

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

United States of America,	Plaintiff,	)	
		)	
vs		)	NO. 670 CIVIL
		)	
Fred G. Drummond, et al.,	Defendants.	)	

ORDER OF DISMISSAL

Now on this 25th day of July, 1944, upon motion of plaintiff, United States of America appearing by Wm. Knight Powers, Assistant United States Attorney for the Northern District of Oklahoma, upon proper showing made

IT IS HEREBY ORDERED AND ADJUDGED that the above entitled action be dismissed as to the said defendant, A. W. Lohman.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 25 1944  
H. P. Warfield, Clerk  
U. S. District Court H

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

United States of America,	Plaintiff,	)	
		)	
vs		)	No. 756 Civil
		)	
Unknown Heirs of Benjamin Cheater, et al.,	Defendants.	)	

O R D E R

Now on this 24th day of July, 1944, upon motion of Wm. Knight Powers, Assistant United States Attorney, for an order striking and cancelling the Journal Entry of Judgment heretofore filed in this cause of action, dated June 15, 1944 and filed of record June 21, 1944, for the reason that said Journal Entry of Judgment mistakenly miscalculated the fractional interest of the various heirs concerned therein, and the Court being otherwise fully advised in the premises finds that said Journal Entry of Judgment contains therein mathematical errors and the same should be vacated and stricken from the files of the Clerk of this court.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that said Journal Entry of Judgment dated June 15, 1944 filed of record on June 21, 1944 in the office of the Clerk of this Court, be and the same is hereby ordered stricken and cancelled of record.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 25 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

W. A. COX,

Plaintiff,

vs

No. 1127 Civil

Jennie Tolen, now Jennie Christie, Watt  
Tolen, et al,

Defendants.

## ORDER CONFIRMING SALE OF REAL ESTATE

Now, on this 25th day of July, 1944, comes on for hearing the motion of the plaintiff, W. A. Cox, for an order of court confirming the sale of the United States Marshal for the Northern District of the State of Oklahoma, of the real estate involved in this action, and it appearing to the court that commissioners were duly appointed in this action to make partition of said real estate; that said commissioners duly reported herein that partition could not be made of said real estate without great and manifest injury to the owners and parties concerned, and duly appraise said real estate at the sum of \$750.00, which said report, appraisal and return of appraisal was duly approved, confirmed and ratified on the 27th day of May, 1944, and said real estate ordered sold as provided by law by the Marshal for Northern District of the State of Oklahoma. And it further appearing to the court that, on the 8th day of July, 1944, at the hour of two o'clock P.M. the said United States Marshal offered for sale and sold said real estate at the front door of the County Court House of said Craig County, in the city of Vinita, Oklahoma, at public auction for cash, after due and legal advertisement of notice of the time and place of said sale, and at such sale W. A. Cox became the purchaser thereof for the sum of \$501.00, he being the highest and best bidder and said sum being the highest and best sum bid, and being more and two-thirds of the appraised value thereof; that all of said proceedings, report, appraisal and return of the commissioners and proceedings of the sale and return by the United States Marshal have been duly and legally conducted and the court being satisfied of the legality thereof the same is approved; confirmed and ratified.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said sale, be and it is hereby approved and confirmed by this court, and the clerk of this court is directed to make an entry accordingly on the journal of this court; and the United States Marshal for the Northern District of Oklahoma is hereby directed and ordered to make, execute and deliver a good and sufficient deed of conveyance of said real estate to the purchaser, W. A. Cox, upon payment by him of the purchase price, pursuant to such sale.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sum received from the sale of said property, to-wit, the sum of \$501.00, be deposited into the registry of this court and that the clerk of the court distribute said sum as follows: That he retain the sum of \$98.51 being the costs incurred in this action, including \$17.10, publication fees; that he pay to the United States Marshal the sum of \$22.01, same being his fee in connection with the sale of said property; that he pay to the Court Clerk of Craig County the sum of \$33.40, same being his costs in this action and that he pay to G. P. Fogle the sum of \$50.00, as a reasonable attorney's fee in this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the balance remaining, to-wit: \$297.08 be paid one-half to the plaintiff, W. A. Cox, and one-half to the Superintendent of the Five Civilized Tribes for the use and benefit of Watt Tolen.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGEENDORSED: Filed Jul 25 1944  
H. P. Warfield, Clerk  
U. S. District Court LN-----  
Court adjourned to July 26, 1944

On this 26th day of July, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. 1019
		)	
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA; and Cooweescowee Constitution, et al,	Defendants.	)	

ORDER FIXING ATTORNEY FEE

NOW, on this 26th day of July, 1944, it appearing to the Court that petitioner, United States of America, filed its affidavit as to the military service of the defendants herein in compliance with Section 200 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940 approved October 17, 1940, as amended, and it appearing from said affidavit that the petitioner was unable to determine if all of said defendants were not in the military service of the United States, and that it was necessary that the Court appoint an attorney as provided in said act, and the Court did appoint Saul A. Yager, a regular practicing attorney, at Tulsa, Oklahoma, to represent said defendants, and it further appearing that the said Saul A. Yager, did appear and plead for certain defendants on July 19, 1944, and that this Court has not fixed and determined the compensation to be paid said attorney for his services and the Court being fully advised in the premises, finds that the sum of \$15.00 is a reasonable fee for the services rendered by said attorney in this proceeding.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Saul A. Yager, be, and he is hereby allowed the sum of \$15.00 as a fee for his services as an attorney for certain defendants in this case, who are in or may be in the military service of the United States of America, and

IT IS FURTHER ORDERED that the petitioner pay to the said Saul A. Yager an attorney fee in the sum of \$15.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 26 1944  
H. P. Warfield, Clerk  
U. S. District Court

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) CIVIL NO. 1069
		)
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)
OKLAHOMA, etcl, and William H. Kneeland, et al.,		)
	Defendants.	)

ORDER ALLOWING COMMISSIONERS' FEES

NOW, on this 26th day of July, 1944, it appearing to this Court that on July 3rd, 1944, upon application of the petitioner, United States of America, W. L.Mayes, T. G. Grant and T. B. Harp were selected and appointed as commissioners, to inspect the real property involved in this action, and appraise and assess the damages sustained by the owners thereof and those having any right, title or interest therein; 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 are entitled to receive compensation for said services; and that said commissioners have not received payme for same.

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

W. L.Mayes, commissioners' fee - July 8th, 12th and 13th, 1944	
3 days at \$26.00 per day	\$78.00
T.G. Grant, commissioners' fee - July 8th, 12th and 13th, 1944	
3 days at \$26.00 per day	\$78.00
T. B. Harp, commissioners' fee - July 8th, 12th and 13th, 1944,	
3 days at \$26.00 per day	\$78.00

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

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Jul26 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs		)	
		)	CIVIL NO. 1077
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)	
OKLAHOMA, containing approximately 200.00 acres,		)	
more or less; and Lucy Willock, et al.,		)	
	Defendants.	)	

ORDER FIXING TITLE, DECREERING JUST COMPENSATION  
AND MAKING DISTRIBUTION AS TO TRACT NO.  
1 (27 FW 439)

NOW, on this 26th day of July, 1944, there coming on for hearing the application of the defendant, Lucy Willock, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 1 (27 FW 439) and the Court being fully advised in the premises, finds:

That the defendant, Lucy Willock, was the owner of the land designated as Tract No. 1 (27 FW 439) 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 \$12.00 for the taking of a perpetual flowage easement 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 flowage easement upon and over said land; 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 flowage easement.

The Court further finds that the defendant, Lucy Willock, in writing, agreed to grant and sell to the petitioner a perpetual flowage easement upon and over said tract of land for the sum of \$12.00 which was accepted by the petitioner.

The Court further finds that the sum of \$12.00 is just compensation for the injury and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Lucy Willock, was the owner of the land designated as Tract No. 1 (27 FW 439) when this proceeding was commenced, and that the sum of \$12.00 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: Lucy Willock Owner Tract No. 1 (27 FW 439) \$12.00.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Jul 26 1944  
H. P. Warfield, Clerk  
U. S. District Court IN

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

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.	)

ORDER DISTRIBUTING FUNDS

Now on this 26th day of July, 1944, this cause comes on to be heard and the Court, having been fully advised in the premises, finds that distribution should be made as to Tract No. R-3.

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

O. L. Avey	\$20.00
(Payment for use of Tract No. R-3 from	
July 1, 1944, to June 30, 1945)	

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 26 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs.		) Civil No. 1126
		)
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)
OKLAHOMA, etc., and Lula E. Huggins, et al.,		)
Defendants.		)

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 42  
(26 FW 909)

NOW, on this 26th day of July, 1944, there coming on for hearing the application of the defendant, A. D. Darr, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 42 (26 FW 909) and the Court being fully advised in the premises, finds:

That the Defendant A. D. Darr, was the owner of the land designated as Tract No. 42 (26 FW 909) when this proceedings 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 \$94. for the taking of a perpetual flowage easement 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 flowage easement upon and over said tract of land; and decreed



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 flowage easement upon and over said tract of land; 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 flowage easement.

The Court further finds that the defendant, Cherokee Yacht Club, a corporation, successor to Mesa Grande Yacht Club, in writing, agreed to grant and sell to the petitioner a perpetual flowage easement upon and over said tract of land for the sum of \$500.00 which was accepted by the petitioner.

The Court further finds that the sum of \$500.00 is just compensation for the injuries and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Cherokee Yacht Club, a corporation, successor to Mesa Grande Yacht Club, the owner of the land designated as Tract No. 1 (5 FW 203-A\* when this proceeding was commenced, and that the sum of \$500.00 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: Cherokee Yacht Club, a corporation, successor to the Mesa Grande Yacht Club

Owner - Tract No. 1 (5 FW 203-A) \$500.00

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Jul 26 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to July 27, 1944

On this 27th day of July, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

The United States of America,	Plaintiff,	)	
		)	
vs		)	No. 1134- Civil Tract No. 33,
		)	(36 FW 1089)
Certain Parcels of land in Delaware County,		)	
Oklahoma, et al.,	Defendants.	)	

ORDER OF DISBURSEMENT

Now this 27th day of July, 1944, same being a judicial day of said court, this matter comes on for hearing in said court on the application of J. D. Carter, for disbursement of certain funds and moneys now in the hands of the Clerk of said court.

Plaintiff and the Applicant each appear by their respective attorneys of record, and there being no protests or objections filed it was then shown to the court that notice of hearing on said application has been given for the time and in the manner required by the order of this court, and the court having examined the pleadings and proceedings, having heard the statements of counsel and being well advised of the premises, finds:

That the Applicant, J. D. Carter is the lawful owner in fee simple of the lands herein described as Tract No. 33 (36 FW 1089) and is in actual possession thereof; that plaintiff herein has condemned and by virtue of its power of eminent domain, has appropriated said tract of land and/or a flowage easement thereon for use in its project and is now in the enjoyment of said easement; that the plaintiff has determined the damages due to said appropriation, as set forth in its Declaration of Taking herein filed, to wit: \$340.00 for the flowage easement on said lands and \$150.00 crop damages suffered by the tenant due to the May, 1943 flood, to wit: Boyd Walker in the sum of \$150.00 and said moneys have been paid to the Clerk of said court for the benefit of those lawfully entitled thereto.

The court finds that there are no mortgages nor liens on said land; that the taxes for 1943 and prior years levied and assessed against said land has been paid in full; that there are no other claimants to said fund other than applicant to the sum of \$340.00 and the tenant, Boyd Walker to the sum of \$150.00 crop damages.

IT IS THEREFORE ORDERED that the Clerk of this court do forthwith pay the sum of \$340.00 to the applicant, J. D. Carter, as compensation for the easement on and over said lands, and that said Clerk pay the further sum of \$150.00 to Boyd Walker, the tenant on said lands in 1943 for and on account of crop damages suffered as the result of the May, 1943 flood on and over said lands.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 27 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA, Petitioner, )  
vs )  
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 78.60 acres, more or less; and J. B. Guffey, et al., Defendants. )

CIVIL NO. 1161

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION FOR CONDEMNATION

NOW, on this 27 day of July, 1944, there coming on for hearing the application of the petitioner, United States of America, for leave to file the amendment to its petition herein and the Court being fully advised in the premises, finds that said application should be granted, and the petitioner granted leave to file an amendment to the 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

ENDORSED: Filed Jul 27 1944  
H. P. Warfield, Clerk  
U. S. District Court AC

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

The United States of America, Plaintiff, )  
vs )  
Certain Parcels of land in Ottawa County, Oklahoma, et al, Defendants. )

No. 1168 - Civil Tract No. 13  
(51 FW 1362 - Rev)

ORDER OF DISBURSEMENT

Now this 27th day of July, 1944, same being a judicial day of said court this matter comes on for hearing on the application of P. E. Simpson for the disbursement of funds.

Plaintiff and the applicant each appear by their respective attorneys of record and there being no objections on file nor protests against said application, the matter was duly presented to and considered by said court; and being well advised of the premises the court finds;

Applicant herein is the lawful owner and in actual possession of the land herein described as Tract No. 13 (51 FW 1362-Rev.); that the plaintiff herein has condemned and appropriated a flowage easement on and over said lands for use in its project; that plaintiff has determined the damages due to said appropriation in the sum of \$2056.00 as shown by its Declaration of Taking.

herein filed, and has paid that amount of money into the office of the Clerk of this court and taken possession of and is now in the enjoyment of its said flowage easement.

The court finds there are no mortgages or liens on said land; that the taxes levied and assessed against said land for 1943 and all prior years are fully paid; that there are no other claimants to said fund, and that applicant is lawfully entitled to said moneys.

IT IS THEREFORE ORDERED that the Clerk of this court do forthwith pay said fund in the sum of \$2056.00 to the applicant, P. E. Simpson for damages due to the appropriation by plaintiff of said Tract No. 13, (51 FW 1362- Rev) which includes estimate of crop damage for May 1943 flood.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 27 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

The United States of America,	Plaintiff,	)	
		)	No. 1182 - Civil Tract No. 7
vs		)	(53 FW 1404)
		)	Tract No. 9 (53 FW 1407)
Certain Parcels of land in Ottawa County, Okla. et al,	Defendants.	)	

ORDER OF DISBURSEMENT

Now this 27th day of July, 1944, same being a judicial day of said court, this matter comes on for hearing on the application of Elvert Frye as administrator of the estate of Welis Sparlin, deceased, for disbursement of funds.

The applicant appears by his attorney of record and plaintiff appears by its general counsel, and there being no protests or objections to said application it was then shown to the court that notice of hearing on said application has been given for the time and in the manner provided by law and the rules of this court.

Thereupon it was shown to the court that in his trust capacity the said administrator is the owner and in possession of the land herein described as Tract No. 7 (53 FW 1404); that plaintiff has condemned and appropriated a flowage easement on and over said lands for use in its project; that according to its Declaration of Taking herein filed Plaintiff has determined the damages and paid into court for appropriating a flowage easement on said lands the sum of \$2989.00; that plaintiff is in the enjoyment of its easement on said lands.

It was then shown to the court that in his trust capacity the said administrator is the owner and in possession of the lands herein described as Tract No. 9 (53 FW-1407); that plaintiff has condemned and appropriated a flowage easement on and over said lands for use in its project; that according to its Declaration of Taking herein filed the plaintiff has determined the damages and paid into the office of the Clerk of this court the sum of \$13,665.50 and plaintiff is now in the enjoyment of its easement on said lands.

The court finds that The Federal Land Bank of Wichita, Wichita, Kansas, has a first and valid mortgage on said lands on which there is due this date the sum of \$5700.02 and the same is a



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

L. G. KEPPLER,	Plaintiff,	)
		)
vs		) No. 1245
		)
A. H. KASISHKE and CORALENA OIL COMPANY, a Delaware Corporation,	Defendants.	)

O R D E R

On this 27th day of July, 1944, upon oral application of defendant by and through its attorney, William M. Taylor, and for good cause shown, Coralena Oil Company is hereby granted additional time to plead or answer from August 5, 1944, to 15th day of September, 1944.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Jul 27 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to July 28, 1944

On this 28th day of July, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

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

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

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		)
vs		) CIVIL NO. 1075 Tracts Nos. 9, 12 and 26
		)
CERTAIN TRACTS OF LAND IN DELAWARE COUNTY, OKLAHOMA AND LUCY A. WALLACE, ET AL,	Defendants.	)

ORDER OF DISBURSEMENT

Now, on this 28th day of July, 1944, there comes on for hearing the application of William P. Mayes for the disbursement of certain funds now on deposit with the Clerk of this Court.



IT IS THEREFORE ORDERED that the Clerk of this court forthwith pay said sum of \$751.50 to James C. Miller, without prejudice to any of his legal rights.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 28 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Plaintiff,	)
		) CIVIL NO. 1075 Tract No. 30
vs		)
		) CIVIL NO. 1115 - Tract No. 28
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)
OKLAHOMA AND LUCY A. WALLACE AND FRED		)
BRANSON, ET AL,	Defendants.	)

ORDER OF DISBURSEMENT

Now, on this 28th day of July, 1944, there comes on for hearing the application of Fred Branson for the disbursement of certain funds now on deposit with the Clerk of this Court. Plaintiff and applicant appear by their attorneys of record and there being no adverse appearances and no objections made, filed or taken and it being shown to the court that notice of hearing on said application has been given for the time and in the manner required by the rules of this Court.

Thereupon the court examines said application and being fully advised in the premises finds that applicant, Fred Branson, was, at the time the plaintiff, under its power of Eminent Domain condemned and took the fee title to certain land designated in the petition and proceedings Tract No. 28 Civil No. 1115, was the owner thereof and no other person has or had any interest therein and at the time plaintiff under its power of Eminent Domain, condemned and took a Flowage Easement upon and over a certain tract of land designated in the petition and proceedings as Tract No. 30, Civil No. 1075, applicant, Fred Branson was the owner thereof.

That by order of the Court and for the purpose of a Jury trial said tracts were consolidated and a jury trial had and held and the just compensation for the taking of the two tracts has been judicially determined and fixed at \$558.07 which amount has been deposited by the plaintiff with the clerk of this court, in satisfaction of the Judgment rendered; that there are no liens or incumbrances upon said land and the taxes for the year 1943 and all former years, levied and assessed upon and against said property have been fully paid.

IT IS THEREFORE ORDERED that the Clerk of this Court forthwith pay to Fred Branson the sum of \$558.07 in satisfaction of the judgment rendered herein.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 28 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

JACKSON MATERIALS COMPANY, )  
a corporation, Plaintiff, )

vs

THE MASSMAN CONSTRUCTION COMPANY, )  
a corporation, Defendant. )

and THIRD PARTY PLAINTIFF

No. 1097 Civil

and

L. B. JACKSON, HARLEY T. PRICE and  
GRAND RIVER DAM AUTHORITY, a public  
corporation, Third Party Defendants.

ORDER ENLARGING TIME FOR AMENDING COUNTERCLAIM

Upon application of the defendant Massman Construction Company, the time for filing amended counterclaim is hereby extended to August 15, 1944.

DATED this 28th day of July, 1944.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 28 1944  
H. P. Warfield, Clerk  
U. S. District Court AC

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

UNITED STATES OF AMERICA, Plaintiff, )

vs

) CIVIL NO. 1112  
) Tract No. 20 (19 FW 785)

CERTAIN PARCELS OF LAND IN DELAWARE  
COUNTY, OKLAHOMA, AND BERTHA A. WEYL AND  
WILLIAM A. DUBOIS, ET AL., Defendants.

ORDER OF DISBURSEMENT

Now, on this 28th day of July, 1944, there comes on for hearing the application of William A. Dubois, one of the defendants herein, for the disbursement of certain funds now on deposit with the Clerk of this court. Plaintiff and applicant appear by their attorneys of record and there being no objections filed, made or taken, it was then shown to the court that notice of hearing on said application has been given for the time and in the manner required by the rules of this court.

Thereupon the Court examines said application and being fully advised in the premises finds that the applicant William A. Dubois, is the owner of a certain tract of land, described and



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

UNITED STATES OF AMERICA,

Plaintiff,

vs

Civil No. 1134

Tract No. 34 (36 FW 1090)

CERTAIN PARCELS OF LAND IN  
DELAWARE COUNTY, OKLAHOMA AND IDA  
GUYAMI RHODES, BOYD WALKER ET AL.,

Defendants.

ORDER FOR DISBURSEMENT OF FUNDS

Now, on this 28th day of July, 1944, there comes on for hearing the application of Boyd Walker, one of the defendants herein, for the disbursement of certain funds now on deposit with the Clerk of this Court. Plaintiff and applicant appear by their attorneys of record and being no objections filed, made or taken and it not appearing that notice has been given as required by the rules of this Court; on the record and from the testimony and evidence offered and submitted to the Court, it appears that at the time plaintiff condemned and took a Flowage Easement on and over a certain tract of land described and identified in the petition and proceedings herein as Tract No. 34 (36 FW 1090), plaintiff deposited with the Clerk of this Court the sum of \$388.60, its estimate of the just compensation for damages to the land on account of the taking of the Flowage Easement and the sum of \$100.00, its estimate of the Just Compensation and for crop damages on account of flood in the year, 1943, the Court FINDS: That at the time plaintiff filed its declaration of necessity of taking either Frank P. Marlow or Ida M. Marlow or both were the owners of the land and thereafter under the date of November 18th, 1943, by Warranty Deed of that date conveyed same to the applicant, Boyd Walker under an agreement that all sums of money voluntarily paid into court by the plaintiff and all sums recovered on account of damages caused by the taking of the Flowage Easement on and over said land should belong to the applicant and when collected applied as a payment on a mortgage had and held by Frank P. Marlow and Ida M. Marlow in the sum of \$1900.00 representing part of the purchase price.

That Frank P. Marlow and Ida M. Marlow have entered their appearance herein and requested the amount deposited as land damages be paid to them to apply on said mortgage.

That as to the \$100.00 deposited as crop damages no notice has been served on Chester Crowder named in the petition and proceedings as a tenant on the premises in the year 1943, no order should be made at this time and that it left open for determination at some future date.

IT IS THEREFORE ORDERED that the Clerk of this Court forthwith pay to Frank P. Marlow and Ida M. Marlow the sum of \$388.60 to be applied as a payment on the mortgage held by them, without prejudice to any of the legal rights of the parties interested in this tract of land.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 28 1944  
H.P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to July 29, 1944

On this 29th day of July, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. 1115
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)	
OKLAHOMA, containing approximately 192.43		)	
acres, more or less; and Van S. Chandler,		)	
et al.,	Defendants.	)	

ORDER DIVESTING PETITIONER OF THE FEE SIMPLE TITLE AND REVESTING TITLE IN FORMER OWNER, SUBJECT TO PERPETUAL FLOWAGE EASEMENT AS TO TRACT NO. 35 (25 FW 901)

NOW, on this 29 day of July, 1944, there coming on for hearing the application of petitioner for a judgment upon the Stipulation entered into between petitioner and the defendant, C. E. Rifleman, as to Tract No. 35 (25 FW 901) in this proceeding, and it appearing to the court that the petitioner, the United States of America, instituted condemnation proceedings herein to acquire the entire fee simple title to the land described in and designated as Tract No. 35 (25 FW 901), in this proceeding, and filed its Declaration of Taking and deposited in the registry of this court the sum of \$432.50, and that title to said lands vested in the petitioner on the 19th day of November, 1943; and that on said date the court entered a judgment on said Declaration of Taking; and

It further appearing to the court that the amount of just compensation to be paid for said taking has not been ascertained and awarded in this proceeding and established by judgment herein; that the estimated just compensation deposited by the petitioner in the amount of \$432.50 is now on deposit in the registry of this court.

It further appearing that the owner of said tract of land prior to the taking by the Government, and the petitioner have stipulated and agreed as follows, to-wit:

1. That the United States of America be divested of the fee simple title in and to the land described in and designated as Tract No. 35 (25 FW 901), and that the fee simple title thereto revert in the defendant, C. E. Rifleman, subject to a perpetual easement to inundate, submerge and flow and to enter upon said land from time to time in the performance of said acts.

2. (a) That the sum of \$200.00, inclusive of interest, shall be in full satisfaction of and just compensation for the taking and retaining by the petitioner, United States of America, of a perpetual easement upon and over the land described in and designated as Tract No. 35 (25 FW 901), to inundate, submerge and flow and to entered upon said land from time to time in the performance of said acts.

(b) That the said sum of \$200.00 shall be in full satisfaction of and just compensation for any and all damages that the defendant may have sustained, if any, by reason of the taking of the entire fee simple title by, the petitioner and the holding of said fee simple title by the petitioner until the revesting of said fee simple title in the defendant, subject to said perpetual flowage easement.

(c) That the said sum of \$200.00 shall also be in full satisfaction of and just compensation for any and all damages if any, sustained by the defendant by reason of the May, 1943, flood, or inundating and overflowing of said tract of land subsequent to May, 1943.

3. That the petitioner, United States of America shall receive and withdraw a refund in the amount of \$232.50, said amount being the difference between the estimated just compensation in the sum of \$432.50 deposited by the petitioner in the registry of this court for the taking of the fee simple title to said tract of land, and the compensation fixed by said stipulation to be paid for the taking of a perpetual flowage easement, in the amount of \$200.00.

4. That said just compensation in the sum of \$200.00 shall be subject to all liens, encumbrances and charges of whatsoever nature existing at the time of the taking of said tract of land, and that any and all award of just compensation ascertained and awarded in this proceeding and established by judgment herein, to any and all other parties named as defendants herein shall be payable out of and deductible from said sum.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America be and it is hereby divested of the fee simple title to the land described and designated as Tract No. 3 (25 FW 901), lying and being in the County of Delaware, State of Oklahoma, and more particularly described as follows, to-wit:

(See J 6 - P. 957)

EXCEPT a perpetual easement to inundate, submerge and flow and to enter upon said land from time to time in the performance of said acts, and that the fee simple title to said tract of land revert in the form owner, C. E. Rifleman, subject to a perpetual easement in the petitioner, United States of America, to inundate, submerge and flow and to enter upon said land from time to time in the performance of said act

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sum of \$200.00, inclusive of interest, is in full satisfaction of and just compensation for the taking and retaining by the petitioner, United States of America, of a perpetual easement upon and over said tract of land to inundate, submerge and flow, and to enter upon said land from time to time in the performance of said acts, and is in full satisfaction of any and all damages, if any, that the defendant may have sustained, by reason of the taking of the entire fee simple title by the petitioner and the holding of said fee simple title by the petitioner until the reversion of same in the defendant; and also is in full satisfaction of any and all damages, if any, sustained by the defendant by reason of the May 1943 flood or the inundating and overflowing of said land subsequent to May 1943.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said just compensation in the sum of \$200.00 shall be subject to all liens, encumbrances and charges of whatsoever nature existing at the time of the taking of said tract of land by the petitioner, and that any and all awards of just compensation ascertained and awarded in this proceeding and established by judgment herein, to any and all other parties named as defendants herein, shall be payable out of and deductible from said sum.

IT IS FURTHER ORDERED that the Clerk of this Court be and he is hereby directed to refund to the Treasurer of the United States of America the sum of \$232.50, said sum being the difference between the estimated and just compensation deposited by the petitioner in the amount of \$432.50 and the just compensation to be paid as fixed and determined herein in the amount of \$200.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 29 1944  
H. P. Warfield, Clerk  
U. S. District Court AC

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) CIVIL NO. 1207
		)
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)
OKLAHOMA, containing approximately 17.53		)
acres, more or less; and Isarel Putnam,		)
et al.,	Defendants.	)

ORDER DIVESTING PETITIONER OF ALL RIGHT,  
TITLE AND INTEREST IN AND TO TRACT NO.  
16 (51 FW CR 1516)

NOW, on this 29 day of July, 1944, there coming on for hearing the application of the petitioner for a judgment upon the Stipulation entered into between the petitioner and the defendant, Bert East, as to Tract No. 16 (51 FW CR 1516) in this proceeding, and it appearing to the court that the petitioner, the United States of America, instituted condemnation proceedings herein to acquire a perpetual easement for road purposes, subject to any existing rights held by the public, the State of Oklahoma, or any subdivision thereof, for road purposes if any, and subject to the right of flowage, if any, held by the United States of America and/or the Grand River Dam Authority, a public corporation upon and over said Tract No. 16 (51 - FW-CR-1516), and filed its Declaration of Taking and deposited in the registry of this court the sum of \$136.00; and that title to said perpetual easement vested in the petitioner on the 22nd day of May, 1944; and that on said date the court entered a judgment on said Declaration of Taking; and

It further appearing to the court that the amount of just compensation to be paid for said taking has not been ascertained and awarded in this proceeding and established by a judgment herein; that the estimated just compensation deposited by the petitioner in the amount of \$136.00 is now on deposit in the registry of this court.

It further appears that the owner of said tract of land at the time of said taking by the petitioner, and the petitioner have stipulated and agreed as follows, to-wit:

1. That the estate taken in said Tract No. 16 (51 - FW-CR-1516) is not needed by the petitioner for the purpose or use for which the same was acquired; that said tract of land has not been used by the petitioner for the purpose for which the same was acquired; that the estimated just compensation in the sum of \$136.00 is on deposit in the registry of the court.
2. That the United States of America be divested of all right, title and interest that it may have acquired by reason of the filing of these condemnation proceedings; and that all right, title and interest so acquired by the petitioner be re-vested in the former owner, Bert East, and that these proceedings be dismissed and abandoned as to said Tract No. 16.
3. That the petitioner, the United States of America, have and receive a refund in the sum of \$136.00 from the registry of the court, said amount being the estimated just compensation deposited by the petitioner for the taking of said estate in said Tract No. 16; that the defendant, Bert East, waive any right, to have and recover any compensation whatsoever by reason of the institution of these proceedings or by the taking of said estate by the petitioner in said Tract No. 16.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America, be, and it is hereby divested of all the right, title and interest that it may have acquired by reason of the filing of these condemnation proceedings in and to the land designated and described as Tract No. 16 (51 FW- CR-1516) lying and being in Ottawa County, State of Oklahoma, and more particularly described as follows, to-wit:



assignment, the plaintiff appearing in person and by his attorneys, Settle, Monnet & Clammer and Hudson and Hudson, all of Tulsa, Oklahoma; the defendants, National Livestock Credit Corporation, The National Commission Company, A. W. Lucas, H. H. Mundy and E. G. Jeffrey, appearing in person and by their attorneys, Wm. G. Davisson of Ardmore, Oklahoma, and the defendant, A. W. Lohman, appearing in person and by his attorneys, Frank T. McCoy and John R. Pearson, of the firm of McCoy, Craig & Pearson, of Pawhuska, Oklahoma.

Thereupon all parties in open court waived a trial by jury; all parties announced ready for trial and the Court proceeded to hear the evidence in the case.

The trial proceeded from the 29th day of May, 1944, to and including the 7th day of June, 1944, except on May 30th, a holiday, and June 4th, Sunday, and on each of the respective days of said trial all parties were present in court and were represented as hereinbefore set forth.

At the conclusion of the evidence presented by the plaintiff the defendants moved the court to dismiss the action for reasons set forth in their formal Motion to Dismiss duly filed herein, which Motion was by the court overruled and exceptions allowed.

THEREUPON the defendants introduced their evidence and the plaintiff introduced his evidence and in rebuttal, and upon the conclusion of all of the evidence and the arguments of counsel the court, on June 7th, 1944, announced his general findings of fact and conclusions of law and found generally for the defendant, and further instructed Wm. G. Davisson of counsel for the defendants, to prepare Findings of Fact and Conclusions of Law and the Decree, and directed that the same be presented to opposing counsel on or before June 17th, 1944, and that the same be presented to the court for final action on June 23rd, 1944, at which time the court would enter judgment for the defendants.

And on the 23rd day of June, 1944, the court continued the matter of the entry of judgment and the matter of the signing of the Findings of Fact and Conclusions of Law until the 31st day of July, 1944.

AND NOW, on this 31st day of July, 1944, IT IS ORDERED, ADJUDGED AND DECREED by the court that plaintiff take nothing by reason of this action and that judgment be and it is hereby ordered entered for the defendants and each of them, and against the plaintiff.

IT IS FURTHER ORDERED that the costs of this action be, and they are hereby assessed against the plaintiff.

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

ENDORSED: Filed In Open Court  
Jul 31 1944  
H. P. Warfield, Clerk  
U. S. District Court LN



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

UNITED STATES OF AMERICA, Petitioner, )

vs )

CIVIL NO. 1225

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 7.40  
acres, more or less; and S. S. Garman,  
et al., Defendants. )

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 31st day of July, 1944, 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:

- W. H. Duff;
- R. A. Carroll; Trudie Carroll; W.E. Crow; W. A. Simpson;
- Josephine Simpson; State Bank of Seneca, Seneca, Missouri,
- a corporation, successor to Citizens State Bank of Seneca,
- Missouri; David, K. Harvey, Lela D. Harvey and Roy E. Shotemaker;
- if living, or if deceased, their known and unknown heirs,
- administrators, executors, devisees, trustees, legatees,
- creditors and assigns, immediate and remote, and their spouses,
- if any; and the known and unknown heirs, executors, administrators,
- devisees, legatees, creditors, trustees and assigns, immediate
- and remote, and their spouses, if any, of Mary C. Harvey, deceased;
- of Elmer Felkins, deceased, and R. E. Williams, deceased;

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

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that said notice be signed by the attorneys for the petitioner herein and duly attested by the Clerk of this Court, and that said notice be published in THE AFTON AMERICAN, 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 25th day of September, 1944, the petitioner, United States of America, will, on the 25th day of September, 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 for the Northern District of Oklahoma, for an order appointing from the regular jury list three (3) disinterested freeholders of said Northern District of Oklahoma, as commissioners, who shall be selected by the Judge of this Court to inspect said real estate, consider the injury and assess the damages which said defendants, as the owners thereof, or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of the fee simple title in and to the lands involved herein, subject to existing rights of the Grand River Dam Authority, if any, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Jul 31 1944 H. P. Warfield, Clerk  
U. S. District Court IN

----- Court adjourned to August 1, 1944







Disbursing Agent for the Five Civilized Tribes, Muskogee, Oklahoma, for the use and benefit of the parties to this action, their interest in said sum of money being as follows, to-wit:

Plaintiff, Mary Smoke, nee Dreadfulwater,	14/60ths	\$ 180.79
Defendant, Goldie Smoke, nee Dreadfulwater	14/60ths	180.79
Defendant, Ella Squirrel, nee Dreadfulwater	14/60ths	180.79
Defendant, Cora Dreadfulwater,	14/60ths	180.79
Defendant, Betsy Herriod	4/60ths	51.65

IT IS FURTHER ORDERED that the costs and attorney's fee above set out be paid before making distribution, and that the U. S. Marshal file a report of his disbursement hereunder.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 1 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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

CHESTER BOWLES, Administrator, Office of Price Administration,	Plaintiff,	)	)
		)	CIVIL NO. 1195
vs		)	)
VERNIE MIKEL, d/b/a Spot Cash Grocery,	Defendant.	)	)

O R D E R

On this 15th day of June, 1944, came on to be considered by the Court the application of plaintiff to a permanent injunction against the defendant, Vernie Mikel, doing business as the Spot Cash Grocery, and the plaintiff appearing by his attorney of record, John J. D. Cobb, and the defendant appeared in person and by his attorney, C. W. Pennell, and the Court having heard the statements of counsel and being fully advised in the premises finds:

(1) That on the 3rd day of May, 1944, a temporary injunction was issued herein restraining the defendant from selling or offering for sale certain commodities at above ceiling prices and without posting ceiling prices and point values for said commodities, as provided in and required by certain price regulations and rationing orders described in plaintiff's complaint.

(2) That at this time the defendant is in substantial compliance with said price regulations and rationing orders, and that the temporary injunction so issued should be vacated.

It is, therefore, ordered and decreed that the temporary injunction issued herein on May 3, 1944, be and the same is hereby dissolved and vacated.

It is further ordered that this cause be continued as to plaintiff's application for a permanent injunction until July 31, 1944, at which time this cause will be dismissed at defendant's cost, provided defendant remains in substantial compliance with said price regulations and rationing



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

CHESTER BOWLES, Administrator, Office of Price Administration,	Plaintiff	)	
		)	CIVIL NO. 1196
vs		)	
F. H. ENGLAND, an individual, d/b/a the England Store No. 1	Defendant.	)	

O R D E R

On this 15th day of June, 1944, came on to be considered by the Court the application of plaintiff for a permanent injunction against the defendant, F. H. England, doing business as England Store No. 1, and the plaintiff appeared by his attorney of record, John J. D. Cobb, and the defendant appeared in person and by his attorney, C. W. Pennell, and the Court having heard the statements of counsel and being fully advised in the premises, finds:

(1) That on the 3rd day of May, 1944, a temporary injunction was issued herein restraining the defendant from selling or offering for sale certain commodities at above ceiling prices and without posting ceiling prices and point values for said commodities, as provided in and required by certain price regulations and rationing orders described in plaintiff's complaint.

(2) That at this time the defendant is in substantial compliance with said price regulations and rationing orders, and that the temporary injunction so issued should be vacated.

It is, therefore, Ordered and Decreed that the temporary injunction issued herein on May 3, 1944, be and the same is hereby dissolved and vacated.

It is further ordered that this cause be continued as to plaintiff's application for a permanent injunction until July 31, 1944, at which time this cause will be dismissed at defendant's cost, provided defendant remains in substantial compliance with said price regulations and rationing orders.

BOWER BROADBUSH  
United States District Judge

ENDORSED: Filed In Open Court  
Aug 1 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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That heretofore to-wit: on the 10th day of June, 1944, Emmett Brown, Elmer Vick and C. C. Weber, were appointed Commissioners to re-appraise the lands involved herein, and pursuant thereto said Commissioners on the 16th day of June, 1944, filed herein their said report re-appraising the said lands, which said report is now on file in this court; that no one interested therein has elected to take the same at the re-appraised price, and that no exceptions or objections have been filed thereto, and that said Commissioners report should in all things be approved and confirmed and made firm and effectual forever, and that the first and former Commissioners report should be set aside and held for naught as heretofore, in former order of this court, found, and that the United States Marshal, of the Northern District of Oklahoma, should be ordered and directed to advertise and sell said lands pursuant to said last Commissioners report.

It is therefore ordered, adjudged and decreed by the Court that the former Commissioners report, filed herein on the 23rd day of March, 1944, be in all things set aside and held for naught as heretofore found by order entered herein on the 10th day of June, 1944, and that the Commissioners' report re-appraising the lands involved herein filed on the 16th day of June, 1944, pursuant thereto, be and the same is hereby in all things approved and confirmed and made firm and effectual forever.

It is further ordered, adjudged and decreed by the court that the Hon. Jno. P. Logan, United States Marshal for the Northern District of Oklahoma, after advertising by proper Notice proceed to sell the lands hereinafter described, according to law in the same manner as real estate is sold under execution, under the laws of Oklahoma, said lands are described and appraised as follows, to-wit:

$\frac{1}{2}$  NW $\frac{1}{4}$  Sec. 29, Twp. 24 North, Range 13 East,  
Washington County, Okla. Appraised in the sum of \$1440.00

$\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  & SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  & W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  & SW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  &  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 29, Township 24 North, Range 13 East,  
Washington County, Okla., appraised for the sum of \$1500.00

IT IS FURTHER ORDERED that the said United States Marshal file herein a report of his doings under this order after having performed his duties hereunder without unnecessary delay.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 4 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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

NANCY WASHINGTON SOAP,	Plaintiff,	)
		) No. 1230 Civil
vs		)
		)
LUKE WASHINGTON, ET AL,	Defendants.	)

JOURNAL ENTRY

Now on this 4th day of August, 1944, comes the plaintiff in person and H. F. Fulling her attorney, and comes also the United States of America by Whit Y. Mauzy, United States District Attorney, and presents to the Court is motion to dismiss this Cause and the Court having heard the evidence, now overrules said motion to dismiss.

And now the plaintiff Nancy Washington Soap indicates that she does not desire to go on with this case and asks that it be dismissed and it having been fully explained to her that, if dismissed, it will be at her cost including an attorney fee for her attorney H. F. Fulling to be fixed by the Court, whereupon she again expressed her desire and moved the Court that this case be so dismissed.

IT IS THEREFORE CONSIDERED AND ADJUDGED by the Court that this cause be and the same is hereby dismissed at plaintiff's cost and the Court finds that the cost in the Nowata County District Court and in this Court, including dismissal is \$43.71, and now the Court allows H. F. Fulling, plaintiff's attorney, the sum of \$50.00 attorney fee to be taxed as costs, making the total cost taxed against the plaintiff in this cause, the sum of \$93.71, which the plaintiff is ordered to pay and for which execution may issue unless paid in 60 days from this date.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Aug 5 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 5, 1944

On this 5th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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:



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

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 5 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to August 7, 1944.

On this 7th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

In the Matter of the Estate of     ) Civil No. 943.  
Ison Peters,                   Deceased.     )

FINAL DECREE

Now, on this the 7th day of August, 1944, this cause comes on for hearing upon the final account filed herein by A. C. Wise, executor of the estate of Ison Peters, deceased, and his petition for settlement and approval thereof and determination of heirship of said decedent and closing of said estate.

And said executor appearing in person and by his attorney, Z.I.J. Holt, and the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma and by M. S. Robertson, Probate Attorney for the district which includes the County of Tulsa, Oklahoma and J. S. Severson appearing as attorney for the heirs of said decedent, and no objections having been filed to said final account and petition and no person appearing to object thereto - all parties appearing announce ready for trial.

Thereupon the executor introduced his final account and the evidence, both oral and documentary, in support thereof and of his petition - including the will of Isom Peters bearing date of January 17, 1941, which was admitted to probate by order of this court on the 16th day of June, 1943, and after a full and complete hearing thereon, said matter was submitted to the court; and the court, being fully advised in the premises, finds:

That Isom Peters, who was a full-blood Creek Indian, died on or about the 3rd day of November, 1942, while a permanent resident of Tulsa County, Oklahoma, leaving a will which was duly admitted to probate herein as above set out, and A. C. Wise, the executor named in said will, was appointed executor of said estate; that he duly qualified and entered upon his duties as such executor, and gave due, proper, and legal notice to creditors as provided by law, and filed herein his inventory and appraisal of said estate; and that thereafter, and after the expiration of one year from the date said will was admitted to probate, said executor on the 29th day of June, 1944, filed herein his said final account and petition, and his motion for service by publication, and on said date an order and notice was issued by this court setting said final account and petition for hearing on this date, and due, proper, and legal notice thereof was given as provided by law and by said order and the rules of this court.

THE COURT FURTHER FINDS that the said Isom at his death left him surviving as his sole and only heirs at law his grandchildren - the children of his deceased daughter, Lula Peters, deceased - to-wit: Sarah Thayer, Dora Chaney, Jess Colbert, Nora Fuld, David Colbert, Louise Bruner, Isom Colbert, Charley Colbert, Lois Colbert, and George Colbert, Jr., and that he left no other descendants and no other heirs.

THE COURT FURTHER FINDS that at his death the said Isom Peters was seized and possessed of his allotment of 160 acres of land described as follows:

The Northwest quarter of Section Twenty-five, Township Seventeen North, Range Fourteen East, in Tulsa County, Oklahoma;

that by terms and provisions of his will, admitted to probate herein, he gave and devised to Mamie Herring,

The Southeast Quarter of the Southeast Quarter of the Northwest Quarter of said Section Twenty-five, Township Seventeen North, Range Fourteen East, in Tulsa County, Oklahoma,

consisting of ten acres, more or less; and that all the rest, residue, and remainder of said 160 acres of land he gave and devised to his heirs according to the laws of inheritance of the State of Oklahoma - they being the above named heirs of Isom Peters, deceased; and that he gave, devised, and bequeathed all other property, real and personal, which he owned or possessed at the time of his death to his said heirs at law.

THE COURT FURTHER FINDS that said final account is true and correct; that all state, county, municipal, school district taxes due from said estate have been paid, and all expenses of last sickness and funeral expenses of decedent have been paid; and that all claims and debts against said estate have been paid except a debt of Thirty Dollars to Myra Brynat for her services as nurse of decedent - which debt all parties agreed in open court should be paid; and that all costs and expenses of administration have been paid except the final court costs, if any, shown due on the court clerk's records, and the executors' fees as provided by the laws of the State of Oklahoma, which the court finds to be and fixes at the sum of \$425.00 - and the attorney fees of Z.I.J. Holt, attorney for said executor and estate, which the court finds to be and fixes at the sum of \$425.00

THE COURT FURTHER FINDS that the appraised value of said estate is such that there is no inheritance tax due the State of Oklahoma, except upon the devise of 10 acres of land of th

appraised value of \$1225.00 to Mamie Herring, who is not a descendant of decedent, on which an estate tax should be paid, and there is no inheritance of estate tax due from said estate to the United States.

THE COURT FURTHER FINDS that the said lands of said decedent at his death were under a Departmental Agricultural lease on file in the office of the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, and were leased for a cash rental - the rentals paid and to be paid into the office of the Superintendent of the Five Civilized Tribes; that the expense of the last sickness and the funeral expense of decedent, and the expense of administration so far paid, were paid out of the funds in the hands of the said Superintendent of the Five Civilized Tribes arising from the rentals under said lease; and that to save the expense of a sale or some of the real estate of decedent to pay the expense of administration remaining unpaid, said executor should be authorized to make requisition to the Superintendent of the Five Civilized Tribes for funds with which to pay the same, and to co-operate with said Superintendent's Office in working out the settlement and payment of the same to the best interest of said estate and the beneficiaries of the residuary estate.

IT IS THEREFORE by the Court ordered, adjudged and decreed that all claims properly presented to said executor have been paid, and that all other debts of said estate, if any (except the items hereinafter specifically directed to be paid) are hereby forever barred, and that there is no inheritance tax due from said estate except the inheritance tax due the state of Oklahoma hereinafter directed to be adjusted and paid.

IT IS FURTHER ordered, adjudged, and decreed by the Court that Isom Peters departed this life on or about the 3rd day of November, 1942, while a resident of Tulsa County, Oklahoma, leaving a will, and leaving surviving him as his sole and only heirs at law his grandchildren as herein set out, all of whom are beneficiaries under said will, and his estate is hereby set over and distributed to the beneficiaries as in said will provided, to-wit:

To Mamie Herring, the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of Section Twenty-five, Township 17 North, Range 14 East (SE/4 of SE/4 of NW/4, 25-17-14), in Tulsa County, Oklahoma, containing 10 acres, and the house and improvements belonging to her.

To the grandchildren of Isom Peters, deceased, to-wit: Sarah Thayer, Dora Chaney, Jess Colbert, Nora Flud, David Colbert, Louise Bruner, Isom Colbert, Charley Colbert, Lois Colbert, and George Colbert, Jr., - share and share alike, - the East Half; and the Southwest Quarter; and the North Half of the Northwest Quarter; the Southwest quarter of the Northwest Quarter the North Half of the Southeast Quarter of the Northwest Quarter, and the Southwest Quarter of the Southeast Quarter of the Northwest Quarter; all of Section Twenty-five, Township 17 North, Range 14 East (E/2; SW/4; N/2 of NW; SW/4 of NW/4; N/2 of SE/4 of NW/4; and SW/4 of SE/4 of NW/4, 25-17-14), in Tulsa County, Oklahoma, being the remaining 150 acres of decedent's allotment; subject to a Departmental agricultural lease thereon; together with all the rest, residue and remainder of said estate, real or personal, of whatsoever it may consist and wherever situated or located,

IT IS FURTHER ordered, adjudged and decreed by the Court that said executor is hereby authorized and directed to apply to the office of the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, for funds with which to pay the debt due Lucy Sims of \$30.00, for her services as nurse of decedent, and with which to pay the final court costs herein - the items due and unpaid as shown on the Court Clerk's records herein, if any - and to pay the fees of A. C. Wise, executor of said estate, in the sum of \$425.00, the fees of Z.I.J. Holt, attorney for the executor and said estate,



Eva Muldoon,  
F. L. Langley,  
Jim Glass,  
Sarah C. Daugherty,  
Peter Dolan,  
Frank Russell,  
J. Warren Reed,

Dickinson-Reed-Randerson Company, a corporation, if living and in existence, or if deceased and not in existence, their known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors, successors and assigns, immediate and remote, and their spouses, if any; and the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns, immediate and remote, and their spouses, if any, if Alvin R. Brewster, deceased; of Martha Bourdon, deceased; of George A. Ralph, deceased; of Robert Armstrong McCulloch, Cherokee N. B. Roll No. 668, deceased; of C. W. Bradley, deceased; of Chas. Olentine, deceased; of Richard Hummingbird, deceased; of Nora Cornsilk, Cherokee Citizen, Roll No. 32456, deceased; of Leona Cornsilk, Cherokee Citizen, Roll No. 32455, deceased; of Eliza Hornsilk, Cherokee Citizen, Roll No. 32454, deceased; of J. T. Hukill, deceased; of J. W. Allison, deceased; of Alma S. Bawson, deceased; of Raymond S. Ownbey, deceased; and of Dudley H. Tucker, Cherokee Citizen, Roll No. 17512, deceased;

and that the following defendant is in the military service of the United States, to-wit:

William Olentine;

and it further appearing to the Court that an attorney should be appointed to represent and protect the interests of each of said defendants,

It further appearing that the petitioner has complied with all of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, approved October 17, 1940, as amended, and that a judgment confirming the report of Commissioners should be entered in this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that Saul A. Yager, a regular practicing attorney of Tulsa, Oklahoma, be, and he is hereby appointed to represent and protect the interests of each of the following defendants, to-wit:

(SEE ABOVE)

AND it is FURTHER ORDERED, AND DIRECTED that a judgment be entered in this cause, confirming the report of Commissioners.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 7 1944  
H. P. Warfield, Clrk  
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, containing approximately 36.1 acres, more or less; and Maude E. Gayman, et al.,	Defendants.	)

CIVIL NO. 1037

J U D G M E N T

NOW, on this 7th day of August, 1944, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, and certain accepted offers of sale as to the real estate hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, the petitioner's report of commissioners, contracts and accepted offers of sale, and all other matters herein, and finds that;

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

(2) The said petition for condemnation was filed at the request of the Administrator of the Federal Works Agency, the person duly authorized by law to acquire the estate in the lands described in said document, for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceedings.

(3) In said petition for condemnation, a statement of the authority under which, and the public use for which the estate in said lands were taken, was set forth.

(4) A proper description of the lands sufficient for the identification thereof is set out in said petition for condemnation, and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

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

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

(6) The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified on the 18th day of January, 1944, by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 19th day of January 3

wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to-wit:

TRACT NO. 2 (9 FW 308)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of W $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 27, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.9 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$35.55

TRACT NO. 6 (9 FW 312)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 27, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$2.92

TRACT NO. 7 (9 FW 314)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$3.15

TRACT NO. 8 (9 FW 315)  
Flowage Easement

All that part of the North 19.20 acres of Lot 6, and all that part of the SW $\frac{1}{4}$  10.00 acres of Lot 6, and all that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$8.10

## TRACT NO. 9 (9 FW 316)

## Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$3.25

## TRACT NO. 10 (9 FW 317)

## Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.5 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$2.75

## TRACT NO. 11 (9 FW 318)

## Flowage Easement

All that part of the SE 10.0 acres of Lot 5 in Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$4.55

## TRACT NO. 12 (9 FW 319)

## Flowage Easement

All that part of the W. 8.80 acres of Lot 4 in Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$3.65

## TRACT NO. 13 (9 FW 320)

## Flowage Easement

All that part of the East 2.90 acres of Lot 4 in Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing less than 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.50

TRACT NO. 15 (9 FW 322)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 6 in Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 1.9 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$10.45

TRACT NO. 16 (9 FW 323)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 7, and all that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{2}$ , and all that part of the E $\frac{1}{2}$  SE $\frac{1}{2}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 5.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$35.00

TRACT NO. 17 (9 FW 324)  
Flowage Easement

All that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  E $\frac{1}{2}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$2.75

TRACT NO. 18 (9 FW 326)  
Flowage Easement

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$22.40

TRACT NO. 19 (9 FW 327)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$12.80

TRACT NO. 20 (9 FW 326)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian, in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$7.20

TRACT NO. 21 (9 FW 329)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.6 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$3.30

TRACT NO. 22 (9 FW 330)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 East of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.1 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$12.60

TRACT NO. 23 (9 FW 330 A)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$2.54

TRACT NO. 24 (9 FW 331)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority containing approximately 0.9 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$4.05

TRACT N<sup>o</sup>. 25 (9 FW 332)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{2}$  SW $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware county, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.7 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$4.45

TRACT NO. 26 (9 FW 333)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority, has the right of flowage, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.30

TRACT NO. 27 (9 FW 334)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  OF Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea level Datum, except that portion owned by the Grand River Dam Authority containing approximately 0.4 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$2.60

TRACT NO. 28 (9 FW 335)  
Flowage Easement

All that part of Lot 2 less the se 10.0 acres thereof, in Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$2.75

TRACT NO. 29 (9 FW 336)  
Flowage Easement

All that part of the SE 10.0 acres of Lot 2 in Sec. 25, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam

Authority, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.30

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

(8) The Court finds that the petitioner and the owner entered into an agreement and stipulation in the form of an accepted offer of sale as to the just compensation to be paid for the estate taken in the land in these proceedings and more particularly designated and described as follows, to-wit:

TRACT NO. 14 (9 FW 321)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 26, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.2 acre,

STIPULATED TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND DAMAGES TO THE REMAINDER, IF ANY \$7.20

TOTAL \$7.20

and that said stipulation, agreement and accepted offer of sale entered into between the petitioner and the owner of said tract is in all respects regular and should be confirmed and approved in every respect, and said sum as set out in the aforementioned accepted offer of sale is just compensation for the estate taken.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners and by the accepted offer of sale hereinabove set forth, is final just compensation, in the total amount of \$198.11.

(9) That the United States of America did, on the 7th day of July, 1943, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the owners and persons entitled thereto, the following sums, to-wit:

TRACT NO. 2 (9 FW 308)	\$35.55
TRACT NO. 6 (9 FW 312)	2.92
TRACT NO. 7 (9 FW 314)	3.15
TRACT NO. 8 (9 FW 315)	8.10
TRACT NO. 9 (9 FW 316)	3.25
TRACT NO. 10 (9 FW 317)	2.75
TRACT NO. 11 (9 FW 318)	4.55
TRACT NO. 12 (9 FW 319)	3.65
TRACT NO. 13 (9 FW 320)	1.50
TRACT NO. 14 (9 FW 321)	7.20
TRACT NO. 15 (9 FW 322)	10.45
TRACT NO. 16 (9 FW 323)	35.00
TRACT NO. 17 (9 FW 324)	2.75

TRACT NO. 18 (9 FW 326)	22.40
TRACT NO. 19 (9 FW 327)	12.80
TRACT NO. 20 (9 FW 328)	7.20
TRACT NO. 21 (9 FW 329)	3.30
TRACT NO. 22 (9 FW 330)	14.70
TRACT NO. 23 (9 FW 330-A)	2.54
TRACT NO. 24 (9 FW 331)	4.05
TRACT NO. 25 (9 FW 332)	4.45
TRACT NO. 26 (9 FW 333)	1.30
TRACT NO. 27 (9 FW 334)	2.60
TRACT NO. 28 (9 FW 335)	2.75
TRACT NO. 29 (9 FW 336)	1.30
TOTAL	\$200.21

(10) The Court having fully considered the petition for condemnation, the Declaration of Taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1933, 48 Stat. 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, is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purport of the above designated Acts of Congress.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the report of Commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth, is full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

(SEE ABOVE)

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the offer of sale made by the owner and accepted by the petitioner is hereby confirmed and approved in all respects, and the sum of money set forth therein to be paid is full and just compensation for the estate taken as to the tract of land and the sum of money as set forth, as follows, to-wit:

TRACT NO. 14 (9 FW 321)	\$7.20
TOTAL	\$7.20

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to inundate, submerge and flow; to cut and clear all timber therefrom and to remove and require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, and the interest therein taken by these eminent domain proceedings was vested in the United States of America on the 7th day of July, 1943, upon the filing of a Declaration of Taking and depositing the sum of \$200.21 with the registry of this Court, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate involved therein taken, as hereinbefore specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein, in the total sum of \$198.11, for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America have and receive a refund in the amount of \$2.10 same being the difference between the estimated just compensation in the amount of \$200.21 deposited in the registry of this Court, and the just compensation fixed and determined herein in the amount of \$198.11, and the Clerk of this Court is hereby directed to pay said sum of \$2.10 to the Treasurer of the United States.

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

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

ENDORSED: Filed Aug 7 1944  
 H. P. Warfield, Clerk  
 U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) CIVIL NO. 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 FIXING TITLE AND MAKING DISTRIBUTION

NOW, on this 7th day of August, 1944, the above cause comes on for hearing pursuant to regular assignment for the determination of the rightful claimants in and to any funds that may have been deposited and that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto as the owners of the real estate and the estate therein taken and involved in this proceeding as hereinafter described and designated.

And the Court being fully advised in the premises finds that the hereinafter named persons, firms, corporations and political subdivisions of the State are the owners of and/or have some right, title or interest in and to the lands involved herein, and that no person, firm, corporation, or political subdivision of the State has any right, title or interest in and to said lands other than those hereafter named; and that the owners and those having any right, title or interest in and to said lands as hereafter named and set forth are the only persons, firms and corporations having any right, title or interest in and to the funds that are now on deposit or that may hereafter be deposited in the above entitled proceeding for the rightful claimants thereto.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the following named persons, firms and corporations are the owners of and/or have some right, title or interest in and to the lands involved herein as hereinafter designated, and that they are the only persons having

any right, title or interest in and to the funds that are now on deposit and that may hereafter be deposited for the use and benefit of the rightful claimants thereto, as the owners or those having any right, title or interest in and to the real estate involved in this proceeding, and that the Clerk of this Court be, and he is hereby authorized and directed to make distribution of said funds to said persons, firms and corporations as hereinafter set forth as follows, to-wit:

TRACT NO. 2 (9 FW 308)  
Flowage Easement

J. J. Nichols  
E. S. Nichols  
Donald Lee Nichols fee owners \$35.55  
(Commissioners' award)

TRACT NO. 6 (9 FW 312)  
Flowage Easement

Norman B. Blake fee owner 2.92  
(Commissioners' award)

TRACT NO. 7 (9 FW 314)  
Flowage Easement

L. May McCulloch, fee owner 3.15  
(Commissioners' award)

TRACT NO. 8 (9 FW 315)  
Flowage Easement

Sarah Louise Sprague, fee owner 8.10  
(Commissioners' award)

TRACT NO. 9 (9 FW 316)  
Flowage Easement

Joe Anderson fee owner 3.25  
(Commissioners' award)

TRACT NO. 10 (9 FW 317)  
Flowage Easement

George E. Kule fee owner 3.75  
(Commissioners' award)

TRACT NO. 11 (9 FW-318)  
Flowage Easement

Earl Coppedge fee owner 4.55  
(Commissioners' award)

TRACT NO. 12 (9 FW-319)  
Flowage Easement

Jas. H. Antbis fee owner of an undivided  
1/3 interest, 1.21  
E. H. Childers, Jr.,  
Lou Anna C. Parker  
Laurel N. Childers,  
Jessie Faye Thornton, fee owners of an undivided  
1/3 interest 1.32

Eula Olentine,  
Fred Olentine,  
Robert Olentine,  
Hazel McNeely,  
William Olentine, fee owners of an undivided  
1/3 interest, 1.22  
(Commissioners' award)

TRACT NO. 13 (9 FW 320)  
Flowage Easement

Etta Mode fee owner 1.50  
(Commissioners' award)

TRACT NO. 14 (9 - FW- 321)  
Flowage Easement

John Calvin Arrington, Cherokee Citizen  
N. B. Roll No. 1126 fee owner 7.20  
(Stipulation)

TRACT NO. 15 (9 FW-322)  
Flowage Easement

(This tract passed for further hearing as to title)

TRACT NO. 16 (9 - FW-323)  
Flowage Easement

William L. Nicksch, fee owner 35.00  
(Commissioners' award)

TRACT NO. 17 (9 FW 324)  
Flowage Easement

C. A. Babb,  
Katy Babb, fee owners 2.75  
(Commissioners' award)

TRACT NO. 18 (9 FW 326)  
Flowage Easement

Jimmie Langley, now Render, fee owner, 22.40  
(Commissioners' award)

TRACT NO. 19 (9FW 327)  
Flowage Easement

Lucy E. Duncan, now Davis, fee owner 12.80  
(Commissioners' award)

TRACT NO. 20 (9 FW 328)  
Flowage Easement

Nettie A. Pury, now Eddy,  
Eva Muldoon, fee owners 7.20  
(Commissioners' award)

TRACT NO. 21 (9 FW 329) Flowage Easement		
Ezra Martin, (Commissioners' award)	fee owner	3.30
TRACT NO. 22 (9 FW 330) Flowage Easement		
Ralph H. Poole, (Commissioners' award)	fee owner	12.60
TRACT NO. 23 (9 FW 330-A) Flowage Easement		
Mary Ethel Anderson, (Commissioners' award)	fee owner	2.54
TRACT NO. 24 (9 FW 331) Flowage Easement		
James L. Ownbey, Cherokee Citizen, Roll No. 241.03 (Commissioners' award)	fee owner	4.05
TRACT NO. 25 (9 FW 332) Flowage Easement		
W. H. Davis, (Commissioners' award)	fee owner	4.45
TRACT NO. 26 (9 FW 333) Flowage Easement		
Margaret E. Ownbey, now Martins,	fee owner	1.30
TRACT NO. 27 (9 FW 334) Flowage Easement		
Tokio Vandagriff, Cherokee New Born, Roll No. 312, (Commissioners' award)	fee owner	2.60
TRACT NO. 28 (9 FW 335) Flowage Easement		
E. H. Beauchamp, (Commissioners' award)	fee owner	2.75
TRACT NO. 29 (9 FW 336) Flowage Easement		
A. E. Felts, (Commissioners' award)	fee owner	1.30

IT IS FURTHER ORDERED that this cause is held open for such other and further order judgments and decrees as may be necessary in the premises. ROYCE E. SAAGE, Judge

ENDORSED: Filed Aug 8 1944 H. P. Farfield, Clerk  
U. S. District Court WF

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
-vs-		) CIVIL NO. 1124
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA,		)
etc., and Zelda Gray, et al.,	Defendants.	)

ORDER ALLOWING COMMISSIONERS' FEE

NOW: on this 7th day of August, 1944, it appearing to the Court that on July 24, 1944, upon application of the petitioner, United States of America, T. G. Grant, W. L. Mayes and T. B. Harp were selected and appointed as commissioners to inspect the real property involved in this action, and appraise and assess the damages sustained by the owners thereof and those having any right, title or interest therein; 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 are entitled to receive compensation for said services; and that said commissioners have not received payment for 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 - July 28th and 29th, 1944-  
2 days at \$26.00 per day \$52.00
- W. L. Mayes, commissioner's fee - July 28th, and 29th, 1944-  
2 days at \$26.00 per day \$52.00
- T. B. Harp, commissioner's fee - July 28th and 29th, 1944-  
2 days at \$26.00 per day \$52.00

IT IS FURTHER ORDERED that 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 Aug 7 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) CIVIL NO. 1190
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, OKLAHOMA,		)
containing approximately 166.08 acres, more or less;		)
and F. R. Hodgdon, et al.,	Defendants.	)

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND  
MAKING DISTRIBUTION AS TO TRACT NO.  
10 (50 FW-1355 - 50 - FW-1356)

NOW, on this 7th day of August, 1944, there coming on for hearing the application of the defendants, Lena Robitaille and Jess Hayden for an order fixing title, decreeing just compensation and making distribution as to Tract No. 10 (50 FW-1355 - 50 FW-1356) and the Court being fully advised in the premises, finds:

That the defendants, Lena Robitaille and Jess Hayden the owner of the land designated as Tract No. 10 (50 FW-1355 - 50 FW 1356) 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 \$412.50 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 flowage easement upon and over said tract of land; 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 a perpetual easement for flowage purposes upon and over said tract of land.

The Court further finds that the defendants, Lena Robitaille and Jess Hayden in writing, agreed to grant and sell to the petitioner a perpetual flowage easement upon and over said tract of land for the sum of \$412.50, which was accepted by the petitioner.

The Court further finds that the sum of \$412.50 just compensation for the injuries and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants Lena Robitaille and Jess Hayden the owner of the land designated as Tract No. 10 (50 FW-1355 - 50 FW-1356) when this proceeding was commenced, and that the sum of \$412.50 just compensation for the damages sustained by the defendants; and that said defendants are the only persons having any right, title or interest in and to said just compensation; except

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

TO: Lena Robitaille and Jess Hayden	
Owners - Tract No. 10 (50 FW-1355 - 50 FW-1356)	\$412.50
Lena Robitaille	\$ 50.00
Jess Hayden	\$362.50

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 7 1944  
H. P. Warfield, Clerk  
U. S. District Court ME











in and to said compensation.

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

TO: Wesley Bergman Tenant - Tract No. 36 (24 FW 991) \$100.00

ROYCE A. SAVAGE  
J U D G E

ENDORSED: Filed Aug 9 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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

Jacob Arneecheer, Plaintiff, )  
vs ) No. 1078 Civil  
Ned Arneecheer, et al., Defendants. )  
United States of America, Intervener. )

ORDER APPROVING MARSHAL'S SALE.

Now on this 9th day of August, 1944, there came on for hearing motion of the plaintiff, Jacob Arneecheer, for an order approving the sale of real estate made in the above action on the 29th day of July, 1944, by the United States Marshal for the Northern District of Oklahoma, a return and report of said sale being heretofore made and filed. The plaintiff appeared by his attorney of record, Ben L. Murdock. The United States of America appeared 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 defendants, Sam Arneecheer, Dora Arneecheer, Linnie Arneecheer, Lillie Arneecheer, and Joe Arneecheer, minors, appearing by their guardian ad litem, Frank Settle, and with Joe Arneecheer appearing by his attorney, Frank Settle, and the court having heard said motion and having examined the said return and being fully advised in the premises, finds that said Marshal, after advertising the property involved and all particulars as required by law and as provided by the orders of this court, sold said real estate for the sum of \$500.00, the same being above 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 United States Marshal;

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

The northeast quarter of the southeast quarter of Section 23,  
Township 21 North, Range 19 East, Mayes 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, F. A. Warren and Ruby D. Warren, 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 the said purchasers a proper conveyance conveying the said land to said purchasers in accordance with this order and the orders of this court heretofore made in this action and that he pay into the registry of this court the entire sum received from the sale of said property, to-wit, the sum of \$500.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of the Court distribute said sum as follows: That he retain the sum of \$18.80, being the costs incurred in this action, including \$12.80 publication fees; that he pay to the United States Marshal the sum of \$20.30, same being his fee in connection with the sale of said property; that he pay to Ben L. Murdock, the sum of \$50.00, as a reasonable attorney's fee in this action and to Fran Settle the sum of \$15.00 guardian ad litem fee.

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

Jacob Arneecheer, an undivided 1/3 interest	\$131.96
Ned Arneecheer, an undivided 1/9 interest	\$ 43.99
Sam Arneecheer, an undivided 1/9 interest	\$ 43.99
Dora Arneecheer, an undivided 1/9 interest	\$ 43.99
Linnie Arneecheer, an undivided 1/9 interest	\$ 43.99
Lillie Arneecheer, an undivided 1/9 interest	\$ 43.99
Joe Arneecheer, an undivided 1/9 interest	\$ 43.99

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the respective sums above set out for the marshal's costs, court costs and attorney fee shall first be paid before distribution is made as above set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshal file a report of all disbursements made under this order, with the clerk of this court.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 9 1944  
H. P. Warfield, Clerk  
U. S. District Court IN

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

UNITED STATES OF AMERICA,

Petitioner,

vs

CIVIL NO. 1112

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,  
OKLAHOMA, etc., and Bertha P. Neyl, et al.,

Defendants.

ORDER FIXING TITLE, DECREETING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 26 (20 FW 863) and  
TRACT NO. 27 ( 20 FW 864)

NOW, on this 9th day of August, 1944, there coming on for hearing the application of the defendants, Clarence W. Haywood and Dorean Haywood, for an order fixing title, decreeing just compensation and making distribution as to Tracts no. 26 (20 FW 863) and Tract No. 27 (20 FW 864) and the Court being fully advised in the premises, finds:

That the defendants, Clarence W. Haywood and Dorean Haywood were the owners of the land designated as Tracts No. 26 (20 FW 863) and 27 (20 FW 864) 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 sums of \$205.00 and \$115.00 respectively, 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 State of America, a perpetual easement for flowage purposes upon and over said land; 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 a perpetual easement for flowage purposes over and upon said land;

The Court further finds that the defendants, Clarence W. Haywood and Dorean Haywood, in writing, agreed to grant and sell to the petitioner, a perpetual flowage easement upon and over said tracts of land for the sums of \$205.00 and \$115.00 respectively, which was accepted by the petitioner.

The Court further finds that the sums of \$205.00 and \$115.00 are 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 have any right, title or interest in and to said just compensation, except

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Clarence W. Haywood and Dorean Haywood, were the owners of the land designated as Tracts No. 26 (20 FW 863) and 27 (20 FW 864) when this proceeding was commenced, and that the sum of \$205.00 and \$115.00 are just compensation for the damages sustained by the defendant; and that said defendants are the only persons having any right, title or interest in and to said just compensation, except

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

TO: Clarence W. Haywood and Dorean Haywood	
Owners - Tract No. 26 (20 FW 863)	\$205.00
Tract No. 27 (20 FW 864)	\$115.00

ROYCE H. SAVAGE  
JUDGE

RECORDED: Filed Aug 9 1944  
H. P. Warfield, Clerk  
U. S. District Court NE

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, etc., and Ida Guyami Rhodes, et al, Defendants.

CIVIL NO. 1154

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 29 (36 FW 1060-A)

NOW, on this 9th day of August, 1944, there coming on for hearing the application of the defenant, L. A. Van De Veer for an order fixing title, decreeing just compensation and making distribution as to Tract No. 29 (36 FW 1060-A) and the Court being fully advised in the premises, finds:

That the defendant, L. A. Van De Veer, was the owner of the land designated as Tract No. 29 (36 FW 1060-A) 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 \$42.05 for the taking of a perpetual easement for flowage purposes upon and over said tract of land; that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, thereby vesting in the petitioner, United States of America, a perpetual easement for flowage purposes upon and over said lands; 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, L. A. Van De Veer, in writing, agreed to grant and sell to the petitioner, a perpetual easement for flowage purposes upon and over said tract of land for the sum of \$42.05 which was accepted by the petitioner.

The Court further finds that the sum of \$42.05 is just compensation for the injuries and damages sustained by said defendant,

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, L. A. Van De Veer, the owner of the land designated as Tract No. 29 (36 FW 1060-A) when this proceeding was commenced, and that the sum of \$42.05 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: L. A. Van De Veer Owner Tract No. 29 (36 FW 1060-A) \$42.05

ROYCE H. SAVAGE  
J U D G E

EMPORSED: Filed Aug 9 1944  
H. P. Marfield, 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. 1135

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, etc., and Wm. C. McAllister,  
et al.,

Defendants.

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 17 (40 FW 1228)

NOW, on this 9th day of August, 1944, there coming on for hearing the application of the defendants, Lee Rippetoe and Lucinda Rippetoe, for an order fixing title, decreasing just compensation and making distribution as to Tract No. 17 (40 FW 1228) and the Court being fully advised in the premises, finds:

That the defendants, Lee Rippetoe and Lucinda Rippetoe, were the owners of the land designated as Tract No. 17 (40 FW 1228) 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 \$230.00 for the taking of a perpetual flowage easement 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 flowage easement upon and over said land and decreed that the owners and those having any right, title or interest in and to said land; and have and recover just compensation for the taking of said perpetual flowage easement.

The Court further finds that the defendants, Lee Rippetoe and Lucinda Rippetoe, in writing, agreed to grant and sell to the petitioner, a perpetual flowage easement upon and over said tract of land for the sum of \$230.00, which was accepted by the petitioner.

The Court further finds that the sum of \$230.00 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, have any right, title or interest in and to said just compensation except

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Lee Rippetoe and Lucinda Rippetoe, were, the owners of the land designated as Tract No. 17 (40 FW 1228) when this proceeding was commenced, and that the sum of \$230.00 is just compensation for the damages sustained by the defendant; and that said defendants are the only persons having any right, title or interest in and to said just compensation, except

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

TO: Lee Rippetoe and Lucinda Rippetoe - Owners Tract No. 17 (40 FW 1228)  
\$230.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 9 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 10, 1944

On this 10th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, Oklahoma, 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 F. 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

SAMMONS-ROBERTSON COMPANY,  
a corporation,

Plaintiff,

Civil Action No. 443

vs

MASSMAN CONSTRUCTION COMPANY, a  
corporation, et al.,

Defendants.

O F D E R

Now on this 10th day of August, 1944, comes on for hearing the application of Sammo Robertson Company, a corporation, plaintiff, for an extension of time within which to docket the appeal taken herein in the United States Circuit Court of Appeals, 10th Circuit, and for good cause shown,

IT IS ORDERED, ADJUDGED AND DECREED that the time within which the parties herein appealing may file their record in the United States Circuit Court of Appeals, 10th Circuit, be and it is hereby extended for a period of ninety (90) days from July 8, 1944, the date upon which the first Notice of Appeal was filed.

ROYCE H. SAVAGE  
U. S. District Judge.

ENDORSED: Filed Aug 10 1944  
H. P. Warfield, Clerk  
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs

Unknown Heirs of Benjamin Cheater, et al.,

Defendants.

No. 756 Civil

JOURNAL ENTRY OF JUDGMENT

Now on this 15th day of June, 1944, this matter coming on for hearing before the Honorable F. E. Kennamer, United States District Judge, the United States appearing by Whit Y. Mauzy, United States Attorney for the Northern District of Oklahoma, and the defendant, R. D. Cravens appearing by Keith Smith, and W. E. Folts appearing for such defendants as are in the military or navy

service of the United States or its allies, by virtue of appointment by said court, the defendants, Board of County Commissioners, John Curtis, County Treasurer, Clark Bell, Tax Assessor of Delaware County, State of Oklahoma, Bell Duffield, R. T. Duffield, Carpathis Hearden, J. R. Morgan, J. B. W. Pergen, and the unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of Benjamin Cheater, deceased, and Chiccowie Cheater, deceased, appearing not, but each of them being in default, and it appearing that all of said parties have been served personally or by notice of publication as required by law, which notice by publication this court hereby examines and approves and confirms, and the court having heard testimony of witnesses sworn and examined in open court, and being fully advised in the premises, and in consideration thereof, finds the averments of said complaint are true as therein set out and as found in separate findings of fact and made this 15th day of June, 1944.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that Chiccowie Cheater and Lucy Cheater are the sole and only heirs of Benjamin Cheater, deceased, and that each of said individuals inherited an undivided one-half interest in and to the allotment of Benjamin Cheater, described as follows:

Southwest Quarter of the Southeast Quarter of Section 28, Township 23 North, Range 24 East, and

The North Half of the Northeast Quarter, and the North Half of the South Half of the Northeast Quarter of Section 33, Township 23 North, Range 24 East, and

The South Half of the Southeast Quarter of Section 27, Township 23 North, Range 24 East, and

The Southeast Quarter of the Southeast Quarter of Section 28, Township 23 North, Range 24 East,

That the conveyance executed by Chiccowie Cheater to Lucy Cheater dated April 18, 1915 conveying the following described property, to-wit:

The North Half of Northeast Quarter, and the North Half of the South Half of the Northeast Quarter of Section 33, Township 23 North, Range 24 East, situated in Delaware County, State of Oklahoma,

is void and the same is hereby cancelled, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sole and only heirs at law of Chiccowie Cheater, deceased, are as follows, to-wit:

Heavey Keener, Cherokee Indian, full-blood, husband.  
Joe Kenner, Cherokee Indian, full-blood, son  
Bob Keener, Cherokee Indian, full-blood, son  
Joanna Keener, Cherokee Indian, full-blood, daughter  
Scott Keener, Cherokee Indian, full-blood, son  
Ben Keener, Cherokee Indian, full-blood, son  
Russell Keener, Cherokee Indian, full-blood, son

and that the said Heavey Keener owns an undivided one-sixth (1/6th) interest in and to the allotment of Benjamin Cheater, deceased, and the children of the said Chiccowie Cheater own an undivided one-eighteenth (1/18th) interest each in and to said allotment, and Lucy Cheater owns an undivided one-half (1/2) interest in and to the allotment of Benjamin Cheater, deceased, as hereinbefore set out.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the tax deed executed by the County Treasurer of Delaware County, State of Oklahoma, to the Board of County Commissioners of said County, dated June 15, 1940 and recorded in Book 139, page 399, and the warranty deed dated June 2, 1941, executed by Earl Coppedge, Chairman of the Board of County Commissioners of Delaware County to E. H. Lee recorded in Book 144, Page 623, covering the following described property, to-wit:

The South Half of the Southeast Quarter of Section 28, Township 23 North, Range 24 East, and

the South Half of the Southeast Quarter of Section 27, Township 23 North, Range 24 East, Delaware County, State of Oklahoma,

is cancelled, set aside and held fornaught, and the same is declared to be restricted tax-exempt real estate.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the taxing officials of Delaware County, State of Oklahoma, be and the same are hereby restrained and enjoined from placing such property on the tax rolls of said County while held by the present owners, and while such property remains restricted and tax exempt.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the title and possession of plaintiff's wards of said premises, be and the same is hereby forever settled and quieted in Lucy Cheater, an undivided one-half interest; in Heavy Keener, an undivided one-sixth (1/6th) interest, and in Joanna Keener, Joanna Keener, Scott Keener, Ben Keener and Russell Keener, an undivided one-eighteenth (1/18th) interest, said premises being described as follows, to-wit:

Southwest quarter of the Southeast Quarter of Section 28, Township 23 North, Range 24 East, and

The North Half of the Northeast Quarter, and the North Half of the South Half of the Northeast Quarter of Section 33, Township 23 North, Range 24 East, and

The South Half of the Southeast Quarter of Section 27, Township 23 North, Range 24 East, and

The Southeast quarter of the Southeast Quarter of Section 28, Township 23 North, Range 24 East, Delaware County, State of Oklahoma,

as against all claims or demands by said defendants and those claiming by or through them, or any of them, and all deeds or documents in said chain of title claimed by said defendants, be and the same are hereby cancelled, and removed as clouds on the title of said plaintiffs in and to the foregoing described premises, and said defendants and those claiming through, by or under them, are hereby perpetually enjoined and forbidden to claim any right, title or interest or estate in and to said premises by virtue of said deeds, hostile or adverse to the possession and title of plaintiff's wards herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover its costs from the defendants herein.

F. E. KERNAMER  
United States District Judge

ENDORSED: Filed Aug 10 1944  
H. P. Warfield, Clerk  
U. S. District Court IN

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Court adjourned to August 11, 1944

On this 11th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. Royce E. Savage, Judge, present and presiding.

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

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,

vs

Fred G. Drummond, Albright Title & Trust Company, Roman Logan, Mary Logan, Henry T. Snyder, Joseph A. Miller, S. H. Robinson, and C. E. Walker, if living, and if dead, their heirs, administrators, devisees, trustees, and assigns, known and unknown, immediate and remote; Effie Logan, Hattie Logan, Leroy Logan, Virginia Logan, Harris Russell, and the unknown heirs, administrators, trustees and assigns of Roman Logan and Mary Logan, deceased, Defendants.

No. 670 Civil

JOURNAL ENTRY OF JUDGMENT

Now on this 11th day of August, 1944, this matter coming on for hearing and trial before the Honorable Royce E. Savage, the plaintiff appearing by Wm. Knight Powers, Assistant United States Attorney for the Northern District of Oklahoma, and said action having been heretofore dismissed as to A. W. Lehman, and the Albright Title and Trust Company having heretofore filed its disclaimer herein, and it appearing to the court that due and legal personal service of summons has been had upon Fred G. Drummond individually, and as administrator of the estate of Mary Logan, deceased, and as executor of the estate of Roman Logan, deceased, and upon the heirs at law of Roman Logan and Mary Logan to-wit: Virginia Logan, Hattie Logan, Effie Logan, Leroy Logan and Harris Russell, and it further appearing by motion and affidavit of the plaintiff herein, that Henry R. Snyder, Joseph A. Miller, S. H. Robinson and C. E. Walker, if living, and if dead their heirs, administrators, devisees, trustees and assigns, both known and unknown, and the unknown heirs, administrators, devisees, trustees and assigns of Roman Logan and Mary Logan, deceased, and each of them are non-residents of the State of Oklahoma, and that this is one of the class of cases prescribed by the Acts of Congress in which service by publication may be had, and it further appearing that due and legal notice by publication directed to said defendants has been published in accordance with an order of this court filed April 5, 1944, and in accordance with Section 57 of the Judicial Code (Title 28, U.S.C. 118), in the Tulsa Daily Legal News, printed within this District, and said notice published once a week for six consecutive weeks, by which publication the said defendants were notified to answer the complaint filed herein on or before the 22nd day of May, 1944, as more fully appears from the verified proof of said publication filed herein, and further appearing to the court that said defendants and each of them have wholly made default herein, and have failed and neglected to answer, demur or otherwise move in respect to said complaint, the said defendants and each of them are adjudged to be in default; and it further appearing to the court that the 26th day of May, 1944, Eugene Rust, an Attorney at Law, was appointed Attorney ad Litem to represent and appear for such parties defendants who are in default and who are or may be in the military or navy service of the United States of America in compliance with the Act of Congress known as the Soldiers

and Sailors Relief Act, and it appearing that said attorney ad litem has heretofore filed an answer denying the allegations of said complaint, whereupon the plaintiff, having introduced its testimony and evidence, and the defendants presenting none, and the court being fully advised in the premises, finds that all the allegations and averments of the plaintiff's complaint are true and correct. The court finds that the following-named individuals, in the proportion set out opposite their names, to-wit:

Ruth Hokiahse, unallotted Osage Indian 5/12  
 Clarence Hokiahse, unallotted Osage Indian 5/12  
 Ruby Big Chief Hokiahse, Osage Allottee No. 5 - 1/6

are the legal owners of the following described property:

East Half of Southwest Quarter, and West Half of Southeast Quarter, of Section 10, Township 28 North, Range 7 East, and

North Half of Southeast Quarter of Section 6, Township 28 North, Range 8 East, and

South Half of Northeast Quarter, and West Half of Northeast Quarter of Northwest Quarter of Southeast Quarter, and

Northwest Quarter of Northwest Quarter of Southeast Quarter of Section 6, Township 21 North, Range 10 East, Osage County, State of Oklahoma,

and that their title thereto is valid and perfect, and superior to any right or interest claimed by any of said defendants, and that said defendants have no right, title or interest in or to said premises.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that title and possession of said restricted Indians in said premises be, and the same is hereby forever settled and quieted in said restricted Indians as against all claims or demands by the said defendants and those claiming, or to claim, under them, or any of them.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the lands hereinabove described are, and at all times mentioned in said complaint have been, restricted against alienation and that the following described instruments are void and of no force and effect and are cancelled and set aside and held for naught;

1. Deed dated May 9, 1917, recorded in Book 22 at page 344, running from Hokiahse, No. 766, and Louise Hokiahse, No. 767, to Fred G. Drummond.
2. Deed dated August 1, 1917, recorded in Deed Book 23, at page 70, running from Fred G. Drummond to A. W. Lohman, covering the East Half of the Southwest Quarter, and West Half of Southeast Quarter of Section 10, Township 28 North, Range 7 East, I.M., in Oklahoma.
3. Mortgage dated November 29, 1924, recorded in Book 43, at page 144, running from A. W. Lohman to the Albright Title and Trust Company covering the East Half of the Southwest Quarter, and West Half of the Southeast Quarter of Section 10, Township 28 North, Range 7 East, I.M., in Oklahoma.



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

UNITED STATES OF AMERICA,

Petitioner,

vs

CIVIL NO. 1112

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 349.6 acres, more or less; and Bertha P. Neyl, et al.,

Defendants.

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION FOR CONDEMNATION

NOW, on this 11th day of August, 1944, 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 to 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 Aug 11 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 12, 1944

On this 12th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit V. Lauzy, United States Attorney  
John F. 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

Rachel (Davison) Clinton, Plaintiff,

vs.

CIVIL NO. 1260

Frank D. Lockyear, Mrs. Frank D. Lockyear, W. L. Childers and Mary J. Childers, Defendants.

ORDER GRANTING DEFENDANT W. L. CHILDERS ADDITIONAL TIME TO PLEAD

NOW, on this the 12 day of August, 1944, on the written application of the defendant W. L. Childers for additional time within which to plead herein, and for good cause shown,

IT IS BY THE COURT ordered that the defendant W. L. Childers be and he is hereby granted until the 25th day of August, 1944, to plead herein.

ROYCE H. SAVAGE JUDGE

ENDORSED: Filed Aug 12 1944 H. P. Warfield, Clerk U. S. District Court LN

Court adjourned to August 14, 1944

On this 14th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. 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 UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, Petitioner,

vs

CIVIL NO. 1045

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 97.5 acres, more or less; and John Chapman, et al., Defendants.

ORDER APPOINTING COMMISSIONERS

NOW, on this 14th day of August, 1944, the above cause came on regularly for hearing

upon the petition of the United States of America for an order appointing commissioners, and it appears to the Court that the United States of America has the power and authority to acquire by eminent domain the estate in the lands hereinafter described and the acquisition of said estate in 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, 25 Stat. 357 (U.S.C. Title 40, Sec. 257); the Act of February 26, 1921, 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. 2944, the Administrator of the Federal Works Agency is authorized to acquire in the name of the United States of America, said estate in said lands.

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

(See J 6 - P. 436 for description of Tracts)

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

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

The Court 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 here accepted and approved by the Court.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that T. G. Grant, of Tulsa County, Oklahoma; C. V. Hamilton of Ottawa County, Oklahoma; and W. L. Mayes of Mayes 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 a perpetual easement upon and over said lands to inundate, submerge and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon said lands from time to time in the performance of said acts.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report at the United States Post Office in the City of Vinita, Oklahoma, on the 17th day of August, 1944, at the hour of 9:30 o'clock A.M., for the purpose of taking the oath of office and the performance of their duties.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 14 1944  
H. P. Warfield, Clerk  
U. S. District Court NE

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

UNITED STATES OF AMERICA,                      Petitioner,

vs

CIVIL NO. 1071

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,  
OKLAHOMA, containing approximately 78.80  
acres, more or less; and Grace M. Settle, et al.,  
Defendants.ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 14th day of August, 1944, 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:

Marian Parker Eads; George W. Eads; George Clark Shamblin, Cherokee N. B. Roll No. 897; George W. Baker; Ruby E. Baker; Hattie C. Harlin, now Collins, Cherokee Citizen, Roll No. 22086; Bailey Collins; Lula D. Jones, Cherokee Citizen, Roll No. 7154; W. M. White; John H. Bogle; Frank Bogle; Hattie Winterrowd; Mark Bogle; Stewart Bogle; Lydia Boyd; Vernie Boyd; Ed Elliott; Alice Elliott; Clara Dudgeon, nee Repriest; Loyd Dudgeon; Jack Lawrence, C. E. Muropalos, P. C. Hagen, R. M. Atkinson, W. W. Elliott; Charles Wilson, C. T. Benner, Fred Uhl, if living, or if deceased, their known and unknown heirs, administrators, executors, devisees, legatees, trustees, creditors or 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 Habel Sevens Jones, deceased; Onas Jones, deceased; S. R. Bogle, deceased; Martin B. Sturdivant, deceased, T. M. Coppedge, deceased; Martha Parkhurst, Cherokee Citizen, Roll No. 26435, deceased;

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

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that 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 successive 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 9th day of October, 1944, the petitioner, United States of America, will, on said 9th day of October, at the hour of 10 o'clock A.M., or as soon thereafter as counsel may be heard, apply to the Judge of this 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



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

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

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

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma, be, and he is hereby directed to summons forthwith each of said commissioners, and hat said commissioners report at the United States Post Office, in the City of Vinita, Oklahoma, on the 17th day of August, 1944, at the hour of 9:30 o'clock A.M., for the purpose of taking the oath of office and the performance of their duties.

ROYCEH. SAVAGE  
JUDGE

ENDORSED: Filed Aug 14 1944  
H. P. Warfield, Clerk  
U. S. District Court M E

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

METROPOLITAN LIFE INSURANCE COMPANY, a  
corporation, Plaintiff, )  
vs. ) No. 1113 - CIVIL  
MARIE F. BEALL and ELOISE F. DALE, Defendants. )

O R D E R

IT APPEARING TO THE COURT from the written stipulation of the defendants Marie F. Beall and Eloise F. Dale, this day filed herein, that said parties have agreed upon a division of the balance of the fund remaining in the registry of the court in this cause, to wit: the sum of Nine Thousand, Five Hundred Eighty-six and 50/100 (9,586.00) Dollars, and the balance remaining in the Clerk's cost account in the sum of Seven and 20/100 (7.20) Dollars, making a total of Nine Thousand, Five Hundred Ninety-three and 20/100 (9,593.20) Dollars, as follows:

To Marie F. Beall the sum of Five Thousand, Two Hundred Ninety-six and 60/100 (5,296.60), Dollars,







THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Secretary of the Interior and the Administrator of the Federal Works Agency are the persons duly authorized and empowered by law to acquire the estates in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; 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 personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 18 (50 FW 1371), and Tract No. 19 (51 FW 1375);

FIFTH: That the Secretary of the Interior, through his duly authorized representative has entered into an agreement and stipulation with the defendants, E. C. Thompson and Blanche Thompson, the owners of all of the personal property described in Tract No. 18 (50 FW 1371), in the amendment to the petition in condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$1153.15, and with the defendants, Samuel Wilson, Maggie Wilson and Jerry E. Wilson, the owners of all of the personal property described in Tract No. 19 (51 FW 1375), in the amendment to the petition for condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$374.00.

SIXTH: That the Secretary of the Interior of the United States, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as those referred to herein, fixing and determining the full and just compensation to be paid for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendants, E. C. Thompson and Blanche Thompson, and Samuel Wilson, Maggie Wilson and Jerry E. Wilson, were the owners of said personal property at all times when the same was temporarily used by the petitioner.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of \$1153.15 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 18 (50 FW 1371), and that the sum of \$374.00 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 19 (51 FW 1375), sustained by the owners, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam (Pensacola Project).

It IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America, deposit in the registry of this court the said sum of \$1153.15 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 18 (50 FW 1371); and the said sum of \$374.00 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 19 (51 FW 1375), in the amended petition filed herein on the 14th day of August, 1944.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this court the said sum of \$1153.15 the same shall be in full settlement of all damages or claims for damages, against the United States of America, occasioned by the temporary use of the personal property on Tract No. 18 (50 FW 1371) and the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner, in connection with the Grand River Dam (Pensacola) Project, and this judgment shall be fully satisfied.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this Court the said sum of \$374.00 the same shall be in full settlement of all damages or claims for damages, against the United States of America, occasioned by the temporary use of the personal property on Tract

No. 19 (51 F. 1375) from the 14th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand Silver Dam (Pensacola) Project, and this judgment shall be fully satisfied.

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

ENDORSED: Filed Aug 14 1944  
H. P. Warfield, Clerk  
U. S. District Court

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

CHESTER BOWLES, Administrator  
Office of Price Administration, Plaintiff, )  
Civil Action File No. 1254  
vs  
GUY E. WAYCOFF, an individual, Defendant.

C O R D E R

Now on this, the 14th day of August, 1944, this matter comes on to be heard upon the application of Mills and Cowen to withdraw as attorneys for the defendant herein, and it appearing to the court that the defendant has been duly notified of said application, it is hereby

ORDERED that said attorneys are hereby permitted to withdraw as attorneys for the defendant in this cause, and the Clerk is hereby directed to note said withdrawal on the docket of this cause.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed In Open Court  
Aug 14 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to August 15, 1944

On this 15th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. Nauzy, United States Attorney  
John P. Logan, United States Marshal

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

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

ROY COGBURN,

Plaintiff,

vs.

No. 1248 CIVIL

SPARTAN AIRCRAFT COMPANY, a corporation,

ORDER GRANTING ADDITIONAL TIME TO FILE AMENDED PETITION

Now, to-wit, on this 14th day of August, 1944, for good cause shown, the plaintiff Roy Cogburn is hereby granted ten (10) days additional time within which to file his amended petition in this cause.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Aug 15 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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

PRESTON J. BROWN,

Plaintiff,

vs

CIVIL NO. 1250

DOUGLAS AIRCRAFT COMPANY, A CORPORATION,  
Defendant,

ORDER GRANTING ADDITIONAL TIME TO FILE AMENDED PETITION

Now, to-wit: on this 14th day of August, 1944, for good cause shown the plaintiff is hereby granted ten (10) days additional time within which to file his amended petition herein.

ROYCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Aug 15 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Libelant, )

v

No. 1263 CIVIL

One 1940 Dodge Sedan Automobile, Motor No. B14-34320, and 4 gallons of untaxpaid whiskey contained therein; Hattie Williams, Claimants.

ORDER FOR MONITION

NOW on this 15th day of August, 1944, it appearing to the Court that the above named automobile, described herein as a 1940 Dodge sedan, motor No. B14-34320, and four (4) gallons of untaxpaid whiskey were seized at premises designated as 127 West Cameron Street in the City of Tulsa, in Tulsa County, Northern Judicial District of Oklahoma and within the jurisdiction of this Court, on or about July 2, 1944, by Sam F. Young and Les Applegate, Tulsa Police Officers, by virtue of the authority of their said office, while said automobile was being used by Hattie Williams for the deposit and concealment of untaxpaid liquor, to-wit: whiskey, with the unlawful intention to defraud the United States of the tax thereon; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimant Hattie Williams, and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS, THEREFORE ORDERED that monition issue as prayed for in said libel and that same be served upon Hattie Williams, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of the Internal Revenue Laws of the United States.

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 15 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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Court adjourned to August 16, 1944

On this 16th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. Royce H. Savage, Judge, present and presiding.

E. P. Garfield, Clerk, U. S. District Court  
Walt Y. Rauzy, 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,

Plaintiff,

vs

No. 1092 - Civil

1,435,0748 acres of land, more or less,  
situate in Hayes County, Oklahoma, and  
Porter W. Arterberry, et al, Respondents.

C R D E R

Now on this 16th day of August, 1944, the Amendment to the Petition for Condemnation herein is presented to this Court, and the Court finds that the petitioner should be granted leave to file said Amendment.

The Court further finds that the Petition for Condemnation herein should be amended so that Tracts Nos. 1780 and 1794 shall be described as follows, to-wit:

Tract No. 1780

All that part of the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) lying South and West of State Highway No. 33, and the East Half of the Southwest quarter of the Southeast quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), and the Southwest quarter of the Southeast quarter of the Southeast quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), all in Section Twenty-nine (29); and the East Half of the Northeast quarter of the Northwest quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) in Section Thirty-two (32), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Hayes County, Oklahoma, subject to Highway right-of-way, and containing 89.3 acres, more or less.

Tract No. 1794

The South 19.88 acres of Lot One (1), and the East 13.45 acres of Lot Two (2), (Otherwise described as all of Lot Two (2), except the West 20 acres thereof), in Section Thirty-three (33); and the South 1.3 acres of Lot Two (2), (Otherwise described as all of Lot Two (2) except the North 8.08 acres thereof), in Section Thirty-four (34), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, including all accretions thereto, situate in Hayes County, Oklahoma, and containing 24.73 acres, more or less.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Amendment to the Petition for Condemnation, as presented, is ordered filed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Petition for Condemnation and all pleadings herein, so far as Tracts Nos. 1768 and 1794 are concerned, be amended so that the legal and correct descriptions of said tracts shall read as follows, to-wit:

(See description above)

and the United States of America, petitioner herein, shall acquire in this condemnation proceedings said lands last hereinabove described, and said legal descriptions shall supersede and be in lieu of the legal descriptions originally contained in the Petition for Condemnation in all respects.

ROYCE H. SAVAGE  
JUDGE

RECORDED: Filed Aug 16 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) No. 1008 - Civil
		)
1,435.0748 acres of land, more or less, situate in Mayes County, Oklahoma, and Porter W. Arterberry, et al.,	Respondents.	)

JUDGMENT CONFIRMING COMMISSIONER'S REPORT AS TO  
CERTAIN TRACTS

Now on this 16th day of August, 1944, the cause came on to be heard upon the motion of the petitioner to confirm the Commissioner's report into Tracts Nos. 1768, 1778, 1789, and 1791, involved in this proceeding.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation and Report of Commissioners, and all other matters herein, and finds that:

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

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

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

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

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

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the respondents named in said Petition for Condemnation, as required by law and the order of this Court. The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that there same are in accordance with law. The Court further finds that the publication notices and the affidavits of the publishers, on file herein, are in all respects in accordance with the law in such case made and provided, and the same are hereby approved by this Court.

(6) The Court further finds that after due and legal notice, as required by law, commissioners to appraise and fix the value of the real estate involved in these proceedings were duly appointed on the 19th day of May, 1944, and said commissioners duly qualified on the 6th day of June, 1944, by filing herein their oath of office as such.

(7) The said duly qualified commissioners, after inspection of the premises and consideration of the value thereof, filed their report herein on the 6th day of June, 1944, and said report and proceedings are in all respects regular and in accordance with law and the order of this Court.

(8) That this Court did, pursuant to due assignment and notice thereof, by its Order entered herein on the 19th day of May, 1944, determine the rightful claimants in and to any funds that are deposited in Court or that may hereafter be deposited in Court for the rightful claimants as the owners of the hereinafter described real estate.

(9) More than sixty days have elapsed since the filing of the Report of Commissioners herein, and all written exceptions thereto, or demands for jury trial, which were filed herein as to any of the tracts hereinafter described have been dismissed, and no demands for jury trial now appear of record as to any of said tracts, and said Report of Commissioners as filed herein should be confirmed and approved in every respect as to all of the tracts of land hereinafter particularly set forth and described.

(10) The Court having fully considered the Petition for Condemnation, and all other proceedings had herein, and the provisions of the Acts of Congress approved June 28, 1938, (52 Stat. 1216), August 18, 1941 (55 U.S.C.A. 701b, et seq.) August 1, 1888, (25 Stat. 357), and April 24, 1889 (25 Stat. 94), and their amendments, and other Acts of Congress of which said Acts are declaratory or amendatory; and the Act of Congress approved December 17, 1941, and designated as "Flood Control, General", contained in the Third Supplemental National Defense Appropriation Act, 1942, is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it, and that the alleged public purposes and uses, as set out in said Petition for Condemnation are hereby adjudged to be in truth and in fact public purposes and uses within the meaning and purport of the above designated Acts of Congress.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners as to the real estate hereinafter designated and described is final, and that the fair, cash, market value of said tracts is and shall be as follows, to-wit:

Tract No. 1768

The South 4.04 acres of Lot Three (3), Section Four (4), Township Nineteen (19) North, Range Nineteen (19) East of the 1st., including all accretions thereto, situate in Mayes County, Oklahoma, containing 8.9 acres, more or less.

a total, fair, cash market value of \$90.00

Tract No. 1778

All that part of the Northwest Quarter of the Southeast

quarter (NW $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section Twenty-nine (29) lying South of center line of Highway #35, in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, containing 17.5 acres, more or less, subject to Highway No. 35 right of way,

a total fair cash market value of \$275.00

Tract No. 1788

The Northeast quarter of the Northwest quarter, (NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section Thirty-three (33), Township Twenty (20) North, Range Nineteen (19) East of the I.M., situate in Mayes County, Oklahoma, containing 40 acres, more or less,

a total, fair, cash market value of \$2350.00

Tract No. 1791

The South Half of the Northwest quarter of the Northeast quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ ) and the Northwest quarter of the Southwest quarter of the Northeast quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section Thirty-three (33), Township Twenty (20) North, Range Nineteen (19) East of the I.M., situate in Mayes County, Oklahoma, containing 30 acres, more or less,

a total, fair, cash, market value of \$2300.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, the United State of America, deposit with the Clerk of this Court, as the registrar of said Court, the total sum of Five Thousand Fifteen and No/100 Dollars (\$5,015.00), representing the total compensation for the tracts of land hereinabove set forth and described, and that upon depositing said amount there will vest in the United States the title to said lands and estates therein as more particularly described hereinabove.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon depositing the said sum of Five Thousand fifteen and no/100 Dollars (\$5,015.00) with the Clerk of this Court, as aforesaid, the said lands and estates therein as hereinabove specifically set forth and described will be deemed to have been condemned and taken for the uses and purposes of the United States of America, and that the right to the compensation in said amount will vest in the persons lawfully entitled thereto.

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 16 1944  
H. P. Warfield, Clerk  
U. S. District Court IN

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Court adjourned to August 23, 1944

On this 17th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. Hazy, United States Attorney  
John B. 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. 1076
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 124.0 acres, more or less; and Alta Faust, et al.	Defendants.	)

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION FOR CONDEMNATION

NOW, on this 17th day of August, 1944, 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 of its petition herein, making additional parties defendant.

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

ENDORSED: Filed Aug 17 1944  
H. P. Warfield, Clerk  
U. S. District Court

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		)
		) CIVIL NO. 1188
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, etc., and Lula Huggins, et al.,	Defendants.	)

ORDER FIXING TITLE, DECREESING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 17 (25 FW-OR 592)

NOW, on this 17th day of August, 1944, there coming on for hearing the applicatio

of the defendant, Orville E. Chapman for an order fixing title, decreasing just compensation and making distribution as to Tract No. 17 (25 FW-OR 592) and the Court being fully advised in the premises, finds:

That the defendant, Orville E. Chapman, was the owner of the land designated as Tract No. 17 (25 FW-OR 592) 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 \$19.90 for the taking of a perpetual easement for road purposes over and upon 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 road purposes upon and over said land; 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 for road purposes.

The Court further finds that the defendant, Orville E. Chapman, in writing, agreed to grant and sell to the petitioner a perpetual easement for road purposes upon and over said tract of land for the sum of \$19.90, which was accepted by the petitioner.

The Court further finds that the sum of \$19.90 is just compensation for the injuries and damages sustained by said defendant.

The Court further finds that no person, firm, corporation, or taxing subdivision of the State other than said defendant, have any right, title or interest in and to said just compensation, except the mortgagee, who has filed waiver herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Orville E. Chapman, was the owner of the land designated as Tract No. 17 (25 FW-OR 592) when this proceeding was commenced; and that the sum of \$19.90 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except the mortgagee, who has filed waiver herein.

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

TO: Orville E. Chapman  
Owner - Tract No. 17 (25 FW-OR 592) \$19.90

ROYCE W. SAVAGE  
JUDGE

F. B. BARNES: Filed Aug. 17 1944  
R. F. Warfield, Clerk  
U. S. District Court IX

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

UNITED STATES OF AMERICA, Petitioner,

vs

CIVIL NO. 1190

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, OKLAHOMA,  
etc., and F. R. Hodgdon, et al., Defendants.

ORDER FIXING TITLE, DECREASING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 4 (50 FW 1332-B)

Now, on this 17th day of August, 1944, there coming on for hearing the application

of the defendant, P. E. Smith, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 4 (50 FW 1333-B) and the Court being fully advised in the premises, finds:

That the defendant, P. E. Smith, was the owner of the land designated as Tract No. 4 (50 FW 1333-B) 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 \$100.00 for the taking of a perpetual flowage easement 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 flowage easement upon and over said tract of land; 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 a perpetual flowage easement upon and over said tract of land.

The Court further finds that the defendant, P. E. Smith, in writing, agreed to grant and sell to the petitioner, a perpetual flowage easement upon and over said tract of land for the sum of \$100.00, which was accepted by the petitioner.

The Court further finds that the sum of \$100.00 is just compensation for the injuries and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, P. E. Smith, was the owner of the land designated as Tract No. 4 (50 FW 1333-B) when this proceeding was commenced, and that the sum of \$100.00 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: P. E. Smith      Owner - Tract No. 4 (50 FW 1333-B)      \$100.00

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 17 1944  
H. P. Warfield, Clerk  
U. S. District Court IN

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,      Libellant,      )

v.      )

No. 1364 Civil

One 1940 Pontiac Sedan Automobile, Motor No. 8-241,378, and Approximately 19 gallons of Assorted Taxpaid Intoxicating Liquors seized therein; Paul Troy Lock and The Interstate Securities Company, Incorporated, of Tulsa, Oklahoma,      Claimants.      )

ORDER FOR MONITION

Now on this 17th day of August, 1944, it appearing to the Court that the said 1940 Pontiac sedan automobile, Motor No. 8-341,378, with approximately nineteen (19) gallons of intoxicating liquors containing more than four per centum (4%) of alcohol by volume, was seized at a point on United States Highway No. 66, about three (3) miles Southwest of the City of Vinita, in Craig County, State of Oklahoma, Northern Judicial District of Oklahoma and within the jurisdiction of this Court, on June 20, 1944, by Joe Madison, Undersheriff, Craig County, State of Oklahoma, by virtue of the authority of his said office, and in accordance with the provisions of law in such case made and provided, while said automobile was being used by Paul Troy Lock for transportation of such intoxicating liquors from the City of Joplin, State of Missouri into the State of Oklahoma and to the aforesaid described point of seizure; it further appearing that thereupon said property was appraised at more than Five Hundred Dollars (\$500.00) whereupon libelant has instituted libel action herein and requests issuance of monition notifying claimants Paul Troy Lock and The Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, and all other interested persons, unless notice thereof be waived, of the pendency of such libel action.

IT IS, THEREFORE, ORDERED that monition issue as prayed for in said libel and that same be served upon Paul Troy Lock and The Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, unless notice thereof be waived, and any other person that might claim any interest in said automobile and intoxicating liquors, requiring them to appear in said Court on or before twenty (20) days after personal service thereof, and to show cause, if any they have, why said automobile and intoxicating liquors should not be forfeited to libelant under provisions of Section 944, Title 27, U. S. Code Annotated, and in accordance with the provisions of the law relating to seizures, forfeiture and disposition of property and proceeds for violation of the Internal Revenue Laws of the United States.

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

ROYCE W. BRUCE  
JUDGE

ENDORSED: Filed Aug 17 1944  
H. P. Warfield, Clerk  
U. S. District Court LM

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

NED WILSON, IN HIS OWN PROPER PERSON, AND KENNY VARR, )  
BY NED WILSON, HIS NEXT FRIEND, Plaintiffs, )

vs. )

NO. 1204 CIVIL

E. L. HARDISTER, LILA GOURD WILSON, THE HEIRS )  
AND UNKNOWN HEIRS, EMBERTONE, ADMINISTRATORS, )  
DEVISEES, TRUSTEES, AND ASSIGNS, IMMEDIATE AND )  
RENTE, OF LILA GOURD WILSON, DECEASED, THE )  
OKLAHOMA TAX COMMISSION AND UNITED STATES OF )  
AMERICA, Defendants. )

JOURNAL ENTRY

Now on this 24th day of August, 1944, comes the plaintiff Ned Wilson, in person and as next friend for the plaintiff, Kenny Varr, and by H. F. Pullin, their attorney, and comes also the United States of America by Whit V. Kaury, United States Attorney for the Northern District of Oklahoma, and comes also the defendant, E. L. Hardister, by Charles W. Farnell, his attorney, and this

notice having been regularly published for trial this day, and the parties announced ready for trial, is now submitted to the Court and the Court having heard the evidence, and being duly advised, finds:

That notice was given by publication to the defendants, Lila Gourd Wilson, the heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote of Lila Gourd Wilson, by the Clerk of the District Court of Washington County, Oklahoma, upon affidavit filed, which publication was made in the Bartlesville Evening Examiner of Bartlesville, Oklahoma, more fully shown by the proof of publication filed in this cause, and the Court finds that said affidavit for publication, and said publication so made, were and are proper as required by law, and by reason thereof the Court has jurisdiction of all of said defendants to whom publication notice was given.

That the defendant, Oklahoma Tax Commission, has entered its appearance and filed disclaimer for and in behalf of the State of Oklahoma on account of inheritance or transfer taxes, and the Court now has jurisdiction of all of the defendants.

The Court further finds that the material allegations of plaintiffs petition are true; that this action is prosecuted by the plaintiff Ned Wilson in his own proper person, and Kenny Vann, by Ned Wilson his next friend; that Lila Gourd Wilson was a full blood Cherokee Indian enrolled in the name of Lila Wilson, opposite Roll No. 16345 as such, and there was allotted and conveyed to her by the Cherokee Nation on May 5, 1908, the following described real estate in Washington County, Oklahoma, to-wit:

The Southwest Quarter of the Southwest Quarter of Section 28,  
Township 25 North, Range 15 East, containing 40 acres, more or less.

That she became the owner of said real estate in fee simple, and was the owner thereof at the time of her death, intestate, in Cherokee County, Oklahoma on August 22, 1941; that said real estate was restricted against alienation or encumbrances and so continued and was so at the time of her death; that the said Lila Gourd Wilson left no husband surviving and left as her only heirs at law one son, the plaintiff, Ned Wilson, and one grandson, the plaintiff Kenny Vann, a minor, who upon the death of said Lila Gourd Wilson inherited the above described real estate; that the said Ned Wilson and Kenny Vann are each full blood Cherokee Indians; that there has never been any determination of the heirs of said Lila Gourd Wilson and no administration upon her estate, and none is necessary because said real estate was restricted and not subject to any debts against her or her estate; that the plaintiffs Ned Wilson and Kenny Vann are each the owners of an undivided one-half interest in and to said real estate and that they desire and are entitled to have partition thereof, and commissioners appointed for that purpose.

That the defendant E. L. Hardister has and holds a valid agricultural lease upon said real estate for five years beginning January 1, 1943, and ending December 31, 1946, and that any partition or sale of said real estate should be subject to said lease; that the plaintiffs are entitled to have their quieted subject to said lease; that said real estate was at all times tax exempt, and worth less than \$15,000.00, and exempt from all inheritance or transfer tax; that the plaintiffs are the only heirs at law of said Lila Gourd Wilson, deceased, and that the defendant Lila Gourd Wilson and the heirs and unknown heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of said Lila Gourd Wilson, deceased, have each failed to answer and are therefore in default and have no interest in any of said real estate.

IT IS THEREFORE considered, ordered and decreed by the Court that the plaintiffs, Ned Wilson and Kenny Vann, are the only heirs at law of Lila Gourd Wilson, deceased, and as such, inherited said real estate upon her death and have ever since been and now are each the owner in fee simple of an undivided one-half interest therein; that their title thereto and the same is hereby quieted and forever set and rest against all the defendants; that they are entitled to have and are hereby granted partition of said real estate, if that can be done without manifest injury, and if not, to have the Commissioners make an apportionment of said property, as provided by law, and the Court now appoints Emmet Brown, J. C.

Waver and J. C. Campbell commissioners to partition said real estate; that they take oath as required by law and report back to this Court; that any partition of sale of said real estate be made subject to the agricultural lease of the defendant E. L. Hardister. That the Soldiers and Sailors Relief Act has been complied with.

RYNCE H. SAVAGE  
United States District Judge

ENDORSED: Filed Aug 17 1944  
H. F. Norfield, Clerk  
U. S. District Court LN

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

UNITED STATES OF AMERICA, Petitioner, )  
vs ) CIVIL NO. 1235  
CERTAIN PARCELS OF LAND IN OTTEWA COUNTY,  
OKLAHOMA, etc., and S. S. Garman, et al., Defendants.

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT No. 6 (50 FW 1237)

NOW, on this 17th day of August, 1944, there coming on for hearing the application of the defendants, Bert Childers and Nora Childers, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 6 (50 FW 1237) and the Court being fully advised in the premise finds:

That the defendants, Bert Childers and Nora Childers, were the owners of the land designated as Tract No. 6 (50 FW 1237) 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 \$600.00 for the taking of the entire fee simple title in and to 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, the entire fee simple title in and to said tract of land; 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 tract of land.

The Court further finds that the defendants, Bert Childers and Nora Childers, in writing, agreed to grant and sell to the petitioner the entire fee simple title in and to said tract of land for the sum of \$600.00, which was accepted by the petitioner.

The Court further finds that the sum of \$600.00 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 have any right, title or interest in and to said just compensation, except

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Bert Childers and Nora Childers were the owners of the land designated as Tract No. 6 (50 FW 1237) when this proceeding was commenced, and that the sum of \$600.00 is just compensation for the damages sustained by the defendants; and that said defendants are the only persons having any right, title or interest in and to said just compensation, except



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

LEONA STOKES,

Plaintiff,

vs

No. 980 Civil

SHELLY OIL COMPANY, a  
corporation,

Defendant.

ORDER VACATING JUDGMENT AND GRANTING  
NEW TRIAL

This cause came on regularly to be heard on this August 11, 1944, upon the following motions:

(1) The motion filed herein by the plaintiff on April 8, 1944, entitled "MOTION TO SET ASIDE JUDGMENT IN FAVOR OF THE DEFENDANT AND ENTER JUDGMENT ON JURY'S VERDICT IN FAVOR OF PLAINTIFF OR IN THE ALTERNATIVE TO GRANT THE PLAINTIFF A NEW TRIAL", which motion is hereinafter referred to as the First Motion; and

(2) The motion filed herein by the plaintiff on May 8, 1944, entitled, "AMENDMENT TO PLAINTIFF'S MOTION TO SET ASIDE JUDGMENT IN FAVOR OF THE DEFENDANT AND ENTER JUDGMENT ON JURY'S VERDICT IN FAVOR OF PLAINTIFF OR IN THE ALTERNATIVE TO GRANT THE PLAINTIFF A NEW TRIAL," which last-mentioned motion is hereinafter referred to as the second motion; and

(3) The motion filed herein by the defendant on May 18, 1944, to strike and dismiss plaintiff's said amendatory motion filed herein on May 8, 1944, which said motion to strike and dismiss is hereinafter referred to as the Third Motion.

The plaintiff appeared by her attorneys H. A. Hamilton and Fred Tillman, and the defendant appeared by its attorneys James W. Coogrove and Alvin F. Kolony. After considering the briefs and arguments of counsel for and against said motions, and being fully advised in the premises, and coming first to consider and determine said First Motion, the following proceedings were had and, by order of the court, were incorporated in the record of this cause:

"And thereupon the Court in passing upon the question made the following remarks:

The Court: In the first place, the court reached the conclusion that this motion, and its various grounds, may be considered as a motion for a new trial.

Mr. Coogrove: Your Honor has in mind the six grounds set out in the first half of it?

The Court: That's right. And that it is the court's view that the plaintiff is not entitled to a new trial on the ground of newly discovered evidence, for two reasons: In the first place, I don't think there is a showing of reasonable diligence. I don't feel the counsel may proceed on the assumption. - -

Mr. Tillman: Or what -- I didn't hear, Your Honor.

The Court: I don't feel that counsel may proceed on the assumption that a mechanic was competent, and not make any investigation of it, and then after trial, proceed to investigate that question, and then come in and obtain a new trial on the ground of newly discovered evidence. In other words, I think reasonable diligence would have required the parties to make that investigation before the trial. Furthermore, I don't believe that the alleged newly discovered evidence would change the result of the trial for the reason that the burden was on the plaintiff not only to show incompetency

but that such incompetence was the proximate cause of the injury and the death -- the accident; and if it could be demonstrated that this mechanic was incompetent, then in order to show that such incompetence was the proximate cause of this accident it would be necessary to show that he didn't properly reassemble the draglink and that was the point that the plaintiff set out and sought to establish in the first instance. So we would be right back where we were on the draglink question. So I have reached the conclusion that on that ground of newly discovered evidence, the plaintiff is not entitled to a new trial for those two reasons. The new trial is granted solely for the reason that the court has reached the conclusion that I committed error in granting the defendant's motion for judgment notwithstanding the verdict; that a judgment 'N.C.V.' may be entered only where the court should have directed a verdict. The court in this instance could not direct a verdict for the defendant because the evidence in the case raised the jury question with respect to the defendant's negligence in having the truck equipped with a defective tire. Now, those matters I think should be set out since the reporter didn't have all my comments -- I think they should be set out in a journal entry since this case might be tried to another judge.

Mr. Cosgrove: Well, your Honor, may the evidence as to negligence in the new trial be restricted to the question of the tire?

The Court: No.

Mr. Cosgrove: The issue on the new trial be restricted as to the tire?

The Court: No.

Mr. Holony: We asked that, Your Honor because we understood Your Honor was in doubt as to whether they made out a case for the jury on the draglink.

The Court: Well, the fact they did not have sufficient evidence in my judgment to go to the jury on the question of negligence in reassembling this draglink at the former trial, does not mean--

Mr. Holony: I understood Your Honor to say, before the case went to the jury and thereafter that you were in doubt about whether they made a case to the jury on the draglink.

The Court: Well, I wrote a memorandum to the effect that they did not make a case on the draglink.

Mr. Holony: That is why we are asking Your Honor, under Rule 59, to restrict the issue to be tried on the new trial to the issue of the tire, which you have authority to do.

The Court: No, they may have some additional evidence.

Mr. Tillman: These are matters for the trial judge on the second trial.

The Court: I think they have the right to present any evidence they have on that question. Of course if I try the case, and the evidence is the same this time as before, on the draglink question, I doubt if I would submit that issue to the jury.

Mr. Holony: One other thing, Your Honor, I would like to ask: You understand, of course, we take the position you have no jurisdiction to grant this order, and we want to file an appeal. As I understand we have ten days to put up a cost bond. Shall I put that in the journal entry, that we have ten days to file a cost bond? I don't understand a supersedeas bond is necessary in view of the fact you are granting a new trial.

The Court: Just a cost bond.

Mr. Meloy: I will just take it up on the record on this question of jurisdiction, and have that question decided.

Mr. Tillman: No, not indicating, if I may interrupt, that you intend to appeal from the judgment of the court granting a new trial.

Mr. Meloy: Yes sir, on the grounds that the court had no jurisdiction to enter --

Mr. Tillman: To enter -- you mean, to grant, the new trial?

Mr. Meloy: To grant a new trial. May I submit a form of journal entry.

The Court: I will be glad if you will do that, and submit it to counsel as soon as possible to settle and agree upon a journal entry; that may be some controversy about it because I do not expect you to cover the points that I mentioned.

Mr. Tillman: On that question, Your Honor, the journal entry now will be drawn by counsel for the defendant --

The Court: Yes, sir.

Mr. Tillman: And submitted to counsel for the plaintiff for approval or O.K. and agreement before it is submitted to Your Honor then for signature?

The Court: Yes; and if it will give you sufficient time I suggest that you endeavor to write the journal entry and present it today, if you can, and then present it to me tomorrow morning, if that will give you enough time.

Mr. Meloy: That will be all right; I think I can get it out.

The Court: If that doesn't give you enough time, you can do it next week.

Mr. Tillman: I will have to go back at noon, and Mr. Hamilton is not here.

Mr. Meloy: We can mail it to Mr. Tillman, if that will be all right. May I ask another question, --

Mr. Tillman: Upon whose motion for new trial now is Your Honor passing and sustaining?

The Court: Yours.

Mr. Tillman: Ours.

The Court: That is the only motion that has ever been filed. "

To the refusal of the court to grant plaintiff's motion to set aside said judgment for defendant and enter judgment for plaintiff on the verdict of the jury, plaintiff excepts and her exception is allowed.

To the finding of the court that the plaintiff's motion for a new trial on the ground of newly discovered evidence should be denied, the plaintiff excepts and her exception is allowed. To the finding of the court that it erred in sustaining defendant's motion for judgment notwithstanding the verdict and that, therefore, a new trial should be granted on the ground that the judgment sustaining said motion was contrary to law, the defendant excepts and its exception is allowed.

It is, therefore, ORDERED and ADJUDGED by the Court that the plaintiff's motion to set aside said judgment for defendant and to enter judgment for plaintiff on the verdict of the jury, as set forth in the first part of said First motion, be and the same is hereby denied, to which action of the court in denying same plaintiff excepts and her exception is allowed; and

It is further ORDERED and ADJUDGED by the court that the plaintiff's motion for a new trial on the ground of newly discovered evidence, as set forth in the second part of said First motion, be and the same is hereby denied, to which action of the court in denying same the plaintiff excepts and her exception is allowed; and

It is further ORDERED and ADJUDGED by the court that the judgment made and entered herein on April 7, 1944, sustaining the defendant's motion for judgment notwithstanding the verdict, setting aside the verdict, and entering judgment for the defendant, be and the same is hereby vacated and set aside, and that a new trial of this cause be and the same is hereby ordered on the ground that said judgment is contrary to law, to which action of the court in vacating said judgment and ordering such new trial the defendant excepts and its exception is allowed.

The court is of the further opinion, and so finds and concludes, that its action in vacating said judgment and ordering such new trial renders irrelevant said Second motion and said Third Motion, and it is, therefore, ordered by the court that said last mentioned motions be and the same hereby are dismissed.

Done at Tulsa, Oklahoma, this August 18, 1944.

ROYCE H. SAWAGE  
JUDGE

ENDORSED: Filed Aug 18 1944  
H. F. Warfield, Clerk  
U. S. District Court III

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

UNITED STATES OF AMERICA,

Petitioner,

vs

No. 1088 Civil

1,435.0748 acres of land, more or less,  
situate in Mayes County, Oklahoma, and  
Porter W. Arterberry, et al.,

Respondents.

JUDGMENT CONFIRMING STIPULATION AS TO TRACTS NO. 1  
1784 and 1794

Now on this 18th day of August, 1944, there comes on for hearing upon the application of petitioner, the matter of confirming the stipulation entered into by and between the petitioner and the landowners as to Tracts No. 1784 and 1794, and more particularly hereinafter described.

Whereupon, the Court proceeded to hear and pass upon the petition for condemnation and amendments thereto, the stipulation as to said tracts, and all other matters herein, and finds that:

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

(3) The said Petition for Condemnation and Amendment thereto were filed at the request of the Secretary of War, 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.

(7) In said Petition for Condemnation and Amendment thereto, is set forth a statement of the authority under which, and the public use for which said lands were taken.

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

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein and notice of determining rightful owners and claimants was served upon each and all of the respondents named in said Petition for Condemnation and Amendment thereto, as required by law and the order of this Court.

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

The Court further finds that the publication notices and the affidavits of the publishers, as filed herein, are in all respects in accordance with the law in such case made and provided and the same are hereby approved by this Court.

(6) The Court finds that the owners of the real estate hereinafter described and estates taken therein, and involved in this proceeding, all as determined by the Order Fixing Title entered herein, and, therefore, the persons entitled to just compensation to be paid for said real estate hereinafter described, have filed a stipulation, wherein they agree that the fair, cash, market value of said tracts of land, hereinafter described, is the sum of \$18,500.00.

(7) The Court, having fully considered the Petition for Condemnation, and Amendment thereto, and all proceedings had herein, and the Provisions of the Act of Congress approved June 28, 1938 (52 Stat. 1315) and an act of Congress approved August 18, 1941 (37 U.S.C.A. 701b et seq.), and their Amendments and other Acts of Congress of which said Acts are declaratory or amendatory, the Act of Congress approved December 17, 1941, designated "Flood Control, General" contained in the Third Supplement National Defense Appropriation Act, 1942, the Act of Congress approved August 1, 1888 (25 Stat. 357), and April 24, 1888 (25 Stat. 94) is of the opinion that the United States of America, was and is entitled to take said property and have the title thereto vested in it, and that the alleged public purposes and uses, as set out in said Petition for Condemnation and Amendment thereto, are hereby adjudged to be in truth and in fact public purposes and uses within the meaning and purport of the above designated Acts of Congress.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation, filed herein, is finalized that the fair, cash, market value as to the tracts of land hereinafter designated and described, and the estates therein taken, as set forth and described in the Petition and Amendment thereto filed herein, is and shall be the sum of Eighteen Thousand Five Hundred and no/100 Dollars (\$18,500.00), and respondents shall be permitted to reserve improvements, which are to be removed prior to December 31, 1944, or the United States of America may remove or destroy same without liability; said tracts of land being described as follows, to-wit:

Tract No. 1784

The South Half of the Southwest quarter of the Northeast Quarter (S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ); or the Northwest quarter of the Northwest Quarter of the Southeast quarter (NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ); and South Half of the Northwest quarter of the Southeast quarter (S $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ ), and South 7.01 acres of Lot Three (C), and Lot Five (E); and East

Half of the Southwest quarter (E SW $\frac{1}{4}$ ); and all that part of the East Half of the West Half of the Southwest quarter (E $\frac{1}{2}$  W $\frac{1}{2}$  SW $\frac{1}{4}$ ) lying East of Choteau Creek, Section Thirty-three (33), Township Twenty (20) North, Range Nineteen (19) East of the I.M.; and all of Lot Two (2) West of Grand River; and the North 20.8 acres of Lot Three (3); and 7/8th acre in the Northeast corner of Lot Four (4), Section Four (4), all in Township Nineteen (19) North Range Nineteen (19) East of the I.M., situate in Hayes County, Oklahoma, containing 214.31 acres, more or less.

Tract No. 1794

The South 18.98 acres of Lot One (1), and the East 17.45 acres of Lot Two (2), (Otherwise described as all of Lot Two (2), except the East 22 acres thereof), in Section Thirty-three (33); and the South 1.3 acres of Lot Two (2), (Otherwise described as all of Lot Two (2) except the North 6.08 acres thereof), in Section Thirty-four (34), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, including all accretions thereto, situate in Hayes County, Oklahoma, and containing 34.73 acres, more or less.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED BY THE COURT that the petitioner, the United States of America deposit with the Clerk of this Court as the registrar of the Court, the total sum of Eighteen Thousand Five Hundred and 10/100 Dollars (\$18,500.00) representing the total compensation in money for the tracts of land hereinabove set forth and described, and that upon depositing said sum as aforesaid with the Clerk of this Court, as aforesaid, the lands and estates taken will be deemed to have been condemned and taken for the uses and purposes of the United States of America, and that the right to the compensation in said amount as hereinabove set forth, will rest in the persons lawfully entitled thereto.

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

ROYCE H. SAVAGE  
 JUDGE

ENDORSED: Filed Aug 18 1944  
 H. P. Warfield, Clerk  
 U. S. District Court ME

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

PRESTON S. DEWALT,

Plaintiff,

vs

No. 1250 - Civil

DOUGLAS AIRCRAFT COMPANY, INC.,  
a corporation,

Defendant.

JOURNAL ENTRY OF JUDGMENT ALIQUOT OF DISMISSAL

Now on this 4th day of August, 1944, the above coming on for hearing on motion of the defendant to dismiss the petition of plaintiff on file herein, and the Court, after the argument of counsel and being advised in the premises, finds that the same should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the defendant, Douglas Aircraft Company, Inc., to dismiss the petition of the plaintiff on file herein, be and he same hereby is sustained and said cause is hereby ordered dismissed.

Plaintiff's attorney thereupon requested leave to file herein an amended petition, which request was by the Court granted, plaintiff being allowed a period of ten days in which to file an amended petition if he should so elect.

And now on this 18th day of August, 1944, this cause comes on for further hearing upon plaintiff's motion to dismiss the same with prejudice, and the Court being advised in the premises finds that said request should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause be, and the same is hereby dismissed with prejudice to the filing of a further action, the costs herein to be borne by the plaintiff.

ROYCE M. SAVAGE  
JUDGE

ENDORSED: Filed Aug 18 1944  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to August 18, 1944

On this 19th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. Royce M. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Walt V. Gausz, United States Attorney  
John W. 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

In the matter of the Re-appointment of Conciliation Commissioners for the Various Counties in the Northern District of Oklahoma

O R D E R

Now on this 19th day of August, A. D. 1944, the Court finds that a Conciliation Commissioner should be appointed for the Northern District of Oklahoma.

IT IS THEREFORE ORDERED that Maurice F. Ellison be and he is hereby appointed Conciliation Commissioner to act in each of the Counties of the Northern District of Oklahoma effective August 19, 1944 for the period of Two (2) Years and that he make good in the sum of Five Hundred \$500.00 Dollars.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 19 1944  
H. P. Warfield, Clerk  
U. S. District Court

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Court adjourned to August 31, 1944

On this 31st day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. Sawyer, 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. 1071

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA,  
etc., and Grace H. Settle, et al.,

Defendants.

ORDER FIXING TITLE, DECREESING JUST COMPENSATION AND MAKING  
DISTRIBUTION AS TO TRACT NO. 16 (28 FW 487)

Now, on this 31st day of August, 1944, there coming on for hearing the application of the defendant, Florence Clark Armstrong, for an order fixing title, decreesing just compensation and making distribution as to Tract No. 16 (28 FW 487) and the Court being fully advised in the premises, finds:

It is here referred, Florence Clark Armstrong, was the owner of the land designated as Tract No. 16 (22 E 427) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and recorded in the registry of this Court the estimated just compensation in the sum of \$312.00 for the taking of a perpetual flowage easement 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 flowage easement upon and over said tract of land; 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, Florence Clark Armstrong, in writing, agreed to grant and sell to the petitioner, a perpetual flowage easement upon and over said tract of land for the sum of \$312.00, which was accepted by the petitioner.

The Court further finds that the sum of \$312.00 is just compensation for the injuries and damages sustained by said defendant.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Florence Clark Armstrong, was, the owner of the land designated as Tract No. 16 (22 E 427) when this proceeding was commenced, and that the sum of \$312.00 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: Florence Clark Armstrong - Owner  
Tract No. 16 (22 E 427)

\$312.00

ROYCE W. SAVAGE  
J U D G E

ENDORSED: Filed Aug 21 1944  
H. P. Warfield, Clerk  
U. S. District Court AC

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

UNITED STATES OF AMERICA,

Petitioner,

vs

CIVIL NO. 1075

CERTAIN PARCELS OF LAND IN DELTA COUNTY, OKLAHOMA, etc., and Lucy A. Wallace, et al.,

Defendants.

ORDER WITH TITLE, DECREESING JUST COMPENSATION AND TAKING IN CONNECTION WITH TRACT NO. 19 (24 FW 534)

NOW, on this 23rd day of August, 1944, there coming on for hearing the application of the defendants, Blanche E. Freeman, now Chapman, and C. E. Chapman, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 19 (24 FW 534), and the Court being fully advised in the premises, finds:

That the said Blanche E. Freeman, now Chapman was the owner of the land designated as Tract No. 19 (24 FW 534) when this proceeding was commenced, and C. E. Chapman was tenant thereon; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the sum of \$477.00, the estimated just compensation for the taking of a perpetual flowage easement in and to said tract of land; that on the 2nd day of September, 1943, the Court entered a judgment on said Declaration of Taking, filed by the petitioner, thereby vesting, in the petitioner, United States of America, a perpetual flowage easement upon and over said premises, and decreed that the same persons those having any right, title or interest in and to said tract of land, have and recover just compensation for such taking.

The Court further finds that the said Blanche E. Freeman, now Chapman agreed to grant and sell to the petitioner said perpetual flowage easement upon and over said tract of land for the sum of \$510.50, which was accepted by the petitioner.

The Court further finds that the sum of \$510.50 is just compensation for the injuries and damages sustained by the said Blanche E. Freeman, now Chapman, as owner, and C. E. Chapman, as tenant and that no other person, firm, corporation, or taxing subdivision of the State, other than said defendants, have any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the said Blanche E. Freeman, now Chapman, was the owner of the lands designated as Tract No. 19 (24 FW 534) when this proceeding was commenced, and that the sum of \$510.50 is just compensation for the taking of a perpetual flowage easement upon and over said tract of land, and that said defendants are the only persons having any right, title or interest in and to said just compensation.

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

- TO: Blanche E. Freeman, now Chapman Owner - Tract No. 19 (24 FW 534) \$402.00
- C. E. Chapman, Tenant - Tract No. 19 (24 FW 534) \$ 78.50

and that when the additional sum of 108.50 is deposited in the registry of the Court, same being the difference between the estimated just compensation on deposit on this Court, and the just compensation as fixed by said accepted Offer of Sale, said amount is to be disbursed to Blanche E. Freeman, now Chapman.

FORWARDED: Filed Aug. 31 1944  
A. F. Garfield, Clerk  
U. S. District Court - MO

RAYCE H. SANSUE  
JUDGE

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

UNITED STATES OF AMERICA,

Petitioner,

-vs-

CIVIL NO. 1233

CERTAIN PARCELS OF LAND IN DELTA COUNTY, OKLAHOMA, etc., and Lula E. Maguire, et al.,

Defendants.

ORDER FIXING TITLE, DECREES OF JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 1 (25 EW 588)

NOW, on this 31st day of August, 1944, there coming on for hearing the application of the defendant, Blanche E. Freeman, now Chapman, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 1 (25 EW 588) and the Court being fully advised in the premises finds:

That the defendant, Blanche E. Freeman, now Chapman, was the owner of the land designated as Tract No. 1 (25 EW 588) 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 \$811.50 for the taking of a perpetual flowage easement 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 flowage easement upon and over said tract of land; 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 flowage easement.

The Court further finds that the defendant, Blanche E. Freeman, now Chapman, in writing, agreed to grant and sell to the petitioner, a perpetual flowage easement upon and over said tract of land for the sum of \$811.50 which was accepted by the petitioner.

The Court further finds that the sum of \$811.50 is just compensation for the injury and damages sustained by said defendants.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Blanche E. Freeman, now Chapman, was the owner of the land designated as Tract No. 1 (25 EW 588) when this proceeding was commenced, and that the sum of \$811.50 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation; except

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

To: Blanche E. Freeman, now Chapman,  
Owner - Tract No. 1 (25 EW 588) \$811.50

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 31 1944  
H. P. Hatfield, Clerk  
U. S. District Court AC

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

UNITED STATES OF AMERICA, Petitioner, )  
 vs ) CIVIL NO. 1133  
 CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, )  
 CALIFORNIA, etc., and Blanche E. Freeman, et )  
 al, Defendants. )

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 16 (25 FW-CR 589)

Now, on this 31st day of August, 1944, there coming on for hearing the application of the defendant, Blanche E. Freeman, now Chapman, for an order fixing title, decreasing just compensation and making distribution as to Tract No. 16 (25 FW-CR 589) and the Court being fully advised in the premises, finds:

That the defendant, Blanche E. Freeman, now Chapman, was the owner of the land designated as Tract No. 16 (25 FW-CR 589) 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 \$21.85 for the taking of a perpetual easement for road 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 road purposes upon and over said 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 road purposes upon and over said land; 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 for road purposes;

The Court further finds that the defendant, Blanche E. Freeman, now Chapman, in writing, agreed to grant and sell to the petitioner a perpetual easement for road purposes upon and over said tract of land for the sum of \$21.85 which was accepted by the petitioner.

The Court further finds that the sum of \$21.85 is just compensation for the injuries and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Blanche E. Freeman, now Chapman, was the owner of the land designated as Tract No. 16 (25 FW-CR 589) when this proceeding was commenced, and that the sum of \$21.85 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: Blanche E. Freeman, now Chapman - owner	
Tract No. 16 (25 FW-CR 589)	\$21.85

ROYCE H. SAVAGE  
J U D G E

RECORDED: Filed Aug 31 1944  
H. P. [unclear], Clerk  
U. S. District Court at [unclear]

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

UNITED STATES OF AMERICA,

Petitioner,

vs

CIVIL NO. 1181

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, OKLAHOMA, containing approximately 61.04 acres, more or less, and C. F. Brodrick, et al., Defendants.

ORDER APPOINTING COMMISSIONERS

Now, on this 21st day of August, 1944, 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 June 10, 1920, 41 Stat. 1062 (16 U.S.C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of June 16, 1937, 48 Stat. 200-203 (40 U.S.C. Secs. 401-407) as amended and supplemented; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9378, dated August 30, 1943; the Act of August 1, 1888, 25 Stat. 357 (40 U.S.C. Sec. 252); and the Act of February 21, 1931, 46 Stat. 1421 (40 U.S.C. Sec. 258 (a) to 258 (e)); Title II of the Act of March 27, 1942, 56 Stat. 177 (50 U.S.C. 171 (a)), the Secretary of the Interior 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 Secretary of the Interior, has duly selected for acquisition by the United States for said public purposes, certain lands situate, lying and being in the County of Ottawa in the Northern District of the State of Oklahoma, within the jurisdiction of this Court, and more particularly described as follows, to-wit:

(See Journal 7, Page 596 for description of tracts)

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

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

The Court further specifically finds that publication service was had according to 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, RETURNED AND LOCKED by the Court that T. J. Grant of Tulsa County, Oklahoma, W. E. Hayes of Nowata County, Oklahoma, and C. W. Hamilton of Ottawa County, Oklahoma, each a disinterested freeholder in the Northern District of Oklahoma, and not interested in any like question, be, and they are hereby selected by the Judge of this Court from the regular jury list of names of this Court, and are appointed as commissioners to parcel said tracts of land as heretofore described and consider the injury and damage to be done by 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 Marshal for the Northern District of Oklahoma do, and he is hereby directed to summons forthwith each of said commissioners, and that said commissioners report at the United States Post Office Building, in Vinita, Oklahoma, on the 26th day of August, 1944, at the hour of 9:00 o'clock A.M., for the purpose of taking the oath of office, and the performance of their duties.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 21 1944  
H. P. Warfield, Clerk  
U. S. District Court NO

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

HESTER WOVLES, Administrator, Office of Price Administration,

Plaintiff,

Civil No. 1,254

vs

GUY E. MAYCOFF, an individual,

Defendant.

J U D G M E N T

On the 18th day of August, 1944, this cause came on for hearing at which time plaintiff appeared by his counsel, John C. D. Cobb, and defendant, who had filed an answer in said cause, appeared in person and by his attorney, Joe W. Simpson. At said hearing, it was agreed by the parties that this hearing should serve as the hearing for a permanent injunction.

At the conclusion of the plaintiff's evidence, the defendant moved for judgment, but said motion was denied by the Court.

The Court having heard the matter and being fully advised of the premises, makes the following Findings and enters the following Judgment.

Findings of Fact

1. That Maximum Price Regulation No. 372, as amended, Maximum Price Regulation No. 429, as amended, the General Maximum Price Regulation, as amended, and Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation, of the Office of Price Administration, have been in full force and effect at all times involved herein, and that defendant is subject to the same.

2. That the defendant sold at prices in excess of the permitted maximum ceiling prices all of the commodities mentioned in the plaintiff's complaint except the radio tube, and that the price for said radio tube included a charge for certain services, the price of which services were not separately stated and charged.

3. That defendant failed and neglected to preserve and maintain the records required to be prepared and maintained by the above mentioned Regulations of the Office of Price Administration that defendant filed and neglected to issue the invoices which are required to be issued by said Regulations, and further that defendant failed to properly label or tag the articles which he offered for sale under the provisions of Maximum Price Regulation No. 429, as amended, in accordance with the provisions of that Regulation.



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 Bucyrus-Erie Company, a corporation, plaintiff, and Grady Wallace and Florence Marie Townsend, defendants, No. 875, Civil, the judgment of the said District Court in said cause, entered on June 18, 1943, was in the following words, viz:

\* \* \* \* \*

"Now, therefore, on this 19 day of June, 1943, it is ordered and adjudged;

"That plaintiff do have and recover of and from the Defendant, Florence Marie Townsend, the sum of \$6,032.76, and that said sum bear interest from June 15, 1942, at the rate of 6% per annum until paid, and; further that the Plaintiff have and recover of and from the Defendant, Florence Marie Townsend, all costs incurred herein, to all of which the defendant, Florence Marie Townsend, objects and excepts."

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 Florence Marie Townsend, agreeably to the act of Congress in such case made and provided, fully and at large appears;

AND WHEREAS, at the day Term, in the year of our Lord one thousand nine hundred and forty-four 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 submitted to the court.

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 Bucyrus-Erie Company, a corporation, appellee, have and recover of and from Florence Marie Townsend, appellant, its costs herein.

-- July 15, 1944.

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 HARRLAN P. STONE, Chief Justice of the United States, the 21st day of August, in the year of our Lord one thousand nine hundred and forty-four.

COSTS OF	APPELLEE:
CLERK	
PRINTING RECORD	
ATTORNEY	<u>\$20.00</u>
	\$20.00

ROBERT E. CALDWRIGHT  
Clerk of the United States Circuit Court  
of Appeals, Tenth Circuit

ENDORSED: Filed Aug 23 1944  
H. P. Warfield, Clerk  
U. S. District Court E

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

UNITED STATES OF AMERICA,

Petitioner,

vs

CIVIL NO. 1048

CERTAIN PARCELS OF LAND IN BELLEVUE COUNTY, OKLAHOMA, etc., and John Chapman, et al.,

Defendants.

ORDER ALLOWING COMMISSIONERS' FEES

NOW, on this 23rd day of August, 1934, it appearing to this Court that on August 14, 1934, upon a motion of the petitioner, United States of America, C. V. Hamilton, W. L. Hayes and T. G. Grant were selected and appointed as commissioners to inspect the real property involved in this action, and to advise and assess the damages sustained by the owners thereof and those having any right, title or interest therein; 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 are entitled to receive compensation for said services; and that said commissioners have not received payment for 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 - commissioners' fees - August 17th to 19th, 1934, inclusive, - 3 days - \$26.00 per day \$78.00
- W. L. Hayes, - commissioner's fees - August 17th to 19th, 1934, inclusive - 3 days - \$26.00 per day \$78.00
- T. G. Grant - commissioner's fees - August 17th to 19th, 1934, inclusive - 3 days - \$26.00 per day \$78.00

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

ROYCE H. SARGENT  
JUDGE

ENDORSED: Filed Aug 25 1934  
H. P. Garfield, Clerk  
U. S. District Court

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

UNITED STATES OF AMERICA, Petitioner,

vs

CIVIL NO. 1066

CERTAIN PARCELS OF LAND IN DELEGATE CANYON, COLUMBIA,  
etc., and Don Smart, et al., Defendants.

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND  
MAKING HIS DISTRIBUTION AS TO TRACT NO. 23  
(11 FW 804)

Now, on this 23rd day of August, 1944, there coming on for hearing the application of the defendant, Cora Farrington, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 23 (11 FW 804) and the Court being fully advised in the premises, finds:

That the defendant, Cora Farrington, was the owner of the land designated as Tract No. 23 (11 FW 804) 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 \$247.50 for the taking of a perpetual flowage easement 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 flowage easement upon and over said tract of land; 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 flowage easement;

The Court further finds that the defendant, Cora Farrington, in writing, agreed to grant and sell to the petitioner, a perpetual flowage easement upon and over said tract of land for the sum of \$247.50, which was accepted by the petitioner.

The Court further finds that the sum of \$247.50 is just compensation for the injury and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Cora Farrington, was the owner of the land designated as Tract No. 23 (11 FW 804) when this proceeding was commenced; and that the sum of \$247.50 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: Cora Farrington, Owner - Tract No. 23 (11 FW 804) \$247.50

FRYCE H. SAVAGE  
JUDGE

ENTERED: Filed Aug 23 1944  
W. P. Warfield, Clerk  
U. S. District Court W

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

UNITED STATES OF AMERICA,

Petitioner,

vs

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, etc., and Van S. Chandler, et al.,

Defendants.

CIVIL NO. 1115

UPON FINDING TITLE, DECREEDING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 31 (19 EW 865)

Now, on the 23rd day of August, 1944, there came in for hearing the application of J. G. Austin, Administrator of the estate of R. E. Wiley, deceased, and Walter Wiley for an order fixing title, decreeing just compensation and making distribution as to Tract No. 31 (19 EW 865) on file Court being fully advised in the premises, find:

That the Defendants, R. E. Wiley (Deceased) and Walter Wiley, were the owners of the land designated as Tract No. 31 (19 EW 865) 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 \$174.00 for the taking of the entire fee simple title in and to 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, the entire fee simple title in and to said tract of land, 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 land;

The Court further finds that said parties in writing, agreed to grant and sell to the petitioner, the entire fee simple title in and to said tract of land for the sum of \$174.00 which was accepted by the petitioner.

The Court further finds that the sum of \$174.00 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 defendant have any right, title or interest in and to said just compensation, except

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, R. E. Wiley (deceased) and Walter Wiley, were the owners of the land designated as Tract No. 31 (19 EW 865) when this proceeding was commenced, and that the sum of \$174.00 is just compensation for the damages sustained by the defendant; and that said defendants the only persons having any right, title or interest in and to said just compensation, except

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

- TO: J. G. Austin, Administrator of the estate of R. E. Wiley, deceased - owner of an undivided 1/3 interest in and to Tract No. 31 (19 EW 865) \$57.00
- Walter Wiley - owner of an undivided 1/3 interest in and to Tract No. 31 (19 EW 865) \$57.00

WYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 23 1944  
H. P. Marshall, Clerk  
U. S. District Court



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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs		)	
		)	CIVIL NO. 1129
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)	
OKLAHOMA, etc., and A. G. Nicks, et al.,		)	
	Defendants.	)	

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND MAKING DISTRIBUTION AS TO TRACT NO. 1 (30 FW 924)

NOW, on this 23rd day of August, 1944, there coming on forhearing the application of the defendant, A. G. Nicks, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 1 (30 FW 924) and the Court being fully advised in the premises finds:

That the defendant, A. G. Nicks, was the owner of the land designated as Tract No. 1 (30 FW 924) 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 \$112.50 for the taking of a perpetual flowage easement 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 flowage easement upon and over said tract of land; 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 for flowage purposes.

The Court further finds that the defendant, A.G. Nicks, in writing, agreed to grant and sell to the petitioner a perpetual flowage easement upon and over said tract of land for the sum of \$112.50 which was accepted by the petitioner.

The Court further finds that the sum of \$112.50 is just compensation for the injuries and damages sustained by said defendant.

The Court further finds that no person, firm, corporation or taxingsubdivision of the State other than said defendant have any right, title or interest in and to said just compensation except

IT IS THEREFORE ORDERED, ADJUDGED AND DECHEED by this Court that the defendant, A. G. Nicks, was the owner of the land designated as Tract No. 1 (30 FW 924) when this proceeding was commenced, and that the sum of \$112.50 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in an to said just compensation, except

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

TO: A. G. NICKS \* Owner - Tract No. 1 (30 FW 924) \$112.50

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 23 1944  
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-		) CIVIL NO. 1135
		)
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)
OKLAHOMA, etc., and Wm. C. McAllister, et al.,		)
	Defendants..	)

ORDER FIXING TITLE, DECREERING JUST COMPENSATION AND  
MAKING DISTRIBUTION AS TO TRACT NO. 10  
(40 FW 1221)

NOW, on this 23rd day of August, 1944, there coming on for hearing the applica-  
tion of J. G. Austin, Attorney for Hooley C. White and Iva White and Elvia L. Wishon and Ada Mae Wishon  
for an order fixing title, decreeing just compensation and making distribution as to Tract No. 10 (40  
FW 1221) and the Court being fully advised in the premises, finds:

That the said Hooley C. White and Iva White were the record owners of the land  
designated as Tract No. 10 (40 FW 1221) when this proceeding was commenced, the said Elvia L. Wishon  
and Ada Mae Wishon holding an unrecorded deed thereon; that the petitioner filed a Declaration of Taking  
and deposited in the registry of this Court the estimated just compensation in the sum of \$314.50  
for the taking of a perpetual flowage Easement 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 flowage easement upon and over said tract of land; 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 flowage easement.

The Court further finds that the defendants, Elvia L. Wishon and Ada Mae Wishon  
in writing, agreed to grant and sell to the petitioner said perpetual flowage easement upon and over  
said tract of land for the sum of \$314.50 which was accepted by the petitioner.

The Court further finds that the sum of \$314.50 is just compensation for the in-  
juries and damages sustained by such taking.

The Court further finds that no person, firm, corporation, or taxing subdivisi-  
on of the State other than said parties herein above named have any right, title or interest in and to said  
just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court the said Hooley C.  
White and Iva White were the record owners of the land designated as Tract No. 10 (40 FW 1221) when this  
proceeding was commenced, and that the said Elvia L. Wishon and Ada Mae Wishon held an unrecorded deed  
thereon; that the sum of \$314.50 is just compensation for the damages sustained by said parties for  
such taking; and that said parties are the only persons having any right, title or interest in and to  
said just compensation.

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

TO: J. G. Austin, attorney for Hooley C. White, Iva White, Elvia L. Wishon  
and Ada Mae Wishon Owners - Tract No. 10 (40 FW 1221) \$314.50

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 23 1944  
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		) CIVIL NO. 1140
		)
CERTAIN PARCELS OF LAND IN CRAIG, DELAWARE AND OTTAWA COUNTIES, OKLAHOMA; and Robert D. Owens, et al.,	Defendants.	)

ORDER FIXING TITLE, DECREERING JUST COMPENSATION  
AND MAKING DISTRIBUTION AS TO TRACT NO. 54  
(305 - 22.1)

NOW, on this 23rd day of August, 1944, there coming on or hearing the application of the defendant, O. C. Miller, for an order fixing title, decreeing just compensation and making distribution as to Tract No. 54 (305 - 22.1) and the Court being fully advised in the premises, finds:

That the defendant, O. C. Miller, was the owner of the land designated as Tract No. 54 (305 - 22.1) when this proceeding was commenced; that the petitioner filed a Declaration of Taking and deposited in the registry of this Court the estimated just compensation in the sum of \$46.20 for the taking of a perpetual easement for transmission line purposes upon and over said tract of land; that this Court entered a judgment upon said Declaration of Taking filed by the petitioner, United States of America, said perpetual easement for transmission line purposes; and decreed that the owners and those having any right, title or interest in and to said land, have and recover just compensation for the taking of said perpetual easement.

The Court further finds that the defendant, O. C. Miller in writing, agreed to grant and sell to the petitioner said perpetual easement for transmission line purposes upon and over said tract of land for the sum of \$46.20 which was accepted by the petitioner.

The Court further finds that the sum of \$46.20 just compensation for the injuries and damages sustained by said defendant.

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

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, O. C. Miller, was the owner of the land designated as Tract No. 54 (305 - 22.1) when this proceeding was commenced, and that the sum of \$46.20 is just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: O. C. Miller - Owner Tract No. 54 (305 - 22.1)

\$46.20

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 23 1944  
H. P. Warfield, Clerk  
U. S. District Court H

----- Court adjourned to August 24, 1944

On this 24th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

In the matter of the )  
Appointment of United )  
States Commissioner, )  
Tulsa, Oklahoma. )

O R D E R

The Court being sufficiently advised in the premises does hereby appoint E. Lawton Bragg of Tulsa, Oklahoma, United States Commissioner in and for the Northern District of Oklahoma with headquarters at Tulsa, Oklahoma, for the discharge of duties of said office as provided by law.

IT IS ORDERED by the Court that said E. Lawton Bragg be, and he is hereby appointed United States Commissioner for the Northern District of Oklahoma, with headquarters at Tulsa, Oklahoma, for the term of Four (4) years, commencing the 24th day of August, A. D. 1944, or until the further order of the Court.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Aug 24 1944  
H. P. Warfield, Clerk  
U. S. District Court

BOND OF E. LAWTON BRAGG, U. S. COMMISSIONER.

UNITED STATES OF AMERICA, )  
 ) SS:  
NORTHERN DISTRICT OF OKLAHOMA. )

I, E. Lawton Bragg, do solemnly swear that I will administer justice without respect to persons and do equal right to the rich and the poor, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as United States Commissioner, agreeably to the Constitution and Laws of the United States.

I further do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic and that I will bear true faith and allegiance to the same, that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge and perform the duties of the office on which I am about to enter. SO HELP ME GOD.

E. LAWTON BRAGG

Subscribed and sworn to before me this 24th day of August, 1944.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Aug 24 1944  
H. P. Warfield, Clerk  
U. S. District Court

BOND OF MAURICE F. ELLISON, CONCILIATION COMMISSIONER.

FORM NO. 69  
BOND OF CONCILIATION COMMISSIONER

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

Signed and sealed this 23rd day of August, 1944.

The condition of this obligation is such that whereas the said Maurice F. Ellison has been on the 19th day of August, A. D. 1944, re-appointed by the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma, a Conciliation Commissioner under Section 75 of the Bankruptcy act, in and for the County of Tulsa in said District;

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

Signed and Sealed in the presence of

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

APPROVED: This 23rd day of August, 1944.

ROYCE H. SAVAGE  
U. S. DISTRICT JUDGE

ENDORSED: Filed Aug 24 1944  
H. P. Warfield, Clerk  
U. S. District Court

OATH OF MAURICE F. ELLISON, CONCILIATION COMMISSIONER.

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

OATH OF OFFICE

I, Maurice F. Ellison do solemnly swear that I will administer justice, without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as Conciliation Commissioner, according

to the best of my ability and understanding, agreeably to the Constitution and Laws of the United States.

SO HELP ME GOD.

MAURICE F. ELLISON

Sworn to and subscribed before me this  
23rd day of August, 1944.

IRENE WILKINSON  
NOTARY PUBLIC

(SEAL)

My commission expires: Jan. 16, 1948

ENDORSED: Filed Aug 24 1944  
H. P. Warfield, Clerk  
U. S. District Court

-----  
Court adjourned to August 25, 1944

On this 25th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

JENNIE ROWE, now Washburg,	Plaintiff,	)	
		)	
vs		)	No. 912 CIVIL
		)	
FRANK ROWE, et al.,	Defendants.	)	
		)	
UNITED STATES OF AMERICA,	Intervenor.	)	

ORDER SPECIALLY APPOINTING L. E. BARNES  
TO MAKE SERVICE OF ALIAS SUMMONS

The above case coming on for hearing, this the 25th day of August, 1944, upon the Motion of the plaintiff for an Order appointing L. E. Barnes, a Deputy Sheriff of Mayes County, Oklahoma, residing at Locust Grove, Oklahoma, to make service of alias summons upon the defendant Tom Keener, a minor, and Walter Keener, his custodian; and the Court having heard the said Motion and being fully advised in the premises, finds:

That the said defendant resides near Hulbert, in the State of Oklahoma, but beyond the bounds of the Northern District of Oklahoma, and that it would be very costly to have alias summons issued to the United States Marshal for the Eastern District of Oklahoma, and that securing service of said summons, if so issued, would be very uncertain, as well as expensive; that the said L. E. Barnes resides near the present residence of said defendant, Tom Keener, and that the interests of all the parties to this action would be facilitated by the making of said special appointment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that said L. E. Barnes be and he is hereby appointed as special marshal, for the purpose of serving the alias summons on the said defendant, Tom Keener, and his present custodian, Walter Keener, and that the Clerk of this Court issue Alias Summons, directed to said L. E. Barnes, special marshal, to make service on said defendant aforesaid, as well as his custodian.

ROYCE H. SAVAGE  
U. S. District Judge

ENDORSED: Filed Aug 25 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to August 26, 1944

On this 26th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

Metropolitan Life Insurance Company, )  
Plaintiff, )  
vs ) No. 1113 - Civil  
Marie F. Beall and Eloise F. Dale, )  
Defendants. )

O R D E R

It having been made to appear to the court that in the settlement of the controversy in said cause, a check dated August 14th, 1944 in the amount of \$5,296.60 was issued in favor of Marie F. Beall as her agreed upon share of the fund in the registry of this court deposited by the plaintiff herein; that said Marie F. Beall has not accepted the said check for the reason that she desires to have said amount returned to Metropolitan Life Insurance Company for the purpose of having the same included in and in addition to, the amount of insurance under Certificate 5984, now being held by said Insurance Company, so that the total amount may be paid to her in equal monthly installments, to which she is advised the Insurance Company has agreed.



IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendant, Charles L. Adair, also known as C. L. Adair, was the owner of the land designated as Tracts No. 31 (25 FW 919) and No. 50 (26 FW 917) when this proceeding was commenced, and that the sums of \$136.00 and \$18.00 are just compensation for the damages sustained by the defendant; and that said defendant is the only person having any right, title or interest in and to said just compensation, except

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

TO: Charles L. Adair, also known as C. L. Adair	
Owner Tract No. 31 (25 FW 919)	\$136.00
Tract No. 50 (26 FW 917)	18.00

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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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 72.80 acres, more or less; and CERTAIN PERSONAL PROPERTY LOCATED THEREON AND USED IN CONNECTION THEREWITH, and Wm. C. McAllister, et al.,	Defendants.	)

CIVIL NO. 1135

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION  
IN CONDEMNATION TO INCLUDE PERSONAL PROPERTY  
TRACT NO. 24 (40 FW 1236)

NOW, on this 26th day of August, 1944, there being on for hearing the application of the petitioner, United States of America, for leave to file an amendment to its petition herein, and the court being fully advised in the premises, finds that said application should be granted, and the petitioner granted leave to file an amendment to its petition, thereby including certain personal property located on and used in connection with a portion of the real property described in the original petition, and making the owners and those having any right, title or interest in and to said personal property parties defendant.

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		)
		)
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)
OKLAHOMA, containing approximately 72.80		)
acres, more or less; and CERTAIN PERSONAL		)
PROPERTY LOCATED THEREON AND USED IN		)
CONNECTION THEREWITH, and Wm. C. McAllister,		)
et al.,	Defendants.	)

CIVIL NO. 1135

JUDGMENT VESTING TITLE AND FIXING JUST COMPENSATION  
FOR PERSONAL PROPERTY Tract No. 24 (40 FW 1236)

NOW, on this 26th day of August, 1944, there coming on for hearing the application of the petitioner for judgment on stipulation as to personal property located upon and used in connection with the lands described in and designated as Tract No. 24 (40 FW 1236), and for an order fixing and determining the damages sustained, if any, to said personal property, occasioned by the temporary use of same from the 18th day of May, 1943, to the 22 d day of May, 1943, inclusive; by the United States of America, in connection with the Grand River Dam (Pensacola) Project, and upon consideration thereof and the copy of said stipulation thereto attached, and of the condemnation petition and amendment thereto, and the statutes in such cases made and provided, and Executive Order of the President of the United States, No. 8944, dated November 19, 1941; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943, and the Second War Powers Act of March 27, 1942, (50 U.S.C. Sec. 171-A), and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to take and temporarily use said property for the purposes as set out and prayed in said petition as amended;

SECOND: That a petition in condemnation and amendment thereto, 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 to make temporary use of the personal property described in the amendment to said petition, and also under authority of the Attorney General, of the United States;

THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Secretary of the Interior is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works, 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 personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 24 (40 FW 1236);

FIFTH: That the Secretary of the Interior, through his duly authorized representative has entered into an agreement and stipulation with the defendants, Lon R. Stansbery and Myrtle C. Stansbery, the owners of all of the personal property described in Tract No. 24 (40 FW 1236) in the amendment to the petition in condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$138.40;





the prosecution of the war, and for the construction of public works; 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 personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 33 (51 FW 1516);

FIFTH: That the Secretary of the Interior, through his duly authorized representative has entered into an agreement and stipulation with the defendants, Bert East and Grace Pearl East, the owners of all of the personal property described in Tract No. 33 (33 FW 1516), in the amendment to the petition in condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$451.82;

SIXTH: That the Secretary of the Interior of the United States, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as the one referred to herein, fixing and determining the full and just compensation to be paid for the taking of said lands and the temporary use of personal property located upon and use in connection with said lands; that the defendants, Bert East and Grace Pearl East, were the owners of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of \$451.82 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 33 (51 FW 1516), sustained by the owners, or those having any right, title or interest in and to said personal property inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam (Pensacola) Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$451.82 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 33 (51 FW 1516), in the amended petition filed herein on the 26th day of August, 1944.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this court the said sum of \$451.82 the same shall be in full settlement of all damages or claims or damages, against the United States of America, occasioned by the temporary use of said personal property from the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand River Dam (Pensacola) Project, and this judgment shall be fully satisfied.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court H



of the petitioner for judgment on stipulation as to personal property located upon and used in connection with the lands described in and designated as Tract No. 4 (47 FW 1601), and for an order fixing and determining the damages sustained, if any, to said personal property, occasioned by the temporary use of same from the 18th day of May, 1943, to the 22nd day of May, 1943, inclusive, by the United States of America, in connection with the Grand River Dam (Pensacola) Project, and upon consideration thereof and the copy of said stipulation thereto attached, and of the condemnation petition and amendment thereto, and the statutes in such cases made and provided, and Executive Order Of the President of the United States, No. 8944, dated November 19, 1941; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943, and the Second War Powers Act of March 27, 1942, (50 U.S.C. Sec. 171-A), and it appearing to the satisfaction of the Court:

FIRST: That the United States of America, is entitled to take and temporarily use said property for the purposes as set out and prayed in said petition as amended;

SECOND: That a petition in condemnation and amendment thereto, 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 to make temporary use of the personal property described in the amendment to said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Secretary of the Interior is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; 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 personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 4 (47 FW 1601);

FIFTH: That the Secretary of the Interior, through his duly authorized representative has entered into an agreement and stipulation with the defendants, C. L. Nichols, and Dora E. Nichols, the owners of all of the personal property described in Tract No. 4 (47 FW 1601), in the amendment to the petition in condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$307.50.

SIXTH: That the Secretary of the Interior of the United States, through his duly authorized and representative, is duly authorized and empowered to enter into agreements and stipulations such as the one referred to herein, fixing and determining the full and just compensation for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendants, C. L. Nichols and Dora E. Nichols, were the owners of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of \$307.50 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 4 (47 FW 1601), sustained by the owners, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam (Pensacola) Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$306.50 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 4 (47 FW 1601), in the amended petition filed herein on the 26th day of August, 1944.



James W. Bemis, was the owner of the lands designated as Tract No. 15 (50 FW 1351); Tract No. 16 (50 FW 1352); Tract No. 17 (50 FW 1353), when this proceeding was commenced, and that the sum of \$550.00 is just compensation for the damages sustained by the defendant by the taking of a perpetual flowage Easement upon and over said tract of land; that said defendant is the only person having any right, title or interest in and to said just compensation.

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

TO: James W. Bemis: Owner - Tract No. 15 (50 FW 1351)  
Tract No. 16 (50 FW 1352)  
Tract No. 17 (50 FW 1353) \$550.00

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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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 646.70  
acres more or less; and CERTAIN PERSONAL  
PROPERTY LOCATED THEREON AND USED IN CONNECTION  
THEREWITH, and W. Brown Stansell, et al.,  
Defendants. )

CIVIL NO. 1182

ORDER GRANTING LEAVE TO FILE AN AMENDMENT  
TO PETITION IN CONDEMNATION TO INCLUDE  
PERSONAL PROPERTY  
TRACT NO. 8 (53 FW 1405)

NOW, on this 26th day of August, 1944, 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 leave to file an amendment to its petition, thereby including certain personal property located on and used in connection with a portion of the real property described in the original petition, and making the owners and those having any right, title or interest in and to said personal property parties defendant.

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

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court

ROYCE H. SAVAGE  
J U D G E



SIXTH: That the Secretary of the Interior of the United States, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as the one referred to herein, fixing and determining the full and just compensation to be paid for the taking of said lands and the temporary use of personal property located upon and used in connection with said lands, that the defendants, Ruford Hayes and Eva Hayes, were the owners of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of \$65.00 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 8 (53 FW 1405), sustained by the owners, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam (Pensacola) Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$65.00 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 8 (53 FW 1405), in the amended petition filed herein on the 26th day of August, 1944.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this Court the said sum of \$65.00 the same shall be in full settlement of all damages, against the United States of America, occasioned by the temporary use of said personal property from the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand River Dam (Pensacola) Project, and this judgment shall be fully satisfied.

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

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

McIntyre, Sherman and Cummings, a )  
mining partnership, ) Plaintiff, )  
vs ) No. 1255 Civil  
THE TEXAS COMPANY, a corporation, ) Defendant. )

ORDER EXTENDING TIME TO PLEAD OR ANSWER

Now on this 26th day of August, 1944, upon the application of th defendant for additional time to plead or answer in the above styled case, and good cause therefor being shown, and the plaintiff consenting thereto, it is hereby ordered that said defendant b e and it is hereby given ten days from this date within which to serve its pleading or answer and within which to file same in the above styl and numbered cause.

ENDORSED: Filed Aug 26 1944  
H. P. Warfield, Clerk  
U. S. District Court

ROYCE H. SAVAGE  
JUDGE

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Court adjourned to August 28, 1944

On this 28th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. F. E. Kennamer and Hon. Royce H. Savage, Judges, present and presiding.

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

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

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, etc., and Maude E. Gayman, et al.,	Defendants.	)	

ORDER FIXING ATTORNEY FEE

NOW, on this 28th day of August, 1944, it appearing to the Court that petitioner, United States of America, filed its affidavit as to the military service of the defendants herein in compliance with Section 200 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940, approved October 17, 1940, as amended, and it appearing from said affidavit that the petitioner was unable to determine if all of said defendants were not in the military service of the United States, and that it was necessary that the Court appoint an attorney as provided in said Act, and the Court did appoint Saul A. Yager, a regular practicing attorney, at Tulsa, Oklahoma, to represent said defendants, and it further appearing that the said Saul A. Yager, did appear and plead for certain defendants on August 7, 1944, and that this Court has not fixed and determined the compensation to be paid said attorney for his services, and the Court being fully advised in the premises, finds that the sum of \$15.00 is a reasonable fee for the services rendered by said attorney in this proceeding.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Saul A. Yager, be, and he is hereby allowed the sum of \$15.00 as a fee for his services as an attorney for certain defendants in this case, who are in or may be in the military service of the United States of America, and

IT IS FURTHER ORDERED that the petitioner pay to the said Saul A. Yager an attorney fee in the sum of \$15.00.

ROYCE H. SAVAGE  
J U D G E

ENDORSED: Filed Aug 28 1944  
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		)	
		)	CIVIL NO. 1074
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, OKLAHOMA, etc., and C. J. Nicholson, et al.,	Defendants.	)	

ORDER FIXING ATTORNEY FEE

NOW, on this 28th day of August, 1944, it appearing to the Court that petitioner, United States of America, filed its affidavit as to the military service of the defendants herein in compliance with Section 200 (1) of the Soldiers' and Sailors' Civil Relief Act of 1940, approved October 17, 1940, as amended, and it appearing from said affidavit that the petitioner was unable to determine if all of said defendants were not in the military service of the United States, and that it was necessary that the Court appoint an attorney as provided in said Act, and the Court did appoint Saul A. Yager, a regular practicing attorney, at Tulsa, Oklahoma, to represent said defendants, and it further appearing that the said Saul A. Yager, did appear and plead for certain defendants on July 19, 1944, and that this Court has not fixed and determined the compensation to be paid said attorney for his services, and the Court being fully advised in the premises, finds that the sum of \$15.00 is a reasonable fee for the services rendered by said attorney in this proceeding.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Saul A. Yager, be, and he is hereby allowed the sum of \$15.00 as a fee for his services as an attorney for certain defendants in this case, who are in or may be in the military service of the United States of America, and

IT IS FURTHER ORDERED that the petitioner pay to the said Saul A. Yager an attorney fee in the sum of \$15.00.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 28 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs		)	No. 1092 - Civil
1,435.0748 acres of land, more or less, situate in Mayes County, Oklahoma, and Porter W. Arterberry, et al.,	Respondents.	)	

JUDGMENT CONFIRMING STIPULATION AS TO TRACT  
NO. 1781

Now on this 28 day of August, 1944, there comes on for hearing upon the application of petitioner, the matter of confirming the stipulation entered into by and between the petitioner and the Indowners as to Tract No. 1781, and more particularly by hereinafter described.

Thereupon, the Court proceeded to hear and pass upon the Petition for Condemnation, the Stipulation as to said tracts, and all other matters herein, and finds that:

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

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

(3) In said Petition for Condemnation is set forth a statement of the authority under which, and the public use for which said lands were taken.

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

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein and notice of determining rightful owners and claimants were served upon each and all of the respondents named in said Petition for Condemnation, as required by law and the order of this Court.

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

The Court further finds that the publication notices and the affidavit of the publishers, as filed herein, are in all respects in accordance with the law in such case made and provided, and the same are hereby approved by this Court.

(6) The Court finds that the Owners of the real estate hereinafter described, and estates therein taken, and involved in this proceeding, all as determined by the Order Fixing Title entered herein, and, therefore, the persons entitled to just compensation to be paid for said real estate hereinafter described, have filed a stipulation, wherein they agree that the fair, cash, market value of said tract of land, hereinafter described, is the sum of \$1200.00.

(7) The Court, having fully considered the Petition for Condemnation, and all proceedings had herein, and the Provisions of the Act of Congress approved June 28, 1938 (52 Stat. 1215) and an Act of Congress approved August 18, 1941 (33 U.S.C.A. 701b et seq.), and their amendments and other Acts of Congress of which said Acts are declaratory or amendatory, the act of Congress approved December 17, 1941, designated "Flood Control, General", contained in the Third Supplemental National Defense Appropriation Act, 1942, the Acts of Congress approved August 1, 1888 (25 Stat. 357), and April 24, 1888 (25 Stat. 94), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it, and that the alleged public purposes and uses, as set out in said Petition for Condemnation, are hereby adjudged to be in truth and in fact public purposes and uses within the meaning and purport of the above designated Acts of Congress.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the stipulation, filed herein, is final and that the fair, cash market value as to the tract of land hereinafter designated and described, and the estates therein taken, as set forth and described in the Petition for Condemnation, filed herein, is and shall be the sum of Twelve Hundred and no/100 Dollars (\$1200.00), and respondent shall be permitted to reserve improvements, which are to be removed prior to December 31, 1944, or the United States of America may remove or destroy same without liability; said tract of land being described as follows, to-wit:



(3) In said petition for condemnation and amendment thereto is set forth a statement of the authority under which, and the public use for which said lands were taken.

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said petition for condemnation and amendment thereto, and a statement of the estate or interest in said lands taken for said public use is set out therein.

(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein and notice of determining rightful owners and claimants was served upon each and all of the respondents named in said petition for condemnation and amendment thereto as required by law and the order of this Court.

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

The Court further finds that the publication notices and the affidavits of the publishers, as filed herein, are in all respects in accordance with the law in such case made and provided, and the same are hereby approved by this Court.

(6) The Court finds that the owners of the real estate hereinafter described and estates therein taken, and involved in this proceeding, all as determined by the Order fixing title, entered herein, and, therefore, the persons entitled to just compensation to be paid for said real estate hereinafter described, have filed a stipulation, wherein they agree that the fair, cash, market value of said tract of land, hereinafter described, is the sum of \$3,500.00.

(7) The Court, having fully considered the petition for condemnation and amendment thereto, and all proceedings had herein, and the Provisions of the Act of Congress approved June 28, 1938 (52 Stat. 1215), and an Act of Congress approved August 18, 1941 (33 U.S.C.A. 701b et seq.), and their Amendments and other Acts of Congress of which said Acts are declaratory or amendatory, the Act of Congress Approved December 17, 1941, designated "Flood Control" contained in the Third Supplemental National Defense Appropriation Act, 1942, the Acts of Congress approved August 1, 1888 (25 Stat. 357), and April 24, 1888 (25 Stat. 94), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it, and the alleged public purposes and uses as set out in said petition for condemnation and amendment thereto, are hereby adjudged to be in truth and in fact public purposes and uses within the meaning and purport of the above designated acts of Congress.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the stipulation filed herein, is final and that the fair, cash, market value as to the tract of land designated hereinafter and described, and the estates therein taken, as set forth and described in the petition and amendment thereto filed herein, is and shall be the sum of Three Thousand Five Hundred and no/100 Dollars (\$3500.00); said tract of land being described as follows, to-wit:

Tract No. 1780

All that part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$  SE $\frac{1}{4}$ ) lying South and West of State Highway No. 33, and the East Half of the Southwest Quarter of the Southeast Quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), and the Southwest Quarter of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ), all in Section Twenty-nine (29); and the East Half of the Northeast Quarter of the Northwest Quarter (E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) in Section Thirty-two (32), all in Township Twenty (20) North, Range Nineteen (19) East of the Indian Meridian, situate in Mayes County, Oklahoma, subject to Highway right-of-way, and containing 89.6 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the petitioner, the United States of America, deposit with the Clerk of this Court as the registrar of the Court, the total sum of Three Thousand Five Hundred and No/100 Dollars (\$3500.00), representing the total compensation in money for the tract of Land hereinabove set forth and described, and that upon depositing said sum as aforesaid with the Clerk of this Court, as aforesaid, the lands and estates taken will be deemed to have been condemned and taken for the uses and purposes of the United States of America, and that the right to the compensation in said amount as hereinabove set forth, will vest in the person lawfully entitled thereto.

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 28 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	CIVIL NO. 1110
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY, OKLAHOMA, containing approximately 284.8 acres, more or less; and J. Ben Robinson, et al.,	Defendants.	)	

ORDER APPOINTING COMMISSIONERS

NOW, on this 28th day of August, 1944, the above cause came on regularly for hearing upon the petition of the United States of America for an order appointing commissioners, and it appears to the Court that the United States of America has the power and authority to acquire by eminent domain the estate in the lands hereinafter described and the acquisition of said estate in 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 June 10, 1920, 41 Stat. 1083 (16 U.S.C. Sec. 809); Executive Order No. 8944, dated November 19, 1941; Title II of the Act of June 16, 1933, 48 Stat. 200-203 (40 U.S. Secs. 401-403) as amended and supplemented; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9373, dated August 30, 1943; the Act of August 1, 1938, 25 Stat. 457 (40 U.S.C. Sec. 257); and the Act of February 26, 1931, 46 Stat. 1421 (40 U.S.C. Sec. 258 (a) to 258 (e)); Title II of the Act of March 27, 1942, 56 Stat. 177 (50 U.S.C. 171 (a)), the Secretary of the Interior is authorized to acquire in the name of the United States of America, said estate in said lands.

That pursuant to and by virtue of said authority, the Secretary of the Interior has duly selected for acquisition by the United States for said public purposes, a perpetual easement to inundate, submerge and flow; and to enter upon said lands, from time to time in the performance of said acts, upon and over certain lands, situate and 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 by courses and distances as follows, to-wit:





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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs.		) No. 1247 - Civil
		)
988.82 acres of land, more or less,		)
situate in Mayes County, Oklahoma,		)
and Anna Alderman, et al,	Respondents.	)

ORDER ALLOWING PETITIONER TO AMEND PETITION BY MAKING  
ADDITIONAL PARTIES RESPONDENT

Now on this 28 day of August, 1944, the above matter comes on for hearing on the application of the petitioner for permission of the Court to amend its Petition for Condemnation filed herein by adding the names of additional parties respondent, as follows, to-wit:

Dick Dugger,  
Henry Diacon,  
E. B. Grigg  
H. C. Rice,  
Leroy Saffell,

and it appearing to the Court that the above named parties may claim some right, title or interest in and to the real estate sought to be taken by eminent domain in the above entitled action, and that it is necessary and proper that said parties should be made parties respondent in this cause;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the petition for condemnation filed herein is hereby amended to the extent that the parties hereinabove named are made parties respondent in this proceeding, and said above named parties respondent shall be treated in all pleadings, orders, judgments and other documents to be filed hereinafter, as proper parties respondent to this proceeding.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 28 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,	)
		)
vs		) No. 1247 - Civil
		)
988.82 acres of land, more or less, situate in		)
Mayes County, Oklahoma, and Anna Alderman, et al,		)
	Respondents.	)

O R D E R

Now on this 28th day of August, 1944, it being made to appear to the Court that the petitioner has filed its Petition for Condemnation in the above styled matter, and that it is necessary that notices be served on various parties claiming an interest in and to said lands:



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. 1135
		)
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)
OKLAHOMA: and William E. McAllister, et al.,		)
	Defendants.	)

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION FOR CONDEMNATION

NOW, on this 29th day of August, 1944, 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 the 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

ENDORSED: Filed Aug 29 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 30, 1944

On this 30th day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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,		)	CIVIL NO. 1191
OKLAHOMA, containing approximately 364.30		)	
acres, more or less; and certain personal		)	
property located thereon and used in		)	
connection therewith, and Lala Griffiths,		)	
et al,	Defendants.	)	

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO PETITION IN CONDEMNATION TO INCLUDE PERSONAL PROPERTY TRACT NO. 11 (56 FW 1561)

NOW, on this 30 day of Aug. 1944, 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 leave to file an amendment to its petition, thereby including certain personal property located on and used in connection with a portion of the real property described in the original petition, and making the owners and those having any right, title or interest in and to said personal property parties defendant.

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

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Aug 30 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,	)	
-vs-		)	
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)	
OKLAHOMA containing approximately 364.30		)	CIVIL NO. 1191
acres, more or less; AND CERTAIN PERSONAL		)	
PROPERTY LOCATED THEREON AND USED IN		)	
CONNECTION THEREWITH, and Lala Griffiths,		)	
et al.,	Defendants.	)	

JUDGMENT VESTING TITLE AND FIXING JUST COMPENSATION FOR PERSONAL PROPERTY Tract No. 11 (56 FW 1561)

NOW, on this 30 day of Aug., 1944, there coming on for hearing the application of

the petitioner for judgment on stipulation as to personal property located upon and used in connection with the lands described in and designated as Tract No. 11 (56 FW 1561), and for an order fixing and determining the damages sustained, if any, to said personal property, occasioned by the temporary use of same from the 18th day of May, 1943, to the 22nd day of May, 1943, inclusive, by the United States of America, in connection with the Grand River Dam (Pensacola) Project, and upon consideration thereof and the copy of said stipulation thereto attached and of the condemnation petition and amendment thereto, and the statutes in such cases made and provided, and Executive Order of the President of the United States, No. 8944, dated November 19, 1941; Executive Order No. 9366, dated July 30, 1943; Executive Order No. 9375, dated August 30, 1943, and the Second War Powers Act of March 27, 1942, (50 U.S.C. Sec. 171-A), and it appearing to the satisfaction of the Court:

FIRST: That the United States of America is entitled to take and temporarily use said property for the purposes as set out and prayed in said petition as amended;

SECOND: That a petition in condemnation and amendment thereto, 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 to make temporary use of the personal property described in the amendment to said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Secretary of the Interior is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; that the Attorney General of the United States is the person authorized by law to direct the institution of such condemnation proceeding;

FOURTH: That a proper description of the personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and designated as personal property located upon and used in connection with the lands described as Tract No. 11 (56 FW 1561);

FIFTH: That the Secretary of the Interior, through his duly authorized representative has entered into an agreement and stipulation with the defendants, Clarence E. Houseman and LaVinia Houseman, owners of all of the personal property described as Tract No. 11 (56 FW 1561), in the amendment to the petition in condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$375.50;

SIXTH: That the Secretary of the Interior of the United States, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations such as the one referred to herein, fixing and determining the full and just compensation to be paid for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendants, Clarence E. Houseman and LaVinia Houseman, were the owners of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of \$375.50 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 11 (56 FW 1561), sustained by the owners, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam (Pensacola) Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$375.50 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract No. 11 (56 FW 1561), in the amended petition filed herein on the 30 day of Aug., 1944.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this Court the said sum of \$375.50 the same shall be in full settlement of all damages, against the United States of America, occasioned by the temporary use of said personal property from the 18th day of May, 1943, until the 22nd day of May, 1943, inclusive, by the petitioner in connection with the Grand River Dam (Pensacola) Project, and this judgment shall be fully satisfied.

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

ENDORSED: Filed Aug 30 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

CHESTER BOWLES, Administrator, Office )  
of Price Administration, ) Plaintiff, )  
vs ) CIVIL NO. 1249  
JAMES ANDERSON, d/b/a Loraine Hotel, )  
Defendant. )

J U D G M E N T

Now, on this 28th day of August, 1944, this cause came on for trial upon application of the plaintiff for a permanent injunction against the defendant herein, at which time plaintiff appeared by and through his attorneys, John J. D. Cobb and Vera P. Street, and defendant appeared by his attorney, Paul Pinson, at which time a formal stipulation was presented wherein it is agreed a permanent injunction herein may issue, and the Court having heard statement of counsel and being fully advised in the premises, finds that said injunction should issue.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that

- (1) the defendant, his agents, servants and employees, and all persons in active concert or participation with the defendant be, and they are hereby, permanently enjoined from directly or indirectly demanding or receiving any rent in excess of the maximum legal rent provided for by Rent Regulation for Hotels and Rooming Houses for the use and occupancy of the rooms in the Loraine Hotel
- (2) Defendant make restitution to the occupants of each room in the hotel in the amount of rent charged each occupant over and above the maximum legal rent for the room as permitted by the provisions of the Rent Regulation for Hotels and Rooming Houses, and submit proof of such restitution to the Office of Price Administration on or before February 15, 1945.
- (3) Defendant prepare, and within 10 days file with the Tulsa Area Rent Office, a corrected registration statement that will disclose the maximum legal rent for all terms of occupancy and all numbers of occupants for which each room in the Loraine Hotel is rented or offered for rent.
- (4) Defendant post within 10 days and thereafter keep posted conspicuously in each room rented or offered for rent, a card or sign plainly stating the maximum rent or rents for all terms of occupancy and all numbers of occupants for which each room is rented or offered for rent, and further that

(5) Defendant pay the cost accrued in this action.

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

ENDORSED: Filed Aug 30 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to August 31, 1944

On this 31st day of August, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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 DELAWARE COUNTY,  
OKLAHOMA, containing approximately 240.20  
acres, more or less; and Lulu B. Huggins,  
et al.,

Defendants. )

CIVIL NO. 1126

ORDER GRANTING LEAVE TO FILE AN AMENDMENT TO  
PETITION FOR CONDEMNATION

NOW, on this 31st day of Aug., 1944, 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 Aug 31 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to September 1, 1944

On this 1st day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

NEW YORK LIFE INSURANCE COMPANY,  
a corporation,

Plaintiff,

vs

DREW A MODE and HELEN MODE,

Defendants.

No. 1275 CIVIL

TEMPORARY RESTRAINING ORDER, AND ORDER AUTHORIZING  
SERVICE OF PROCESS

IT APPEARING TO THE COURT by verified petition of the plaintiff filed herein and by affidavit of attorney for the plaintiff filed herein that the plaintiff has filed in this court a petition of interpleader requesting the Court to determine the rightful claimant to a fund amounting to the sum of One Thousand, Twenty-nine and 75/100 (1,029.75) Dollars, which has accrued under policy of life insurance numbered 16 170 727, dated the 13th day of November, 1942, issued by the plaintiff to William E. Mode, the insured named therein, and that plaintiff has paid into the Registry of this Court the aforesaid sum of One Thousand, Twenty-nine and 75/100 (1,029.75) Dollars to abide the judgment of the Court herein, and that summons should be issued for the defendant Drew A. Mode, who is a resident of this judicial district, and also for the defendant Helen Mode, a citizen and resident of the State of California, who is at this time temporarily located at Sauk Rapids, in the State of Minnesota, which summons should be served upon the defendant Helen Mode by the United States Marshal for the judicial district of the State of Minnesota wherein said defendant Helen Mode is located or may be found; and,

IT FURTHER APPEARING from the verified petition of the plaintiff and from the affidavit of attorney for the plaintiff that an injunction should be issued against the defendants, and each of them, enjoining and restraining them from instituting or prosecuting any suit in any state court or in any other Federal court against the New York Life Insurance Company, a corporation, involving the above described policy of insurance, or to recover any sum claimed to be due thereon.

IT IS THEREFORE ORDERED that the Clerk of this Court is authorized and directed to issue a summons for service upon the defendant DREW A. MODE at Tulsa, Oklahoma, within this judicial district.

IT IS FURTHER ORDERED that the Clerk of this court is authorized and directed to issue a summons directed to the United States Marshal of the judicial district in which Sauk Rapids, Minnesota, is located, commanding him to serve said summons upon the defendant HELEN MODE, and that said summons directed the said defendant Helen Mode to answer the petition herein within thirty (30) days after service of said summons upon her.

IT IS FURTHER ORDERED that the defendants Drew A. Mode and Helen Mode, and each of them, are hereby restrained from instituting or prosecuting any suit of any character in any state court or in any other Federal Court against the New York Life Insurance Company, a corporation, involving policy of life insurance numbered 16 170 727 issued by the New York Life Insurance Company to William E. Mode, the insured named therein, or to recover any sum claimed to be due on said policy of

life insurance, and that said restraining order be and the same is hereby made returnable on the 30th day of September, 1944, on which date said defendants shall appear and show cause why a temporary injunction should not be issued.

IT IS FURTHER ORDERED that a copy of this order shall accompany the summons issued for the defendants herein and shall be served upon said defendants by the United States Marshals serving said summons.

DATED at Tulsa, Oklahoma, this 1st day of Sept. 1944.

ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

ENDORSED: Filed Sep 1 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to September 2, 1944

On this 2nd day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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. 1072

CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,  
OKLAHOMA, containing approximately 90.70  
acres, more or less; and Cecile F. Traband,  
et al.,

Defendants. )

ORDER AUTHORIZING PUBLICATION OF  
NOTICE

NOW, on this 2nd day of September, 1944, 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:

Glenn S. Ross; Myrtle M. Dailey; Eugene W. Maxey; Evelyn Maxey; Mack J. Weir; Isadell Weir; Thomas Clasby; Annie Carmen; Phillip Clasby; Robert Clasby; James R. Clasby; Walter B. Clasby; Jessie Lamarr Ballard; Genevive Ballard, now Crass; Arnetta Ballard, now Johnson; Arvilla Robinson; D. A. Robinson; Lula D. Vandagriff, now Brewster, also known as Lula D. Cheek, Cherokee Citizen, Roll No. 23629; B. J. Brewster; Clarence Yocom; Faye Yocom; Juanita Yocom, now Wiley, sometimes known as Jaanita Yocom, now Wiley; Russell Riley; Floyd F. Boyd; Vera Helen Boyd; Mattie W. Gibson; John L. Gibson; Helen Gibson; Quinton Gibson; Mina Gibson; Mary Livingston Wiley; Ivan Wiley; Obe Gibson; Rheatha Gibson; Paul Gibson, Leatha Gibson; Namie Gibson Petty; Paul Petty; Joe Camper; Dona B. Jones, now Stephenson; Charles Hampton; George Samuel Hampton; Willie C. Hampton; J. R. Cowles; Mary Bowles; Julian Bagby; Anna Belle Randolph; Elizabeth Peoples; Julian Bagby, Executor of the Estate of Louis Bagby, deceased; Lona Howard; P. E. Howard, Gretchen J. Merrell, Cherokee Citizen, Roll No. 24084; Arthur Cloud; Evelyn W. Cloud; Fannie Elizabeth Ballard, Cherokee N.E. Roll No. 2191; Nancy Inlow, now Boyd, Cherokee Citizen, Roll No. 26908; Alma Boyd; John C. Browning, same as John Browning; Nettie Browning; Maude Browning Jackson, now Unzicker; A. N. Rice; Abbie Rice; Ridge Mayes; Ethel Ballard Ferguson; Marvin R. Conner; Rebecca Conner Casem; Vancy Harlin, now Woodard; William L. Harlin, Jr; David E. Shartel; Jessie Fedran; Alta Thompson; Wynona Rambert, also known as Wynona Rambert; A. W. McDonald, Jr.; Hazel Sparks; William E. Danley; Lucyle Danley; Rosa Bell Bagby; William Bennett; Mrs. T. P. Tobin; The Cornerstone Bank of McDonald County, State of Missouri, a corporation; The Shartel Mortgage Company, a corporation; The Prospect Company, a corporation; Sarah Ross, Joe Spearman, J. D. Crays, E. J. Allen, Chas. McGinnis, Mrs. Charlie Counts, J. V. Clunts, William Tennis, Clarence J. Earl, O. P. Cargile, M. H. Taylor, Louise Harris, F. M. Clayton, Trustee for Wolf Creek Mining and Royalty Company, C. T. Benner, Marguerite Brown, W. M. Bailey, M. L. Phelps, if living, or if deceased, their known and unknown heirs, administrators, executors, devisees, legatees, trustees, creditors, successors or assigns, immediate and remote, and their spouses, if any; and the known and unknown heirs, administrators, executors, devisees, legatees, trustees, creditors or assigns, immediate and remote, and their spouses, if any, of A. W. Morris, deceased; Randolph Ballard, Cherokee Citizen, Roll No. 8575, deceased; Miriam Ballard, deceased; Joseph M. Ballard, deceased; George Ballard, deceased; Fannie Clasby, nee Ballard, deceased; Robert A. Ballard, deceased; Myrtle Ballard Spearman, deceased; S. A. Robinson, deceased; D. T. Killam, deceased; Walter G. Causey, Trustee, deceased; George Etta Hampton, deceased; Louis Bagby, deceased; Homer Nickerson, deceased; G. W. Nickerson, deceased; T. P. Tobin, deceased; Sarah I. Hodge, deceased; Hazel Josephine Walker, Cherokee N. E. Roll No. 87, deceased; Josephine A. Browning, deceased; Mattie Browning Mason, deceased; Rice Browning, deceased; Charlotte Ballard, Cherokee Citizen, Roll No. 468, deceased; Lucinda Ballard Harlin, deceased; Crawford Conner, deceased; Anna Ballard Conner, deceased; Sarah Ballard Wood, deceased;

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

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that notice should 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 successive weeks, notifying said defendants, and each of them, of the institution of the condemnation proceeding, 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 30th day of October, 1944, the petitioner, United States of America, will, on said 30th day of October, 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 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 the Court to inspect said real property, consider the injury and assess the damages which said defendants, as the owners thereof or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of a perpetual easement upon and over the lands involved herein, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 2 1944  
H. P. Warfield, Clerk  
U. S. District Court AC

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
vs		)	
		)	CIVIL NO. 1112
CERTAIN PARCELS OF LAND IN DELAWARE COUNTY,		)	
OKLAHOMA, containing approximately 349.5 acres,		)	
more or less; and Bertha P. Weyl, et al ,		)	
	Defendants. .	)	

ORDER AUTHORIZING PUBLICATION OF NOTICE

NOW, on this 2nd day of September, 1944, 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:

- T. J. Franks, Herman Knight, Elizabeth Corlett, J. A. Adams,
- Mary E. Adams, Orval Kimmons, Juel Brown, Gertrude Brown, Lena
- Lay, L. J. Lay, Charles H. Baker, David E. Shartel, Hazel F.
- Lind, Arthur W. Lind, Jas. William Fleming, Darrell Fleming,
- Cline Fleming, Colbert A. Williams, Iva Williams, Isabell S.
- Dusky, E. L. Dusky, William Andrew Dubois, Lois Dubois, John R.
- Hastings, Bernice Hastings, Suewayne Louise Hastings, now Stewart,
- Edgar A. Hastings, J. A. McGrew, Clarence W. Haywood, Dorean Hay-
- wood, Margaret Mille , Bargie McGrew, Alice Cox, Olive Seay, Beatrice
- D. Huffman, L. R. Moore, Elsie M. Moore, Vear Brock, Curtis Brock,
- H. W. Sterling, Mary Sterling, Nellie Shafer, D. S. Beck, Margaret
- Beck, Nellie Edith Hallford, now Inman, Cherokee Citizen, Roll No.
- N.B. 1191; James Inman, The Shartel Mortgage Company, a corporation,

Granite Savings Bank and Trust Company, a corporation; The Travelers Insurance Company, a corporation; Aetna Life Insurance Company, a corporation, Gene Corlett, Walter J. Thomas, William Knipp alias William Matthews, F. E. Zumbrun, L. S. Trimble, George Edwards, J. F. Pape, Edna Pape, William T. Riley, Samuel F. Darr, Samuel A. Beman, William A. Jones; William P. Earle, Harvey K. Hinckley, George W. Adams, and the South-western Light & Power Transport Company, if living, or in existence, or if deceased and not in existence their known and unknown heirs, administrators, executors, devisees, legatees, trustees, successors, creditors or assigns, immediate and remote, and their spouses, if any; and the known and unknown heirs, administrators, executors, devisees, legatees, trustees, creditors or assigns, immediate and remote, and their spouses, if any, of Robert D. Knight, deceased; Tom Kimmons, deceased; J. G. Whitaker, deceased; Charlotte Ballard, deceased; Lucinda Harlan, deceased; Frank Fleming, deceased; R.E. Wiley, deceased; Thompson Muskrat, Cherokee Roll No. 17764, deceased; George Dick, Cherokee Roll No. 20929, deceased; Joseph M. Ballard, Cherokee Roll No. 8582, deceased; John F. Carey, deceased; Phebe Matthews, deceased; John T. Oakley, deceased; Myrtle I. Woodk Cherokee Roll No. 23676, deceased; Julia Vann, Cherokee Freeman, Roll No. 4225, deceased;

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

IT IS THEREFORE ORDERED, CONSIDERED AND ADJUDGED that notice should be given the aforesaid defendants, and each of them, by publication, notifying them of the institution of this condemnation proceeding; that notice should 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 successive weeks, notifying said defendants, and each of them, of the institution of the condemnation proceeding, 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 30th day of October, 1944, the petitioner, United States of America, will, on said 30th day of October, 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 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 the Court to inspect said real property, consider the injury and assess the damages which said defendants, as the owners thereof, or having any right, title or interest therein may sustain by reason of the condemnation and appropriation of a perpetual easement upon and over the lands involved herein, and that said defendants, and each of them, may be present, if they so desire.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 2 1944  
H. P. Warfield, Clerk  
U. S. District Court AC

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Court adjourned to September 5, 1944



Tract No. 12 (9 FW 319)  
Flowage Easement

Jas. M. Anthis fee owner of an undivided  
1/3 interest \$1.21

J. H. Childers, Jr.,  
Lou Anna C. Parker,  
Laurel N. Childers,  
Jessie Faye Thornton, fee owners of an undivided  
1/3 interest \$1.22

Eula Olentine,  
Fred Olentine,  
Robert Olentine,  
Hazel McNeely,  
William Olentine, fee owners of an undivided  
1/3 interest \$1.22

And, it now appearing that Robert Olentine, one of the persons designated as the owner of an interest in said tract was deceased at the time said order was entered, but that said Robert Olentine was not deceased at the time the United States took title to a flowage easement upon and over said tract, and that his heirs are:

Ruth Olentine surviving widow,  
Mary Frances Olentine surviving daughter.

It further appearing that the Clerk of this Court issued Registry of the Court Check No. 777, payable to Eula Olentine, Fred Olentine, Robert Olentine, Hazel McNeely, and William Olentine, in the amount of \$1.22 for an undivided one-third (1/3) interest in said tract.

It is therefore ordered, adjudged and decreed that the order heretofore entered on the 7th day of August, 1944, fixing title and making distribution as to Tract No. 12 (9 FW 319) be, and it is hereby supplemented and modified as follows, to-wit:

TRACT NO. 12 (9 FW 319)  
Flowage Easement

Jas. M. Anthis fee owner of an undivided  
1/3 interest \$1.21

J. H. Childers Jr.,  
Lou Anna C. Parker,  
Laurel N. Childers,  
Jessie Faye Thornton fee owner of an undivided 1/3 interest  
\$1.22

Eula Olentine fee owner of an undivided 1/9  
interest \$0.41

Fred Olentine fee owner of an undivided 1/18  
interest \$0.20

Hazel McNeely fee owner of an undivided  
1/18 interest \$0.20



(5) Due, proper and legal notice of the application of the United States of America for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this court.

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

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

(6) The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified on the 10th day of April, 1944, by taking and filing their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 13th day of April, 1944, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to-wit:

TRACT NO. 1 (9 FW-672)  
Flowage Easement

All that part of Lot 6 in Sec. 22, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.80

TRACT NO. 2 (9 FW 673)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.4 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$3.20

TRACT NO. 3 (9 FW 674)  
Flowage Easement

All that part of the SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$13.50

TRACT NO. 4 (9 FW 675)  
Flowage Easement

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

lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$4.00

TRACT NO. 5 (9 FW 677)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the N $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , AND ALL THAT PART OF THE NW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the east 15 feet of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , of Sec. 22, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing 0.1 acres more or less.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$31.50

TRACT NO. 6 (9 FW 678)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$ , less a strip of land 15 feet wide along the east side thereof, in Sec. 22, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$1.30

TRACT NO. 7 (9 FW 679)  
Flowage Easement

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$29.00

TRACT NO. 8 (9 FW 680)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 22, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.1 acres.

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

## TRACT NO. 9 (9 FW-662)

## Flowage Easement

All that part of the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , NW $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 E of the Indian Base and Meridian, in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion used by the Grand River Dam Authority, containing approximately 0.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$9.00

## TRACT NO. 10 (9 FW 663)

## Flowage Easement

All that part of the W $\frac{1}{2}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying and below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$6.40

## TRACT NO. 11 (9 FW 664)

## Flowage Easement

All that part of the W $\frac{1}{2}$ , E $\frac{1}{2}$ , NW $\frac{1}{4}$ , NW $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$2.40

## TRACT NO. 12 (9 - FW-669)

## Flowage Easement

All that part of the NW $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

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

## TRACT NO. 13 (9 FW 690)

## Flowage Easement

All that part of the S $\frac{1}{2}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Sec. 23, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 737 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority, has the right of flowage, containing approximately 3.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$108.00

TRACT NO. 14 (9 - FW-891)  
Flowage Easement

All that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , of Sec. 27, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.2 acres.

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

TRACT NO. 15 (9 FW 692)  
Flowage Easement

All that part of Lot 3 in Sec. 24, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$7.15

TRACT NO. 16 (10 - FW-6810)  
Flowage Easement

All that part of the SW $\frac{1}{4}$ , SE $\frac{1}{4}$  and all that part of the W $\frac{1}{2}$ , SE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 15, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$18.70

TRACT NO. 17 (9 FW 685)  
Flowage Easement

All that part of the SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.2 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$1.10

TRACT NO. 18 (9 FW 687)  
Flowage Easement

All that part of the N $\frac{1}{2}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$ , SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.5 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$98.00

TRACT NO. 18 (9 FW-693)  
Flowage Easement

All that part of the S $\frac{1}{2}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$8.00

TRACT NO. 20 (9 FW 693)  
Flowage Easement

All that part of Lot 8 less the North 300 feet thereof, in Sec. 18, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 1.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$11.00

TRACT NO. 21 (9 FW 694)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the S $\frac{1}{2}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$  in Sec. 14, and all that part of Lot 7, and all that part of the North 300 feet of Lot 8 in Sec. 18, all in T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$14.00

TRACT NO. 22 (10 - FW-693)  
Flowage Easement

All that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 0.8 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$1.10

TRACT NO. 23 (9 FW 696)  
 Flowage Easement

All that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of Sec. 14, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.5 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$8.00

TRACT NO. 24 (9 FW 697)  
 Flowage Easement

All that part of the SE $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, and except that portion owned by the Grand River Dam Authority, containing approximately 0.7 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$3.85

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

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

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$2.20

TRACT NO. 26 (10 - FW-699)  
 Flowage Easement

All that part of the NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.1 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY, \$31.00

TRACT NO. 27 (10 FW-700)  
 Flowage Easement

All that part of the SE $\frac{1}{4}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 23 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.0 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$10.00

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

All that part of the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.9 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$15.20

TRACT NO. 29 (10 FM 702)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 14, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.9 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$4.95

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

All that part of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 14, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing 0.3 acre, more or less.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.10

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

All that part of the S $\frac{1}{2}$  SE $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 E, of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 3.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$30.00

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

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.54

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

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

All that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$ , and all that part of the south 16.70 acres of Lot 3 in Sec. 12; and all that part of the NW10.0 acres of Lot 3 in Sec. 13, all in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, and that portion on which the Grand River Dam Authority has the right of flowage, containing approximately 2.8 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$33.00

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

All that part of the NW 10.0 acres of Lot 3 in Sec. 12, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 0.1 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$1.00

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

All that part of the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 11, and all that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 12, all in T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 7.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$106.00

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

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  of Sec. 11, T 24 N, R 22 E of the Indian Base Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 2.0 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$13.15

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

All that part of the W $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 12, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$22.10

TRACT NO. 30 (10 - FW-711)  
Flowage Easement

All that part of the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 20 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.

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

TRACT NO. 30 (10 - FW-712)  
Flowage Easement

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 1.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$18.00

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

All that part of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 11, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, containing approximately 0.3 acre.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$5.90

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

All that part of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the SE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 10, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 9.3 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$125.00

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

All that part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and all that part of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 10, T 24 N, R 20 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 8.6 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL

EASEMENT) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$209.50

TRACT NO. 18 (10 - FW-718)  
Flowage Easement

All that part of the E 1/2 NW 1/4 of Sec. 10, T 24 N, R 22 E of the Indian Base and Meridian in Delaware County, Oklahoma, lying below Elev. 757 Sea Level Datum, except that portion owned by the Grand River Dam Authority, containing approximately 11.4 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT) AND ALL DAMAGES TO THE RETAINER, IF ANY \$139.00

TOTAL \$1392.66

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

(7) More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners, is final, just compensation, in the total amount of \$1392.66.

(8) That the United States of America did, on the 12th day of July, 1943, file its Declaration of Taking herein, and paid to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the following sums, to-wit:

TRACT NO. 1 (9 FW 672)	\$ 1.80
TRACT NO. 2 (9 FW 673)	3.20
TRACT NO. 3 (9 FW 674)	10.80
TRACT NO. 4 (9 FW 675)	4.00
TRACT NO. 5 (9 FW 677)	18.80
TRACT NO. 6 (9 FW 678)	1.20
TRACT NO. 7 (9 FW 679)	10.40
TRACT NO. 8 (9 FW 680)	7.70
TRACT NO. 9 (9 FW 682)	0.40
TRACT NO. 10 (9 FW 683)	6.40
TRACT NO. 11 (9 FW 684)	3.40
TRACT NO. 12 (9 FW 685)	5.25
TRACT NO. 13 (9 FW 690)	10.80
TRACT NO. 14 (9 FW 691)	7.20
TRACT NO. 15 (9 FW 692)	7.15
TRACT NO. 16 (9 FW 681)	18.70
TRACT NO. 17 (9 FW 686)	1.10
TRACT NO. 18 (10 FW 687)	13.75
TRACT NO. 19 (10 FW 688)	4.40
TRACT NO. 20 (10 FW 693)	10.20
TRACT NO. 21 (10 FW 694)	14.50
TRACT NO. 22 (10 FW 695)	1.10
TRACT NO. 23 (10 FW 696)	1.10
TRACT NO. 24 (10 FW 697)	3.25
TRACT NO. 25 (10 FW 698)	3.20
TRACT NO. 26 (10 FW 699)	16.50

TRACT NO. 27 (10 FW 700)	3.00
TRACT NO. 28 (10 FW 701)	15.00
TRACT NO. 29 (10 FW 702)	4.95
TRACT NO. 30 (10 FW 703)	1.10
TRACT NO. 31 (10 FW 704)	13.50
TRACT NO. 32 (10 FW 705)	1.54
TRACT NO. 33 (10 FW 706)	15.40
TRACT NO. 34 (10 FW 707)	1.02
TRACT NO. 35 (10 FW 708)	106.00
TRACT NO. 36 (10 FW 709)	10.15
TRACT NO. 37 (10 FW 710)	21.10
TRACT NO. 38 (10 FW 711)	53.50
TRACT NO. 39 (10 FW 712)	10.00
TRACT NO. 40 (10 FW 713)	2.90
TRACT NO. 41 (10 FW 714)	125.00
TRACT NO. 42 (10 FW 715)	509.50
TRACT NO. 43 (10 FW 716)	179.00
TOTAL	\$ 1361.70

(9) The Court having fully considered the petition for condemnation, the Declaration of Taking, and all proceedings had herein, and the provisions of Title II of the Act of Congress of June 16, 1935, 49 Stat. 270-293 (U.S.C. Title 40, Secs. 401-403), as amended and supplemented; the Act of June 17, 1930, 41 Stat. 1095 (U.S.C. Title 28, Sec. 209); and Executive Order No. 8344, dated November 19, 1941, is of the opinion that the United States of America was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated Act of Congress.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein, is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth, is full and just compensation for the taking of said estate in the land designated as follows, to-wit:

TRACT NO. 1 (9 FW 672)	\$1.60
TRACT NO. 2 (9 FW 673)	5.00
TRACT NO. 3 (9 FW 674)	13.50
TRACT NO. 4 (9 FW 675)	4.00
TRACT NO. 5 (9 FW 677)	31.50
TRACT NO. 6 (9 FW 678)	1.30
TRACT NO. 7 (9 FW 679)	33.00
TRACT NO. 8 (9 FW 680)	50.00
TRACT NO. 9 (9 FW 682)	3.00
TRACT NO. 10 (9 FW 683)	3.40
TRACT NO. 11 (9 FW 684)	2.40
TRACT NO. 12 (9 FW 689)	5.00
TRACT NO. 13 (9 FW 690)	106.00
TRACT NO. 14 (9 FW 691)	16.00
TRACT NO. 15 (9 FW 692)	7.15
TRACT NO. 16 (10 FW 681)	16.70
TRACT NO. 17 (10 FW 686)	1.10
TRACT NO. 18 (10 FW 687)	25.00
TRACT NO. 19 (10 FW 688)	8.00
TRACT NO. 20 (10 FW 683)	11.30
TRACT NO. 21 (10 FW 684)	14.70
TRACT NO. 22 (10 FW 685)	1.10
TRACT NO. 23 (10 FW 686)	3.00

TRACT NO. 24 (10 FW 697)	3.65
TRACT NO. 25 (10 FW 698)	3.20
TRACT NO. 26 (10 FW 699)	21.00
TRACT NO. 27 (10 FW 700)	10.00
TRACT NO. 28 (10 FW 701)	12.30
TRACT NO. 29 (10 FW 702)	4.95
TRACT NO. 30 (10 FW 703)	1.10
TRACT NO. 31 (10 FW 704)	30.00
TRACT NO. 32 (10 FW 705)	1.54
TRACT NO. 33 (10 FW 706)	28.07
TRACT NO. 34 (10 FW 707)	1.02
TRACT NO. 35 (10 FW 708)	106.00
TRACT NO. 36 (10 FW 709)	16.16
TRACT NO. 37 (10 FW 710)	22.10
TRACT NO. 38 (10 FW 711)	53.50
TRACT NO. 39 (10 FW 712)	18.00
TRACT NO. 40 (10 FW 714)	3.90
TRACT NO. 41 (10 FW 715)	125.00
TRACT NO. 42 (10 FW 716)	309.50
TRACT NO. 47 (10 FW 718)	139.00
<b>TOTAL</b>	<b>\$ 1302.66</b>

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is a perpetual easement upon and over said lands to traverse, submerge and flow; to cut and clear all timber therefrom and to remove or require the removal therefrom of all obstructions, natural or artificial structures, buildings, fences and other improvements, and to enter upon said lands from time to time in the performance of said acts, for use in connection with the completion and full utilization of the Grand River Dam (Pensacola) Project in Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, and the interest therein taken by these eminent domain proceedings, was vested in the United States of America on 12th day of July, 1943, upon the filing of a Declaration of Taking and the depositing of the sum of \$1061.78 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate then vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken therein, as hereinbefore specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the United States of America, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner pay into the registry of this Court the sum of \$240.90, said sum being the deficiency between the sum of \$1302.66, the just compensation herein fixed by the report of commissioners, and the amount deposited with the Declaration of Taking, as the just compensation for the taking of said tracts of land, in the sum of \$1061.76.

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

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

ENFORCED: Filed Sep 5 1944  
H. F. Warfield, Clerk  
U. S. District Court

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 11.92  
acres, more or less; and CERTAIN PERSONAL  
PROPERTY LOCATED THEREON AND USED IN CONNECTION  
THEREWITH, and Mesa Grande Yacht Club, et al.,

Defendants.

CIVIL NO. 1178

JUDGMENT VESTING TITLE AND FIXING JUST  
COMPENSATION FOR PERSONAL PROPERTY  
TRACT NO. 11 (12 FW 805)

NOW, on this 5th day of September, 1944, there coming on for hearing the application of the petitioner for judgment on stipulation as to personal property located upon and used in connection with the Grand River Dam (Pensacola) Project, and upon consideration thereof and the copy of said stipulation thereto attached, and of the condemnation petition and amendment thereto, and the statutes in such cases made and provided, and Executive Order of the President of the United States, No. 8944, dated November 19, 1941; Executive Order No. 9366, dated July 20, 1943; Executive Order No. 9373, dated August 30, 1943, and the Second War Powers Act of March 27, 1942 (50 U.S.C. Sec. 171-A), and it appearing to the satisfaction of the Court;

FIRST: That the United States of America is entitled to take and temporarily use said property for the purposes as set out and prayed in said petition as amended;

SECOND: That a petition in condemnation and amendment thereto, 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 to make temporary use of the personal property described in the amendment to said petition, and also under authority of the Attorney General of the United States;

THIRD: That said petition, and amendment thereto, state the authority under which and the public use for which said lands and personal property were taken; that the Secretary of the Interior is the person duly authorized and empowered by law to acquire the estate in said lands and to make temporary use of the personal property located upon and used in connection with said lands as are described in the petition, and amendment thereto, for the safety and defense of the United States, for the prosecution of the war, and for the construction of public works; 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 personal property temporarily used sufficient for the identification thereof is set out in said petition for condemnation, as amended, and assigned as personal property located upon and used in connection with the lands described as Tract No. 11 (12 FW 805);

FIFTH: That the Secretary of the Interior, through his duly authorized representative has entered into an agreement and stipulation with the defendants, J. W. Haynes and Mary E. Haynes, the owners of all of the personal property described in Tract No. 11 (12 FW 805), in the amendment to the petition in condemnation, thereby fixing and determining the full and just compensation to be paid said defendants, in the sum of \$21.87.

SIXTH: That the Secretary of the Interior of the United States, through his duly authorized representative, is duly authorized and empowered to enter into agreements and stipulations

such as the one referred to herein, fixing and determining the full and just compensation to be paid for the taking of lands and the temporary use of personal property located upon and used in connection with said lands; that the defendants, C. W. Haynes and Mary B. Haynes, were the owners of said personal property at all times when the same was temporarily used by the petitioner;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sum of \$64.50 is full and just compensation for the loss of and damage to all personal property located upon and used in connection with the lands described in and designated in these proceedings as Tract No. 11 (12 FW 905), sustained by the wrens, or those having any right, title or interest in and to said personal property, inclusive of every interest therein as the result of the flooding of said lands in May, 1943, by the petitioner in connection with the Grand River Dam (Pensacola) Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, United States of America deposit in the registry of this court the said sum of \$64.50 for the use and benefit of the owners and those having any right, title or interest in and to the personal property described under Tract no. 11 (12 FW 905), in the amended petition filed herein on the 5th day of September, 1944.

IT IS FURTHER ORDERED, that upon petitioner paying into the registry of this Court the said sum of \$64.50 the same shall be in full settlement of all damages, against the United States of America, occasioned by the temporary use of said personal property from the 13th day of May, 1943, until the 22nd day of May, 1947, inclusive, by the petitioner in connection with the Grand River Dam (Pensacola) Project, and this judgment shall be fully satisfied.

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

ENDORSED: Filed Sep 5 1944  
H. P. Warfield, Clerk  
U. S. District Court H

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, )  
 )  
-vs- ) No. 1318 Civil  
 )  
Carl Walker, Defendant. )

D I S M I S S A L

Now on this 5th day of Sept., 1944, this matter comes regularly on before the Court upon the application of the plaintiff for the dismissal of this cause of action, and it appearing that the defendant is now serving in the United States Navy, and the Court being otherwise fully advised in the premises, finds that this cause should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that this cause of action be, and the same is hereby dismissed.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed Sep 5 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

On this 8th day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 Term at Tulsa, met pursuant to adjournment, Hon. Royce M. Savage, Judge, present and presiding.

H. P. Warfield, Clerk, U. S. District Court  
Whit Y. Mandy, 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. 1276 CIVIL
		)
2.7 acres of land, more or less, situate in		)
Tulsa County, Oklahoma, and A. E. Duran, et al,		)
	Respondents.	)

JUDGMENT ON DECLARATION OF TAKING NO. 1

This day comes the petitioner, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America a leasehold estate for a term commencing April 4, 1943 and ending June 30, 1943, a further term commencing July 1, 1943 and ending June 30, 1944, and a further term commencing July 1, 1944 and ending June 30, 1945, extendible for yearly periods thereafter during the existing national emergency at the election of the United States, subject to the provisions hereinafter set forth, and subject to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, in and to the lands hereinafter described and described in the Declaration of Taking No. 1 and in the Petition for Condemnation filed herein.

Thereupon, the Court proceeded to hear and pass upon said motion, the Petition for Condemnation and Declaration of Taking No. 1, 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 and estate therein were taken is set forth;

(3) The petition and the Declaration of Taking No. 1 were filed at the request of the Secretary of War, the person duly authorized by law to acquire the lands and estate therein taken as 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 proceeding;

(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 estate taken in said lands, in the amount of ninety and No/100 Dollars (\$90.00), and said sum of money 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 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 No. 1, the Act of Congress approved February 26, 1931 (46 Stat. 1431; 40 U.S.C. Sec. 258 a), 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. 312), April 11, 1918 (40 Stat. 516; 50 U.S.C. Sec. 171); and March 27, 1942, (Public Law 507 - 77th Congress), which Acts authorize the acquisition of land for military or other war purposes, and the Act of Congress approved June 26, 1944 (Public Law 774 - 78th Congress), which Act appropriated funds for such purposes, is of the opinion that the United States of America has 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 a leasehold estate for a term commencing April 4, 1943, and ending June 30, 1943, a further term commencing July 1, 1943 and ending June 30, 1944, and a further term commencing July 1, 1944, and ending June 30, 1945, 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 thirty days prior to the ending 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, or 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 No. 1 and the depositing in the registry of this Court of the said sum of Ninety and No/100 Dollars (\$90.00), and said lands and estate therein taken are deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the 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 hereon pursuant to law.

The lands aggregate 2.7 acres, more or less and are described as follows:

Tract No. 4-B  
(Railroad Spur)

A tract of land in the Southwest quarter of the Southwest quarter of the Northeast quarter (SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section Thirteen (13), Township Twenty (20) North, Range Thirteen (13) East of the Indian Meridian, situate in Tulsa County, Oklahoma, more particularly described as follows:

beginning at the Southwest corner of the Northeast quarter of Section 13, Township 20 North, Range 13 East of the Indian Meridian and Meridian; thence North 590 feet along the East line of said Northeast quarter; thence South-easterly to a point in the South line of said Northeast quarter and 350 feet east of the Southwest corner thereof; thence West along said South line to point of beginning, containing 2.7 acres of land, more or less,

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of or claiming any right whatsoever to the possession of the lands hereinabove described, and all and singular the rights, privileges and easements thereunto belonging, are hereby ordered and directed to deliver up and surrender forthwith full and complete possession of the lands hereinafter described, to the extent of the estate herein taken, to the United States of America, and the United States of America is hereby granted leave to take its edifice possession of said lands.

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

ROYCE H. SHELGE  
JUDGE

RECORDED: Filed Sep 6 1944 A. P. Warfield, Clerk  
U. S. District Court







The United States has caused to be deposited in the registry of this court the sum \$138.40 in full satisfaction of said judgment.

The title to said personal property was vested in Lon R. Stansberry and Myrtle C. Stansberry, at the time the same was injured and damaged, and they are the only persons having any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered in this case on the 26th day of August, 1944, for the sum of \$138.40, as just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land designated and described as Tract No. 24 (40 FW 1236), be and the same is hereby fully satisfied.

IT IS FURTHER ORDERED, that Lon R. Stansberry and Myrtle C. Stansberry were the owners of said personal property at the time the injury occurred and the damages were sustained, and they are the only persons having any right, title or interest in and to said just compensation.

IT IS FURTHER ORDERED that the Clerk of this Court make distribution of said just compensation now on deposit in his office, to Lon R. Stansberry and Myrtle C. Stansberry, for and in the amount of \$138.40, and show said judgment fully satisfied upon the records of this Court.

ROYCE H. SAVAGE  
J U D G E

DORSED: Filed Sep 7 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,

Petitioner,

vs

CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 650.30  
acres, more or less, and CERTAIN PERSONAL  
PROPERTY LOCATED THEREON AND USED IN  
CONNECTION THEREWITH, and M. F. Garman, et al.,

Defendants.

CIVIL NO. 1168

ORDER FIXING TITLE, MAKING DISTRIBUTION AND SATISFYING JUDGMENT  
AS TO PERSONAL PROPERTY Tract No. 33 (51 FW 1516)

NOW, on this the 7th day of September, 1944, it appearing to the Court, that:

A judgment was entered in this case on the 26th day of August, 1944, against the petitioner, United States of America, for the sum of \$451.82 as full and just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land described and designated as Tract No. 33 (51 FW 1516), due to the flooding of said property during the May, 1943 flood by the United States in connection with the operation of the Grand River Dam (Sensawalla) Project.

The United Staes has caused to be deposited in the registry of this court the sum of \$1,82 in full satisfaction of said judgment.

The title to said personal property was vested in Bert East and Grace Pearl East, the time the same was injured and damages, and they are the only persons having any right, title interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered in this cause on the 26th day of August, 1944, for the sum of \$451.82 as just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land designated and described as Tract No. 33 (51 FW 1516), be and the same is hereby fully satisfied.

IT IS FURTHER DECREED, that Bert East and Grace Pearl East were the owners of said personal property at the time the injury occurred and the damages were sustained, and they are the only persons having any right, title or interest in and to said just compensation.

IT IS FURTHER ORDERED, that the Clerk of this Court make distribution of said just compensation now on deposit in his office, to Bert East and Grace Pearl East, for and in the sum of \$451.82, and show said judgment fully satisfied upon the records of this Court.

ROYCE H. SAVAGE  
J U D G E

DORSED: Filed Sep 7 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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

UNITED STATES OF AMERICA,	Petitioner,	)	
		)	
-vs-		)	
		)	
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)	CIVIL NO. 1169
OKLAHOMA, containing approximately 217.10		)	
acres, more or less; and CERTAIN PERSONAL		)	
PROPERTY LOCATED THEREON AND USED IN		)	
CONNECTION THEREWITH, and Anna Beaver Hallam,		)	
et al.,	Defendants.	)	

ORDER FIXING TITLE, MAKING DISTRIBUTION AND SATISFYING  
JUDGMENT AS TO PERSONAL PROPERTY TRACT NO. 4  
(47 FW 1601)

NOW, on this the 7th day of September, 1944, it appearing to the Court, that:

A Judgment was entered in this cause on the 26th day of August, 1944, against the petitioner, United States of America, for the sum of \$307.50 as full and just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land described and designated as Tract No. 4 (47 FW 1601), due to the flooding of said property during the May, 1943 flood, by the United States in connection with the operation of the Grand River Dam (Pensacola) Project.

The United States has caused to be deposited in the registry of this court the sum of \$307.50 in full satisfaction of said judgment.

The title to said personal property was vested in C. L. Nichols and Dora E. Nichols

REGULAR JANUARY 1944 TERM

TULSA, OKLAHOMA

THURSDAY, SEPTEMBER 7, 1944

the time the same was injured and damages, and they are the only persons having any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered in this case on the 26th day of August, 1944, for the sum of \$305.50 as just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land designated and described as Tract No. 4 (47 FW 1601), be and the same is hereby fully satisfied.

IT IS FURTHER DECREED, that C. L. Nichols and Dora E. Nichols were the owners of said personal property at the time the injury occurred and the damages were sustained, and they are the only persons having any right, title or interest in and to said just compensation.

IT IS FURTHER ORDERED that the Clerk of this Court make distribution of said just compensation now on deposit in his office, to C. L. Nichols and Dora E. Nichols, for and in the sum of \$305.50, and show said judgment fully satisfied upon the records of this Court.

ROYCE H. SAVAGE  
J U D G E

DORSED: Filed Sep 7 1944  
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		)	
		)	CIVIL NO. 1181
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)	
OKLAHOMA, containing approximately 61.04		)	
acres, more or less; and CERTAIN PERSONAL		)	
PROPERTY LOCATED THEREON AND USED IN CONNECTION		)	
WITH HERBERT W. BROWNE, AND O. F. BRODRICK, ET AL.,		)	
	Defendants.	)	

ORDER FIXING TITLE, MAKING DISTRIBUTION AND SATISFYING JUDGMENT AS TO PERSONAL PROPERTY Tract No. 18 (50 FW 1371) and Tract No. 19 (51 FW 1375)

NOW, on this 7th day of September, 1944, it appearing to the Court, that:

A judgment was entered in this cause on the 14 day of August, 1944, against the petitioner, United States of America, for the sum of \$1153.15 as full and just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land described and designated as Tract No. 18 (50 FW 1371), and for the sum of \$374.00 as full and just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land described and designated as Tract No. 19 (51 FW 1375) due to the flooding of said property during the May, 1943 flood, by the United States in connection with the operation of the Grand River Dam (Pensacola) Project.

The United States has caused to be deposited in the registry of this court the sums of \$1153.15 and \$374.00 in full satisfaction of said judgment.

The title to the personal property on Tract No. 18 (50 FW 1371) was vested in E. C. Thompson and Blanche Thompson, at the time the same was injured and damaged; and that title to the personal property on Tract No. 19 (51 FW 1375) was vested in Samuel Wilson, Maggie and Jerry B. Wilson, at the time the same was injured and damaged; and they are the only persons having any right, title or interest in and to said just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgments entered in this case on the 14 day of August, 1944, for the sum of \$1153.15 as just compensation for damages sustained by the owners of the personal property located upon and used in connection with the land designated and described as Tract No. 18 (50 FW 1371), and the sum of \$374.00 as just compensation for the damages sustained by the owners of the personal property located upon and used in connection with the land designated and described as Tract No. 19 (51 FW 1375), be, and the same are hereby fully satisfied.

IT IS FURTHER ORDERED, that E. C. Thompson and Blanche Thompson were the owners of the personal property in Tract No. 18 (50 FW 1371); and that Samuel Wilson, Maggie Wilson and Jerry B. Wilson were the owners of the personal property in Tract No. 19 (51 FW 1375) at the time the injury occurred and the damages were sustained, and they are the only persons having any right, title or interest in and to said just compensation.

IT IS FURTHER ORDERED that the Clerk of this Court make distribution of said just compensation now on deposit in his office, as follows, to-wit:

E. C. Thompson and Blanche Thompson, owners of the personal property located upon and used in connection with tract No. 18 (50 FW 1371) \$1153.15

Samuel Wilson, Maggie Wilson and Jerry B. Wilson, owners of the personal property located upon and used in connection with Tract No. 19 (51 FW 1375) \$ 374.00

and show said judgment fully satisfied upon the records of this Court.

ROYCE H. SAVAGE  
JUDGE

DORSED: Filed Sep 7 1944  
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 )  
) CIVIL NO. 1182  
)  
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY, )  
OKLAHOMA, containing approximately 646.70 )  
acres, more or less; and CERTAIN PERSONAL )  
PROPERTY LOCATED THEREON AND USED IN CONNECTION )  
HEREWITH and W. Brown Stansell, et al., )  
Defendants. )

ORDER FIXING TITLE, MAKING DISTRIBUTION AND SATISFYING JUDGMENT AS TO PERSONAL PROPERTY Tract No. 8 (53 FW 1405)





DISTRICT OF OKLAHOMA

SULAR JANUARY 1944 TERM

TULSA, OKLAHOMA

FRIDAY, September 8, 1944

22-36308, and approximately 26 )  
 llons of Assorted Taxpaid Intoxicating ) No. 1257 CIVIL  
 quors seized therein; Chester L. Gammill )  
 d The Exchange Auto Parts, Tulsa, Oklahoma, )  
 Claimants. )

## JOURNAL ENTRY OF JUDGMENT

NOW on this 8th day of September, 1944, this cause of action having come on before the Court, libellant 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, Chester L. Gammill having heretofore filed his general appearance, waived the issuance and service of monition and process in this cause and disclaims any right, title or interest in and to the above described automobile and intoxicating liquors, and the claimants, The Exchange Auto Parts, Tulsa, Oklahoma, having heretofore filed its answer to the libel of information, appears by its attorney, Joe B. Houston, and the libellant and the said claimant, The Exchange Auto Parts, Tulsa, Oklahoma, having presented their evidence and testimony, and the Court, after hearing argument of counsel and being fully advised in the premises, finds the marketable value of said described automobile to be \$647.28, and that a forfeiture of said automobile and intoxicating liquors should be decreed insofar as the right, title and interest of the claimant, Chester L. Gammill, is concerned, and that such forfeiture as to said described automobile should be remitted and mitigated as to the right, title and interest of the said claimant, The Exchange Auto Parts, Tulsa, Oklahoma, in the amount of Four Hundred Forty-seven Dollars and Twenty-eight Cents (447.28) upon its payment of storage charges and expenses incident to the seizure herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein be decreed as to the said described automobile, and the same is hereby allowed as to the approximately twenty-six (26) 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 decreed as to the said described automobile, and the same is hereby allowed as to the said described 1939 Chrysler Coupe Automobile, Motor No. C-22-36308, insofar as the right, title and interest of said claimant, Chester L. Gammill, is concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that such forfeiture as to the said described automobile be, and the same is hereby remitted and mitigated insofar as the right, title and interest of the claimant, The Exchange Auto Parts, Tulsa, Oklahoma, in the amount of Four Hundred Forty-seven Dollars and Twenty-eight cents (\$447.28) is concerned, and the United States Marshal for the Northern District of Oklahoma is hereby directed to release and deliver over said described automobile to the claimant, The Exchange Auto Parts, Tulsa, Oklahoma, upon its payment of Two Hundred Dollars (200.00), the equity of the United States therein, and all storage charges and expenses incident to the seizure of said automobile.

ROYCE H. SAVAGE  
 JUDGE

DORSED: Filed In Open Court  
 Sep 8 1944  
 H. P. Warfield, Clerk  
 U. S. District Court LN

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

ited States of America,	Libelant,	)	
		)	
vs		)	
		)	
e 1940 Pontiac Sedan Automobile,		)	No. 1264 Civil
tor No. 8-241,378, and Approximately		)	
gallons of assorted taxpaid intoxicating		)	
quors seized therein; Paul Troy Mock and The		)	
terstate Securities Company, Incorporated,		)	
Tulsa, Oklahoma,	Claimants.	)	

JOURNAL ENTRY OF JUDGMENT

NOW on this 8th day of September, 1944, this cause having come on before the Court pursuant to regular assignment, libelant appearing by Whit Y. Mauzy, United States Attorney, and the W. Howard, Assistant United States Attorney, for the Northern District of Oklahoma, and the claimant Paul Troy Mock having heretofore filed his waiver, making his general appearance and disavowing any interest in and to said described automobile and intoxicating liquors, and the claimant, the Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, having filed its answer and petition for remission and appearing by its attorney, C. A. Warren, and the libelant and the said claimant, the Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, present their evidence and rest, and the Court, after hearing argument of counsel and being fully advised in the premises, finds the marketable value of said automobile to be \$850.00 and that a forfeiture of said automobile and intoxicating liquors should be decreed insofar as the right, title and interest of the said claimant, Paul Troy Mock, is concerned, and that such forfeiture as to said described automobile should be remitted and mitigated as to the right, title and interest of the claimant, The Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, in the amount of Eight Hundred Seventy-nine Dollars and Ninety Cents (\$879.90) upon its payment of storage charges and expenses incident to the seizure herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that a forfeiture herein, and the same is hereby allowed as to the approximately nineteen (19) gallons of assorted taxpaid intoxicating liquors described in this action, which intoxicating liquors are ordered delivered 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, and the same is hereby allowed as to the said described 1940 Pontiac Sedan Automobile, Motor No. 241,378, insofar as the right, title and interest of said claimant, Paul Troy Mock, is concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that such forfeiture as to said described automobile be, and the same is hereby remitted and mitigated as to the interest of the claimant, The Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, in the amount of Eight Hundred Seventy-nine Dollars and Ninety Cents (\$879.90), and the United States Marshal for the Northern District of Oklahoma is hereby directed to release and deliver over said described automobile to the claimant, The Interstate Securities Company, Incorporated, of Tulsa, Oklahoma, upon its payment of the amount of \$No found to be the equity of the United States, and upon its payment of all storage charges and expenses incident to the seizure of said automobile.

ROYCE H. SAVAGE  
JUDGE

ENDORSED: Filed In Open Court  
Sep 8 1944  
H. P. Warfield, Clerk  
U. S. District Court

-----  
Court adjourned to September 11, 1944

On this 11th day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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:

SCCELLANEOUS - APPOINTMENT OF ERNESTINE M. SMITH, CLERICAL ASSISTANT.

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

UNITED STATES OF AMERICA, )  
 )  
 ) SS:  
NORTHERN DISTRICT OF OKLAHOMA. )

I, Ernestine M. Smith, being appointed a Clerical Assistant of the District Court of the United States for the Northern District of Oklahoma, do solemnly swear that I will truly and faithfully discharge and perform all the duties of my said office, according to the best of my ability and understanding. That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. SO HELP ME GOD.

ERNESTINE M. SMITH

Subscribed and sworn to before me this 11th day of September, 1944.

Irene Wilkinson  
Notary Public

SEAL) My com. expires  
Jan 16 1948

DORSED: Filed Sep 11 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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

UNITED STATES OF AMERICA, )  
 )  
 ) SS:  
NORTHERN DISTRICT OF OKLAHOMA. )

I, Ernestine M. Smith, being appointed a Clerical Assistant of the District Court of the United States for the Northern District of Oklahoma, do solemnly swear that I will well and truly discharge and perform all the duties of my said office, according to the best of my ability and understanding. That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office of which I am about to enter. SO HELP ME GOD.

ERNESTINE M. SMITH

DORSED: Filed Sep 11 1944  
H. P. Warfield, Clerk, U. S. District Court

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

die Moffer,	Plaintiff,	)	
		)	
		)	
		)	NO. 916 Civil
clair Prairie Oil Company, a corporation,		)	
d Annie Moffer, now McArthur,	Defendants.	)	
		)	
ited States of America,	Intervener.	)	

ORDER OF DISMISSAL

Upon motion of plaintiff filed herein concurred in by the United States of America, Intervener, and upon sufficient showing being made to the Court that the terms and conditions of stipulation heretofore filed herein by and between the plaintiff and the defendant, and the United States of America, as Intervener, have in all respects been performed.

IT IS ORDERED, ADJUDGED AND DECREED that this action be, and the same hereby is dismissed with prejudice, but at the costs of defendant, Sinclair Prairie Oil Company.

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

DORSED: Filed Sep 11 1944  
H. P. Warfield, Clerk  
U. S. District Court LN

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

ERTHA FLORENCE SABIN and MILTON E SABIN,	Plaintiffs,	)	
		)	
vs		)	No. 1105 - CIVIL
		)	
HOME OWNERS' LOAN CORPORATION, et al,	Defendants.	)	

JOURNAL ENTRY

This cause came on to be heard on motion of defendants, HOME OWNERS' LOAN CORPORATION, a corporation, and GEORGE J. OVERMYER and wife, BRENDA E. OVERMYER, for a summary judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and the court having considered the pleadings in the action, the affidavit of J. L. Walsh, Jr., in support of the motion; having heard oral argument; having found that there is no genuine issue as to any material fact and no controversial fact to be submitted to the trial court; and having concluded that the defendants, Home Owners' Loan Corporation, a corporation, GEORGE J. OVERMYER and wife, BRENDA E. OVERMYER, are entitled to judgment as a matter of law;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiffs, BERTHA FLORENCE SABIN and MILTON ROE SABIN, take nothing, that the action be, and it hereby is, dismissed on the merits as against defendants, HOME OWNERS' LOAN CORPORATION, a corporation, GEORGE J. OVERMYER and wife, BRENDA E. OVERMYER have and recover from said plaintiffs their costs in the action and that said defendants execute therefor.

ROYCE H. SAVAGE, Judge

DORSED: Filed Sep 20 1944  
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. 1181

PARCELS OF LAND IN OTTAWA COUNTY,  
OKLAHOMA, containing approximately 61.04  
acres more or less; and O. F. Brodrick,

Defendants.

ORDER DIVESTING PETITIONER OF THE FEE SIMPLE TITLE  
AND REVESTING TITLE IN FORMER OWNER, SUBJECT TO  
PERPETUAL FLOWAGE EASEMENT AS TO TRACT NO. 14  
(50 FW 1350)

NOW, on this 11th day of September, 1944, there coming on for hearing the application for a judgment upon the stipulation entered into between petitioner and the defendant, as to Tract No. 14 (50 FW 1350) in this proceeding, and it appearing to the Court that United States of America, instituted condemnation proceedings herein to acquire the fee simple title to the land described and designated as Tract No. 14 (50 FW 1350) in this proceeding, filed its Declaration of Taking and deposited in the registry of this Court the sum of \$2,262.50, that the title to said lands vested in the petitioner on the 3rd day of April, 1944; and that the Court entered a judgment on said Declaration of Taking; and

It further appearing to the court that the amount of just compensation to be paid for said land has not been ascertained and awarded in this proceeding and established by judgment herein; and that the just compensation deposited by the petitioner in the amount of \$2,262.50 is still in the registry of this court.

It further appearing that the owner of said tract of land prior to the taking by the petitioner have stipulated and agreed as follows, to-wit:

That the United States of America be divested of the fee simple title in and to the land designated as Tract No. 14 (50 FW 1350), and that the fee simple title thereto be awarded to the defendant, Francis Roll, subject to a perpetual easement to inundate, submerge and flow over said land from time to time in the performance of said acts.

(a) That the sum of \$1,200.00, inclusive of interest, shall be in full satisfaction of just compensation for the taking and retaining by the petitioner United States of America of the fee simple title to the land described in and designated as Tract No. 14 (50 FW 1350), subject to a perpetual easement upon and over the land described in and designated as Tract No. 14 (50 FW 1350) to inundate, submerge and flow and to enter upon said land from time to time in the performance of said acts.

That the said sum of \$1,200.00 shall be in full satisfaction of and just compensation for all damages that the defendant may have sustained, if any, by reason of the taking of the fee simple title by the petitioner and the holding of said fee simple title by the petitioner and the revesting of said fee simple title in the defendant, subject to said easement.

That the said sum of \$1,200.00 shall also be in full satisfaction of and just compensation for all damages, if any, sustained by the defendant by reason of the May 1943 flooding and overflowing of said tract of land subsequent to May, 1943.

That the petitioner, United States of America shall receive and withdraw a refund of \$62.50, said amount being the difference between the estimated just compensation of \$2,262.50 and the sum of \$1,200.00.

the sum of \$2,262.50, deposited by petitioner in the registry of this court for the taking of the fee simple title to said tract of land, and the compensation fixed by said stipulation to be paid for the taking of a perpetual flowage easement, in the amount of \$1,200.00.

4. That said just compensation in the sum of \$1,200.00 shall be subject to all liens, encumbrances and charges of whatsoever nature existing at the time of the taking of said tract of land, and that any and all awards of just compensation ascertained and awarded in this proceeding and established by judgment herein, to any and all other parties named as defendants herein, shall be payable out of and deductible from said sum.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States of America be divested of the fee simple title to the land described and designated as Tract No. 14 (50 FW 1350), lying and being in the County of Ottawa, State of Oklahoma, and more particularly described as follows, to-wit:

TRACT NO. 14 (50 FW 1350)

Lot 10, Lot 12, and the S $\frac{1}{2}$  of Lot 8 fronting on Main Street as shown on the dedication plat of the original Townsite of Wyandotte, Ottawa County, Oklahoma.

TO GRANT a perpetual easement to inundate, submerge and flow and to enter upon said land from time to time in the performance of said acts, and that the fee simple title to said tract of land revert in the former owner, Francis Roll, subject to a perpetual easement in the petitioner, United States of America, to inundate, submerge and flow and to enter upon said land from time to time in the performance of said acts.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the sum of \$1,200.00, inclusive of interest, is in full satisfaction of and just compensation for the taking and retaining by the petitioner, United States of America of a perpetual easement upon and over said tract of land to inundate, submerge and flow, and to enter upon said land from time to time in the performance of said acts, and is in full satisfaction of any and all damages, if any, that the defendant may have sustained, by reason of the taking of the entire fee simple title by the petitioner and the holding of said fee simple title by the petitioner, until the reversion of same in the defendant; and also is in full satisfaction of any and all damages, if any, sustained by the defendant by reason of the May 1943 flood or the inundating and overflowing of said land subsequent to May, 1943.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said just compensation in the sum of \$1,200.00 shall be subject to all liens, encumbrances and charges of whatsoever nature existing at the time of the taking of said tract of land by the petitioner, and that any and all awards of just compensation ascertained and awarded in this proceeding and established by judgment herein, to any and all other parties named as defendants herein, shall be payable out of and deductible from said sum.

ROYCE H. SAVAGE  
JUDGE

FORWARDED: Filed Sep 11 1944  
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		)	
		)	CIVIL NO. 1181
CERTAIN PARCELS OF LAND IN OTTAWA COUNTY,		)	
OKLAHOMA, containing approximately 61.04		)	
acres, more or less; and O. F. Brodrick, et al.,		)	
Defendants.		)	

ORDER DIVESTING PETITIONER OF THE FEE SIMPLE TITLE AND REVESTING  
TITLE IN FORMER OWNER, SUBJECT TO PERPETUAL FLOWAGE EASEMENT  
AS TO TRACT NO. 15 (50 FW 1351)  
TRACT NO. 16 (50 FW 1352)  
TRACT NO. 17 (50 FW 1353)

NOW, on this 11th day of September, 1944, there coming on for hearing the application of the petitioner for judgment upon the Stipulation entered into between petitioner and the defendant, James W. Bemis, as to Tract No. 15 (50 FW 1351); Tract No. 16 (50 FW 1352) and Tract No. 17 (50 FW 1353) in this proceeding, and it appearing to the court that the petitioner, the United States of America, instituted condemnation proceedings herein to acquire the entire fee simple title to the lands described and designated as Tract No. 15 (50 FW 1351); Tract No. 16 (50 FW 1352), and Tract No. 17 (50 FW 1353) in this proceeding, and filed its Declaration of Taking and deposited in the registry of this court the estimated just compensation for the taking of said tracts the following sums, to-wit:

Tract No. 15 (50 FW 1351)	\$200.00
Tract No. 16 (50 FW 1352)	225.00
TRACT NO. 17 (50 FW 1353)	<u>1075.00</u>
Total	1500.00

That title to said lands vested in the petitioner on the 3rd day of April, 1944; and that on said date the court entered a judgment on said Declaration of Taking; and

It further appearing to the court that the amount of just compensation to be paid for said taking has not been ascertained and awarded in this proceeding and established by judgment herein, that the estimated just compensation deposited by the petitioner in the amount of \$1500.00 is now on deposit in the registry of this court.

It further appearing that the owner of said tracts of land prior to the taking by the Government, and the petitioner have stipulated and agreed as follows, to-wit:

1. That the United States of America be divested of the fee simple title in and to the lands described in and designated as Tract No. 15 (50 FW 1351), Tract No. 16 (50 FW 1352) and Tract No. 17 (50 FW 1353), and that the fee simple title thereto revert in the defendant, James W. Bemis, subject to a perpetual easement to inundate, submerge and flow and to enter upon said land from time to time in the performance of said acts.

2. (a) That the sum of \$550.00, inclusive of interest, shall be in full satisfaction of and just compensation for the taking and retaining by the petitioner, United States of America, of a perpetual easement upon and over the lands described in and designated as Tract No. 15 (50 FW 1351); Tract No. 16 (50 FW 1352) and Tract No. 17 (50 FW 1353), to inundate, submerge and flow, and to enter upon said land from time to time in the performance of said acts.

(b) That the said sum of \$550.00 shall be in full satisfaction of and just compensation for any and all damages that the defendant may have sustained, if any, by reason of the taking of





The Court further finds that the defendant, Nettie Naomi Moorhead, now Stroud, in settling, agreed to grant and sell to the petitioner, a perpetual easement for flowage purposes upon and over said tract of land for the sum of \$240.00 which was accepted by the petitioner.

The Court further finds that the sum of \$240.00 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, have any right, title or interest in and to said just compensation except

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the defendants, Nettie Naomi Moorhead, now Stroud, and Cona Jean Moorhead, a minor, were the owners of the land designated as Tract no. 19 (6 FW 662) when this proceeding was commenced, and that the sum of \$240.00 is just compensation for the damages sustained by the defendants; and that said defendants are the only persons having any right, title or interest in and to said just compensation, except

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

TO: Nettie Naomi Moorhead, now Stroud and Cona Jean Moorhead, a minor  
Owners - Tract No. 19 (6 FW 662)                      \$240.00.

ROYCE H. SAVAGE  
JUDGE

FORSEED: Filed Sep 13 1944  
H. P. Warfield, Clerk  
U. S. District Court H

-----  
Court adjourned to September 14, 1944

On this 14th day of September, A. D. 1944, the District Court of the United States of the Northern District of Oklahoma, sitting in Regular January 1944 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 ordered, to-wit:



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

MASTER BOWLES, Administrator, Office  
Price Administration,

Plaintiff,

Civil No. 1263

vs

M. UTLEY, an individual, d/b/a  
CITY MARKET,

Defendant.

D E C R E E

Now on this 14th day of September 1944 this matter came on for hearing, plaintiff present in Court by his attorneys of record, John J. D. Cobb and James T. Steil, and defendant not in Court but represented by his counsel of record, Mr. Dick Harris of the firm of Lewis and Harris, and a formal stipulation signed by the parties hereto, was presented to the Court, wherein it was agreed that the defendant waived answer, any and all defenses to the claims set forth in the complaint herein, waived hearing, and findings of fact and conclusions of law, and agreed that a permanent injunction as prayed for in the complaint may issue against said defendant.

And the Court, having heard statement of counsel for the plaintiff and defendant, examined the stipulation filed herein, and being otherwise well and fully advised in the premises, find that said permanent injunction should issue.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the defendant, his agents, servants, employees, and representatives and each of them and any and all persons in active concert or participation with them be, and are hereby, permanently enjoined from directly or indirectly engaging any act or practice in violation of Ration Order No. 13, Ration Order No. 16, Revised General Order No. 51 and any Orders issued thereunder establishing community dollars-and-cents ceiling prices for food items thereunder and Maximum Price Regulation No. 423 and any and all amendments or revisions of the hereinabove referred to Ration Orders, General Order No. 51 and Maximum Price Regulation No. 423.

IT IS FURTHER ORDERED, ADJUDGED, and DECREED by the Court that the defendant be required to pay all costs of this action.

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

FORSEED: Filed Sep 14 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to September 16, 1944

On this 16th day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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

ELLA MAE CANOE, nee VANN,	Plaintiff,	)
		)
		)
		)
JOHN VANN, JACK VANN, JOE VANN, ELSIE		)
INTOSH, nee Vann, LILA SMITH, nee Vann,		)
ELLIE VANN and DOROTHY ANN VANN, RUBY JANE		) NO. 1143 CIVIL
VANN, GEORGE VANN, SAM VANN, RAYMOND VANN		)
and MAXINE VANN, minors, and the unknown heirs,		)
executors, administrators, devisees, trustees		)
and assigns of NANNIE VANN, deceased, and of		)
EDMUND VANN, deceased,	Defendants.	)
		)
UNITED STATES OF AMERICA,	Intervener.	)

ORDER APPROVING SALE BY UNITED STATES MARSHAL

Now, on this 16th day of September, 1944, there coming on for hearing the motion of the plaintiff, Ella Mae Canoe, for an order approving the sale of real estate made in the above action on the 11th day of September, 1944, by the United States Marshal for the Northern District of Oklahoma, 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 minors, Dorothy Ann Vann, Ruby Jane Vann, George Vann, Sam Vann, Raymond Vann and Maxine Vann, appearing by their guardian ad litem, M. S. Robertson, S. Probate Attorney;

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 as provided by the orders of this Court, sold the lands involved in this action for the sum of \$135.00, 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 the proceeds should be made by the said United States Marshal:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the sale made by the United States Marshal of the Northern District of Oklahoma, John P. Logan, of the lands involved in this action, 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 Walter M. Sears is hereby subrogated to the rights of all the parties to said action for the protection of his title.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the said Jno. P. Logan, United States Marshal, make, execute and deliver to said purchaser a proper conveyance, conveying said lands to him, in accordance with this Order and in accordance with the Orders of this Court heretofore made, all in accordance with the Statute of the State of Oklahoma, and of the United States of America in like cases made and provided.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the said United States Marshal, Jno. P. Logan, pay to the clerk of this Court the entire sum received from said sale and heretofore reported by him, to-wit: \$2135.00.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Clerk of this Court, P. Warfield, disburse said funds, as follows, to-wit:

(a). That he pay to the Clerk of Washington County, Oklahoma, the sum of \$42.50, being accrued costs in said Court; that he pay the Clerk of this Court the costs herein, in the sum of \$134.60, which includes Commissioners' fees and publication fees in connection with sale; that he pay Jno. P. Logan, U. S. Marshal, the sum of \$34.85, his fee for sale of real property; that he pay the costs of abstracts furnished, as follows: J. Lacy Ballenger Abstract Company, Tulsa, Oklahoma, \$45.00; the Hesselman Abstract Company, Bartlesville, Oklahoma, \$35.00.

(b) That he pay to the order of John S. Severson the sum of \$210.00 his reasonable attorney's fee in this action.

IT IS FURTHER ORDERED BY THE COURT that in computing the costs of this action, including the attorney fees and the cost of abstract, that the Clerk shall apportion the sums of money received from the sale of the two tracts of land sold in the following manner, to-wit:

Out of the sum received for the first tract herein described, being the sum of \$1135.00 a 227/427 part of the entire cost as above provided;

Out of the sum received for the second tract sold and was hereinafter described, being the sum of \$1000.00, a 200/427 part of the entire cost as above provided.

The above sums to be deducted before making further distribution of said monies.

IT IS FURTHER ORDERED BY THE COURT that the remaining sum in his hands, to-wit: \$633.03 of the money received from the sale of the said two tracts, shall be transmitted to the Hon. L. Walker, Disbursing Agent for the Five Civilized Tribes, Muskogee, Oklahoma, by check payable to the Treasurer of the United States, for the use and benefit of the parties to this action, to be distributed in the proportionate parts their interests bear to the two several tracts, in accordance with the findings of their respective interests hereinafter set out, to-wit:

FIRST TRACT: S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 29, Township 24 North, Range 13 East, Washington County, Oklahoma;

Joe Vann,	An undivided 28/198ths interest,
Arch Vann	an undivided 28/198ths interest,
Ella Mae Canoe, nee Vann	an undivided 28/198ths interest,
Lila Smith, nee Vann	an undivided 28/198ths interest,
Elsie McIntosh, nee Vann	an undivided 28/198ths interest,
Raymond Vann	an undivided 14/198ths interest,
Maxine Vann	an undivided 14/198ths interest,
Mollie Vann	an undivided 6/198ths interest,
Dorothy Ann Vann	an undivided 6/198ths interest,
Ruby Jane Vann	an undivided 6/198ths interest,
George Vann	an undivided 6/198ths interest,
Sam Vann	an undivided 6/198ths interest,

SECOND TRACT:  $W\frac{1}{2}$   $NW\frac{1}{4}$   $SE\frac{1}{4}$  and  $SE\frac{1}{4}$   $NW\frac{1}{2}$   $SE\frac{1}{4}$  and  $W\frac{1}{2}$   $SW\frac{1}{4}$   $NE\frac{1}{4}$  and  $SW\frac{1}{4}$   $SE\frac{1}{4}$   $SE\frac{1}{4}$  and  $SW\frac{1}{4}$   $SE\frac{1}{4}$  Section 29, Township 24 North, Range 13 East, Washington County, Oklahoma:

Joe Vann	An undivided 1/11th interest,
Arch Vann	an undivided 1/11th interest,
Ella Mae Canoe, nee Vann	an undivided 1/11th interest,
Lila Smith, nee Vann	an undivided 1/11th interest,
Elsie McIntosh, nee Vann	an undivided 1/11th interest,
Raymond Vann,	an undivided 1/22nd interest,
Maxine Vann	an undivided 1/22nd interest,
Mollie Vann	an undivided 1/11th interest,
Dorothy Ann Vann	an undivided 1/11th interest,
Ruby Jane Vann	an undivided 1/11th interest,
George Vann	an undivided 1/11th interest,
Sam Vann	an undivided 1/11th interest,

IT IS FURTHER ORDERED tht the United States Marshal file with the Clerk of this Court his final report.

ROYCE H. SAVAGE  
JUDGE

FORWARDED: Filed Sep 16 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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Court adjourned to September 18, 1944

On this 18th day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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 reported, to-wit:

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

ESTER BOWLES, Administrator, Office of Police Administration,	Plaintiff,	)
vs	)	CIVIL NO. 1278
MO HOTEL, a corporation,	Defendant.	)

J U D G M E N T

Now on this 16th day of September, 1944, this matter came on for trial on the complaint of plaintiff, duly verified, praying an injunction against the defendant, and defendant waived service of summons and having entered its appearance, pursuant to written stipulation and agreement

the parties, at which time the plaintiff and the defendant appeared by and through their respective attorneys of record, and a formal stipulation signed by John D. Mayo, president of the defendant corporation, was presented herein, wherein it was agreed that defendant waive answer, any and all defenses to the claims set forth in the complaint herein, and waives hearing, and findings of fact and conclusions of law, and agree that a permanent injunction against the defendant may enter.

And the Court having heard the statement of counsel and having examined the stipulation, and being otherwise well and fully advised in the premises, finds that the defendant had violated the provisions of the Rent Regulation for Hotels, and finds that defendant has been unduly enriched in the sum of \$5000.00 by overcharging various occupants of rooms in the Mayo Hotel, and that restitution to the individual tenants is not feasible; that defendant has been advised that any contribution to the United States Treasury will not affect the right of any tenant to bring suit for treble damages; that defendant has requested permission to make a voluntary contribution to the United States Treasury in lieu of restitution to the tenants. Wherefore, the Court finds that:

1. The defendants should be permitted to make a contribution to the United States Treasury in the sum of \$5000.00 in lieu of restitution to the tenants.
2. That a permanent injunction should issue as prayed for in the complaint of the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant, its agents, servants, employees and representatives, and each of them, and any and all persons inactive or in active participation with them, be and they are hereby, permanently enjoined and from directly or indirectly demanding or receiving any rent in excess of the maximum legal rent for the use and occupancy of any room in the Mayo Hotel rented by the defendant and subject to Rent Regulation; and from violating any provision of the Rent Regulation for Hotels; and that the defendant may make a contribution to the Treasury of the United States in the sum of \$5000.00, in lieu of restitution to tenants who have been charged more than the maximum legal rent for the use and occupancy of any room in the Mayo Hotel.

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

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

FORWARDED: Filed Sep 18 1944  
H. P. Warfield, Clerk  
U. S. District Court H

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Court adjourned to September 19, 1944

On this 19th day of September, A. D. 1944, the District Court of the United States for the Northern District of Oklahoma, sitting in Regular January 1944 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 ordered, to-wit:

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

Frankie Longbone, Cherokee NB 926; )  
Gertrude Longbone now Creed, Cherokee NE; )  
SILAS Leonard Longbone, NE, Plaintiffs, )

vs

Oklahoma Tax Commission; Jesse Longbone, Cherokee 31201; Roy Longbone, Cherokee 31200; Dewey Longbone, now English, NE; Lydia Longbone, nee Crittenden, Cherokee 26958; Lillie Jackson, Cherokee 31261; Caroline Longbone, Cherokee 31198; and the heirs, executors, administrators, devisees, trustees, successors assigns, creditors and claimants, immediate and remote, whether known or unknown, of Lizzie Lenowisha, then Longbone, Cherokee 31095, deceased, Defendants.

Civil No. 775

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

It is therefore by the Court, ORDERED, ADJUDGED AND DECREED that the foregoing findings of fact and conclusions of law, be and the same are hereby made a part hereof.

It is further ORDERED, ADJUDGED AND DECREED by the Court, as and for a determination of the heirship of Lizzie Longbone, nee Lenowisha, deceased, Silas Longbone, deceased, George Longbone, deceased, Caroline Longbone, deceased, and Pearl Longbone, deceased, and each of them -

That Lizzie Longbone, nee Lenowisha, the full-blood Cherokee Indian Allottee who was allotted the lands involved herein and hereinafter described as her homestead and surplus allotments, died intestate in and a resident of Washington County, Oklahoma, on or about the 14th day of September, 1911, seized and possessed of said lands, and left as her sole and only heirs at law her husband, Silas Longbone, and her three children, the original plaintiffs herein, Frankie Longbone, Gertrude Longbone, nee Longbone, and Silas Leonard Longbone - all full-blood Cherokee Indians - who inherited from her all of said lands.

That Silas Longbone died intestate in and a resident of Washington County, Oklahoma, on or about the 12th day of November, 1918, owning no right, title or interest in or to the surplus allotment of the said Lizzie Longbone, nee Lenowisha, but seized and possessed of an undivided one-third interest in and to her homestead allotment, described as follows, to-wit:

The East Half of the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter of the Southeast Quarter of the Northeast Quarter, of Section Eleven, Township Twenty-seven North, Range Thirteen East, in Washington County, Oklahoma,

and left as his sole and only heirs his wife, Lydia Longbone, nee Crittenden, and his seven children, George Longbone, Jesse Longbone, Roy Longbone, Dewey English, nee Longbone, Frankie Longbone, Gertrude Creed, nee Longbone, and Silas Leonard Longbone, all full-blood Cherokee Indians, who inherited from him all his right, title and interest in and to said lands, each inheriting an undivided one-twenty-fourth interest therein.

That George Longbone died intestate in and a resident of Washington County, Oklahoma, on or about the 4th day of July, 1920, owning no right, title or interest in or to the surplus

settlement of the said Lizzie Longbone, nee Lenowisha, but seized and possessed of an undivided one-forty-fourth interest in and to her homestead allotment above described, and left as her sole and only heirs his mother, Caroline Longbone, and his wife, Pearl Longbone both full blood Cherokee Indians, who inherited from her all her right, title and interest in and to said lands, each inheriting an undivided one-forty-eighth interest therein.

That Caroline Longbone died intestate in and a resident of Washington County, Oklahoma, on or about the 16th day of April, 1936, owning no right, title or interest in or to the surplus allotment of the said Lizzie Longbone, nee Lenowisha, but seized and possessed of an undivided one-forty-fourth interest in and to her homestead allotment hereinbefore described, and left as her sole and only heirs her two children, Jesse Longbone and Roy Longbone, both full-blood Cherokee Indians, who inherited from her all her right, title and interest in and to said lands, each inheriting an undivided one-nineteenth interest therein.

That Pearl Longbone died intestate in and a resident of Washington County, Oklahoma, after the death of George Longbone, owning no right, title or interest in or to the surplus allotment of the said Lizzie Longbone, nee Lenowisha, but seized and possessed of an undivided one-forty-eighth interest in and to her homestead allotment hereinbefore described, and left as her sole and only heirs her mother, Lillie Jackson, a full-blood Cherokee Indian, who inherited from her all her right, title and interest in and to said lands.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the deed dated September 19, 1911, and of record in the office of the County Clerk of Washington County, Oklahoma, in Book 18, page 486, executed by Silas Longbone, grantor, and by its terms conveying all the lands involved herein hereinafter described, was wholly void as to the homestead allotment of the said Lizzie Longbone, nee Lenowisha hereinbefore described, and as to said homestead allotment said deed is hereby cancelled, set aside, and held for naught; but that as to the surplus allotment of the said Lizzie Longbone, nee Lenowisha, described as follows, to-wit:

The Northeast Quarter of the Northeast Quarter (less .78 of an acre for MK&T RR), and the Northwest Quarter of the Southeast Quarter of the Northeast Quarter of Section Eleven, Township Twenty-seven North, Range Thirteen East in Washington County, Oklahoma,

said deed was good and valid and the grantees in said deed, Frankie Longbone, Gertrude Longbone, now dead, and Silas Leonard Longbone, were by said deed and by their inheritance from their mother, Lizzie Longbone, nee Lenowisha, deceased, vested with a good and valid title and all the title in and to said surplus allotment above described of the said Lizzie Longbone, nee Lenowisha.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the deed executed by Frankie Longbone, dated June 5, 1943, and the deed executed by Gertrude Creed, nee Longbone, dated June 5, 1943, and the deed executed by Silas Leonard Longbone, dated June 8, 1943, and each of them, were duly approved by the Judge of the County Court of Washington County, Oklahoma, the court having jurisdiction of the settlement of the estate of the full-blood Cherokee Indian allottee, Lizzie Longbone, nee Lenowisha, and duly recorded in Book 168 in the office of the County Clerk of Washington County, Oklahoma, at page 196, 197, and 195, respectively, and were good and valid deeds conveying all the right, title, and interest of said grantors in and to all the lands involved herein, and hereinafter described, to the grantee named in each of said deeds, S. R. Evans; and that by said deeds said grantee, S. R. Evans, the substituted plaintiff herein, became and now is vested with a good and valid title and all the title in and to the surplus allotment hereinbefore described of Lizzie Longbone, nee Lenowisha, and became vested with a good and valid title to an undivided 228/288's interest in and to the homestead allotment hereinbefore described of Lizzie Longbone, nee Lenowisha, deceased.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the deed executed by Jesse Longbone, Roy Longbone, Lydia Longbone, nee Crittenden, Lillie Jackson and Dewey English, nee Longbone, dated September 23, 1943, was duly approved by the Judge of the County Court of Washington County, Oklahoma, the court having jurisdiction of the settlement of the estate of the full-blood Cherokee Indian allottee, Lizzie Longbone, nee Lenowisha, and duly recorded in Book 168 at page 330 in the office of the

County Clerk of Washington County, Oklahoma, and was a good and valid deed conveying all the right, title and interest of said grantors in and to the homestead allotment hereinbefore described of Lizzie Longbone, nee Lenowisha, to the grantee named in said deed, S. R. Evans; and that by said deed said grantee, S. R. Evans, the substituted plaintiff herein, became and now is vested with a good and valid title and all the title in and to the homestead allotment hereinbefore described of Lizzie Longbone, nee Lenowisha, deceased.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the legal and equitable title of the substituted plaintiff, S. R. Evans, in and to the lands involved herein, to-wit:

The East Half of the Northwest Quarter of Section Eleven, Township Twenty-seven North, Range Thirteen East, in Washington County, Oklahoma, be and the same is hereby adjudged valid and perfect;

and that all the title thereto both legal and equitable, is vested in him; and that his title to said land be and is quieted in him as against the defendants and each of them; and that the defendants and each of them be and they are hereby forever barred and enjoined from setting up or claiming any right, title or interest in or to said lands adverse to the substituted plaintiff's title thereto.

ROYCE H. SAVAGE  
DISTRICT JUDGE

FORWARDED : Filed Sep 20 1944  
H. P. Warfield, Clerk  
U. S. District Court

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

Frankie Longbone, Cherokee NB 926, )  
Estrude Longbone, now Creed, Cherokee )  
and Silas Leonard Longbone, Cherokee NE )  
Plaintiffs ) Civil No. 775.  
vs )  
Oklahoma Tax Commission, Jess Longbone, )  
Cherokee 31201, et al., Defendants. )

ORDER WITHDRAWING FINDINGS OF FACT AND CONCLUSIONS OF LAW

It appearing to the undersigned Judge on this 19th day of September, 1944, that certain findings of fact and conclusions of law were heretofore made on December 7, 1942, prior to the time that service was obtained on all of the necessary defendants, in said cause.

IT IS NOW THEREFORE ORDERED that said findings of fact and conclusions of law heretofore entered, be withdrawn from the records in this cause.

ROYCE H. SAVAGE  
JUDGE

FORWARDED: Filed Sep 20 1944  
H. P. Warfield, Clerk  
U. S. District Court ME

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