



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

Lydia Benton, )  
 Plaintiff, )  
 vs ) Civil No. 936  
 Oklahoma Inter State Mining Co., )  
 a corporation, )  
 Defendant. )

ORDER

NOW ON this 28 day of May, 1943, comes the plaintiff and defendant and stipulate and that the above entitled cause has been fully settled and compromised and the plaintiff dismisses the above entitled cause of action with prejudice, at the defendant's cost.

It is Therefore ORDERED, ADJUDGED and DECREED that the above entitled cause be and hereby is dismissed with prejudice at the cost of the defendant.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed May 28 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

Mae Gowin, )  
 Plaintiff, )  
 vs ) No. 938 Civil  
 Tulsa City Lines, Incl, a corporation, )  
 Defendant. )

C R D E R

It appearing to the court that the plaintiff herein has filed her motion to dismiss this action with prejudice, and it further appearing to the court that said case has been fully settled and compromised, the action is hereby dismissed with prejudice, at the cost of the defendant.

ROYCE H. SAVAGE  
JUDGE

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

REGULAR JANUARY 1943 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

FRIDAY, MAY 28, 1943

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

George Gowin,	Plaintiff,	)
		)
vs		) No. 939 Civil
		)
Tulsa City Lines, Incorporated, a corporation,	Defendant.	)

C R D E R

It appearing to the court that the plaintiff herein has filed his motion to dismiss this action with prejudice and it further appearing to the court that said case has been fully settled and compromised, the action is hereby dismissed with prejudice, at the cost of the defendant.

ROYCE H. SAVAGE  
JUDGE

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

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Court adjourned to May 29, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, MAY 29, 1943

On this 29th day of May, 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. Maunz, United States Attorney  
John P. Logan, United States Marshal

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

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
-vs-		) CIVIL NO. 1002
		)
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 39.3 acres, more or less; and P. E. Hastings, 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 28 day of May, 1943, and for an order fixing the date when possession of the property herein

described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court:

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

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

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

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

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

SIXTH: That a plan map showing the 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 \$142.00, and that said sum was deposited in the registry of this Court for the use of the persons entitled thereto, upon, and at the time of the filing of said Declaration of Taking;

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

IT IS THEREFORE, on this 29 day of May, 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 Authority, 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 (4 - FW-160)  
Flowage Easement

All that part of the north 19.45 acres of Lot 3, and all that part of the Southeast 10.0 acres of Lot 3 in Sec. 5, T 23 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.2 acre.

TRACT NO. 2 (4 - FW-161)  
Flowage Easement

All that part of the southwest 10.0 acres of Lot 3 of Sec. 5, T 23 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 0.3 acre, more or less.

TRACT NO. 3 (4 - FW-162)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 5, T 23 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. 4 (4 - FW-163)  
Flowage Easement

All that part of the west half of Lot 3, Sec. 5, T 23 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. 5 (4 - FW-164)  
Flowage Easement

All that part of Lot 1 and all that part of the east half of Lot 2 in Sec. 5, T 23 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 1.2 acres.

TRACT NO. 6 (4 - FW-165)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 32, 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 less than 0.1 acre.

TRACT NO. 7 (4 - FW-166)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 32, 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. 8 (4.- FW-167)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 32, 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. 9 (4.- FW-168)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 32, 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 acre.

TRACT NO. 10 (4 - FW-169)  
Flowage Easement

All that part of the  $SW\frac{1}{4}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 32, T 24 N, R 22 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. 11 (4 - FW-170)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 32, and all that part of the  $E\frac{1}{2}$   $NE\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $SE\frac{1}{4}$  and all that part of the  $W\frac{1}{2}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$ , of Sec. 32, 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 3.3 acres.

TRACT NO. 12 (4 - FW-171)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 32, 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 0.3 acres.

TRACT NO. 13 (4-FW-205)  
Flowage Easement

All that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$   $SW\frac{1}{4}$ , and all that part of the  $E\frac{1}{2}$   $NW\frac{1}{4}$ , all that part of Lot 2, Sec. 33, 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 5.1 acres.

TRACT NO. 14 (4 - FW-206)  
Flowage Easement

All that part of the NW 10.0 acres of Lot 3, Sec. 33, 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. 15 (4 - FW-207)  
Flowage Easement

All that part of the SW 10.0 acres of Lot 3 in Sec. 33, 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 acre.

TRACT NO. 16 (4 - FW-209)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 5, and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 4, all in T 23 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 2.2 acres.

TRACT NO. 17 (4 - FW-210)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 4, T 23 N, R 22 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. 18 (4 - FW-211)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 4, T 23 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 0.5 acre.

TRACT NO. 19 (4 - FW-212)  
Flowage Easement

All that part of Lot 11, and all that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the south 20.0 acres of Lot 10, and all that part of the NE 10.0 acres of Lot 10, in Sec. 4, T 23 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 4.2 acres.

TRACT NO. 20 (4 - FW-213)  
Flowage Easement

All that part of the NW 9.90 acres of Lot 10, of Sec. 4, T 23 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. 21 (4 - FW-214)  
Flowage Easement

All that part of the SW $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 4, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 Sea Level datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.8 acres.

TRACT NO. 22 (4 - FW-215)  
Flowage Easement

All that part of the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$ , NW $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 4, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acres.

TRACT NO. 23 (4 - FW-216)  
Flowage Easement

All that part of the NE $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 4, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TRACT NO. 24 (4 - FW-217)  
Flowage Easement

All that part of the SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 4, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below elevation 757 sea level datum, containing approximately 0.8 acre.

TRACT NO. 25 (4 - FW-224)  
Flowage Easement

All that part of the NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 4, T 23 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. 26 (4 - FW-225)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 9 of Sec. 4, T 23 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. 27 (4 - FW-226)  
Flowage Easement

All that part of the NE 7.45 acres of Lot 1, and all that part of the SW 5.50 acres of Lot 1, and all that part of the north 20.0 acres of Lot 9, and all that part of the SW 10.0 acres of Lot 9, and all that part of Lot 8 in Sec. 4, T 23 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 3.2 acres.

TRACT NO. 28 (4 - FW-227)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 1 of Sec. 4, T 23 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 0.3 acre.

TRACT NO. 29 (4 - FW-228)  
Flowage Easement

All that part of Lot 8 of Sec. 33, 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.

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 purposes of exercising all of the rights and privileges herein acquired on or before the 8th day of June, 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 May 29 1943  
H. P. Warfield, Clerk  
U. S. District Court L<sub>n</sub>

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Court adjourned to May 31, 1943

On this 31st day of May, 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-		)	CIVIL NO. 1007
CERTAIN PARCELS OF LAND IN DELAWARE		)	
COUNTY, OKLAHOMA, containing approximately		)	
64.4 acres, more or less; and Geo. Hogan, Jr.,		)	
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 31st day of May, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking, and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court;

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

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

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

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

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

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

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$241.54, 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 31st day of May, 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 (8 - FW-218)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 3, T 23 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. 2 (8 - FW-221)  
Flowage Easement

All that part of the SE $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 3, T 23 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 1.0 acre.

TRACT NO. 3 (8 - FW-223)  
Flowage Easement

All that part of the NE $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 3, T 23 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. 4 (8 - FW-229 Rev.)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 34, 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. 5 (8 - FW-230)  
Flowage Easement

All that part of the NW 9.61 acres of Lot 4, and all that part of the SE 10.0 acres of Lot 4 of Sec. 3, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TRACT NO. 6 (3 - FW-231)  
Flowage Easement

All that part of the SW 10.0 acres of Lot 4, Sec. 3, T 23 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 0.3 acre.

TRACT NO. 7 (3 - FW-232)  
Flowage Easement

All that part of the NE $\frac{1}{2}$  SE $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{2}$  NE $\frac{1}{2}$ , and all that part of the E $\frac{1}{2}$  of Lot 2, and all that part of the south 20.0 acres of Lot 1 in Sec. 3, and all that part of Lot 4, and all that part of the W $\frac{1}{2}$  of Lot 2, and all that part of the SW $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NE $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 2, 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 7.0 acres;

All that part of Lot 3, and all that part of the W $\frac{1}{2}$  of Lot 2 in Sec. 3, except that portion owned by the Grand River Dam Authority containing approximately 5.7 acres.

All in T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing approximately 12.7 acres.

TRACT NO. 8 (3 - FW-233)  
Flowage Easement

All that part of the SW $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 3, T 23 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. 9 (3 - FW-234)  
Flowage Easement

All that part of the NW $\frac{1}{2}$  SW $\frac{1}{2}$  of Sec. 3, T 23 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 acres.

TRACT NO. 10 (3 - FW-235 Rev.)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the SE $\frac{1}{2}$  NE $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 3, T 23 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. 11 (3 - FW-236)  
Flowage Easement

All that part of the NE $\frac{1}{2}$  SE $\frac{1}{2}$  NE $\frac{1}{2}$  of Sec. 3, T 23 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 0.8 acre.

TRACT NO. 12 (8 - FW-237)  
Flowage Easement

All that part of the North 19.38 acres of Lot 1 in Sec. 3, T 23 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 acres.

TRACT NO. 13 (8 - FW-238)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 2, T 23 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 1.4 acres.

TRACT NO. 14 (8 - FW-274)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 1, T 23 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 1.1 acres.

TRACT NO. 15, (8 - FW-275)  
Flowage Easement

All that part of the S $\frac{1}{2}$  S $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 1, T 23 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 1.2 acres.

TRACT NO. 16 (8 - FW-276)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 1, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.7 acre.

TRACT NO. 17 (8 - FW-277)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 1, T 23 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. 18 (8 - FW-278)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 1, T 23 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. 19 (8 - FW-279)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 2, T 23 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 acres.

TRACT NO. 20 (8 - FW-280)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 2, T 23 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 approx. 0.2 acre.

TRACT NO. 21 (8 - FW-281)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 2, T 23 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. 22 (8 - FW-282)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 1, T 23 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 (8 - FW-283)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 1, T 23 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. 24 (8 - FW-284)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 1, T 23 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. 25 (8 - FW-285)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 3, and all that part of the e $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 1, T 23 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. 26 (8 - FW-286)  
Flowage Easement

All that part of the SW 10.0 acres of Lot 2 of Sec. 1, T 23 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 2.3 acres.

TRACT NO. 27 (8 \* FW-286A)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 2 in Sec. 1, T 23 N, R 22 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. 28 (8 - FW-287)  
Flowage Easement

All that part of the SW 10.0 acres of Lot 3 of Sec. 1, T 23 N, R 22 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. 29 (8 - FW-288)  
Flowage Easement

All that part of Lot 4 in Sec. 1, T 23 N, R 22 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. 30 (8 - FW-289)  
Flowage Easement

All that part of the SE $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 2, T 23 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. 31 (8 - FW-290)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 2, T 23 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. 32 (8 - FW-291)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 2, T 23 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. 33 (8 - FW-292)

## Flowage Easement

All that part of Lot 2 in Sec. 2, T 23 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 3.3 acres.

## TRACT NO. 34 (8 - FW-293)

## 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 $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SW $\frac{1}{2}$  SE $\frac{1}{2}$  of Sec. 35, 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 3.5 acres.

## TRACT NO. 35 (8 - FW-294)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, 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. 36 (8 - FW-295)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, 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 0.4 acre.

TRACT NO. 37 (8\*FW-296)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, 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. 38 (8 - FW-297 Rev.)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, 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 0.7 acre.

TRACT NO. 39 (8 - FW-298)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 35, 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 1.5 acres.

TRACT NO. 40 (8 - FW-299 Rev.)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 35, 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 which the Grand River Dam Authority has the right of flowage, containing approximately 0.2 acre.

TRACT NO. 41 (8 - FW-300)  
Flowage Easement

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. 35, 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 acres.

TRACT NO. 42 (8 - FW-301)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 35, 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 acre.

TRACT NO. 43 (8) FW-301-A)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 34, and all that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, 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 acre.

TRACT NO. 44 (8 - FW-302)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 34, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below 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.

TRACT NO. 45 (8 - FW-303)  
Flowage Easement

All that part of the E $\frac{1}{2}$  E $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 34, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.0 acres.

TRACT NO. 46 (8 - FW-304)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 34, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 47 (8 - FW-305)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 34, 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. 48 (8 - FW-306)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 34, 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 2.0 acres.

TRACT NO. 49 (8 - FW-305)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, 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. 50 (8X-FW-272)  
Flowage Easement

All that part of the east 20.0 acres of Lot 7, of Sec. 6, T 23 N, R 23 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.5 acres.

TRACT NO. 51 (8X-FW-273)  
Flowage Easement

All that part of the west 17.78 acres of Lot 7 of Sec. 6, T 23 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.

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 owner 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 31st day of May, 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 May 31 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to June 1, 1943

On this 31st day of May, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1943 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

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

STELLA WHITE, et al,	Plaintiffs,	)	
		)	
vs.		)	
		)	CIVIL NO. 8 8 1
AGNES QUAPAW HOFFMAN, et al,	Defendants,	)	
		)	
and		)	
		)	
MARTHA ANN MATILDA WOODSIDE, et al,	Interveners.	)	

ORDER EXTENDING TIME FOR INTERVENERS TO ANSWER INTERROGATORIES

Now, on this the 31st day of May, 1943, comes on for hearing the application of G. C. Spillers and James S. Watson, attorneys for the interveners herein, for an extension of time within which to answer the interrogatories on the part of the interveners herein as required by the order of this Court of the 11th day of May, 1943;

And the Court having read and considered said application, and for good cause shown, and being fully advised in the premises;

IT IS ORDERED BY THE COURT that the said interveners herein be, and they are hereby allowed an additional twenty (20) days from the 31st day of May, 1943 or until the 19th day of June, 1943 within which to answer the said interrogatories.

F. E. KENNAMER  
United States District Judge

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

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

JOURNAL ENTRY OF JUDGMENT

This matter coming on for hearing this 31st day of May, 1943, before the Honorable F. E. Kennamer, Judge of the United States District Court for the Northern District of Oklahoma, the United States of America appearing by Whit V. Manzy, United States Attorney in and for said District, and the defendant appearing by A. W. Widdows, Attorney at Law, Tulsa, Oklahoma, and the Court after hearing statement of counsel and now being otherwise fully advised in the premises, finds that plaintiff's ward, Nellie I. Ririe, Osage Allottee, No. 1798, a one-sixteenth degree blood Osage Indian, was allotted as her homestead the following described property, to-wit:

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

said real estate being non-taxable prior to April 8, 1931; notwithstanding such non-taxable status of said real estate, said land was placed upon the tax rolls of Osage County, State of Oklahoma and after nonpayment of taxes due, was sold by tax deed executed by the County Treasurer of Osage County, State of Oklahoma, to defendant herein, George Newman, such tax deed being recorded in the office of County Clerk of Osage County, State of Oklahoma, on July 2, 1934.

The Court further finds that thereafter the said George Newman, defendant herein paid taxes upon said real estate for the years 1935 to 1942, inclusive and payment of said taxes has been the total sum of \$108.48; the Court further finds that said tax deed above referred to was void and fictitious and conveyed no right, title or interest in and to said real estate to said defendant, George Newman,

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that Nellie I. Ririe is the owner of the legal and equitable title in fee simple to the following described property, to-wit:

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

that tax deed issued by the County Treasurer of Osage County, State of Oklahoma on July 2, 1934 is cancelled, set aside and held for naught.

IT IS FURTHER ORDERED that said defendant George Newman has no right, title or interest in and to said real estate and is forever enjoined and barred from setting up or asserting any right, title or interest therein, except that judgment is had in favor of the said George Newman against plaintiff's ward, Nellie I. Ririe, in the amount of \$108.48, which said defendant expended for taxes lawfully accrued on said real estate, and said defendant is granted a lien upon said real estate in satisfaction of said debt, said lien to continue to remain until said \$108.48 is paid to the said George Newman.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant have and recover its costs herein expended and all costs assessed against plaintiff.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed In Open Court  
May 31 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court of Appeals for the Tenth Circuit



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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	CIVIL NO. 983
		)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA; and W. D. Stryker, et al.,		)	
	Defendants,	)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 1st day of June, 1943, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petition, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to-wit:

M. D. Stryker;  
Helen P. Stryker;  
Viola Jackson;  
Helen Lee;  
Willie McCoy;  
Henrietta Walton, now Walker;  
Ruth Claggett;  
Edgar N. Frye;  
J. Elmer Frye;  
Leander Frye;  
Vance Vernon Frye;  
Faye Opal Frye, now Harris;  
Albert Buffington;  
Blanche Buffington, now Holder;  
Eva Buffington;  
Osie Buffington;  
Herman Buffington;  
Lucille Buffington;  
Jewel Buffington, now Wickliff;  
Ernest Buffington;  
Juanita Buffington, now Morrison;  
Roy Rogers;  
Ethel Rogers;  
Clarence Weber;  
Waddie McCoy;  
August Buffington;  
R. L. Oskison;  
Lona M. Oskison;  
Katy Adams;  
Scott Adams;  
John C. Fessler, also known as J. C. Fessler;  
Dora Fessler;  
Julia Whitehead;  
J. E. Whitehead;  
Ema L. Randolph;  
Grace L. Ward, now Hughes;  
Alf Hughes;  
Mattie A. Forbis, now Garver;  
Fred Garver;  
Harry A. Cohen;  
James R. Cohen;

Lucien Rogers, H. L. Pierce, G. W. Beck, Jr., H. F. West, Harry Lee Taft, Trustee, Luella Haff, one and the same person as Luella Nelson, one and the same person as Ella Nelson, A. J. Love, W. D. Morrison, J. A. Ehart, Pat Byrne, G. H. Bardick, Betsy Ham, Thomas Ham, Robert C. Taylor, and Jonlin-Oklahoma Prospect & Developing Company, if living, or in existence, or if deceased, or not in existence, their known and unknown heirs, administrators, executors, devisees, legatees, trustees, creditors, successors and assigns, immediate and remote, and their spouses, if any; and the known and unknown heirs, administrators, executors, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any, of Mary Jane Bowman, deceased; of Carrie McCoy, deceased; of Willy Frye, deceased; of J. H. Ritchie, deceased; Allen Lynch, Cherokee Freedman, Roll No. 1741, deceased; J. W. E. Cohee, 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 person, firms, corporations, or legal entities, claiming any interest whatever in the real estate herein described and involved to be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE MAYES COUNTY DEMOCRAT, 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 26th day of July, 1943, the petitioner, United States of America, will, on the 26th day of July, 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  
J U D G E

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



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 1st day of June, 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 (3 - FW-67)  
Flowage Easement

All that part of Lots 1 to 18 inclusive and all that part of Lots 29 to 32 inclusive in the Townsite of Foster Addition to Tia Juana in Delaware County, Oklahoma, as shown on the dedication plat thereof, dated July 12, 1941, situated in the SE 10.0 acres of Lot 7 and the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 7, T 23 N, R 22 E of the Indian Base and Meridian, lying below Elev. 757 Sea Level Datum containing approximately 0.7 acre.

TRACT NO. 2 (3 - FW-68)  
Flowage Easement

All that part of Lots 19 to 28 inclusive in the Townsite of Foster Addition to Tia Juana in Delaware County, Oklahoma, as shown on the dedication plat thereof dated July 12, 1941, situated in the SE 10.0 acres of Lot 7 and the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 7, T 23 N, R 22 E of the Indian Base and Meridian, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 3 (3 - FW-69)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 7, and all that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  in Sec. 7, and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 8, T 23 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 6.0 acres.

TRACT NO. 4 (3 - FW-70)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 18, T 23 N, R 22 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. 5 (3 - FW-71 Rev.)  
Flowage Easement

All that part of Lots 2, 3, and 4 of Block B in the Townsite of Hinds Lockout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 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. 6 (3 - FW-71A)  
Flowage Easement

All that part of the south 50 feet of Lot 1 in Block B in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 N, R 22 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 (3 - FW-71B)  
Flowage Easement

All that part of the north 38 feet of Lot 1 in Block B in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 N, R 22 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. 8 (3 - FW-72)  
Flowage Easement

All that part of Lot 5, Block A in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 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. 9 (3 - FW-73)  
Flowage Easement

All that part of Lot 4, Block A in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 N, R 22 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. 10 (3 - FW-74)  
Flowage Easement

All that part of Lot 3, Block A in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 N, R 22 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. 11 (3 - FW-75)  
Flowage Easement

All that part of Lot 2, Block A in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 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. 12 (3 - FW-76)  
Flowage Easement

All that part of Lot 1, Block A in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7,

County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acres.

TRACT NO. 13 (3 - FW-77)  
Flowage Easement

All that part of Lot 8, Block A in the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 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. 14 (3 - FW-78)  
Flowage Easement

All that part of Lots 1, 2, 3, 4, Block D of the Townsite of Hinds Lookout Point, Oklahoma, in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 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. 15 (3 - FW-79)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 23 N, R 22 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. 16 (3 - FW-80)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  in Sec. 17, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.9 acres.

TRACT NO. 17 (3 - FW-81)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 8, T 23 N, R 22 E of the Indian Base and Meridian, 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. 18 (3 - FW-82)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  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 NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, T 23 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 2.3 acres.

## TRACT NO. 19 (3 - FW-83)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  all in Sec. 17, T 23 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 7.9 acres.

## TRACT NO. 20 (3 - FW-84)

## Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 8, T 23 N, R 22 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.2 acres.

## TRACT NO. 21 (3 - FW-85)

## Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 8, T 23 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 3.6 acres.

## TRACT NO. 22 (3 - FW-86)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 8, T 23 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 acres.

## TRACT NO. 23 (3 - FW-87)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 8, T 23 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. 24 (3 - FW-88)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 8, except that portion owned by the Grand River Dam Authority, containing approximately 1.4 acres, and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 8, and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 9, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.7 acres.

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 9, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion which the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.5 acres.

All in T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, the total acreage being approximately 5.6 acres.

TRACT NO. 25 (3 - FW-89)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 8, T 23 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. 26 (3 - FW-90)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 8, T 23 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. 27 (3 - FW-91)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 8, T 23 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. 28 (3 - FW-92)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 8, T 23 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. 29 (3 - FW-93)  
Flowage Easement

All that portion of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  in Sec. 8, T 23 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 1.3 acres.

TRACT NO. 30 (3 - FW-94)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  in Sec. 8, T 23 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 1.1 acres.

TRACT NO. 31 (3 - FW-95)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 9, T 23 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. 52 (3 - FW-96)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 8, T 23 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. 33 (3 - FW-97)  
Flowage Easement

All that part of the W $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 9, T 23 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.

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 8th day of June, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

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

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

Court, closed to June 8, 1943

On this 2nd day of June, A. D. 19 43, 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:

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

Mrs. Hazel Campbell and Anchor Casualty Company, a corporation, Plaintiff, )  
 vs. ) Case No. 871 Civil  
 R. J. ALLISON, Defendant. )

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

CLAUDE C. NICHOLS  
 Foreman

FILED In Open Court  
 Jun 2 1943  
 H. P. Warfield, Clerk  
 U. S. District Court ME

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

THE WHITNEY CHAIN & MANUFACTURING COMPANY, a corporation, Plaintiff, )  
 vs. ) No. 935 CIVIL  
 FRANZ H. WEISS, a Sole Trader, doing business under the name of WEISS CHAIN & TRANSMISSION COMPANY, Defendant. )

O R D E R

For good cause shown, it is ORDERED, ADJUDGED and DECREED that the defendant be and hereby is granted an extension of ten (10) days in which to file his amended answer in the above entitled cause.

Dated this 2 day of June, 1943.

ROYCE H. SAVAGE  
 JUDGE

ENDORSED: Filed Jun 2 1943  
 H. P. Warfield, Clerk  
 U. S. District Court AC



in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings,

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

(5) A statement is contained in said Declaration of Taking for the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Seventeen Thousand Nine Hundred Fifty and no/100 Dollars (\$17,950.00) and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto, upon and at the time of the filing of said Declaration of Taking.

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

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking, the Act of Congress approved February 26, 1931, (46 Stat. 1421, 40 U.S.C. Sec. 26) and Acts supplementary thereto and amendatory thereof, and the Act of Congress approved August 18, 1890, (26 Stat. 316) as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), April 11, 1918 (40 Stat. 518; 30 U.S.C., Sec. 171) and March 27, 1942 (Public Law 307 - 77th Congress) and July 2, 1942 (Public Law 549 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECISION OF THE COURT that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the following described lands was vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of Seventeen Thousand Nine Hundred Fifty and no/100 Dollars (\$17,950.00), and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 94.65 acres, more or less, and are described as follows,

to-wit:

TRACT NO. 1

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

BEGINNING at a point 1625.34 feet North of the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East, of the Indian Meridian and extending North along quarter section line for a distance of 540 feet; THENCE East 660 feet; THENCE South 640 feet; THENCE West 660 feet to the point of Beginning, containing 8.18 acres, more or less.

TRACE NO. 2

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

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

BEGINNING at the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$ ); THENCE North along the one-quarter section line of said Section Thirteen (13); 1625.94 feet; THENCE East 660 feet; THENCE North 540 feet; THENCE West 660 feet; THENCE North 474.06 feet to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$ ); THENCE East 1890 feet to the Northwest corner of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13); THENCE South along the West line of the East Half (E $\frac{1}{2}$ ) of the East Half (E $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Thirteen (13) 1774 feet; THENCE West 1290 feet; THENCE South 636 feet; THENCE West 690 feet to the point of beginning, containing 86.17 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be and it is hereby granted leave to take full and complete possession of said lands on the 8 day of June, 1943.

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

Entered this 2 day of June, 1943.

ROYCE W. SAVAGE  
JUDGE

ENDORSED: Filed 2:05 P.M.  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to June 3, 1943

On this 2nd day of June, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular March 1943 Term at Vinita, met pursuant to adjournment, Hon. F. E. Kennamer, Judge, presiding.

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

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

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

Rosetta Pollock, nee Smith,	Plaintiff,	)
		)
vs		)
		)
Walter Smith, James Smith, Scott Smith, Maggie Ross, nee Smith, Nancy Smith and Narcissus Slow, nee Smith, and the Unknown Heirs, Executors, Administrators, Devisees, Trustees and Assigns, immediate and remote, of Nannie E. Smith, deceased, and George Smith, deceased,	Defendants.	)
		)
United States of America,	Intervener.	)

No. 958 Civil

DECREE QUETING TITLE, DETERMINING HEIRSHIP  
AND AWARDING PARTITION.

The above case coming on for hearing in its regular order, on this the 2nd day of June, 1942, before the Honorable Franklin E. Kenramer, Judge, the plaintiff appeared in person and by her attorneys of record, A. Lee Battenfield and John S. Saverson; the defendants Walter Smith, James Smith, Scott Smith, Maggie Ross, nee Smith, Nancy Smith and Narcissus Slow, nee Smith, appeared not, all of said defendants, however, except Narcissus Slow, Nancy Smith and Scott Smith having filed herein their answers in which they admit the allegations of plaintiff's petition and join in asking partition of said estate; and the United States of America appeared by the Honorable Whit Y. Meazy, United States District Attorney, who appeared as well for all of the restricted Indians, parties to this action;

And it being shown to the Court that all of said defendants except Narcissus Slow were lawfully and personally served with summons issued out of the State District Court of Hayes County, Oklahoma, and that the defendant Narcissus Slow, nee Smith, was duly and properly served by publication a copy of the first notice published, together with copy of the petition filed, having been mailed to her address, in the manner and within the time prescribed by the laws of the State of Oklahoma;

And it being further shown to the Court that the said publication, directed to said Narcissus Slow, was also directed to the unknown heirs, executors, administrators, devisees, trustees and assigns, both immediate and remote, of Nannie E. Smith, deceased, and George Smith, deceased; and was duly published for four consecutive issues in the Hayes County Democrat, a newspaper of general circulation published in Hayes County, Oklahoma, the first of said publications being December 17, 1942 and the last publication being the 7th day of January, 1943, and the answer date set out therein being more than forty one days after the date of the first publication, and the said publication being presented to the Court, is examined and approved;

And it being further shown to the Court that notice of the pendency of this suit was duly served on the Honorable A. L. Lendman, Superintendent of the Five Civilized Tribes, at Muskogee, Oklahoma, as provided by the Act of Congress of April 12, 1926.

And the Court, having heard the evidence introduced in said matter, and the arguments of counsel, and being fully advised in the premises, finds that this Court has jurisdiction of the parties and subject matter of this action; that the notice by publication was duly and properly given, and that the notice served on the Superintendent of the Five Civilized Tribes, pursuant to the Act of Congress aforesaid, was properly given.

The Court further finds that the land involved herein, described as follows:

The Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) and the West Half (W $\frac{1}{2}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), and the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), and the North Half (N $\frac{1}{2}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) and the Southwest Quarter (SW $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty Four (24), Township Twenty (20) North, Range Twenty One (21) East of the Indian Base and Meridian in Mayes County Oklahoma,

was duly allotted to M<sup>rs</sup> Mennie B. Smith, a full blood Cherokee Indian duly enrolled opposite Roll No. 6493; that she died intestate on the 26th day of August, 1918, being a resident of Mayes County, Oklahoma, at the time of her death, and that she was the absolute owner of the above described land; that she left surviving her as her sole and only heirs at law the following persons, to wit: her husband George Smith, and the following children, Walter Smith, James Smith, Rosetta Pollock, nee Smith, Scott Smith, Maggie Ross, nee Smith, and Narcissus Slow, nee Smith, all of said heirs being full blood Cherokee Indians, and that the said husband, George Smith, inherited an undivided one third interest in and to the said lands, the remaining two thirds interest being inherited by the said children named aforesaid, in equal one ninth portions.

The Court further finds that the said husband, George Smith, thereafter married a second wife, namely, the defendant Nancy Smith, and that he died intestate, seized and possessed of said inherited interest in the land aforesaid, on the 19th day of October, 1941, being a resident of Mayes County, Oklahoma, at the time of his death; and that he left surviving him, as his sole and only heirs, his said widow, Nancy Smith, and the sons and daughters heretofore named; and that the said surviving widow Nancy Smith inherited an undivided one seventh of said one third, or a 1/21 interest in said estate.

The Court further finds that by virtue of said inheritance, the parties to this action, to wit: the plaintiff and the defendants, are vested with the following proportionate parts in and to said estate, to wit:

Rosetta Pollock, nee Smith	10/63 interest,
Walter Smith,	10/63 interest,
James Smith,	10/63 interest,
Scott Smith,	10/63 interest,
Maggie Ross, nee Smith,	10/63 interest,
Narcissus Slow, nee Smith,	10/63 interest,
Nancy Smith,	3/63 interest,

and that the said parties to said action are entitled to partition of the land so that they may each have their said interests in severalty, if the same can be partitioned in kind without manifest injury to said estate.

The Court further finds that the unknown heirs, executors, administrators, devisees, trustees and assigns, both immediate and remote, of Mennie B. Smith, deceased, and George Smith deceased, have no right, title, interest or claim in and to the lands involved in this action, and that their adverse claims constitute clouds on the said title, and as such should be cancelled, set aside and held for naught; and that the plaintiff was unable to learn the names or whereabouts of any of said unknown defendants at any time since the filing of this action, and she is therefore excused from filing a separate affidavit so stating.

It is therefore by the Court ORDERED, ADJUDGED and decreed that the plaintiff and the defendants are entitled to partition of the lands as heretofore set out, and Walter Gaa, Thos J. Harrison and Ben Lardock are hereby appointed commissioners to partition said land, or, in lieu

thereof, to make an appraisal and valuation thereof, and make a report to this Court forthwith, and the Clerk of this Court is directed to issue a writ of partition to said commissioners.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the title to the land hereinbefore described is quieted in the said plaintiff and the defendants, against all adverse claims by the said unknown defendants, the unknown heirs, executors, administrators, devisees, trustees and assigns, of Nannie B. Smith, deceased, and George Smith, deceased, and said unknown defendants are forever barred and enjoined from setting up or asserting any adverse claim against the said lands, adverse to the interests of said plaintiff and defendants.

It is further ORDERED, ADJUDGED and DECREED by the Court that the said plaintiff and defendants are the sole and only heirs of the said deceased persons, Nannie B. Smith and George Smith, as set out in the findings of the Court heretofore made.

It is further ORDERED, ADJUDGED and DECREED by the Court that this decree is made pursuant to jurisdiction vested in the District Court of Mayes County, Oklahoma, as well as under the laws of the United States and the Constitution and Laws of the State of Oklahoma, and all of the pertinent Acts of Congress concerning jurisdiction upon this Court.

F. E. KENNAMER  
United States District Judge.

ENDORSED: Filed In Open Court  
Jun 2 1943  
H. P. Warfield, Clerk  
U. S. District Court

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

Mollie Baldrige, nee Deerinwater,	Plaintiff,	)	
		)	
vs		)	
		)	
John Deerinwater, Bert Deerinwater,		)	
a Minor, Nora Deerinwater, a minor,		)	No. 973 Civil
		)	
and the Heirs, known and unknown,		)	
Executors, Administrators, Devisees,		)	
Trustees and Assigns, immediate and		)	
remote, of Edward Crutchfield, deceased,		)	
and Nannie Deerinwater, deceased,	Defendants.	)	
		)	
United States of America,	Intervener.	)	

DECREE QUIETING TITLE, DETERMINING HEIRSHIP  
AND AWARING PARTITION

The above case coming on for hearing in its regular order on this the 2nd day of June, 1943, the plaintiff Mollie Baldrige, nee Deerinwater, appearing by her attorneys of record A. Lee Battenfield and John S. Severson, and the defendant John Deerinwater, the same person as John L. Deerinwater, having filed herein his waiver of service of summons and his answer in which he fully concurs in the allegations of plaintiff's petition, and asks that the court may hear the action and decree partition of the land involved appearing not personally; the minor defendant having been lawfully

served with summons in accordance with the law of Oklahoma, and pursuant thereto, a guardian ad litem viz: the Hon. M. S. Robertson having been appointed for them were appearing by him; the United States of America appearing by the Hon. Whit Y. Mauzy, who also appears for the full blood Cherokee Indians, parties to said action, and

The court having examined the Notice served on the Hon. A. M. Landman, United States Superintendent for the Five Civilized Tribes, and the Notice by Publication to the Unknown heirs, the Known Heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, finds said Notice properly served and said publication properly and lawfully made and the same are hereby in all things approved, and having heard the evidence;

The court further finds that this action was properly filed in the District Court of Mayes County, Oklahoma, under No. 7259, and that said Court had jurisdiction of said action; that upon petition of the United States of America under the pertinent Acts of Congress in like cases made and provided, said action was by the said District Court of Mayes County, Oklahoma, under proper order removed to this court and said action was thereupon properly filed herein and that this Court has jurisdiction of said action both of the persons and the subject matter thereof.

The court further finds that the allegations of said petition as to the material averments thereof are true, and that the lands therein described were duly allotted to Edward Crutchfield, an enrolled Cherokee Indian opposite Roll No. 27442, and that he died intestate a resident of Mayes County, Oklahoma, seized and possessed of said land described as follows, to-wit:

The West Half of the Southwest Quarter of Section  
12, Township 22 North, Range 20 East, Mayes County,  
State of Oklahoma,

on or about the 13th day of September, 1937, and upon his death the said land passed to and became vested in his legal heirs the plaintiff and the named defendants herein; that said deceased left surviving him neither father nor mother, nor wife nor child, but left as his sole and only heirs the parties hereto his grand-children, the children of his only child to-wit a daughter Nannie Deerinwater nee Crutchfield, who died on the 5th day of April, 1931, and left as her sole and only heirs plaintiff Mollie Baldrige, and John Deerinwater, son, Bert Deerinwater, son, and Nora Deerinwater, daughter, the said Nannie Deerinwater, deceased left her surviving no other person or persons who could inherit from her, her husband having predeceased her and she left no deceased child or children leaving issue; that by virtue thereof the said land and the title thereto passed to and became vested in equal one-fourth undivided portions in the Plaintiff, Mollie Baldrige, and the defendants John Deerinwater, Bert Deerinwater, and Nora Deerinwater. The court further finds that they are the sole and only heirs of said Edward Crutchfield, deceased, and of Nannie Deerinwater, nee Crutchfield, their deceased mother.

The court further finds that by virtue of said inheritances the parties to this action, the plaintiff and the defendants, are vested with the following proportionate parts in and to the said estate to-wit:

Mollie Baldrige, nee Deerinwater	1/4
John Deerinwater	1/4
Bert Deerinwater	1/4
Nora Deerinwater	1/4

and that the said parties to said action are entitled to partition of the land so that they may each have their said interests in severalty, if the same can be partitioned in kind without manifest injury to the said estate.

The court further finds that the Unknown heirs, executors, administrators, devisees, trustees and assigns, both immediate and remote, of Edward Crutchfield, deceased and of Nannie

Deerinwater, deceased, have no right, title or interest, in and to the lands involved in this action, and that their adverse claims constitute clouds on the said title, and as such should be cancelled, set aside and held for naught; and that the plaintiff was unable to learn the names of whereabouts of any of said unknown defendants at any time since the filing of this action, and she is therefore excused from filing a separate affidavit so stating.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff and the defendants are entitled to partition of the lands as hereinbefore described and Walter Gum Thos. J. Harrison and Ben Murdock, are hereby appointed Commissioners to make partition of said land in kind, if the same may be done without manifest injury to said estate, otherwise, in lieu thereof, to make an appraisal and valuation thereof, and to make a report to this court forthwith, and the Clerk of this court is directed to issue a writ of partition to said Commissioners, conformable to this decree.

It is further ORDERED, ADJUDGED AND DECREED, by the Court, that the title to the land hereinbefore described is quieted in the said plaintiff and the said defendants, against all adverse claims of the said unknown defendants, the Unknown heirs, executors, administrators, devisees, trustees and assigns, of Edward Crutchfield, deceased and Nannie Deerinwater, deceased, and said unknown defendants are forever barred and enjoined from setting up or asserting any adverse claim against the said land, adverse to the interests of said plaintiff and said defendants.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the said plaintiff and defendants are the sole and only heirs of said deceased persons, Edward Crutchfield, and Nannie Deerinwater, as set out in the findings of the court heretofore made.

IT is further ORDERED, ADJUDGED AND DECREED, by the Court that this decree is made pursuant to jurisdiction vested in the District Court of Mayes County, Oklahoma, as well as under the laws of the United States and the Constitution and laws of Oklahoma, and all the pertinent acts of Congress conferring jurisdiction upon this Court and the State District Courts of the State of Oklahoma.

F. E. KENNAMER  
United States District Judge

ENDORSED: Filed In Open Court  
Jun 2 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned subject to call.

On this 3rd 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. Hon. Royce H. Savage and Hon. F. E. Kennamer, Judges, present and presiding.

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

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

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

FRED E. COOPER	Plaintiff,	)	
		)	
vs.		)	No. 930m- Civil
JUDGE BENDABOUT, Cherokee Roll No. 20199, and many others,	Defendants, and	)	
		)	
UNITED STATES OF AMERICA,	Intervenor.	)	

ORDER DIRECTING SERVICE BY PUBLICATION

On this day John R. Woodard, the counsel of record in this cause for the Plaintiff, Fred E. Cooper, appeared before the undersigned Judge of this Court, and offers to file in this cause the AFFIDAVIT TO OBTAIN SERVICE BY PUBLICATION made by said counsel wherein it appears prima-facielly that it is necessary to obtain service of summons by publication on various and sundry defendants named in this cause and upon whom service cannot be had personally within the state of Oklahoma and also upon certain defendants not known by name of the plaintiff and his said counsel and that said plaintiff and his said counsel desire to obtain service by publication on such defendants:

NOW THEREFORE IT IS HEREBY ORDERED that said Affidavit be filed in this cause and that the Clerk of this Court proceed to cause NOTICE BY PUBLICATION TO BE published and given in the manner prescribed by law in such cases.

This the third day of June, A. D. 1943.

F. E. KENNAMER  
Judge, Northern District of Oklahoma

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

VERDICT

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

LEE B. WILLIAMS,	Plaintiff,	)	
vs.		)	
PHILLIPS PETROLEUM COMPANY, a corporation,	Defendant.	)	Case No. 949 Civil

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

find for the defendant.

FALKNER C. BROACH  
Foreman

ENDORSED: Filed In Open Court  
Jun 3 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to June 4, 1943

On this 4th 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, Hon. Royce H. Savage, Judge, present and presiding.

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

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

VERDICT

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

United States of America,	Plaintiff,	)	
		)	
vs.		)	Case No. 860 Civil Tract No. E-102
		)	
580 Acres of land, more or less, situate		)	
in Mayes County, Oklahoma, and John O.		)	
Allen, et al.,	Defendant.	)	

We, the jury in the above-entitled case, duly impaneled and sworn, upon our oaths, find that the fair market value of Tract No. E-102 on October 19, 1942 was \$11,000.00 (Eleven Thousand and no/100 Dollars).

RUSSELL S. PLANCK  
Foreman

ENDORSED: Filed In Open Court  
Jun 4 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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

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

ORDER APPOINTING COMMISSIONERS

Now on this 4th day of June, 1943, the above cause comes on for hearing upon the petition of the United States of America for an order appointing commissioners in said cause. And it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain the lands hereinafter described, and that the acquisition of said lands is necessary to the United States of America for use in connection with the establishment of the Modification Center, Tulsa Aircraft Assembly Plant, Oklahoma, and for such other uses as may be authorized by Congress or by Executive Order, under and by reason of the Acts of Congress as set forth in the Petition for Condemnation and Declaration of Taking filed herein.

Petitioner has heretofore instituted proceedings for the taking of said lands herein involved and hereinafter described by eminent domain.

It further appears that it is necessary, convenient and expedient in the furtherance of justice and that commissioners be appointed to appraise said real estate at this time without further delay.

Said lands are described as follows:

TRACT NO. 1

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

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

TRACT NO. 2

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

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

Beginning at the Southwest corner of said Southeast Quarter (SE $\frac{1}{4}$ ); thence North along the one-quarter section line of said Section Thirteen (13) 1625.94 feet; thence East 660 feet; thence North 540 feet; thence West 660 feet; thence

North 474.06 feet to the Northwest corner of said Southeast Quarter (SE $\frac{1}{4}$ ); thence East 1980 feet to the Northwest corner of the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Thirteen (13); thence South along the West line of the East Half of the East Half of the Southeast Quarter (E $\frac{1}{2}$  E $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section Thirteen (13) 1774 feet; thence West 1290 feet; thence South 866 feet; thence West 690 feet to the point of beginning containing 86.17 acres, more or less.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that T. G. Grant of the City of Tulsa, Tulsa County, Oklahoma; Kenneth Crouch of the City of Tulsa, Tulsa County, Oklahoma; and Arthur Newlin of the City of Tulsa, Tulsa County, Oklahoma, disinterested freeholders of said district, and not interested in any like question, be, and they are hereby appointed as commissioners to forthwith inspect said real property hereinabove described, and consider the fair, cash, market value of said real estate and estate therein taken, and award said fair, cash, market value to the respondents in this cause.

Said commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law, and to immediately inspect said property as provided by law, and file their report herein.

ROYCE H. SAVAGE  
JUDGE

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

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Court adjourned to June 5, 1943

On this 5th 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, 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

ANNIE R. MAHAN,

Plaintiff, )

vs. )

) No. 800

ACME LUMBER COMPANY, an Oklahoma Corporation, )

EARNEST McCARTY, FRANK M. MAHAN and C. M. )

FERGUSON, )

Defendants. )

ORDER OF DISMISSAL

Now on this 5th day of June, 1943, there came regularly on for hearing the motion of

Annie R. Mahan, plaintiff, and Estel McCarty, intervener, to dismiss the above entitled action with prejudice, and it appearing to the court that said motion should be sustained for the reasons and on the grounds therein set forth and that all the matters and things involved herein, including the fees of attorneys herein, have been fully disposed of to the satisfaction of the plaintiff, the intervenor, the attorney for all parties herein and all members of the class on whose behalf the action was brought and that all said parties, including all of the stockholders of the corporation, and all of the attorneys of record, have filed their written consent to such a dismissal of said action;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the petition of the plaintiff, Annie R. Mahan, the intervening petition of Estel McCarty and all other petitions and applications herein, as well as the entire action, should be, and the same are hereby dismissed with prejudice at the cost of the plaintiff.

ROYCE H. SAVAGE  
JUDGE

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

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Court adjourned to June 7, 1943

On this 7th 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, 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 OKLA.

ORDER TO MARSHAL TO OPEN AND ADJOURN COURT

The First Monday in June, 1943, being the Regular Statutory day for the opening of the Regular Term of said Court at Bartlesville, Oklahoma, and the Court finds that there is insufficient business to cause said term to be held at Bartlesville.

IT IS ORDERED that the United States Marshal in and for the Northern District of Oklahoma, be, and he is hereby directed to open the Regular June 1943 Term at Bartlesville, Oklahoma, on Monday, the 7th day of June, 1943, by proclamation in the manner and form provided by law, and that said Marshal adjourn said Court Sine Die.

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

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Jun 7 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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

STANDARD ACCIDENT INSURANCE COMPANY, a corporation,

Plaintiff,

vs

Verdigris Valley Electric Cooperative, Inc., et al,

Defendants.

No. 668 - CIVIL

O R D E R

It is ordered that the above and foregoing action be dismissed without prejudice as to the defendant United States Casualty Company.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Jun 7 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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

ADA TIGER, now LOZIER,

Plaintiff,

v.

D. C. SELLERS, EXECUTOR of the Estate of  
L. E. Gibson, Deceased,

Defendant.

No. 950 Civil

O R D E R

Now on this 7th day of June, 1943, this matter coming on before the Court on the application of the United States of America for additional time to plead and it appearing to the Court for good cause shown, that said time should be granted.

IT IS THEREFORE THE ORDER OF THE COURT that the United States of America be and it hereby is granted fifteen (15) days additional time from June 7 1943, in which to plead in this cause of action.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 7 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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

ANNA WASSON,	Plaintiff,	)
		)
vs.		) No. 981 - Civil
		)
All American Bus Lines,		)
Inc., a corporation,	Defendant.	)

O R D E R

Now on this 7th day of June, 1943, this matter coming on to be heard on the oral application of the defendant to enlarge the time within which the defendant is required to answer the interrogatories submitted by the plaintiff and for good cause shown,

IT IS HEREBY ORDERED that the defendant be and it is hereby granted up to and including June 25, 1943 within which to answer said interrogatories.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Jun 7 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

MARIA FEELING,	Plaintiff,	)
		)
v.		) No. 998 Civil
		)
WALTER HART, et al,	Defendant.	)

O R D E R

Now on this 7th day of June, 1943, this matter coming on before the Court on the application of the United States of America for additional time to plead and it appearing to the Court for good cause shown, that said time should be granted,

IT IS THEREFORE THE ORDER OF THE COURT that the United States of America be and it hereby is granted thirty (30) days additional time from June 9, 1943, in which to plead in this cause of action.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 7 1943  
H. P. Warfield, Clerk  
U. S. District Court LN

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On this 8th 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.

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

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

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

SAND SPRINGS HOME, A CORPORATION,	PLAINTIFF,	)	
		)	
VS.		)	
		)	
THE HEIRS, EXECUTORS, ADMINISTRATORS, DEVISEES,		)	NO. 941 CIVIL
TRUSTEES AND ASSIGNS, IMMEDIATE AND REMOTE OF		)	
ISAAC YOUNGBIRD, CHEROKEE ROLL NO. 18,462,		)	
DECEASED, ET AL,	DEFENDANTS.	)	
		)	
UNITED STATES OF AMERICA,	INTERVENER.	)	

ORDER DIRECTING SERVICE BY PUBLICATION

Now on this 8 day of June, A. D. 1943, it being shown to the Court from the affidavit for publication made and filed herein by Paul P. Pinkerton, 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 Delaware County Journal, a weekly newspaper printed and published at Jay, Delaware County, 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  
United States District Court, Northern  
District of Oklahoma

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

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Court adjourned to June 9, 1943

On this 9th 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, Hon. F. E. Kennamer, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	Libelant,	)	
		)	
vs.		)	
		)	NO. 1016 CIVIL
One 1940 Chrysler Coupe Automobile,		)	
Motor No. C25-38727; approximately		)	
33 gallons of taxpaid whiskey; Marion		)	
B. Forsman and Katherine M. Forsman,	Claimants.	)	

ORDER FOR MONITION

Now on this 9th day of June, 1943, it appearing to the court that the said 1940 Chrysler Coupe automobile, Motor No. C25-38727, with approximately thirty-three (33) gallons of assorted taxpaid whiskey containing more than four per centum (4%) of alcohol by volume, was seized at a point on U. S. Highway No. 66 about four miles southwest of the town of Afton in Ottawa County, State of Oklahoma, Northern District of Oklahoma and within the jurisdiction of this court, on or about the 15th day of March, 1943, by Troy S. Cleland, Investigator in the Alcohol Tax Unit, St. Louis, Missouri, and Virgil B. Stanley, Deputy United States Marshal in and for the Northern District of Oklahoma, stationed at Miami Oklahoma, 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 Marion B. Forsman 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 of 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 (\$500.00) Dollars whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Marion B. Forsman and Katherine M. Forsman, of Tulsa, Oklahoma, and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS THEREFORE ORDERED that monition issue as prayed for in said libel and the same be served upon claimants Marion B. Forsman, and Katherine M. Forsman, 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.

F. E. KENNAMER  
JUDGE

ENDORSED: Filed Jun 9 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to June 14, 1943





O. E. Dempsey, d/b/a O. E. Dempsey  
Construction Company,

)  
Garnishee )

JOURNAL ENTRY - JUDGMENT

This cause came on for trial on the 14th day of June, 1943, plaintiff appearing by Geo. H. McElroy and L. Karlton Mosteller, its attorneys, and the defendants, H. A. Edmonston, doing business as Oil State Construction Company, and O. E. Dempsey, doing business as O. E. Dempsey Construction Company, garnishee, appeared not. Findings of Fact and conclusions of law have been filed in this cause.

The Court finds that judgment should be rendered for the plaintiff as against the said defendant, H. A. Edmonston, but that plaintiff should take nothing as to the said defendant, O. E. Dempsey, and that the garnishment should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against H. A. Edmonston, doing business as Oil States Construction Company, in the amount of eight thousand twenty-seven and 65/100 dollars (\$8027.65), together with interest at the rate of six per cent per annum from and after September 15, 1942, together with all costs accruing in this action; that the plaintiff take nothing as to O. E. Dempsey, doing business as O. E. Dempsey Construction Company, garnishee, and said garnishment action is hereby dismissed; to all of which the said defendant, H. A. Edmonston, excepts, and his exception is allowed.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed In Open Court  
Jun 14 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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

Maria Feeling, Plaintiff, )  
)  
vs. )  
)  
Walter Hart, Annie Russell, May Leach, Watie )  
Hart, Mary Sunday, and the Unknown Heirs, )  
Executors, Administrators, Devisees, Trustees )  
and Assigns, both immediate and remote of the )  
following deceased persons, to-wit: Laura Sunday, )  
Full Blood Cherokee Indian, Roll No. 15,224, Susan )  
Hart, nee Sunday, Cherokee Indian, Roll No. 15,223, William )  
Sunday, Cherokee Indian, Roll No. 17538, and Jane Hart, )  
nee Sunday, Cherokee Indian Roll No. 15-221, )  
Defendants. )  
UNITED STATES OF AMERICA, Intervener.

Civil No. 998

DECREE DETERMINING HEIRSHIP, QUIETING TITLE AND  
GRANTING PARTITION.

The above case coming on for hearing on this the 14th day of June, 1943, before the Honorable Royce H. Savage, United States District Judge for the Northern District of Oklahoma, and

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 14, 1943

it being shown that this action was properly removed from the District Court of Rogers County, Oklahoma, where it was properly filed and process lawfully issued, the plaintiff appearing personally and by her attorney John S. Severson, the United States of America appearing by the Hon. Whit Y. Mauzy, United States District Attorney, who appeared as well for the Restricted Indians, and the defendants appearing not; and it being first shown to the court that the known defendants, Walter Hart, Annie Russell, May Leach, Watie Hart and Mary Sunday, having filed in this action their waivers, waiving the issuance and service of summons, and they having entered their appearance herein, setting out that their interests, as disclosed by the petition, are properly stated, and that they agree that the Court may hear said petition at any time convenient to the court, and the court having examined the said waivers, and being sufficiently advised, finds that the same are in all things sufficient to give the court jurisdiction over said persons, and the subject matter of said action;

And it being further shown to the Court that notice of the filing of this petition was duly served on Honorable A. M. Landman, Superintendent of the Five Civilized Tribes, at Muskogee, Oklahoma, pursuant to the requirements of the Act of Congress approved April 12, 1926, said service having been made by the United States Marshal for the Eastern District of Oklahoma, to-wit, Granville T. Norris, by leaving a copy thereof with the Honorable A. M. Landman, Superintendent of the Five Civilized Tribes, personally, in his office in the Federal Building at Muskogee, Oklahoma, on the 11th day of March, 1943, and that said notice is in proper form and in accordance with said Act of Congress

And it being further shown to the Court that notice by publication has been duly made in the Claremore Weekly Progress, a newspaper of general circulation, published in Claremore, Rogers County, Oklahoma, the first of said publications being March 10, 1943, and in succeeding weekly issues of March 17th, 24th and 31st, and that the answer date, as set out in said notice, to-wit, April 23, 1943, is more than forty one days after the first publication of said notice, and said notice by publication and the proof thereof having been examined by the Court, is by the Court approved, and said unknown defendants, and each of them, are adjudged in default, and the allegations of the petition are taken as true against them and each of them.

And the Court having heard the evidence in said case, and being fully advised in the premises, finds:

1. That the plaintiff has been unable, with due diligence, to ascertain the names or residences of any of the unknown defendants, since the making of the affidavit filed in this action, or within the statutory time after the first publication in which to file an affidavit, and the plaintiff is therefore excused from filing an affidavit setting forth such facts.

2. The court further finds that the lands involved in this action are described as follows, to-wit:

The West Half ( $W\frac{1}{2}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) and the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) and the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section Twenty Four (24), Township Twenty Three (23) North, Range Fourteen (14) East, Rogers County, Oklahoma,

which said land was duly allotted to one Laura Sunday, who departed this life intestate during the month of February, 1936, and that she left neither husband or issue, nor descendants of issue, being a single and unmarried woman at the time of her death, and that the plaintiff and the named defendants are related to her in the following manner, to-wit:

Said decedent, Laura Sunday, was a daughter of Lizzie Sunday and William Sunday, both of whom died many years ago, and prior to the death of said Laura Sunday; that there was born to her parents the following children: Susan Hart, nee Sunday, William Sunday, Jane Hart, nee Sunday, and

Maria Feeling, nee Sunday, plaintiff herein.

That said Susan Hart, sister of the deceased Laura Sunday, died intestate on or about the 28th day of January, 1912, and left as her sole heirs at law her husband, William Hart, and three children, the defendants Annie Russell, May Leach and Watie Hart. That the said husband, William Hart, is not interested in the subject matter of this action because at the time of the death of his said wife, she had no interest in the subject matter of this action. That on the death of said Laura Sunday, the heirs of said Susan Hart, to-wit, her children, Annie Russell, May Leach and Watie Hart, each inherited a one twelfth interest therein, being the entire one fourth interest their said mother would have inherited had she been then living.

That William Sunday above named, a full brother of said deceased allottee Laura Sunday, died intestate during the month of January, 1922, and left as his sole heir his daughter, the defendant Mary Sunday, who inherited an undivided one fourth interest in the subject matter of this action, his wife, the mother of said Mary Sunday, being at that time deceased.

That Jane Hart, nee Sunday, died intestate on March 5, 1933, and left as her sole and only heir her son, Walter Hart, who became vested with an undivided one fourth interest in the lands hereinbefore described.

That by reason of the foregoing lines of descent, the lands involved in this action are now owned in the following proportionate parts by the parties hereto, to-wit: Plaintiff, Maria Feeling, an undivided one fourth; defendants, Annie Russell, May Leach and Watie Hart, each an undivided one twelfth; the defendant, Mary Sunday, an undivided one fourth; and the defendant, Walter Hart, an undivided one fourth.

3. The Court further finds that the said plaintiff and said defendants above mentioned are entitled to partition of said lands in severalty as prayed for, if the same can be done without manifest injury to the said estate, and if not, that they are entitled to have commissioners appointed to make an appraisal and valuation thereof, with the intent that said lands may be sold and that they may each receive their proportionate part of the purchase price thereof.

4. The Court further finds that the plaintiff and the known heirs, as set forth in the preceding paragraphs hereof, are the sole and only heirs of the said Laura Sunday, deceased, and are entitled to a decree of this Court in accordance with said findings.

5. The Court further finds that the unknown heirs, executors, administrators, devisees, trustees and assigns, both immediate and remote, of the following named deceased persons, to-wit: Susan Hart, Deceased, Laura Sunday, deceased, William Sunday, deceased, Jane Hart, Deceased, have no right, title or interest in and to the premises hereinbefore described, and that the adverse interests claimed to the lands involved herein, as against the plaintiff and the known defendants, are declared clouds on their said title, and as such should be cancelled, set aside and held for naught, and that said unknown defendants and each of them should be forever barred and enjoined from setting up or asserting any claims adverse to the title of the plaintiff and the known defendants as above named, and all such claims should be cancelled, set aside and held for naught.

It is, therefore, ORDERED, ADJUDGED and DECREED by the Court:

First: That the plaintiff and the known defendants are entitled to partition of said lands in the following proportionate parts, to-wit: Plaintiff, Maria Feeling, an undivided one fourth; defendants, Annie Russell, May Leach and Watie Hart each an undivided one twelfth; to defendant, Mary Sunday, an undivided one fourth; and to the defendant Walter Hart an undivided one fourth. And that J. F. Pickens, Elmer Vick and C. C. Weber, are hereby appointed commissioners to partition said land, if the same can be done without manifest injury to said estate, and if the same cannot be so partitioned, that they make an appraisal or valuation of said land and return their report to this Court without unnecessary delay. The Clerk of this court to issue writ of partition.

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, JUNE 14, 1943

Second: It is further ORDERED, ADJUDGED and DECREED by the court that the plaintiff and the known defendants, as named in the preceding paragraph, be and they are hereby declared to be the sole and only heirs at law of the decedent, Laura Sunday.

Third: It is further ordered, adjudged and decreed by the court that the title to the lands hereinbefore described be quieted in the said plaintiff and the known defendants, the heirs of said deceased Laura Sunday, as heretofore found by the Court, against the adverse claims of the unknown defendants, to-wit: the unknown heirs of Laura Sunday, Full Blood Cherokee Indian, Roll No. 15, 244, Susan Hart, nee Sunday, Cherokee Indian, Roll No. 15,223, William Sunday, Cherokee Indian, Roll No. 17,538, and Jane Hart, nee Sunday, Cherokee Indian Roll No. 15,221.

Fourth: It is further ORDERED, ADJUDGED and DECREED by the Court that said unknown defendants as named in the preceding paragraph, be and they are hereby each of them severally barred and enjoined forever, from claiming or asserting any right, title, or interest in and to the land involved in this action, adverse to the right, title and interest of the plaintiff and the known and defendants, the heirs of said deceased Laura Sunday.

Fifth: It is further ORDERED, ADJUDGED and DECREED by the Court that this decree is made pursuant to jurisdiction vested in the District Court of Rogers County, Oklahoma, under the constitution and laws of the State of Oklahoma, as well as the pertinent acts of Congress conferring such jurisdiction on said State District Court as well as conferring jurisdiction on this Court.

ROYCE H. SAVAGE  
U. S. District Judge

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

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Court adjourned to June 15, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 15, 1943

On this 15th 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, 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  
)

UNITED STATES OF AMERICA,

Intervener. )

O R D E R

NOW on this 15th day of June, 1943, this matter comes regularly on before the Court,

upon the complaint in intervention of the United States of America for determination of the heirs of Peter Micco, deceased, who was a three-fourths blood Seminole enrollee appearing opposite Roll No. 1600 at the time of his death, and the Court having assumed jurisdiction herein on the administration of the estate of said Peter Micco, deceased, and being fully advised in the premises, finds that this order should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the 5th day of Aug., 1943, at 9:30 A.M. in the Courtroom of this Court on the third floor of the Federal Building on Boulder Avenue between 2nd and 3rd streets in Tulsa, Oklahoma, be, and the same is hereby fixed as the time and place for hearing such application and determining the heirs of said estate and quieting title thereto in said heirs, and it is further directed that notice of such time and place for such hearing be given by serving a copy of said notice on all known heirs of said decedent by the United States Marshal in whose District they reside and that service of such notice be had on all the unknown heirs of said decedent by publication thereof in the manner provided by the statutes of the State of Oklahoma for service by publication on unknown heirs.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 15 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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  
UNITED STATES OF AMERICA, )  
Intervener. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

Now on this 15 day of June, 1943, it appearing from the affidavit of Joe W. Howard, Assistant United States Attorney for the Northern District of Oklahoma, attorney for the United States of America, intervener herein, and the application of the United States of America, intervener in the above styled cause that the following, to-wit:

- Andy Hulwa,
- Serena Spencer,
- Sallie Little,
- Norman Ripley,
- Juanita Clark,
- Katie May Clark,
- Ryder Larney,
- June Larney,
- Hattie Larney, and
- Johnnie Lee Larney

are all of the known heirs of Peter Micco, deceased, who was a three-fourths blood Seminole enrollee appearing opposite Roll No. 1600 at the time of his death, and that there are no other heirs to said estate known to the United States of America or its representatives, and that the names or whereabouts of any other heirs, if any, cannot be ascertained with due and reasonable diligence, and that it is therefore necessary that such unknown heirs, and if they be deceased, their heirs, executors, administrators, devisees, trustees and assigns, and any and all other persons, firms, corporations or legal entities claiming any interest whatever through them be served by publication.

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that notice should be give such unknown heirs, and if they be deceased, t eir heirs, executors administrators, devisees, truess and assigns, and all persons claiming under them, by publication, notifying them that the United States of America has filed a complaint in intervention herein for a determination of the heirs to said estate, and for quieting title in such estate in such heirs; that notice be signed by the attorneys for the United States of America as intervener herein and duly attested by the Clerk of this Court, and that said notice be published in the Tulsa Daily Legal News, a newspaper printed in, and of general circulation, within the Northern District of Oklahoma, for four (4) cossecutive weeks, notifying such unknown heirs, and if they be deceased, their heirs, executors, administrators, devisees, trustees and assigns, and any and all persons claiming through them, of the ipstitution of such action for the determination of such heirs and quieting title to said estate in them; and that they appear at the Courtroom of this Court, in the Federal Building at Tulsa, Oklahoma, at 9:30 A.M. on the 5th day of Aug., 1943, for the hearing and determination of the heirs of said estate and quieting title to such estate in said heirs, and that a decree will be rendered accordingly as prayed for in such complaint, and the United States of America is hereby authorized to incur the necessary expenses for such service by publication.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 15 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
-vs-		)
		) CIVIL NO. 1018
CERTAIN PARCELS OF LAND IN DELAWARE		)
COUNTY, OKLAHOMA, containing approximately		)
33.6 acres, more or less; and Walker Fields, 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 15th day of June, 1943, and for an order fixing the date when possession of the property herein describe 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 were taken; that the Administrator of the Federal Works Agency is the person duly authorized and empowered by law to acquire such lands as are described in the petition, for the construction of public works and in connection with the Grand River Dam Project;

and that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceedings.

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

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

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

SEVENTH: That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$492.20, 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 June, 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 (5 - FW-172)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 29, 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 acres.

TRACT NO. 2 (5 - FW-173)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 29, 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 1.2 acres.

TRACT NO. 3 (5 - FW-174)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 29, 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 acre.

TRACT NO. 4 (5 - FW-175)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 29, 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. 5 (5 - FW-176)

## Flowage Easement

All that part of the following described tract of land situate in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  in Sec. 29, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, to-wit:

"Beginning at the Southwest corner of SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29; thence East 246.0 feet; thence following 750' contour line to a point in the West boundary of SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence South to the point of beginning",

lying below Elev. 757 Sea Level Datum, containing approximately 1.2 acres.

## TRACT NO. 6 (5 - FW-177)

## 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 SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and except a tract of land described as follows, to-wit:

" Beginning at the Southwest corner of SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29; thence East 246.0 feet; thence following 750' contour line to a point in West boundary of SW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence South to the point of beginning", all in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing approximately 1.9 acre.

## TRACT NO. 7 (5 - FW-178)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, 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. 8 (5-FW-182)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 29, 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 except that portion on which the Grand River Dam Authority has the right to flowage, containing approximately 1.6 acres

## TRACT NO. 9 (5-FW-184)

## Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 20, T 24 N, R 22 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. 10 (5 - FW-185)  
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  $N\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.6 acres.

TRACT NO. 11 (5 - FW-186)  
Flowage Easement

All that part of the  $W\frac{1}{2}$   $SW\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TRACT NO. 12 (5 - FW-187)  
Flowage Easement

All that part of the  $NE\frac{1}{4}$   $SE\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.6 acres.

TRACT NO. 13 (5 - FW-188)  
Flowage Easement

All that part of the  $SE\frac{1}{4}$   $NE\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

TRACT NO. 14 (5 - FW-191)  
Flowage Easement

All that part of the  $NW\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 20, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 10.9 acres.

TRACT NO. 15 (5 - FW-201)  
Flowage Easement

All that part of the  $E\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ , and all that part of the  $SW\frac{1}{4}$   $SE\frac{1}{4}$   $NW\frac{1}{4}$  of Sec. 21, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

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

All that part of the  $E\frac{1}{2}$   $NW\frac{1}{4}$   $S$   $W\frac{1}{4}$  and all that part of

the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{2}$  SW $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of Lot 2 of Sec. 21, 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 except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 6.3 acres.

TRACT NO. 17 (5 - FW-204)  
Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 28, 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. 18 (5 - FW-208)  
Flowage Easement

All that part of Lot 1, and all that part of Lot 3, in Sec. 21, 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.

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 June, 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 Jun 15 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-		)	
		)	
CERTAIN PARCELS OF LAND IN DELAWARE		)	CIVIL NO. 1019
COUNTY, OKLAHOMA, containing approximately		)	
88.4 acres, more or less; and Cooweescowee		)	
Constitution, Cherokee Citizen, Roll No.		)	
19466, 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 15th day of June, 1943, and for an order fixing the date when possession of the property herein described is to be surrendered to the United States of America, and upon consideration thereof, and of the condemnation petition filed herein, said Declaration of Taking and the statutes in such cases made and provided, and it appearing to the satisfaction of the Court:

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

SECOND: That a petition in condemnation was filed at the request of the Administrator of the Federal Works Agency, the authority empowered by law to acquire the lands described in said petition, and also, under the authority 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 weretaken; 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 th 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 \$2,116.44, 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;

IS IS THEREFORE, On this 15th day of June, 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 (7 - FW-219)  
Flowage Easement

All thatpart of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 10, T 23 N, R 22 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. 2 (7 - FW-220)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 10, T 23 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 2.0 acres.

TRACT NO. 3 (7 - FW-243)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 11, T 23 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.4 acres.

TRACT NO. 4 (7 - FW-244)  
Flowage Easement

All that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 11, T 23 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. 5 (7 - FW-245)  
7 - FW-246  
7-FW-247)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 23 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 3.1 acres.

TRACT NO. 6 (7 - FW-248)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 12, T 23 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

2.7 acres.

TRACT NO. 7 (7 - FW-249)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 23 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. 8 (7 - FW-250)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 23 N, R 22 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. 9 (7 - FW-251)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 23 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. 10 (7 - FW-252)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 23 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 1.9 acres.

TRACT NO. 11 (7 - FW-253)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 23 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 (7 - FW-254)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 12, T 23 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 2.2 acres.

## TRACT NO. 13 (7 - FW-271)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 12, T 23 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 acre.

## TRACT NO. 14 (15 - FW-255)

## Flowage Easement

All that part of the west 17.56 acres of Lot 3, and all that part of the west 17.56 acres of Lot 4, in Sec. 7, T 23 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. 15 (15 - FW-256)

## Flowage Easement

All that part of the SE 10.0 acres of Lot 2, and all that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the east 20.0 acres of Lot 4 in Sec. 7, T 23 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 12.6 acres.

## TRACT NO. 16 (15 - FW-258)

## Flowage Easement

All that part of the east 468 feet of the south 300 feet of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 23 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 acres.

## TRACT NO. 17 (15-FW-259)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, T 23 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. 18 (15 - FW-260)

## Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , in Sec. 18, and all that part of the SW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 17, All in T 23 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 12.0 acres.

## TRACT NO. 19 (15-FW-261)

## Flowage Easement

All that part of the SE $\frac{1}{2}$  SE $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , all that part of the SE $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 17, T 23 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 9.4 acres.

## TRACT NO. 20 (15 - FW-262)

## Flowage Easement

All that part of the SE $\frac{1}{2}$  SE $\frac{1}{2}$  SE $\frac{1}{2}$  of Sec. 7, and all that part of the NE $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 18, and all that part of the NW $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{2}$  SW $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SE $\frac{1}{2}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 17, all in T 23 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 22.1 acres.

## TRACT NO. 21 (15 - FW-263)

## Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{2}$  SE $\frac{1}{2}$  of Sec. 7, T 23 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. 22 (15 - FW-264)

## Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 7, T 23 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. 23 (15 - FW-265)

## Flowage Easement

All that part of the W $\frac{1}{2}$  NE $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 7, T 23 N, R 23 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. 24 (15 - FW-266)

## Flowage Easement

All that part of the W $\frac{1}{2}$  SE $\frac{1}{2}$  NE $\frac{1}{4}$  of Sec. 7, T 23 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 5.1 acres.

TRACT NO. 25 (15 - FW-267)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 7, T 23 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.3 acres.

TRACT NO. 26 (15 - FW-268)  
Flowage Easement

All that part of the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 7, T 23 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. 27 (15 - FW-269)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 7, T 23 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 0.1 acre.

TRACT NO. 28 (15 - FW-270)  
Flowage Easement

All that part of Lot 1, and all that part of the NE 10.0 acres of Lot 2, and all that part of the west 17.56 acres of Lot 2 in Sec. 7, T 23 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 1.1 acres.

he, 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 June, 1943, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

ENDORSED: Filed Jun 15 1943  
H. P. WARFIELD, Clerk  
U. S. District Court

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

-----  
Court adjourned to June 17, 1943

On this 17th 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, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Plaintiff,	)	
		)	
vs.		)	
		)	
THIRTY-THREE (33) Cases, each containing		)	No. 1013 Civil
12 bottles, of an article labeled in part,		)	
1 LB. NET WT. SPARK O'LIFE NEW PROCESS,		)	
SUGAR COATED TREATED TO PRESERVE THE RICH		)	
QUALITIES OF WHEAT GERM, Manufactured by the		)	
Kansas Milling Co., Wichita, Kansas,		)	
	Defendant.	)	

ORDER EXTENDING TIME TO PLEAD OR ANSWER

For good cause shown, Kansas Milling Company, manufacturer of the products impounded in this case, is hereby granted an extension of fifteen (15) days from and after June 21, 1943, in which to plead or answer to the complaint.

DATED this 17 day of June, 1943.

ROYCE H. SAVAGE  
DISTRICT JUDGE

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



Sarah Perryman	-	Three-tenths
Newman Perryman	-	Three-tenths
Okemah Reynolds	-	Three-tenths
L. W. Henebergh	-	One-tenth

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the costs herein be assessed and taxed against said parties as follows:

Sarah Perryman	-	Three-tenths
Newman Perryman	-	Three-tenths
Okemah Reynolds	-	Three-tenths
L. W. Henebergh	-	One-tenth

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 18 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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

PENNSYLVANIA CASUALTY COMPANY, a Corporation, and National surety Company, a corporation,	Plaintiffs,	)	
		)	
vs.		)	NO. 838
		)	
CARL R. PHOENIX,	Defendant.	)	

ORDER EXTENDING TIME TO DOCKET APPEAL

For good cause shown the complainants are granted until July 12, 1943, within which to docket appeal and file record in the United States Circuit Court of Appeals for the Tenth Circuit

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

ENDORSED: Filed Jun 18 1943  
H. P. Warfield, Clerk  
U. S. District Court

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REGULAR JANUARY 1943 TERM

FRIDAY, JUNE 18, 1943

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

PENNSYLVANIA CASUALTY COMPANY, a corporation,	)	
and NATIONAL SURETY COMPANY, a Corporation,	)	
Plaintiffs,	)	No. 838 - CIVIL
	)	
vs.	)	
	)	
CARL R. PHOENIX,	)	Defendant.

ORDER DENYING MOTION TO AMEND  
CONCLUSIONS OF LAW

This cause coming on for hearing before the Honorable Royce H. Savage, Judge of the District Court of the United States for the Northern District of Oklahoma upon the Motion of Defendant to amend Paragraph 7 of the Court's Conclusions of Law, the Plaintiffs being present by their counsel, Mr. Clayton B. Pierce and the Defendant having present by his counsel, Mr. A. L. Commons; the Court having heard argument of counsel and the matter having been considered by the Court, the Motion to Amend is overruled and exceptions allowed.

DATED this 18th day of June, 1943.

ROYCE H. SAVAGE  
JUDGE, U. S. DISTRICT COURT

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

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

John Deere Plow Company, a corporation,	Plaintiff,	)	
		)	No. 855 - Civil
v.		)	
Martin J. Mueller and Elsie Mueller,	Defendants.	)	

ORDER CONFIRMING SALE OF REAL ESTATE

Now, on this 18th day of June, 1943, comes the plaintiff herein, John Deere Plow Company, a corporation, by its attorneys, Keaton, Wells & Johnston, and moves the Court to confirm the sale of real estate made by the United States Marshal on May 24, 1943, under an order of sale issued herein out of the office of the clerk of this court dated April 17, 1943, in reference to the following described tracts of land located in Tulsa County, Oklahoma, to wit:

Tract 1;

Lot Three (3) and the east six and one-fourth feet (6 $\frac{1}{4}$ )' of Lot Four (4), in Block Fifty-five (55) in the original Town of Broken Arrow, subject to a first mortgage to the Arkansas Valley State Bank, Broken Arrow, Oklahoma.



present by his counsel, Cleo Wilson, the defendant being present by its counsel, Charles A. Steele, the Court having heard arguments of counsel, and the matter being considered by the Court, the motion to dismiss is overruled; the defendant excepts, and the exception is allowed.

DATED THIS 18th day of JUNE, 1943.

ROYCE H. SAVAGE  
JUDGE

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

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

Evelyn Seber, otherwise known as	)	
Osharsha John, Jinnie Powshiek, and	)	
Juanita Deere, now McIntosh, an in-	)	
competent person, by Phil K.	)	
Cldham, her guardian,	)	Plaintiffs,
	)	Number 1001 Civil
vs.	)	
	)	
H. L. Payne, County Treasurer of	)	
the County of Creek, State of Oklahoma,	)	
	)	Defendant.

D E C R E E

This cause comes on to be heard on this 18 day of June, 1943, the plaintiffs appearing by their attorney, George H. Jennings, and the defendant appearing in person and by C. B. Coryell County Attorney of the County of Creek, State of Oklahoma, and the Court being fully advised, and on consideration thereof, finds the issues in favor of plaintiffs and against defendant.

IT IS THEREFORE ordered, adjudged and decreed that a peremptory writ of mandatory injunction issue against the defendant, H. L. Payne, County Treasurer of the County of Creek, State of Oklahoma, commanding him to forthwith pay to plaintiffs, from the sinking funds of Creek County, State of Oklahoma, consisting of sinking fund money in the custody of said defendant which has accumulated for the purpose of the payment of the bonded indebtedness of said county, its townships and common school districts, or from any portion thereof, the sum of \$4878.51 in full prepayment of the judgment rendered in favor of the plaintiffs against the Board of County Commissioners of the County of Creek, State of Oklahoma, in cause number 436 Civil of the causes pending in this Court, as such judgment has been modified by the decision of the Honorable Circuit Court of Appeals of the Tenth Circuit

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jun 18 1943  
H. P. Warfield, Clerk  
U. S. District Court ME

-----  
Court adjourned to June 19, 1943

On this 19th 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, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

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

O R D E R

Application having been filed in the above cause to suspend, set aside and enjoin the enforcement of an order of the Interstate Commerce Commission, I hereby call to my assistance for the hearing of said complaint

Honorable A. P. Murrah, U. S. Circuit Judge  
Honorable Stephen S. Chandler, U. S. Judge

The cause is set for hearing on the 23rd day of June, 1943, at 9:30 A.M., at Tulsa Oklahoma.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

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

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

BUCYRUS-ERIE COMPANY, a corporation,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	No. 875 - Civil
	)	
Grady Wallace and Florence Marie	)	
Townsend,	)	
Defendants.	)	

J U D G M E N T

This cause was regularly set for trial on the 14th day of June, 1943, and the Plaintiff appeared by G. P. Gotwals, Esq., its attorney, and the Defendant, Florence Marie Townsend, appeared by Creekmore Wallace, Esq., her attorney. A trial being had, and the court having filed herein its Findings of Fact and Conclusions of Law -





On this 22nd 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, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

John Deere Plow Company, a corporation,

Plaintiff,

No. 855 - Civil

v.

Martin J. Mueller and Elsie Mueller, Defendants.

ORDER TO DISBURSE FUNDS

Now on this 22nd day of June, 1943, it appearing that heretofore an order confirming sale of real estate made by the United States Marshal has been entered in this cause, and it appearing that the Marshal has received the sum of Three Hundred Dollars (\$300.00) in cash,

IT IS ORDERED:

That the United States Marshal shall pay out of said sum of \$300.00 received by him, the following:

To John P. Logan, United States Marshal, for fees,	\$13.00
To the publishers of the West Tulsa News, publication fees,	18.85
To the County Treasurer of Tulsa County, ad valorem taxes,	93.86
To John Deere Plow Company to apply on judgment herein,	174.29

Dated at Tulsa, Oklahoma.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Jun 22 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.	)	

JUDGMENT ON THE DECLARATION OF TAKING NO. 1

This day comes the petitioner, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America the full fee simple title, subject however to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the property hereinafter described, and described in the Petition for Condemnation and the Declaration of Taking No. 1 filed herein.

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

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

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

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

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

(5) A statement is contained in said Declaration of Taking for the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of One Thousand Eight Hundred and no/100ths Dollars (\$1,800.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

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

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking No. 1, the Acts of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. Sec. 258a); August 18, 1890 (26 Stat. 316), as amended by the Acts of Congress approved July 2, 1917, (40 Stat. 241), April 11, 1918 (40 Stat. 518; 50 U.S.C. Sec. 171) and March 27, 1942 (Public Law 507-77th Congress and the Act of Congress approved July 2, 1942 (Public Law 649-77th Congress), is of the opinion that the United States was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the following described lands, to-wit:

Tract No. 2

The E $\frac{1}{2}$  of E $\frac{1}{2}$  of NE $\frac{1}{4}$  (except .13 acres for highway R.O.W.): 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 $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , 660 feet; thence South 0 degrees 11' E. 240 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 degrees - 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, T 29 N, R 13 E, of I.M., also the SE 2 acres of the NW 9.70 acres of Lot 2, Sec. 30, T 29 N, R 14 E of I.M. and containing in all a total of 49.07 acres of land, more or less;

was vested in the United States of America upon the filing of said Declaration of Taking No. 1 and the depositing in the Registry of this Court of the said sum of One Thousand Eight Hundred and no/100ths Dollars (\$1,800.00), and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of said compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

IT IS THE FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America be and it is hereby granted leave to take immediate, full and complete possession of said lands, to the extent of the estate hereby taken.

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

Entered this 22 day of June, 1943.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed In Open Court  
9:25 A.M.  
H. P. Warfield, Clerk  
U. S. District Court LN

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

J. T. SMITH,	Plaintiff,	)
		)
vs.		) No. 937 - CIVIL
		)
THE FOURTH NATIONAL BANK OF TULSA, OKLAHOMA, a corporation,	Defendant.	)

JOURNAL ENTRY OF JUDGMENT

This cause came on for hearing on the 24th day of May, 1943, upon the pretrial docket and upon the motion of the defendant for summary judgment, before the undersigned Judge of the United States District Court for the Northern District of Oklahoma plaintiff appearing in person and by his attorney, Heber Finch, and the defendant appearing by its attorneys, Yancey, Bush & Gotwals.

The Court, having heard arguments of counsel and being fully advised in the premises, finds that the amended complaint does not state a claim upon which relief can be granted, and no substantial federal question is presented, that the action relitigate the cause of action tried and settled by a judgment of the District Court of Creek County, Oklahoma, and affirmed by the Supreme Court of Oklahoma, in Smith vs. The Fourth National Bank of Tulsa, 189 Okla. 1, 112 P (2) 158, and that a motion for summary judgment should be sustained and judgment entered for the defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the motion of the defendant for summary judgment be and is hereby sustained, and judgment is entered for the defendant and against the plaintiff, and the costs of this action are taxed against the plaintiff.

To all of which the plaintiff excepts, and exceptions are allowed.

Dated June 22, 1943.

ROYCE H. SAVAGE  
United States District Judge

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

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

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

O R D E R

The motion of defendant to strike is sustained and the following language in paragraph 14 of the plaintiff's Amended Complaint commencing with the word "in" in line 8 and reading "in such manner and by such means as are unknown to this plaintiff but within the knowledge of the defendant and its predecessors" is stricken.

The motion of defendant for a more definite statement is sustained and plaintiff is

directed to file within 30 days from this date a bill of particulars setting out with particularity the facts which plaintiff claims constitute fraud on the part of defendant.

The motion to require plaintiff to separately state and number its claims for relief is denied.

The defendant is allowed 30 days after the filing by plaintiff of its bill of particulars and the service thereof to further plead or answer herein.

Dated this 22nd day of June, A. D. 1943.

ROYCE H. SAVAGE  
JUDGE

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

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Court adjourned to June 23, 1943

On this 23rd 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. Hon. A. P. Murrah, Stephen S. Chandler and Royce H. Savage, Judges, present and presiding.

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

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

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

RISS & COMPANY, INC., a Corporation, Plaintiff, )

-vs-

Civil Action File No. 525

UNITED STATES OF AMERICA and INTERSTATE  
COMMERCE COMMISSION, Defendants. )

FINAL DECREE

This cause come on for trial on the 23rd day of June, 1943 and having been submitted upon the pleadings, without the introduction of any evidence by either party, and argument of counsel for plaintiff and defendants having been heard, and the court being of opinion that the case is indistinguishable upon the law and the facts from the case of Gregg Cartage & Storage Co., v. United States, 316 U.S. 74, and under the authority thereof should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the complaint in the above styled case be and the same hereby is dismissed at the cost of the plaintiff.

ALFRED P. MURRAH  
United States Circuit Judge



REGULAR JANUARY 1943 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

SATURDAY, JUNE 26, 1943

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

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

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

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

**SEVENTH:** That a statement is contained in said Declaration of Taking of a sum of money, estimated by said acquiring authority to be just compensation for said lands, in the amount of \$8,566.25, 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 26th day of June, 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 Craig, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 1 (45 - FW-98)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SW corner of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence easterly along the south boundary of said SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 648.2 feet to a point 11.1 feet west of the SE corner thereof; thence N. 41 degrees 33' W. 128.5 feet; thence N. 43 degrees, 09' W. 468.5 feet; thence S. 89 degrees 40' W. 247.4 feet to a point on the west boundary a distance of 450.8 feet to the point of beginning, containing approximately 4.6 acres, lying below Elev. 757 Sea Level Datum.

the area lying below Elev. 757 Sea Level Datum is approximately 0.4 acre.

TRACT NO. 2 (45 - FW-99)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NW corner of said  $SE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$ ; thence easterly along the north boundary of said  $SE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$  a distance of 22.4 feet to a point 566.5 feet west of the NE corner thereof; thence S. 35 degrees, 50' E 269.6 feet; thence S 89 degrees 40' W 247.4 feet to a point in the west boundary of said  $SE\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4}$  thence northerly along said west boundary a distance of 219.5 feet to the point of beginning, containing approximately 0.9 acre, lying below Elev. 757 Sea Level Datum.

The area lying below Elev. 757 Sea Level Datum is approximately 0.1 acre.

TRACT NO. 3 (45 - FW-100)

Flowage Easement

All that part of the  $E\frac{1}{2} W\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 4 (45 - FW-101)

Flowage Easement

All that part of the  $E\frac{1}{2} E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$  and all that part of the  $W\frac{1}{2} W\frac{1}{2} SE\frac{1}{4} SE\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 5 (45 - FW-102 Revised)

Flowage Easement

All that part of the  $SW\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $W\frac{1}{2} E\frac{1}{2} SW\frac{1}{4} SE\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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 6.8 acres.

TRACT NO. 6 (45 - FW-102-A)

Flowage Easement

All that part of the  $SW\frac{1}{4} NW\frac{1}{4} SE\frac{1}{4}$ , and all that part of the  $NW\frac{1}{4} SW\frac{1}{4} SE\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.7 acres.

TRACT NO. 7 (45 - FW-103)

Flowage Easement

All that part of the  $SE\frac{1}{4} SW\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 6.1 acres.

TRACT NO. 8 (45 - FW-104)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

TRACT NO. 9 (45 - FW-105)  
Flowage Easement

All that part of the NE $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  and all that part of the NE $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and all that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, except that portion owned by the Grand River Dam Authority, and except that tract of land described as follows, to-wit:

"Beginning 50 feet East of the Northwest corner of NE NE SE 35-24-21, thence North 89 degrees 37' East 147.5 feet; thence South 40 degrees 58' East 70.7 feet; thence South 19 degrees 14' West 196 feet; thence South 36 degrees 41' West 124 feet; thence South thirty degrees 30' West 84 feet; thence North 1 degree 46' West 401.1 feet to the point of beginning" lying below Elev. 757 Sea Level Datum.

All in T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, containing approximately 8.7 acres.

TRACT NO. 10 (45 - FW-106, Revised)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.4 acres.

TRACT NO. 11 (45 - FW-107)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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 4.4 acres.

TRACT NO. 12 (45 - FW-108)  
Flowage Easement

All that part of a tract of land in the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, Described as follows, to-wit:

"Beginning at the Southwest corner of said SE SE NE; thence Northerly along the West boundary of said SE SE NE a distance of 82.5 feet; thence North 89 degrees 48' East 149.7 feet; thence South 1 degree 22' East 24.4 feet; thence South 40 degrees 57' East 76.7 feet to a point in the South boundary of said SE SE NE and 457.8 feet west of the SE corner thereof; thence Westerly along said South boundary a distance of 199.9 feet to the point of beginning, containing 0.3 acres more or less" lying below Elev. 757 Sea Level Datum, containing approximately 0.04 acre.

and all that part of a tract of land described as follows, to-wit:

"Beginning 50 feet East of the Northwest corner of NE NE SE 35-24-21, thence North 89 degrees 37' East 147.5 feet; thence South 40 degrees 58' East 70.7 feet; thence South 19 degrees 14' West 196 feet; thence South thirty-six degrees 41' West 124 feet; thence South 30 degrees 30' West 84 feet; thence North 1 degree 46' West 410.1 feet to the point of beginning" lying below Elev. 757 Sea Level Datum, containing approximately 0.66 acre.

All in T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, both tracts containing a total of approximately 0.7 acres.

TRACT NO. 13 (45 - FW-109)  
Flowage Easement

All that part of a tract of land in the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, described as follows, to-wit:

"Beginning at a point in the West boundary of the E $\frac{1}{2}$  of said SE NE 82.5 feet from the Southwest corner thereof; thence Northerly along the said West boundary a distance of 82.5 feet; thence North 89 degrees 48' East parallel to the South boundary of said SE NE a distance of 149.0 feet; thence South 1 degree 22' East 84 feet; thence South 89 degrees 48' West parallel to the South boundary of said SE NE a distance of 151.0 feet to the point of beginning, containing 0.28 acres more or less"

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

TRACT NO. 14 (45 - FW-110)  
Flowage Easement

All that part of a tract of land in Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, described as follows, to-wit:

"Beginning at a point in the West boundary of the E $\frac{1}{2}$  of said SE NE 165 feet from the Southwest corner thereof, thence Northerly along the West boundary of E $\frac{1}{2}$  SE NE a distance of 82.5 feet; thence North 89 degrees 48' East parallel to the South boundary of said SE NE a distance of 147 feet; thence South 1 degree 22' East 84 feet; thence South 89 degrees 48' West parallel to the South boundary of said SE NE a distance of 149 feet to the point of beginning, containing 0.28 acres, more or less."

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

TRACT NO. 15 (45 - FW-111)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of

the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, and except a tract of land described as follows, to-wit:

Beginning at the SW corner of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , thence northerly along the west boundary of SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 247.5 feet; thence N. 89 degrees 48' E parallel to the south boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 147 feet; thence S 1 degree 22' E 192.4 feet; thence S 40 degrees 57' E 76.7 feet to a point in the south boundary of said SE $\frac{1}{4}$  NE $\frac{1}{4}$  and 457.8 feet west of the SE corner thereof; thence Westerly along said south boundary a distance of 199.9 feet to the point of beginning, containing approximately 6.3 acres.

TRACT NO. 16 (45 - FW-112)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 17 (45 - FW-113)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TRACT NO. 18 (45 - FW-114)  
Flowage Easement

E $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum containing approximately 2.2 acres.

TRACT NO. 19 (45 - FW-115)  
(45 - FW-116)  
(45 - FW-117)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  in Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.5 acre.

TRACT NO. 20 (45 - FW-118)  
Flowage Easement

All that part of the N $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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 1.0 acres.

## TRACT NO. 21 (45 - FW-119)

## Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, described as follos, to-wit:

Beginning at the SE corner of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ , thence northerly along the east boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  a distance of 401.8 feet to a point 257.9 feet south of the NE corner thereof; thence S. 27 degrees 45' W. 162.6 feet; thence S. 21 degrees 58' W 279.0 feet to a point in the south boundary of said NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  and 195.0 feet west of the SE corner thereof; thence easterly along said south boundary a distance of 185.0 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

## TRACT NO. 22 (45 - FW-120)

## Flowage Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 23 (45 - FW-121)

## Flowage Easement

All that portion of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 24 (45 - FW-122)

## Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 35, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 25 (45 - FW-123

45 - FW-124

45 - FW-125)

## Flowage Easement

All that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 26 (45 - FW-126)

## Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

REGULAR JANUARY 1943 TERM

DISTRICT OF OKLAHOMA  
TULSA, OKLAHOMA

SATURDAY, JUNE 26, 1943

## TRACT NO. 27 (45 - FW-127)

## Flowage Easement

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  in Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig 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. 28 (45 - FW-128)

## Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand Rier Dam Authority, containing approximately 1.2 acre.

## TRACT NO. 29 (45 - FW-129)

## Flowage Easement

All that part of Lot 9, Block 2 as shown on the Dedication Plat of Grand Lake View, Oklahoma, filed May 2, 1941, situated in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing less than 0.1 acre.

## TRACT NO. 30 (45 - FW-129 - Revised)

## Flowage Easement

All that part of Lot 8, Block 2, as shown on the Dedication Plat of Grand Lake View, Oklahoma, filed May 2, 1941, situated in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre, and all that part of Greiner Avenue adjacent thereto, lying below Elev. 757 Sea Level Datum.

## TRACT NO. 31 (45 - FW-129-B Revised)

## Flowage Easement

All that part of Lot 7, Block 2, as shown on the Dedication Plat of Grand Lake View, Oklahoma, filed May 2, 1941, situated in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre, and all that part of Greiner Avenue adjacent thereto lying below Elev. 757 Sea Level Datum.

## TRACT NO. 32 (45 - FW-129 C Revised)

## Flowage Easement

All that part of Lot 6, Block 2, as shown on the Dedication Plat of Grand Lake View, Oklahoma, filed May 2, 1941, situated in the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre, and all that part of Greiner Avenue and Morgan Street adjacent thereto, lying below Elev. 757 Sea Level Datum.

TRACT NO. 33 (45 - FW-131)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 36, T 24 N, R 21 E of the Indian Base and Meridian in Craig County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.0 acre.

be, and the same 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 3rd 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.

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

ENDORSED: Filed 9:35 A.M.  
Jun 26 1943  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to June 29, 1943

On this 29th 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, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

City of Sapulpa, Oklahoma, a Municipal Corporation, ex rel Brandon Barringer, et al.,	)	
	)	
	)	
	)	Plaintiffs,
	)	
vs.	)	NO. 484 - C
	)	
1ST TRACT: W. S. Glasby, et al.,	)	
	)	
	)	Defendants.

ORDER APPROVING AND CONFIRMING SALE OF REAL ESTATE MADE  
BY SPECIAL MASTER

Now on this 18th day of June, 1943, this matter coming on for hearing upon the application of the plaintiff for an order approving sales of real estate made by the Special Master herein, J. Harvey Smith, and there being no objections made or filed and the plaintiff appearing by its attorney, and the Court after an examination of the files and pleadings in said cause finds that heretofore and on the 19th day of March, 1943, there was issued out of the office of the clerk of this court an order as to certain properties involved in the above entitled cause, directing and commanding J. Harvey Smith, Special Master, to make a sale of such property in a manner provided by law.

That thereafter said Special Master caused notice of sale to be published in the Sapulpa Legal News, a newspaper published and of general circulation in Creek County, Oklahoma, for the time and in the manner required by law, which notice so published was in all respects in conformity to the provisions of the statute, and in said notice said Special Master stated that on the third day of May, 1943, at the hour of 2:00 o'clock P.M. at the East front door of the Court House in the City of Sapulpa, Creek County, State of Oklahoma, he would offer for sale and sell all of the property described in said notice, in separate tracts to the highest bidder, for cash, after due and proper appraisement at not less than two-thirds of the net appraised value.

The Court finds that all of the property sold at said sale was duly and legally appraised as by law provided, and further finds that on said third day of May, 1943, at the time and place stated in said notice said Special Master offered for sale and sold the hereinafter described property to the parties whose names are set out after each separate tract, for the price set opposite each separate tract, said prices in each instance, being more than two-thirds of the net appraised value, and the Court finds that said sale is in all respects regular and valid, and that said Special Master should be directed to make, execute and deliver to the purchaser of each of said tracts, lots, or pieces of land hereinafter described, his deed of conveyance.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the sales made by the Special Master of those certain lots, tracts, pieces and parcels of land referred to and described in his return of sale filed herein on the 7th day of June, 1943, be and the same are hereby approved and confirmed, and the said Special Master is directed and ordered to make, execute, acknowledge and deliver to the purchaser of each separate tract, lot, piece and parcel of land his instrument of conveyance passing all right, title, claims and equities created and vested in him in consequence of the judgment of this Court heretofore entered in this cause, as follows, to-wit:

FORREST PARK ADDITION

TRACT	LOT	BLOCK	PURCHASER	SALE PRICE
2	20	3	R. C. Borton	\$ 10.00
3	21	3	P. A. McNea	15.00
4	3	4	Jessie Rockwood	25.00
6 E $\frac{1}{2}$	17	4	R. C. Borton	15.00

7 W $\frac{1}{2}$	18	4	R. C. Booton	10.00
8	20	4	R. C. Booton	350.00
10 W20'	5	5	R. C. Booton	35.00
10	6	5	R. C. Booton	25.00
11	10	5	Dr. Ellis Jones	60.00
13	15	5	R. C. Booton	11.00
14	16	5	R. C. Booton	11.00
14	17	5	R. C. Booton	11.00
15	18	5	R. C. Booton	11.00
17	2	5	R. C. Booton	35.00
19	5	6	P. A. McNeal	115.00
20	6	6	Heber Finch	25.00
20	8	6	Heber Finch	25.00
22	16	6	J. V. Frazier	53.00
23	19	6	George V. Robertson	50.00
24	21	6	R. C. Booton	40.00
25	22	5	R. C. Booton	25.00
26	23	6	R. C. Booton	30.00
27	24	6	Vern Patty	200.00
36	2	8	M. H. Saxon	100.00
36	3	8	R. C. Booton	25.00
39	9	8	Betty Hix	25.00
40	10	8	Robert L. Metcalf	25.00
41 W $\frac{1}{2}$	2	9	R. C. Booton	10.00
42	3	9	Margaret Updike	25.00
43	5	9	R. C. Booton	18.00
44 W $\frac{1}{2}$	10	9	R. C. Booton	10.00
49	19	9	R. C. Booton	25.00
49	2	9	R. C. Booton	582.00
50	23	9	R. C. Booton	45.00
52	10	10	R. C. Booton	18.00
53	12	10	Fenton Brigance	350.00
60	3	12	P. A. McNeal	100.00
61	5	12	R. C. Booton	27.00
62	9	12	R. C. Booton	24.00
62	10	12	R. C. Booton	25.00
74 W $\frac{1}{2}$	8	5	Dr. Ellis Jones	30.00
67	16	3	R. C. Booton	25.00
71	11	4	R. C. Booton	15.00
72	12	4	R. C. Booton	17.00
72	13	4	R. C. Booton	17.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Special Master be allowed a fee of \$150.00 for his services, the sum of \$52.50 expenses and that he also pay the publication fee of \$64.00 and the appraisers fee of \$35.00 and that the proceeds from the sale of said property be paid and distributed as follows:

1. To the Court Clerk of this Court for all accrued costs.
2. To the Sapulpa Legal News for publication fee for advertising said sale \$64.00.
3. To the appraisers, \$35.00.
4. To the Special Master for his fee, the sum of \$150.00 and also \$52.50 for expenses.



United States Marshal for the Northern District of Oklahoma on the 12th day of June, 1943, to George B. Smith, under an order of sale issued out of this Court dated the 5th day of May, 1943, of the following property, to-wit:

East Half of Southwest Quarter and West Half of Southeast Quarter of  
Section 33, Township 25 North, Range 5 East, Osage County, Oklahoma,

and the Court, having carefully examined the proceedings of said Marshal under said order of sale, is satisfied that the same has been performed in all respects in conformity to law, that due and legal notice of said sale was given by publication for thirty (30) days in the Daily Journal-Capital, a weekly newspaper published in and of general circulation in Osage County, Oklahoma, as shown by proof of said publication on file herein, and that on the date fixed therein, to-wit: the 12th day of June, 1943, said property was sold to George B. Smith, he being the highest and best bidder therefor; and that the Clerk is accordingly directed to make an entry on the journal of said Court that the Court is satisfied of the legality of said sale; and, no exceptions being filed, nor objections made,

IT IS ORDERED AND ADJUDGED BY THE COURT that said sale and the proceedings be, and the same are, hereby approved and confirmed; and

IT IS FURTHER ORDERED that John P. Logan, United States Marshal for the Northern District of Oklahoma, make and execute to the said purchaser at said sale, George B. Smith, a good and sufficient deed for the said premises so sold;

IT IS FURTHER ORDERED BY THE COURT that the Clerk be, and he is hereby directed to credit the judgment rendered herein with the amount of Sixteen Hundred Dollars (\$1600.00), the amount of the proceeds realized from said sale and which amount is to be applied to the satisfaction of said judgment as follows:

1. Payment of costs of said sale, and this suit.
2. The residue to be applied on the said judgment in the sum of \$1603.03 with interest thereon at the rate of 6% per annum from April 6, 1943,

and

LET EXECUTION ISSUE for the deficiency under said judgment.

ROYCE H. SAVAGE  
JUDGE

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

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

UNITED STATES OF AMERICA,

Petitioner, )

vs. )

CIVIL NO. 970

CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA:

and Eldee McCracken, now Arterbury, also known as

Arterberry, et al.,

Defendants. )

ORDER APPOINTING COMMISSIONERS

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

TUESDAY, JUNE 29, 1943

NOW, on this 29th day of June, 1943, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appearing to the Court that the United States of America has the power and authority to acquire, by eminent domain the lands hereinafter described and the acquisition of said lands is necessary for the management, operation and maintenance of the Grand River Dam Project, and for generating and supplying power for the manufacture of explosives or munitions of war, or otherwise necessary to the safety and defense of the United States

The Court finds that pursuant to the Act of August 1, 1888, 25 Stat. 357 (U.S.C. Title 40, Sec. 257); the Act of February 26, 1931, 46 Stat. 1421 (U.S.C. Title 40, Secs. 258 (a) to 258 (e); Title II of the Act of June 16, 1933, 48 Stat. 195, 200, (U.S.C. Title 23, Sec. 9 (b) and Title 40, Secs. 401-407, 409, 411, 413 and 414), as amended and supplemented; the Act of June 10, 1920, 41 Stat. 1063 (U.S.C. Title 16, Sec. 809); and Executive Order No. 8944, dated November 19, 1941, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States of America, title to all lands and interests in lands necessary for carrying out the purposes and objects set forth in said Executive Order No. 8944.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes a perpetual easement for the erection, operation and maintenance of a line or lines of poles, h-frame structures, towers, or other structures, wires, cables and fixtures, for the transmission of electric current, together with the perpetual easement and right to cut down, remove or trim any trees that may interfere with or endanger said transmission line or lines or the maintenance or operation thereof, together with the perpetual easement, right and privilege to set the necessary guy and brace poles and anchors and to attach all necessary guy wires thereto, upon, over and across the lands situate, lying and being in the County of Mayes, in the Northern District of the State of Oklahoma, and within the jurisdiction of this Court, and more particularly described by courses and distances, as follows, to-wit:

TRACT NO. 1 (308 - 1.1)  
Perpetual Easement

A strip of land 100 feet in width in the North 20.0 acres of Lot 1, Sec. 33, T 20 North, Range 19 East of the Indian Base and Meridian in Mayes County, Oklahoma, to center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said Lot 1, 664.7 feet from the NW corner thereof; thence Southwesterly to a point in said North 20.0 acres of Lot 1 50.0 feet North and 125.0 feet East of the SW corner thereof; thence West to a point in the West boundary of said North 20.0 acres of Lot 1, 50.0 feet from the SW corner thereof.

TRACT NO. 2 (308 - 1.2)  
Perpetual Easement

The South 100 feet of the North  $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 33, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 3 (308 - 1.3)  
Perpetual Easement

The South 100 feet of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 33, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 4 (308 - 1.4)  
Perpetual Easement

The South 100 feet of the  $N\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 33, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma.

TRACT NO. 5 (308 - 2.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $N\frac{1}{2}$  NE $\frac{1}{4}$ ; Sec. 32, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $N\frac{1}{2}$  NE $\frac{1}{4}$  610.0 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$  NE $\frac{1}{4}$ , 702.0 feet from the NW corner thereof.

TRACT NO. 6 (308 - 2.2)  
Perpetual Easement

A strip of land 100 feet in width in the  $E\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 32, T 20 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $E\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  702.0 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $E\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 725.0 feet from the NW corner thereof.

TRACT NO. 7 (308 - 2.3)  
Perpetual easement

A strip of land 100 feet in width in the  $W\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 32, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 725.0 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $W\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 748.0 feet from the SW corner thereof.

TRACT NO. 8 (308 - 2.4)  
Perpetual Easement

A strip of land 100 feet in width in the  $S\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 32, T 20 N - R 19 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $S\frac{1}{2}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$ , 88.0 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $S\frac{1}{2}$   $NW\frac{1}{4}$   $NW\frac{1}{4}$ , 133.9 feet from the NW corner thereof.

## TRACT NO. 9 (308 - 3.1)

Perpetual Easement

All that part of the  $N\frac{1}{2}$   $NE\frac{1}{4}$ , Sec. 31, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, Particularly described as follos, to-wit:

TRACT A:

A strip of land 100 feet in width, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $N\frac{1}{2}$   $NE\frac{1}{4}$ , 793.9 feet from the NE corner thereof; thence S.  $87^{\circ} 49'$  W a distance of 381.6 feet to a point in and said  $N\frac{1}{2}$   $NE\frac{1}{4}$  which point is in the East right-of-way line of the existing Grand River Dam Project 100-foot easement strip, 808.4 feet South and 381.3 feet West of the NE corner of said  $N\frac{1}{2}$   $NE\frac{1}{4}$ .

TRACT B:

A strip of land 100 feet in width, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said  $N\frac{1}{2}$   $NE\frac{1}{4}$ , 774.6 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$   $NE\frac{1}{4}$ , 302.5 feet from the NW corner thereof.

TRACT C:

Beginning at a point in said  $N\frac{1}{2}$   $NE\frac{1}{4}$ , 858.4 feet South and 423.7 feet West of the NE corner thereof; said point being further described as being in the East boundary line of the existing Grand River Dam Project 100-foot easement strip and in the South boundary line of Tract "A" described above; thence N.  $87\frac{1}{2}$   $49'$  East along the South boundary line of Tract "A" described above, a distance of 50 feet; thence Southwesterly to a point in the East boundary line of said existing Grand River Dam Project 100-foot easement strip; thence Northeasterly along the East boundary line of said existing Grand River Dam Project 100-foot easement strip, a distance of 600 feet to the point of beginning.

## TRACT NO. 10 (308 - 3.2)

## Perpetual Easement

A strip of land 100 feet in width in the  $NE\frac{1}{2}$   $NW\frac{1}{4}$  and Lot 1, Sec. 31, T 20 N, R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $NE\frac{1}{2}$   $NW\frac{1}{4}$ , 302.5 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said Lot 1, 390.0 feet

TRACT NO. 11 (308 - 4.1)  
Perpetual Easement

All that part of the SW $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 29, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, particularly described as follows, to-wit:

TRACT A:

A strip of land 100 feet in width, the center line of which is described as follows, to-wit:

Beginning at a point in said SW $\frac{1}{2}$  SW $\frac{1}{4}$ , 179.8 feet North and 333.8 feet East of the SW corner thereof, said point being in the West right-of-way line of the existing Grand River Dam Project 100-foot easement; thence Southwesterly to a point in the West boundary of said SW $\frac{1}{2}$  SW $\frac{1}{4}$ , 125.0 feet from the SW corner thereof.

TRACT B:

Beginning at the point of intersection of the North boundary line of Tract A described above, and the West boundary line of the existing Grand River Dam Project 100-foot easement strip; thence Northeasterly along the West boundary line of said existing Grand River Dam Project 100-foot easement strip, a distance of 500 feet; thence Southwesterly to a point in the North boundary line of said Tract "A" described above; thence Northeasterly along the North boundary line of said Tract "A" described above, a distance of 50 feet to the point of beginning all situated in said SW $\frac{1}{2}$  SW $\frac{1}{4}$ , Sec. 29.

TRACT NO. 12 (308 - 5.1)  
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$  SE $\frac{1}{2}$  SE $\frac{1}{4}$ , Sec. 30, T 20 N - R 19 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said S $\frac{1}{2}$  SE $\frac{1}{2}$  SE $\frac{1}{4}$ , 125.0 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said S $\frac{1}{2}$  SE $\frac{1}{2}$  SE $\frac{1}{4}$ , 774.8 feet from the SE corner thereof;

TRACT NO. 13 (308 - 6.1)  
Perpetual Easement

A strip of land 100 feet in width in the SE $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{4}$ , Sec. 36, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said SE $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{4}$ , 590.0 feet from the SE corner thereof; thence Southwesterly to a point in the West boundary of said SE $\frac{1}{2}$  NE $\frac{1}{2}$  NE $\frac{1}{4}$ , 174.4 feet from the NW corner thereof.

TRACT NO. 14 (308 - 6.2)  
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 36, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  174.4 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , 278.8 feet from the NW corner thereof.

TRACT NO. 15 (308 - 6.3)  
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 36, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 278.18 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  487.6 feet from the NW corner thereof.

TRACT NO. 16 (308 - 6.4)  
Perpetual Easement

A strip of land 100 feet in width in that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  lying East of the M. K. & T. Railway and that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  lying E. of the M. K. & T. railway, all in Sec. 36, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 487.5 feet from the NE corner thereof, thence S. 81° 02' W. a distance of 929 feet to a point in the East right-of-way line of the M. K. & T. railway right-of-way.

TRACT NO. 17 (308 - 6.4A)  
Perpetual Easement

A strip of land 100 feet in width in that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  lying West of the M. K. & T. Railway and that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  lying West of the M. K. & T. Railway, all in Sec. 36, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the West boundary of said NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  36.3 feet from the NW corner thereof; thence N. 81° 02' East a distance of 206.5 feet to a point in the west right-of-way line of said M. K. & T. Railway right-of-way.

TRACT NO. 18 (306 - 6.5 (Rev.)  
Perpetual Easement

A strip of land 100 feet in width in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$ , the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , less the N. 600 feet of the W. 210 feet, all in Sec. 36, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 36.3 feet from the NE corner thereof; thence southwesterly to a point in the East boundary of said N. 600 feet of the W. 210 feet of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 211.8 feet from the NE corner of said W. 210 feet of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ .

TRACT NO. 19 (308 - 6.6 (Rev.)  
Perpetual Easement

A strip of land 100 feet in width in the North 600 feet of the West 210 feet of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 36, T 20 N, R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said N. 600 feet of the W. 210 feet of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 211.8 feet from the NE corner thereof, thence southwesterly to a point in the west boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 245.0 feet from the NW corner thereof.

TRACT NO. 20 (308 - 7.1)  
Perpetual Easement

All that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  and the S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 35, T 20 N - R 18 E of the Indian Base and Meridian, in Mayes County, Oklahoma, particularly described as follows, to-wit:

TRACT A:

A strip of land 100 feet in width in said N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 245 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said N $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 449.5 feet from the NW corner thereof, and

TRACT B:

Beginning at the NW corner of said S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence Easterly along the North boundary of said S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , a distance of 285.0 feet; thence Southwesterly to a point in the West boundary of said S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ; thence Northerly along the West boundary of said S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  a distance of 44.1 feet to the point of beginning.

TRACT NO. 21 (308 - 7.2)  
Perpetual Easement

A strip of land 100 feet in width in the  $N\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 35, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 449.3 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 653.5 feet from the NW corner thereof.

TRACT NO. 22 (308 - 7.3)  
Perpetual Easement

A strip of land 100 feet in width in the SE $\frac{1}{2}$  NW $\frac{1}{4}$  and the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 35, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said SE $\frac{1}{2}$  NW $\frac{1}{4}$  653.5 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 299.9 feet from the NW corner thereof.

TRACT NO. 23 (308 - 7.4)  
Perpetual Easement

A strip of land 100 feet in width in the SW $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Sec. 35, T 20 N - R 18 E of the Indian Base and Meridian, in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said SW $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 299.9 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , 258 feet from the SW corner thereof.

TRACT NO. 24 (308 - 8.1)  
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 34, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 258 feet from the SE corner thereof; thence Southwesterly to a point in the West boundary of said S $\frac{1}{2}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , 55.5 feet from the SW corner thereof.

TRACT NO. 25 (308 - 8.2)  
Perpetual Easement

A strip of land 100 feet in width in the S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec. 34, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $S\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ , 55.5 feet from the SE corner thereof; thence Southwesterly to a point in the South boundary of said  $S\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$ , 361.8 feet from the SE corner thereof.

TRACT NO. 26 (308 - 8.3)  
Perpetual Easement

A strip of land 100 feet in width in the  $N\frac{1}{2}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$ , Sec. 34, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the North boundary of said  $N\frac{1}{2}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$ , 361.8 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$ , 147 feet from the NW corner thereof.

TRACT NO. 27 (308 - 8.4)  
Perpetual Easement

A strip of land 100 feet in width in the  $N\frac{1}{2}$   $N\frac{1}{2}$   $SW\frac{1}{4}$ , Sec. 34, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $N\frac{1}{2}$   $N\frac{1}{2}$   $SW\frac{1}{4}$ , 147 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$   $N\frac{1}{2}$   $SW\frac{1}{4}$ , 552 feet from the NW corner thereof.

TRACT NO. 28 (308 - 9.1)  
Perpetual Easement

A strip of land 100 feet in width in the  $N\frac{1}{2}$   $SE\frac{1}{4}$ , Sec. 33, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $N\frac{1}{2}$   $SE\frac{1}{4}$ , 552 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$   $SE\frac{1}{4}$ , 958.5 feet from the NW corner thereof.

TRACT NO. 29 (308 - 9.2)  
Perpetual Easement

A strip of land 100 feet in width in the  $S\frac{1}{2}$   $N\frac{1}{2}$   $SW\frac{1}{4}$ , and the  $N\frac{1}{2}$   $S\frac{1}{2}$   $SW\frac{1}{4}$ , Sec. 33, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the East boundary of said  $S\frac{1}{2}$   $N\frac{1}{2}$   $SW\frac{1}{4}$ , 298.5 feet from the NE corner thereof; thence Southwesterly to a point in the West boundary of said  $N\frac{1}{2}$   $S\frac{1}{2}$   $SW\frac{1}{4}$ , 50 feet from the NW corner thereof.

## TRACT NO. 30 (308 - 10.1)

Perpetual Easement

The North 100 feet of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 32, T 20 N - R 18 E of the Indian Base and Meridian, in Mayes County, Oklahoma

## TRACT NO. 31 (308 - 10.2)

Perpetual Easement

The North 100 feet of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and the North 100 feet of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and the North 100 feet of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , all in Sec. 32, T 20 N - R 18 E of the Indian Base and Meridian, in Mayes County, Oklahoma.

## TRACT NO. 32 (308 - 10.3)

Perpetual Easement

The North 100 feet of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 32, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma.

## TRACT NO. 33 (308 - 11.1)

Perpetual Easement

The North 100 feet of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Sec. 31, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma.

## TRACT NO. 34 (308 - 11.2)

Perpetual Easement

The North 100 feet of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and the North 100 feet of the N $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 31, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma.

## TRACT NO. 35 - (308 - 11.3)

Perpetual Easement

The North 100 feet of the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$ , Sec. 31, T 20 N - R 18 E of the Indian Base and Meridian in Mayes County, Oklahoma.

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

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

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



IT IS, THEREFORE, THE ORDER AND JUDGMENT of the Court that the plaintiff have and recover judgment against the defendants, Robert H. Brown and Gladys D. Brown, for the sum of Three Hundred Eighteen Dollars and One Cent (\$318.01), with interest thereon at the rate of Three Per Cent (3%) per annum from August 19, 1942, and for the costs of this action.

LET EXECUTION ISSUE.

ROYCE H. SAVAGE  
JUDGE

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

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

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