

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

The Atchison, Topeka and Santa	)	
Fe Railway Company, a corporation,	)	
	)	Complainant,
	)	
vs.	)	No. 1006 - Civil
	)	
Braden Steel Corporation, a corporation,	)	
	)	Defendant.

JOURNAL ENTRY

And, now, to-wit, on this 29 day of June, 1943, the above cause came on upon the Motion to File Supplemental Pleading, and for good cause shown, said motion is granted and authority is given to file amendment to complaint.

The defendant is given twenty (20) days from this date in which to plead to the supplemental pleading.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 29 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to June 30, 1943.

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

H. P. Warfield, Clerk, U. S. District Court  
Wit Y. Mabry, 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 for the use and benefit of	)	
Tom W. Kelly,	)	Plaintiff,
vs.	)	
Central Construction Company, a corporation,	)	No. 722 - Civil
and Continental Casualty Company, a corporation,	)	
	)	Defendants.
Clarence L. Boyd Company,	)	Intervenor.

ORDER ENHANCING TIME WITHIN WHICH TO FILE RECORD ON APPEAL

Enlarged and certified to date from the time for filing the record on appeal with

the Clerk of the United States Circuit Court of Appeals for the Tenth Circuit and for docketing the case on appeal is extended until July 30, 1943.

ROYCE W. SAVAGE  
District Judge

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

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

MASSIAN CONSTRUCTION COMPANY, A Corporation, )  
Plaintiff, )  
vs. ) NO. 853 CIVIL  
GRAND RIVER DAM AUTHORITY, a corporation, )  
Defendant. )

C E D E R

On application of defendant, IT IS ORDERED that defendant have, and is hereby given until the 1st day of August, 1943, in which to file its plea or answer to the amended complaint of the plaintiff herein.

Dated June 30, 1943.

ROYCE W. SAVAGE  
District Judge

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

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

QUAY FRANKLIN, ET AL, )  
Plaintiffs, )  
vs. ) No. 890 Civil  
SKELLY OIL COMPANY, a corporation, )  
Defendant. )

C E D E R

Now on this 3th day of June, 1943; the above matter comes on for hearing upon the motion of the plaintiffs for a new trial, plaintiffs appeared by their attorney, A. E. Montgomery, and the defendant appeared by its attorney, James W. Cosgrave, and leave to amend motion for new trial by interlining the words "and other evidence," was refused and exceptions allowed. On argument of counsel, the court finds that the motion for new trial should be overruled.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the motion of the plaintiffs

for a new trial be and the same is hereby overruled, to which ruling the plaintiffs are allowed exceptions.

ROYCE H. SAVAGE  
District Judge

ENDORSED: Filed Jul 3 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

IRENE H. FLINT, )  
Plaintiff, )  
-vs- ) No. 917 - Civil  
GENERAL AMERICAN LIFE INSURANCE )  
COMPANY, a corporation, )  
Defendant. )

JUDGMENT

Upon the findings of fact and conclusions of law heretofore entered in this cause, the court orders the entry of the following judgment;

IT IS ORDERED, ADJUDGED AND DECREED by the court that the plaintiff take nothing and that judgment be and the same is hereby entered for the defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the costs in this action are assessed against the plaintiff.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jun 30 1943  
H. P. Warfield, Clerk  
U. S. District Court IN

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

IRENE HORTON FLINT, Guardian of the estates )  
of JULIANNE FLINT and PATRICIA FLINT, Minors, )  
Plaintiff, )  
-vs- ) No. 918  
PRUDENTIAL INSURANCE COMPANY OF AMERICA, )  
a corporation, )  
Defendant. )

J U D G M E N T

Upon the findings of fact and conclusions of law heretofore entered in this cause the court orders the entry of the following judgment;

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiffs do nothing in

this cause and that judgment be and the same is hereby entered for the defendant upon all issues.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the costs in this action are assessed against the plaintiff.

Dated at Tulsa, Oklahoma June 30, 1943.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jun 30 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

IRENE HORTON FLINT, Guardian of the )  
Estates of Julianne Flint and Patricia )  
Flint, minors, ) Plaintiff, )

vs

) NO. 919 - CIVIL  
)  
)  
)

NEW YORK LIFE INSURANCE COMPANY a )  
corporation ) Defendant. )

J U D G M E N T

Upon the findings of fact and conclusions of law heretofore entered in this cause, the Court orders the entry of the following judgment:

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff take nothing in this cause and that judgment be and the same is hereby entered for the defendant upon all issues.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the costs in this action are assessed against the plaintiff.

DATED at Tulsa, Oklahoma, this 30th day of June, 1943.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jun 30 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

IRENE HORTON FLINT, Guardian of the Estates )  
of Julianne Flint and Patricia Flint, )  
Minors, ) Plaintiff, )

vs

No. 920 - CIVIL

NEW YORK LIFE INSURANCE COMPANY, a )  
corporation, ) Defendant. )

J U D G M E N T

Upon the findings of fact and conclusions of law heretofore entered in this cause, the Court orders the entry of the following judgment,

IT IS ORDERED, ADJUDGED, AND DECREED by the Court that the plaintiff take nothing in this cause and that judgment be and the same is hereby entered for the defendant upon all issues.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the costs in this action are assessed against the plaintiff.

DATED at Tulsa, Oklahoma, this 30th day of June, 1943.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jun 30 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

Court adjourned to July 1, 1943

Court convened pursuant to adjournment, Thursday, July 1, 1943.

MISCELLANEOUS - ASSIGNMENT OF JUDGES.

ASSIGNMENT OF A DISTRICT JUDGE TO HOLD A DISTRICT COURT OF THE UNITED STATES IN THE NORTHERN DISTRICT OF OKLAHOMA

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

I do, therefore, by these presents designate, appoint, and assign Honorable Eugene Rice, a United States District Judge of the Eastern District of Oklahoma, to hold a District Court in the Northern District of Oklahoma, and to act as a District Judge in such Northern District of Oklahoma, and to discharge all the judicial duties of a Judge of such District from the first day of July, A. D. 1943, until the thirty-first day of December, A. D. 1943.

Witness my hand this 30th day of June, A. D. 1943.

ENDORSED: Filed Jul 1 1943  
H. P. Warfield, Clerk  
U. S. District Court

CRIE L. PHILLIPS  
Senior Circuit Judge, Tenth Judicial Circuit  
Court adjourned July 1, 1943



Incorporated and Devonian Oil Company, et al.

DATED this 2nd day of July, 1943.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jul 2 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,	)	

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 2nd day of July, 1943, and for an order fixing the date upon 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 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 are 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

\$655.60, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 2nd day of July, 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 Mayes, State of Oklahoma, and more particularly described as follows, to-wit:

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

All that part of Lots 7 and 8 of Block 18 as shown on the dedication plot of the Townsite of North Langley dated July 14, 1939, in Sec. 18, T 28 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, except that part described as follows, to-wit:

Beginning at the S<sup>2</sup> corner of said Lot 8, thence northerly along the east boundary of said Lot 8 a distance of 42.9 feet;

Thence N 51° 39' W 62.0 feet; thence N. 22° 40' W 57.9 feet;  
thence N. 8° 25' W 7.9 feet to a point on the north boundary of said Lot 7;

Thence westerly along the north boundary of said Lot 7 a distance of 54.0 feet to the NW corner thereof;

thence southeasterly along the southeast boundaries of said Lots 7 and 8 to the point of beginning, containing approximately 0.1 acre.

The total acreage to be acquired being less than 0.1 acre.

TRACT NO. 2 (1-FW-2)  
Flowage Easement

All that part of Lot 6 of Block 18 as shown on the dedication plot of the Townsite of North Langley dated July 14, 1939, in Sec. 18, T 28 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, except that part described as follows, to-wit:

Beginning at the S<sub>w</sub> corner of said Lot 6, thence westerly along the south boundary of said Lot 6 a distance of 54.0 feet;

Thence N. 86° 25' W 30.5 feet to a point on the north boundary of said Lot 6;

thence westerly along the north boundary of said Lot 6 a distance of 73.7 feet to the NW corner of said Lot 6;

thence southeasterly along the southeast boundary of said Lot 6 to the point of beginning, containing less than 0.1 acre.

the total acreage to be acquired being less than 0.1 acre.

TRACT NO. 3 (1-FW-4)  
Flowage Easement

All that part of the East 14.60 acres of Lot 8 in Sec. 15, including the bed and banks of Grand River adjacent thereto, lying below Elev. 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, and

All that part of Lot 7 in Sec. 15, including the bed and banks of Grand River adjacent thereto, except that portion described as follows, to-wit:

"Beginning at an iron pin set in a concrete monument 326.9 feet north and 333.8 feet west of an iron pin set in a concrete monument at the N.E. corner of the west 20.0 acres of Lot 8 in said Sec. 15,

thence N 30° 54' W 333.0 feet to an iron pin set in a concrete monument;

thence N 59° 06' E 143.7 feet to an iron pin set in a concrete monument;

thence N 59° 06' E approximately 60 feet to the 750-foot contour on the Grand Lake;

thence Southeasterly along said 750-foot contour approximately 333 feet;

thence S 59° 06' W approximately 30 feet to an iron pin set in a concrete monument;

thence S 59° 06' W 171.0 feet to point of beginning, containing 1.55 acres more or less," lying below Elev. 757 Sea Level Datum, and

All that portion of the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$  in Sec. 15, lying below Elev. 757 Sea Level Datum including the bed and banks of the Grand River Adjacent thereto,

All in T 21 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 4 (1-FW-5)  
Flowage Easement

All that part of Lot 7, Sec. 15, T 21N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, described as follows, to-wit:

Beginning at an iron pin set in a concrete monument 326.9 feet north and 333.8 feet west of an iron pin set in a concrete monument at the NE corner of the west 20.0 acres of Lot 8 in said Sec. 15, thence N. 30° 54' W 333.0 feet to an iron pin set in a concrete monument;

thence N 59° 06' E 143.7 feet to an iron pin set in a concrete monument;

thence N. 59° 06E approximately 60 feet to the 750-foot contour on the Grand Lake;

thence southeasterly along said 750-foot contour approximately 335.0 feet;

thence S 59° 06' W approximately 30 feet to an iron pin set in a concrete monument;

thence S 59° 06' W 171.0 feet to point of beginning, lying below Elevation 757 Sea Level Datum, including the bed and banks of Grand River adjacent to said part of Lot 7.

TRACT NO. 5 (1-FW-6 Rev.)

Flowage Easement

All that part of Lot 3 and all that part of Lot 4, Sec. 15, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, except the following described tract of land, to-wit:

"Beginning at the intersection of meander line of the lake and the South line of Lot 4, Section 15, T 23 N, R 21 E,  
thence W along South line of said Lot 4, a distance of 286.8 feet;  
thence NW on a line parallel to the meander line 150 ft.;  
thence NE on the line at right angle to said parallel line 250 ft. to the meander line of the lake;  
thence SE along said meander line to point of beginning, containing 1.0 acre"

lying below Elev. 757 Sea Level Datum including the bed and banks of Grand River adjacent thereto.

TRACT NO. 6 (1-FW-6A Rev.)

Flowage Easement

All that part of Lot 4, Sec. 15, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, described as follows, to-wit:

" Beginning at the intersection of meander line of the lake and the South line of Lot 4, Section 15, T 23 N, R 21 E;

thence W along South line of said Lot 4, a distance of 286.9 feet;  
thence NW on a line parallel to the meander line 150 ft.;  
thence NE on the line at right angle to said parallel line 250 ft. to the meander line of the lake;  
thence SE along said meander line to point of beginning, containing 1 acre."

lying below Elev. 757 Sea Level Datum including the bed and banks of Grand River adjacent thereto.

TRACT NO. 7 (1 - FW-6B)

Flowage Easement

All that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$  Sec. 14, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum except that portion owned by the Grand River Dam Authority containing approximately 1.0 acre.

TRACT NO. 8 (2-FW-12)

Flowage Easement

All that part of the NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and all that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 3, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 9 (C - FW-13)  
Flowage Easement

All that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  in Sec. 3, except that portion owned by the Grand River Dam Authority and except the following described tract of land, to-wit:

"Beginning at a point 79.8 feet on the north boundary line, east of the northwest corner of NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of 3-23-21, thence West to the North<sup>0</sup> west corner of NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ; thence South 440.5 feet; thence East approximately 123.7 feet to a point on the 750' contour line as established by Holway and Keuffer, Engineers; thence North along same contour line to the point of beginning," lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre, and

All that part of the S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SW $\frac{1}{4}$  in Sec. 3, except that portion owned by the Grand River Dam Authority, and except the following described tract of land, to-wit:

"Beginning at a point in the North boundary of said S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and 436.4 feet East of the NW corner thereof,

thence S 4° 46' E 74.2 feet; thence S 21° 49' E 184.0 feet;  
thence S 0° 37' E 177.5 feet; thence S 3° 00' E 179.5 feet;  
thence S 23° 31' E 32.5 feet to a point on the south boundary line  
of the S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and 535.8 feet east of the SW corner thereof;  
thence easterly along the said south boundary a distance of 411.4 feet;  
thence N. 31° 49' W 187.5 feet; thence N. 13° 33' W 232.1 feet;  
thence N. 8° 18' W 206.6 feet; thence N. 8° 33' E 73.4 feet to a point in  
the North boundary of said S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and 540.5 feet west of the NE corner  
thereof;

thence Westerly along said North boundary a distance of 451.6 feet to  
the point of beginning, lying below Elev. 757 Sea Level Datum, containing  
approximately 0.6 acres. All in T 23 N, R 21 E of the Indian Base and Meridian  
in Mayes County, Oklahoma, the total acreage being approximately 1.0 acres.

TRACT NO. 10 (C - FW-13A)  
Flowage Easement

All that part of the S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and all that part of the north 30.0  
acres of Lot 5 in Sec. 3, T 23 N, R 21 E of the Indian Base and Meridian  
in Mayes County, Oklahoma, described as follows, to-wit:

"Beginning at a point in the North boundary of said S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and  
436.4 feet East of the NW corner thereof, thence S. 4° 46' E 74.2 feet;  
thence S 21° 49' E. 184.0 feet; thence S. 0° 37' E. 177.5 feet; thence S.  
3° 00' E. 179.5 feet; thence S 23° 31' E. 132.0 feet; thence S. 45° 39' E  
103.0 feet; thence S 77° 36' E 160.8 feet; thence S. 83° 42' E. 117.5 feet;  
thence N. 73° 22' E. 72.0 feet; thence N. 0° 02' E. 118.2 feet; thence N.  
31° 49' W. 269.5 feet; thence N. 13° 33' W. 232.1 feet; thence N. 8° 18' W.  
206.6 feet; thence N. 8° 33' E. 73.4 feet; to a point in the North boundary  
of said S $\frac{1}{2}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  and 540.5 feet West of the NE corner thereof; thence  
Westerly along said North boundary a distance of 331.6 feet to the point  
of beginning, containing 0.8 acres more or less," lying below Elev. 757  
Sea Level Datum containing approximately 1.0 acre.

## TRACT NO. 11 (2-FW-17)

## Flowage Easement

All that part of NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 23 N, R 31 E, of the Indian Base and Meridian in Mayes County, Oklahoma, described as follows, to-wit:

"Beginning at a point 79.8 feet on the North boundary line, East of the Northwest corner of NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of 3-23-21, thence West to the Northwest corner of NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ; thence South 440.5 feet; thence East approximately 123.7 feet to a point on the 750' foot contour line as established by Holweg and Neuffer, Engineers; thence North along these contour line to the point of beginning."

Lying below Elev. 757 Sea Level Datum, containing approximately 0.3 acres.

## TRACT NO. 12 (2 - FW-33)

## Flowage Easement

All that part of the South 30.0 acres of Lot 1 and all that part of the South 20 feet of Lot 2 in Sec. 3, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

## TRACT NO. 13 (3-FW-45-Rev)

## Flowage Easement

All that part of the N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 3 in Sec. 3, T 23 N, R 31 E of the Indian Base and Meridian in Mayes County, Oklahoma, (the same being a portion of Lot 3 and Lot 4 of Block 3, and the portion of the east half of Locust Avenue adjacent to said portion of Lot 3 and Lot 4, in the Townsite of Ketchum, Mayes County, Oklahoma, which townsite was created by order of the District Court of Mayes County, Oklahoma, on March 5, 1930, more particularly described as follows, to-wit:

TRACT A

Beginning at a point in the east boundary of said N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 3 and 111.9 feet south of the NE corner thereof, thence southerly along the east boundary of said N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 3 a distance of 47.8 feet; thence N. 71° 03' W. 2.9 feet; thence N. 86° 04' W. 191.2 feet; thence N. 73° 16' W. 109.1 feet to a point on the center line of said Locust Avenue; thence N 5° 34' E 3.1 feet; thence S 73° 24' E 233.7 feet to the point of beginning containing approximately 0.4 acre.

TRACT B

Beginning at the SE corner of said N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 3, thence westerly along the south boundary of said N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 3 a distance of 141.8 feet; thence N 70° 50' E 185.0 feet to a point on the east boundary of said N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 3 and 294.1 feet south of the NE corner thereof; thence southerly along said east boundary a distance of 36.3 feet to the point of beginning, containing approximately 0.1 acre.

The two tracts containing in all approximately 0.8 acre.

TRACT NO. 14 (3 FW-37-Rev.)  
Florage Easement

All that part of the S $\frac{1}{2}$  N $\frac{1}{2}$  of Lot 2, and all that part of the S $\frac{1}{2}$  W $\frac{1}{2}$  of Lot 2 in Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, (the same being a portion of the W $\frac{1}{2}$  of Lot 1, Block 5, in the Townsite of Ketchum, Mayes County, Oklahoma, which townsite was vacated by order of the District Court of Mayes County, Oklahoma, on March 5, 1930) more particularly described to-wit:

Beginning at a point 363.4 feet west and 328.3 feet south of the NE corner of said S $\frac{1}{2}$  N $\frac{1}{2}$  of Lot 2, the same being a point in the east boundary of said west  $\frac{1}{2}$  of Lot 1, Block 5, thence S. 5° 34' W along the east boundary of said W $\frac{1}{2}$  of Lot 1, Block 5, a distance of 86.7 feet; thence N. 57° 01' W 56.4 feet to a point in the west boundary of said Lot 1, Block 5; thence N 5° 34' E 97.6 feet; thence S 56° 04' E 56.7 feet to the point of beginning, containing approximately 0.1 acre.

TRACT NO. 15 (2 - FW-39-Rev.)  
Florage Easement

All that part of the N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 2, and all that part of the S $\frac{1}{2}$  W $\frac{1}{2}$  of Lot 2 in Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma (the same being a portion of Lots 2, 3, 4, 5 and 6 of Block 5, and a portion of the east half of Myrtle Avenue, adjacent to said portion of Lots 5 and 6, in the Townsite of Ketchum, Mayes County, Oklahoma, which townsite was vacated by order of the District Court of Mayes County, Oklahoma, on March 5, 1930) more particularly described as follows, to-wit:

Beginning at a point 781.4 feet west and 282.8 feet south of the NE corner of said S $\frac{1}{2}$  N $\frac{1}{2}$  of Lot 2,

thence S 35° 55' E 192.5 feet; thence N. 81° 58' E 124.1 feet;

thence S 56° 04' E 31.2 feet to a point in the east boundary of said Lot 2 in Block 5;

thence S 5° 34' W along said east boundary 97.6 feet;  
thence N. 57° 01' W. 65.9 feet; thence S 70° 09' W 262.8 feet; thence N. 16° 45' W 173.1 feet; thence S 85° 55' E 21.2 feet to the point of beginning, containing approximately 0.8 acre.

TRACT NO. 16 (20FW-48)  
Florage Easement

All that part of the NW 10.0 acres of Lot 2 of Sec. 1, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acres.

TRACT NO. 17. (2 - FW-49)  
Flowage Easement

All that part of the S 20.0 acres of Lot 2 and all that part of the NW 10 acres of Lot 1 and the NE 10 acres of Lot 2 in Sec. 1, T23N, R 21E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.9 acres.

TRACT NO. 18 (2 - FW-50 Rev.)  
Flowage Easement

All that part of the SW 10.0 acres of Lot 1, Sec. 1, T23N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.6 acres.

TRACT NO. 19. (2 - FW-51)  
Flowage Easement

All that part of S $\frac{1}{2}$  NE $\frac{1}{4}$  and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 1, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.4 acres.

TRACT NO. 20. (2 - FW-52)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 1, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acres, and

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 1, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes 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 1.0 acres.

The total acreage described above being 7.4 acres more or less.

TRACT NO. 21 (2 - FW-53)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 1, T-23-N, R-21-E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acres.

TRACT NO. 22(2-FW-54)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 1, T-23-N, R-21-E of the Indian Base and Meridian in Mayes 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 0.3 acres.

TRACT NO. 23. (2-FW-59A)  
Flowage Easement

All that part of the SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 12, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 25 (2 - FW-60)  
Flowage Easement

All that part of the NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Sec. 12, T23N, R21E, of the Indian Base and Meridian in Mayes 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 0.1 acres.

TRACT NO. 26. (2 -FW-61)  
Flowage Easement

All that part of the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$  in Sec. 12, T 23N, R 21 E; of the Indian Base and Meridian in Mayes 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 2.3 acres.

TRACT NO. 27. (2 - FW-63)  
Flowage Easement

All that part of the NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$  in Sec. 12, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

TRACT NO. 28 (2-FW-64 Rev.)  
Flowage Easement

All that part of Lot 6 and all that part of the north 11.70 acres of Lot 7 and all that part of the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$  and all that part of the SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 12, T 23 N, R 21 E of the Indian Base and Meridian in Mayes 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. 29 (2 - FW-66)  
Flowage Easement

All that part of Lot 8 and all that part of NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$  less the west 18 rods, and all that part of NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$  and all that part of the N $\frac{1}{2}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 12, T 23 N, R 21 E, of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elevation 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 1.3 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 as established by judgment herein, pursuant to law; and







On this 6th 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. Kemmerer, 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:

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,	)
		)
vs.		)
		)
Board of County Commissioners of Pawnee County, State of Oklahoma, et al.,	Defendants.	)

NO. 942 CIVIL

JOURNAL ENTRY

This matter coming on for hearing upon motion for summary judgment on the \_\_\_ day of July, 1943, the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney for said District and the defendant Board of County Commissioners of Pawnee County, Oklahoma appearing not, and it appearing to the Court that counsel representing defendant herein, failed to appear at said hearing in opposition of said motion, and that said counsel for the defendant requests and desires time in which to submit memorandum of authorities, the Court findeth that said defendant should be granted fifteen (15) days from the 2nd day of June, 1943 in which to file memorandum of authorities in opposition to plaintiff's motion for summary judgment; the court finds that more than fifteen days have elapsed since the said 2nd day of June, 1943 and the defendant has wholly failed to file any memorandum of authorities to request any extension of time in said cause of action, or presented itself for argument in said cause.

Wherefore, the Court being fully advised in the premises and having examined the authorities submitted by the plaintiff herein, finds for the plaintiff herein and against said defendant.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said Harry Mad Bear is the owner of the following described real estate, situated in Pawnee County, State of Oklahoma, to-wit:

A tract of land lying in the North one-half of Section 33, Township 22 North, Range 5 E.I.M., said tract of land being further described by metes and bounds, as follows, to-wit: Beginning at a point 1120.33 feet North and 301.92 feet East of the center of Section 33, Township 22 North, Range 5 East, I.M., thence on a bearing of North 26 degrees 00 minutes East for a distance of 53 feet, thence on a bearing of North 20 degrees and 10 minutes East for a distance of 445.5 feet; thence on a bearing of North 89 degrees and 32 minutes West for a distance of 462 feet thence on a bearing of south 20 degrees 00 minutes West for a distance of 53 feet; thence on a bearing of south 89 degrees and 32 minutes East for a distance of 462.0 feet to the point of beginning, containing five (5) acres more or less;

that said real estate was acquired with restricted funds on March 28, 1929 and that said deed of conveyance contained therein restrictions against alienation without the approval and consent of the Secretary of the Interior; that thereafter the exemption certificate was executed by the said



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 \$1.00, 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 the said Declaration of Taking;

EIGHT: 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;

THEFORE, on this 6th day of July, 1943, IT IS ORDERED, ADJUDGED AND DECREED THAT the title to -

A tract of land lying and being in the City of Pryor, County of Mayes, State of Oklahoma, more particularly described as follows:

Beginning at a concrete monument set at the intersection of the northerly line of First Street South (80 feet wide) with the easterly line of Hogan Street (80 feet wide) said point of beginning being also the southwesternly corner of Block 43 of the Townsite of Pryor Creek, Mayes County, according to the United States Government survey and plat thereof; running thence along the easterly line of Hogan street, said line being also the westerly line of said Block 43, North 16 degrees 33 minutes East 40 feet to a concrete monument; thence South 73 degrees 29 minutes East 132 feet to a concrete monument; thence South 16 degrees 33 minutes West 8 feet to a concrete monument; thence South 73 degrees 29 minutes West 8 feet to a concrete monument; thence South 16 degrees 33 minutes West 312 feet to a concrete monument; thence South 73 degrees 29 minutes East 45 feet to a concrete monument; thence South 16 degrees 33 minutes West 80 feet to a concrete monument set in the northerly line of First Street South, said line being also the southerly line of Block 43, aforesaid; thence along the northerly line of First Street South (also southerly line of Block 43,) North 73 degrees 29 minutes West 135 feet to the point or place of beginning, containing 1.367 acres, being a part of the Pryor Creek, Oklahoma School District Ownership of Lots 40 and 43 of the original Townsite of Pryor Creek, Oklahoma, as recorded in Book 199, Page 53, and Book 217, Pages 80 and 81 in the Office of the Register of Deeds of Mayes County, Oklahoma;

in full fee simple, 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 \$1.00, as hereinabove recited, and 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 9th day of July, 1943, and that this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

EMBOSSED: Filed Jul 6 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to July 7, 1943

On this 7th 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:

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

LeRoy Kemp and Mildred Alexander Kemp, )  
Plaintiff, )  
vs. ) NO. 1025 CIVIL  
H. C. Jones, Collector of Internal )  
Revenue for the State of Oklahoma, )  
Defendant. )

O R D E R

This matter coming on for hearing this 6th day of July, 1943, upon the motion of the United States to dismiss, and upon the order to show cause heretofore issued, and the plaintiffs appearing by their attorney, Harry Seaton, and the defendant appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, the Court hears first the motion to dismiss and continues the matter until the 7th day of July, 1943, and the Court on this date after being fully advised in the premises, finds that the motion of the defendant on its first ground should be sustained because of improper venue; and the Court further finds that said motion should be dismissed and the order to show cause vacated; the Court further finds that it is unnecessary to determine the other points of the motion to dismiss.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the defendant to dismiss be and the same hereby is sustained on the first ground of said motion, and



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 \$240.81, 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, WHEREFORE, On this 7th day of July, 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; buildings, fences and other improvements, and to enter upon such 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:

TRACE NO. 1 (9 - FW-307)  
Floodage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, and all that part of the S<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> of Sec. 27, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion which the Grand River Dam Authority has the right of floodage, containing approximately 1.0 acres.

TRACE NO. 2 (9 - FW-308)  
Floodage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, and all that part of W<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, and all that part of E<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, and all that part of S<sup>1</sup>/<sub>2</sub>, NW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, and all that part of NW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> of Sec. 27, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.9 acres.

TRACE NO. 3 (9 - FW-309)  
Floodage Easement

All that part of the N<sup>1</sup>/<sub>2</sub>, NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> of Sec. 27, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACE NO. 4 (9 - FW-310)  
Floodage Easement

All that part of the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, and all that part of the S<sup>1</sup>/<sub>2</sub>, SW<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, and all that part of the NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> of Sec. 27, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

## TRACT NO. 5 (9 - FW-311)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 27, T 24 N, R 22 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 0.9 acre.

## TRACT NO. 6 (9 - FW-312)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 27, T 24 N, R 22 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. 7 (9 - FW-314)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 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 0.7 acre.

## TRACT NO. 8 (9 - FW-315)

## Flowage Easement

All that part of the North 19.00 acres of Lot 6, and all that part of the SW 10.00 acres of Lot 6, and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 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 1.8 acres.

## TRACT NO. 9 (9 - FW-316)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 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 0.5 acre.

## TRACT NO. 10 (9 - FW-317)

## Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 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 0.1 acre.

REGULAR JANUARY 1946 TERM

DISTRICT OF OKLAHOMA

TULSA, OKLAHOMA

WEDNESDAY, JULY 7, 1943

## TRACT NO. 11 (9- FW-318)

## Floodage Easement

All that part of the SE 10.0 acres of Lot 5 in Sec. 26, T 24 N, R 22 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 0.7 acre.

## TRACT NO. 12 (9 - FW-319)

## Floodage Easement

All that part of the N. 2.80 acres of Lot 4 in Sec. 26, T 24 N, R 22 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 0.1 acre.

## TRACT NO. 13 (9 - FW-320)

## Floodage Easement

All that part of the East 2.20 acres of Lot 4 in Sec. 26, T 24 N, R 22 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 less than 0.1 acre.

## TRACT NO. 14 (9-FW-321)

## Floodage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 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 has the right of floodage, containing approximately 0.3 acre.

## TRACT NO. 15 (9-FW-322)

## Floodage Easement

All that part of the SE 10.0 acres of Lot 5 in Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.0 acres.

## TRACT NO. 16 (9- FW-323)

## Floodage Easement

All that part of the SE 10.0 acres of Lot 5, and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 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 3.0 acres.

TRACT NO. 17 (9 - FW-324)  
Flotation Easement

All that part of the  $S\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.8 acres.

TRACT NO. 18 (9 - FW-325)  
Flotation Easement

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 2.8 acres.

TRACT NO. 19 (9 - FW-327)  
Flotation Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 1.6 acres.

TRACT NO. 20 (9 - FW-328)  
Flotation Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 0.9 acre.

TRACT NO. 21 (9 - FW-329)  
Flotation Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 0.6 acres.

TRACT NO. 22 (9 - FW-330)  
Flotation Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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. 23 (9 - FW-330 A)  
Flotation Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian

Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 24 (9 - FW-331)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 0.9 acre.

TRACT NO. 25 (9 - FW-332)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 0.7 acre.

TRACT NO. 26 (9 - FW-333)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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 0.2 acres.

TRACT NO. 27 (9 - FW-334)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 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. 28 (9 - FW-335)  
Flowage Easement

All that part of Lot 2 less the SE 10.0 acres thereof, in Sec. 25, T 24 N, R 22 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 0.5 acre.

TRACT NO. 29 (9 - FW-336)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 2 in Sec. 25, T 24 N, R 22 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.



22nd day of June, 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:

T. G. Grant	\$100.00
Kenneth Crouch	\$100.00
Arthur Newlin	\$100.00

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 8 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

PRENTISS M. BROWN, Administrator, Office of Price Administration,	Plaintiff,	)	
		)	
vs.		)	CIVIL NO. 1026
		)	
L. J. JOHNSON, an individual, d/b/a Tulsa Fruit Company,	Defendant.	)	

J U D G M E N T

NOW, on this 8th day of July, 1943, this cause came on for trial at which time the same was regularly set for trial upon application of plaintiff for permanent injunction against the defendant herein, at which time plaintiff appeared by and through his attorneys, Joe N. Shidler and A. M. Covington, and defendant appeared in person and by and through his attorney, Henry R. Duncan, at which time a formal stipulation was presented, wherein it was agreed a permanent injunction should issue and the Court having heard the statement of counsel and being fully advised in the premises, finds that said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, his agents, servants, employees and all persons in active concert or participation with defendant, be and they are hereby, permanently enjoined from directly or indirectly, selling, delivering, transferring or offering for sale any commodities for prices in excess of the maximum prices established by Maximum Price Regulation No. 271, as amended.

IT IS FURTHER ORDERED that defendant be required to pay the costs of this action.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jul 8 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

PRENTISS M. BROWN, Administrator,  
Office of Price Administration, Plaintiff, )

vs. )

Civil No. 1028 )

FRANK ROSS and CRAIG O. GOODPASTOR,  
individuals and co-partners, doing business )  
as O. K. Storage Packing Company, )  
Defendants. )

J U D G M E N T

NOW, on this 8th day of July, 1943, this cause came on for trial at which time the same was regularly set for trial, upon application of plaintiff for permanent injunction against the defendants herein, at which time plaintiff appeared by and through his attorneys, Joe N. Shidler and A. M. Covington, and defendants appeared in person and by and through their attorney, Gayle M. Pickens at which time a formal stipulation was presented, wherein it was agreed a permanent injunction should issue, and the Court having heard the statement of counsel and being fully advised in the premises, finds that said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED, that the defedants, Frank Ross, and Craig O. Goodpastor, individuals and co-partners doing business as O. K. Storage Packing Company, their agents, servants, employees, and all persons in active concert or participation with defendants be, and they are hereby permanently enjoined from directly or indirectly selling, delivering, transferring or offering for sale any commodities for pricess in excess of the maximum prices established by Maximum Price Regulations 169 and 148 and Ration Order Number 16 each as amended.

IT IS FURTHER ORDERED that defendants be required to pay the costs of this action.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jul 8 1943  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to July 9, 1943

On this 9th day of July, A. D. 1943, the District Court of the United Saates 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:



On this 10th 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. Logah, 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

Creek Nation of Indians, by Alex Noon,	)	
Principal Chief,	Plaintiff,	)
	)	
vs.	)	No. 367 - Civil
	)	
Nancy Barnett, nee Grayson, Sinclair	)	
Prairie Oil Company, a corporation, et al.,	)	
	Defendants.	)

ORDER GRANTING LEAVE TO DEFENDANT SINCLAIR PRAIRIE OIL  
COMPANY TO SERVE AND FILE AMENDED AND SUPPLEMENTAL  
ANSWER

Defendant, Sinclair Prairie Oil Company, a corporation, is granted permission to serve, and, after service, to file amended and supplemental answer in lieu of its original answer filed herein on the 11th day of June, 1943, to to the amended cross claim filed herein on May 12, 1941, by the defendant, Jim Payne Woods as amended by reply heretofore filed to defendants original answer.

DATED this 10th day of July, 1943.

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

ENDORSED: Filed Jul 10 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

L. E. RAGG	)	
	)	
vs.	)	#979
	)	
CLAUDE O. TRASK, ET AL.,	)	

O R D E R

Upon application by the defendants and upon good cause shown, they are hereby allowed an extension of 10 days in which to plead in the above cause.

Dated this 10th day of July, 1943.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Jul 10 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to July 12, 1943

On this 12th 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:

MISCELLANEOUS - ADMISSION TO BAR.

Now on this 12th day of July, A. D. 1943, it being made satisfactorily to appear that Ferdinand Kopecky is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

In the matter of the Estate of Isom        )  
Peters, Creek Indian 5503, Deceased.    )        CIVIL NO. 943

ORDER ADMITTING WILL TO PROBATE, APPOINTING EXECUTOR, AND FIXING  
EXECUTOR'S BOND

This matter comes on for hearing at Tulsa, Oklahoma, on this the 16th day of June, 1943, a regular day of the January, 1943, term of this court, before the Honorable Royce H. Savage, United States District Judge for the Northern District of Oklahoma, upon the petition of Mamie Herring, one of the devisees and beneficiaries named in the instrument propounded for probate as the last will and testament of Isom Peters, deceased, and upon the written contest filed herein by the next of kin of Isom Peters, deceased - the petitioner appearing in person and by her attorney, Z.I.J. Holt, the contestants appearing in person and by their attorney, John S. Severson, and by the United States Probate Attorney for this district, and the United States of America appearing by the Honorable Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, who appears as well for the restricted Indians interested in this matter, and by Kenneth G. Hughes, Assistant United States District Attorney for said District.

All parties appearing announce ready for trial, and the Court, having examined the file and proceedings had herein, finds:

That this proceeding was filed in the County Court of Tulsa County, Oklahoma, on the 12th day of November, 1942, and by order of the Judge of said Court was set for hearing and due, proper, and legal notice thereof given as provided by law; that on the 24th day of November, 1942, the contestants filed therein their contest in writing and served copies thereof upon the petitioner, and thereafter, upon petition of the United States for removal of said proceeding to the United States District Court for the Northern District of Oklahoma filed therein by the Honorable Whit Y. Mauzy, United States Attorney for said District, and Kenneth G. Hughes, Assistant United States Attorney for said District, said matter was removed to this Court; and that said matter is now before this Court for hearing and disposition.

Thereupon the proponent introduced her evidence, both oral and documentary, in support of her petition to have the instrument propounded for probate admitted to probate as the last will and testament of Isom Peters, deceased, and rested; and thereupon the contestants interposed a demurrer to the evidence of proponent, and same was by the Court overruled to which ruling the contestants excepted and said exceptions were allowed; and thereupon the contestants introduced their evidence and rested, and proponent introduced further evidence in rebuttal; and the Court, having heard and considered the evidence and argument of counsel and being fully advised in the premises and satisfied upon the proof taken, finds:

That the instrument offered for probate herein as the last will and testament of Isom Peters, deceased, was duly executed on the date it bears, January 17, 1941, in all respects as required by law; that the testator was on the date he executed said instrument competent to make a last will and testament; that the testator at the time he executed said will was free from duress, menace, fraud, or undue influence; that said will was duly executed by the testator and attested by competent subscribing witnesses as provided by law; and that said instrument should be admitted to probate herein as the last will and testament of Isom Peters, deceased.

IT IS, THEREFORE, By the Court ordered, adjudged and decreed that the instrument propounded herein for probate as the last will and testament of Isom Peters, deceased, bearing date of January 17, 1941, be admitted to probate as and for the last will and testament of said decedent, and that the same be and hereby is established as a valid will, passing both real and personal estate; that A. C. Wise, the person named executor in said will, be and he is hereby appointed executor of said estate, and that letters testamentary issue to him upon his taking and subscribing the oath of office required by law and executing a bond to the State of Oklahoma in the penal sum of \$1000.00 and upon approval thereof as required by law.

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

ENDORSED: Filed Jul 12 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

In the matter of the Estate of )  
Isom Peters, Deceased. ) CIVIL NO. 943

LETTERS TESTAMENTARY

The last will of Isom Peters, deceased, a copy of which is hereto annexed, having been proved and recorded in the District Court of the United States for the Northern District of Oklahoma,

REGULAR JANUARY 1943 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

MONDAY, JULY 12, 1943

A. C. Wise, who is therein named, is hereby appointed executor.

Witness Hon. Royce H. Savage, Judge of said Court, with the seal of said Court affixed, the 12 day of July, 1943.

ROYCE H. SAVAGE  
District Judge

ENDORSED: Filed Jul 12 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

CULL SWIMMER,	Plaintiff,	)	
		)	
vs.		)	No. 994 Civil
		)	
Watt Hogshooter, et all,	Defendants.	)	

ORDER OF COURT

AND NOW on this the 12th day of July, 1943, the above entitled and numbered cause comes on for hearing, in its regular order, upon the motion of the plaintiff to dismiss said cause as to the said Mid Continent Oil and Gasoline Company and German American Oil and Gas Company and making additional party defendants the Western American Oil Company and Mid-Co. Gasoline Company and the court, upon hearing of said motion and consideration thereof, finds that the same should be sustained, and being fully advised in the premises:

IT IS ORDERED that said cause be and the same is hereby dismissed as to the Mid Continent Oil and Gasoline Company and German American Oil and Gas Company; and, the Western American Oil Company and Mid-Co. Gasoline Company are each made additional party defendants the same as if they appeared as defendants in the caption of plaintiff's petition.

ROYCE H. SAVAGE  
United States Judge

ENDORSED: Filed Jul 12 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

CULL SWIMMER,	Plaintiff,	)	
		)	
vs.		)	No. 994 - Civil
		)	
Watt Hogshooter, et al.,	Defendants.	)	

ORDER DIRECTING PUBLICATION SERVICE

AND NOW on this the 12th day of July, 1943, it appearing to the satisfaction of the court that plaintiff is unable to obtain service of process upon the defendant, Mid-Co Gasoline Company;

IT IS ORDERED that notice by publication be given as required by law.

ROYCE H. SAVAGE  
United States Judge

ENDORSED: Filed Jul 12 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

Southwestern Bell Telephone Company, a corporation,	Plaintiff,	)	
		)	
vs.		)	No. 1021 - Civil
		)	
C. S. Cooley and Maud M. Cooley.	Defendants.	)	

JUDGMENT OF DISMISSAL

NOW on this 12 day of July, 1943, upon the joint and several motion of the plaintiff and the defendants, and for good cause shown,

IT IS HEREBY ORDERED that the above styled and numbered cause, the Complaint therein, and each and every cause of action or ground for relief asserted thereby, be, and the same is hereby, dismissed, without prejudice, at the cost of the plaintiff, reserving, however, to the plaintiff, all protection and immunity afforded to it by the terms of that certain Temporary Injunction granted and entered by this Court on July 7, 1943.

ROYCE H. SAVAGE  
United States district Judge

ENDORSED: Filed Jul 12 1943  
H. P. Warfield, Clerk  
U. S. District Court ME



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 (9 - FW-672)  
Flowage Easement

All that part of Lot 6 in Sec. 22, T 24 N, R 22 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.

TRACT NO. 2 (9 - FW-673)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 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. 3 (9 - FW-674)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  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 $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 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. 4 (9 - FW-675)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 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 0.5 acre.

TRACT NO. 5 (9 - FW-677)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the east 15 feet of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 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 2.1 acres, more or less.

TRACT NO. 6 (9-FW-678)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , less a strip of land 15 feet wide along the east side thereof, in Sec. 22, T 24 N, R 22 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. 7 (9 - FW-679)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 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 1.3 acre.

TRACT NO. 8 (9 - FW-680)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 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 1.1 acres.

TRACT NO. 9 (9 - FW-682)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 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 0.8 acre.

TRACT NO. 10 (9 - FW-683)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 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 0.8 acre.

TRACT NO. 11 (9 - FW-684)  
Flowage Easement

All that part of the W $\frac{1}{2}$  E $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 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. 12 (9 - FW-689)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 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 0.5 acre.

## TRACT NO. 13 (9 - FW-690)

## Flowage Easement

All that part of the  $S\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 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 3.6 acres.

## TRACT NO. 14 (9 - FW-691)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 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 1.2 acres.

## TRACT NO. 15 (9 - FW-692)

## Flowage Easement

All that part of Lot 2 in Sec. 24, T 24 N, R 22 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 1.3 acres.

## TRACT NO. 16 (9 - FW-681)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 15, T 24 N, R 22 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.

## TRACT NO. 17 (10 - FW-685)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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. 18 (10 - FW-687)

## Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 2.5 acres.

## TRACT NO. 19 (10-FW-688)

## Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 0.8 acre.

TRACT NO. 20 (10-FW-693)  
Flowage Easement

All that part of Lot 8, less the North 300 feet thereof, in Sec. 13, T 24 N, R 22 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 1.4 acre.

TRACT NO. 21 (10-FW-694)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 14, and all that part of Lot 7, and all that part of the North 300 feet of Lot 8 in Sec. 13, all in T 24 N, R 22 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 2.6 acres.

TRACT NO. 22 (10FW-695)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 0.2 acre.

TRACT NO. 23 (10 - FW-696)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 0.5 acre.

TRACT NO. 24 (10 - FW-697)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 0.7 acre.

TRACT NO. 25 (10 - FW-698)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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. 26 (10 - FW-699)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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. 27 (10 - FW-700)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 1.0 acre.

TRACT NO. 28 (10 - FW-701)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 acre.

TRACT NO. 29 (10 - FW-702)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, T 24 N, R 22 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 0.9 acre.

TRACT NO. 30 (10 - FW-703)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 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 0.2 acre, more or less.

TRACT NO. 31 (10 - FW-704)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 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 3.0 acres.

TRACT NO. 32 (10 - FW-705)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, JULY 12, 1943

22 E of the Indian Base and Meridian in Delaware County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 33 (10 - FW-706)  
Flowage Easement

All that part of the SW $\frac{1}{2}$ SW $\frac{1}{4}$  and all that part of the south  
16.70 acres of Lot 3 in Sec. 12; and all that part of the NW 10.0  
acres of Lot 3 in Sec. 13; all in T 24 N, R 22 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 2.8 acres.

TRACT NO. 34 (10 - FW-707)  
Flowage Easement

All that part of the NW 10.0 acres of Lot 3 in Sec. 12, T.  
24 N, R 22 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  
0.1 acre.

TRACT NO. 35 (10 - FW-708)  
Flowage Easement

All that part of the SE $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 11, and all that part  
of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, all in T 24 N, R 22 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 7.6 acres.

TRACT NO. 36, (10 - FW-709)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 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 3.0 acres.

TRACT NO. 37 (10 - FW-710)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 24 N, R 22 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 1.7  
acres.

TRACT NO. 38 (10 - FW-711)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 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 3.9  
acres.

TRACT NO. 39 (10 FW-712)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 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 1.8 acres.

TRACT NO. 40 (10 - FW-714)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.3 acre.

TRACT NO. 41 (10 - FW-715)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  S $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 10, T 24 N, R 22 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 9.1 acres.

TRACT NO. 42 (10 - FW-716)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 10, T 24 N, R 22 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 8.0 acres.

TRACT NO. 43 (10 - FW-718)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  of sec. 10, T 24 N, R 22 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 11.4 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 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, however, 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 19th day of July, 1943,

DISTRICT OF OKLAHOMA

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, JULY 12, 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 12 1943  
 H. P. Warfield, Clerk  
 U. S. District Court ME

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 Court adjourned to July 14, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

WEDNESDAY, JULY 14, 1943

On this 14th 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. F. E. Kennamer, and Hon. Royce H. Savage, Judges, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,	)
		)
vs.		) No. 888 Civil
		)
George Newman,	Defendant.	)

ORDER VACATING JUDGMENT

Now on this 6th day of July, 1943, this matter coming on for hearing upon motion of the plaintiff to vacate the judgment heretofore entered under date of May 31, 1943, and the plaintiff appearing by Wm. Knight Powers, Assistant United States Attorney in and for the Northern District of Oklahoma, and the plaintiff appearing by A. M. Widdows, Attorney at Law, and the Court being fully advised in the premises finds that said journal entry of judgment under date of May 31, 1943, should be cancelled, set aside and held for naught.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said journal entry of judgment under date of May 31, 1943 be and the same is hereby cancelled, set aside and held for naught pending settlement of said claim of George Newman, for taxes heretofore expended upon the real estate concerned.

F. E. KENNAMER  
 JUDGE

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

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

HOWARD GRAY, as Executor of the  
Estate of Julia B. Pearman, de-  
ceased,

Plaintiff,

vs

EXCHANGE NATIONAL COMPANY, a  
Corporation, et al,

Defendants.

)  
)  
) No. 877 Equity  
)  
)  
)  
)  
)

O R D E R

Now on this 14 day of July, 1943, on application of J. H. McBirney, Successor Trustee of Exchange National Company, in the above entitled cause and for good cause shown, the Court finds that the application filed here for permission to release a judgment entered in the District Court of Tulsa County, Oklahoma, in cause No. 58574 should be granted.

IT IS THEREFORE, BY THE COURT, ORDERED that J. H. McBirney, Successor Trustee of Exchange National Company, be and is hereby authorized and directed in his capacity as such to satisfy the judgment of the District Court of Tulsa County, Oklahoma, in cause No. 58574 and release Charles Bruce Chenault, Jr., of the apparent lien of said judgment.

F. E. KENNAMER  
JUDGE

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

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Court adjourned to July 15, 1943

On this 15th 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 DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMAIn the Matter of the Appointment of Conciliation Commissioners for the  
Various Counties in the Northern District of OklahomaO R D E R

Now on this 15th day of July, A. D. 1943, the Court finds that a Conciliation Commissioner should be appointed for the Northern District of Oklahoma

IT IS THEREFORE ORDERED that Maurice F. Ellison be and he is hereby appointed Conciliation Commissioner to act in each of the Counties of the Northern District of Oklahoma, effective July 15, 1943 for the period of One (1) year and that he make bond in the sum of Five Hundred (\$500.00) Dollars.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGEENDORSED: Filed Jul 20 1943  
H. P. Warfield, Clerk  
U. S. District Court-----  
IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN  
DISTRICT OF OKLAHOMAIn the matter of the Re-appointment of Conciliation Commissioners for the  
Various Counties in the Northern District of OklahomaO R D E R

Now on this 15th day of July, A. D. 1943, the Court's attention being called to the fact that the appointment of C. E. Baldwin, as Conciliation Commissioner of Tulsa County expired on July 5, 1943, it is therefore

ORDERED that C. E. Baldwin be and he is hereby re-appointed Conciliation Commissioner of Tulsa County, effective July 15, 1943, for a period of One (1) Year and that he make bond in the sum of Five Hundred (\$500.00) Dollars.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGEENDORSED: Filed Jul 20 1943  
H. P. Warfield, Clerk  
U. S. District Court  
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IN THE UNITED STATES DISTRICT COURT, FOR THE NORTHERN DISTRICT OF OKLAHOMA

Steve Downing,	Plaintiff,	)	
		)	
vs.		)	No. 782 - Civil
		)	
Maggie Joyce, nee Downing, Lillie Howe,		)	
nee Downing, and Clyde Wilson,	Defendants,	)	
		)	
United States of America,	Intervener.	)	

DECREE DETERMINING HEIRSHIP,  
QUIETING TITLE AND GRANTING PARTITION.

The above cause coming on for hearing this the 14th day of June, 1943, before the Honorable Royce H. Savage, United States District Judge for the Northern District of Oklahoma; and it being shown that this action was properly removed from the District Court of Mayes County, State of Oklahoma, where it was properly filed and process lawfully issued; the plaintiff appearing in person and by his attorneys, John S. Severson and A. Lee Battenfield; the United States of America appearing by the Honorable Whit Y. Mauzy, United States District Attorney, who appeared as well for the restriction Indians - the parties to said action; the defendant, Lila Howe, being the same person as Lillie Howe, Downing, named in the caption hereof, appearing by her attorneys, Z.I.J. Holt and George F. Waggoner; the defendant, Maggie Joyce, nee Downing, appearing personally and by Z.I.J. Holt, her attorney; the defendant, Clyde Wilson, appearing personally and by his attorney, Henry L. Burris; and the Court, having heard the evidence, both documentary and oral, introduced by the plaintiff, as well as all of the defendants, and being fully advised in the premises, finds:

That the Court has jurisdiction over the persons and the subject matter of this action under and by virtue of the laws of the State of Oklahoma, as well as the Acts of Congress in like cases made and provided; and finds that the plaintiff, Steve Downing, and the defendants - Maggie Joyce, nee Downing, and Lila Howe, nee Downing, are owners of the land involved in this action, described as follows:

The East Half (E/2) of the Southwest Quarter (SW/4)  
of Section Twenty-three (23), Township Nineteen (19)  
North, Range Nineteen (19) East, in Mayes County, Oklahoma;

and finds that their title and ownership of the same are by virtue of the following facts:

Said land was duly allotted to their ancestor, their mother said Callie Downing, nee Roach, a three-quarter blood Cherokee Indian duly enrolled opposite Roll No. 30396, and that she died intestate on the 25th day of December, 1938, seized and possessed of said land, and left her surviving neither husband, nor issue of deceased issue, but left as her sole and only heirs the plaintiff herein, her son; and the defendants - Maggie Joyce and Lila Howe, her daughters, and by virtue of the laws of descent then in force, to-wit: the Laws of Descent and Distribution of the State of Oklahoma, said lands, on the death of their said mother, passed to them in equal one-third (1/3) undivided interests; and that they are now the owners of the said land in such undivided portions, but are not in the actual possession of the same; that the parties plaintiff and defendant hereto, the children of said Callie Downing, deceased, are three-quarter blood Cherokee Indians, the plaintiff being enrolled opposite Cherokee Roll No. 3086 Minor, and the defendant, Maggie Joyce, being enrolled opposite Minor Cherokee Roll No. 3087-Minor, and the defendant, Lila Howe, not being enrolled, she being born subsequent to the closing of said rolls; and that they are entitled to the joint possession of the same.

The Court further finds that the plaintiff and said defendants (except the defendant, Clyde Wilson) are now the owners of said land, in equal one-third (1/3) undivided portions, and that they are entitled to partition the same so they might each have and possess the same in severalty, if the same can be divided in kind without manifest injury to said estate; otherwise, the same

should be appraised and said lands should be sold and the proceeds thereof divided in equal one-third (1/3) portions, and that Commissioners should be appointed to make said partition or appraisement, and that the title to said lands should be quieted in the said plaintiff and the said defendants -- Maggie Joyce and Lila Howe.

The Court further finds that the claims of the defendant Clyde Wilson, are void, and that the deeds and other muniments of title held by him should be cancelled, set aside and held for naught, and that the title to the premises hereinbefore described should be forever quieted against the adverse claims of said Clyde Wilson, and that he should be barred and forever enjoined from claiming or asserting any adverse claim thereto.

The Court further finds that the notes and mortgage introduced in evidence, delivered by said defendant, Clyde Wilson, to the defendants, Maggie Joyce, nee Downing and Lila Howe, nee Downing, should be returned to said defendant, Clyde Wilson.

The Court further finds that the land involved herein is now in the possession of the defendant, Clyde Wilson, and has been in his possession for two years last past, and that his possession thereof is hereby cancelled, subject, however, to the right to retain such possession for the year 1943; and that said Clyde Wilson is entitled to the crops grown on said premises for the year 1943; and that he is absolved from any payment for the past occupancy of said premises, as well as the occupancy for the year 1943, - possession, however, to be delivered to the plaintiff and the defendants, Maggie Joyce and Lila Howe, owners thereof, on or before January 1st, 1944.

The Court further finds that Commissioners should be appointed by the Court to make such partition in kind, so they might each own and hold a one-third interest therein in value, in severalty, but if such division in kind cannot be made, then in that event, said land should be appraised and sold, as provided by law.

It is therefore ordered, adjudged and decreed by the court that the plaintiff and the defendants, the heirs of their deceased mother Callie Downing, are entitled to partition of said lands in kind so that they each may have and hold an undivided one-third in severalty, if the same can be done without manifest injury, otherwise an appraisement and valuation thereof shall be made, and J. F. Pickens, Elmer Vick, and C. C. Weber, are hereby appointed Commissioners, and the Clerk of this Court is hereby directed to issue Writ of Partition to said Commissioners conformable to this decree.

It is further ordered, adjudged and decreed by the court that the instruments or deeds under which the defendant Clyde Wilson, claims title be and the same are hereby cancelled, set aside and held for naught, said deeds are as follows:

Deed dated August 30, 1941, executed by defendant Maggie Joyce and her husband Ern Joyce, to the land involved herein, and Recorded in Book 208 page 300 of the records of the County Clerk of Mayes County, Oklahoma.

Deed executed by Lila Howe, and Claude Howe, her husband, dated July 5, 1941, and recorded in Book 208 page 144, of the records of the County Clerk of Mayes County, Oklahoma.

Deed executed by Steve Downing, dated November 28, 1941, to the lands involved herein, but not placed of record.

It is further ordered, adjudged and decreed by the court that the title to the lands involved in this action and heretofore described is quieted in the plaintiff Steve Downing and the defendants Maggie Joyce and Lila Howe, and the defendant Clyde Wilson, is barred and enjoined from claiming or asserting any adverse claim thereto.



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 \$1,398.14 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 15th day of July, 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 (16 - FW-394)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 28, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 2 (16 - FW-395)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 33, 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 0.5 acre.

TRACT NO. 3 (21 - FW-396)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 34, 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 1.6 acres.

TRACT NO. 4 (21- FW-397)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 27, 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 0.1 acre.

TRACT NO. 5 (21-FW-401)  
Flowage Easement

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

that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 26, 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 24.2 acres.

TRACT NO. 6 (21 - FW-402)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 7 (21 - FW-403)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, 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. 8 (22 - FW-387)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 22, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

"Beginning at the Southwest corner of said S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , thence northerly along the west boundary of said S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  a distance of 56.4 feet, thence S 28° 16' E. 41.2 feet; thence N. 3° 34' E. 140.8 feet; thence N 50° 48' E 91.3 feet; thence N. 85° 16' E 420.6 feet; thence S 8° 12' W 232.3 feet; thence N. 66° 50' E 63.6 feet; thence S 62° 06' E 82.5 feet; thence south 18.6 feet to a point in the south boundary of said S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ ; thence westerly along said south boundary a distance of 634.6 feet to the point of beginning, containing in all 2.5 acres, more or less"

lying below Elev. 757 Sea Level Datum, containing approximately 0.6 acre.

TRACT NO. 9 (22 - FW-404)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 23, 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.

REGULAR JANUARY 1943 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

THURSDAY, JULY 15, 1943

## TRACT NO. 10 (22 - FW-406)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22, 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 0.5 acre.

## TRACT NO. 11 (22-FW-407)

## Flowage Easement

All that part of Lot 7, less the SE 9.90 acres thereof, and all that part of Lot 8, and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22, 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 1.6 acres.

## TRACT NO. 12 (22 - FW-408)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22, 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. 13 (22 - FW-409)

## Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 22, 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 0.6 acre.

## TRACT NO. 14 (22 - FW-410)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 22, 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. 15 (22 - FW-411)

## Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of Lot 9 in Sec. 22, 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 1.7 acres.

## TRACT NO. 16 (22 - FW-412)

## Flowage Easement

All that part of the East 10.90 acres of Lot 10, in Sec.

22, 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. 17 (22 - FW-413)  
Flowage Easement

All that part of the SE 9.90 acres of Lot 7 in Sec. 22, 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 acres.

TRACT NO. 18 (22 - FW-414)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, 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. 19 (22 - FW-415)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 23, 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. 20 (22 - FW-416)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  Lying South of Honey Creek, Sec. 23, 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 East boundary of said W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 697.1 feet south of the NE corner thereof,  
thence S 65° 08' W. 141.2 feet; thence N. 26° 07' E 276.0 feet;  
thence N 17° 24' E 19.6 feet to a point in the East boundary  
of said W $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  and 490.0 feet south of the NE corner thereof;  
thence northerly along said east boundary a distance of 61.2 feet;  
thence N. 29° 22' W 195.9 feet; thence N 89° 10' W 218.0 feet;  
thence S 22° 37' W 259.4 feet; thence N 44° 24' W 146.0 feet;  
thence S 41° 08' W 124.5 feet; thence S 30° 27' W 247.0 feet;  
thence S 18° 27' W 503.9 feet; thence S 22° 54' E 445.5 feet;  
thence N 50° 57' W 279.7 feet; thence S 63° 27' W 334.3 feet;  
thence N 30° 41' E 221.0 feet; thence N 30° 52' E 103.0 feet;  
thence N 6° 23' E 162.9 feet; thence N 49° 55' W 93.5 feet;  
thence S 72° 09' W 155.2 feet; thence S 55° 55' W 208.0 feet;  
thence S 51° 39' W 309.0 feet; thence S 48° 41' W 221.0 feet;  
thence S 39° 54' W 194.8 feet; to a point in the west boundary  
of said N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  and 287.6 feet north of the SW corner thereof;

thence southerly along said west boundary a distance of 20.0 feet;  
 thence N 50° 29' E 915.0 feet; thence N 85° 58' E 158.0 feet;  
 thence S 2° 16' W 128.0 feet; thence S 31° 18' W 275.0 feet;  
 thence S 8° 07' W 212.0 feet; thence N 33° 49' E 136.0 feet;  
 thence N 72° 59' E 277.0 feet; thence S 57° 25' E 342.0 feet;  
 thence N 20° 30' W 565.0 feet; thence N 24° 29' E 730.0 feet;  
 thence S 76° 25' E 168.0 feet; thence N 21° 28' E 242.0 feet;  
 thence S 88° 48' E 157.0 feet; thence S 27° 08' E 190.0 feet;  
 thence S 27° 45' W 365.0 feet; thence N 63° 33' E 245.0 feet;  
 to a point in the east boundary of said  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; thence Northerly  
 along said east boundary a distance of 20.0 feet to the point of  
 beginning, containing approximately 6.0 acres.

TRACT NO. 21 (22 - FW-417)  
 Flowage Easement

All that part of the NE  $\frac{1}{4}$ , and all that part of the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ ,  
 and all of that part of the E  $\frac{1}{2}$  SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , and all that part of the  
 NE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SE  $\frac{1}{4}$  of Sec. 23, 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 9.0 acres.

TRACT NO. 22 (22 - FW-418)  
 Flowage Easement

All that part of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Sec. 24, T 24 N, R 23 E  
 of the Indian Base and Meridian in Delaware County, Oklahoma,  
 lying below Elev. 757 Sea Level Datum, containing 0.6 acre.

TRACT NO. 23 (22 - FW-419 Rev.)  
 Flowage Easement

All that part of the S  $\frac{1}{2}$  NW  $\frac{1}{4}$  of Sec. 24, 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  
 4.6 acres.

TRACT NO. 24 (22 - FW-420)  
 Flowage Easement

All that part of the SW  $\frac{1}{4}$  NE  $\frac{1}{4}$  of Sec. 24, 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  
 6.0 acres.

TRACT NO. 25 (22 - FW-421)  
 Flowage Easement

All that part of the NW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , and all that part of the  
 W  $\frac{1}{2}$  NE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , of Sec. 24, 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 1.6 acres.

## TRACT NO. 26 (22 - FW-422)

## Flowage Easement

All that part of the  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 14, 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 0.9 acre.

## TRACT NO. 27 (22 - FW-423)

## Flowage Easement

All that part of the  $S\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 14, 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 1.0 acre.

## TRACT NO. 28 (22-FW-424)

## Flowage Easement

All that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the  $NE\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 14, 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 East boundary of said  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  and 533.0 feet of the NE corner thereof;  
 thence N.  $38^{\circ} 32'$  W 4.3 feet; thence N  $42^{\circ} 06'$  W 20.9 feet;  
 thence N.  $54^{\circ} 24'$  W 239.0 feet; thence N  $71^{\circ} 38'$  W 87.5 feet;  
 thence N  $88^{\circ} 55'$  W 145.1 feet; thence S  $80^{\circ} 59'$  W 209.7 feet;  
 thence N  $89^{\circ} 40'$  W 219.7 feet; thence S  $89^{\circ} 31'$  W 136.2 feet;  
 thence S  $80^{\circ} 20'$  W 175.6 feet; thence N  $67^{\circ} 28'$  W 100.5 feet;  
 thence N  $72^{\circ} 27'$  W 119.3 feet; thence N  $82^{\circ} 48'$  W 250.5 feet;  
 thence S  $85^{\circ} 45'$  W 169.0 feet; thence S  $56^{\circ} 52'$  W 152.1 feet;  
 thence S  $37^{\circ} 48'$  W 80.5 feet; to a point in the west boundary of said  $NE\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  and 454.9 feet south of the NW corner thereof;  
 thence southerly along said west boundary a distance of 25.0 feet;  
 thence N  $65^{\circ} 15'$  E 335.0 feet; thence S  $76^{\circ} 47'$  E 508.0 feet;  
 thence N  $87^{\circ} 28'$  E 956.0 feet; thence S  $53^{\circ} 05'$  E 278.0 feet to a point in the east boundary of said  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$ ;  
 thence northerly along said east boundary a distance of 51.5 feet to the point of beginning, containing approximately 2.3 acres;

and all that part of the  $S\frac{1}{2}$   $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 14, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, not owned by the Grand River Dam Authority, containing approximately 0.5 acre.

The total acreage being approximately 2.8 acres.

## TRACT NO. 29 (22 - FW-425)

## Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 13, 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 1.0 acre.

TRACT NO. 30 (22- FW-426)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 31 (22-FW-427)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, 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 0.8 acre.

TRACT NO. 32 (22 - FW-428)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 33 (22 - FW-429)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except the portion owned by the Grand River Dam Authority, containing approximately 0.9 acres.

TRACT NO. 34 (22 - FW-430)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, 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. 35 (22 - FW-431)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, 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 1.2 acres.

TRACT NO. 36 (22 - FW-432)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 13, 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 0.5 acre.

TRACT NO. 37 (22 - FW-435)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 13, 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 1.0 acre.

TRACT NO. 38 (22 - FW-436 Rev.)  
Flowage Easement

All that part of the  $NE\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 13, 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 4.9 acres.

TRACT NO. 39 (22 - FW-523)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 14, 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 0.9 acre.

TRACT NO. 40 (22 - FW-525)  
Flowage Easement

All that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 14, 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 1.6 acres.

TRACT NO. 41 (22 - FW-527)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $NE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 14, 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 0.7 acre.

TRACT NO. 42 (22 - FW-749)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $SW\frac{1}{4}$  of Sec. 15, 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 4.0 acres.

TRACT NO. 43 (22 - FW-750)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$  of Sec. 15, T 24 N, R 23 E of

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 15, 1943

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.

TRACT NO. 44 (22 - FW-751)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 15, 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 8.6 acres.

TRACT NO. 45 (22- FW-752)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 15, 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 1.7 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 22nd day of July, 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 15 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to July 16, 1943

On this 16th 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. Bower Broadbuss, 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. 931 Civil
243.98 acres of land, more or less,		)	
situate in Washington County, Oklahoma,		)	
and Francis Burrows, et al.,	Respondents.	)	

ORDER FIXING TITLE

Now on this 16 day of July, 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 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 making by the petitioner, as to the following tracts of land, vested as follows, to-wit:

Tract No. 2

The  $\frac{1}{2}$  of  $\frac{1}{2}$  of N  $\frac{1}{4}$  (except .13 acres for highway R.O.W.O; and a tract consisting of 7.2 acres, more or less, in the NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , more particularly described as follows:

BEGINNING at the NE corner of SE  $\frac{1}{4}$  of Sec. 25; THENCE West along North line of said NE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SE  $\frac{1}{4}$ , 660 feet; THENCE South  $\circ 11' E$  240.0 feet; more or less, to a point Northeast of the Cities Service Company's gas pipe line a distance of 10 feet measured at a right angle from centerline of said pipe line; THENCE South  $53^\circ - 36' E$  710 feet; THENCE East 88 feet along South line of said subdivision to the East line of said Sec. 25; THENCE North 660 feet along East line of said Section to point of beginning, all in Section 25, Township 29 North, Range 13 East of I.M., also the SE 2 acres of the NW 9.70 acres of Lot 2, Section 30, Township 29 North, Range 14 East of the I.M., and containing in all a total of 49.07 acres of land, more or less,

Title in: Oliver S. Taylor

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the title to the above described real estate, at the time of making by the petitioner, was vested in the persons hereinabove set out.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title to the tract herein designated as subject to the payment of any outstanding ad valorem taxes which may constitute a lien against said land.

ROYCE H. SAVAGE  
JUDGE

ENDORS D: Filed Jul 16, 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
-vs-		) No. 931 Civil
		)
243.98 acres of land, more or less,		)
situate in Washington County, Oklahoma,		)
and Francis Burrows, et al.,	Respondents.	)

ORDER DISTRIBUTING FUNDS

Now on this 16 day of July, 1943, this cause came on to be heard, and the Court, having been fully advised in the premises finds that distribution should be made as to the following tract of land involved in the above entitled condemnation proceeding.

IT IS THEREFORE ORDERED that the Clerk of this Court issue a check payable as follows:

Tract No. 2

Oliver S. Taylor and the County Treasurer of Washington County, Oklahoma,	\$1800.00
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ROYCE H. SAVAGE  
JUDGE

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

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
-vs-		) No. 931 - Civil
		)
243.98 acres of land, more or less,		)
situate in Washington County, Oklahoma,		)
and Francis Burrows, et al.,	Respondents.	)

ORDER CONFIRMING STIPULATED VALUE

Now on this 16 day of July, 1943, this cause came on to be heard and the Court, having been fully advised in the premises, finds that a stipulation has been entered into by and between Oliver S. Taylor, the owner of Tract No. 2 and the United States of America, whereby the value of Tract No. 2 and damage suffered by virtue of the taking of said tract, is fixed at the sum of \$1800.00.

THE Court finds that there has been heretofore deposited as to this tract the sum of \$1800.00; and there is no deficiency.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the value of Tract No. 2 and the damage suffered by virtue of the taking of said tract be and the same is hereby fixed at the sum of \$1800.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 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,	)	
		)	
-vs-		)	CIVIL NO. 1010
		)	
CERTAIN PARCELS OF LAND IN DELAWARE		)	
COUNTY, OKLAHOMA, containing approximately		)	
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 16th day of July, 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 herein, making additional 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, making additional parties defendant.

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

ENDORSED: Filed Jul 16 1943  
H. P. Warfield, Clerk  
U. S. District Court AC

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

PRENTISS M. BROWN, Administrator office	Plaintiff,	)	
of Price Administration,		)	
		)	CIVIL NO. 1081
-vs-		)	
		)	
C. M. BURKDOLL, an individual,	Defendant.	)	

J U D G M E N T

NOW, on this 16th day of July, 1943, this cause came on for trial at which time the same was regularly set for trial upon application of plaintiff for permanent injunction against the defendant herein, at which time plaintiff appeared by and through his attorneys, Joe N. Shidler and A. M. Covington, and defendant appeared in person, and by and through his attorney, W. Lee Johnson, at which time a formal stipulation was presented, wherein it was agreed a permanent injunction should issue and the Court having heard the statement of counsel and being fully advised in the premises, finds that said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, his agents, servants, employees and all persons in active concert or participation with defendant, be and they are hereby, permanently enjoined from directly or indirectly, selling, delivering, transferring or offering



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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 16, 1943

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 \$3,223.75, 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 16th day of July, 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 Mayes, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (1-FW-3)  
Flowage Easement

All that part of the west 20 acres of Lot 8 of Sec. 15, T 23 N, R 21 E, described as follows, to-wit:

"Beginning at a point in the north boundary of said west 20 acres of said Lot 8 and 191.6 feet east of the northwest corner thereof; thence easterly along said north boundary line a distance of 184 feet; thence S 59° 45' E 24 feet; thence S 50° 50' E 15 feet; thence S 35° 15' E 12 feet; thence S 10° 05' W 11 feet; thence S 64° 15' W 43 feet; thence S 39° 45' W 9 feet; thence S 9° 20' W 17 feet; thence S 10° 25' E 14 feet; thence S 30° 35' E 25 feet; thence S 39° 30' E 50 feet; thence S 54° 50' E 23 feet; thence S 0° 10' E 100 feet; thence N 41° 00' W 364 feet to the point of beginning, less Lots 6, 7 and 8 of Block 12 as shown on the plat of North Langley filed July 17, 1939 in the office of the County Clerk of Mayes County, Oklahoma", except that part designated as follows:

Beginning at a point in the north boundary of the west 20.0 acres of Lot 8, Sec. 15, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, and 191.6 feet east of the NW corner thereof; thence easterly along the north boundary of said Lot 8 a distance of 147.6 feet; thence S 8° 25' E a distance of 53.4 feet to a point on the south boundary of Lot 5 of Block 12 as shown on the plat of North Langley filed July 17, 1939, in the office of the County Clerk of Mayes County, Oklahoma; thence westerly along the south boundary of said Lot 5 a distance of 75.7 feet to the SW corner thereof; thence southeasterly along the southwest boundaries of said Lots 6, 7 and 8 to the most southerly corner of said Lot 8; thence S 0° 10' E 38.2 feet; thence N 41° 00' W to the point of beginning, containing approximately 0.3 acre.

TRACT NO. 2 (1 - FW-56 Revised)  
Flowage Easement

All that part of the following described tract of land situated in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 13, T 23 N, R 21 E of the

Indian Base and Meridian in Mayes County, Oklahoma, to-wit:

Beginning at a point 156 feet west of the SE corner of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 13, T 23 N, R 21 E, thence 25 feet north; thence 70 feet east to a point on the southwesterly produced NW boundary line of Block 5 of the Townsite of Disney, Oklahoma;

thence northeasterly 144.5 feet to the SW corner of Block 5;

thence 425 feet to the northeasterly along the NW boundary of Blocks 5 and 6 to the NW corner of Block 6;

thence N. 58° 30' W 490 feet to the NE corner of Block 23 of the Townsite of Disney, Oklahoma;

thence south along the east boundary of said Block 23, 75 feet;

thence S 18° 26' W 316.4 feet to the SE corner of Block 23 of the Townsite of Disney, Oklahoma;

thence S 18° 26' W 180.5 feet to the north boundary line of the property owned by the Grand River Dam Authority;

thence NE along the line of the property owned by the Grand River Dam Authority N 68° 56' E 104.8 feet;

thence S 7° 59' E 70.9 feet; thence S 39° 33' W 99.6 feet;

thence S 76° 16' W 109.7 feet; thence S 27° 25' W 51.2 feet to a point on the south boundary line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said section;

thence easterly along the south boundary line of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 13, 240.9 feet to the point of beginning,

lying below Elevation 757 Sea Level Datum, containing approximately 0.5 acres.

TRACT NO. 3 (1 - FW-57-Revised)  
Flowage Easement

All that part of the following described tract of land lying south of and adjacent to Block 23 in the original Townsite of Disney, Oklahoma, situated in the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  in Sec. 13, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, to-wit:

"Beginning at the SE corner of said Block 23, thence S 18° 26' W 180.5 feet approx. to the north boundary line of property owned by G.R.D.A.; thence S 68° 56' W 130.5 feet; thence N 78° 35' W 169.1 feet; approx.; thence N 20° 52' W. 27 feet approx.; thence North 152.5 feet to the southwest corner of said Block 23; thence east along the south boundary of Block 23 a distance of 350 feet to the point of beginning."

lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 4 (1 - FW-57-A)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 13, 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 on the west boundary of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 325.5 feet north of the SW corner thereof; thence northerly along said west boundary of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  20.9 feet to a point 313.2 feet south of the NW corner thereof;

thence East 50 feet to the SW corner of Block 23 in the  
Townsite of Disney, Oklahoma;  
thence south 152.5 feet; thence N. 20° 52' W 140.8 feet to  
the point of beginning,

lying below Elev. 757 Sea Level Datum, containing less than  
0.1 acre.

TRACT NO. 5 (1-FW-57-B-Revised)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , all that part of the  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 13, described as follows, to-wit:

TRACT A

Beginning at a point on the west boundary line  
of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 543.8 feet south of the NW  
corner thereof;

Thence S 85° 50' E 21.6 feet; thence S 11° 16'  
W 109.5 feet to a point on the west boundary of said  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  and 7.0 feet north of the SW corner thereof;  
thence northerly along the west boundary of said  
NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 108.9 feet to the point of  
beginning, containing less than 0.1 acre.

TRACT B

Beginning at a point on the west boundary of said  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  199.3 feet south of the NW corner thereof;  
thence southerly along said west boundary a distance  
of 101.0 feet to the point of intersection of the south  
boundary of Block 23 in the original townsite of Disney,  
Oklahoma, if extended and the west boundary of said SW $\frac{1}{4}$   
NW $\frac{1}{4}$  NW $\frac{1}{4}$ .

thence easterly along the south boundary of said  
Block 23 if extended, a distance of 22.0 feet;  
thence N 12° 21' W 103.4 feet to the point of beginning,  
containing less than 0.1 acre.

All in T 23 N, R 21 E of the Indian Base and Meridian in Mayes  
County, Oklahoma, containing approximately 0.1 acre.

TRACT NO. 6 (2 - FW-12 (Part) Revised)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 3, T 23 N, R  
21 E of the Indian Base and Meridian in Mayes County, Oklahoma,  
lying below Elev. 757 Sea Level Datum, except that portion  
owned by the Grand River Dam Authority, containing approximately  
0.7 acres.

TRACT NO. 7 (2-FW-34)  
Flowage Easement

All that part of the south 10.0 acres of Lot 2 in 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 south 10.0 acres of Lot 2, 292 feet west of the NE corner thereof; thence S 78° 03' W 86.9 feet; thence S 50° 05' W 344.2 feet; thence N. 86° 52' E 348.5 feet; thence N 0° 31' W 221.8 feet to the point of beginning, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.1 acres.

TRACT NO. 8 (2 - FW-35 Rev.)  
Flowage Easement

All that part of the S $\frac{1}{2}$  N $\frac{1}{2}$  of Lot 2, and all that part of the N $\frac{1}{2}$  S $\frac{1}{2}$  of Lot 2 in Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, (the same being a portion of the E $\frac{1}{2}$  of Lot 1, Block 5, and the portion of the west half of Locust Avenue adjacent to said portion of Lot 1, in the Townsite of Ketchum, Mayes County, Oklahoma, which townsite was vacated by order of the District Court of Mayes County, Oklahoma, on March 5, 1930), more particularly described as follows, to-wit:

Beginning at a point 363.4 feet west and 328.3 feet south of the NE corner of said S $\frac{1}{2}$  N $\frac{1}{2}$  of Lot 2; said point being in the west boundary of said E $\frac{1}{2}$  of Lot 1, Block 5, in the Townsite of Ketchum; thence S 56° 04' E 90.7 feet; thence S 5° 34' W 67.9 feet; thence N 75° 16' W 76.15 feet; thence N 57° 01' W 5.4 feet; to a point in the west boundary of said E $\frac{1}{2}$  of Lot 1, Block 5, in the aforesaid townsite of Ketchum, Oklahoma; thence N 5° 34' E 96.7 feet to the point of beginning, containing approximately 0.2 acre.

TRACT NO. 9 (2 - FW-42)  
Flowage Easement

All that part of the S $\frac{1}{2}$  N $\frac{1}{2}$  NW 10.0 acres of Lot 2 of Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acres.

TRACT NO. 10 (2 - FW-43-A)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NE 10.0 acres of Lot 2, in Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

TRACT NO. 11 (2-FW-44)  
Flowage Easement

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

"Beginning 110 feet West of the Northeast corner of said NW 10 acres of Lot 1, thence westerly along the North boundary of Lot 1, 550 feet to the Northwest corner thereof; thence

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 16, 1943

Southerly along the West boundary thereof 392.9 feet or 267.1 feet North of the Southwest corner thereof; thence South 64 degrees 38' East 126 feet; thence South 72 degrees 57' East 143.5 feet; thence South 71 degrees 18' East 311 feet; thence South 78 degrees 22' East 5.8 feet; thence North 591.3 feet to the point of beginning, containing 6.48 acres, more or less",

lying below Elev. 757 Sea Level Datum, containing approximately 0.5 acre.

TRACT NO. 12 (2 - FW-45)  
Flowage Easement

All that part of the Northwest 10 acres of Lot 1, 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 the northeast corner of northwest 10 acres of Lot 1, thence southerly along the East boundary of said Northwest 10 acres of Lot 1, 613.9 feet; thence North 78 degrees 22' West 112.3 feet; thence North 591.3 feet, to a point in the north boundary of Lot 1, thence Easterly along North boundary of Lot 1, a distance of 110 feet to the point of beginning containing 1.52 acres,"

lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 13 (2-FW-46)  
Flowage Easement

All that part of the Ne 10.0 acres of Lot 1, of Sec. 2, T 23 N, R 21 E of the Indian Base and Meridian in Mayes 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 0.5 acre.

TRACT NO. 14 (2-FW-47)  
Flowage Easement

All that part of the NW 10.0 acres of Lot 4, of Sec. 1, T 23 N, R 21 E of the Indian Base and Meridian in Mayes 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. 15 (2-FW-59)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.4 acres.

TRACT NO. 16 (2-FW-62)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 23 N, R 21 E of the Indian Base and Meridian in Mayes 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 0.8 acres.

TRACT NO. 17 (2 - FW-65-Revised)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 7, Sec. 12, 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 135 feet west of the SE corner of the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  (the equivalent of the SE 10.0 acres of Lot 7) Sec. 12, T 23 N, R 21 E; thence north 660 feet to a point on the north boundary line of said 10.0 acre tract; thence west 200 feet; thence south 660 feet; thence east 200 feet to the point of beginning."

lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 18 (2 - FW-65-A)  
Flowage Easement

All that part of the East 135 feet of the SE 10.0 acres of Lot 7, in Sec. 12, T 23 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

be, and the same are hereby deemed to have been 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 23rd day of July, 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 16 1943  
H. P. Warfield, Clerk  
U. S. District Court AC



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

REGULAR JANUARY 1943 TERM

TUESDAY, JULY 20, 1943

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED that this cause be and it hereby is,  
dismissed without prejudice.

ROYCE H. SAVAGE  
JUDGE

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

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

ELLA SAWNEY, Plaintiff, )  
)  
) No. 562 Civil  
)  
v. )  
)  
J. M. DOWNING, et al, Defendants. )  
)  
United States of America Intervener. )

ORDER DIRECTING SERVICE BY PUBLICATION

Now on this 20th day of July, 1943, it being shown to the Court from the affidavit for publication made and filed herein by Harve N. Langley, attorney for plaintiff, that notice by publication is necessary to be made against certain defendants, and the Court being fully advised in the premises, it is by the Court,

ORDERED that publication of notice be made in the Mayes County Democrat, a weekly newspaper printed and published at Pryor, Oklahoma, for the required length of time as provided by Statutes, both State and Federal, and that the Clerk of this Court is hereby authorized and directed to issue such publication notice.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 20 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

UNITED STATES OF AMERICA, Petitioner, )  
)  
)  
vs. )  
) No. 1009 Civil  
)  
)  
94.35 acres of land, more or less, )  
situate in Tulsa County, State of )  
Oklahoma, and A. E. Duran, et al, Respondents. )

PUBLICATION ORDER

Now on this 20 day of July, 1943, it appearing from the affidavit of Curtis P. Harris, Special Attorney for the Department of Justice, attorney for the petitioner herein, and the application

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

REGULAR JANUARY 1943 TERM

TUESDAY, JULY 20, 1943

of the United States of America that the following named respondents, to-wit:

- J. G. Tucker,
- Frank Schroader,
- L. W. Clapp,
- Marion F. Welch, also known as Mrs. M. F. Welch,

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

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

Alabama Harlow.

It further appears that to attempt to comply or conform strictly to procedural laws of the State of Oklahoma would cause injustice, unnecessary delay, hardship, and is too burdensome; and, therefore, the Court by this order should and does prescribe its own process, conforming as near as may be to said procedural laws of the State of Oklahoma.

IT IS, THEREFORE, ORDERED AND DECREED that the petitioner's application for an order confirming and approving the commissioners' report, and petitioner's application for an order fixing title and determining the rightful claimants to the funds to be deposited in this Court as just compensation for the real estate involved in this proceeding, shall be heard by this Court on the 12th day of August, 1943, at 9:30 o'clock A.M., or as soon thereafter as counsel may be heard, in the Federal Court Room in Tulsa, Oklahoma, and that there shall be published in the Tulsa Daily Legal News, a daily newspaper of general circulation in Tulsa County, Oklahoma, on Thursday July 22, 1943, and on Thursday July 29, 1943, notice directing the aforesaid non-resident respondents to appear before this Court at the time and place aforesaid, and then and there to file any pleadings or claims, if they so desire, and that such notification of such non-resident respondents shall be complete upon the filing of an affidavit by the publisher, managing officer or printer of said newspaper, that the notice referred to above had been printed and published in said newspaper as hereby directed.

Said notice shall further notify said respondents that commissioners to appraise the said lands involved have been appointed and that petitioner's application for an order confirming and approving as final the commissioners' report will be heard on the 12th day of August, 1943, at 9:30 O'clock A.M., in the Federal Court Room in Tulsa Oklahoma, unless said respondents appear prior thereto and file a demand for jury trial, objections to the report of commissioners, or objections to proceedings by which said commissioners were appointed, or unless petitioner files a demand for jury trial or objections prior thereto.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 20 1943  
H. P. Warfield, Clerk  
U. S. District Court AC

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CERTAIN PARCELS OF LAND IN CRAIG COUNTY,  
OKLAHOMA, containing approximately 55.7  
acres, more or less; and Gordon W. Gaddis,  
et al.,

Defendants.

CIVIL NO. 1024

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 20th 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 follow-  
ing named defendants, to-wit:

- Gordon W. Gaddis;
- James B. Lacey and Tom T. Steele, partners, doing business under  
the firm name of Lacey & Steele;
- James B. Cody;
- Minnie L. Cody;
- Ruther Turner, now Graham;
- L. M. Graham;
- Etta Turner, now Henderson;
- Charles Henderson;
- Susie M. Morse;
- Charmaine G. Gregory, now Davis;
- Freida Ketchum;
- J. E. Ketchum;
- Mark O. Woolery;
- Lula Woolery;
- Maggie M. Sweet;
- P. G. Sweet;
- Frankie R. Peters;
- R. S. Peters;
- Jeff D. Sexton, Jr., one and the same person as Dennis Sexton;
- Mrs. Lewis Sexton;
- P. E. Heckman, J. C. West; W. C. Ritchie, D. C. Caspel, Jack B.  
Barker, E. G. Johnson; and J. E. Johnson, if living, or if deceased,  
their known and unknown heirs, administrators, executors, devisees,  
legatees, trustees, creditors and assigns, immediate and remote; and their  
spouses, if any; and the known and unknown heirs, executors,  
administrators, devisees, legatees, trustees, creditors and assigns,  
immediate and remote, and their spouses, if any, of Robert M. Haines,  
Cherokee Roll No. 1569, deceased; of Ealum Gregory, deceased; of Alice  
J. Lyncy, deceased, of T. Turner, deceased; of Martha Turner, deceased;  
J. Lyncy deceased, of T. Turner, deceased; of Martha Turner, deceased;  
of Jeff D. Sexton, deceased; of Jennie Sexton, deceased; of Lewis Sexton,  
deceased; and of C. D. Morse, 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.

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, JULY 20, 1943

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in the VINITA JOURNAL, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendants, and each of them, of the institution of 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 September, 1943, the petitioner, United States of America, will, on the 13th day of September, 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 Jul 20 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to July 22, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 22, 1943

On this 22nd 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:

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

In the Matter of the Estate of  
Peter Micco, Seminole No. 1600,  
Deceased,

no. 826 Civil

O R D E R

Now on this 22nd day of July, 1943, it appearing to the Court that certain portions of the record on file herein have been omitted from the transcript filed on appeal in the United States Circuit Court of Appeals for the Tenth Circuit, and for good cause shown the Court finds that between paragraphs d and e on page 4 of Appellants' Designation of Contents of Record on Appeal, there should be inserted from the record on file in this cause, the following, to-wit:

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

511

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 22, 1943

- d. (1) Notice by M. S. Robertson, United States Probate Attorney, to the Superintendent of the Five Civilized Tribes, Muskogee, Oklahoma, that petition for appointment of administrator had been filed May 26, 1942 (eliminating all attached pleadings thereto), together with return of United States Marshal, Eastern Oklahoma Judicial District, showing service of writ filed June 5, 1942 (pages 21, 46 and 47 of transcript).

IT IS THEREFORE ORDERED that the Clerk of this Court be and he hereby is directed to prepare and file with the United States Circuit Court of Appeals, Tenth Circuit, Denver, Colorado, a supplemental transcript with the above quoted portions of such record on file herein, included.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 22 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

United States of America,

Plaintiff, )

vs. )

Civil No. 985 )

Fay W. Smith,

Defendant. )

O R D E R

Now, on this 22nd day of July, 1943, upon his application, the defendant, Fay W. Smith, is hereby granted twenty days from this date within which to answer or otherwise plead in this cause.

ROYCE H. SAVAGE  
Presiding Judge

ENDORSED: Filed Jul 22 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

THURSDAY, JULY 22, 1943

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

PEARL RHODES SITTERLY and J. LACY  
BALLENGER, )  
Plaintiffs, )  
 ) No. 1049 CIVIL  
 )  
vs. )  
 )  
UNITED STATES OF AMERICA, )  
Defendant. )

ORDER GRANTING LEAVE TO FILE CIVIL ACTION AGAINST  
UNITED STATES OF AMERICA,

ON this 20th day of July, 1943, the petition of Pearl Rhodes Sitterly and J. Lacy Ballenger is presented to the Court for leave to file action against the United States of America, to-wit: pursuant to the provisions of the Internal Revenue Code of the United States of America as set out and shown in U. S. C. A., Title 26, Section 3679, and after a full hearing in open court, the Court finds:

That the petitioners, Pearl Rhodes Sitterly and J. Lacy Ballenger, claim to be the owners of a fee simple title to the following described real estate, situated in Tulsa County, Oklahoma, to-wit:  
The East Half of the Southwest Quarter and the Southeast Quarter (less ten acres in the Southeast corner) of Section 7, Township 19 North, Range 14 East;

That their title to said property is based upon certain deeds of conveyance under which they claim and to which chain of title said petitioners apparently have a bona fide claim to record title, and that United States of America also appears to assert a claim to said property by virtue of a deed appearing of record wherein Byron V. Boone, as Special Master of the court, sold said property to the United States of America, in a deed of conveyance dated June 3, 1942, and filed for record June 22, 1943, and which record of conveyance is subsequent to the title claimed by the petitioners, and the Court in its discretion, as provided in the said Statute, now finds that a judicial determination of title to said property should be had, and that the respective rights as between said petitioners and United States of America should be heard and determined, and that authority is granted by the aforesaid Section of the Laws of the United States of America for making the Government of the United States party to a suit for determination of the property rights in such cases as is involved herein;

NOW, THEREFORE,

IT IS BY THE COURT ORDERED that petitioners herein are granted leave to file a civil action in this Court for a final determination of claims to or liens upon the above described real estate, and the United States and all other persons having liens upon or claiming interest in the said real estate shall be made parties thereto and process shall be issued and service had upon the United States in a manner provided by Sections 5 and 6 of the Act of March 3, 1887, entitled "An Act to provide for the presenting of suits, against the Government of the United States," U.S.C., Title 28, Paragraph 762 and 763.

ROYCE H. SAVAGE  
JUDGE

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

-----  
Court adjourned to July 23, 1943

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

FRIDAY, JULY 23, 1943

On this 23rd 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, Judges, present and presiding.

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

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

to-wit:

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

L. E. RAGG, ET AL, Plaintiff, )  
-vs- ) No. 979 Civil  
C. O. TRASK, ET AL, Defendants. )

O R D E R

Upon application by the defendants and upon good cause shown, they are hereby allowed an extension of ten days from this date in which to answer in the above cause.

Dated this 23rd day of July, 1943.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Jul 23 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

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

JOURNAL ENTRY

BE IT REMEMBERED that on the 18th day of June, 1943, came on to be heard plaintiff's motion to remand the above-entitled and numbered case to the state court, to-wit: The District Court of Osage County, Oklahoma, from which it was removed. Plaintiff appeared by his attorneys, C. S. Macdonald and F. W. Files; and the defendant appeared by its attorneys, Fred Tillman and Dave Morrison, and the Court having heard the motion and arguments of counsel thereon, and having considered the same, the motion was by the Court in all things overruled and held for naught, to which ruling of the Court the plaintiff excepted and exceptions were allowed.

ROYCE H. SAVAGE  
JUDGE

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

----- Court adjourned to July 24, 1943

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, JULY 24, 1943

On this 24th 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:

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, )  
vs. ) No. 889 Civil  
C. E. Shirley, Defendant, )

JOURNAL ENTRY OF JUDGMENT

Now on this 24th day of July, 1943, this matter coming on for hearing upon application of the plaintiff for default judgment herein, the United States of America appearing by Whit Y. Mauzy, United States Attorney in and for the Northern District of Oklahoma, and Joe W. Howard, Assistant United States Attorney for said district, and the defendant, C. E. Shirley appearing not, the Court finds that said complaint was filed in said cause of action on August 7, 1942; that said defendant was served with summons, together with copy of Complaint and that more than twenty days have elapsed since the date of service on said defendant and that said defendant has failed, refused and neglected to answer or otherwise plead herein, the Court finds that said defendant to be wholly in default; the Court further finds that plaintiff is entitled to judgment as pleaded in its said complaint.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff have and recover from the defendant, C. E. Shirley, judgment in the amount of \$163.08, with interest thereon at the rate of 5 1/2% per annum from January 4, 1941, until paid, and for costs of this action.

LET EXECUTION ISSUE.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed in Open Court  
Jul 24 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to July 26, 1943

On this 26th 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 IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Petitioner, )

-vs-

A CERTAIN PARCEL OF LAND IN MAYES COUNTY,  
OKLAHOMA; and P. L. Ball; Elva Lee Ball;  
L. W. Bradley, County Treasurer of Mayes  
County, Oklahoma; and Board of County Com-  
missioners of Mayes County, Oklahoma,

Defendants. )

CIVIL NO. 975

J U D G M E N T

NOW, on this 26 day of July, 1943, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding as to the real estate involved in this proceeding and hereinafter specifically described.

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

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

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

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

REGULAR JANUARY 1943 TERM

MONDAY, JULY 26, 1943

(6) The Court finds that said commissioners appointed herein to appraise and fix the value of the real estate involved in this proceeding, duly qualified on the 30th day of April, 1943, by taking and filing herein their oath of office as such; and the said duly qualified commissioners, after inspection of the premises and consideration of the fair market value thereof, filed their report herein on the 1st day of May, 1943, wherein they fixed the fair cash market value of the real estate involved in this proceeding, in full, absolute, fee simple title, subject only to an easement held by the City of Pryor Creek, Oklahoma, for sewer purposes, to be in the sum of \$3500.00, and said report and proceedings are in all respects regular and in accordance with the law and orders of this Court.

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

(8) The United States of America did on April 14, 1943, file its Declaration of Taking, herein, and paid to the Clerk of this Court for the use and benefit of the persons entitled thereto, the sum of \$3500.00, for said real estate involved in this proceeding and hereinafter more particularly described.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein is final, and the fair cash market value as set out and fixed in said report of commissioners is final as to said lands involved in this proceeding, and values and estate taken therein, all as follows, to-wit:

TRACT NO. WH-1

Lots Numbered Five (5), Six (6), Seven (7), and Eight (8),  
in Block numbered Sixty One (61), in the Incorporated Town of  
Pryor Creek, Mayes County, State of Oklahoma, according to the  
United States Government Survey and Plat thereof,

in fee simple, subject only to an easement held by the City of Pryor Creek, Oklahoma, for sewer purposes, a total fair cash market value of \$3500.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title to the above designated and described real estate, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on April 14, 1943, upon the depositing of the sum of \$3500.00 with the registry of this Court for the abovescribed tract of land, and the filing of the Declaration of Taking herein, which sum is and does constitute the just compensation for the above described tract of land and for all lawful damages occasioned.

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

ENDORSED: Filed Jul 26 1943  
H. P. Warfield, Clerk  
U. S. District Court ME







On this 28th 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 DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Petitioner, )  
vs )  
Certain Parcels of Land in the Town of ) No. 974 - Civil  
Dawson, County of Tulsa, State of Oklahoma, )  
and Town of Dawson, et al, Respondents. )

ORDER DISTRIBUTING FUNDS AS TO PARCEL NO. 2

Now on this 28th day of July, 1943, this cause came on to be heard, and the Court, having been fully advised in the premises, finds that distribution as to Parcel No. 2 should be made as follows:

John S. Lewis, Ethel Lewis, Homer Owners'  
Loan Corporation, and the County Treasurer  
of Tulsa County, Oklahoma, \$100.00

IT IS, THEREFORE, ORDERED AND DIRECTED that the Clerk of this Court issue a check to the above named parties in the amount set opposite their names.

ROYCE H. SAVAGE  
JUDGE

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

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

UNITED STATES OF AMERICA, Petitioner, )  
-vs- )  
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, ) CIVIL NO. 999  
OKLAHOMA, containing 18 acres, more or less; )  
and the Board of County Commissioners of Delaware )  
County, Oklahoma, et al, Defendants. )

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION FOR CONDEMNATION

NOW, on this the 28 day of July, 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 herein, making additional 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, making additional parties defendant.

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

ENDORSED: Filed Jul 28 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

Herbert C. Hovendon, and the City of Sapulpa, Oklahoma, upon the relation of Herbert C. Hovendon, Plaintiff,  
vs. Charles E. Potter, et al, Defendants.  
Number 1051 Civil

O R D E R

Now, on this 28th day of July, 1943, upon the written application of the plaintiffs above named, it is ordered and adjudged that Harry B. Crew be, and he is hereby appointed special officer to make service of summons upon the defendants named in the complaint filed in the above entitled cause.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 28 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant,  
vs. One 1941 Ford Deluxe Tudor Sedan automobile, Motor No. 18-767-199; 1.450 gallons assorted taxpaid intoxicating liquors, William S. Walker, and National Bank of Commerce, Tulsa, Oklahoma, Claimants.  
NQ. 1052 CIVIL

ORDER FOR MONITION

Now on this 28 day of July, 1943, it appearing to the Court that the said 1941 Ford Deluxe Tudor Sedan automobile, Motor No. 18-6,767,199, with approximately 1.450 gallons of assorted

taxpaid intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at the Spartan Aircraft Factory in the City of Tulsa, Tulsa County, State of Oklahoma, Northern District of Oklahoma and within the jurisdiction of this court, on or about the 24th day of June, 1943, by John E. Reid and Edgar A. Maloney, Investigators in the Alcohol Tax Unit, Bureau of Internal Revenue, by virtue of their said office and in accordance with the provisions of law in such case made and provided, while said automobile was being used by one William S. Walker for transporting such intoxicating liquors from the State of Missouri into the State of Oklahoma and to the aforesaid point of seizure, and that said automobile and seizure were thereupon turned over and delivered into the possession of W. I. Giles, Investigator in Charge of the Alcohol Tax Unit, Bureau of Internal Revenue for the United States and in the Northern District of Oklahoma, and that said automobile and intoxicating liquor are now in his custody within the jurisdiction of this court awaiting lawful disposition; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars ( \$500.00), whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants William S. Walker and National Bank of Commerce, Tulsa, Oklahoma, and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS THEREFORE ORDERED that monition issue as prayed for in said libel and that same be served upon claimants William S. Walker and National Bank of Commerce, of Tulsa, Oklahoma, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 224, Title 27, United States Code Annotated, and in accordance with the provisions of the law relating to seizures, forfeitures and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 28 1943  
H. P. Warfield, Clerk  
U. S. District Court. ME

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Court adjourned to July 29, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 29, 1943

On this 29th 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, t-wit:

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

LESTER O. WELCH, Plaintiff, )  
vs. )  
OSCAR (VANN) CHUWALOOKY, et al, Defendants. ) No. 501 Civil  
UNITED STATES OF AMERICA, Intervener.. )

ORDER OF COURT

The above entitled cause coming on regularly to be heard on the 29th day of July, 1943, upon the application of the plaintiff for an order reviving the above entitled cause pending in this court in the names of

Katie Chuwalooky  
Jessie Lee Chuwalooky  
Nora Jean Chywalooky  
Dorthas Chuwalooky  
Rena Chuwalooky  
Dorotha Chuwalooky  
Ray Chuwalooky

as the sole and only heirs of the estate of Oscar (Vann) Chuwalooky, deceased, the plaintiff appearing by his attorney, Harry Seaton, and the defendants appearing by Whit Y. Mauzy, District Attorney, and Wm. Knight Powers, Asst. U. S. Attorney, and it appearing to the satisfaction of the court that said motion for revivor has been consented to by said attorneys appearing on behalf of the United States and other defendants.

And the court being further satisfied that Oscar (Vann) Chuwalooky departed this life a resident of Delaware County, Oklahoma, May 11, 1943, and left as his sole and only heirs the above named and mentioned parties and that the cause of action stated in the petition is one which survives the estate of the said Oscar (Vann) Chuwalooky and the above mentioned heirs are the sole and only heirs of said deceased defendant and that said action ought to be revived in the names of Katie Chuwalooky, Jessie Lee Chuwalooky, Nora Jean Chuwalooky, Dorthas Chuwalooky, Rena Chuwalooky, Dorotha Chuwalooky and Ray Chuwalooky as heirs of said estate.

And therecoming on for hearing the motion of the United States to dismiss said action said parties appearing as hereinabove stated and the attorneys for the defendant stating in open court that they desired to withdraw said motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the action be and the same hereby is revived in the names of Katie Chuwalooky, Jessie Lee Chuwalooky, Nora Jean Chuwalooky, Dortha Chuwalooky, Rena Chuwalooky, Dortha Chuwalooky and Ray Chuwalooky as the sole and surviving heirs of the estate of Oscar (Vann) Chuwalooky, deceased, and that all further proceedings herein be in the name of said heirs as defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States be permitted to withdraw its motion to dismiss said action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that summons issue for said above named defendants upon written praecipe of the plaintiff therefor.

ROYCE H. SAVAGE  
JUDGE

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

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

BROOKER ENGINEERING COMPANY, a corporation,	Plaintiff,	)	
		)	
-vs-		)	
		)	
GRAND RIVER DAM AUTHORITY, a corporation organized under the laws of Oklahoma, et al.,	Defendants..	)	NO. 646 Civil
		)	
FIDELITY & DEPOSIT COMPANY OF MARYLAND, a corporation, et al.,		)	
	Third-Party Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

On this 29 day of July, 1943, this cause having been heard and submitted upon the motion of defendant, Grand River Dam Authority, for summary judgment in its behalf and upon the plaintiff's complaint, as amended, plaintiff's bill of particulars, defendant's answer, and plaintiff's reply to the aforesaid motion for summary judgment and upon the affidavits annexed to said motion for summary judgment and plaintiff's reply thereto, and upon the briefs and arguments of counsel the court concludes that said motion for summary judgment should be granted and sustained and that:

1. Under Contract 12 no implied duty arose on the part of the Authority to keep the work of Massman under Contract 12 in such a state of forwardness as would have enabled the plaintiff to complete its work under Contract 12 within twelve months from the date of the issuance of work order.
2. The provisions of Article V, Contract 12, were intended by the parties to provide the means of compensation, by extending plaintiff's time of performance, for delays to plaintiff's work arising out of any act or omission of the Authority, or any acts or omissions of Massman Construction Company under Contract 7.
3. The issuance by the Authority to plaintiff of a work order at a time when Massman Construction Company was behind on its work under Contract 7 did not constitute an interference by the Authority with plaintiff's work in light of the provisions of Contract 7 and Contract 12.
4. Under the provisions of Articles XXIII and XXVIII, Contract 12, it was intended that the prices agreed upon when paid, should operate, in connection with the provisions of Article V, Contract 12, to fully compensate the plaintiff for the delays in its work of which complaint is herein made.
5. In determining the intention of the parties to Contract 12, reference must be made to Contract 7 in view of which the parties to Contract 12 contracted.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That defendant, Grand River Dam Authority, have and is hereby granted judgment upon plaintiff's complaint, as amended, for dismissal of this action upon the merits as to it at plaintiff's cost.
2. On application of Grand River Dam Authority its third party cross complaint against Massman Construction Company and other third party defendants therein named is dismissed without prejudice.

ROYCE H. SAVAGE  
Judge of the United States District Court

ENDORSED: Filed Jul 29 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

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

O R D E R

On this 29th day of July, 1943, there came on for hearing the motion of the defendant Sinclair Prairie Oil Company, filed July 8, 1943, to strike from the files the purported pleading entitled "~~Answer and Cross-Complaint of Cinda Monahwee, Joe Smith and William Smith,~~" and the purported pleading entitled "~~Answer and Cross-Complaint of Addie Kimbrew,~~" both filed herein on June 17, 1943. Sinclair Prairie Oil Company appeared by its attorneys, Summers Hardy, Robert L. Imler and John H. Miley. The said Cinda Monahwee, Joe Smith, William Smith and Addie Kimbrew appeared by their attorney, R. S. Gamble. After argument of counsel the court, being fully advised in the premises, is of the opinion that the said motion should be sustained.

It is, therefore, ORDERED that the purported pleading entitled "Answer and Cross-Complaint of Cinda Monahwee, Joe Smith and William Smith," filed herein on June 17, 1943 and the purported pleading entitled "Answer and Cross-Complaint of Addie Kimbrew", filed herein on June 17, 1943, be and they are each stricken from the files.

Done and entered on this, the 29th day of July, 1943.

ROYCE H. SAVAGE  
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

IRENE H. FLINT,	Plaintiff,	)	
		)	
-vs-		)	No. 917 Civil
		)	
GENERAL AMERICAN LIFE INSURANCE COMPANY, a corporation,	Defendant.	)	

ORDER OVERRULING MOTION FOR NEW TRIAL AND TO  
AMEND FINDINGS OF FACT

NOW, on this 29th day of July, 1943, there came on for hearing plaintiff's motion for new trial and to amend findings of fact. Plaintiff appeared by her attorneys, Disney, Wheeler, Reynolds and Wheeler, and defendant appeared by its attorneys, Martin, Logan, Williams & Boesche by Richard F. Ryan.

Thereupon, the court heard argument of counsel, and being fully advised in the premises, finds that said motion for new trial to amend findings of fact should be overruled.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that plaintiff's motion for

new trial and to amend findings of fact be, and the same is, hereby overruled.

ROYCE H. SAVAGE  
District Judge

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

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

Irene Horton Flint, Guardian of the estate )  
of Julianne Flint and Patricia Flint, )  
Minors, Plaintiff, ) No. 918  
vs. )  
Prudential Insurance Company of )  
America, a corporation, Defendant. )

ORDER OVERRULING MOTION FOR NEW TRIAL AND MOTION TO AMEND FINDINGS OF FACT

On this 30th day of July, 1943, there coming on for hearing the motion of the plaintiff for a new trial and to amend findings of fact; whereupon the Court having re-examined the evidence and having fully considered the motion is of the opinion that said motion should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the motion of the plaintiff for a new trial and to amend findings of fact and the same is hereby overruled, and the findings of fact and judgment heretofore rendered and entered are hereby confirmed.

ROYCE H. SAVAGE  
United States District Judge

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

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

The City of Drumright, Oklahoma, )  
a Municipal Corporation, ex rel, )  
Leonard Versluis, Plaintiff, ) CIVIL ACTION No. 929  
vs. )  
Ruth Alexander, et al, Defendants. )

JOURNAL ENTRY OF JUDGMENT

Now on this 29th day of July, 1943, there comes on regularly for hearing the motion of plaintiff for judgment by default as to certain defendants in certain causes of action as hereinafter set out, the plaintiff appearing by its attorney Kermit Nash and the defendants and each of them as hereinafter set out have failed to appear, plead, demur or answer.

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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 29, 1943

527

Whereupon, the court proceeds to hear the application for judgment as to certain defendants as filed by plaintiff herein and having examined the records and papers on file herein finds that on the 3rd day of July, 1943, the plaintiff filed its application for default judgment pursuant to Rule No. 55 of the Rules of Civil Procedure. The court further finds upon examination of the records of this court and upon interrogation of the clerk of this court that the said defendants hereinafter set out and each of them have been duly served with process as provided by law and by the rules of this court, which service and process is hereby approved, and finds further that this court has jurisdiction over this action and over the defendants hereinafter named.

The court further finds that the plaintiff has heretofore filed an affidavit reciting that said defendants are not engaged in the military service of the United States, and the court having examined said affidavit finds the same to be in full compliance with the provisions of the Soldiers' and Sailors' Civil Relief Act. The court further finds that the plaintiff's affidavit further recites that none of said defendants are infants or incompetent persons.

The court further finds that the allegations of plaintiff's complaint and amendment to complaint are true; that Street Improvement District No. 5 Drumright, Oklahoma was duly and legally created and that benefit assessments were duly and regularly levied against the lots and tracts of land subject to assessment within said district; that said assessments became payable in ten annual installments commencing with the year 1928, and that installments became delinquent and were certified to the County Treasurer of Creek County, Oklahoma in the amounts and for year years set out in plaintiff's complaint and amendment to complaint against the properties described therein.

The court further finds the issues in favor of the plaintiff and against the defendants hereinafter named. That the plaintiff is the owner and holder of Street Improvement bonds of said district No. 5 heretofore issued by the City of Drumright, Oklahoma for the paving and otherwise improving of said district and that the allegations contained in plaintiff's complaint and amendment to complaint are true and correct; that the assessments set forth in plaintiff's complaint and amendment to complaint on the properties described are past due and unpaid and that said delinquent installments bear a penalty at the rate of 12% per annum from September 1, of the year in which the respective installments were due to the date of the filing of this action, to-wit: December 29, 1942.

The court further finds that as to the action of certain defendants hereinafter named who surrendered bonds or interest coupons of said series No. 5 as set forth in plaintiff's complaint, and amendment to complaint in payment of their assessments or had endorsed on certain bonds or interest coupons of said series No. 5 payment of assessments, are void and in derogation of the contractual rights of the holders of the outstanding and unpaid bonds of said street improvement district and such purported and attempted cancellation of installments of paving assessments of said district as in plaintiff's complaint and amendment to complaint set out should be voided, cancelled, set aside and held for naught, and that the paving installments so cancelled and the bonds and interest coupons surrendered and cancelled or endorsed thereon in an attempted payment thereof should be reinstated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that the City Clerk of the City of Drumright, Oklahoma, and the County Treasurer of Creek County, Oklahoma, and each of them be and they are hereby directed to cancel, revoke and expunge from their respective records all notation of payments of installments of street improvement assessments in Street Improvement District No. 5 Drumright, Oklahoma on the following tracts of land herein set out where same have not been paid in cash as by law provided, and wherein bonds or interest coupons were surrendered or endorsement made thereon in an attempt to pay said installments, and the City Clerk of said City is hereby ordered and directed to revoke, vacate and void all receipts issued by the City Clerk of Drumright, Oklahoma on said tracts of land showing payment of installments of street improvement assessments in said district where same were not paid in cash, and each of said installments are hereby declared and adjudged to be unpaid and said city clerk is ordered and directed to reinstate upon the special assessment records in his office all of the installments of the street improvement assessments in said district which have been illegally cancelled by bonds or interest coupons surrendered or endorsements thereon.

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE NORTHERN DISTRICT  
OF OKLAHOMA  
REGULAR JANUARY 1943 TERM TULSA, OKLAHOMA THURSDAY, JULY 29, 1943

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that participation certificates should be issued for the benefit of each person having an interest in said tracts of land whose paving installments were paid by the surrender of the bonds or interest coupons or endorsement on said bonds or interest coupons.

Tract No.	Description of property
12	Lot 34, Blk 6, Original Townsite
13	Lot 35, Block 6, " "
121	Lot 5, Blk 25, M. Jones Addition
128	Lot 6, Blk 25, " "

IT IS FURTHER ORDERED ADJUDGED AND DECREED by this court that the plaintiff have and recover judgment against the respective separately described properties for the amount of each and all unpaid and delinquent assessment installments for the years set out in plaintiff's complaint and amendment to complaint, together with penalty thereon at the rate of 12% per annum from the respective due dates thereof to the 29th day of December 1942, when this action was commenced, all of said property being located in the City of Drumright, Creek County, Oklahoma, to-wit:

Tract No.	Defendant	Property	Amt. of Judgment
12	Leroy Brown	Lot 34, Blk 6, Original Townsite	\$ 112.89
13	" "	Lot 35, Blk 6, " "	112.89
21	J. L. Fleener & Guaranty St Bank Drumright, Okla.	Lot 1, Blk 15, " "	405.05
22	" " "	Lot 2, Blk 15, " "	405.05
25	B. F. Cook Jr, & B. F. Cook, Adm. Estate of G. M. Parker, Decd	Lot 7, Blk 15, " "	405.05
26	" " "	Lot 8, Blk 15, " "	405.05
32	William W. Jamieson	Lot 7, Blk 16, M. Jones Addition	92.24
33	" " "	Lot 8, Blk 16, " " "	128.90
44	L. E. Shanks	Lot 13, Blk 18, " " "	840.46
45	" " "	Lot 14 Blk 18, " " "	715.85
46	" " "	Lot 15, Blk 18, " " "	609.00
47	" " "	Lot 16 Blk 18, " " "	557.35
48	" " "	Lot 17 Blk 18, " " "	531.76
49	" " "	Lot 18 Blk 18, " " "	506.56
50	Lucy Benear	Lot 1 Blk 23 M. Jones Addition	752.01
51	" "	Lot 2 Blk 23 " " "	829.26
52	L. E. Shanks	Lot 3 Blk 23 " " "	1309.80
53	" "	Lot 4 Blk 23 " " "	1278.26
54	" "	Lot 5 Blk 23 " " "	1252.40
55	Lucy Benear	Lot 6 Blk 23 " " "	608.26
60	L. E. Shanks	Lot 1 Blk 25 " " "	117.30
61	L. E. Shanks	Lot 2 Blk 25 " " "	143.08
62	" "	Lot 3 Blk 25 " " "	143.08
63	" "	Lot 4 Blk 25 " " "	143.08
88	W. L. Martin	Lot 9 Blk 23 " " "	451.86
92	Margaret Geiser	Lot 20 Blk 23 M. Jones Addn	1323.89
93	" "	Lot 21 Blk 23 " " "	1438.61
94	" "	Lot 22 Blk 23 " " "	1310.02
95	Luther State Bank Luther, Oklahoma; Drumright Bldg & Loan Assn Drumright, Okla.	Lot 1 Blk 24, " "	1187.76

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

529

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 29, 1943

96	" " " "	Lot 2 Blk 24 M. Jones Addn	1314.40
97	" " " "	Lot 3 Blk 24 " " "	1247.94
100	Paul Wallman	Lot 8 Blk 24 " " "	378.89
121	Melble J. Kraker	Lot 5 Blk 25 " " "	84.29
142	" " "	Lot 6 Blk 25 " " "	49.70
148	J. M. Troutt	Lot 1 Blk 36 " " "	687.53
149	" "	Lot 2 Blk 36 " " "	687.53
150	" "	Lot 3 Blk 36 " " "	687.53
151	" "	Lot 4 Blk 36 " " "	687.53
174	L. E. Shanks Company, Drumright, Okla.	Lot 12 Blk 47 M. Jones Addn	430.56
175	" "	Lot 13 Blk 47 " " "	463.30
176	" "	Lot 14 Blk 47 " " "	495.83
177	" "	Lot 15 Blk 47 " " "	560.82
178	" "	Lot 16 Blk 47 " " "	691.46
179	" "	Lot 17 Blk 47 " " "	854.92
180	L. E. Shanks and Business & Profes- sional Womens Club, Drumright, Okla.	Lot 18, Blk 47 M. Jones Addn	989.77
181	" " "	Lot 19, Blk 47 " " "	829.07
182	" " "	Lot 20 Blk 47 " " "	658.35
183	Parker Patrick	Lot 21 Blk 47 " " "	592.96
184	" "	Lot 22 Blk 47 " " "	567.36

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the court that all of such judgments as hereinabove rendered shall bear interest from December 29, 1942, at the rate of 6% per annum until paid and each and of said lots and parcels of land hereinabove described shall bear its proportionate part of court costs incurred in this action; and it is further expressly ordered, adjudged and decreed by the court that the above judgments and each of them are judgments in rem against the specific lots and parcels of land as herein foreclosed and are not to be considered in any manner as personal judgments against the defendants or either of them hereinabove named; that each respective judgment against each respective lot is further adjudged to be a valid first and prior lien against the respective lots, subject to the sale thereof as hereinafter provided and further subject to existing general or ad valorem taxes and special assessments not herein foreclosed.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by this court that the City Clerk of Drumright, Oklahoma is permitted and directed to accept the payment of the judgments rendered herein which shall be remitted by the City Clerk to the City Treasurer of Drumright, Oklahoma to the credit of Street Improvement District No. 5. Upon the payment of said judgments the city clerk shall mark on his records the satisfaction of the several installments merged in judgment and shall so notify the County Treasurer of Creek County, Oklahoma, and the County Treasurer of Creek County shall mark on his records the payment and satisfaction of said installments.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by this court that said liens be and the same are hereby foreclosed and in the event said respective judgments or any of them, together with interest and pro rata costs are not paid within six months after the rendition thereof an order of sale shall issue by the clerk of said court directed to a Special Master to be designated by the court to sell said real estate above described in the manner and form as in the case of real estate under execution, subject to existing general or ad valorem taxes and special assessments not herein foreclosed, and that the proceeds arising from said sale be applied as follows:

1. To the payment of the costs of said sale and of this action;
2. To the payment of the respective judgments hereinabove rendered which shall be paid to the city treasurer of Drumright, Oklahoma, to be placed to the credit of Street Improvement District No. 5;



The plaintiff, Rosetta Pollock, appearing by her attorneys of Record, J. S. Severson and A. Lee Battenfield, United States of America appearing by Whit Y. Mauzy, United States District Attorney who appears also for the restricted Indians parties to this action, and the court having heard said motion and having inspected the report of the commissioners and the election of the defendant Scott Smith to take said land at the appraised price, and being fully advised in the premises, finds: THAT the report of the commissioners should in all things be approved and confirmed and made firm and effectual forever, and

THAT said commissioners should be allowed the fees as set out in said report, to-wit: \$4.00 as reasonable expenses and \$7.50 each to Ben Murdock and Thos. J. Harrison.

The Court further finds that the defendant Scott Smith, one of the heirs of the deceased Nannie B. Smith, has filed his election to take the land involved, described as follows:

The SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the W $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$ , and the N $\frac{1}{2}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  and the SW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 24, Township 20 North, Range 21 East of the Indian Base and Meridian in Mayes County, Oklahoma,

at the appraised price, to-wit: \$1600.00, and has presented a certified check in that sum, payable to the United States Marshal which shall be deposited in the Registry of Court, asking that said Marshal be directed by the court to make, execute and deliver to him a Marshal's deed to the land above described.

The court further finds that there are no exceptions or objections filed to said election to take and that a reasonable time has elapsed since the filing of the commissioners' report for other interested persons to file similar election and that no other election has been filed.

IT IS THEREFORE ordered, adjudged and decreed by the court that commissioners' report filed herein on the 19th day of July, 1943, be and the same is in all things approved and confirmed and made firm and effectual forever, and the clerk of this court is directed to pay the commissioners the said sums herein before set forth to them out of the proceeds of this sale.

IT IS FURTHER ORDERED, adjudged and decreed by the court that the election of the said Scott Smith be in all things approved and confirmed as filed herein and that the court clerk be directed to remit to him from the registry of court his proportionate ten-sixty-thirds (10/63) portion of the money involved herein, after his proportionate part of costs, attorneys fees and marshal's fees have been deducted therefrom.

IT IS FURTHER ordered, adjudged and decreed by the court that a fee of \$75.00 be allowed J. S. Severson, and a fee of \$75.00 be allowed A. Lee Battenfield, said sums to be taxed as costs.

IT IS FURTHER ordered, adjudged and decreed by the court that the court costs, in the sum of \$68.81, together with the court costs in District Court of Mayes County in the sum of \$48.10, and the total attorneys' fees above approved, in the sum of \$150.00, in all the sum of \$266.91 be first paid out of the appraised price of \$1600.00; all of which sums shall be paid out of the registry of court before distribution is made; that thereafter the sum of \$211.60 be remitted to Scott Smith, the same being his 10/63 portion of the net amount held for distribution.

It is further ordered, adjudged and decreed by the court that the sum remaining in the clerk's hands be transmitted to the Superintendent of the Five Civilized Tribes, Muskogee, Oklahoma, by check made payable to the Treasurer of the United States of America, and that the Hon. John P. Logan, be and he is hereby directed to make and deliver to said Scott Smith a proper deed for the



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

533

The motion was argued by counsel and briefs submitted and now on this 29th day of July, 1943, the Court finds that the said motion should be and hereby is sustained and the cause remanded to the District Court of Pawnee County, Oklahoma. The costs of all proceedings in this Court should be taxed to the defendant.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Aug 23 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

State of Oklahoma, ex rel, Commissioners, of the )  
Land Office of the State of Oklahoma, and )  
Champlin Refining Company, Plaintiffs, )  
vs. ) No. 987 - Civil  
Aladdin Petroleum Corporation, et al. Defendants. )

O R D E R

THIS CAUSE came on to be heard on June 18, 1943, on plaintiffs' motion to remand.

The motion was argued by counsel and briefs submitted and now on this 29th day of July, 1943, the Court finds that the said motion should be and hereby is sustained and the cause remanded to the District Court of Pawnee County, Oklahoma. The costs of all proceedings in this Court should be taxed to the defendant.

ROYCE H. SAVAGE  
United States District Judge

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

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

J. M. KURN and JOHN G. LONSDALE, Trustees, )  
St. Louis-San Francisco Railway Company, )  
Debtor. Complainants, ) No. 1003 Civil  
-vs- )  
Allied Steel Products Corporation, Defendants. )

O R D E R

The motion of defendant, Allied Steel Products Corporation, for a more definite statement and motion to dismiss are each hereby overruled.

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

Defendant is given 30 days from this date to renew motion to dismiss in its answer to be hereafter filed, and is granted 30 days from this date within which to file answer herein.

IT IS FURTHER ORDERED that the parties hereto, if possible, prepare and file herein a stipulation as to the facts involved.

DATED this 29th day of July, 1943.

ROYCE H. SAVAGE  
JUDGE

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

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

J. M. Kurn and John G. Lonsdale, Trustees, )  
St. Louis,-San Francisco Railway Company, )  
Debtor, Plaintiff, )

No. 1004 - Civil

-vs-

Braden Steel Corporation, Defendant. )

O R D E R

The motion of defendant, Braden Steel Corporation, for a more definite statement and motion to dismiss are each hereby overruled.

Defendant is given 30 days from this date in which to renew motion to dismiss in its answer to be hereafter filed, and is granted 30 days from this date within which to file answer herein.

IT IS FURTHER ORDERED that the parties hereto, if possible, prepare and file herein a stipulation as to the facts involved.

DATED this 29th day of July, 1943.

ROYCE H. SAVAGE  
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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 29, 1943

535

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

The Atchison, Topeka and Santa Fe Railway Company, a corporation,	Complainant,	)	
		)	
-vs-		)	NO. 1005 - Civil
		)	
Allied Steel Products Corporation, a corporation,	Defendants.	)	

O R D E R

THE motion of defendant, Allied Steel Products Corporation, for a more definite statement and motion to dismiss are each hereby overruled.

Defendant is given 30 days from this date to renew motion to dismiss in its answer to be hereafter filed, and is granted 30 days from this date within which to file answer herein.

IT IS FURTHER ORDERED that the parties hereto, if possible, prepare and filed herein a stipulation as to the facts involved.

DATED this 29th day of July, 1943.

ROYCE H. SAVAGE  
JUDGE

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

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

The Atchison, Topeka and Santa Fe Railway Company, a corporation,	Complainant,	)	
		)	
-vs-		)	No. 1006 - Civil
		)	
Braden Steel Corporation, a corporation,	Defendant.	)	

O R D E R

The motion of defendant, Braden Steel Corporation, for a more definite statement and motion to dismiss are each hereby overruled.

Defendant is given 30 days from this date to renew motion to dismiss in its answer to be hereafter filed, and is granted 30 days from this date within which to file answer herein.

IT IS FURTHER ORDERED that the parties hereto, if possible, prepare and file herein a stipulation as to the facts involved.

DATED this 29th day of July, 1943.

ROYCE H. SAVAGE      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

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

THURSDAY, JULY 29, 1943

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

Missouri-Kansas-Texas Railroad Company, a corporation,	Complainant,	)	No. 1011 - Civil
-vs-		)	
Allied Steel Products Corporation,	Defendant.	)	
		)	

O R D E R

The motion of defendant, Allied Steel Products Corporation, for a more definite statement and motion to dismiss are each hereby overruled.

Defendant is given 30 days from this date to renew motion to dismiss in its answer to be hereafter filed, and is granted 30 days from this date within which to file answer herein.

IT IS FURTHER ORDERED that the parties hereto, if possible, prepare and file herein a stipulation as to the facts involved.

DATED this 29th day of July, 1943.

ROYCE H. SAVAGE  
J U D G E

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

Missouri-Kansas-Texas Railroad Company, a corporation,	Complainant,	)	No. 1012 - Civil
-vs-		)	
Braden Steel Corporation, a corporation,	Defendant.	)	
		)	

O R D E R

The motion of defendant, Braden Steel Corporation, for a more definite statement and motion to dismiss are each hereby overruled.

Defendant is given 30 days from this date to renew motion to dismiss in its answer to be hereafter filed, and is granted 30 days from this date within which to file answer herein.

IT IS FURTHER ORDERED that the parties hereto, if possible, prepare and filed herein a stipulation as to the facts involved.

DATED this 29th day of July, 1943.

ROYCE H. SAVAGE  
J U D G E

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