Tulsa, Oklahoma, on the 25th day of August, 1943, at the hour of ten o'clock A.M., for the purpose of taking the oath of office, receiving instructions, and for the performance of their duties.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 17 1943  
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  
TULSA, OKLAHOMA

REGULAR JANUARY 1943 TERM

MONDAY, AUGUST 16, 1943

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 DELAWARE COUNTY,		)	No. 999 CIVIL
OKLAHOMA, containing approximately 18 acres,		)	
more or less; and Board of County Commissioners		)	
of Delaware County, Oklahoma, et al,	Defendants.	)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 16th day of August, 1943, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

- Norman B. Blake;
- Kathleen E. Blake;
- Willard Schuetz;
- Richard Buss;
- Ruth Tatum Rodecker, now Jacobs;
- Clell W. Babler;
- S. J. Courington;
- Ruby M. Courington;
- W. B. Stark;
- James L. Harney;
- Effie Harney;
- Jeff D. Sexton, Jr., one and the same person as Dennis Sexton;
- Mrs. Lewis Sexton;
- Jennie L. Wright;
- Rigby Owen;
- Jo Briley Owen;
- Arthur Smith;
- Callie Smith;
- Effie Proudlove;
- Laura Baltas;
- Beatrice Cox;
- I. L. Proudlove;
- Daniel G. Baltas;
- Willard H. Ward, William R. Polson, Cherokee Citizen, Roll No. 13470.
- Clora Foreman, Cherokee Freedman, Roll No. 1038, G. Keiser; Rosa Belle Melton, Cherokee Citizen, Roll No. 186, W. A. King, C. A. Turner, Axton Brown, Evelyn Green, Cherokee Citizen, Roll No. 11735, Nelson Beck, Cherokee Freedman, Roll No. 3851, D. W. Bohart, Norman C. Ontman, nee Armor, Cherokee Citizen Roll No. 7285, Chauncy Fields, Cherokee Citizen, Roll No. 36; Minerva Hendricks, Cherokee Citizen, Roll No. 35; William H. Hunter; L. V. Malone; R. K. Hill; George Finke; Cherokee Citizen, Roll No. 24247; Jennie Howdeshell, Cherokee Citizen; Roll No. 24173, William H. Baysinger, Robert Spicer, William A. Smith, Jr. Bebb Ironside, Mayme Ironside Ward, LeRoy H. Collins, if living, or if deceased, their known and unknown heirs, executors, administrators, trustees, devisees, legatees, creditors and assigns, immediate and remote and their spouses, if any; and the known and unknown heirs, executors, administrators,

MONDAY, AUGUST 16, 1943

REGULAR JANUARY 1943 TERM

trustees, devisees, legatees, creditors and assigns, immediate and remote, and their spouses, if any, of Catherine King, Cherokee Roll No. 9225, deceased; George King, deceased; Susan King Ironside, deceased; James King, deceased; James W. King, deceased; Catherine King Ward, deceased; Dixie King Deckman, deceased; Laura B. Clasby, nee King, deceased; Tracy King Keller, deceased; Wm. P. Thompson, deceased; A. G. Couch, deceased; Jeff D. Sexton, deceased, Jennie Sexton, deceased; Lewis Sexton, deceased; J. D. Thomason, deceased; Vivian Herbert Emmons, Cherokee Citizen Roll No. 32766, deceased; William A. Smith, Cherokee Roll No. 26572, deceased; E. W. Cox, also known as Elhaney W. Cox, deceased,

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is therefore necessary that the above named defendants, and any and all other persons, firms, corporations, or legal entities, claiming any interest whatever in the real estate herein described and involved, be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE GROVE SUN, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendants, and each of them, of the institution of the condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners, on or before the 11th day of October, 1943, the petitioner, United States of America, will, on the 11th day of October, 1943, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court for the Northern District of Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of this Court to inspect said real property, consider the injury and assess the damages which said defendants, as the owners thereof, or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of a perpetual easement upon and over the lands involved herein, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 16 1943  
H. P. Warfield, Clerk  
U. S. District Court ME.

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

Occidental Life Insurance Company, a  
corporation, Plaintiff, /  
/ Number 1015, Civil  
vs. /  
/ Defendants. /  
Joseph T. Lantry, et al.,

D E C R E E

On consideration of the stipulation filed herein, it is ordered, adjudged, and decreed that policy of insurance number 1,341,027, issued by Occidental Life Insurance Company, a

00

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

REGULAR JANUARY 1943 TERM

MONDAY, AUGUST 16, 1943

corporation, upon the life of the defendant, Joseph T. Lantry, be and the same is hereby rescinded, cancelled, and adjudged to be void and of no force and effect.

That defendants, and each of them, be and are restrained and enjoined from commencing or prosecuting any other action or proceeding against plaintiff upon said policy, or from asserting any claim against plaintiff under said policy of insurance.

That the Clerk of this Court be and he is hereby ordered to pay forthwith to plaintiff, Occidental Life Insurance Company, the sum of \$720.80, out of the funds now in the registry of this Court, less any poundage fee, as provided by law.

That the costs of this action be taxed to plaintiff herein.

Dated, this 16 day of Aug., 1943.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 16 1943  
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,	)	
		)	
		)	
		)	CIVIL NO. 1046
		)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA, containing approximately 9.9 acres, more or less, and Carey Caldwell, et al.,	Defendants.	)	

ORDER MODIFYING JUDGMENT OF JULY 16, 1943, as to Tract No.  
15 (2 FW 59)

NOW, on this the 16th day of August, 1943, it appearing to this Court that R. G. Uhl is the owner of the lands designated and described as Tract No. 15 (2 FW 59) in the above styled and numbered cause; that on July 16, 1943, the Court entered a judgment upon the Declaration of Taking, filed by the petitioner herein, vesting in the petitioner a perpetual flowage easement upon and over said tract of land, and further ordered that the owners and those having any right, title or interest in and to said tract surrender and deliver up possession of said tract of land to the petitioner on or before July 23, 1943, for the purpose of the petitioner exercising the rights and privileges granted in said judgment; and it further appearing to the Court that on the 26th day of July, 1943, this Court modified said judgment by permitting the owner to remain in possession of said tract until the 16th day of August, 1943; and it now appearing that the owner of said tract of land desires to remain in possession of same until September 27, 1943, subject to all of the rights and privileges granted the petitioner in said judgment, except to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences, and other improvements.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered herein on July 16, 1943, be modified in the following respect:

That the owners and those having any right, title or interest in and to said lands designated and described as Tract No. 15 (2 FW 59) surrender and give up possession of said tract of

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

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REGULAR JANUARY 1943 TERM

MONDAY, AUGUST 16, 1943

lead to the petitioner on or before September 27, 1943.

IT IS THE FURTHER ORDER OF THIS COURT that the petitioner, United States of America, may exercise all of the rights and privileges granted in said judgment of July 16, 1943, except to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings fences and other improvements.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 17 1943  
H. P. Warfield, Clerk  
U. S. District Court M E

-----  
Court adjourned to August 17, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 17, 1943

On this 17th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

MISCELLANEOUS - BOND OF MAURICE F. ELLISON, CONCILIATION COMMISSIONER.

Know all men by these presents: That we Maurice F. Ellison of Tulsa, Oklahoma, as principal, and Hiram M. West and Roy Deaton, of Tulsa, Okla., as sureties, are held and firmly bound to the United States of America, in the sum of FIVE HUNDRED (\$500.00) DOLLARS, lawful money of the United States, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, by these presents:

Signed and sealed this 16th day of August, A. D. 1943.

The condition of this obligation is such that whereas the said Maurice F. Ellison has been on the 15th day of July, A. D. 1943, appointed by the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma, a Conciliation Commissioner under Section 75 of the Bankruptcy Act, in and for the Counties of the Northern District of Oklahoma;

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

Signed and sealed in the presence of

MAURICE F. ELLISON (L.S.)  
HIRAM M. WEST (L.S.)  
ROY DEATON (L.S.)

APPROVED: this 17 day of August, 1943.

ENDORSED: Filed Aug 17 1943  
H. P. Warfield, Clerk  
U. S. District Court  
ROYCE H. SAVAGE,  
District Judge



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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 17, 1943

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

PRENTISS H. BROWN, Administrator,  
Office of Price Administration,

Plaintiff,

vs.

CIVIL NO. 1030

SAPULPA MOTORS, INC., an  
Oklahoma Corporation,

Defendant.

J U D G M E N T

Now, on this 17th day of August, 1943, this cause came on for trial, at which time the same was regularly set for trial upon application of the plaintiff for a permanent injunction against the defendant herein, at which time plaintiff appeared by and through his attorneys, Joe N. Shidder, and A. M. Covington, and defendant appeared by its attorney, Glenn C. Young, of Sapulpa, Oklahoma, at which time an oral stipulation was presented wherein it is agreed a permanent injunction herein may issue and it is further stipulated therein the defendant has been engaged in business in which it sells and transfers used farm equipment such as contemplated by Maximum Price Regulation No. 133, as amended, and that in the sales specified in the complaint herein the charges therefor exceeded that permitted by Maximum Price Regulation No. 133, as amended, in the sum of \$166.67 and the Court having heard statement of counsel and being fully advised in the premises, finds said injunction should issue and judgment rendered in favor of the plaintiff and against the defendant, in the sum of \$500.00 and costs.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendants, its agents servants and employees and all persons in active concert or participation with the defendant be, and they are hereby, permanently enjoined from directly or indirectly selling, delivering, transferring, or offering for sale, delivery or transfer any commodities for prices in excess of maximum prices established by Maximum Price Regulation No. 133, as amended.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover of the defendant the sum of \$500.00 and the costs of this action.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed In Open Court  
Aug 17 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CIVIL NO. 1032

CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA;  
and Willis Thompson, et al.,

Defendants.

ORDER MODIFYING JUDGMENT OF JULY 2, 1943, AS TO TRACT NO. 7  
(1 PW 38)

Now, on this the 16th day of August, 1943, it appearing to this Court that the Tulsa Boat Works, a corporation, is the owner of the lands designated and described in Tract No. 7 (1 PW 38) in the above styled and numbered cause; that on July 2, 1943, the Court entered judgment upon the

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

RENEWAL JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 17, 1943

Declaration of Taking filed by the petitioner herein, vesting in the petitioner a perpetual flowage easement upon and over said tract of land, and further ordered that the owners and those having any right, title or interest in and to said tract surrender and deliver up possession of said tract of land to the petitioner on or before July 10, 1943, for the purpose of petitioner exercising the rights and privileges granted in said judgment; and it further appearing that the owners of said tract of land desires to remain in possession of same until September 27, 1943, subject to all of the rights and privileges granted the petitioner in said judgment, except to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered herein on July 2, 1943, be modified in the following respect:

That the owners and those having any right, title or interest in and to said lands designated and described as Tract No. 7 (1 FW 58) surrender and give up possession of said tract of land to the petitioner on or before September 27, 1943.

IT IS THE FURTHER ORDER OF THIS COURT that the petitioner, United States of America, may exercise all of the rights and privileges granted in said judgment of July 2, 1943, except to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 17 1943  
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. 1046  
)  
CERTAIN PARCELS OF LAND IN MAYES COUNTY, )  
OKLAHOMA, containing approximately 9.9 acres, )  
more or less; and Carey Caldwell, et al., )  
Defendants. )

ORDER MODIFYING JUDGMENT OF JULY 16, 1943, AS TO TRACTS NO. 3 (1 FW 57 (Rev.)); 4 (1 FW 57-A); and 5 (1 FW 57-B (Rev)).

NOW, on this the 16th day of August, 1943, it appearing to this Court that the Tyler Boat Works, a corporation, is the owner of the lands designated and described as Tract No. 3 (1 FW 57 (Rev)); 4 (1 FW 57-A); and 5 (1 FW 57-B (Rev.)) in the above styled and numbered cause; that on July 16, 1943, the Court entered a judgment upon the Declaration of Taking filed by the petitioner herein, vesting in the petitioner a perpetual flowage easement upon and over said tracts of land, and further ordered that the owners and those having any right, title or interest in and to said tracts surrender and deliver up possession of said tracts of land to the petitioner on or before July 23, 1943, for the purpose of the petitioner exercising the rights and privileges granted in said judgment; and it further appearing that the owner of said tracts of land desires to remain in possession of same until September 27,

1943, subject to all of the rights and privileges granted the petitioner in said judgment, except to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered herein on July 16, 1943, be modified in the following respect:

That the owners and those having any right, title or interest in and to said lands designated and described as Tracts No. 3 (1 FW 57 (Rev.)); 4 (1 FW 57-A) and 5 (1 FW 57-B (Rev.)) surrender and give up possession of said tracts of land to the petitioner on or before September 27, 1943.

IT IS THE FURTHER ORDER OF THIS COURT that the petitioner, United States of America, may exercise all of the rights and privileges granted in said judgment of July 16, 1943, except to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings fences and other improvements.

ROYCE H. SAVAGE  
JUDGE

INDEXED: Filed Aug 17 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 19, 1943

On this 19th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

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

C O R D E R

Upon application of the plaintiff, Massman Construction Company, for enlargement of the time in which to file answer brief said plaintiff is hereby given until September 20, 1943,

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, AUGUST 19, 1943

in which to file brief in answer to brief filed by the defendant, Grand River Dam Authority, on motion to dismiss and for better statement of bill of particulars.

ROYCE H. SAVAGE  
DISTRICT JUDGE

ENDORSED: Filed Aug 19 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to August 20, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, AUGUST 20, 1943

On this 20th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

GRAND RIVER DAM AUTHORITY,

Petitioner, )

-vs-

) No. 226 - CIVIL

JOSEPH S. OWSLEY, ET AL,

Defendants. )

O R D E R

The Clerk of the Court having brought to the attention of the Court that Registry of court check No. 607 in the amount of \$53.03 issued and forwarded to the County Treasurer of Delaware County, Oklahoma, on December 19, 1939, as payment for accrued taxes on Tract No. 9 (18 GR-D 855) described in the above styled cause as being acquired from T. H. and Eddie C. Cantrell, has never been presented to the depository for payment and is now outstanding and that payment thereon should be stopped and the money re-deposited in the registry of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court stop payment on registry of court check No. 607 in the amount of \$53.03 payable to the County Treasurer of Delaware County, Oklahoma, and that he re-deposit the same in the registry of the court to await the further order of Court.

DATED at Tulsa, Oklahoma, this 20 day of August, 1943.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 20 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

GRAND RIVER DAM AUTHORITY, . . . Petitioner, )  
 )  
-vs- ) No. 332 - Civil  
 )  
LAWFORD L. BROWNING, ET AL, Defendants. )

O R D E R

The Clerk of the Court having brought to the attention of the Court that registry of court check No. 622 in the amount of \$50.00 payable to the County Treasurer of Delaware County, Oklahoma, on December 21, 1939, as payment for taxes against lands described in the above cause as Tract No. 1 (18 GR-D 842) and (23 GR-D 1151), has never been presented to the depository for payment and is now outstanding and that payment thereon should be stopped and the money re-deposited in the registry of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court stop payment on registry of court check No. 622 in the amount of \$50.00 payable to the County Treasurer of Delaware County, Oklahoma, and that he re-deposit the same in the registry of the Court to await the further order of Court.

DATED at Tulsa, Oklahoma, this 20 day of Aug., 1943.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 20 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

GRAND RIVER DAM AUTHORITY, . . . Petitioner, )  
 )  
-vs- ) No. 332 - Civil  
 )  
CHARLOTTE J. LANDRUM, ET AL, Defendants. )

O R D E R

The Clerk of the Court having brought to the attention of the Court that registry of court check No. 1084 in the amount of \$228.47, payable to the County Treasurer of Delaware County, Oklahoma, on June 18, 1941, as payment for taxes, penalties and costs at the time of re-sale of the NE $\frac{1}{4}$  of the SD $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, Township 24 N, Range 22 East, less railroad right-of-way of M. C. & G. Railroad Company in Delaware County, Oklahoma, described as Tract 1 in the above styled cause, has never been presented to the depository for payment and is now outstanding and that payment thereon should be stopped and the money re-deposited in the registry of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court stop payment on registry of court check No. 1084 in the amount of \$228.47, payable to the County Treasurer of Delaware County, Oklahoma, and that he re-deposit the same in the registry of the Court to await the further order of Court.



Registry of Court check No. 1155 in the amount of \$1.00 payable to R. M. Mountcastle and Margaret H. Mountcastle, husband and wife, on February 24, 1942, as full payment of lands described as Tract No. A-13 and Registry of court check No. 1235 in the amount of \$6.00 payable to Albert T. Walker and Lettie T. Walker, husband and wife, on February 24, 1942 as full payment of crops on Tract No. B-41, have never been presented to the depository for payment and are now outstanding and that payment thereon should be stopped and the monies re-deposited in the registry of the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of Court stop payment on registry of court check No. 1155 in the amount of \$1.00 payable to R. M. Mountcastle and Margaret H. Mountcastle, husband and wife, and check No. 1235, in the amount of \$6.00, payable to Albert T. Walker and Lettie T. Walker, husband and wife, and that he re-deposit the same in the registry of the Court to await the further order of Court.

DATED at Tulsa, Oklahoma, this 20 day of August, 1943.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 20 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

In the Matter of the Estate )  
of )  
Peter Micco, Seminole 1600, ) Civil No. 326  
deceased. )

ORDER AUTHORIZING SALE OF AUTOMOBILE

On this 20 day of August, 1943, this matter coming on for hearing on the application of N. B. Day and G. Ellis Gable, co-administrators of said estate here, it is shown to the Court that said estate of Peter Micco, Seminole 1600, deceased, is the owner of a 1940 model, 4-door Sedan Chevrolet Car and that the same has been in storage in Okemah for a period of approximately two years, and that there are claims held against said car as follows:

Webb Jones Motor Company, repairs, gasoline, etc.,	\$245.32
Plus Storage from October, 1941, to October, 1942,	
in the sum of,	35.00
Total,	\$280.32

In addition to which there is a claim held by the Stone-Nutt Motor Company, Okemah, Oklahoma, for storage from October, 1942, to this date of \$35.00, and that in addition to such claims, there must be purchased for said car license tags for the years of 1942 and 1943 together with a duplicate title tag, if the original is lost, all of which will cost approximately \$62.50; that the said Webb Jones Motor Company agrees to accept in full payment for repairs, gasoline and storage the sum of \$150.00, and the Stone-Nutt Motor Company agrees to accept in full payment of their storage to date the sum of \$25.00.

The Court further finds that Lon Parker of Okmulgee, Oklahoma, has tendered to said co-administrators bank drafts in the total amount of \$437.50, being on the basis of \$200.00 net for the car cleared of all indebtedness, and that such indebtedness will total \$237.50, being total consideration for said car of \$437.50, and said co-administrators may for an order of this Court authorizing the sale of such car at the total offer made of \$437.50 of which \$237.50 shall be deducted



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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, AUGUST 21, 1943

On this 21st day of August, 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Honorable Royce H. Savage, Judge, present and presiding.

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

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

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

South Penn Oil Company, Roswell  
Oil Development Company and John  
K. Bright,

Plaintiffs,

No. 671 Civil

-vs-

Phillips Petroleum Company, a  
corporation, Sinclair Prairie Oil Company,  
a corporation, et al,

Defendants.

O R D E R

Now on this 13th day of August, 1943, the joint and several motion of the defendants, Phillips Petroleum Company, a corporation, and Sinclair Prairie Oil Company, a corporation, to suppress and strike from the record the affidavit or statement of J. M. Hervey, one of the attorneys, for the above named plaintiffs, which is attached to and made a part of the deposition of plaintiffs' witness, W. C. Lawrence, both plaintiffs and defendants appearing by their attorneys of record and the Court being fully and sufficiently advised in the premises finds that said motion should be sustained.

IT IS, THEREFORE, HEREBY BY THE COURT ORDERED, that the affidavit or statement of J. M. Hervey attached to and made a part of the deposition of W. C. Lawrence be and the same is hereby suppressed and stricken from the files and records of this cause.

ROYCE H. SAVAGE  
District Judge

ENDORSED: Filed Aug 21 1943.  
H. P. Warfield, Clerk  
U. S. District Court AC

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Court adjourned to August 23, 1943

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

REGULAR JANUARY 1943 TERM

MONDAY, AUGUST 23, 1943

On this 23rd day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

United States of America,	Libelant,	)	
		)	
vs		)	
		)	
One 1940 Chrysler Coupe Automobile,		)	No. 1016 CIVIL
Motor No. C25-38728; approximately		)	
33.00 gallons of tax-paid		)	
whiskey; Marion B. Foreman and		)	
Katherine M. Forsman,	Claimants.	)	

D E C R E E

This cause coming on for trial on the 23rd day of August, 1943, before the Honorable Royce Savage, Judge of the United States District Court for the Northern District of Oklahoma, and the Libelant, the United States of America, being represented by Mr. Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Wa. Knight Powers, Assistant United States Attorney for the Northern District of Oklahoma, and the claimant, Katherine M. Forsman, being represented by A. C. Saunders and W. C. Henneberry, attorneys, and upon the submission of the evidence and stipulation of facts of the parties in respect thereto to the Court, the Court made the following Findings of Fact.

I

That the automobile described as one 1940 Chrysler Coupe, Motor No. C25-38727, proceeded against in this action by the United States of America, was and is the property of claimant, Katherine M. Forsman, which ownership was acquired in good faith by said claimant, and that on March 15, 1943, the car of claimant was in the possession of her husband, Marion B. Forsman, when said car was seized by the Investigator of the Alcohol Tax Unit and a Deputy United States Marshal in and for the Northern District of Oklahoma, as being used in violation of the liquor laws.

II.

The Court finds that Marion B. Forsman, the husband of claimant, did not, at or before the time, to-wit, March 14, 1943, have a reputation of being a violator of the liquor laws of the United States of America and that the claimant at no time had any knowledge or reason to believe that said automobile would be used in the violation of laws of the United States or the State of Oklahoma, relating to liquor.



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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, AUGUST 23, 1943

Mrs. W. E. Halcell;  
Mrs. Lewis Sexton;  
Jeff D. Sexton, Jr., same as Dennis Sexton;  
C. O. Adcox;  
Alta Adcox;  
Cora Vantress;  
Sam Vantress;  
Blanche Rosenbarger;  
Leola Armstrong, now Tomlin;  
John Tomlin;  
Kenneth Lunday;  
Marie T. Whipple;  
Jerry Charles Whipple, a minor;  
Marie T. Whipple, Guardian of Jerry Charles Whipple, a minor;  
Lewis Self;  
Myrtle Self;  
Ruth Falamager;  
Jean T. Davis;  
William A. Davis;  
Margaret Davis Martin;  
Francis M. Davis;  
Ben Davis;  
Georgia Davis Arnold;  
Flossie Hartsook;  
Ruby Davis Gillette;  
Jack Davis Grey, a minor;  
Mrs. John Davis;

the successors, trustees and assigns of the Methodist Episcopal Church South of Cleora, Oklahoma; and W. G. Smith, R. L. Ralston and Wm. Brewster, as Trustees of the said Methodist Episcopal Church South of Cleora, Oklahoma, J. E. Crawford, J. C. Crawford, A. G. Couch, Maggie Couch, The Forest Lumber Company, Wiley E. Wilson, S. J. Smith, Inter-State Grocery Company, Joplin, Missouri, Charlotte Richardson, S. H. Brown; Trona Brown, Muskogee Vehicle and Machinery Company, Frank Gray, and the First State Bank of Hockerville, Oklahoma, 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 Tony S. Smith, deceased; of Jeff D. Sexton, Sr., deceased; of Jennie Sexton, deceased; of Lewis Sexton, deceased; of A. C. Adcox, deceased; of N. V. Adcox, the same as Vaughn Adcox, deceased; of R. A. Armstrong, deceased; of Josephine Lunday, deceased; of Rose Duncan, also known as Rose Lunday Duncan, deceased; of Nancy Elizabeth Smith, deceased; of J. W. Agee, deceased; of H. E. Smith, deceased;

are non-residents of the State of Oklahoma, or with due and reasonable diligence are not to be found in the State of Oklahoma, and that it is therefore necessary that the above named defendants, and any and all other persons, firms, corporations, or legal entities, claiming in interest whatever in the real estate herein described and involved, be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE GROVE SUN, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks notifying said defendants, and each of them, of the institution of the condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners, on or before the 13th day of October, 1943, the petitioner, United States of America, will, on the 13th day of

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

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REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, AUGUST 23, 1943

October, 1943, at the hour of ten o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of the United States District Court for the Northern District of Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as Commissioners, who shall be selected by the Judge of this Court to inspect said real estate, consider the injury and assess the damages which said defendants, as the owners thereof, or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of the fee simple title in and to the lands involved herein, subject only to existing rights of the Grand River Dam Authority, if any, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 23 1943  
H. P. Warfield, Clerk  
U. S. District Court AC

Court adjourned to August 24, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, AUGUST 24, 1943

On this 24th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA, )  
Petitioner, )  
)  
)  
) CIVIL NO. 1024  
)  
CERTAIN PARCELS OF LAND IN CRAIG COUNTY, )  
OKLAHOMA, containing approximately 55.7 )  
acres, more or less; and Gordon W. Gaddis, )  
et al., )  
Defendants. )

ORDER FIXING TITLE, DECREESING JUST COMPENSATION AND MAKING DISTRIBUTION  
AS TO TRACTS NO. 16 (45 FW 112) and 17 (45 FW 113)

NOW, on this the 24 day of Aug., 1943, there coming on for hearing the application of the defendant, John Heltzel, for an order fixing title, decreesing just compensation and making distribution as to Tracts No. 16 (45 FW 112) and 17 (45 FW 113), and the Court being fully advised in the premises, finds:

That the defendant, John Heltzel, was the owner of the lands designated as Tracts No. 16 (45 FW 112) and 17 (45 FW 113) 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 \$9.40 and \$1.30, respectively, for the taking of a perpetual easement for flooding purposes, with and over said tracts of land; that this Court entered a judgment upon said Declaration of Taking filed by

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

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the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for flowage 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, John Heltzel, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to inundate, submerge and flow said lands for the sum of \$9.40 and \$11.80, respectively, which was accepted by the petitioner.

The Court further finds that the sum of \$9.40 and \$11.80, respectively, are just compensation for the injuries and damages sustained by said defendant, John Heltzel.

The Court further finds that no person, firm, corporation, or taxing subdivision of the State, other than said defendant, John Heltzel, 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, John Heltzel, was the owner of the lands designated as Tract No. 16 (45 FW 112) and Tract No. 17 (45 FW 113), when this proceeding was commenced, and that the sum of \$9.40 and 11.80, respectively, are just compensation for the damages sustained by the defendant, John Heltzel, 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 tracts as follows, to-wit:

TO: John Heltzel, Owner -	
Tract No. 16 (45 FW 112)	\$ 9.40
John Heltzel, Owner -	
Tract No. 17 (45 FW 113)	\$11.80

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 24 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 25, 1943



duly served by publication for more than forty-one days prior to this date and that no motion, demurrer, answer or other pleadings have been filed by such defendants or by any such heirs, executors, administrators, devisees, trustees and assigns, and the court having duly examined said publication service, finds same is regular and approves the same.

The Court further finds that each and all said appearing defendants were duly and regularly served with summons more than twenty days prior to this date.

The Court further finds that the United States of America appeared in said action under the direction of the Attorney General of the United States and at the request of the Secretary of the Interior of the United States in its own behalf and in behalf of Daniel W. Tyler, full blood Cherokee, Roll No. 30841, Nora Tiblow, Nedith Carpenter, Irene Daylight and Catherine Gibson, all unenrolled full-blood Cherokee Indians.

And the Court having inspected the pleadings and exhibits and having heard the evidence and arguments of counsel and being fully advised in the premises,

IT IS FOUND, ADJUDGED AND DECREED by the court that the plaintiff, Daniel W. Tyler, and the defendants, Nora Tiblow, Nedith Carpenter, Irene Daylight and Catherine Gibson, are each the owners in fee of an undivided one-fifth (1/5) interest in the premises described in the findings of fact and conclusions of law heretofore filed herein and by reference is made a part of this decree, subject, however, to a life estate in said premises in Daniel W. Tyler, the plaintiff herein.

IT IS THEREFORE CONSIDERED AND ADJUDGED by the court that the shares of the aforesaid parties and their respective interests in the aforesaid lands be and the same are hereby confirmed; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that partition of said lands be made accordingly; and that J. F. Pickers, Elmer Vick and C. C. Weber are hereby appointed commissioners and, upon taking the oath prescribed by law, shall proceed to make said partition and report their finding to this court.

To which decree said United States of America excepts and exceptions are allowed.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 25 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 26, 1943

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

REGULAR JANUARY 1943 TERM

TUESDAY, AUGUST 26, 1943

On this 26th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	CIVIL NO. 1024
CERTAIN PARCELS OF LAND IN CRAIG COUNTY, OKLAHOMA, containing approximately 55.7 acres, more or less; and Gordon W. Gaddis, et al.	Defendants.	)	

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 23 (45 FW 121)

NOW, on this 26th day of Aug., 1943, there coming on for hearing the application of the defendant, Natalie D. Wilson, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 23 (45 FW 121), and the Court being fully advised in the premises, finds:

That the defendant Natalie D. Wilson, was the owner of the lands designated as Tract No. 23 (45 FW 121) 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 \$440.00, for the taking of a perpetual easement for flowage purposes upon and over said tract of land; that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for flowage 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, Natalie D. Wilson, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to inundate, submerge and flow said lands for the sum of \$440.00, which was accepted by the petitioner.

The Court further finds that the sum of \$440.00 is just compensation for the injuries and damages sustained by said defendant, Natalie D. Wilson,

The Court further finds that no person, firm, corporation, or taxing subdivision of the State, other than said defendant, Natalie D. Wilson, 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, Natalie D. Wilson, was the owner of the lands designated as Tract No. 23 (45 FW 121), when this proceeding was commenced, and that the sum of \$440.00 is just compensation for the damages sustained by the defendant, Natalie D. Wilson, and that said defendant is the only person having any right, title or interest in and to said just compensation.



IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA  
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FRIDAY, AUGUST 27, 1943

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filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition and amendment No. 1 thereto, and also under the authority of the Attorney General of the United States.

THIRD: That said petition and amendment No. 1 thereto, and amendment No. 1 to the declaration of taking, state the authority under which, and the public use for which said land was taken, and that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such land as is described in the petition, as amended and supplemented by amendment No. 1, for the construction of public works, and in connection with the Grand River Dam Project, and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

FOURTH: That a proper description of the land sought to be taken, sufficient for identification thereof, is set out in said amendment No. 1 to the declaration of taking.

FIFTH: That said amendment No. 1 to the declaration of taking contains a statement of the estate or interest in said land taken for said public use.

SIXTH: That a plan map showing the land taken is incorporated in said amendment No. 1 to the declaration of taking.

SEVENTH: That a statement is contained in said amendment No. 1 to the declaration of taking for a sum of money estimated by said acquiring authority to be just compensation for the estate taken in said land, in the amount of \$20,00, and that said sum was deposited in the registry of this court for the use of the persons entitled thereto, upon and at the time of the filing of said amendment No. 1 to the declaration of taking.

EIGHTH: That a statement is contained in said amendment No. 1, to the declaration of taking, that the amount of the ultimate award of compensation for the taking of said estate in said property, in the opinion of said Administrator of the Federal Works Agency, will be within any limits prescribed by Congress as to the price to be paid therefor.

IT IS THEREFORE, on this 27 day of August, 1943, ORDERED, ADJUDGED AND DECREED by this court that a perpetual easement to inundate, submerge and flow, to cut and clear all timber therefrom, and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon, from time to time in the performance of said acts for use in connection with the Grand River Dam Project, upon and over the lands situated, lying and being in the County of Craig, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 34 (EX - FW-614)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 24, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.0 acre.

be, and the same is hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the estate taken in said property, upon the filing of amendment No. 1 to the declaration of taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law, and

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

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

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BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners, and those in possession or having any right, title or interest in and to the land hereinabove described, surrender and deliver up possession of said land to the United States of America, for the purpose of exercising all of the rights and privileges herein acquired, on or before the 10th day of September, 1943, and that this cause be held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 27 1943  
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. 1034
CERTAIN PARCELS OF LAND IN CRAIG COUNTY,		)	
OKLAHOMA, containing approximately 35.7		)	
acres, more or less, and Gordon W. Caddis,		)	
et al,	Defendants.	)	

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION IN  
CONDEMNATION TO INCLUDE PERSONAL PROPERTY

NOW, on this 27 day of August, 1943, there coming on for hearing the application of the petitioner, United States of America, for leave to file an amendment to its petition herein, and the court being fully advised in the premises, finds that said application should be granted, and the petitioner granted leave to file an amendment to its petition, thereby including certain personal property located on and used in connection with a portion of the real property described in the original petition and making the owners and those having any right, title or interest in and to said personal property herein parties defendant.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America, be, and it is hereby granted leave and permission of this Court to file an amendment to its petition herein, thereby including certain personal property located on and used in connection with a portion of the real estate described in its original petition and making the owners and those having any right, title or interest in and to said personal property, parties defendant.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 27 1943  
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 for Condemnation,	)	
		)	
vs.		)	
		)	CIVIL NO. 1066
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)	
OKLAHOMA, containing approximately 246.60 acres, more		)	
or less; and Don Emery, et al.,	Defendants.	)	

JUDGMENT ON DECLARATION OF TAKING

This cause coming on to be heard upon the motion of the petitioner, the United States of America, to enter a judgment on the Declaration of Taking filed in the above entitled cause on the 27th day of August, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court;

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

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

THIRD: That said petition and Declaration of Taking state the authority under which, and the public use for which said lands were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project; and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

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

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

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

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$5,915.87, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 27 day of Aug., 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to locate, submerge, and flow; to cut and clear all timber therefrom and to remove or require the removal thereof of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon from time to time in the performance of said acts, for use in connection with the Grand River Dam Project, upon and over the lands, situate, lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (5 FW 179 180 (Rev.)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $SE\frac{1}{4}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$ , of Sec. 29, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority and all that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 29, particularly described as follows, to-wit:

Beginning at the SW corner of said  $SE\frac{1}{4}$   $NW\frac{1}{4}$ , thence northerly along the West boundary of said  $SE\frac{1}{4}$   $NW\frac{1}{4}$  a distance of 522.1 feet; thence S  $79^{\circ} 20'$  E 252.4 feet; thence N  $74^{\circ} 44'$  E 187.4 feet; thence N  $67^{\circ} 22'$  E 161.9 feet; thence N  $72^{\circ} 24'$  E 320.8 feet; thence N  $56^{\circ} 35'$  E 132.7 feet; thence N  $60^{\circ} 08'$  E 363.4 feet to a point in the east boundary of said  $SE\frac{1}{4}$   $NW\frac{1}{4}$  391.3 feet south of the NE corner thereof; thence southerly along said east boundary a distance of 929.7 feet to the SE corner of said  $SE\frac{1}{4}$   $NW\frac{1}{4}$ ; thence west-erly along the south boundary of  $SE\frac{1}{4}$   $NW\frac{1}{4}$  to the point of begin-ning, lying below elevation 757 sea level datum,

All in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, the total acreage being approximately 2.3 acres.

TRACT NO. 2 (5 FW 181 (Rev.)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4}$   $NW\frac{1}{4}$ , particularly described as follows, to-wit:

Beginning at the NW corner of said  $NE\frac{1}{4}$   $NW\frac{1}{4}$ , thence easterly along the north boundary of said  $NE\frac{1}{4}$   $NW\frac{1}{4}$  to the NE corner thereof; thence southerly along the east boundary of said  $NE\frac{1}{4}$   $NW\frac{1}{4}$  to the SE corner thereof; thence S  $82^{\circ} 33'$  W 86.9 feet; thence N  $55^{\circ} 07'$  W 197.0 feet; thence N  $79^{\circ} 25'$  W 334.1 feet; thence S  $50^{\circ} 46'$  E 429.9 feet; thence S  $45^{\circ} 28'$  W 339.8 feet; thence S  $59^{\circ} 20'$  W 213.5 feet; thence S  $77^{\circ} 51'$  W 204.4 feet; thence S  $64^{\circ} 37'$  W 144.6 feet; thence S  $86^{\circ} 00'$  W 154.0 feet; thence N  $83^{\circ} 19'$  W 73.0 feet; thence S  $69^{\circ} 41'$  W 88.4 feet to a point on the west boundary of said  $N\frac{1}{2}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$ ; thence northerly along said west boundary a distance of 586.2 feet to the NW corner of said  $N\frac{1}{2}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$ ; thence northerly along the west boundary of said  $NE\frac{1}{4}$   $NW\frac{1}{4}$  to the point of beginning,

and all that part of the  $N\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4}$   $SW\frac{1}{4}$   $NW\frac{1}{4}$ , all in Sec. 29; and all that part of the  $S\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the north 60 feet and all that part of the west 60 feet of the  $SE\frac{1}{4}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 20, all in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.2 acres.

TRACT NO. 3 (5 FW 183 (Rev.)  
Flowage Easement

All that part of the  $SW\frac{1}{4}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$ , less a strip of land 60 feet in width across the west and north sides thereof, in Sec. 29, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum,

except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acre.

TRACT NO. 4 (5 FW 189 (Rev.)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 30.9 acres.

TRACT NO. 5 (5 FW 189 B)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.4 acres.

TRACT NO. 6 (5 FW 190)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 19, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, containing 0.1 acre.

TRACT NO. 7 (5 FW 192)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 19, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion on which the Grand River Dam Authority has the right of flowage containing approximately 9.5 acres.

TRACT NO. 8 (5 FW 194)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 19, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 23.0 acres.

TRACT NO. 9 (5 FW 195)  
Flowage Easement

All that part of Lot 1, and all that part of the N. 3.31 acres of Lot 2 in Sec. 19, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, containing approximately 14.3 acres.

TRACT NO. 10 (5 FW 195-A)  
Flowage Easement

All that part of the S. 27.27 acres of Lot 2 in Sec. 19, T 24 N,

R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, containing approximately 3.1 acres.

TRACT NO. 11 (5 FW 196)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 4.1 acres.

TRACT NO. 12 (5 FW 197)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.8 acres.

TRACT NO. 13 (5 FW 198)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.9 acres.

TRACT NO. 14 (5 FW 199)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TRACT NO. 15 (5 FW 200)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 21, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, containing approximately 1.0 acre.

TRACT NO. 16 (5 FW 202-A)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acres.

TRACT NO. 17 (5. FW 803 (Rev.)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $N\frac{1}{2}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $S\frac{1}{2}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$ , and all that part of the  $S\frac{1}{2}$   $NW\frac{1}{4}$ , and all that part of the  $N\frac{1}{2}$   $SW\frac{1}{4}$ , and all that part of the  $SE\frac{1}{2}$   $SW\frac{1}{4}$ , and all that part of the  $S\frac{1}{2}$   $SW\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of Lot 2, and all that part of Lot 3, and all that part of Lot 6, and all that part of Lot 7, all in Sec. 28, T 24 N, R 22 E of the Indian Base and Meridian, in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 6.7 acres.

TRACT NO. 18 (11 FW 790)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  and all that part of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.6 acres; subject, to the rights of the K. O. & G. Railway Company, if any, in and to approximately 0.1 acre of the K. O. & G. R. R. R/W. E. C. Co.,

TRACT NO. 19 (11 - FW 791)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.9 acres.

TRACT NO. 20 (11 FW 792)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, containing approximately 0.3 acre.

TRACT NO. 21 (11 FW 793)  
Flowage Easement

All that part of the  $S\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 17 acres; subject, to the rights of the K. O. & G. Railway Company, if any, in and to approximately 6.8 acres relocated K. O. & G. R. R. R/W.

TRACT NO. 22 (11 FW 795)  
Flowage Easement

All that part of the NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.8 acres.

TRACT NO. 23 (11 FW 796)  
Flowage Easement

All that part of the SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 34; and all that part of the W $\frac{1}{2}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 35, all in T 25 N, R 22 E; and all that part of the North 26.70 acres of Lot 1, and all that part of the SW 10.0 acres of Lot 1 in Sec. 3, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 39.1 acres; subject, to the rights of the K. O. & G. Railway Company, if any, in and to approximately 1.1 acres of the K. O. & G. R. R. R/W.

TRACT NO. 24 (11 FW 800)  
Flowage Easement

All that part of the E $\frac{1}{2}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 35, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.6 acres.

TRACT NO. 25 (11 FW 801)  
Flowage Easement

All that part of the N $\frac{1}{2}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 34, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, containing approximately 0.6 acres.

TRACT NO. 26 (11 FW 802 (Rev))  
Flowage Easement

All that part of the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$ , SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NW $\frac{1}{4}$  of Sec. 35, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 17.6 acres.

TRACT NO. 27 (11 FW 803)  
Flowage Easement

All that part of the NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , and all that part of the

E<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 35, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 22.4 acres.

TRACT NO. 28 (11 FW 804)  
Flowage Easement

All that part of the NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Sec. 35, T 25 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.3 acres.

be, and the same are hereby deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein, pursuant to law; and

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

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the owners and those in possession or having any right, title or interest in and to the lands hereinabove described, surrender and deliver up possession of said lands to the United States of America for the purpose of exercising all of the rights and privileges herein acquired on or before the 10 day of Sept., 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

ENDORSED: Filed Aug 27 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 28, 1943

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, AUGUST 29, 1943

On this 28th day of August, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

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

ORDER ON MOTION TO DISMISS SECOND AMENDED COMPLAINT

This cause coming on for hearing before me Royce H. Savage, Judge of said Court, on this 25th day of August, 1943, on motion of the defendant to dismiss the first and second causes of action set forth in the second amended complaint and the plaintiff appearing by his attorneys Hudson & Hudson by Robert D. Hudson and the defendant appearing by his attorneys J. C. Boyd and Spillers & Spillers by G. C. Spillers; and the court, having considered written briefs filed by the respective parties finds that the motion to dismiss as to the first cause of action should be sustained to which the plaintiff excepts and that the motion as to the second cause of action should be overruled to which the defendant excepts.

It is, therefore, considered, ordered, and adjudged by the court that the motion of the defendant to dismiss the first alleged cause of action in the second amended complaint be and the same is hereby sustained, to which plaintiff excepts and for good cause shown is hereby given twenty days to file a third amended complaint.

The motion to dismiss as to the second cause of action is hereby overruled to which the defendant excepts, and for good cause shown is hereby given ten days to plead to the third amended complaint from the date a copy thereof is served on attorneys for the defendant.

Dated this 25th day of August, 1943.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 28 1943  
H. P. Warfield, Clerk  
U. S. District Court AC