

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

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

ORDER APPOINTING COMMISSIONERS

NOW, on this 18th day of October, 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 to provide for the storage of waters to be impounded by the Grand River Dam Project in Oklahoma, 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, 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. 200-203 (U.S.C. Title 40, Secs. 401-403) 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, said lands.

That pursuant to and by virtue of said authority, the Administrator of the Federal Works Agency has duly selected for acquisition by the United States for said public purposes, certain lands situate, lying and being in the County of Delaware, in the Northern District of the State of Oklahoma, within the jurisdiction of this Court, and more particularly described as follows, to-wit:

(For description of tracts see Journal 6 - Page 546)

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

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

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that W. L. Mayes of Mayes County, Oklahoma, C. V. Hamilton of Ottawa County, Oklahoma, and T. G. Grant of Tulsa County, Oklahoma, each a disinterested freeholder in the Northern District of Oklahoma, and not interested in any like question be, and they are hereby selected by the Judge of this Court from the regular jury list of names of this Court, and are appointed as commissioners to inspect said tracts of land as hereinabove described and consider the injury and assess the damages said defendants, as the owners thereof, or having any right, title or interest therein will sustain by reason of the condemnation and appropriation by the petitioner, of said lands.

IT IS FURTHER ORDERED that the United States Marshals for the Northern District

the plaintiff then and there duly excepted, which exception was by the court allowed.

"Whereupon, the plaintiff announced that she does not desire to further amend her complaint herein, but would stand upon said complaint as amended herein heretofore.

"It is, therefore, further ordered, adjudged and decreed that the plaintiff's said action and complaint as amended herein be and it is hereby dismissed with prejudice and judgment be and is hereby entered in favor of the defendant and against plaintiff, and costs taxed to the plaintiff, to which order, and judgment plaintiff then and there duly excepted, which exception was by the court allowed."

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

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby reversed; that this cause be and the same is hereby remanded to the said district court for further proceedings in accordance with the views expressed in the opinion of the court; and that Elsie A. Miller, appellant, have and recover of and from Herbert Frederic Miller, appellee, her costs herein and have execution therefor.

-- March 5, 1943;

You, therefore, are hereby commanded that such further proceedings be had in said cause, in conformity with the opinion and judgment of this court, as according to right and justice, and the laws of the United States, ought to be had.

WITNESS, the Honorable HARLAN F. STONE, Chief Justice of the United States, the 18th day of October, in the year of our Lord one thousand nine hundred and forty-three.

COSTS OF	APPELLANT:	
Clerk	\$43.80	ROBERT B. CARTWRIGHT, CLERK,
Printing Record	\$-- --	By George A. Pease
Attorney	\$20.00	Deputy Clerk of the United States Circuit
	<u>\$63.80</u>	Court of Appeals, Tenth Circuit

UNITED STATES CIRCUIT COURT OF APPEALS TENTH CIRCUIT

Frederic Miller Costs taxed in favor of appellant in the case of Elsie A. Miller vs. Herbert No. 2568

Filing record and docketing cause,	5.00
Filing copies of printed record,	-- --
Filing and entering 1 appearance for appellant	.50
Filing and entering 2 appearances for appellee	1.00
Clerk, preparing record for printer, etc.,	-- --
Printer, for printing record,	-- --
Filing 34 papers	8.50

Entering 9 orders, folio,	1.80
Filing briefs for appellant	10.00
Filing brief for appellee	5.00
Filing opinion,	.25
Filing and entering judgment or decree,	1.25
Filing petition for a rehearing,	5.00
Issuing mandate to District Court,	5.00
Filing receipt for mandate,	.25
Filing duplicate refund statement	.25
Attorney's docket fee	20.00
	<u>63.80</u>

Attest:

ROBERT B. CARTWRIGHT, Clerk
 By George A. Pease
 Deputy Clerk, U. S. Circuit Court of
 Appeals, Tenth Circuit

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

 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)
)
vs.)
		) No. 1016 CIVIL
One 1940 Chrysler Coupe Automobile,)
Motor No. C25-28728; approximately)
33.00 gallons of tax-paid whiskey;)
Marion B. Forsman and Katherine M.)
Forsman,	Claimants.)

ORDER RELEASING BOND

This matter coming on to be heard on this the 20th day of October, 1943, upon the application of Katherine M. Forsman for an order releasing the Cost Bond heretofore deposited in said cause, and it appearing to the Court that this cause, having been adjudicated in favor of the said Katherine M. Forsman by decree of this Court on August 23, 1943, and no appeal having been taken, nor proceedings for the same, by the United States of America, Libelant in said cause, the Court finds that the application to release the bond and the surety thereon should be, and is, hereby sustained. And it further appearing to the Court that all of the costs adjudged against said Katherine M. Forsman have been fully paid

NOW, THEREFORE, IT IS THE ORDER of this Court that the bond heretofore deposited in this cause by the claimant with the Aetna Casualty and Surety Company, as surety thereon, be and the same is hereby ordered satisfied and the surety thereon ordered released from liability thereon.

ROYCE H. SAVAGE
 Judge of the United States District Court

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jacob Arneecheer,	Plaintiff,)	
)	
v.)	
)	
Ned Arneecheer, Joe Arneecheer,)	
Sam Arneecheer, Dora Arneecheer,)	
Linnie Arneecheer, Lillie Arneecheer,		)	No. 1078 CIVIL
John Crawford, O. R. Goodman, the)	
Oklahoma Tax Commission, and the)	
unknown heirs, executors, adminis-)	
trators, devisees, trustees,)	
creditors, and assigns, immediate and)	
remote of Eliza Arneecheer, nee Little-dave,)	
	Defendants,)	
)	
United States of America,	Intervener.)	

D E C R E E

THIS matter coming on for hearing this 20th day of October, 1943, and the plaintiff appearing by his attorney, Ben L. Murdock, and the United States of America appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, who also appears on behalf of all full-blood restricted Indians involved in said action, and the defendants Sam Arneecheer, Dora Arneecheer, Linnie Arneecheer, Lillie Arneecheer and Joe Arneecheer, minors, appearing by their guardian ad litem, Frank Settle, and Joe Arneecheer appearing by his attorney, Frank Settle, the court finds that O. R. Goodin has filed a disclaimer and that O. R. Goodman, named in plaintiff's petition and in the complaint in intervention, is one and the same person as O. R. Goodin; that the Oklahoma Tax Commission has filed its disclaimer herein; that the defendant John Crawford, and the unknown heirs, executors, administrators, devisees, trustees, creditors, and assigns, immediate and remote of Eliza Arneecheer, nee Little-dave, have been duly and lawfully notified of the pendency of this action and have not filed any pleadings herein and are in default.

The court further finds that this action was originally filed in the District Court of Mayes County, Oklahoma, and is an action to determine heirs, quiet title, and to partition, and that notice of the pendency of said action was duly served upon the Superintendent of the Five Civilized Tribes, and that thereafter this cause was duly removed to this court.

The court after introduction of the evidence and after being fully advised in the premises, finds that the real estate involved in this action

The Southeast Quarter of the Northeast Quarter (SE¹/₄ NE¹/₄) of Section 22, and the

Northeast Quarter of the Southeast Quarter (NE¹/₄ SE¹/₄) of Section 23, all in Township 21 North, Range 19 East of the Indian Base and Meridian, situated in Mayes County, Oklahoma,

was duly allotted to Eliza Little-dave, afterwards Arneecheer, a full-blood Cherokee Indian enrolled as such opposite Roll No. 29694, and that said tract of land has been duly certified as tax exempt in conformance with Section 4 of the Act of Congress of May 10, 1928.

That said Eliza Littledave, afterwards, Arneecheer, departed this life on the 22nd day of April, 1940, intestate, leaving as her sole and only heirs at law the following persons, to-wit:

Jacob Arneecheer, husband
Ned Arneecheer, son
Joe Arneecheer, son
Dora Arneecheer, daughter
Linnie Arneecheer, daughter
Lillie Arneecheer, daughter,
Sam Arneecheer, son

each of whom is a full-blood Cherokee Indian.

That the heirs at law of Eliza Littledave, afterwards Arneecheer, inherited the following undivided interest in and to the above described real estate, to-wit:

Jacob Arneecheer	undivided 1/3
Ned Arneecheer	undivided 1/9
Sam Arneecheer	undivided 1/9
Dora Arneecheer	undivided 1/9
Linnie Arneecheer	undivided 1/9
Lillie Arneecheer	undivided 1/9
Joe Arneecheer	undivided 1/9

and the court finds that title to the above described real estate is vested in the aforesaid according to the interest stated after each name.

The Court further finds that none of the other defendants to this action have any title, interest or estate in or to any of said real estate and title to same should be quieted in the above-named husband and sons and daughters of Eliza Arneecheer, nee Littledave, as follows, to-wit:

Jacob Arneecheer, husband	undivided 1/3
Ned Arneecheer, son	undivided 1/9
Sam Arneecheer, son	undivided 1/9
Dora Arneecheer, daughter	undivided 1/9
Linnie Arneecheer, daughter	undivided 1/9
Lillie Arneecheer, daughter	undivided 1/9
Joe Arneecheer, son	undivided 1/9

The Court further finds that said property should be partitioned and that commissioners should be appointed, to which finding the United States of America objects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Eliza Littledave, afterwards Arneecheer, departed this life on the 22nd day of April, 1940, intestate, while the owner of the above described real estate, and at the time of her death, left surviving her as her sole and only heir

Jacob Arneecheer, her husband
Ned Arneecheer, her son
Sam Arneecheer, her son
Dora Arneecheer, her daughter
Linnie Arneecheer, her daughter, and
Lillie Arneecheer, her daughter, and
Joe Arneecheer, her son

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the above named heirs inherited an undivided interest in and to the above real estate and that said heirs are the legal and equitable owners each of an undivided interest in and to the following described real estate, to-wit:

The Southeast Quarter of the Northeast Quarter
)SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, and the

Northeast Quarter of the Southeast Quarter
(NE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 23, all in Township 20
North, Range 19 East of the Indian Base and
Meridian, situate in Mayes County, Oklahoma,

in the following respective shares and interests, to-wit:

Jacob Arneecheer, husband	1/3 interest
Ned Arneecheer, son	1/9 interest
Sam Arneecheer, son	1/9 interest
Dora Arneecheer, daughter	1/9 interest
Linnie Arneecheer, daughter	1/9 interest
Lillie Arneecheer, daughter	1/9 interest
Joe Arneecheer, son	1/9 interest

and that their title in and to said real estate is a valid and perfect title against all persons whomsoever, and that said title be and the same hereby is forever quieted against all other persons and the unknown heirs, executors, administrators, devisees, trustees, creditors and assigns, immediate and remote of Eliza Arneecheer, nee Littledeave, and all defendants except the above-named heirs, are forever barred and enjoined from asserting or claiming any right, title or interest in or to said property adverse to the interest of the heirs above set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the real estate hereinbefore described be partitioned and that the respective shares of each of the owners be set apart for them in kind if the same is susceptible of being partitioned in kind and that if the same cannot be equitably partitioned in kind, then said commissioners should make and return an appraisal of said land, the same to then be sold according to law and the proceeds thereof, after payment of the costs, to be paid the Superintendent of the Five Civilized Tribes Agency for the use and benefit of said Indians according to their respective interests in and to said real estate unless one of the said owners thereof should elect to take said real estate at the appraised value, and if no election be made by one of the owners to take said land at its appraised value, the same should be advertised and sold according to law and the proceeds distributed as above set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that J. F. Pickens, C. C. Weber and Elmer Vick are hereby appointed as commissioners to view and appraise said land and make partition of the same in kind if the same can be equitably done, otherwise, to make an appraisal and return the same under oath to this court without any unnecessary delay.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the request of the United States to dismiss plaintiff's petition insofar as it pertains to partition, on the ground that the court is without jurisdiction to partition said aforescribed real estate, be and the same hereby is denied.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In open court
Oct 20 1943
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to October 21, 1943

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

NANNIE LEWIS,	Plaintiff,)	
)	
vs.	)	No. 1034 Civil
)	
The Keener Oil & Gas Company, a)	
corporation,	Defendant.)	

O R D E R

Defendant is hereby permitted to file Amended Answer, a copy of which is attached to its Motion for such order.

Dated this 21st day of October, 1943.

ROYCE H. SAVAGE
JUDGE

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF OKLAHOMA

United States of America,	Libelant,)	
)	
vs.	)	No. 1070 CIVIL
)	
One 1941 Ford Coupe Automobile, Motor No.)	
18-6,268,682, and approximately 82 gallons)	
of assorted taxpaid intoxicating liquors)	
seized therein; James W. Newton,	Claimant.)	

JOURNAL ENTRY OF JUDGMENT

Now on this 21st day of October, 1943, this cause coming on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney, for the Northern District of Oklahoma, and the claimant, James W. Newton, having made his general appearance herein, waived the issuance and service of motion and disclaimed any interest in and to the aforesaid described automobile and intoxicating liquors, and it appearing that there are no liens against said automobile, and the Court being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the approximately eighty-two (82) gallons of assorted taxpaid intoxicating liquors described in this action, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the said 1941 Ford Coupe automobile, motor No. 18-6,268,682, and that said automobile, motor No. 18-6,268,682, and that said automobile be delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court Oct 21 1943
H. P. Warfield, Clerk, U. S. District Court H

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Libelant,)
)
vs.)
		) No. 1089 CIVIL
One 1940 Buick Sedan Automobile, Motor No.)
44,001,724, and approximately 115 $\frac{1}{4}$ gallons)
of assorted taxpaid intoxicating liquors)
and 25 gallons of untaxpaid whiskey; Robert)
Roy Whitney,	Claimant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 21st day of October, 1943, this cause coming on before the Court, pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney, for the Northern District of Oklahoma, and the claimant, Robert Roy Whitney, having made his general appearance herein, waived the issuance and service of monition and disclaimed any interest in and to the aforesaid described automobile and intoxicating liquors, and it appearing that there are no liens against said automobile, and the Court being fully advised in the premises, finds that a forfeiture should enter as to said automobile and intoxicating liquors.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the approximately one hundred fifteen and one-fourth (115 $\frac{1}{4}$) gallons of assorted taxpaid intoxicating liquors described in this action, which intoxicating liquors are ordered delivered over to the Secretary of the Treasury of the United States for proper and lawful disposition.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed, as to the twenty-five (25) gallons of untaxpaid whiskey, which whiskey is hereby ordered destroyed in a manner provided by law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be, and the same is hereby allowed as to the said 1940 Buick Sedan automobile, motor No. 44,001,724, and that said automobile be delivered to the Treasury Department for the use of the Bureau of Internal Revenue in the enforcement of the Internal Revenue Laws, pursuant to Section 304 of the Liquor Law Repeal and Enforcement Act, together with all of its equipment and accessories.

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed In Open Court
Oct 21 1943
H. P. Warfield, Clerk
U. S. District Court H

Court adjourned to October 22, 1943

and stand committed to the Custody of the Attorney General of the United States or his duly designated representative, until said fine is paid or discharged.

Dated this 23rd day of October, 1943.

ROYCE H. SAVAGE
United States District Judge

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

Court adjourned to October 25, 1943

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

MONDAY, OCTOBER 25, 1943

On this 25th day of October, 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 DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ORDER TO MARSHAL TO OPEN AND ADJOURN COURT

At Tulsa, in said District, on this 25th day of October, 1943, it is Ordered by the Court that the Marshal in and for the Northern District of Oklahoma, be and he is hereby directed to open the Regular November 1943 Term of the United States District Court for the Northern District of Oklahoma at Miami, on Monday, the 1st day of November, A. D. 1943, at 9:30 o'clock A.M., by proclamation in the manner and form provided by law and the said Marshal adjourn said Court subject to call.

SAID MARSHAL shall make due return hereof how he has executed this order.

ROYCE H. SAVAGE
United States District Judge

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

MILO LOFTON, Plaintiff,)
)
 -vs-) No. 573 - Civil
)
 SENECA COAL AND COKE CO.,)
 Defendant.)

Now on this 25th day of October, A. D. 1943, it is ordered by the Court that the Clerk file and spread of record the Mandate in the above cause, same being in words and figures as follows, to-wit:

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

(SEAL)

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

GREETING:

WHEREAS, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Milo Lofton, plaintiff, and Seneca Coal and Coke Company, a corporation, defendant, No. 573, Civil, the judgment of the said district court in the said cause entered on September 17, 1942, was in the following words, viz:

* * * * *

"It is hereby considered, ordered and adjudged by the court, that the plaintiff, Milo Lofton, have and recover of and from the defendant, The Seneca Coal & Coke Company, the sum of One Thousand and eighteen & 17/100 Dollars (\$1,018.17), and the sum of One Hundred Dollars (\$100.00) as a reasonable attorney fee, together with the costs of this action, and that plaintiff have execution therefor. To which judgment, the said defendant, The Seneca Coal & Coke Company, except and exception is allowed."

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

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed; and that Milo Lofton, appellee, have and recover of and from Seneca Coal & Coke Company, a corporation, appellant, his costs herein.

-- May 29, 1943.

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

WITNESS, the Honorable HARLAN F. STONE, Chief Justice of the United States, the 21

day of October, in the year of our Lord one thousand nine hundred and forty-three.

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

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

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

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.

D E C R E E

NOW on this 5th day of August, 1943, the matter of the determination of heirship to the Estate of Peter Micco, deceased, came on regularly before the Court, Honorable Franklin E. Kennamer, presiding Judge, and Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and M. S. Robertson, Assistant United States Probate Attorney for the Five Civilized Tribes, appearing in person and on behalf of the United States and the Indian heirs to the above described estate, and after hearing all the evidence in regard thereto, the Court finds that notice of this hearing has been regularly served in the manner provided by law, on all of said known heirs, and that service by publication in the manner provided by law, has been had and published on the unknown heirs to said Estate.

The Court further finds that Peter Micco, who was enrolled under Seminole No. 1600, died on May 26, 1942, a resident of Tulsa County, Oklahoma, intestate, and left surviving him no wife, no parents, and no issue.

The Court further finds that Haney Micco, who was Haney Larney by marriage, at the time of her death was the sole surviving sister of the said Peter Micco, deceased, and that administration proceedings on her estate are now pending in the County Court of Seminole County, Oklahoma.

The Court further finds that Andy Hulwa, also known as Andy High, is the sole surviving issue of Martha Micco, a pre-deceased half sister of the said Peter Micco, deceased.

The Court further finds that Serena Spencer, Sallie Little, Norman Ripley, Juanita Clark, and Katie May Clark are the sole surviving issue of Selina Micco, a pre-deceased full sister of the said Peter Micco, deceased.

The Court further finds and determines that the aforesaid named Haney Micco, Andy Hulwa, Serena Spencer, Sallie Little, Norman Ripley, Juanita Clark, and Katie May Clark are the sole and only heirs of the said Peter Micco, deceased, and that all of said heirs are unenrolled, full blood Indians of the Creek-Seminole Tribes.

F. E. KENNAMER
JUDGE

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

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

Stella White, Ada Farley, Ida Gwin,
Ella Cooper, Lola Arnold, Fred Baker,
George Baker and Eddie Bair, Plaintiffs,

vs.

Agnes Quapaw Hoffman, Jean Ann Quapaw
Hoffman, and Henry E. Hoffman, and all
unknown parties claiming to be heirs at
law of Benjamin Quapaw, deceased, Defendants.

And

Martha Ann Matilda Woodside, Benjamin
F. Pogue, Laura Pogue Bilby, Arthur
Pogue, Nora Baker Morgan, Alma Garrison,
Effie Baker Miller, Versie Aery, Jessie
Ladd, Thelma Goff, Clarence A. Russell,
John A. Russell, Joseph R. Russell, Jr.,
Gladys Baker Perryman, Orville L. Baker,
Otha Baker and Addeane Baker Perryman,
Interveners.

CIVIL NO. 861

J U D G M E N T

Now, on this 6th day of October, 1943, the above matter coming on to be heard before Honorable Franklin E. Kenamer, Judge of this Court, designated to hear said cause at the place of holding Federal Court in Vinita, Oklahoma, and the plaintiffs being present in person and by their counsel of record, Charles E. McPherrren, Esq., of Oklahoma City, Oklahoma, the defendants being present in person and by their counsel of record, Vern. E. Thompson and Loyd E. Rogerts, of Joplin, Missouri, and the intervenors being present by James S. Watson, of Tulsa, Oklahoma, their attorney, the following proceedings were had:

The intervenors, by their said counsel of record, having heretofore filed their motion for authority to dismiss their intervenors' petition without prejudice, and said motion now coming on to be considered by the court, and it appearing that counsel for the plaintiffs and counsel for the defendants have both objected to permitting the intervenors to dismiss without prejudice; and it appearing to the court that no reason appears for said dismissal except that the intervenors do not have sufficient evidence to justify their claim, and no motion for continuance having been made herein and no reasons assigned therefor, and that a dismissal at this time without prejudice would be prejudicial to the interests of both the plaintiffs and the defendants, the motion to dismiss is sustained, but the motion to dismiss without prejudice is overruled and it is by the court ordered that said cause be dismissed with prejudice to the refiling or relitigating the claim of said intervenors.

Thereupon, both the plaintiffs and the defendants announced ready for trial; opening statements were made by counsel for plaintiffs and counsel for defendants, and evidence was offered and introduced on the part of the plaintiffs of the testimony of certain of their witnesses. Whereupon, counsel for the plaintiffs, in the presence of the plaintiffs, in open court, announced that the plaintiffs would rest without the production of further evidence, and that the plaintiffs would stipulate and agree that such evidence as the defendants should desire to offer might be admitted without objection.

"hereupon, the defendants, in accordance with the stipulation previously entered into between the plaintiffs and the defendants, offered and asked to have considered in evidence all the testimony taken in the case of Lilia Hanson vs. these defendants, same being Case No. 198 Civil, in this Court, which has any bearing upon the issues involved in this case, said pertinent parts of said testimony having been pointed out and suggested to the court, and the defendants offered and asked to have considered in evidence the following depositions taken in this action, to-wit: the depositions of Jake Simmons, John Harrison, and William Drew, said depositions being bound together and marked "Defendants' Exhibit 3", and the depositions of Mrs. Nettie White, Mrs. Jeanetta Tiger, Silas Smith, Sam Haines, John Surrell, Tol-Marsey McCuller, Sallie Tyner, said depositions being bound together and marked "Defendants' Exhibit 4", and the defendants offered the deposition of John M. Adair taken on the proceedings to perpetuate testimony, in which the plaintiffs in this case were parties, same being taken in case No. 648 and marked as "Defendants' Exhibit 5", and the depositions in said last-mentioned proceedings of Terry Walker, Seborn Miller, Sissie Kernalls, Minnie Deckard, and Dick Jefferson, same being bound together and marked "Defendants' Exhibit 6".

"hereupon counsel for defendants, in open court, moved for a judgment on the pleadings, the opening statements, and the testimony, in favor of the defendants and as against the plaintiffs, and requested the court to make general findings of fact and conclusions of law upon the issues of fact and law thus presented to the court.

Thereupon, the court found generally all of the issues of fact presented by the pleadings, the opening statements of counsel, and the testimony on all of the issues, in favor of the defendants and as against the plaintiffs, and any other party claiming to be an heir to said estate except, the court found the issues of law which attacked the jurisdiction of this court to finally pass upon the merits in this case against the defendants, and found as a matter of fact and law that the court has full and complete jurisdiction to pass upon the merits involved in this proceeding; the court finds as a matter of fact and law that the marriage entered into between Benjamin Quapaw and Agnes Quapaw now Agnes Hoffman, on the 4th day of January, 1921, was duly and legally entered into and consummated, and that the same was free from fraud of any nature; that the said Benjamin Quapaw and his said wife, Agnes Quapaw, now Agnes Quapaw Hoffman, continued to live together in the State of Oklahoma as husband and wife until the death of said Benjamin Quapaw at the age of sixty-nine years, on the 26th day of May, 1926; that there was born to said marriage one child, the defendant Jean Ann Quapaw, now Jean Ann Quapaw Hoffman, and at the time of the death of said Benjamin Quapaw he left surviving him no other legal heirs, and that this sole and surviving heirs were the said Agnes Quapaw, now Agnes Quapaw Hoffman, his widow, and Jean Ann Quapaw, his daughter, now Jean Ann Quapaw Hoffman, adopted daughter of the defendant Henry E. Hoffman. The court further finds that the will of Benjamin Quapaw, executed on the 28th day of October, 1924, and referred to in the pleadings herein, was the last will and testament of the said Benjamin Quapaw; that at the time of the execution thereof the said Benjamin Quapaw had testamentary capacity and fully understood and agreed to all of the provisions of said will, and that said will was executed as the independent free will and act of the said Benjamin Quapaw, and that there was no fraud committed in the procurement thereof by the said Agnes Quapaw, now Agnes Quapaw Hoffman, or by any other person; that all of the property described in said will, which includes all of the property involved in this case, was then under the supervision and control of the Secretary of the Interior; that as a matter of law he had exclusive jurisdiction to consider and approve said will, and that in the exercise of said jurisdiction and in strict accordance with the rules and regulations of the Secretary of the Interior and the laws in such cases made and provided, said will was in all things duly approved and the property therein described was distributed to the defendants, Agnes Quapaw Hoffman and Jean Ann Quapaw Hoffman, in pursuance of the rules and regulations of the Secretary of the Interior, and laws applicable thereto; and that there was no fraud or concealment of any kind or nature committed by either of the defendants or any other person in securing the approval thereof, and that there was no evidence of fraud on the part of the defendant, Henry E. Hoffman, or upon any other issue raised by the pleadings against said defendant.

The court specifically finds none of the plaintiffs or none of the intervenors has any claim in law and in fact to part of said estate or against any of said defendants in connection therewith.

And it further appearing to the court that the petition of the plaintiff's herein asked to have the title to said estate quieted as against all the world and any and all claimants thereto, and that due and legal notice has been given by publication to all persons claiming to have an interest in and to said property, notifying them to appear and file their claims herein, and the court having found that due and sufficient publication of said notice was given in accordance with the law, and that no one has filed any claim herein except the intervenors, and it further appearing that the defendants have joined in the prayer of the plaintiffs that the title to the property herein be quieted against claims of the plaintiffs, intervenors and unknown heirs, the court finds as a matter of law and fact the claims, if any, of any parties who have not filed a claim herein, as well as the claims made herein by the intervenors named in the caption hereof, are as a result of this proceeding forever barred.

NOW THEREFORE, IT IS CONSIDERED, ORDERED AND DECREED by this court that the title to all of the property involved and described in the pleadings filed herein is in accordance with the findings and conclusions of this court hereinbefore made found to be good and sufficient in law and in fact, and that the issues presented by the pleadings herein, except the issues going to the jurisdiction of this court as hereinbefore set forth, are found in favor of the defendants and against the plaintiff and any and all other persons, and that the defendants and the intervenors, and any and all other person are hereby and forever enjoined from instituting or maintaining any proceedings against any of said defendants to question the title or right of possession of any of the defendants to all of the property described herein, as heirs to said estate or any part thereof.

By agreement of the parties, the court taxes all unpaid costs incurred herein to the defendants, it being understood that this judgment is not to cover the costs and expenses incurred by the respective parties in taking depositions, or mileage and attendance fees for witnesses on behalf of plaintiffs.

DONE In open court this 7th day of October, 1943.

F. E. KENNAMER
JUDGE

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

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

C. W. BROOKS,	Plaintiff,)	
)	
vs.		)	Civil No. 945.
)	
R. O. BROOKS, ET AL,	Defendants.)	

D E C R E E

On this the 5th day of October, 1943, comes on for hearing, the above numbered and entitled cause, both parties present in person and by counsel. The plaintiff introduces his testimony in chief and rested. The defendants proceeded and put on most of their testimony before the noon hour. At the noon hour, the parties agreed upon the adjustment and settlement as follows, to wit:

I.

The plaintiff, C.W. Brooks agrees to sell his 353 shares of stock, representing all of his interest in the Brooks Packing Co. of Oklahoma, in consideration and exchange for the sum of \$67,500.00 cash and the further sum of \$1,765.00 being a dividend check issued last day of December, 1942 or the first part of January, 1943, by the Brooks Packing Co. of Oklahoma, in favor of C. W. Brooks, and R. O. Brooks as part consideration, sells and agrees to assign his thirty shares in the Brooks Packing Co. of Sweetwater, Texas, valued at \$7500.00, the same representing all of his interest in said Texas Company. It is further agreed that of the \$67,500.00, \$5000.00 shall be applied in the dismissal of plaintiff's second cause of action in this court wherein plaintiff seeks to recover damages for breach of contract in defendants failing to pay his salary and other damages and \$5000.00 shall be in consideration of the dismissal by plaintiff of his appeal in the Supreme Court of the State of Oklahoma, No. 31418 action for specific performance of the contract and damages for his salary and other damage. It is further agreed that plaintiff that he shall pay his pro rate share of any judgment and costs, not to include any part of attorney fees, which may be rendered if any, in the case of Collison vs. Brooks Packing Company of Oklahoma, C. W. Brooks and R. O. Brooks, No. 70886 pending in the State District Court, Tulsa County. The pro rate shares of the said C. W. Brooks in case of a recovery by the plaintiff, would be a fraction less than one third of such recovery, principal, interest and cost if any. The said C. W. Brooks agrees to cooperate fully in the defense of said action, each party shall pay his own costs. Both parties have made it known to the court that the adjustment and settlement have been carried into effect, with exception of the Cullison suit referred to above, and that this action shall be dismissed by plaintiff with prejudice. The Court hereby retains jurisdiction to determine any disagreements over this settlement until it is fully executed.

IT IS THEREFORE ORDERED, CONSIDERED BY THE COURT that said adjustment and settlement be and the same is hereby approved and this action is hereby dismissed at the cost of the plaintiff.

F. E. KENNAMER
District Judge

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

Court adjourned to October 26, 1943

On this 27th day of October, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

The City of Drumright, Oklahoma, a Municipal Corporation, ex rel Leonard Versluis,)
)
) Plaintiff,)

vs.)

Ruth Alexander, Wesley Alexander, The City of Drumright, A Municipal Corporation, et al.)
)
) Defendants.)

CIVIL ACTION NO. 929

O R D E R

Upon application of defendant, The City of Drumright, A Municipal Corporation, to Amend its Answer heretofore filed in above cause, to plead the 3 years Statutory Limitation of time in which said action could have been instituted by plaintiff against said defendant, and for good and sufficient cause shown, the court finds that said defendant is entitled to so Amend its Answer filed herein.

IT IS ORDERED AND DECREED BY THE COURT, that said defendant, The City of Drumright, A Municipal Corporation, is hereby granted permission to Amend its original Answer filed herein, to plead therein the 3 years Statutory Limitation of time in which said action could have been instituted by plaintiff against said defendant, without prejudice to the trial of the abovecause.

Dated this 27 day of October, 1943.

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

ENDORSED: Filed Oct 27 1943
H. P. Warfield, Clerk
U. S. District Court LN

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

Martha Standingwater,)
)
) Plaintiff,)

vs.)

Lucy Roberts, nee Grass, et al.,)
)
) Defendants.)

No. 1000 Civil

JOURNAL ENTRY OF JUDGMENT

AND NOW on this the 14th day of October, 1943, the same being a judicial day of a regular term of the United States Distfict Court for the Northern District of Oklahoma, the above entitled and numbered cause comes on for he ring in its regular order before the undersigned Judge of said Court, upon the Petition of the plaintiff and the Response or Petition of Intervention filed by the United States Government, and upon call, the Court proceeds to examine the files and pleadings and hear the statement of the attorneys for the intervener and defendants, and therefrom, and the evidence adduced, the Court finds the allegations of plaintiff's Petition sustained by the evidence, and being fully advised in the premises:

IT IS, THEREFORE, THE ORDER, JUDGMENT AND DECREE of the Court:

That the lands involved herein, situated in Mayes County, Oklahoma, and described as follows, to-wit:

The West Half of the Northwest Quarter of the Southwest Quarter, and the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, and the South Half of the Northeast Quarter of the Southwest Quarter, and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Northwest Quarter of the Southeast Quarter of Section 25, Township 21 North, Range 20 East of the Indian Base and Meridian,

were conveyed by the Cherokee Nation of Indians to Jacob Bushyhead, Cherokee Roll No. 6229; that while the owner thereof, the said Jacob Bushyhead departed this life on or about the 17th day of August, 1923, testate; that under and by virtue of his last will and testament, and the Probate thereof, said lands were conveyed, transferred, set over, and distributed to the plaintiff, Martha Standingwater, and the defendants, Lucy Roberts, Lou Ellen Bolin, and Joe Grass, in equal shares.

That the shares of the aforesaid parties and their respective interest in the aforesaid lands be, and the same are hereby confirmed, and that portion of said lands be made accordingly; that J. F. Pickens, C. C. Weber and Elmer Vick are hereby appointed Commissioners, and, upon taking the oath prescribed by law, shall make said partition, and report the same to this Court.

That the defendants, Charley Roberts, Ross Bolin, and Willie Standingwater have no interest in said property or premises, or any part or parcel thereof.

ROYCE H. SAVAGE
United States Judge.

ENDORSED: Filed Oct 27 1943
H. P. Warfield, Clerk
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Petitioner,	}	CIVIL NO. 1032
-vs-			
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA, and Willis Thompson, et al.,	Defendants.		

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION
AS TO TRACT NO. 5
(1 FW 6 (Rev.))

NOW, on this 27 day of October, 1943, there coming on for hearing the application of the defendants, Melvin C. Dunaway and Lula Dunaway, for an order fixing, title, decreeing just compensation and making distribution as to Tract No. 5 (1 FW 6 (Rev.)) and the Court being fully advised in the premises, finds:

That said defendants werethe owner of the lands designated as Tract No. 5 (1 FW 6 (Rev.)) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in

the registry of this Court the estimated just compensation in the sum of \$137.40, for the taking of a perpetual easement for flowage purposes upon and over said tract of land. That this court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for flowage purpose, and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendants, Melvin C. Dunaway and Lula Dunaway, in writing, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to unundate, submerge and flow said lands for the sum of \$137.40, which was accepted by the petitioner.

The Court further finds that the sum of \$137.40 is just compensation for the injuries and damages sustained by said defendants.

The Court further finds that no person, firm, corporation, or taxing subdivision of the State, other than said defendants, Melvin C. Dunaway and Lula Dunaway, have any right, title or interest in and to said just compensation, except that the defendant, Land Bank Commissioner, Wichita, Kansas, holds a mortgage, and said land owners have filed application, requesting that the just compensation be paid to said mortgagee, to apply on their indebtedness.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Melvin C. Dunaway and Lula Dunaway, were the owners of the lands designated as Tract No. 5 (1 FW 6 (Rev.)), when this proceeding was commenced, and that the sum of \$137.40 is just compensation for the damages sustained by said defendants, and that said defendants are entitled to said compensation, but have requested that same be paid to the mortgagee to apply on their indebtedness.

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

TO: The Federal Land Bank of Wichita, agent and attorney-in-fact
for Land Bank Commissioner and Federal Farm Mortgage Corporation,
Mortgagee

Tract No. 5 (1 FW 6 (Rev.))

\$137.40

ROYCE H. SAVAGE
J U D G E

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

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

HUGH WILSON, Plaintiff,

vs.

JENNIE DENNIS CHUCULATE, full-blood Cherokee
Citizen, Roll No. 19711; JIM DINNIS, full-
blood Cherokee Citizen, Roll No. 30566;
JOHN FALLING full-blood Cherokee Citizen,
Roll No. 12718;
OSCAR RAYMOND, full-blood Cherokee Citizen,
Roll No. 19712;
The heirs, executors, administrators, devisees,
trustees and assigns, known and unknown,
immediate and remote, of MARY DINNIS full-
blood Cherokee Citizen, Roll No. 19707, deceased;
and of NANCY DINNIS BEARPAW, full-blood
Cherokee Citizen, Roll No. 19708; deceased;
and of ANDREW BEARPAW, deceased; and of CLEO
BEARPAW full-blood Cherokee Citizen, deceased;
and of PETER DINNIS, Full-blood Cherokee
Citizen, Roll No. 19706, deceased; and of
SUSIE DINNIS FALLING full-blood Cherokee
Citizen, Roll No. 19710, deceased; and the STATE OF
OKLAHOMA, Defendants.

No. 1042 CIVIL

UNITED STATES OF AMERICA, Intervener.

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

Now, on this 20th day of October, 1943, the same being a regular day of the 1943 term of said Court, the above entitled cause and matter comes duly and regularly on for hearing upon the verified application heretofore filed herein for the plaintiff for an order to appoint an attorney to represent and protect the interest of such defendants herein as are "persons in the military service of the United States", as that term is defined and contemplated by the Act of Congress herein referred to and who are in default herein.

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

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

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

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

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED that the said Lawton Bragg be notified of his appointment as attorney herein by delivery to him of a copy of this order; and that he shall have 5 days from the date hereof within which to plead, answer, or demur to the plaintiff's petition or to take such action as he may deem necessary to protect the rights of said defendants and afford them the relief and protection provided by the Soldiers' and Sailors' Civil Relief Act of 1940, as aforesaid.

ROYCE H. SAVAGE
JUDGE OF THE DISTRICT COURT

ENDORSED: Filed Oct 27 1943
H. P. Warfield, Clerk
U. S. District Court LN

Court adjourned to October 30, 1943

On this 30th day of October, 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 OKLAHOMA

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

O R D E R

Now on this 30th day of Oct., 1943, on application and recommendation of J. H. McBirney, Successor Trustee, for the acceptance of the sum of Fifty (\$50.00) Dollars as consideration for the release of a judgment against John H. Schuler referred to in the application filed this date, the Court finds that said application should be granted.

IT IS THEREFORE BY THE COURT ORDERED that J. H. McBirney, Successor Trustee in Equity Case No. 877 be and he is hereby authorized to accept the sum of \$50.00 Dollars as full consideration for the release of the judgment procured by him against John H. Schuler in the District Court in Tulsa County, case No. 60737, wherein J. H. McBirney, Successor Trustee, was plaintiff, and Leonora Schuler, John H. Schuler et al were defendants.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 1, 1943

On this 1st day of November, 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 DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN DISTRICT
OF OKLAHOMA

Lilia Hanson,	Plaintiff,)
)
vs.		) No. 198 Civil
)
Agnew Quapaw Hoffman, et al,	Defendants.)

ORDER OF COURT

Now, on this 1st day of November, 1943, the above matter coming on to be considered by the court on the application of the defendants filed herein, praying that they may be permitted to permanently withdraw from the files in this case the transcript of the testimony which was prepared upon their order and for which they were required to pay the expenses thereof, and that final judgment was rendered in said case in favor of the defendants on the 30th day of March, 1942; that no appeal has or can be taken from said case, and that there is no reason why said transcript of testimony should longer encumber the records and files therein;

IT IS THEREFORE CONSIDERED, ORDERED AND DECREED that the defendants be permitted to permanently withdraw said transcript of testimony from the files in said case and that the Clerk of this Court be authorized and directed to deliver said transcript of testimony to the order of the defendants.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 2, 1943

On this 2nd day of November, 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. 970
)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY,)	
OKLAHOMA, and Eldee McCracken, now)	
Arterbury, et al.,	Defendants.)	

AMENDED ORDER FIXING TITLE AND MAKING DISTRIBUTION AS TO
TRACT NO. 20 (308 - 7.1)

NOW, on this 1st day of November, 1943, it appearing to the Court that the order vesting title and making distribution as to Tract No. 20 (308 - 7.1) was entered in this Court on the 4th day of October, 1943, fixing the fee simple title as to said tract of land in Allen W. Arnold and A. Chester Arnold, and ordering distribution to be made to said fee owners jointly with the Federal Life Insurance Company, a corporation, holder of the mortgage on said lands, and C. G. Bathe, who appeared to hold a contract to purchase on said tract of land; and it now appearing to this Court that the said C. G. Bathe had no right, title or interest in and to said compensation and that said order fixing title and making distribution entered on October 4, 1943, should be amended, fixing the title in said Allen W. Arnold and A. Chester Arnold as the fee owners, subject only to the lien of the Federal Insurance Company, a corporation, and that the check heretofore issued by the Clerk of the Court to Allen W. Arnold and A. Chester Arnold, Federal Life Insurance Company, a corporation, and C. G. Bathe, for the sum of \$90.00 be cancelled, and that distribution be made to the fee owners and the mortgagee.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the title to the lands designated as Tract No. 20 (308 - 7.1) in this proceeding, be, and it is hereby fixed and determined to be in Allen W. Arnold and A. Chester Arnold, subject only to the lien of the Federal Life Insurance Company, mortgagee, and the Clerk of this Court is hereby directed to cancel the check heretofore issued, and make distribution of the just compensation to said fee owners, Allen W. Arnold and A. Chester Arnold, and said mortgagee, Federal Life Insurance Company, in the sum of \$90.00.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Nov 2 1943
H. P. Warfield, Clerk
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 985
)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY,)	
OKLAHOMA, and M. D. Stryker, et al.,)	
	Defendants.)	

AMENDED ORDER ALLOWING FEE OF COMMISSIONERS

NOW, on this the 2nd day of Nov, 1943, it appearing to this Court that on the 9th day of September, 1943, this Court made and entered an order allowing fees and expenses of Commissioners in the above and foregoing cause; and it further appearing that said order should be amended allowing

said commissioners fees for the services rendered in said cause, And it further appearing that this Court on the 16th day of August, 1943, selected and appointed W. L. Mayes, T. G. Grant and C. V. Hamilton, as commissioners to inspect the real property involved in this action and to assess the damages sustained by the owners and those having any right, title or interest in and to said real property; and it further appearing that said commissioners did perform their duties as such commissioners and have filed their report with the Clerk of this Court; that said commissioners report that they worked four (4) days each, in the performance of their duties; that they have not received payment for such services and that said commissioners are entitled to receive compensation for said services.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the order heretofore entered on the 7th day of September, 1943, be and same is hereby amended, and in lieu of the fees, expenses and mileage allowed said commissioners by said order of September 7, 1943, said commissioners are allowed the following fees, to-wit:

W. L. Mayes, commissioner's fee, August 25 to August 28, 1943, inclusive,	\$108.00
T. G. Grant, commissioner's fee, August 25 to August 28, 1943, inclusive,	\$ 95.75
C. V. Hamilton, commissioner's fees, August 25 to August 28, 1943, inclusive,	\$108.45

IT IS FURTHER ORDERED that the petitioner, United States of America, cause to be paid the fees as hereinabove allowed to said commissioners.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 2 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 COUNTY, OKLAHOMA, and Board of County Commissioners, of Delaware County, Oklahoma, et al.,	Defendants.)

CIVIL NO. 999

ORDER ALLOWING COMMISSIONERS' FEES

NOW, on this 2nd day of Nov., 1943, it appearing to this Court that on the 11th day of October, 1943, upon the application of the petitioner, United States of America, W. L. Mayes, C. V. Hamilton and T. G. Grant, were selected and appointed as commissioners to inspect the real property involved in this action, and to appraise and assess the damages sustained by the owners thereof and those having any right, title or interest in and to said real property, and

It further appearing that said commissioners did perform their duties as such commissioners and have filed their report with the Clerk of this Court, and that said commissioners are entitled to receive compensation for said services, and that said commissioners have not received payment for the same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said Commissioners be and they are hereby allowed the following fees to wit:

W. L. Mayes, Commissioners's fee, October 18th to October 19, 1943, inclusive, 2 days at \$26.00 per day,	\$52.00
C. V. Hamilton, commissioner's fee, October 18th to October 19, 1943, inclusive, 2 days at \$26.00 per day,	\$52.00
T. G. Grant, commissioner's fee, October 18th to October 19, 1943, inclusive, 2 days at \$26.00 per day,	\$52.00

IT IS FURTHER ORDERED that the petitioner, United States of America, cause to be paid the fees as hereinabove allowed to said Commissioners.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed Nov 2 1943
H. P. Warfield, Clerk
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) CIVIL NO. 1010
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, and Lewis Foster, et al,	Defendants.)

ORDER ALLOWING COMMISSIONER'S FEES

NOW, on this 2nd day of Nov., 1943, it appearing to this Court, that on the 4th day of October, 1943, upon the application of the petitioner, United States of America, T. G. Grant, W. L. Mayes, and C. V. Hamilton, were selected and appointed as commissioners to inspect the real property involved in this action, and to appraise and assess the damages sustained by the owners thereof and those having any right, title or interest in and to said real property, and

It further appearing that said commissioners did perform their duties as such commissioners and have filed their report with the Clerk of this Court, and that said commissioners are entitled to receive compensation for said services, and that said commissioners have not received payment for the same.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said commissioners be and they are hereby allowed the following fees to wit:

T. G. Grant, commissioner's fee, 12:00 o'clock-Noon, October 5th, to October 6, 1943, inclusive, 1½ days at \$26.00 per day,	\$39.00
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IT IS FURTHER ORDERED that the Petitioner, United States of America cause to be paid the fees as hereinabove allowed to said Commissioners.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 2 1943
H. P. Warfield, Clerk
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	CIVIL NO. 1046
)	
CERTAIN PARCELS OF LAND IN MAYES COUNTY, OKLAHOMA, and Carey Caldwell, et al.,	Defendants.)	

ORDER ALLOWING COMMISSIONERS' FEES

NOW, on this 2nd day of Nov., 1943, it appearing to this Court that on the 27th day of September, 1943, upon the application of the petitioner, United States of America, T. G. Grant, C. V. Hamilton and W. L. Mayes, were selected and appointed as commissioners to inspect the real property involved in this action, and to appraise and assess the damages sustained by the owners thereof and those having any right, title or interest in and to said real property, and

It further appearing that said commissioners did perform their duties as such commissioners and have filed their report with the Clerk of this Court, and that said commissioners are entitled to receive compensation for said services, and that said commissioners have not received payment for the same.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said Commissioners be and they are hereby allowed the following fees to wit:

T. G. Grant, commissioner's fee, September 30 to October 1, 1943, inclusive, -- 2 days at \$26.00 per day	\$52.00
C. V. Hamilton, commissioner's fee, September 30 to October 1, 1943, inclusive -- 2 days at \$26.00 per day,	\$52.00
W. L. Mayes, commissioner's fee, September 30, to October 1, 1943, inclusive -- 2 days at \$26.00 per day,	\$52.00

IT IS FURTHER ORDERED that the Petitioner, United States of America cause to be paid the fees as hereinabove allowed to said Commissioners.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 2 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 THE TOWNSITE
OF CLEORA, DELAWARE COUNTY, OKLAHOMA, AND
CERTAIN PERSONAL PROPERTY LOCATED THEREON
AND USED THEREWITH, AND R. F. Olrich, et al.,

Defendants.)

CIVIL NO. 1055

AMENDED ORDER FIXING AND ALLOWING COMMISSIONERS' FEES
Personal Property

NOW, on this 1st day of Nov., 1943, it appearing that this Court made and entered an order on the 29th day of September, 1943, fixing and allowing commissioners' fees and expenses in connection with the above entitled cause, as to personal property involved therein. It further appears that said order should be amended fixing and allowing fees for said commissioners inclusive of the necessary expenses incident to their work.

It further appearing that this Court selected and appointed W. L. Mayes, Elmer Vick and C. C. Weber as commissioners to fix, determine and assess the damages which the owners and those having any right, title or interest therein have sustained in and to said personal property involved in this proceeding, and that said commissioners have made and filed their report herein.

It further appearing that said commissioners are entitled to compensation for their services and that they have not been paid for the same.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the order heretofore entered on the 29th day of September, 1943, fixing and allowing commissioners' fees and expenses be amended and in lieu of the fees and expenses allowed therein said commissioners are hereby allowed the following fees to-wit:

W. L. Mayes, commissioner's fee, from September 22 to 23, 1943, inclusive,	\$34.23
Elmer Vick, commissioner's fee, from September 22 to 23, inclusive,	33.80
C. C. Weber, commissioner's fee, from September 22 to 23, 1943, inclusive,	33.55

IT IS FURTHER ORDERED, that the Petitioner, United States of America cause said fees as herein allowed to be paid to said commissioners.

ROYCE H. SAVAGE
J u d g e

ENDORSED: Filed Nov 2 1943
H. P. Warfield, Clerk
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-		) CIVIL NO. 1055
)
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, and R. F. Clrich, et al.,	Defendants.)

ORDER ALLOWING COMMISSIONERS' FEES

NOW, on this 2nd day of Nov., 1943, it appearing to this Court, that on the 18th day of October, 1943, upon the application of the petitioner, United States of America, C. V. Hamilton, W. L. Mayes, and T. G. Grant, were selected and appointed as commissioners to inspect the real property involved in this action, and to appraise and assess the damages sustained by the owners thereof and those having any right, title or interest in and to said real property, and

It further appearing that said commissioners did perform their duties as such commissioners and have filed their report with the Clerk of this Court, and that said commissioners are entitled to receive compensation for said services, and that said commissioners have not received payment for the same.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said Commissioners be and they are hereby allowed the following fees to wit:

C. V. Hamilton, commissioner's fee, October 20th to October 21, 1943, inclusive, 2-days at \$26.00 per day,	\$52.00
W. L. Mayes, commissioner's fee, October 20th to October 21, 1943, inclusive, 2-days at \$26.00 per day,	52.00
T. G. Grant, commissioner's fee, October 20th to October 21, 1943, inclusive, 2-days, at \$26.00 per day,	52.00

IT IS FURTHER ORDERED that the Petitioner, United States of America cause to be paid the fees as hereinabove allowed to said Commissioners.

ROYCE E. SAVAGE
J u d g e

ENDORSED: Filed Nov 2 1943
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to November 3, 1943

On this 3rd day of November, 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-)
)
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, OKLAHOMA, containing approximately 70.2 acres, more or less; and O. J. Nicholson, et al.,	Defendants.)

CIVIL NO. 1073

ORDER GRANTING LEAVE TO FILE AN AMENDMENT
TO PETITION FOR CONDEMNATION

NOW, on this 3rd day of November, 1943, there coming on for hearing the application of the petitioner, United States of America, for leave to file an amendment to its petition herein, and the Court being fully advised in the premises, finds that said application should be granted, and the petitioner given leave to file an amendment to its petition herein, making additional parties defendant.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America, be, and it is hereby granted leave and permission of this Court to file an amendment to its petition herein, making additional parties defendant.

ROYCE H. SAVAGE
JUDGE
United States District Court,
Northern District of Oklahoma.

ENDORSED: Filed Nov 3 1943
E. P. Warfield, Clerk
U. S. District Court H

Court adjourned to November 4, 1943

On this 4th day of November, 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

George Silver Hedrick,	Plaintiff,)	
)	
vs.		)	No. 640 - Civil
)	
The Provident Life and Accident Insurance Company of Chattanooga, Tennessee, a corporation,	Defendant.)	

JOURNAL ENTRY

Now on this 8th day of February, 1943, the same being one of the regular judicial days of this court, the court having considered all the evidence introduced in the trial of said cause, and the argument of counsel, and having reviewed the Findings of Fact and Conclusions of Law made by the court and reduced to writing and filed with the clerk of this court on February 3, 1943, and being well and sufficiently advised in the premises finds and determines that plaintiff is not entitled to recover from the defendant but that judgment should be against the plaintiff.

It is therefore considered, ordered, adjudged and decreed by the court that the plaintiff take nothing by virtue of this action, and that judgment be and it is hereby rendered in favor of the defendant provident life and Accident Insurance Company of Chattanooga, Tennessee, a corporation and against the plaintiff, George Silver Hedrick, and that the defendant have and recover from the plaintiff the costs of this action, for which let execution issue.

And now on this 20th day of February, 1943, the same being one of the judicial days of this court, the court having considered the motion filed herein by the plaintiff for a new trial of the action, together with the plaintiff's amended motion for a new trial and plaintiff's exceptions to the court's Findings of Fact and Conclusions of Law filed with the Clerk of this court on February 3, 1943, and being well and sufficiently advised in the premises finds that said motion for a new trial should be overruled.

It is therefore considered, ordered, and adjudged by the Court that the plaintiff's motion for a new trial, and amended motion for a new trial, be and the same are hereby overruled and denied.

BOWER BRADDUS
District Judge

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

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-)
		) No. 1067 - Civil
2.5 acres of land, more or less,)
situate in Tulsa County, Oklahoma,)
and the Heirs of Eunice Bennett,)
deceased, et al.,	Respondents.)

ORDER FIXING TITLE

Now on this 4th day of November, 1943, this cause came on to be heard pursuant to due notice given and the Court, having been fully advised in the premises, finds that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, was, at the time of taking by the petitioner, as to the following tract of land, vested as follows, to-wit:

Tract No. 2

Lot Twenty-two (22), Aerial Heights Subdivision of Tulsa County, Oklahoma, except a strip of land 25 feet wide off East end of said Lot, heretofore dedicated to the public for streets, containing 2.5 acres, more or less, according to the recorded plat thereof.

Title in: Marie Sanders, subject to lien of Water Improvement District No. 5

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

ROYCE H. SAWAGE
JUDGE

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

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-)
		) No. 1067 - Civil
2.5 acres of land, more or less,)
situate in Tulsa County, Oklahoma, and the)
Heirs of Eunice Bennett, deceased, et al.,)
	Respondents.)

ORDER CONFIRMING STIPULATED VALUE

Now on this 4th day of November, 1943, this cause came on to be heard and the Court having been fully advised in the premises, finds that a written stipulation has been entered into by and between the petitioner and Marie Sanders, whereby the value of Tract No. 2 involved in the above

on file herein, that the same should be sustained;

IT IS, THEREFORE, ORDERED that this cause be and the same is hereby dismissed, with prejudice.

DONE and entered this 5th day of November, 1943.

ROYCE H. SAVAGE
J U D G E

ENDORSED: Filed In Open Court
Nov 5 1943
H. P. Warfield, Clerk
U. S. District Court H

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

Mollie Baldrige, Nee Deerinwater,)	
	) Plaintiff,	
vs.	)	No. 973 CIVIL
John Deerinwater, et al.,)	
	) Defendants.	
United States of America,)	
	) Intervener.	

ORDER APPROVING SALE BY UNITED STATES MARSHAL

Now, on this 5th day of November, 1943, their coming on for hearing the motion of the plaintiff, Mollie Baldrige, nee Deerinwater, for an order approving the sale of real estate made in the above action, on the 27th day of October, 1943, by the United States Marshal for the Northern District of Oklahoma, a return and report of said sale being heretofore filed in the above Court, plaintiff appearing by her attorneys, John S. Severson and A. Lee Battenfield; the United States of America appearing by the Honorable Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, who appeared as well for all the restricted Indians, parties to said action; the minor defendants, Bert Deerinwater and Nora Deerinwater, appearing by the Honorable M. S. Robertson, United States Probate Attorney, their duly appointed Guardian ad litem which shows that after advertising the same in all particulars as required by law and as provided by the orders of this Court he sold the same for the sum of \$1800.00, the same being within the appraised price as fixed by the commissioners appointed by this Court to appraise the same, and that said sale was in all particulars made in accordance with the orders of this Court and the statutes both State and Federal, in like cases made and provided; therefore said report of sale should in all things be confirmed and approved and that distribution of said funds should be made by the said United States Marshal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, by the Court that the said United States Marshal's sale of lands described and involved in this action, as follows, to-wit:

The west half of the Southwest Quarter of Section 12, Township 22 North, Range 20 East, Mayes County, Oklahoma,

be, and the same is in all things approved and confirmed and made firm and effectual forever, and that the purchaser at said sale; namely, Vernon Kincaid and Lillian Kincaid, husband and wife, are hereby subrogated to the rights of all parties to said action for the protection of their title.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said United States Marshal make, execute and deliver to said purchasers a proper conveyance conveying the said land to them in accordance with this order and the orders of this Court heretofore made in this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said United States Marshal deduct out of the funds in his hands his publication costs in the sum of \$12.00; and that he pay to the Clerk of this Court the sum of \$124.41 costs incurred in this Court; that he pay the Court Clerk of Mayes County, Oklahoma, the sum of \$24.85 being the costs incurred prior to removal to this Court; that he pay to John S. Severson and A. Lee Battenfield the sum of \$180.00 the reasonable attorneys' fees in this action, said payment to be made by two checks in the sum of \$90.00 each, payable to their several orders.

IT IS FURTHER ORDERED by the Court that the balance remaining shall be disbursed by check made payable to the Treasurer of the United States, and sent to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, Muskogee, Oklahoma, for the use and benefit of the parties to this action, and their respective interests in the above estate, as follows:

Mollie Baldrige,	1/4th interest,	\$364.68
John Deerinwater,	1/4th interest,	\$364.68
Bert Deerinwater,	1/4th interest,	\$364.69
Nora Deerinwater,	1/4th interest,	\$364.69
		<u>\$1458.74</u>

IT IS FURTHER ORDERED by the Court that the respective sums above set out for Marshal's fees, Court costs and Attorneys' fees shall be first paid before distribution is made as above set forth.

IT IS FURTHER ORDERED that the United States Marshal file a report of all disbursements made under this order, with the Clerk of this Court.

ROYCE H. SAVAGE
JUDGE

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

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

Marie Feeling,	Plaintiff,)	
)	
vs.		)	No. 998 CIVIL
Walter Hart, et al.,	Defendants.)	
)	
United States of America,	Intervener.)	

ORDER APPROVING SALE BY UNITED STATES MARSHAL

Now, on this 5th day of November, 1943, there coming on for hearing the motion of the plaintiff, Maria Feeling, for an order approving the sale of real estate made in the above action, on the 26th day of October, 1943, by the United States Marshal for the Northern District of Oklahoma, a return and report of said sale being heretofore filed in the above Court, plaintiff appearing by her attorney, John S. Severson; the United States of America appearing by the Honorable Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, who appeared as well for all the restricted Indians, parties to said action:

And the Court having heard said motion, and having examined said return, and being fully advised finds that said Marshal, after advertising the same in all particulars as required by law and as provided by the orders of this Court, sold the same for the sum of \$500.00, the same being within the appraised price as fixed by the commissioners appointed by this Court to appraise the same, and that said sale was in all particulars made in accordance with the orders of this Court and the statutes, both State and Federal, in like cases made and provided; and that said report of sale should in all things be confirmed and approved and that distribution of said funds should be made by the said United States Marshal:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the said United States Marshal's sale of the lands described and involved in this action, as follows, to-wit:

The $W\frac{1}{2}$ $SW\frac{1}{2}$ $NE\frac{1}{4}$ & $SE\frac{1}{2}$ $SW\frac{1}{2}$ $NE\frac{1}{4}$ & $SW\frac{1}{2}$ $NW\frac{1}{2}$ $NE\frac{1}{4}$
of Section 24, Township 23 North, Range 14
East, Rogers County, Oklahoma.

be, and the same is in all things approved and confirmed and made firm and effectual forever, and the purchaser at said sale; namely, A. V. Ferris, is hereby subrogated to the rights of all parties to said action for the protection of his title.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said United States Marshal make, execute and deliver to said purchaser a proper conveyance, conveying the said land to him, in accordance with this order and with the orders of this Court heretofore made in this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said United States Marshal deduct out of the funds in his hands his publication costs in the sum of \$12.00; and that he pay to the Clerk of this Court the sum of \$109.95 costs incurred in this Court; that he pay the Court Clerk of Rogers County, Oklahoma, the sum of \$26.75 being the costs incurred prior to removal to this Court; that he pay to John S. Severson the sum of \$50.00 the reasonable attorney's fees in this action.

IT IS FURTHER ORDERED by the Court that the balance remaining shall be disbursed by check made payable to the Treasurer of the United States, and sent to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, Muskogee, Oklahoma, for the use and benefit of the parties to this action, and their respective interests in the above estate, as follows:

Maria Feeling	1/4th interest,	\$ 75.32
Annie Russell	1/12 "	\$ 25.11
May Leach	1/12 "	\$ 25.11
Watie Hart	1/12 "	\$ 25.11
Mary Sunday	1/4 "	\$ 75.32
Walter Hart	1/4 "	\$ 75.33
		<u>\$301.30</u>

IT IS FURTHER ORDERED by the Court that the respective sums above set out for Marshal's costs, Court Costs and Attorney's fees shall be first paid before distribution is made as above set forth.

IT IS FURTHER ORDERED that the United States Marshal file a report of all disbursements, made under this order, with the Clerk of this Court.

ROYCE H. SAVAGE
JUDGE

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

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

PRENTISS M. BROWN, Administrator, Office of Price Administration, Plaintiff,)	
	)	Civil No. 1027
vs.)	
)	
LOUIE BROWN, an individual,	)	Defendant.

ORDER SUBSTITUTING PARTY PLAINTIFF

On this 5th day of November, 1943, came on to be heard the Motion of Chester Bowles to maintain this suit and for substitution of himself in his official capacity as party plaintiff, and the Court is of the opinion that said Motion should be granted;

IT IS, THEREFORE, ORDERED, that Chester Bowles, in his official capacity as Price Administrator, be, and he is hereby substituted as party plaintiff herein.

ROYCE H. SAVAGE
United States District Judge

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

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

Chester Bowles, acting Administrator, Office of Price Administration,	Plaintiff,)	
		)	CIVIL NO. 1027
vs.)	
)	
LOUIE BROWN, an individual,	Defendant.)	

PERMANENT INJUNCTION

ON THIS, the 5th day of November, 1943, this cause came on for trial and hearing on the application of the plaintiff for a permanent injunction, at which time the parties appeared by and through their respective attorneys of record, at which time a stipulation was presented and after statements made by both sides in open court, and the Court having fully considered the pleadings, the stipulation and the statement of counsel, the Court finds the issues for the plaintiff and further specifically finds defendant has violated Maximum Price Regulations No. 169 and 148, each as amended and revised, of the Office of Price Administration. The Court further finds that he has violated those regulations in the manner and as alleged in plaintiff's complaint, but the Court further specifically finds none of said violations were wilfully committed and each and all of such violations were unintentional on the part of the defendant.

The Court further finds that a permanent injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, his agents, servants, employees or any person acting in concert with him shall be and they are hereby enjoined from violating any of the provisions of Maximum price regulations No. 148 and 169, each as amended and revised, of the Office of Price Administration, or from offering, attempting or agreeing to do anything in violation of such Regulations.

On this 8th day of November, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-		)	No. 1067 - Civil
)	
2.5 acres of land, more or less, situate in)	
Tulsa County, Oklahoma, and the Heirs of)	
Eunice Bennett, deceased, et al.,)	
	Respondents.)	

ORDER OF DISTRIBUTION

Now on this 8th day of November, 1943, this cause came on to be heard and the Court, having been fully advised in the premises, finds that distribution should be made in the above condemnation proceeding.

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

Water Improvement District No. 5	\$ 13.91
(Full share of award)	
Marie Sanders	\$1,986.09
(Award less improvement taxes)	

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 9, 1943

On this 9th day of November, 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. Lauzy, 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 OKLA.

BROCKER ENGINEERING CO., a corporation,	Plaintiff,)	
)	
vs)	
		)	No. 646 Civil
GRAND RIVER DAM AUTHORITY, a corporation organized under the laws of Oklahoma, et al.,	Defendants)	
)	
FIDELITY & DEPOSIT CO. PANY OF MARYLAND, a corporation, et al.,	Third Party Defendants.)	

O R D E R

WHEREAS the plaintiff filed Notice of Appeal to the Circuit Court of Appeals on October 4, 1943, and the forty day period within which plaintiff had to prepare its record will expire on November 12, 1943. Plaintiff made application for an extension of an additional fifty days within which to prepare such record because it is engaged in the performance of war contracts.

It is ordered that the plaintiff be granted an extension of fifty days from November 12, 1943, within which to prepare its record to perfect its appeal.

ROYCE H. SAVAGE
JUDGE

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

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

UNITED STATES OF AMERICA, Petitioner,)

-vs-

) CIVIL NO. 1007

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 64.4 acres, more or less; and George Hogan, Jr., et al., Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this the 9 day of November, 1943, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petition in the above styled cause that the following named defendants, to wit:

- John Rogers Hastings, Jr.;
- Bernice Hastings;
- Joe Rainey;
- Jasper Rainey;
- J. J. Nichols;
- E. S. Nichols;
- Donald Lee Nichols;
- Maybelle Nichols;
- Doris Nichols;
- Maurice P. Becker;
- Ella E. Becker;
- James L. Cave;
- Gotfried Kocher;
- Minnie Kocher;
- Jennie L. Wright;
- Margaret Jean Crosbie Prather, now Saint;
- Leslie A. Johnston;
- Maxine Johnston;
- Lucille M. Hunt, now Gill, Cherokee Roll No. 7418;
- Oliver Downing, Cherokee Freedman, Roll No. 2007;
- Georgie Downing, Cherokee Freedman, Roll No. 2009;
- Walter M. McCormick;
- Norman B. Blake;
- Kathleen E. Blake;
- Carl H. Jensen, Executor of the Estate of George A. Ralph, deceased;
- Nana Flint Klaus;
- Otto Klaus;
- Amanda Campbell Cox;
- Ancel Cox;
- Charles A. Cox;
- Audrey L. Carroll;
- L. W. Carroll;
- C. L. Rush;
- Jess Rush;
- Edna D. Campbell;
- J. L. Miller;
- Della Robinson;

H. C. Morgan;
 David T. Biving;
 Luisa Horseskin;
 Nora Ella Graham;
 Jim Owens;
 Dora Wallace;
 John Arnold;
 Harry Ray;
 Robert W. Strange;
 B. F. McBride;
 Paul P. Pugh;
 Charles E. Tenney;
 Pius Maddock;
 H. W. Greene;
 Mrs. Pearl Green;
 Henry Best, Cherokee Freedman, No. 4079;
 Kenwood Oil & Mining Company, if living or in existence, or
 if deceased, and not in existence, their known and unknown heirs,
 executors, administrators, trustees, devisees, legatees, creditors,
 successors and assigns, immediate and remote, and their spouses, if
 any; and the known and unknown heirs, executors, administrators,
 trustees, devisees, legatees, creditors and assigns, immediate and
 remote, and their spouses, if any, of Lemuel W. Marks, deceased; of
 John Horseskin, deceased; of Aily Toolate, Cherokee Roll No. 19745,
 deceased; of Martha Bourdon, deceased; of J. E. Crosbie, deceased; of
 Sam Summerfield, Cherokee Citizen, Roll No. 19799, deceased; of
 Davis Toolate, Cherokee Citizen, Roll No. 19746; of Sarah
 Toolate, deceased; of George A. Ralph, deceased; of Robert A. Cox
 Cherokee Citizen, Roll No. 16851, deceased; of W. L. Rush, deceased; of
 Sequoyah B. Thomas, Cherokee Citizen, Roll No. 1891, deceased; of
 H. F. Parker, deceased; of William Barbee, deceased; of W. M.
 Campbell, deceased; of John Barbee, Cherokee Citizen, Roll No. 9094,
 deceased; of David Chambers, Cherokee Citizen, Roll No. 12600, deceased; of
 Catherine Chambers, Cherokee Citizen, Roll No. 11990, deceased; of
 W. G. Sellers, deceased; of Jno. T. Oakley, deceased; of Everett L.
 Meek, deceased; of James A. Nichols, deceased; of S. I. Ingram, deceased;

are non-resident 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 or all other persons, firms, corporations, or legal entities, claiming any interest whatever in the real estate herein described and involved, be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceedings; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE GROVE SUN, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendants, and each of them, of the institution of the condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners, on or before the 3rd day of January, 1944, the petitioner, United States of America, will, on the 3rd day of January, 1944, 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 of 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

and directed to make distribution from the funds deposited herein, as follows, to-wit:

to: O. O. Lightner and A.B. Thornton
Owners - Tract No. 38 (10 NW 711) \$58.50

ROYCE H. SAVAGE
J U D G E

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

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

UNITED STATES OF AMERICA, Petitioner,)

-vs-

A CERTAIN PARCEL OF LAND IN MAYES COUNTY,
OKLAHOMA, containing approximately 1.6
acres, more or less; and J. F. Harris,
et al., Defendants.)

CIVIL NO. 1054

ORDER APPOINTING COMMISSIONERS

NOW, on this 8 day of November, 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 land hereinafter described and the acquisition of said land is necessary to provide for the storage of waters to be impounded by the Grand River Dam Project in Oklahoma, 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. 357); the Act of February 23, 1931, 46 Stat. 1421 (U.S.C. Title 40, Secs. 258 (e)); Title II of the Act of June 16, 1933, 48 Stat. 200-203 (U.S.C. Title 40, Secs. 401-403) 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 13, 1941, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States of America, the land hereinafter described.

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, certain land situate, lying and being in the County of Mayes, in the Northern District of the State of Oklahoma, within the jurisdiction of this Court, and more particularly described as follows, to-wit:

For description see Journal 6 - Page 544.

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

The Court specifically finds that the returns of the Marshals filed herein showing

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
vs.)	
		)	No. 1103 Civil
8.5 acres of land, more or less,)	
situate in Tulsa County, State of)	
Oklahoma, and O. L. Avey, et al.,)	
	Respondents.)	

JUDGMENT ON THE DECLARATION OF TAKING

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

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

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

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

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

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

(5) A statement is contained in said Declaration of Taking of the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of One Thousand Two Hundred and no/100 Dollars (\$1,200.00), and said sum was deposited in the Registry of the Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.

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

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

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to Tract No. 4, hereinafter described, and a leasehold estate in and to Tract No. R-3, hereinafter described, for a term of years commencing May 10, 1943, and ending June 30, 1944, extendible for yearly periods thereafter during the existing national emergency at the election of the United States, notice of which election shall be filed in this proceeding at least 30 days prior to the end of the term hereby taken or subsequent extensions thereof, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, together with the right to remove within a reasonable time after the expiration of the term of extensions thereof, any and all improvements or structures placed thereon by or for the United States, was vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of One Thousand Two Hundred and no/100 Dollars (\$1,200.00), and said lands are deemed to have been condemned and taken for the use of the United States, and the right to just compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 8.5 acres, more or less, and are described as follows, to-wit:

TRACT NO. R-3

A tract of land in the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$), of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, situate in Tulsa County, Oklahoma, containing 1.8 acres, more or less, described as follows:

Beginning at the Northeast corner of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Base and Meridian; thence South along the East side of the Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) a distance of 807.42 feet; thence North 81 degrees 54.56' West, to a point 100 feet West of said East line; thence North to a point in the North line of said SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and 100 feet West of the Northeast corner thereof; thence East along said North line to point of beginning.

TRACT NO. 4

A tract of land in the East Half of the Southwest Quarter (E $\frac{1}{2}$ SW $\frac{1}{4}$) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, situate in Tulsa County, Oklahoma, containing 6.7 acres, more or less, described as follows:

Beginning at the Southeast corner of the Southwest Quarter (SW $\frac{1}{4}$) of Section 13; thence Northerly along the quarter section line of said Section 13, a distance of 1,565 feet; thence Southwesterly along a line bearing South 14 degrees 37' West, a distance of 1,165 feet; thence Southwesterly along a curve forming a radius of 523.69 feet, a distance of 688 feet, more or less; thence Southerly along a line at right angle to the East and West section line of Section 13, a distance of 50 feet to said section line; thence Easterly along said section line a distance of 800 feet, more or less, to the point of beginning, less a strip of land 100 feet in width, being 50 feet in width

Trustee is plaintiff and R. E. McCreevy, et al., are defendants, specifically releasing said deficiency judgment against said R. E. McCreevy, Oma McCreevy and K. E. Vaughn.

ROYCE H. SAVAGE
JUDGE

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

Court adjourned to November 10, 1943

On this 10th day of November, 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

MESSMAN CONSTRUCTION COMPANY,)
a corporation,) Plaintiff,)
vs) Case No. 353 Civil
GRAND RIVER DAM AUTHORITY,)
a corporation,) Defendant.)

ORDER EXTENDING TIME IN WHICH TO FILE
Answer Brief

Upon application of the plaintiff, Messman Construction Company, for enlargement of the time to file answer brief, said plaintiff is hereby given until December 20, 1943, in which to file brief in answer to brief filed by the defendant, Grand River Dam Authority on motion to dismiss and for better statement of bill of particulars.

DATED this 10th day of November, 1943.

ROYCE H. SAVAGE
U. S. DISTRICT JUDGE

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

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

Herbert C. Hovendon and the City of Sapulpa, Oklahoma, upon the relation of Herbert C. Hovendon,)	
)	
vs)	
)	
Charles E. Potter, et al,)	
)	

Plaintiff, Civil Action #1051

Defendants.)

O R D E R

On the application of R. S. Brown, he is made a party defendant herein and allowed ten days in which to file answer.

Dated this 10 day of November, 1943.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Nov 10 1943
H. F. Garfield, Clerk
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
-vs-)	
)	
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 281.30 acres, more or less; and William H. Kneeland, et al.,	Defendants.	)	CIVIL NO. 1069

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING
DISTRIBUTION AS TO TRACT NO. 25 (S FW 670)

NOW, on this 10 day of November, 1943, there coming on for hearing the application of the defendant, Mabel L. Brown, nee Gunter, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 25 (S FW 670), and the Court being fully advised in the premises, finds:

That the defendant, Mabel L. Brown, nee Gunter, was the owner of the lands designated as Tract No. 25 (S FW 670) when this proceeding was commenced; that the plaintiff filed a declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$781.00, for the taking a perpetual easement for flowage purposes upon and over said tract of land; that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for flowage purposes and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, Mabel L. Brown, nee Gunter, agreed to grant and sell to the petitioner a perpetual right, privilege and authority to inundate, submerge and

plaintiff, Co-Lo-La-Di Chicken, for an order approving the sale of real estate made in the above action on the 9th day of November, 1942, by the United States Marshal for the Northern District of Oklahoma, a return and report of said sale being heretofore filed in the above Court, plaintiff appearing by his attorneys, John S. Severson and Ernest R. Brown; the United States of America appearing by the Honorable Whit V. Mauzy, United States District Attorney for the Northern District of Oklahoma, who appeared as well for all the restricted Indians, parties to said action;

And the Court having heard said motion, and having examined said return, and being fully advised finds that said Marshal, after advertising the same in all particulars as required by law and as provided by the orders of this Court, sold the same for the sum of \$1005.00, the same being within the appraised price as fixed by the commissioners appointed by this Court to appraise the same, and that said sale was in all particulars made in accordance with the orders of this Court and the statutes, both State and Federal, in like cases made and provided; and that said report of sale should in all things be confirmed and approved and that distribution of said funds should be made by the said United States Marshal:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said United States Marshal's sale of the lands described and involved in this action, as follows, to-wit:

The W $\frac{1}{2}$ NW $\frac{1}{4}$ and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, Township 22 North, Range 23 East, Delaware County, Oklahoma

be, and the same is in all things approved and confirmed and made firm and effectual forever, and that the purchasers at said sale; namely, G. E. Fox and Laura S. Fox, are hereby subrogated to the rights of all parties to said action for the protection of their title.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the said United States Marshal make, execute and deliver to said purchasers a proper conveyance, conveying the said land to them, in accordance with this order and with the orders of this Court heretofore made in this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said United States Marshal deduct out of the funds in his hands his publication costs in the sum of \$16.00 and that he pay to the clerk of this Court the sum of \$85.48 costs incurred in this Court; that he pay the Court Clerk of Delaware County, Oklahoma, the sum of \$32.98 being the costs incurred prior to removal to this Court; that he pay to John S. Severson the sum of \$50.00 and Ernest R. Brown the sum of \$50.00 the reasonable attorneys' fees in this action, that he pay Ernest R. Brown \$16.00 as refund of fee advanced for publication.

IT IS FURTHER ORDERED by the Court that the balance remaining shall be disbursed by check made payable to the Treasurer of the United States, and sent to F. W. Sunderwirth, Disbursing Agent for the Five Civilized Tribes, Muskogee, Oklahoma, for the use and benefit of the parties to this action, and their respective interests in the above estate, as follows:

Co-Lo-La-Di Chicken, plaintiff, 1/2 interest,	\$376.77
Jennie Chicken, nee Doublehead, 1/2 "	\$376.77

IT IS FURTHER ORDERED by the Court that the respective sums above set out for Marshall's costs, Court costs and attorneys' fees shall be first paid before distribution is made as above set forth.

IT IS FURTHER ORDERED that the United States Marshal file a report of all disbursements, made under this order, with the Clerk of this Court.

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

ROYCE H. SAVAGE
JUDGE

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

A. L. O'Bannon, Administrator of the
Estate of C. B. Bess, deceased, Plaintiff,

vs

OTTO BESS,

Defendant.

No. 613 - Civil

ORDER OVERRULING MOTION FOR NEW TRIAL

Now on this, the 12th day of November, 1943, this cause comes on for hearing upon motion for new trial; the court having heard argument, and being well and truly advised in the premises finds that said motion should be and the same is overruled; to which plaintiff then and there excepted and exceptions are allowed.

BOWER BROADBUSH
JUDGE

ENDORSED: Filed Nov 22 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

T. J. Ellis, Jr.,

Defendant.

No. 889 CIVIL

JOURNAL ENTRY OF JUDGMENT

NOW on this 12th day of October, 1943, this cause came on for further hearing in open Court before the Honorable Bower Broadbush, Judge presiding, plaintiff appearing by Whit Y. Mauzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney, for the Northern District of Oklahoma, and after having heard all of the evidence on behalf of both the plaintiff and the defendant and respective arguments of counsel thereon, and the Court being fully advised in the premises, finds that plaintiff is entitled to judgment as prayed.

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the Court that plaintiff have and recover judgment against the defendant, T. J. Ellis, Jr., in the amount of Two Hundred Twenty-Four Dollars and Two Cents (\$224.02), with interest thereon at the rate of Six Per Cent (6%) per annum, and for the costs of this action.

BOWER BROADBUSH
JUDGE

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

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-)
		) No. 900 - Civil
77.15 acres of land, more or less,)
situate in Mayes County, Oklahoma,)
and the Known and Unknown Heirs,)
executors, administrators, devisees,)
legatees, trustees and assigns,)
immediate and remote, of Will Giles,)
deceased, et al.,	Respondents.)

ORDER DISTRIBUTING FUNDS

Now on this 12 day of November, 1943, this matter comes on for hearing for distribution of funds. The Court being fully advised in the premises, finds that distribution should be made as follows:

Tract no. F-201

Ethel Reed, Edna Smith, Oscar Reed, Walter Reed and Irene Bewley	\$289.44
---	----------

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

ROYCE W. SAVAGE
JUDGE

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

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

ADA TIGER, now Lozier,	Plaintiff,)
)
vs.)
)
D. C. SELLERS, Executor of the Estate of L. E. Gibson, deceased,	Defendant.	) No. 950 Civil
and)
)
G. T. BETHEL,	Defendant,)
and)
UNITED STATES OF AMERICA,	Intervenor.)

JUDGMENT AND DECREE

This cause came on to be heard on October 13th, 1943, the plaintiff and the defendant G. T. Bethel appearing by their attorney George H. Jennings; the defendant D. C. Sellers, Executor of

the estate of L. E. Gibson, appearing by S. A. Denyer, and intervenor, United States of America, appearing by Whit Y. Mauzy, upon the complaint of the plaintiff, the answer and cross-petition of said executor, the answer of G. T. Bethel, the petition of intervenor, their replies and stipulations of fact and evidence introduced, before the Court, without the intervention of a jury, and the Court having made and filed findings of fact and conclusions of law, to which reference is made,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court:

I.

That this judgment and decree be rendered as of November 12th, 1943.

II.

That this cause be dismissed as to Bennie and Cordelia Hall, and dismissed without prejudice as to Charles E. Lozier, for lack of service on him.

III.

That defendant, D. C. Sellers, executor of the estate of L. E. Gibson, have judgment against Ada Tiger, now Lozier, on the promissory note in the sum of Twenty Seven Hundred Ninety One Dollars (\$2781.95) and Ninety Five Cents, with interest on Fifteen Hundred Dollars (\$1500.00) at ten per cent (10%) per annum from October 13th, 1943, and attorney fees in the sum of Two Hundred Seventy Nine Dollars and Nineteen Cents (\$279.19) and costs of this action; and, as to the plaintiff, said note is cancelled and merged in this judgment, and said executor is awarded a decree of foreclosure of the mortgage involved herein against said land -- the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-Four (34) Township Seventeen North (17N), Range Nine East (9E) in Creek County, Oklahoma -- without appraisalment as security for the payment of said judgment, interest, attorney fees and costs; and, if plaintiff fail for a period of six (6) months from this date to pay the same, an order of sale issue to the proper officer, directing him to advertise and sell said land, without appraisalment and apply the proceeds of said sale as follows:

FIRST: To the payment of the costs of said sale.

SECOND: To the payment of the costs assessed against the plaintiff, and Clerk's accruing costs.

THIRD: To the payment of the judgment awarded said executor, attorney fees and costs.

FOURTH: If any amount remains, the same shall be paid into Court for the benefit of plaintiff.

Upon the sale and confirmation thereof, the plaintiff, the defendant G. T. Bethel, the intervenor and all persons claiming by, through or under any of them, are barred and enjoined from setting up or claiming any right, title or interest therein.

In the event the proceeds of said sale are insufficient to pay said judgment, said executor is awarded a deficiency judgment against the plaintiff for the remainder thereof.

Dated this 12th day of November, 1943.

BOWER BRADDOUS
United States District Judge

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

Corroborated be, and the same are hereby confirmed; that partition of said lands be made accordingly, and that J. F. Pickens, C. C. Weber, and Elmer Vick are hereby appointed Commissioners, and, upon taking the oath prescribed by law, shall proceed to make said partition and report the same to this Court forthwith.

ROYCE H. SAVAGE
United States District Judge

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

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

Martha Standingwater,	Plaintiff,)	
)	
vs)	
		)	No. 1000 Civil
Lucy Roberts, et al.,	Defendants,)	
)	
UNITED STATES OF AMERICA,	Intervener.)	

ORDER CONFIRMING COMMISSIONERS' REPORT AND DIRECTING THE SALE OF REAL ESTATE

This case coming on to be heard in its regular order, this the 12th day of Nov., 1943 upon the return and report of the Commissioners heretofore appointed by this court, and upon plaintiff's motion to confirm the same as filed, and it being shown to the court that said report is in all things made as directed by the order of the court made in this cause, and duly filed, and that there are no objections or exceptions filed to the same, and that none of the interested parties have elected to take the lands involved at the appraised price, the plaintiff appearing by her attorney, Ernest R. Brown, and the court having heard said motion and being fully advised in the premises, the United States appearing by Whit Y. Mauzy, in his official capacity as United States District Attorney, as well for the Government as the full blood Indians, parties to said action, and having examined said reports and the pleadings filed in said case and the argument of counsel and being fully advised finds:

That said Commissioners report discloses that the lands involved cannot be partitioned in kind between the plaintiff and the defendants, the owners thereof, without manifest injury, and that the valuation placed thereon by the Commissioners to-wit: the sum of \$1500.00 is fair and said report should be in all things approved and confirmed and made firm and effectual forever, and that said lands should be sold by the United States Marshal for the Northern District of Oklahoma, and the proceeds thereof to be divided among the parties to this action as more fully set out in the decree of partition entered herein on October 14, 1943, after a reasonable time is given the United States to exercise its preferential right to take said lands at the appraised price.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that said Commissioners' report be and the same is in all things approved and confirmed, and made firm and effectual forever, and inasmuch as neither of the parties to this action has elected to take the same at the appraised price, that a sale of the premises involved should be had unless the United States of America should elect to take the same at the appraised price within ten days after the date of this decree.

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

33 cases were manufactured by the Kansas Milling Company of Wichita, Kansas.

The court further finds that said 33 Cases are misbranded in violation of Title 21, U.S.C., Section 343 (a), in the following respects:

1. That the statement "A NATURAL FOOD RICH IN VITAMENS B, E, AND G" is misleading only in that the term Vitamin B, has no scientific significance.
2. That the statements "FOR HEALTH -- FOR ZIP-- A TUNE-UP!" are merely sales talk and not misleading.
3. That the statement "It's one of the best ways of getting necessary amounts of Vitamins B-1, B-2, E, and G," is misleading with respect to the inclusion of the terms B-2 and G, which are synonymous and tend to indicate that they are two different vitamins.
4. That the statement "Vitamin B essential for appetit~~e~~, normal function of nerves and digestive system, promotes natural growth" is ambiguous in that Vitamin B has no scientific significance.
5. That the statement on the label as to Vitamin E is misleading.
6. That the statement "Essential in prevention of Pellagra, Dermatitis, Cataract" is misleading and that the statement as to skin infection is too broad.
7. That the statement on the label "Also an abundance of highly valuable minerals" is misleading.

The court further finds that said article is misbranded in violation of Title 21, U.S.C. Section 343 (j) in that it purports to be and is represented as a food and for special dietary uses by reason of its vitamin and mineral content and that said label fails to bear the necessary information required under the regulations prescribed for label statements concerning dietary properties as promulgated by the Administrator of as published in the Federal Register of November 22, 1941.

The court further finds that the trademark "SPARK O' LIFE" standing alone or apart from the label is not misleading nor misbranding of the product in violation of Title 21, U.S.C., Section 343 (a).

The court further finds that all other statements on the label are not misleading.

The court further finds and concludes for the reasons above stated, that said 33 Cases of Spark O'Life should be condemned, forfeited and confiscated.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the said 33 Cases of Spark O'Life be and the same hereby are condemned, forfeited and confiscated.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the said 33 Cases of Spark O'Life be destroyed and Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, be and he hereby is instructed and directed to destroy said 33 Cases of Spark O'Life and to report his acts under this order to this court within thirty (30) days from this date.

IT IS THE FURTHER ORDER AND JUDGMENT of the court that the plaintiff, United States of America, recover the costs of this action from the Kansas Milling Company.

AND IT IS SO ORDERED.

ENDORSED: Filed Dec 6 1943
E. P. Warfield, Clerk
U. S. District Court AC

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

REGULAR JANUARY 1943 TERM

TULSA, OKLAHOMA

SATURDAY, NOVEMBER 13, 1943

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

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

C R D E R

On this 13th day of November, 1943, there comes on for hearing the application of J. M. Chandler, receiver herein, for an order approving his final account in this cause, and his application for an order fixing his final compensation in this matter and for a discharge of himself and of his surety from any further liability in this action, and said receiver, J. M. Chandler, being present in person, and the stockholders of said Builders Supply Company being represented by Coakley & McDermott, their attorneys, and the court being fully advised in the premises, finds:

I.

That the audit of R. W. Hays & Company, as of September 30, 1943, heretofore filed in this cause, together with supplemental data bringing said audit down to the date of the hearing hereof, is true and correct and represents a correct report by said receiver of his transactions to the date hereof as receiver of the Builders Supply Company, and the same is approved.

II.

That said Builders Supply Company is now solvent and that there is no further reason for the continuation of said receivership and that the same should be closed.

III.

That said receiver should be and he is hereby authorized to pay all remaining unpaid claims of the Builders Supply Company, existing as of the date of the receivership herein, to-wit:

<u>Claimant</u>		<u>Amount</u>
Consolidated Cement Corp.	Account	\$832.77
Certainfeed Products Corp.	"	321.10
Dickey, W. S. Clay Co.	"	152.80
Dewey Portland Cement Co.	"	204.72
Frisco Railway Co.	"	130.49
Chandler Materials Co.	"	543.19
Lone Star Cement Co.	"	390.20
Missouri Portland Cement Co.	"	218.45
Monarch Cement Co.	"	182.63
Ozark White Lime Co.	"	221.25
Oklahoma Portland Cement Co.	"	570.03
Universal Atlas Cement Co.	"	205.53
Consolidated Cement Corporation-Note		491.62

IV.

That the final compensation payable unto J. M. Chandler, receiver herein, should be and the same is fixed at the sum of \$2400.00, and said receiver is directed and authorized to pay that compensation out of the assets of the Builders Supply Company.

V.

Coakley & McDermott, attorneys for Builders Supply Company and the stockholders thereof, in open court waived payment of compensation from the receiver for their services herein, due to the fact that the present payment thereof would unduly reduce the working capital of the corporation. The amount of such compensation was agreed upon in open court between the said Coakley & McDermott and J. T. Lynch and Ruth K. Lynch, the latter being stockholders of the Builders Supply Company, they agreeing that the corporation should be responsible for and pay such compensation.

VI.

That all assets of the Builders Supply Company, less monies covering the unpaid claims listed above, and less monies in amount sufficient to pay the expense of the receiver for the operation of such business, including accounts payable up to the date hereof, less the final compensation of said receiver, as hereinabove set forth, and less the unpaid court costs in this case, should be and the same are ordered immediately delivered unto the stockholders of the Builders Supply Company.

VII.

J. L. Chandler, is directed to file a final report herein, showing the fulfillment of the orders herein set out, whereupon such receiver and his surety shall be discharged and released from further liability in this cause, and this cause shall thereupon be closed.

ROYCE H. SAVAGE
District Judge

ENDORSED: Filed Nov 15 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. 935 CIVIL
Fay W. Smith, Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 13th day of November, 1943, this matter coming on for hearing upon application of plaintiff for a default judgment herein, the United States of America appearing by Whit Y. Mauzy, United States Attorney in and for the Northern District of Oklahoma, and Wm. Knight Powers, Assistant United States Attorney for said District, and the defendant Fay W. Smith appearing not, the court finds that said complaint was filed in said cause of action on the 5th day of May, 1943; that said defendant was served with summons on the 8th day of May, 1943, and that more than twenty (20) days have elapsed since the date of service on said defendant, and that said defendant has failed, refused and neglected to answer or otherwise plead herein, the court finds said defendant to be wholly in default; the court further finds the facts to be as alleged in plaintiff's complaint herein, and more particularly that said defendant entered into a business lease with one Katie Day, member of the Cherokee Tribe of Indians appearing opposite roll no. 121, covering a portion of the

South Half of Southwest Quarter of Section 20, Township 25 North,
Range 13 East, Washington County, State of Oklahoma;

that said business lease was approved on December 15, 1939 by the Superintendent of the Five Civilized

Tribes; that said lease, among other things, provided that said lease would be voided at the option of the Commissioner of Indian Affairs pursuant to the agreement of said lease on the part of said lessee that no part of said premises would be used for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquor, and that violation of said clause would render said lease voidable; the court further finds that said lease provided that the lessee would own any and all improvements placed upon said real estate and that said improvements may be removed by him at any time within thirty (30) days after the expiration of this lease; that said lessee did while said lease was in full force and effect, use and permit to be used said premises in violation of the prohibitory liquor laws of the State of Oklahoma, whereupon said lease was given thirty (30) days' notice in writing that said lease would be cancelled, and thereafter on January 4, 1943, said lease was cancelled by the Commissioner of Indian Affairs as provided in said lease; that more than thirty (30) days have elapsed since the date of said notice of said lease cancellation, and that said defendant has failed, refused and neglected to remove any of the said improvements placed upon said real estate by the defendant; that said lessee under the terms and conditions of said lease contract had no right to possession and no right to enter upon said leasehold estate after the thirty days period and should be perpetually enjoined and restrained from entering upon said leasehold estate; the court further finds upon failure of lessee to remove said improvements, title to said improvements is vested in lessor and lessor's heirs, said heirs being determined by the District Court of Washington County, State of Oklahoma to be Clarence Day, Nora Day, now Laton, Emmett Shaler and Lucille Shaler, now Laverty.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that said defendant Fay S. Smith be, and he hereby is, permanently restrained and enjoined from entering upon premises described as follows, to-wit:

west half of South Half of Southwest Quarter, of Southwest Quarter of Southwest Quarter of Section 20, Township 26 North, Range 13 East, containing approximately two and one-half acres, more or less, situated in Washington County, State of Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said Fay W. Smith be and he is hereby permanently restrained and enjoined from entering upon said premises, or interfering with the possession and management of said premises by the Secretary of the Interior or his authorized agents, or interfering with the possession of said premises by the heirs of Katie Gay, her Assigns, transferees or legal representatives.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title to all buildings, fixtures, and improvements placed upon said leasehold by the said Fay W. Smith or his representatives, and not removed within thirty days after the termination of cancellation of said lease, be and the same hereby is vested in the heirs of Katie Day, deceased.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff herein have and recover against the defendant, Fay W. Smith, its costs herein expended.

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 13 1943
H. P. Werfield, Clerk
U. S. District Court LN

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

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

ORDER FOR PAYMENT TO COMMISSIONERS

Now on this 13th day of November, 1943, appears to the Court that on the 2nd day of September, 1943, T. G. Grant, Kenneth Crouch and Arthur Newlin were appointed by the Court as appraisers in the above entitled and numbered cause, and pursuant to said appointment did serve as appraisers and fix the value of the real estate being taken by eminent domain and filed their report herein on the 20th day of September, 1943.

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

T. G. Grant	\$50.00
Kenneth Crouch	\$50.00
Arthur Newlin	\$50.00

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

ROYCE H. SAVAGE
JUDGE

ENDORSED: Filed Nov 13 1943
H. P. Warfield, Clerk
U. S. District Court H.

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

UNITED STATES OF AMERICA,	Petitioner,)	
)	
vs.)	
		)	No. 1106 Civil
2.5 acres of land, more or less,)	
situate in Tulsa County, State of)	
Oklahoma, and C. H. McCormick, et al.,)	
	Respondents.)	

JUDGMENT ON THE DECLARATION OF TAKING

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

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

- (1) Each and all of the allegations in said Petition and Declaration are true, and the United States of America is entitled to acquire property by eminent domain for the purposes set forth in said Petition.
- (2) In said Petition and Declaration of Taking a statement of the authority under which and the public use for which said lands were taken is set forth.
- (3) The Petition and Declaration of Taking were filed at the request of the Secretary of War of the United States, the person duly authorized by law to acquire the lands described in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings.
- (4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out said Declaration of Taking and Petition for Condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein.
- (5) A statement is contained in said Declaration of Taking of the sum of money estimated by the acquiring authority to be just compensation for the lands taken, in the amount of Five Thousand and no/100 Dollars (\$5,000.00), and said sum was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking.
- (6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of the Secretary of War of the United States will probably be within any limits prescribed by Congress on the price to be paid therefor.
- (7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking, the Act of Congress approved February 26, 1931 (46 Stat. 1421, 40 U.S.C. Sec. 258a) and Acts supplementary thereto and amendatory thereof, and the Act of Congress approved August 18, 1890 (26 Stat. 316), as amended by the Acts of Congress approved July 2, 1917 (40 Stat. 241), April 11, 1918 (40 Stat. 518; 50 U.S.C., Sec. 171) and March 27, 1942 (Public Law 507 - 77th Congress) and July 2, 1942 (Public Law 649 - 77th Congress), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the full fee simple title, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the lands described hereinafter, was vested in the United States of America upon the filing of said Declaration of and the depositing in the Registry of this Court of the said sum of Five Thousand and no/100 Dollars (\$5000.00), 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 involved herein are described as follows, to-wit:

Tract No. 1

That certain tract or parcel of land being Lot Twenty-one (21), Aerial Heights, a Subdivision of Tulsa County, Oklahoma, except a strip of land 25 feet wide off the East end of said Lot heretofore dedicated to the public for streets and parking purposes, containing 2.5 acres, more or less, according to the recorded plat thereof.

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 13 day of Nov. 1943

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

Entered this 13 day of Nov., 1943.

ROYCE V. SAVAGE
JUDGE

ENDORSED: Filed Nov 13 1943
H. P. Warfield, Clerk
U. S. District Court ME

Court adjourned to November 15, 1943

On this 15th day of November, A. D. 1943, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1943 Term at Tulsa, not pursuant to adjournment, Hon. Royce V. Savage and Hon. E. E. Kennamer, Judges, present and presiding.

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

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

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

Consolidated Cement Company, a
Delaware Corporation,

Plaintiff,

No. 201 Civil

vs

Builders Supply Company, a corporation, Defendant.

O R D E R

On this 15th day of November, 1943, it being shown to the court that the receiver has complied in all things with the order entered herein on November 13, 1943, said receiver, J. M. Chandler and his surety are discharged from further liability in this cause.

ROYCE H. SAVAGE
DISTRICT JUDGE

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

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

J. LACY BALLENGER, et al,

Plaintiffs,

NO. 1049 - CIVIL

vs.

UNITED STATES OF AMERICA,

Defendant.

C R D E R

NOW, on this 15th day of November, 1943, this matter coming on before the court on the application of the United States of America for additional time in which to answer in this cause and it appearing to the court, for good cause shown, that said additional time should be granted.

IT IS THEREFORE THE ORDER OF THE COURT that the United States of America be and it hereby is granted twenty days additional time from November 15, 1943 in which to answer in this cause of action.

AND IT IS SO ORDERED.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

JOE MOUSE,	Plaintiff,	}	No. 1093 Civil
vs.			
John R. Mouse, and Bob Mouse,	Defendants,		
United States of America,	Intervener.		

JOURNAL ENTRY OF JUDGMENT

AND NOW on this the 12th day of November, 1943, the same being a judicial day of the regular term of the United States Court for the Northern District of Oklahoma, the above entitled and numbered cause comes on for hearing in its regular order, before the undersigned Judge of said Court with the plaintiff appearing by Ernest R. Brown, his Attorney of Record, and the intervener, United States of America, appearing by Whit V. Mauzy, United States Attorney for the Northern District of Oklahoma, who also appears on behalf of the defendants. The said defendants, Bob Mouse and John R. Mouse, each having heretofore entered in this cause his general appearance and upon call, each of the parties announces ready.

WHEREUPON, the Court proceeds to examine the files and pleadings in said cause and the testimony of witnesses sworn and examined in open court, and the stipulation of counsel, and therefrom finds all the issues sustained, and being fully advised in the premises;

IT IS, THEREFORE, THE ORDER, JUDGMENT AND DECREE of the Court that the plaintiff and the defendants, Bob Mouse and John R. Mouse, are each the sole and exclusive owners in fee simple in equal shares, of the real estate and premises involved herein, situated in Rogers County, Oklahoma, and described as follows, to-wit:

The West Half of the Southwest Quarter of Section Twenty-two (22), Township Twenty-one (21) North, Range Seventeen (17) East of the Indian Base and Meridian.

That the shares of the aforesaid parties and their respective interests in the aforesaid lands be, and the same are hereby confirmed, and that partition of said lands be made accordingly; that J. E. Pickens, C. C. Weber, and Elmer Vick are hereby appointed Commissioners, and upon taking the oath prescribed by law, shall make partition of said land and report the same to this Court forthwith.

ROYCE H. SAVAGE
United States District Judge

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

LAUD FIELDS,	Plaintiff,	}	No. 1094 - Civil
v.			
SQ SURREL FIELDS, et al.,	Defendants,		
UNITED STATES OF AMERICA,	Intervener.		

ORDER APPOINTING GUARDIAN AD LITEM

It having been shown to the satisfaction of the court that the defendants Squirrel

Fields, Charley Fields, Jr., and Billy Joe Fields are minors, under the age of 14 years, have been served with summons and are in default, and the plaintiff having made application requesting that a guardian ad litem be appointed for each of said defendants.

IT IS ORDERED that Eugene Rust be and is hereby appointed as guardian ad litem for each of said defendants to represent them in this action.

Dated this the 10th day of November, 1943.

ROYCE F. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

MAUD FIELDS,	Plaintiff,)
)
v)
SQUIRREL FIELDS, et al.,	Defendants.)
)
UNITED STATES OF AMERICA,	Intervener.)

No. 1094 Civil

ORDER APPOINTING ATTORNEY UNDER SOLDIER'S AND SAILOR'S CIVIL RELIEF ACT

THE plaintiff Maud Fields has filed an application for the appointment of an attorney under the Soldier's and Sailor's Civil Relief Act for those defendants who are in default, and being the defendants M. B. Baird, the executors, administrators, devisees, trustees and assigns, immediate and remote, of Charley Fields, deceased, and the unknown heirs of said deceased. The court examined the records and finds that service of process has been had on all of said defendants and that each of said defendants are in default.

IT IS THEREFORE ORDERED that Eugene Rust, a member of the Tulsa, Oklahoma, Bar, and duly licensed to practice law in the State of Oklahoma, is hereby appointed as attorney under the Soldier's and Sailor's Civil Relief Act of 1940, and all amendments thereto, to represent all defendants who are now or have been within the past 30 days in the military service of the United States of America within the meaning and contemplation of the Soldier's and Sailor's Civil Relief Act of 1940, and all amendments thereto.

Dated this the 10th day of November, 1943.

ROYCE H. SAVAGE
JUDGE

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

MAUD FIELDS, Plaintiff,

v.

SQUIRREL FIELDS; CHARLEY FIELDS, JR.;
BILLY JOE FIELDS; M. B. BAIRD;
EWING HALSELL; and the HEIRS,
EXECUTORS, ADMINISTRATORS, DEVISEES,
TRUSTEES and ASSIGNS, immediate and
remote, of CHARLEY FIELDS, Deceased,

No. 1094 Civil

Defendants.

UNITED STATES OF AMERICA,

Intervener.

JOURNAL ENTRY

This cause comes on to be heard on this the 15th day of November, 1943, on the verified petition of the plaintiff Maud Fields to quiet the title in and to the land hereinafter described, to determine the heirs of Charley Fields, deceased, and to partition said real property. The court examines the records and finds therefrom that personal service of summons has been had on the defendants Squirrel Fields, Charley Fields, Jr., and Billy Joe Fields, minors, in the manner provided by law and the court approves said service. That a guardian ad litem has been appointed by this court for said defendants, and he has filed his answer herein. That the defendant Ewing Halsell filed his appearance in this action and waived service of process. That the defendant M. B. Baird and the heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of Charley Fields, deceased, have been served with process by publication for the time and in the manner provided by law, and the court approves the same. That the said M. B. Baird and the executors, administrators, devisees, trustees and assigns, immediate and remote, of Charley Fields, deceased, and if there be any other heirs of said deceased other than the plaintiff Maud Fields, and the defendants Squirrel Fields, Charley Fields, Jr., and Billy Joe Fields, are in default. That affidavit has been filed that the defendants Squirrel Fields, Charley Fields, Jr., Billy Joe Fields, and the defendant Ewing Halsell are not now and have not been within the past 30 days in the military service of the United States of America within the meaning and contemplation of the Soldier's and Sailor's Civil Relief Act of 1940, and all amendments thereto, and upon application of the plaintiff the court appointed an attorney to represent such of the other defendants as may now be or may have been within the past 30 days in the military service of the United States of America within the meaning and contemplation of the Soldier's and Sailor's Civil Relief Act of 1940, and all amendments thereto, and said attorney has filed his answer, and announced ready for trial. The said plaintiff appears by her attorney of record, the said guardian ad litem appears, and the United States of America, intervenor, appears by Whit V. Mauzy, United States Attorney for the Northern District of Oklahoma, and all announce ready for trial. The court finds that there is no reason why said action should not be tried at this time and orders that the trial of the case proceed at this time.

The testimony is taken and the court finds therefrom that all the facts set forth and all allegations made in the petition are true. That Charley Fields, deceased, was a full blood Cherokee Indian, roll number L-3938, and that there was allotted to him, and he received as his allotment of land the following described real estate situate in the County of Nowata, State of Oklahoma, to wit:

The South Half of the Southwest Quarter (S/2 SW/4) of Section 2, and the North Half of the Northeast Quarter of the Southeast Quarter (N/2 NE/4 SE/4) and the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SE/4 NE/4 SE/4) of Section 2, all in Township 27 North, Range 17 East,

That he died intestate July 1, 1936, and was the owner of said real property at the time of his death; that he left surviving him as his sole and only heirs the following named persons:

Maud Fields, his widow, the plaintiff herein; Squirrel Fields, Charley Fields, Jr., and Billy Joe Fields, his children, and the defendants herein. That said Maud Fields is an unenrolled Cherokee Indian of 3/4 Indian blood, and the said three children are each 7/8 Indian blood. That by reason of said facts the said widow and said three children inherited the title to said real property, and are now the owners thereof.

The court finds that on July 7, 1906, John Hartness executed and delivered a deed to the defendant M. B. Baird covering the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of said Section 2, and said deed was filed of record in the office of the County Clerk of Nowata County, Oklahoma, and recorded in book W at page 80 of the records of said County Clerk. The court finds that there said grantor had no interest in said real property and the said M. B. Baird acquired no interest therein, and said deed should be canceled of record. The court finds that the defendant Ewing Halsell has a grazing lease on the North Half of the Northeast Quarter of the Southeast Quarter and the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of said Section 3, which expires December 31, 1945.

The court finds that the petition for partition of said real property, set out in plaintiff's second cause of action, should be sustained, and that partition of said property should be made.

IT IS THEREFORE ordered, adjudged, and decreed that the title to said real property hereinbefore described be and the same is hereby quieted in the plaintiff Maud Fields, and the defendants Squirrel Fields, Charley Fields, Jr., and Billy Joe Fields, free and clear of all claims of every kind of each and every one of the defendants, except the grazing lease of the said Ewing Halsell, and each and every one of said defendants, except the said Ewing Halsell, are forever barred from claiming or asserting any right, title, or interest in said real property or any part thereof, and said deed by the said John Hartness to the said defendant M. B. Baird, is canceled of record.

It is further ordered, adjudged, and decreed that Charley Fields died intestate July 5 1936, and left as his sole and only heirs the following named persons, and who inherited the following interest in said real property:

Maud Fields, his widow,	1/3 interest
Squirrel Fields, son,	2/9 interest
Charley Fields, Jr., son	2/9 interest
Billy Joe Fields, son,	2/9 interest

and that they are now the joint owners of said real property, subject only to the grazing lease of the defendant Ewing Halsell, on the said 30 acres in said Section 3, and which expires December 31, 1945.

It is further ordered, adjudged and decreed that the claim on the part of the United States of America, intervenor, that the District Court of Nowata County, Oklahoma, had no jurisdiction of this action insofar as same seeks partition of restricted lands involved herein, and that upon removal this court did not acquire jurisdiction to partition said lands, is denied, and overruled, to which the United States of America excepts, and the exceptions are allowed.

That said real property be partitioned in accordance to the respective interest of said plaintiff and the said defendants as hereinbefore determined, and that Walter Gumm, Craig Goodpaster, and Page Crahan be and are hereby appointed as Commissioners to make partition of said real property, and that they are ordered and directed to take their oath of office, make actual view of said real property, and make report of their proceedings to this court.

Done in open court this the 15th day of November, 1943.

ROYCE W. SAVAGE
JUDGE

ENDORSED: Filed Nov 15 1943
H. P. Warfield, Clerk
U. S. District Court N

Court adjourned to November 15, 1943

On this 16th day of November, 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 E. Sevare, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)
)
v		) No. 1017 CIVIL
)
The Keener Oil & Gas Company, a corporation,	Defendant.)

JOURNAL ENTRY OF JUDGMENT

Now on this 16th day of November, 1943, this matter having come on for trial, pursuant to regular assignment, on October 21, 1943, United States of America, plaintiff, appearing by Whit Y. Lanzy, United States Attorney, and Joe W. Howard, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendant, The Keener Oil & Gas Company, a corporation, appearing by its attorney, Wilbur J. Holloman, whereupon the plaintiff presented its evidence and rests and the defendant presented its evidence and rests, and the Court being fully advised in the premises, found the issue in favor of the defendant, insofar as the alleged damages to livestock were concerned and took the matter under advisement, insofar as the alleged damage to the land was concerned, and the matter having come on for further consideration by the Court at this time, the Court finds that the United States of America, plaintiff herein, is entitled to recover damages in the amount of Seventy-five Dollars (\$75.00) to the life estate of the restricted Indian, Freds Falleaf, in the land described in the complaint, as amended, of the plaintiff.

IT IS, THEREFORE, THE ORDER AND JUDGMENT of the Court that the plaintiff, United States of America, have and recover judgment against the defendant, The Keener Oil & Gas Company, a corporation, in the amount of \$75.00 and the costs of this claim.

LET EXECUTION ISSUE.

ROYCE E. SEVARE
Judge

RECORDED: Filed Nov 16 1943
H. P. Warfield, Clerk
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,)
)
-vs-)
		) CIVIL NO. 1037
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,)
OKLAHOMA, containing approximately 36.1)
acres, more or less; and Maude E. Gayman,)
et al.,	Defendants.)

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this the 15th day of November, 1943, it appearing from the affidavit of R. L. Davidson, Special Assistant United States Attorney for the Northern District of Oklahoma, attorney for the petitioner, and the application of the United States of America, petitioner in the above styled cause, that the following named defendants, to wit:

- J. J. Nichols;
- E. S. Nichols;
- Donald Lee Nichols;
- Maybelle Nichols;
- Doris Nichols;
- Norman B. Blake;
- Kathleen E. Blake;
- Carl H. Jensen, Executor of the estate of George A. Ralph, deceased;
- Sarah Louise Sprague;
- Jennie L. Wright;
- C. W. Hamm;
- Thiel C. Hamm;
- Etta Mode;
- J. R. Mode;
- T. H. Thompson;
- Jimmie Langley, now Render;
- A. C. Render;
- Nettie A. Purdy, now Eddy;
- Wilbur Eddy;
- Ida Hannebohn;
- Jessie Cook;
- Ralph H. Poole;
- Marie R. Poole;
- Marie J. Dodson;
- Tokio Vandagriff;
- Ruth Vandagriff;
- Ollie Myers Tucker;
- Jesse Givens;
- David H. Tucker;
- Charles Tucker, same as Charles D. Tucker;
- A. E. Felts;
- Mildred Felts;
- Fred Olentine;
- Robert Olentine;
- The Cornerstone State Bank of Southwest City, Missouri, a corporation;
- Bank of Noel, a corporation;

Jep Duffield, Pearl Duffield, G. T. Overfield, A. H. Huling, E. C. Piatt, H. W. Greene, Mrs. Pearl Greene, Harvey R. Flynn, A. D. Morton, W. L. Randolph, James R. Murray, George A. L. Felton, Cherokee Citizen, Roll No. 7361, Chas. W. Turrentine, Matilda C. Turrentine, John F. Cantrell, Cherokee N. B. Roll No. 2750, Eva Muldoon, F. L. Langley, Jim Glass, Sarah C. Daugherty, Peter Dolan, Frank Russell, J. Warren Reed, and Dickinson-Reed-Randerson Company, a corporation, if living, or in existence, or if deceased, and not in existence, their known and unknown heirs, executors, administrators, devisees, legatees, trustees, successors, creditors and assigns, immediate and remote, and their spouses, if any; and the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any, of Alvin R. Brewster, deceased; of Martha Bourdon, deceased; of George A. Ralph, deceased; of Robert Armstrong McCulloch, Cherokee N. B. Roll No. 668, deceased; C. W. Bradley, deceased; of Chas. Olentine, deceased; of Richard Hummingbird, deceased; of Nora Cornsilk, Cherokee Citizen, Roll No. 32466, deceased; of Leona Cornsilk, Cherokee Citizen, Roll No. 32455, deceased; Eliza Cornsilk, Cherokee Citizen, Roll No. 32454, deceased; of J. T. Hukill, deceased; of J. W. Allison, deceased; of Alma S. Dawson, deceased; of Raymond S. Ownbey, deceased; of Dudley H. Tucker, Cherokee Citizen, Roll No. 17512, 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 herefore necessary that the above named defendants, and any or all other persons, firms, corporations, or legal entities, claiming any interest whatever in the real estate herein described and involved, be served by publication.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given to the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE GROVE SUN, a newspaper printed and of general circulation in the Northern District of Oklahoma, for four (4) consecutive weeks, notifying said defendants, and each of them, of the institution of the condemnation proceedings, and further that if they do not apply to the Judge of this Court for an order appointing from the regular jury list three (3) disinterested freeholders of the Northern District of Oklahoma, as commissioners, on or before January 10, 1943, the petitioner, United States of America, will, on January 10, 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 Nov 16 1943
H. P. Warfield, Clerk
U. S. District Court ME

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

Victory Investment Corporation, a
Delaware corporation, et al., Plaintiffs,)
)
) Civil Action No. 1090
-vs-)
)
W. G. Streetman, County Treasurer)
of Osage County, Oklahoma, et al., Defendants.)

ORDER EXTENDING ANSWER DATE OF W. G. STREETMAN, COUNTY
TREASURER OF OSAGE COUNTY, OKLAHOMA

It appearing to the Court that Arnold T. Fleig, attorney for the plaintiffs herein, and R. E. Havens, Assistant County Attorney of Osage County, Oklahoma for and on behalf of the defendant, W. G. Streetman, County Treasurer of Osage County, Oklahoma have filed herein their stipulation and agreement extending the answer date of said defendant to December 20th, 1943, for the reason that the time within which he is now required to answer does not give sufficient time to properly prepare and answer herein, the said answer date should be so extended.

IT IS THEREFORE ORDERED BY THIS COURT, that the defendant, W. G. Streetman, County Treasurer of Osage County, Oklahoma is granted until December 20th, 1943 in which to file his answer herein.

DATED this 16 day of November, 1943.

ROYCE H. SAVAGE
JUDGE

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

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

Victory Investment Corporation, a
Delaware corporation, et al., Plaintiffs,)
)
) Civil Action No. 1091
-vs-)
)
W. G. Streetman, County Treasurer of)
Osage County, Oklahoma, et al., Defendants.)

ORDER EXTENDING ANSWER DATE OF W. G. STREETMAN, COUNTY
TREASURER OF OSAGE COUNTY, OKLAHOMA

It appearing to the Court that Arnold T. Fleig, attorney for the plaintiffs herein, and R. E. Havens, Assistant County Attorney of Osage County, Oklahoma for and on behalf of the defendant, W. G. Streetman, County Treasurer of Osage County, Oklahoma have filed herein their stipulation and agreement extending the answer date of said defendant to December 20th, 1943, for the reason that the time within which he is now required to answer does not give sufficient time to properly prepare an answer herein, the said answer date should be so extended.

IT IS THEREFORE ORDERED BY THIS COURT, that the defendant, W. G. Streetman, Court Treasurer of Osage County, Oklahoma is granted until December 20th, 1943 in which to file his answer herein.

Dated this 16 day of November, 1943.

ROYCE H. SAVAGE
JUDGE

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

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

JACKSON MATERIALS COMPANY, a corporation,)
Plaintiff,)
vs) No. 1097 Civil
THE MASSMAN CONSTRUCTION COMPANY, a corporation, et al.,)
Defendants.)

ORDER FOR ENLARGEMENT OF TIME IN WHICH TO PLEAD

Upon application of the defendant Massman Construction Company and the Eighteen Surety Company defendants, for an enlargement of time in which to answer or plead to the Complaint of the plaintiff herein, for good cause shown, the time in which said defendants are required to file an answer or plead herein, is hereby extended to Dec. 15, 1943.

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

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

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

UNITED STATES OF AMERICA,)
Petitioner,)
-vs-)
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,) CIVIL NO. 1110
OKLAHOMA, containing approximately 284.8 acres,)
more or less; and J. Ben Robinson, 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 16th day of November, 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 Secretary of the Interior, 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 Secretary of the Interior 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 completion and full utilization of 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 \$11,723.70, 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 Secretary of the Interior will be within any limits prescribed by Congress as to the price to be paid therefor;

IT IS THEREFORE, On this 16th day of November, 1943, ORDERED, ADJUDGED AND DECREED by this Court that a perpetual easement to inundate, submerge and flow; and to enter upon from time to time in the performance of said acts, for use in connection with the completion and full utilization of 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 (18 FW-719)

Flowage Easement

All that part of the north 26.83 acres of Lot 1 in Sec. 6, T. 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.4 acres.

TRACT NO. 2 (18 FW-720)

Flowage Easement

All that part of the NW 13.43 acres of Lot 4 in Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.7 acre.

TRACT NO. 3 (18 - FW-721)
Flowage Easement

All that part of the South 20.0 acres of Lot 4 in Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.8 acre.

TRACT NO. 4 (18 - FW-722)
Flowage Easement

All that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TRACT NO. 5 (18 - FW-723)
Flowage Easement

All that part of the south 20.0 acres of Lot 1, and all that part of the S $\frac{1}{2}$ NE $\frac{1}{4}$, and all that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 6, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 46.4 acres.

TRACT NO. 6 (18 - FW-724)
Flowage Easement

All that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, and all that part of the NW 10.0 acres of Lot 4, and all that part of the S 13.60 acres of Lot 4 in Sec. 7, all in T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 23.2 acres.

TRACT NO. 7 (18-FW-725-A)
Flowage Easement

All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and all that part of the northeast 10.0 acres of Lot 4 in Sec. 7, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.9 acres.

TRACT NO. 8 (18 - FW-726)
Flowage Easement

All that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.5 acres.

TRACT No. 9 (18 - FW-727)

Flowage Easement

All that part of the $W\frac{1}{2}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, and all that part of the $E\frac{1}{2}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

TRACT NO. 10 (18 - FW-728)

Flowage Easement

All that part of the $N\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$, and all that part of the $W\frac{1}{2}$ $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.3 acres.

TRACT NO. 11 (18 - FW-729)

Flowage Easement

All that part of the $SW\frac{1}{4}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 5, and all that part of the $N\frac{1}{2}$ $NW\frac{1}{4}$, and all that part of Lot 1 in Sec. 8, all in T 24 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, containing approximately 5.8 acres.

TRACT NO. 12 (18 - FW-730)

Flowage Easement

All that part of the $SE\frac{1}{4}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 13 (18 - FW-731)

Flowage Easement

All that part of the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.5 acres.

TRACT NO. 14 (18 - FW-732)

Flowage Easement

All that part of the $W\frac{1}{2}$ $NE\frac{1}{4}$, and all that part of the $N\frac{1}{2}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.7 acres.

TRACT NO. 15 (18 - FW-733)

Flowage Easement

All that part of Lot 3 in Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying

below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.3 acre.

TRACT NO. 16 (18 - FW-734)
Flowage Easement

All that part of the $S\frac{1}{2}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, and all that part of the $N\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$, and all that part of the $S\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 4.0 acres.

TRACT NO. 17 (18 - FW-735)
Flowage Easement

All that part of the $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, and all that part of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ less the south 20 feet of the east 445 feet thereof, in Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 3.0 acres.

TRACT NO. 18 (18 - FW-736)
Flowage Easement

All that part of the $N\frac{1}{2}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, and all that part of the south 20 feet of the east 445 feet of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.5 acre.

TRACT NO. 19 (18 - FW-737)
Flowage Easement

All that part of the $S\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 4, and all that part of the $SW\frac{1}{4}$ $NW\frac{1}{4}$ and all that part of the $NW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 9, all in T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.4 acres.

TRACT NO. 20 (18 - FW-738)
Flowage Easement

All that part of the $SE\frac{1}{4}$ $NE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 8, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TRACT NO. 21 (18 - FW-740)

Flowage Easement

All that part of the $E\frac{1}{2}$ NW $\frac{1}{4}$, and all that part of the $E\frac{1}{2}$ 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 $\frac{1}{4}$, and all that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, and all that part of the $W\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 15.8 acres.

TRACT NO. 22 (18 - FW-741)

Flowage Easement

All that part of the $E\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.6 acres.

TRACT NO. 23 (18 - FW-742)

Flowage Easement

All that part of the $E\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.4 acre.

TRACT NO. 24 (18 - FW-743)

Flowage Easement

All that part of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.9 acre.

TRACT NO. 25 (18 - FW-744

18-FW-745)

Flowage Easement

All that part of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the SE corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence northerly along the east boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 241.9 feet to a point 87.5 feet south of the NE corner thereof,
 thence S 72° 08' W 65.8 feet; thence S 58° 47' W 239.0 feet;
 thence S 27° 33' W 62.6 feet; thence S 73° 58' W 107.0 feet;
 thence S 80° 50' W 45.6 feet to a point in the south boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 thence easterly along said south boundary a distance of 458.0 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

TRACT NO. 26 (18 - FW-754)
Flowage Easement

All that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and all that part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TRACT NO. 27 (18 - FW-755)
Flowage Easement

All that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, and all that part of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.1 acre.

TRACT NO. 28 (18 - FW-756)
Flowage Easement

All that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and all that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$, and all that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 4, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.1 acres.

TRACT NO. 29 (18 - FW-757)
Flowage Easement

All that part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 5, and all that part of Lot 4, and all that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and all that part of the west 18.1 acres of Lot 5, and all that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and all that part of the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and all that part of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 4, all in T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.1 acres.

TRACT NO. 30 (18 - FW-758)
Flowage Easement

All that part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 4, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TRACT NO. 31 (18 - FW-759)
Flowage Easement

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

TRACT NO. 32 (18 - FW-760)
Flowage Easement

All that part of Lot 2, less the north 24 rods of the west 20 rods thereof, and all that part of Lot 1 in Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 6.6 acres.

TRACT NO. 33 (18 - FW-762)
Flowage Easement

All that part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, and all that part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, and all that part of the S. 20.0 acres of Lot 3, in Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.6 acres.

TRACT NO. 34 (18 - FW-763)
Flowage Easement

All that part of Lot 2 in Sec. 5, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

"Beginning at the NW corner of the NE $\frac{1}{4}$, thence east 20 rods, thence south 24 rods; thence west 20 rods; thence north 24 rods to the place of beginning",

lying below Elev. 757 Sea Level Datum except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TRACT NO. 35 (29 - FW-612 Rev)
Flowage Easement

All that part of the West 19.70 acres of Lot 3, and all that part of the N $\frac{1}{2}$ of Lot 4 in Sec. 31, T 25 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, except that portion owned by the Grand River Dam Authority, containing approximately 9.4 acres.

TRACT NO. 36 (29 - FW-968)
Flowage Easement

All that part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 31, T 25 N, R 24 E of the Indian Base and

Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at a point in the south boundary of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ AND 632.5 FEET WEST OF THE SE corner thereof;
thence N 0° $53'$ W 145.4 feet; thence N 85° $51'$ W 271.8 feet;
thence S 57° $19'$ W 86.7 feet; thence N 48° $55'$ W 28.3 feet;
thence S 79° $43'$ W 104.5 feet; thence S 1° $54'$ E 121.5 feet
to a point in the south boundary of said $E\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$;
thence easterly along the south boundary of said $E\frac{1}{2}$ $SW\frac{1}{4}$ $SE\frac{1}{4}$
and $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ a distance of 468.1 feet to the point of beginning, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7acre.

TRACT NO. 37 (29 - FW-969)
Flowage Easement

All that part of the $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 31, T 25 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, described as follows, to-wit:

"Beginning at the SE corner of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$, thence westerly along the south boundary of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ a distance of 632.5 feet;
thence N 0° $53'$ W 235.0 feet; thence N 45° $37'$ E 337.0 feet;
thence N 84° $47'$ E 392.7 feet to a point in the east boundary of said $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$;
thence southerly along said east boundary a distance of 508.5 feet to the point of beginning."

lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.4 acres.

TRACT NO. 38 (29 - FW-970)
Flowage Easement

All that part of the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ in Sec. 31, T 25 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

"Beginning at the SW corner of the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 31, T 25 N - R 24 E, thence running north 990 feet, thence E 390.56 feet, thence S 727.5 feet; thence W 61.71 feet, thence S 262.5 feet, thence W 328.35 feet to the place of beginning,"

lying below Elev. 757 Sea Level Datum, containing approximately 2.7 acres.

TRACT NO. 39 (29- FW-971)
Flowage Easement

All that part of the $W\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ of Sec. 32, lying below Elev. 757 Sea Level Datum, and all that part of the $E\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 31, particularly described as follows:

"Beginning at the SE corner of Sec. 31, thence North along the section line a distance of 990 feet; thence W 269.44 feet; thence South parallel with the section line a distance of 727.5 feet; thence W 61.71 feet, thence S 262.50 feet; thence E 331.15 feet to the place of beginning."

lying below Elev. 757 Sea Level Datum, all in T 25 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, containing in all approximately 1.3 acres.

TRACT NO. 40 (29 - FW-973)

Flowage Easement

All that part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 31, T 25 N, R 24 E of the Indian Base and Meridian in Delaware County, Oklahoma, particularly described as follows, to-wit:

Beginning at the NE corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, thence southerly along the east boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 813.9 feet to a point 508.5 feet north of the SE corner thereof; thence S 84° 47' W 392.7 feet; thence S 45° 37' W 297.3 feet; thence N 81° 55' W 205.6 feet; thence S 85° 21' W 250.0 feet; thence N 10° 15' W 176.8 feet; thence N 49° 48' W 86.4 feet; thence S 17° 08' W 57.9 feet; thence S 3° 02' E 171.9 feet; thence S 73° 21' W 401.5 feet; thence N 83° 14' W 139.0 feet; thence N 38° 19' W 475.3 feet to a point in the west boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ 541.1 feet north of the SW corner thereof; thence northerly along said west boundary to the NW corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence easterly along the north boundary of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ to the point of beginning, lying below Elev. 757 Sea Level Datum, containing approximately 22.8 acres.

TRACT NO. 41 (29 - FW-974)

Flowage Easement

All that part of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, and all that part of the E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, of Sec. 31, T 25 N, R 24 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 10.1 acres.

TRACT NO. 42 (29 - FW-975)

Flowage Easement

All that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 31, T 25 N, R 24 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 5.4 acres.

TRACT NO. 43 (29 - FW-976)

Flowage Easement

All that part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$, except the south 247.5 feet of the east 528.0 feet thereof, in Sec. 31, T 25 N, R 24 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 5.6 acres.

TRACT NO. 44 (29 - FW-977)
Flowage Easement

All that part of the $W\frac{1}{2}$ $E\frac{1}{2}$ $SW\frac{1}{4}$ and all that part of the $SW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$, of Sec. 30, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.9 acres.

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TRACT NO. 45 (29 - FW-978 Rev)
Flowage Easement

All that part of Lot 5, and all that part of the N 19.55 acres of Lot 6, and all that part of the $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 30, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, 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. 46 (29 - FW-979)
Flowage Easement

All that part of the $NE\frac{1}{4}$ $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 30, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea level datum, containing approximately 0.5 acre.

TRACT NO. 47 (29 - FW-980)
Flowage Easement

All that part of the $N\frac{1}{2}$ $S\frac{1}{2}$ $NE\frac{1}{4}$, and all that part of Lot 2 in Sec. 30, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 11.7 acres.

TRACT NO. 48 (29 - FW-983)
Flowage Easement

All that part of Lot 3, and all that part of Lot 4 in Sec. 30, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 20.8 acres.

TRACT NO. 49 (29 FW 984)
Flowage Easement

All that part of the SW 9.56 acres of Lot 6 in Sec. 30, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, 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. 50 (29 - FW 985)
Flowage Easement

All that part of Lot 7 in Sec. 30, T 25 N, R 24 E of the

Indian Base and Meridian, Cherokee Survey, 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. 51 (29X FW 972)
Flowage Easement

All that part of the $E\frac{1}{2}$ $W\frac{1}{2}$ $SW\frac{1}{4}$ of Sec. 32, T 25 N, R 24 E of the Indian Base and Meridian, Cherokee Survey, in Delaware County, Oklahoma, lying below Elevation 757 Sea Level Datum, 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 described hereinabove, surrender and deliver upon 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 24th day of November, 1943, and upon 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 FOR THE NORTHERN DISTRICT OF
OKLAHOMA.

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

Court adjourned to November 17, 1943

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

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

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

MISCELLANEOUS - ADMISSION TO THE BAR.

Now on this 17th day of November, A. D. 1943, it being made satisfactorily to appear that C. W. Cartwright is duly qualified for admission to the Bar of the Court, the oath prescribed by law is administered and said attorney is declared admitted to the Bar of the Court.

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

In the Matter of the Estate of)
Peter Micco, Seminole 1600,) Civil No. 826.
deceased,)

ORDER MODIFYING FORMER ORDERS FOR DISTRIBUTION OF FUNDS
TO NEXT OF KIN.

On this 17th day of November, 1943, there coming on for hearing the application filed herein by N. B. Day and G. Ellis Gable, Co-administrators of the estate of Peter Micco, Seminole Roll No. 1600, deceased, appearing in person and by their counsel of record, M. S. Robertson, United States Probate Attorney, showing to the Court that by certain orders made and entered in this Court on June 22, 1942, and May 28, 1943, the Department of the Interior was authorized to pay from the estate of Peter Micco, deceased, to the next of kind of said decedent monthly allowances as follows:

Andy Hulwa,	\$50.00
Rider Larney,	12.50
C. H. Foresee, guardian of June Larney, Hattie Larney, and Johnnie Lee Larney, minors, \$12.50 each, total	37.50
John T. Cooper, guardian of Katie May Clark and Juanita Clark, minors, jointly	20.00
E. F. O'Neal, guardian of Sallie Little (Micco) now Larney, Norman Ripley (Micco) and Serena May Spencer (Micco, minors, jointly,	30.00

And applicants further show to the Court that Sallie Little (Micco) now Larney has reached the age of eighteen years and is no longer under guardianship, and that E. F. O'Neal, has resigned as guardian of Norman Ripley (Micco) and Serena May Spencer (micco) minors, and that the County Court of Seminole County, Oklahoma, has appointed Murl Belford as guardian of said last two named minors, and that on and after the 1st day of September, 1943, your co-administrators from funds received by the Department of the Interior shall be authorized to endorse over such government checks direct to Sallie Little (Micco) now Larney the sum of \$10.00 per month, and to Murl Belford, as guardian of Norman Ripley (Micco) and Serena May Spencer (Micco) jointly \$20.00 per month.

And it is further shown to the Court by said application that subsequent to said orders previously made, Johnnie Lee Larney, minor son and heir of Baney Micco, deceased, died a minor, unmarried and without issue, and that said Johnnie Lee Larney's interest in said estate descended to and became vested in his two sisters, June Larney and Hattie Larney, and that there should be paid to D. H. Foresee, guardian of said June Larney and Hattie Larney per month the sum of \$37.50, and the Court being well and sufficiently informed in the premises finds that such application should be in all things allowed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Department of the Interior be and it is hereby authorized on and after September 1, 1943, to pay from the funds belonging to the estate of the said Peter Micco, Seminole 1600, deceased, to said co-administrators, N. B. Day and G. Ellis Gable and such checks to be endorsed by said co-administrators to the next of kin in monthly installments as follows:

Andy Hulwa,	\$50.00
Rider Larney,	12.50
C. H. Foresee as guardian of June Larney and Hattie Larney, minors,	37.50
John T. Cooper as guardian of Katie May Clark and Juanita Clark, minors,	20.00
Murl Belford as guardian of Norman Ripley, (Micco) and Serena May Spencer (Micco)	20.00
Sallie Little (Micco) now Larneyk	10.00

until further order of this Court, and that a certified copy of this order shall be authority for the Department of the Interior to disburse said funds as herein authorized.

ROYCE H. SAVAGE
JUDGE

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

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

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

ORDER DIRECTING ADDITIONAL SERVICE BY PUBLICATION

On this day John R. Woodard, 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 his affidavit to obtain SERVICE BY PUBLICATION wherein it appears (and as represented by said counsel) that it is necessary to obtain service of process by publication on various and sundry defendants named in this cause and upon whom service of summons cannot be had personally within the State of Oklahoma and also upon certain defendants not known by name to the plaintiff or to his said counsel. It is represented to the Court at this time that said counsel and said plaintiff desire to obtain service by publication on such defendants and that this is desired in addition to the former service heretofore had in this cause by publication for the reason that said counsel deems that the first service by

