

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

Civil Action No. 2343

FILED

TIGHE E. WOODS, Housing Expediter
Office of the Housing Expediter

Plaintiff

vs

MITTIE RUPERT, a feme sole
408 South Oak Street
Sapulpa, Oklahoma

Defendant

MAR 10 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 17th day of February, 1949 the above styled and numbered cause of action comes on before the Court for trial, the Plaintiff being represented by his attorney, Sanford H. Palmer and the Defendant being represented by her attorney, Glee Wilson.

Whereupon, both parties announced themselves ready for trial;

Whereupon, the Plaintiff introduced his evidence and rested;

Whereupon, the Defendant introduced her evidence and rested.

The Court being sufficiently advised, finds as follows:

1. That the contract of sale between R. L. Ayers and the Defendant, Mittie Rupert, was cancelled on January 1, 1949; that the relationship of landlord and tenant thereafter existed; that the maximum legal rent on the housing accommodations located at 2248 South Phoenix, Tulsa, Oklahoma is \$20.00 per month; and that any rent collected in excess of \$20.00 per month after January 1, 1949 should be refunded to the tenant;

2. That the Defendant has collected rent in excess of the maximum legal rent from John R. Halbrook in the amount of \$63.00;

3. That the Defendant has collected rent in excess of the maximum legal rent from the tenant Leonard D. Hedmon in the amount of \$12.00;

4. That the Defendant, Mittie Rupert, should make restitution to the tenants the amounts collected in excess of the maximum legal rent; that the injunction should be issued as prayed for in the Complaint; and that the costs of this action should be taxed against the Defendant.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Mittie Rupert, make restitution to the tenant, R. L. Ayers, all rents

collected in excess of \$20.00 per month from January 1, 1949 to the present date; and make restitution to the tenant, John R. Halbrook, the amount of \$63.00; and make restitution to the tenant, Leonard D. Hedson, the amount of \$12.00.

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Mittie Rupert, her agents, servants, employees, representatives and all persons in active concert or participation with any of them are hereby enjoined and restrained from directly or indirectly soliciting, demanding, accepting or receiving any rents in excess of the maximum legal rent prescribed by the Controlled Housing Rent Regulation as heretofore or hereafter amended, or in excess of the maximum legal rent permitted by any other Regulation or order heretofore or hereafter adopted pursuant to the Housing and Rent Act of 1947, as hereafter amended or extended or superseded, or from otherwise violating the Controlled Housing Rent Regulation or the Housing and Rent Act of 1947, as heretofore or hereafter amended, or from violating any other Regulation heretofore or hereafter adopted pursuant to the Housing and Rent Act of 1947, as heretofore or hereinafter amended or extended.

It is further ordered that the costs of this action be taxed against the Defendant.


UNITED STATES DISTRICT JUDGE

Approved:


Attorney for Plaintiff


Attorney for Defendant

C O P Y

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

THE AUTOMOBILE INSURANCE COMPANY
OF HARTFORD, CONNECTICUT, a
corporation,

Plaintiff,

Vs.

BARNES-MANLEY WET WASH LAUNDRY
COMPANY, a corporation; and L. H.
BARNES,

Defendants.

NO. 1873-CIVIL

EILED

MAR 10 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF ORDER OVERRULING
MOTION FOR NEW TRIAL

Now comes on to be heard the motion for new trial filed by Barnes-Manley Wet Wash Laundry Company and L. H. Barnes; and the Court having considered same, and the evidence heretofore offered and tendered in support of motion for new trial as orally taken from the witnesses, finds that the said defendants are not to be charged with negligence in failing to produce said evidence at the trial, and further finds and holds as a matter of law that the Court is without authority to grant a new trial under the mandate of the Circuit Court of Appeals herein.

For this reason the Court makes no finding with regard to the propriety of the granting of a new trial by reason of the evidence herein, and holds that the same should be denied by reason of the mandate of the appellate court.

IT IS, THEREFORE, PURSUANT TO SAID MANDATE, ORDERED:

That motion for new trial be, and the same is hereby overruled and denied over the objection and exception of the defendants.

OK AS TO FORM:

14 Bowen Broadhead
JUDGE

Green & Farmer by W.B. Green Of counsel for plaintiff.

Paul Pinner Of counsel for defendants.

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

MARYLAND CASUALTY COMPANY,
a corporation,

vs.

MELBA VAN PELT and
RICHARD D. FUSON,

Plaintiff,

Defendants.

No. 2335-Civil

EILED

MAR 11 1949

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

On this 20th day of January, 1949, came on for hearing the above styled case, the plaintiff being represented by its attorney, Truman B. Rucker; Melba Van Pelt being present in person and represented by her attorney, Felix Bodovitz, and the defendant, Fuson, being present and represented by his attorney, Dickson M. Saunders.

All parties announcing ready for trial, a jury was duly empaneled and sworn to try the issues in the above styled case, the plaintiff put on its evidence and rested, and each of the defendants moved to dismiss for the reason that the evidence was insufficient to maintain this action, the motions were overruled and exceptions noted. Thereupon, the defendants, and each of them, introduced their evidence, both parties rested, and each party moved for a judgment on the evidence, which was overruled and exceptions noted.

Thereupon the case was argued, the court instructed the jury and submitted the following interrogatory:

"Did the defendant, Melba Van Pelt, fail to cooperate under the policy as that term has been defined to you?
Answer Yes or No."

After due deliberation the jury returned and submitted their finding as "yes", which was received and approved by the court.

It is therefore ordered, adjudged and decreed that the defendant, Melba Van Pelt, has failed to cooperate with the plaintiff as provided by the terms of the policy, that the plaintiff is

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

AVANELLE SIMPSON, Formerly)
Dell, and WALTER SIMPSON,)
)
Plaintiffs,)
)
MRS. BLANCHE SHAY,)
)
Defendant.)

No. 2362-Civil

FILED

MAR 11 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 9th day of March, 1949, this cause
having been regularly set, came on for trial.

The plaintiffs were present in person and by their
attorney, William K. Powers of Dyer and Powers, and the defendant
was present in person and by her attorney, W. L. Eagleton of Hunt
and Eagleton.

Both parties having announced ready for trial and
a jury having heretofore been waived, the plaintiffs and defendant
introduced their evidence and rested, and the Court having been
fully advised in the premises, finds that judgment should be
entered for the defendant.

IT IS THEREFORE, BY THE COURT, CONSIDERED, ORDERED,
ADJUDGED AND DECREED, That judgment be entered for the defendant;
that the plaintiffs take nothing by reason of their purported
cause of action and that defendant be dismissed with her costs.

Royce H. Savage
JUDGE.

O.K.

DYER & POWERS

By Wm. K. Powers
Attorneys for Plaintiffs

HUNT AND EAGLETON

By W. L. Eagleton
Attorneys for Defendant.

relieved of the duty and obligation to defend any and all lawsuits filed as the result of the accident of 2 May 1948, and is relieved of the duty and obligation of paying any claims or judgments for damages resulting from the accident of 2 May 1948.

Bower Broadus
Judge of the United States District Court

APPROVED BY

Truman B. Rucker
Truman B. Rucker, Atty for Plaintiff

APPROVED BY

F. A. Bodovitz
Attorney for the Defendant
Melba Van Pelt

APPROVED BY

L. M. Saunders
Attorney for Defendant, Richard D. Fuson

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

Civil Action No. 2281

FILED

TIGHE E. WOODS, Housing Expediter
Office of the Housing Expediter

Plaintiff

vs

MRS. MARGUERITE YOUNG
19½ South Main Street
Tulsa, Oklahoma

Defendant

MAR 14 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 18th day of February, 1949 the above styled and numbered cause of action came on before the Court for trial and the parties announced in open Court that a stipulation has been entered into between the parties and that judgment should be entered as follows:

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Mrs. Marguerite Young, is hereby Ordered to forthwith make restitution to the tenants the amounts collected in excess of the maximum legal rent, for which let execution issue, to wit:

Mrs. Sylvia Cambrink. . . . .	.\$ 5.00
Mr. and Mrs. William F. Simmons . . . . .	.\$ 4.50
Mr. and Mrs. L. L. Senniak. . . . .	.\$ 6.50
Mr. and Mrs. Dawson. . . . .	.\$ 2.00
Mr. and Mrs. Frank Nesbit . . . . .	.\$ 5.00

It is further ORDERED, ADJUDGED AND DECREED by the Court that the Defendant, Mrs. Marguerite Young, her agents, servants, employees, representatives and all persons acting in concert or participation with any of them, be and they are hereby enjoined and restrained from directly or indirectly soliciting, demanding, accepting or receiving any rent in excess of the maximum legal rent prescribed by the Controlled Housing Rent Regulation as heretofore or hereafter amended, or in excess of the maximum legal rent permitted by any other Regulation or order heretofore or hereafter adopted pursuant to the Housing and Rent Act of 1947 as heretofore or hereafter amended or extended or superseded, or from otherwise violating the Controlled Housing Rent Regulation or the Housing and Rent Act of 1947 as heretofore or hereafter amended, or from violating any other Regulation as heretofore

or hereafter adopted pursuant to the Housing and Rent Act of 1947 as heretofore or hereinafter amended or extended.

It is further ORDERED by the Court that the costs of this action be taxed against the Defendant.

Royce H. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

Stanford H. Palmer

Attorney for Plaintiff

Thomas A. Ladd, Jr.

Attorney for Defendant

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

* * * * *

ST. LOUIS & SAN-FRANCISCO RAILWAY
COMPANY, A Corporation,

Plaintiff,

-vs-

W. C. BERRY,

Defendant and Third-Party Defendant,

-vs-

REFINERY EQUIPMENT, INC.,

Third-Party Defendant.

No. 2392 Civil

FILED
In Open Court

MAR 14 1949

NOBLE C. HOOD
Clark U. S. District Court

STIPULATION DISMISSING THIRD PARTY COMPLAINT AND
COUNTER-CLAIM OF THIRD PARTY DEFENDANT

Comes now W. C. Berry, Third Party Plaintiff, by his attorneys of record, John T. Gibson and Harry M. Grove, Jr., and Refinery Equipment, Inc., Third Party Defendant, by its attorney of record, Irvine E. Ungerman, and pursuant to Rule 41 (a) (1) (ii) of the Federal Rules of Civil Procedure, stipulates and agrees that the Third Party Complaint heretofore filed in this cause and the counter-claim of the Third Party Defendant filed herein, shall each be and each is hereby dismissed without prejudice to either party, subject to the approval of this Court.

Dated this 7th day of March, 1949.



John T. Gibson


Harry M. Grove, Jr.
Hunt Building
Tulsa, Oklahoma

Attorneys for Third Party
Plaintiff.

Irvine E. Ungerman
Irvine E. Ungerman
625 Wright Building
Tulsa, Oklahoma

Attorney for Third Party Defendant.

APPROVED, and It is Hereby Ordered
that the Third Party Complaint and
the Answer and Counter-Claim of Third
Party Defendant be dismissed without
prejudice.

Royce H. Savage
United States District Judge.

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

C. C. Winfrey,)
)
 Plaintiff,)
)
 vs.) No. 2315 Civil
)
 Carroll Dickerson, Complete Auto)
 Transit Incorporated, a foreign)
 corporation, American Fidelity and)
 Casualty Company,)
)
 Defendants.)

FILED

MAR 16 1949

NOBLE C. HOOD
Clerk U. S. District Court

STIPULATION FOR DISMISSAL

It is hereby stipulated and agreed by and between the parties to this action that the plaintiff, C. C. Winfrey, may and he does hereby dismiss the above styled and numbered action with prejudice to the bringing of a future action.

Dated this 25th day of January, 1949.

C. C. Winfrey
Plaintiff

Dalton DeShazer

Clell W. Babler
Attorneys for Plaintiff

W. E. Hudson

R. D. Hudson

Norma Wheaton
Attorneys for Defendants

IT IS HEREBY ORDERED that the above styled and numbered cause of action be dismissed with prejudice, this 16th day of ~~January~~ ^{March}, 1949.

Loyce H. Savage
U. S. District Judge

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

Joye M. Rogers,

Plaintiff,)

vs.)

The Empire District Electric
Company, a corporation,

Defendant.)

No. 2432 - Civil
FILED
In Open Court

MAR 16 1949

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

NOW, on this 16th day of March, 1949, the above entitled cause coming on for trial, same having heretofore been set for this date by stipulation of the parties and the plaintiff appearing in person and by her attorneys of record, Kelsey Norman, Emerson Foulke, and Henry Warten, of Joplin, Missouri, and the defendant appearing by its attorneys of record, A. E. Spencer, Jr. and E. P. Dwyer, Jr., of Joplin, Missouri, and A. C. Wallace of Miami, Oklahoma, and it appearing to the Court that the parties hereto have heretofore filed their written stipulation in this cause waiving a jury and agreeing that said cause may be heard this date and both sides having announced ready for trial, witnesses on behalf of the plaintiff were sworn and examined in open court and the plaintiff having rested and the defendant having likewise rested without offering any testimony and said cause having been submitted and the Court being well and sufficiently advised in the premises, finds the issues in favor of plaintiff and against the defendant.

The Court further finds that the plaintiff, Joy M. Rogers, and Norman Olen Rogers, deceased, were lawfully married and were husband and wife on January 14, 1949 at which time the said Norman Olen Rogers died as the result of coming in contact with an electric wire of the defendant. That as a result of the marriage of plaintiff and Norman Olen Rogers there was born one child, Martha June Rogers, and the plaintiff and Martha June Rogers, are the sole surviving heirs and next of kin of the deceased, Norman Olen Rogers;

2.

that plaintiff is more than 18 years old and that Martha June Rogers is a minor and resides with her mother, Joye M. Rogers, the plaintiff herein.

The Court further finds that Norman Olen Rogers was instantly killed on or about January 14, 1949 as the result of the negligence of the defendant, as in the complaint alleged and that he suffered no conscious pain or suffering, and that he died intestate and no administrator or other personal representative has been appointed, and that by reason thereof plaintiff is the proper party to bring this suit to recover damages sustained by her and her minor child and for the exclusive use and benefit of herself and said minor child, Martha June Rogers. The Court further finds from the testimony of the plaintiff that Martha June Rogers is the only child born to plaintiff and deceased, and that plaintiff is not now pregnant.

The Court further finds that the plaintiff, Joye M. Rogers, is the duly appointed and qualified guardian of her minor child, Martha June Rogers, and is entitled to have paid her as such guardian any part of any judgment awarded herein in which said minor is entitled to share.

The Court further finds from the evidence that the parties have heretofore and subject to the approval of this Court, agreed upon a proposed settlement of this case whereby judgment may be entered on count one of the said complaint in the sum of Twenty Thousand Dollars (\$20,000.00) for the exclusive use and benefit of plaintiff and her minor child, Martha June Rogers, and on count two in the sum of Five Thousand Dollars (\$5000.00) for damages which the plaintiff personally sustained at the time of the accident which resulted in the death of her husband, making a total judgment of Twenty Five Thousand Dollars(\$25,000.00).

The Court further finds that said proposed settlement is reasonable and fair and the same is hereby in all respects approved.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that plain-

3.

tiff have judgment against the defendant, The Empire District Electric Company, a corporation organized and existing under and by virtue of the law of the State of Kansas, on count one of her complaint in the sum of Twenty Thousand Dollars (\$20,000.), which said sum is decreed to be for the exclusive use and benefit of plaintiff and her minor daughter, Martha June Rogers; that plaintiff have judgment on count two of her complaint in the sum of Five Thousand Dollars (\$5,000.00), which said judgment is decreed to be for the exclusive use of plaintiff in her individual capacity and to compensate her in full for all damage she sustained at the time of the accident which resulted in the death of her deceased husband, and is likewise to compensate her for any and all expense of funeral and burial which the Court finds plaintiff has paid from her individual funds.

The Court further finds that both plaintiff and her minor daughter were wholly dependent upon deceased, Norman Olen Rogers, at the time of his death and it is therefore ordered that the judgment entered on count one of the complaint in the sum of Twenty Thousand Dollars (\$20,000.00) shall be divided equally between plaintiff and her minor daughter, Martha June Rogers, and that the defendant may make payment of the amount due said minor to Joye M. Rogers, as guardian of said minor and that such payment shall be a full acquittal of the judgment herein rendered to the extent of the interest of said Martha June Rogers.

It now being made to appear to the Court that payment of the entire judgment rendered in this cause has been made by the defendant in Open Court in accordance with this decree, it is by the Court ordered that said judgment so rendered be and the same is hereby satisfied of record and the property of the defendant is released and discharged from the lien thereof.

4.

It is the further judgment of this Court that the defendant pay the costs of this action but without attorneys fees, counsel for plaintiff having waived attorneys fees in Open Court.

Royce H. Savage
JUDGE

APPROVED:

Kelsey Norman

Emerson Luelke

Henry Harten

Attorneys for Plaintiff

A E Spruce Jr

EP Sawyer Jr

Wallace

Attorneys for Defendant

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

A. B. COOPER,) Plaintiff,)
))
v.) Civil Action File No. 2345
O. R. HOWARD,) Defendant.)

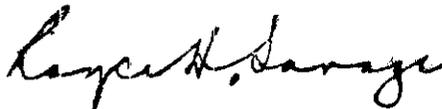
FILED

MAR 16 1949

ORDER OF JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

This cause came on to be heard on March 10, 1949, and was argued by counsel, and thereupon, upon consideration thereof, it was ORDERED, ADJUDGED AND DECREED that plaintiff take nothing, that the action be and it is hereby dismissed on the merits, that defendant have and recover from plaintiff his costs in the action, and that defendant have execution therefor.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

No. 2452 Civil

494 cases, each containing
12 cans article labeled in
part, "Belle Isle Tomato
Juice, Contents 1 qt., 14
fluid oz.",

Defendant.

EILED

MAR 16 1949

NOBLE C. HOOD
Clark U. S. District Court

JOURNAL ENTRY

This matter coming on for hearing this 15th day of March, 1949, in its regular order, the plaintiff, United States of America, appearing by Whit Y. Maury, United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, and the court being fully advised in the premises finds:

That no answer or other pleading has been filed in this cause. That 494 cases, each containing 12 cans article labeled in part, "Belle Isle Tomato Juice, Contents 1 qt., 14 fluid oz.", was shipped in interstate commerce on or about February 14, 1949, by Morgan Packing Company, Austin, Indiana, via shipper's truck and is now in possession of Collins-Diets-Merres Company, Tulsa, Oklahoma.

The court further finds that said article is adulterated in interstate commerce within the meaning of 21 U.S.C. 342(a)(3) in that it consists wholly or in part of a decomposed substance by reason of the presence therein of decomposed tomato material.

The court further finds that the United States Marshal for the Northern District of Oklahoma, upon order of the court of March 8, 1949, to seize and arrest said merchandise, did seize and arrest 186 cases of said merchandise on March 8, 1949.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the said 186 cases, each containing 12 cans article labeled in part "Belle Isle Tomato Juice, Contents 1 qt., 14 fluid oz.", be and the same hereby is

condemned, forfeited and confiscated.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that said merchandise be destroyed and that Virgil B. Stanley, United States Marshal for the Northern District of Oklahoma, be and he hereby is instructed and directed to destroy same and to report his acts under this order to this court within thirty (30) days from this date.

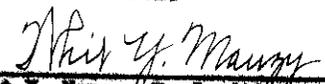
AND IT IS THE FURTHER ORDER OF THE COURT that the plaintiff, United States of America, recover the costs of this action from Collins-Diets-Morris Company, Tulsa, Oklahoma.

AND IT IS SO ORDERED.



U. S. DISTRICT JUDGE

O. K. as to form:



Whit Y. Nancy, U. S. Attorney

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

Milton Roe Sabin and
Bertha Florence Sabin,

Plaintiffs,

vs.

No. 1679-Civil

Midland Savings and Loan
Company,

Defendant.

FILED

MAR 17 1949

NOBLE C. HOOD
Clerk U. S. District Court

O R D E R

There came on for hearing on the 26th day of January, 1949, and again on the 25th day of February, 1949, the motion of the plaintiffs herein to vacate the summary judgment and orders hereinbefore entered, and to set the cause for trial on the merits, the plaintiffs being present and represented by the plaintiff Bertha Florence Sabin, and the defendant by its attorney, Elton B. Hunt. The Court, having received testimony on behalf of the plaintiffs, and having heard the argument of the plaintiff, and being fully advised, upon consideration finds that the motion to vacate the judgment and orders should be overruled.

IT IS THEREFORE ORDERED AND ADJUDGED: That the motion of the plaintiffs to vacate the summary judgment and orders hereinbefore entered be, and the same is hereby overruled.

It is further ordered that the plaintiffs shall not file, and the Clerk shall not receive for filing, any motions, applications or other instruments of any nature pertaining to the above named cause of action, except those instruments necessary to the perfection of an appeal to the Circuit Court of Appeals for

the Tenth Circuit, without having first received an order permitting such filing, signed by a judge of the United States District Court for the Northern District of Oklahoma. The Clerk of Court is further ordered to give the plaintiffs all possible assistance in the preparation and perfection of an appeal to the Circuit Court of Appeals for the Tenth Circuit, and to expedite such appeal in every way possible.

/s/ Bower Broaddus

United States District Judge

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

ELLIOTT COMPANY, a Corporation,
Plaintiff,

vs.

UNIVERSAL SUPPLY & MACHINERY CO.,
a Corporation,
Defendant,

No. 2374 Civil

FILED

MAR 28 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

This cause came on to be heard this 28th day of March, 1949, pursuant to regular assignment for trial; Elliott Company, a corporation, plaintiff herein, being present by its attorneys, Disney, Houston, Klein & Melone, by Gerald B. Klein, and Universal Supply & Machinery Co., a corporation, defendant herein, by its attorneys, Smith & Rogers, by H. L. Smith; thereupon a statement was made by respective counsel concerning the issues in this case; and thereupon the attorney for the defendant stated that the defendant would be unable to sustain the allegations of its cross petition and confessed judgment for the amount of \$11,943.60. The court, being fully advised, dismisses the cross petition of the defendant and upon statement of counsel for the defendant finds that judgment should be entered for the plaintiff upon such confession and statement of counsel for defendant.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that plaintiff have and recover of the defendant the sum of \$11,943.60, with interest thereon at 6% from the 1st day of August, 1947, together with the costs of this action in the amount of \$ _____, for all of which let execution issue.

1s/ J. E. Kennamer

J U D G E

O. K. AS TO FORM:

Disney, Houston, Klein & Melone

By *Gerald B. Klein*

Gerald B. Klein
Attorneys for Plaintiff

Smith & Rogers

By *H. L. Smith*

H. L. Smith
Attorneys for Defendant.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

DISTRICT OF OKLAHOMA

FILED

MAR 28 1949

George O. Ray, Adelaide O. Ray,
Ogden Thomas and Hilda A. Ray,

Plaintiffs,

vs.

No. 2277 - Civil

Missouri, Kansas & Texas Railroad
Co., a corp., et al.,

Defendants.

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY

This cause being heard on February 3, 1949, the parties appearing by their respective counsel of record, and having announced ready for trial, and it being agreed that the answer and cross-claim heretofore filed by defendant Missouri-Kansas-Texas Railroad Company herein to plaintiffs' complaint shall be taken and considered as applicable to the answer and cross-petition of State of Oklahoma ex rel Commissioners of the Land Office, this cause was tried to the court upon the question of title only; and the court being fully advised finds that judgment should be rendered in favor of the plaintiffs and certain defendants, in accordance with findings of fact and conclusions of law entered by the court in this cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs and the defendants, Walter W. Strickland, Fred Capshaw and A. E. Soper, have judgment against the defendant, Missouri-Kansas-Texas Railroad Company quieting title to their oil and gas lease dated May 27, 1946 from the State of Oklahoma covering property described as follows:

Lots 1, 2 and 3 of the Southwest quarter of Section 36, Township Twenty North, Range Six East, containing 106.36 acres, more or less.

That the oil and gas lease executed by the Missouri-Kansas-Texas Railroad Company to Cox and Hamon, as recorded in Book 64, Page 342, Records of Pawnee County, Oklahoma, be cancelled and set aside as a cloud upon the title of the State of Oklahoma and the above named owners of an oil and gas lease covering the same property; that the defendant Railroad Company be decreed to have no fee title in or to its right-of-way across the above described property, more particularly described as follows: (1) A right-of-way across the fractional one half of Section No. 36, in Township No. 20 North, Range No. 6 East of Indian Meridian in Pawnee County, comprising all that portion of said tract

which lies within a distance of one hundred and fifty feet northerly from and parallel with the center line of the main track of the Missouri, Kansas and Oklahoma Railroad and within a distance of one hundred feet southerly from said center line, extending from the East line of said tract at Station No. 4754 to the West side of said tract at Station No. 4804/60, comprising twenty-four and forty-six hundredths acres, and that its title be limited to an easement for right-of-way purposes over and across the said property, as described in the condemnation proceedings; and that the defendant railroad company, its successors and grantees, be forever enjoined from asserting any right, title, claim or interest in and to its right-of-way over and across the above described property, other than an easement for right-of-way purposes, which is hereby confirmed; and that the court retain jurisdiction of this cause for the purpose of future trial of plaintiffs' second cause of action.

It is further ordered that this judgment be entered as of the date of execution of this journal entry of judgment, being March 28th, 1949.

Rayce H. Savage

U. S. District Judge

Approved as to Form:

C. J. Watts

Attorneys for Plaintiffs.

C. J. Watts

Attorneys for Defendants, Fred Gushaw,
A. B. Seaver and Walter W. Strickland.

John E. M. Taylor
Dempsey & Fitzgerald
C. B. Walker

Attorneys for Defendant,
Missouri-Kansas-Texas Railroad Co.

D. J. E. E.

Attorneys for State of Oklahoma ex rel
Commissioners of the Land Office

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

GRANT ROBINSON,)
Plaintiff,)
v.)
THE TULSA CITY LINES, INC.)
Defendant,)

No. ²³⁷⁷ ~~2402~~ Civil

FILED

MAR 28 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

This matter coming on to be heard before me, the under-
signed Judge of the United States District Court, on this
20th day of January, 1949, the plaintiff appearing in person
and by his attorneys, Wilbur G. Moffitte, and the defendant
appearing by its attorneys, Truman Kucker and B.W. Tabor,
and said cause having come on for trial in its regular order
before a jury of twelve good men, who being duly impaneled
and sworn, well and truly to try the issues joined between
plaintiff and defendant and a true verdict render according
to the evidence; the cause being continued to the 21st day
of January, 1949, the evidence being presented, the court
charging the jury, and counsel presenting their argument,
the jury did render a verdict for the defendant in all particu-
lars.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED
by this court that said plaintiff have and recover nothing from
said defendant, Tulsa City Lines, Inc., and that the plaintiff
pay all costs of this action.

IT IS THE FURTHER ORDER OF THIS COURT that judgment be
entered for the defendant, Tulsa City Lines, Inc.

(s) Royce H. Savage
Royce Savage
Judge of the United States
District Court

UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

No. 2449-Civil

30 cases, each containing 12 2-lb.
cans and 25 cases, each containing
24 1-lb. cans article labeled in
part, "Texas Pride Fruit Cake,"

Defendant.

FILED
In Open Court
MAR 28 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY

This matter coming on for hearing this 28th day of March, 1949, in its regular order, the plaintiff, United States of America, appearing by Whit Y. Maury, United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, and the court being fully advised in the premises finds:

That no answer or other pleading has been filed in this cause. That the 30 cases, each containing 12 2-lb. cans and 25 cases, each containing 24 1-lb. cans article labeled in part, "Texas Pride Fruit Cake," was shipped in interstate commerce by Southern Maid Bakesies, Waco, Texas, to NUT HOUSE, 411 South Boulder, Tulsa, Oklahoma, via Missouri, Kansas, Texas Railroad, on or about April 12, 1945.

The court further finds that said article is adulterated in interstate commerce within the meaning of 21 U.S.C. 342(a)(3), in that it is unfit for food by reason of its being charred and rancid.

The court further finds that the United States Marshal for the Northern District of Oklahoma, upon order of the court of March 7th, 1949, to seize and arrest said merchandise, did seize and arrest all of said merchandise on March 8, 1949.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT THE SAID 30 cases, each containing 12-2-lb. cans and 25 cases, each containing 24 1-lb. cans article labeled in part, "Texas Pride Fruit Cake," be and the same hereby is condemned, forfeited and confiscated.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said merchandise be destroyed and that Virgil B. Stanley, United States Marshal for the Northern District of Oklahoma, be and he hereby is instructed and directed to destroy same and to report his acts under this order to this court within thirty (30) days from this date.

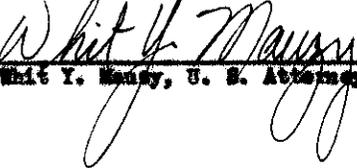
AND IT IS THE FURTHER ORDER OF THE COURT that the plaintiff, United States of America, recover the costs of this action from HUT HOUSE, 411 South Boulder, Tulsa, Oklahoma.

AND IT IS SO ORDERED.



U. S. DISTRICT JUDGE

O. K. as to form:



Whit Y. Maury, U. S. Attorney

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

Emma Hogshooter Rabbit,
Plaintiff,
vs.
John L. Rabbit, et al.,
Defendants,
United States of America,
Intervener.

NO. 2098 CIVIL

FILED

MAR 30 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER CONFIRMING COMMISSIONERS REPORT AND DIRECTING
SALE OF LAND.

AND NOW, on this the 30th day of March, 1949, the same being a juridical day of the above styled court, the above entitled and numbered cause comes on for hearing in its regular order upon the motion of the plaintiff for an order confirming the commissioners report on file herein, and from an examination of the pleadings and statement of counsel, the court finds that said report should be sustained, and being fully advised in the premises:

IT IS ORDERED:

THAT the commissioners report on file herein be, and the same is hereby confirmed, approved and declared binding, firm and effectual forever; that the parties to said action, owners of said land, be, and they, and each of them, are hereby given five days from this date in which to elect to take said premises at the appraised value, and if two or more elect to take same at the appraised value, or if none of the parties elect to take the same at the appraised value, within the time above allotted, the United States Marshal of the Northern District of Oklahoma is hereby ordered, authorized and directed to advertise and sell said lands in the manner and form provided by law.

Rayce H. Savage
United States Judge

APPROVED AS TO FORM:

Ernest R. Brown
Attorney for Plaintiff

Walt X. Maury
United States Attorney

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

GLADYS SMITH,
Plaintiff,

vs.

MISSOURI-KANSAS-TEXAS
RAILROAD COMPANY, a
Corperation,
Defendant.

No. 2457-Civil

FILED

MAR 30 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

Now on this 30 day of Mar., 1949, this
cause coming regularly on for hearing pursuant to assignment,
and it appearing to the Court that said cause has been completely
compromised and settled, and that the plaintiff has filed herein
a written stipulation for dismissal, with prejudice, joined by
her attorneys of record, Mr. Marvin T. Johnson.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by
the Court that the above styled cause be dismissed with prejudice
as to the filing of a future action between the parties involving
the same subject matter as against the defendant, Missouri-
Kansas-Texas Railroad Company.

Royce H. Savage
United States District Judge

O. K.

(signed) Marvin T. Johnson
John M. Taylor
Temple & Fitzgerald
C. S. Walker
Attorneys for Defendants.

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

Civil Action No. 2316

TICHE E. WOODS, Housing Expediter)
Office of the Housing Expediter)
Plaintiff)

vs)

VIOLA ROLLANS, a feme sole)
HOWARD PICKLE)
3209 East Third Street)
Tulsa, Oklahoma)
Defendants)

JOURNAL ENTRY OF JUDGMENT

FILED

MAR 30 1949

NOBLE C. HOOD
Clerk U. S. District Court

Now on this 18th day of February, 1949, the above styled and numbered cause of action comes on before the Court for trial, the Plaintiff being represented by his attorney, Sanford H. Palmer, and the Defendants appearing in person and represented by their attorney, William K. Powers.

Whereupon, all parties announced themselves ready for trial.

Whereupon, the Plaintiff introduced his evidence and rested.

Whereupon, the Defendant introduced his evidence and rested.

Whereupon, after considering the evidence and argument of counsel,

the Court finds as follows:

1. The Defendant, Viola Rollans, collected rent in excess of the maximum legal rent from the tenant, J. D. Highfill, in the amount of \$12.50.
2. The Defendant, Viola Rollans, demanded and received from the tenant, Sam Chalmers, the amount of \$1700.00 for the sale of furniture as a prerequisite to the renting of the housing accommodations located at 3215 East Third Street, Tulsa, Oklahoma on or before March 20, 1948. The sale of the furniture as a prerequisite to the renting of the housing accommodation is a violation of the Housing and Rent Act of 1947 and the rent regulations promulgated thereunder, and the Defendant, Viola Rollans, should make restitution to the tenant in the amount of \$500.00, which is agreed by the parties to be the overcharge as a result of this sale.

3. The Defendant, Viola Rollans, rented to the tenants, Mr. and Mrs. Fred H. Jones, the housing accommodations located at 3209 East Third Street, Tulsa, Oklahoma, from May 15, 1947 to April 15, 1948 at the rate of \$50.00 per month. On or before May 15, 1947, the Defendant, Howard Pickle, sold to the tenant, Mr. and Mrs. Fred H. Jones, furniture in the amount of \$2200.00. There was no relation of landlord and tenancy between the Defendant, Howard Pickle, and Mr. and Mrs. Fred H. Jones, and the sale of the furniture was not a violation of the rent regulation and the Housing and Rent Act of 1947. The amount collected by the Defendant, Viola Rollans, for rent was not in excess of the maximum legal rent, and not a violation.

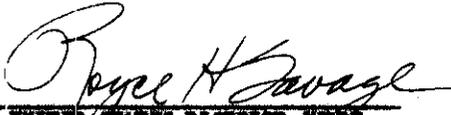
It is, therefore, ORDERED, ADJUDGED, and DECREED, by the Court that the Defendant, Viola Rollans, is hereby Ordered to forthwith make restitution to the tenant, Sam Chalmers, in the amount of \$500.00. *to tenant Highfill in the sum of \$17.50.*
It is further ORDERED that this action be dismissed with reference to the Defendant, Howard Pickle.

It is further ORDERED, ADJUDGED, and DECREED by the Court that the Defendant, Viola Rollans, her agents, servants, employees, and all persons acting in concert or participation with any of them be, and they are hereby permanently enjoined and restrained from directly or indirectly:

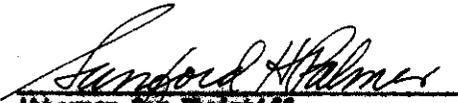
- (a) Soliciting, demanding, accepting or receiving any rent in excess of the maximum legal rent prescribed by the Controlled Housing Rent Regulation as heretofore or hereafter amended, or in excess of the maximum legal rent permitted by any other Regulation or order heretofore or hereafter adopted pursuant to the Housing and Rent Act of 1947 as hereafter amended or extended or superseded, or from otherwise violating the Controlled Housing Rent Regulation or the Housing and Rent Act of 1947 as heretofore or hereafter amended, or from violating any other Regulation heretofore or hereafter

adopted pursuant to the Housing and Rent Act of
1947 as heretofore or hereinafter amended or ex-
tended.

It is further ORDERED, ADJUDGED, and DECREED by the Court that the
costs of this action be taxed against the Defendant, Viola Rollans.


ROYAL H. SAVAGE
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


SANFORD H. PALMER
Attorney for Plaintiff


WILLIAM K. POWERS
Attorney for Defendant

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

MARY KATHRYN CASTLE STEINWAY,
Plaintiff

vs.

MAJESTIC AMUSEMENT COMPANY,
et al.

Defendants

No. 2423 - Civil

FILED

APR 7 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER

On this 6th day of April, 1949, this cause came on for hearing on the motion of Hotel Last Frontier, Inc. to dismiss on account of improper venue and to quash service of summons. Evidence was introduced by the Movent in the form of affidavits and documents attached to the motion, and evidence was introduced in opposition to the motion in the form of answers to interrogatories, depositions and affidavit.

After due consideration of the motion and the aforesaid evidence, the court finds that Hotel Last Frontier, Inc. is a resident of the State of Nevada; that it is not now and never has been incorporated or licensed to do business in the State of Oklahoma and is not doing business and has never done business within this judicial District or in the State of Oklahoma.

The court sustains Hotel Last Frontier, Inc.'s motion to dismiss for improper venue and its motion to quash service of summons and hereby dismisses this action as to Hotel Last Frontier, Inc., to which the plaintiff excepts.

Thereafter came on for hearing the motions of Griffith Consolidated Theatres, Inc., Griffith Metropolitan Theatres, Inc. and Majestic Amusement Company to dismiss for lack of an indispensable party. The court is of the opinion that Hotel Last Frontier, Inc. is an indispensable party to this action

and, the action having been dismissed as to Hotel Last Frontier,
Inc., the motions of said defendants each hereby is sustained
and the action dismissed, to which the plaintiff excepts.

Royce H. Savage

DISTRICT JUDGE

O.K. as to form:

N. E. McNeill

Attorney for the Plaintiff

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

MARY KATHRYN CASTLE STEINWAY,

Plaintiff

vs.

RITZ THEATRE, INC., et al.

Defendants

No. 2424 - Civil

FILED

APR 7 1949

ORDER

NOBLE C. HOOD
Clerk U. S. District Court

On this 6th day of April, 1949, this cause came on for hearing on the motion of Hotel Last Frontier, Inc. to dismiss on account of improper venue and to quash service of summons. Evidence was introduced by the Movent in the form of affidavits and documents attached to the motion, and evidence was introduced in opposition to the motion in the form of answers to interrogatories, depositions and affidavit.

After due consideration of the motion and the aforesaid evidence, the court finds that Hotel Last Frontier, Inc. is a resident of the State of Nevada; that it is not now and never has been incorporated or licensed to do business in the State of Oklahoma and is not doing business and has never done business within this judicial District or in the State of Oklahoma.

The court sustains Hotel Last Frontier, Inc.'s motion to dismiss for improper venue and its motion to quash service of summons and hereby dismisses this action as to Hotel Last Frontier, Inc., to which the plaintiff excepts.

Thereafter came on for hearing the motions of Griffith Consolidated Theatres, Inc., Griffith Metropolitan Theatres, Inc. and Ritz Theatre, Inc. to dismiss for lack of an indispensable party. The court is of the opinion that Hotel Last Frontier, Inc. is an indispensable party to this action

and, the action having been dismissed as to Hotel Last Frontier, Inc., the motions of said defendants each hereby is sustained and the action dismissed, to which the plaintiff excepts.

O. K. as to form:

Rayce D. Savage

DISTRICT JUDGE

N.E. McMill
Attorney for the Plaintiff

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

EARL H. BROWN AND
MRS. EARL H. BROWN,

Plaintiffs,

-vs-

KATHERYN PRIMM,

Defendants.

CIVIL

No. 2456

FILED

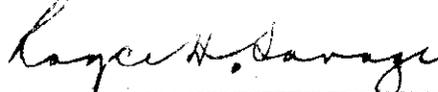
APR 7 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

It appearing to the Court from the stipulation of the parties herein that the parties have compromised this claim, the Court finds that the same should be dismissed.

It is, therefore, hereby ordered that the above cause be and the same is hereby dismissed with prejudice.



JUDGE.

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

NORTHERN LITHOGRAPHING CORPORATION, :
a corporation, :
 :
Plaintiff :
 :
vs : No. 2442 Civil
 :
LEO BENNETT, :
 :
Defendant :

FILED

APR 8 1949

NOBLE C. HOOD
Clerk U. S. District Court

JUDGMENT

It appearing to the undersigned Clerk of the United States
District Court for the Northern District of Oklahoma that heretofore,
to-wit:

An action was filed on the 28th day of February, 1949, by the
Northern Lithographing Corporation, a corporation, plaintiff, against Leo
Bennett, defendant, in which action the plaintiff sought judgment against
the defendant for a sum certain; and it appearing that service had been
duly had upon the defendant, that the defendant has failed to appear, and
has failed to plead within the time prescribed by law and by the summons
served upon him; and it appearing that heretofore a request to the Clerk
to enter a default against the defendant has been filed accompanied by an
Affidavit, and that said defendant has been defaulted, and it appearing
that a request has been filed by the plaintiff requesting the Clerk to
enter judgment by default in favor of the plaintiff and against the defendant
in the sum of Eleven Thousand Eight Hundred Four and 63/100 Dollars (\$11,804.63)
plus interest thereon at the rate of six per cent. (6%) per annum from
October 15, 1948, with costs, and an affidavit and statement of account have
been filed in support of said request; and it appearing to the Clerk that
the defendant is not an infant or incompetent person; and it being determined
by the Clerk that judgment should be entered,

IT IS, THEREFORE, ORDERED that the plaintiff, Northern Lithographing
Corporation, a corporation, is hereby given judgment against the defendant,

Leo Bennett, in the amount of Twelve Thousand One Hundred Twenty-nine and
24/100 Dollars (\$12,129.24) together with the costs of this action.

Dated this 8 day of April, 1949.

Noble C. Hood

Clerk of the U. S. District Court for
the Northern District of Oklahoma.

for G. M. Ewing & Co. by
J

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

I. F. WILLIS, et al)
Plaintiffs)
vs.)
E. I. du PONT de NEMOURS &) No. 1732 Civil
COMPANY, INC.)
Defendant)
THE UNITED STATES OF AMERICA) FILED
Intervener)
APR 13 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER SUSTAINING MOTION TO DISMISS

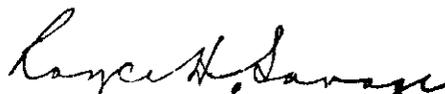
This cause came on for hearing on March 30, 1949, on the motions of plaintiffs and interveners for leave to dismiss without prejudice and on motions of defendant for more definite statement, to strike and to dismiss, the plaintiffs and interveners appearing by their attorney, Fred W. Martin, of Wagoner, Oklahoma, and defendant and its attorneys of record, Peter B. Collins, of Wilmington, Delaware, and Spillers & Spillers, of Tulsa, Oklahoma, appearing by G. C. Spillers, and the Court, having heard argument of counsel and being fully advised in the premises, finds that the motion of plaintiffs and interveners for leave to dismiss without prejudice should be and the same is hereby denied.

The Court further finds that the last amended complaint of plaintiffs and interveners does not contain sufficient allegations of fact to state a claim for compensation for activities compensable either by the terms

of an express provision of a written or unwritten contract entered into by and between the plaintiffs and interveners and the defendant or by a custom in effect at the Oklahoma Ordnance Works where such plaintiffs and interveners were employed, and that such last amended complaint does not state a claim or cause of action under the Fair Labor Standards Act, as amended, within the jurisdiction of the court.

The Court further finds that, insofar as plaintiffs and interveners have attempted to state causes of action against defendant based on the Eight Hour Law or predicated on the theory that the contract made by the United States with the defendant was for the express benefit of plaintiffs and interveners, such complaint fails to allege that the amount due any plaintiff or intervener is in excess of \$3,000, and that no claim for relief is stated within the jurisdiction of the court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED That this cause be and the same is hereby dismissed for lack of jurisdiction, at the cost of plaintiffs and interveners.


United States District Judge

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

Vera G. Adair, et al)
 Plaintiffs)
 vs.) No. 1797 - Civil
E. I. du PONT de NEMOURS)
& COMPANY, INC.,)
 Defendant)

FILED

APR 13 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER SUSTAINING MOTION TO DISMISS

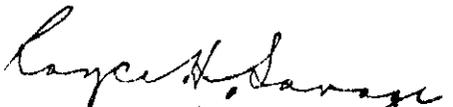
This cause came on for hearing on March 30, 1949, on the motions of plaintiffs and interveners for leave to dismiss without prejudice and on motions of defendant for more definite statement, to strike and to dismiss, the plaintiffs and interveners appearing by their attorney, Ernest R. Brown, of Pryor, Oklahoma, and defendant and its attorneys of record, Peter B. Collins, of Wilmington, Delaware, and Spillers & Spillers, of Tulsa, Oklahoma, appearing by G. C. Spillers, and the Court, having heard argument of counsel and being fully advised in the premises, finds that the motion of plaintiffs and interveners for leave to dismiss without prejudice should be and the same is hereby denied.

The Court further finds that the last amended complaint of plaintiffs and interveners does not contain sufficient allegations of fact to state a claim for compensation for activities compensable either by the terms

of an express provision of a written or unwritten contract entered into by and between the plaintiffs and interveners and the defendant or by a custom in effect at the Oklahoma Ordnance Works where such plaintiffs and interveners were employed and that such last amended complaint does not state a claim or cause of action under the Fair Labor Standards Act, as amended within the jurisdiction of the court.

The Court further finds that, insofar as plaintiffs and interveners have attempted to state causes of action against defendant based on the Eight Hour Law or predicated on the theory that the contract made by the United States with the defendant was for the express benefit of plaintiffs and interveners, such complaint fails to allege that the amount due any plaintiff or intervener is in excess of \$3,000, and that no claim for relief is stated within the jurisdiction of the court.

It Is, Therefore, Ordered, Adjudged and Decreed that this cause be and the same is hereby dismissed, at the cost of plaintiffs and interveners, for lack of jurisdiction.


Royce H. Savage
United States District Judge

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

K. E. Hart, et al)	
Plaintiffs)	
vs.)	
E. I. du Pont de Nemours & Company, Inc.,	)	No. 1820 - Civil
Defendant	)	FILED
The United States of America	)	APR 13 1949
Intervener	)	NOBLE C. HOOD Clerk U. S. District Court

ORDER SUSTAINING MOTION TO DISMISS

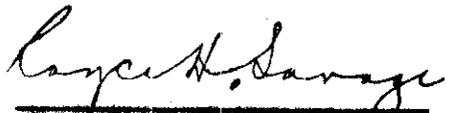
This cause came on for hearing on March 30, 1949, on the motions of plaintiffs and interveners for leave to dismiss without prejudice and on motions of defendant for more definite statement, to strike and to dismiss, the plaintiffs, interveners and their attorney Jack L. Rorschach appearing by Ernest R. Brown, of Pryor, Oklahoma, and defendant and its attorneys of record, Peter B. Collins, of Wilmington, Delaware, and Spillers & Spillers, of Tulsa, Oklahoma, appearing by G. C. Spillers, and the Court, having heard argument of counsel and being fully advised in the premises, finds that the motion of plaintiffs and interveners for leave to dismiss without prejudice should be and the same is hereby denied.

The Court further finds that the last amended complaint of plaintiffs and interveners does not contain sufficient allegations of fact to state a claim for compensation for activities compensable either by the terms

of an express provision of a written or unwritten contract entered into by and between the plaintiffs and interveners and the defendant or by a custom in effect at the Oklahoma Ordnance Works where such plaintiffs and interveners were employed, and that such last amended complaint does not state a claim or cause of action under the Fair Labor Standards Act, as amended, within the jurisdiction of the court.

The Court further finds that, insofar as plaintiffs and interveners have attempted to state causes of action against defendant based on the Eight Hour Law or predicated on the theory that the contract made by the United States with the defendant was for the express benefit of plaintiffs and interveners, such complaint fails to allege that the amount due any plaintiff or intervenor is in excess of \$3,000, and that no claim for relief is stated within the jurisdiction of the court.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause be and the same is hereby dismissed for lack of jurisdiction, at the cost of plaintiffs and interveners.


United States District Judge

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

L. W. BUMP, et al)	
Plaintiffs)	
vs.)	
E. I. du PONT de NEMOURS & COMPANY, Inc.	)	No. 1839 - Civil
Defendant	)	FILED
THE UNITED STATES OF AMERICA	)	APR 13 1949
Intervener	)	NOBLE C. HOOD Clerk U. S. District Court

ORDER SUSTAINING MOTION TO DISMISS

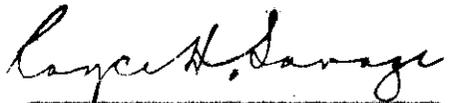
This cause came on for hearing on March 30, 1949, on the motions of plaintiffs and interveners for leave to dismiss without prejudice and on motions of defendant for more definite statement, to strike and to dismiss, the plaintiffs, interveners and their attorney, Jack L. Kerschbach, appearing by Ernest R. Brown, of Fryer, Oklahoma, and defendant and its attorneys of record, Peter B. Collins, of Wilmington, Delaware, and Spillers & Spillers, of Tulsa, Oklahoma, appearing by G. C. Spillers, and the Court, having heard argument of counsel and being fully advised in the premises, finds that the motion of plaintiffs and interveners for leave to dismiss without prejudice should be and the same is hereby denied.

The Court further finds that the last amended complaint of plaintiffs and interveners does not contain

sufficient allegations of fact to state a claim for compensation for activities compensable either by the terms of an express provision of a written or unwritten contract entered into by and between the plaintiffs and interveners and the defendant or by a custom in effect at the Oklahoma Ordnance Works where such plaintiffs and interveners were employed, and that such last amended complaint does not state a claim or cause of action under the Fair Labor Standards Act, as amended, within the jurisdiction of the court.

The Court further finds that, insofar as plaintiffs and interveners have attempted to state causes of action against defendant based on the Eight Hour Law or predicated on the theory that the contract made by the United States with the defendant was for the express benefit of plaintiffs and interveners, such complaint fails to allege that the amount due any plaintiff or intervener is in excess of \$3,000, and that no claim for relief is stated within the jurisdiction of the court.

It is, Therefore, Ordered, Adjudged and Decreed that this cause be and the same is hereby dismissed for lack of jurisdiction at the cost of plaintiffs and interveners.


United States District Judge

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

George O. Ray, Adelaide O. Ray,
Ogden Thomas and Hilda A. Ray,
Plaintiffs,

vs.

Missouri, Kansas & Texas Railroad
Co., a corp., et al,
Defendants.

No. 2277-Civil.

FILED

APR 15 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF ORDER DISMISSING
PLAINTIFFS' SECOND CAUSE OF ACTION HEREIN

Now on this 15th day of April, 1949, come the parties hereto and file and present to the court their stipulation in writing for dismissal of the plaintiffs' second cause of action stated in their complaint herein, as therein provided, and which stipulation is by reference made a part of this order and judgment as fully as though same was incorporated herein.

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED BY THE COURT that the plaintiffs' second cause of action herein be and the same is hereby dismissed in accordance with the stipulation of the parties, at the costs of the defendant railroad company, and that the plaintiffs recover from said defendant railroad company any deposit they have heretofore made on account of court costs of this action in this court.

H. Kayce H. Savage
Judge.

O.K.

C. J. WATTS

Attorneys for Plaintiffs.

C. J. WATTS

Attorneys for Defendants
Walter W. Strickland, Fred
Capshaw and A. B. Soper.

JOHN E. M. TAYLOR

SEMPLE & FITZGERALD

C. S. WALKER

Attorneys for Defendant
Missouri-Kansas-Texas
Railroad Company.

T. J. LEE

Attorneys for State of
Oklahoma, ex rel Commissioners
of the Land Office.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Deshaisecowemy (Joe) Hay,
Plaintiff,

vs.

^{Co}
Sakseta Hay, et al,

Defendants.

No. 521 Civil

FILED

APR 14 1949

NOBLE C. HOOD
Clerk U. S. District Court

O R D E R

This matter coming on for hearing this 14th day of April, 1949, the court finds that nothing has been done in this case for a considerable length of time.

The court is further advised that on July 1, 1947, the County Court of Creek County, Oklahoma, approved deeds of the heirs involved in this action conveying an interest in said lands from one to another. The court, therefore, finds that this cause should be dismissed for want of prosecution.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that this cause be and the same hereby is dismissed for want of prosecution.

Royce H. Savages
JUDGE

O. K.

Whit E. Mearns
Whit E. Mearns
U. S. Attorney

accordance with Provision 11 of the Portal to Portal Act, and the court finds that the defendant shall not be liable for any penalty.

The court further finds that the plaintiff should have and recover from the defendant a reasonable attorney's fee in the sum of \$100.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover from the defendant the sum of \$ 111.15 for overtime due from July 2, 1946 to and through November 7, 1946, and in addition thereto an attorney's fee in the sum of \$100.00, ^{and court costs} to which ruling of the court the defendant excepts and to the ruling of the court on good faith plaintiff excepts.

/s/ Royce W. George
Judge of the Federal Court

Ok. as to form:
by F. C. Swindell

Ok. as to form:
by J. S. Tollens

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

Frank Buttram and Raymond Pope,
co-partners,

Plaintiffs,

vs.

Missouri-Kansas-Texas Railroad,
a corporation,

Defendant.

No. 1976 Civil

E I L E D

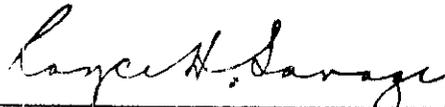
APR 18 1949

NOBLE C. HOOD
Clerk U. S. District Court

O R D E R

Now on this 18th day of April, 1949, this matter comes on
to be considered by the court upon a motion of the plaintiffs to dismiss with
prejudice the above styled and numbered action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above
styled and numbered action be, and the same is hereby dismissed with prejudice
to the bringing of a future action, at the cost of the plaintiffs.



U. S. District Judge

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

Civil Action No. 2380

FILED

APR 18 1948

NOBLE C. HOOD
Clark U. S. District Court

TISHE E. WOODS, Housing Expediter
Office of the Housing Expediter

Plaintiff

vs.

W. K. POWELL
4801 E. 11th Street
Tulsa, Oklahoma

Defendant

JOURNAL ENTRY OF JUDGMENT

Now on this 17th day of February, 1948, the above styled and numbered cause of action comes on before the Court for trial, the Plaintiff being represented by his attorney, Sanford H. Palmer, and the Defendant being represented by his attorney, Frank Hickman.

Whereupon, both parties announced themselves ready for trial.

Whereupon, the Plaintiff introduced his evidence and rested.

Whereupon, the Defendant introduced his evidence and rested.

Whereupon, the Court finds as follows:

1. That the Defendant rented to the tenant, Thomas T. Allen, the left side duplex located at 3711 Norcia Street, Dallas, Texas, from December 1, 1946 to October 1, 1948, and that the maximum legal rent established by the original registration was \$20.00 per month. The Defendant demanded and received from this tenant \$1,400.00 as a pre-requisite to the renting of the housing accommodations for the purpose of purchasing furniture; said furniture was completely paid for by the tenant by December 1, 1947. After December 1, 1947 to March 1, 1948, the Defendant demanded and received from the tenant the amount of \$50.00 per month rental; from March 1, 1948 to October 1, 1948 the tenant continued to pay \$50.00 per month rental, but the maximum legal rent was increased to \$31.20 per month by a blanket increase of four percent (4%) in the Dallas Defense-Rental Area. The total amount collected from this tenant in excess of the maximum legal rent, aside from the furniture sale, was \$211.60.

2. The Defendant rented the right side duplex, located at 3713 Wescola Street, Dallas, Texas, to the tenant, Roy A. Smith, from October 21, 1946 to October 21, 1948. The maximum legal rent, as established by the original registration, was \$30.00 per month, which was increased four percent (4%) by the blanket increase to the Dallas Defense-Rental Area, effective February 21, 1948 for this unit. The tenant paid \$75.00 per month for the first five (5) months, \$60.00 per month for the next four (4) months, and \$50.00 per month thereafter to the Defendant as rent. The total amount of rent collected in excess of the maximum legal rent from this tenant was \$495.40.

The Court concludes that the Defendant should make restitution to the tenant, Thomas T. Allen, the amount of \$1,400.00 for the furniture, and that thereafter the tenant, Thomas T. Allen, should return the furniture to the Defendant; also that the Defendant should make restitution to both of the tenants the amounts collected in excess of the maximum legal rent; that the injunction should be issued as prayed for in the Plaintiff's Complaint; and that the costs of this action should be taxed against the Defendant.

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

1. That the Defendant, W. R. Powell, is hereby ordered to forthwith make restitution to the tenant, Thomas T. Allen, the amount of \$1,400.00, and it is further ordered that the tenants, Mr. and Mrs. Thomas T. Allen, surrender possession of the furniture remaining unsold heretofore purchased by them from the Defendant within a reasonable time after the restitution is made by the Defendant, for which let execution issue, and interest at the rate of six percent (6%).

2. That the Defendant, W. R. Powell, forthwith make restitution the amounts collected in excess of the maximum legal rent to the tenant, Thomas T. Allen, in the amount of \$211.60, and to the tenant, Roy A. Smith, in the amount of \$682.40, for which let execution issue, and interest at the rate of six percent (6%).

3. It is further ordered, adjudged, and decreed by the Court that the Defendant, his agents, servants, employees, representatives, and all persons acting in concert or participation with any of them be, and

they are hereby, enjoined and restrained from directly or indirectly:

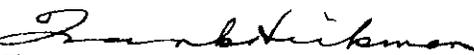
- (a) Soliciting, demanding, accepting or receiving any rent in excess of the maximum legal rent prescribed by the Controlled Housing Rent Regulation as heretofore or hereafter amended, or in excess of the maximum legal rent permitted by any other Regulation or order heretofore or hereafter adopted pursuant to the Housing and Rent Act of 1947 as hereafter amended or extended or superseded, or from otherwise violating the Controlled Housing Rent Regulation or the Housing and Rent Act of 1947 as heretofore or hereafter amended, or from violating any other Regulation heretofore or hereafter amended, or from violating any other Regulation heretofore or hereafter adopted pursuant to the Housing and Rent Act of 1947 as heretofore or hereinafter amended or extended.

4. It is further ordered that the costs of this action be taxed against the Defendant, for which let execution issue.


RAYMOND H. GUNGOR
UNITED STATES DISTRICT JUDGE

Approved as to form:


SANFORD H. PALMER
Attorney for Plaintiff


FRANK H. HAIMAN
Attorney for Defendant

23, T 27 N, R 24 E in Ottawa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 feet North of the SE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence North along the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 124.4 feet, thence Northeasterly on a curve to the left, having a radius of 2804.9 feet a distance of 1167.0 feet, thence N 50° 50'E a distance of 366.6 feet to a point on the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 405.1 feet South of the NE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along said East line a distance of 914.9 feet to the SE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 80 feet, thence North on a line parallel to and 60 feet West of said East line a distance of 712 feet, thence S 50° 50'W a distance of 191.9 feet, thence Southwesterly on a curve to the right, having a radius of 2924.9 feet, a distance of 1249.8 feet to point of beginning.

Containing 5.20 acres, more or less.

TRACT III

A strip, piece or parcel of land lying in the N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T 27 N, R 24 E in Ottawa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the NE corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence South along the East line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 665.5 feet to the SE corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence West along the South line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1321.8 feet to the SW corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence North along the West line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 234.85 feet to a point on the centerline of the present U. S. Highway No. 60, thence N 50° 19'E along said centerline a distance of 100 feet, thence N 41° 30'E along said centerline a distance of 120 feet, thence N 71° 30'E along said centerline a distance of 535 feet, thence N 86° 46'E a distance of 598.9 feet to a point 60 feet west of the East line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence due North a distance of 72.8 feet to a point on the North line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence East along said North line a distance of 60 feet to point of beginning.

Containing 14.01 acres, more or less.

Plaintiff appears by Mac Q. Williamson, Attorney General of Oklahoma, and Finis O. Stewart, Assistant Attorney General, and the defendants appear by Whit Y. Mauzy, United States District Attorney, and by Frank Nesbitt, Attorney-at-Law, Miami, Oklahoma, and a guardian ad litem having heretofore been appointed and answered, said guardian ad litem, Dickson M. Saunders, also appears in behalf of the minor, Elsie Verneille Peacock. This being a condemnation proceeding wherein the property belonging to the defendants above named, heretofore appraised by commissioners duly appointed herein at One Thousand Dollars (\$1,000.00), is believed by them to be worth a greater value and they have therefore appealed for a jury trial, all parties interested having announced readiness for trial, a jury is duly impaneled and sworn. Thereupon the parties introduce as much of their evidence as time permits before Court recesses

at the close of the day. And now on this 25th day of January, 1949, trial of this proceeding having been resumed the parties conclude introduction of their evidence. Arguments by counsel is heard and the jury then retires to consider their verdict and thereafter returns same into Court, which is in words and figures, to-wit: "We, the jury in the above entitled case, duly impaneled and sworn, upon our oaths find the total fair cash market value of the estate taken (perpetual easement) and all damages, if any, on Tract No. 3, on Sept. 23, 1948, was \$2,200.00. Signed - James L. Riley, Foreman."

It is therefore by the Court ordered, adjudged and decreed that the total amount for which defendants should be compensated herein for the plaintiff's appropriation of their realty should be and is Two Thousand Two Hundred Dollars (\$2,200.00) as by the jury so determined, and said defendants are hereby granted judgment against plaintiff for same, less the sum of One Thousand Dollars (\$1,000.00) which has heretofore been deposited by plaintiff in the registry of this Court, that such amount of One Thousand Dollars (\$1,000.00) shall stand as a credit against the amount of damages determined by the jury herein, leaving an unpaid balance due on this judgment in the sum of Twelve Hundred Dollars (\$1,200.00).

It is further ordered, adjudged and decreed that the plaintiff have a perpetual easement for highway purposes on the following described property.

TRACT I

A strip, piece or parcel of land lying in part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T 27 N, R 24 E in Ottawa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 73.6 feet West of the NE corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence West along said North line a distance of 415.4 feet, thence due South a distance of 60 feet, thence Northeasterly on a curve to the left, having a radius of 2924.9 feet, a distance of 419 feet to point of beginning.

ALSO: Beginning at the NE corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence South along the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 479.5 feet, thence due West a distance of 60 feet, thence North on a line parallel and 60 feet West of said East line a distance of 479.5 feet to a point on the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$, thence East along said North line a distance of 60 feet to point of beginning.

Containing in both parcels 0.97 acres, more or less.

TRACT II

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section

23, T 27 N, R 24 E in Ottawa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 20 feet North of the SE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence North along the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 124.4 feet, thence North-easterly on a curve to the left, having a radius of 2804.9 feet a distance of 1167.0 feet, thence N 50° 50'E a distance of 366.6 feet to a point on the East line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 405.1 feet South of the NE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along said East line a distance of 914.9 feet to the SE corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 60 feet, thence North on a line parallel to and 60 feet West of said East line a distance of 712 feet, thence S 50° 50'W a distance of 191.9 feet, thence Southwesterly on a curve to the right, having a radius of 2924.9 feet, a distance of 1249.8 feet to point of beginning.

Containing 5.20 acres, more or less.

TRACT III

A strip, piece or parcel of land lying in the N $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, T 27 N, R 24 E in Ottawa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the NE corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence South along the East line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 665.5 feet to the SE corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence West along the South line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1321.8 feet to the SW corner of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence North along the West line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 234.85 feet to a point on the centerline of the present U. S. Highway No. 60, thence N 50° 15'E along said centerline a distance of 100 feet, thence N 41° 30'E along said centerline a distance of 120 feet, thence N 71° 30'E along said centerline a distance of 535 feet, thence N 36° 46' E a distance of 598.9 feet to a point 60 feet West of the East line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence due North a distance of 72.8 feet to a point on the North line of said N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence East along said North line a distance of 60 feet to point of beginning.

Containing 14.01 acres, more or less.

It is further ordered that such costs as are by the State payable be taxed against the plaintiff.

O.K.

Finis O. Stewart
of attorneys for Petitioners

Frank Nesbitt
Attorney for Defendants
Dickson M. Saunders
Guardian ad litem

Royce A. Savage
DISTRICT JUDGE

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

State of Oklahoma, ex rel
Mac Q. Williamson, Attorney General
of the State of Oklahoma,

Petitioner)

vs.)

NO. 2255-CIVIL)

Certain parcels of land in Ottawa County,
Oklahoma, containing approximately 28.30
acres, more or less; The United States of
America; Earl W. Tobien (restricted) and
Jean S. Tobien (restricted), husband and
wife; et al.,

Defendants)

FILED

APR 27 1949

NOBLE C. HOOD
Clark U. S. District Court

JOURNAL ENTRY

Now on this 24th day of January, 1949, there comes on for trial before the Honorable Royce H. Savage, Judge of the United States District Court in and for the Northern District of Oklahoma, the matter of the assessment by a jury of the damages sustained by the defendants hereinafter named, by virtue of the appropriation by plaintiff, for highway purposes, of the following described parcels of land:

A strip, piece or parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T 27 N, R 25 E, in Ottawa County, Oklahoma, more particularly described as follows:

Beginning at a point on the West line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T 27 N, R 25 E, 836.5 feet South of the NW corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along said West line a distance of 143.0 feet, thence N 57°02'E a distance of 142.3 feet, thence S 32°58'E a distance of 25 feet, thence N 57°02'W a distance of 280.6 feet, thence N 32°58'W a distance of 25 feet, thence N 57°02'E a distance of 1147.6 feet to a point on the East line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence North along said East line a distance of 126.1 feet to the NE corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along the North line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 27.0 feet, thence S 57°02'W a distance of 1537.6 feet to point of beginning, containing 4.49 acres, more or less.

And a strip, piece or parcel of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T 27 N, R 25 E, Ottawa County, Oklahoma, which is, by metes and bounds, more particularly described as:

Beginning at a point on the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 619.7 feet West of the SE corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence West along said South line a distance of 265.5 feet, thence N 51°51'E a distance of 442.8 feet, thence S 32°58'E a distance of 65 feet, thence N 57°02'E a distance of 479.9 feet to a point on the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 836.5 feet South of the NE corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence South along said East line a distance of 143 feet, thence S 57°02'W a distance of 619.5 feet to point of beginning, containing 2.53 acres, more or less.

The Court finds that the first of the above described parcels was described by plaintiff in its petition filed herein March 19th, 1948, as Tract No. 1, that the second of the above described parcels was the realty described in Case No. 2415-Civil, which case has been consolidated with the captioned case and as thus consolidated now proceeds as a single action; the Court finds that plaintiff physically appropriated both parcels on the same date, that they are contiguous tracts, and both lie within the same farming unit, and that they shall be referred to herein collectively as Tract No. 1.

The plaintiff appearing by its attorneys, Mac Q. Williamson, Attorney General of Oklahoma, and Finis O. Stewart, Assistant Attorney General, announce readiness for trial, and the defendants Earl W. Tobien and Jean S. Tobien, husband and wife, appearing both personally and by attorney, Frank Nesbitt, announce readiness for trial, and the defendants, the United States of America, the defendants Walker L. Boone and Alice Boone Clark, incompetent defendants, appear by guardian ad litem appointed herein, Dickson W. Saunders, and Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma, appears for all of the defendants, the United States of America and its wards, Earl W. Tobien (restricted) and Jean S. Tobien (restricted), husband and wife; Blanche Boone, now Rouse (restricted) and Outhier Rouse, wife and husband; Walker L. Boone (restricted), an incompetent, and Melinda Boone, husband and wife; Melinda Boone, guardian of the person and estate of Walker L. Boone, an incompetent; Alice Boone, now Clark (restricted), an incompetent; Belle Boone (restricted); Charles Leader and Pauline Leader, husband and wife appear neither in person nor by attorney, and plaintiff dismisses as against them. Attorneys for all persons interested having therefore announced readiness for trial a jury was duly impaneled and sworn, and thereupon the parties introduced a portion of their evidence. And on the 26th day of January, 1949, when Court again convened, the parties concluded the presentation of evidence. Argument by counsel was then heard and instructions to the jury were given by the Court and the jury then retired to consider their verdict. After deliberating, the jury returned their verdict into Court which is in words and figures, to-wit: "We, the jury in the above entitled case, duly impaneled and sworn, upon our

oaths find the total fair cash market value of the estate taken (perpetual easement) and all damages, if any, on Tract No. 1, on Sept. 23, 1948, was \$3,350.00. Signed - James L. Riley, Foreman."

And the Court, being duly advised in the premises, finds that this is a condemnation proceeding brought by the plaintiff for the appropriation of certain real property for highway purposes. That the property has heretofore been appraised by commissioners and that certain deposits have been made by plaintiff pursuant to commissioners' reports. That the total of such deposits by plaintiff made amounts to Thirteen Hundred and Forty Dollars (\$1,340.00) and that such amount shall stand as a credit against the amount of damages determined by the jury to be due the defendants.

It is therefore by the Court considered, ordered, adjudged and decreed that the defendants have a judgment against the plaintiff in the amount of Two Thousand and Ten Dollars (\$2,010.00), same representing the difference between the amounts previously deposited by plaintiff for defendants' benefit in these condemnation proceedings and the total amount fixed by the jury herein.

It is further ordered, adjudged and decreed that the plaintiff have a perpetual easement for highway purposes on the following described property:

A strip, piece or parcel of land lying in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T 27 N, R 25 E, in Ottawa County, Oklahoma, more particularly described as follows:

Beginning at a point on the West line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T 27 N, R 25 E, 836.5 feet South of the NW corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along said West line a distance of 143.0 feet, thence N 57°02'E a distance of 142.3 feet, thence S 32°58'E a distance of 25 feet, thence N 57°02'E a distance of 280.6 feet, thence N 32°58'W a distance of 25 feet, thence N 57°02'E a distance of 1147.6 feet to a point on the East line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence North along said East line a distance of 126.1 feet to the NE corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along the North line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 27.6 feet, thence S 57°02'W a distance of 1537.6 feet to point of beginning, containing 4.49 acres, more or less.

And a strip, piece or parcel of land lying in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T 27 N, R 25 E, Ottawa County, Oklahoma, which is, by metes and bounds, more particularly described as:

Beginning at a point on the South line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 519.7 feet West of the SE corner of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence West along said South line a distance of 266.5 feet, thence N 51°51'E a distance of 442.8 feet, thence S 32°58'E a distance of 65 feet, thence N 57°02'E a distance of 479.9 feet to a point on the East line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$, 836.5 feet South of the NE corner of said

NE $\frac{1}{4}$ Sec. 4, thence South along said East line a distance of 143 feet, thence S 57°02'W a distance of 619.5 feet to point of beginning, containing 2.53 acres, more or less.

It is further ordered that such costs as are by the State payable be taxed against the plaintiff.

Royce N. Savage
DISTRICT JUDGE

O.K.

Finis O. Stewart
of Attorneys for Petitioner

Frank Nesbitt
Attorney for Defendants
Dickinson M. Saunders
Guardian ad litem

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To The Honorable The Judges of the
District Court of the United States
for the Northern District of Oklahoma

GREETING:

Whereas, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Stephen V. Dillon, plaintiff, and General Finance Corporation, a corporation, and Climax Industries, Incorporated, a corporation, defendants, No. 1955, Civil, the judgment of the said district court in said cause, entered on November 24, 1947, was in the following words, viz:

"Upon the findings of fact and conclusions of law entered in the above entitled cause this date, it is hereby ordered and adjudged that the plaintiff have and recover of and from the defendants, and each of them, the sum of \$130,825.67 together with interest at the rate of 6% per annum from date of entry hereof until paid and for the costs of this action."

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 General Finance Corporation, a corporation, and Climax Industries, Inc., a corporation, agreeably to the act of Congress, in such case made and provided, fully and at large appears;

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

-- February 2, 1949.

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 FRED M. VINSON, Chief Justice of the United States, the 26th day of April, in the year of our Lord one thousand nine hundred and forty-nine.

/s/ Robert E. Cartwright
Clerk of the United States Court
of Appeals, Tenth Circuit.

No. 3666

UNITED STATES COURT OF APPEALS TENTH CIRCUIT

November Term, 1948

General Finance Corporation,
a corporation, et al.,

Appellants,

vs.

Stephen V. Dillon,

Appellee.

M A N D A T E

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

UNITED STATES OF AMERICA,

Petitioner

-vs-

190.90 acres of land, more or
less, situate in Mayes County,
Oklahoma, and Kim Diskerson,
et al,

Respondents

No. 2429-Civil

FILED

APR 27 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISTRIBUTION

Now on this 27 day of April, 1949, 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. 1700, involved
in the above entitled proceeding.

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

Tract No. 1700

Ellen Wall, now Rector. \$ 300.00

(s) Boyer H. Savage
JUDGE

O.K.
UNITED STATES OF AMERICA, Petitioner

By Curtis P. Harris
Special Attorney-Dept. of Justice

UNITED STATES OF AMERICA, ss:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To The Honorable the Judges of the
District Court of the United States
for the Northern District of Oklahoma

GREETING:

Whereas, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Mid-Continent Petroleum Corporation, a corporation, and Frank Russell, defendant, No. 1975, Civil, the judgment of the said district court in said cause, entered on April 15, 1948, was in the following words, viz:

"Pursuant to findings of fact and conclusions of law entered herein by the Court under date of April 8, 1948, judgment is hereby entered in favor of the defendant, Frank Russell, and against the plaintiff, Mid-Continent Petroleum Corporation, upon the merits, and for all of the costs of this action."

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 Mid-Continent Petroleum Corporation, a corporation, agreeably to the act of Congress, in such case made and provided, fully and at large appears:

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby reversed; that this cause be and the same is hereby remanded to the said district court for further

proceedings in accordance with the views expressed in the opinion of the court; and that Mid-Continent Petroleum Corporation, a corporation, appellant, have and recover of and from Frank Russell, appellee, its costs herein and have execution therefor.

--March 18, 1949.

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

WITNESS, the Honorable FRED M. VINSON, Chief Justice of the United States, the 26th day of April, in the year of our Lord one thousand nine hundred and forty-nine.

COSTS OF appellant:)
Clerk: Flat Fee \$ 25.00)
Preparation of)
printed records 72.50)
Printing record <u>\$626.75</u>)
\$724.25)

/s/ Robert B. Cartwright
Clerk of the United States Court
of Appeals, Tenth Circuit

No. 3723

UNITED STATES COURT OF APPEALS
Tenth Circuit
November Term, 1948

Mid-Continent Petroleum Corporation, a corporation,
Appellant,

vs.

Frank Russell,

Appellee.

MANDATE

ENDORSED:
Filed Apr. 28, 1949
Noble C. Hood
Clerk, U. S. District Court

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

UNITED STATES OF AMERICA,

Petitioner,

vs.

816.61 acres of land, more or less,
situate in Creek County, Oklahoma,
and Jack Abraham, et al.,

Respondents.

No. 2234-Civ-11

FILED
In Open Court

MAY 2 1949

NOBLE C. HOOD
Clerk U. S. District Court

JUDGMENT CONFIRMING COMMISSIONERS' AWARD AS TO
TRACT NO. A-7

Now on this 2nd day of May, 1949, this cause comes on to be heard upon the motion of the petitioner to confirm the Commissioners' Report as to Tract No. A-7, herein involved, and the Court, having been fully advised in the premises, finds that more than sixty days have elapsed since the filing of said Commissioners' Report and that no demands for jury trial have been filed as to said above designated tract, and that said Commissioners' Report should be confirmed and approved in every respect as to said tract hereinabove designated.

The Court further finds that a deposit has been made under the Declaration of Taking as to said tract, and no deficiency exists.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREEED that the Commissioners' Report be, and the same is hereby, confirmed and approved by the Court as to said tract and in the following amount, all as herein-after set forth.

Tract No. A-7

Commissioners' Award \$ 1200.00
Deposited 1200.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said amount is final in all respects as to the fair, cash, market value, including interest and all damages of whatsoever nature as to said tract. The Judgment on the Declaration of Taking heretofore entered is reaffirmed.

Boyce H. Savage
JUDGE

O.K.
UNITED STATES OF AMERICA, Petitioner

By Curtis P. Harris
Special Attorney-Dept. of Justice

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
of land. The Judgment on the Declaration of Taking heretofore entered
NORTHERN DISTRICT OF AMERICA
is reaffirmed.

UNITED STATES OF AMERICA,

vs.

Petitioner, Joseph H. Savage
JUROR No. 123456789

216.61 acres of land, more or less,
situate in the County of ... State of ...
and ...

by Curtis P. Harris Respondents.
Special Attorney-Dept. of Justice

FILED
In Open Court

MAY 2 1949

NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

Now on this 2nd day of May, 1949, this cause comes on
to be heard, and the Court, having been fully advised in the premises,
finds that a written contract, introduced in evidence, fixes the value
of tract No. A-8, including all damages, as agreed upon by and between
the petitioner and the owner of said real estate, designated as Tract No.
A-8.

The Court further finds that said agreed value should be con-
firmed and approved.

The Court further finds that a deposit has been made under
the Declaration of Taking filed herein as to said tract, and that no de-
ficiency exists.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the agreed
value be, and the same is hereby, confirmed and approved in all respects
by this Court, as to said tract in the following amount, to-wit:

Tract No. A-8

Agreed Value \$ 1800.00
Deposited 1800.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said amount
is final in all respects as to the fair, cash, market value of said tract,
including interest and all damages of whatsoever nature as to said tract

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

PAUL L. YOUNG, et al,

)
Plaintiffs

VS

(
No. 2331 Civil

JAMES R. RAY and CRAIG O. GOODPASTER, Co-partners,
doing business under the firm name and style of Ray
Construction Company,

)
Defendants (FILED

MAY 2 1949

JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

NOW on this 2nd day of May, 1949, the parties appearing by their respective counsel, all requests for Findings of Fact and Conclusions of Law made by the respective parties, are refused, except as the same may have been included in the Findings of Fact and Conclusions of Law entered herein by the Court this date.

Upon the Court's Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED: That defendants' Motion heretofore filed herein to dismiss the complaints of the following named plaintiffs, to-wit: T. H. Overstreet, W. E. Balsters, C. B. Gray, John Cavalier, George P. McCartney, John Ray Dugger and Ames Thomas, and to dismiss all that portion of the complaint of the remaining plaintiffs which seeks to recover for activities engaged in prior to May 14, 1947, the effective date of the Postal-to-Postal Act be, and the same hereby is sustained, and said complaints are hereby dismissed upon the merits.

That the complaint of plaintiffs, and each of them, against the defendants be, and the same hereby is, in all things denied, and said complaint and the complaints of each individual plaintiff are hereby dismissed upon the merits *at the cost of Plaintiffs*

That the defendants herein have judgment against the plaintiffs, to-wit: Paul L. Young, Johnny F. Bates, Charles H. Johnson, G. L. Maltzberger, J. A. McArthur, E. B. Harrison, C. W. Jackson, I. Miller and F. R. Cravens, and each of them, for the costs herein laid out and expended in the amount of \$ _____ as shown by Bill of Costs filed herein by the defendants.

Royce H. Savage
UNITED STATES DISTRICT JUDGE

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

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

-vs-

JOHN W. ROBERTS, et al,

Defendants.

No. 2411-Civil

FILED

MAY 3 1949

NOBLE C. HOOD

Clerk U. S. District Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND JOURNAL ENTRY OF JUDGMENT

Now, on this 27th day of April, 1949 the above entitled matter coming on for hearing as to the conflicting claims of the defendants herein to the proceeds of the contract of insurance deposited with the Registry of this Court, the children of the deceased Francis M. Roberts appearing by Mr. R. E. Stephenson, and the widow, Ethel Roberts, appearing by Dyer & Powers, and the court, having heretofore examined the stipulation and statement of facts executed by such parties on the 21st day of March, 1949, hereby adopts and confirms the statement of facts and stipulation as the courts findings of facts herein.

Pursuant to such finding of facts, the court makes the following conclusions of law:

1. The court has jurisdiction of the parties and subject matter.
2. That the defendant, Ethel Roberts, is entitled to the proceeds of the contract of insurance and the other defendants have no right, title or interest therein.
3. That the defendant, Ethel Roberts, as the surviving widow of the deceased insured, has a vested interest in and to the proceeds of such contract and that such interest vested at the time of the death of the said deceased.

4. That the insurance company by its Bill of Interpleader may not destroy or hinder any of the vested rights of the beneficiary and surviving widow.

Journal Entry of Judgment

Pursuant to the above and foregoing findings of fact and conclusions of law, IT IS THE JUDGMENT AND ORDER OF THE COURT that the defendant, Ethel Roberts, is entitled to the fund deposited with the Registry of this Court by the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the other defendants, John W. Roberts, Goldie Lackey, Verna Louise Mallow, Thamus F. Roberts and Nadine F. Roberts, have no right, title or interest in and to the fund now on deposit in this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court be and the same is hereby directed to pay unto the defendant, Ethel Roberts, all remaining sums now on deposit with the Registry of this Court.

Royce H. Savage
Judge

OK Jm K. Powers
OK R. E. Stephenson

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

Ben L. Grove,

Plaintiff,

vs.

The Eagle-Picher Mining &
Smelting Co., a corp.,

Defendant.

No. 2417 Civil

FILED

MAY 4 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER

NOW, on this 4th day of May, 1949, the above entitled matter coming on for hearing upon the stipulation of the parties for dismissal with prejudice and it appearing to the court that the parties have settled said cause out of court and have filed their written stipulation herein for dismissal with prejudice to a new action at the cost of the defendant but without attorneys' fees to either side, and the court being well and sufficiently advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED that the above entitled matter be and the same is hereby dismissed with prejudice to a new action at the cost of the defendant but without attorneys' fees to either side.

(s) Royce H. Savage
JUDGE

APPROVED:

Smith Smith
Lester Hilliard
Attorney for Plaintiff

Ben T. Evans
John R. Walker
W. C. Walker

Attorneys for Defendant

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

Burnard Wright, Plaintiff,)
vs.)
Eagle-Picher Mining and Smelting Co., a foreign corporation, Defendant.)

No. 2418 Civil

FILED

MAY 4 1949

ORDER

NOBLE C. HOOD
Clerk U. S. District Court

NOW, on this 4th day of May, 1949, the above entitled matter coming on for hearing upon the stipulation of the parties for dismissal with prejudice and it appearing to the court that the parties have settled said cause out of court and have filed their written stipulation herein for dismissal with prejudice to a new action at the cost of the defendant but without attorneys' fees to either side, and the court being well and sufficiently advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED that the above entitled matter be and the same is hereby dismissed with prejudice to a new action at the cost of the defendant but without attorneys' fees to either side.

APPROVED:

[Signature]
Attorney for Plaintiff

[Signature]
JUDGE

[Signature]
[Signature]
[Signature]

Attorneys for Defendant

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

DEPOSIT GUARANTY BANK &
TRUST COMPANY, a State
Banking Corporation,
Plaintiff,
vs
JOE M. MURPHY,
Defendant.

No. 2419 Civil
FILED

MAY 4 1949

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

This cause comes on for hearing this 2nd day of May, 1949, and plaintiff appearing by its attorney, Gentry Lee, of the firm of Conner, Winters, Lee & Randolph, and the defendant appearing not, either in person or by counsel. The court after hearing all of the evidence and being fully advised in the premises, finds that all of the allegations in the Complaint of the plaintiff are true and correct. Plaintiff suggested to the court that the defendant is now bankrupt, involuntary petition in bankruptcy having been filed against him since the filing of this action and on February 18, 1949.

The court finds that the plaintiff is entitled to recover on its first cause of action, the amount of Eleven thousand two hundred eighty and 00/100 dollars (\$11,280.00) plus interest in the amount of Four hundred seven and 96/100 dollars (\$407.96) computed to February 18, 1949, attorneys fees in the amount of Seven hundred fifty and 00/100 dollars (\$750.00) and costs of this action.

The court finds that the plaintiff is entitled to recover on its second cause of action in the amount of Two thousand six hundred twenty-five and 00/100 dollars (\$2,625.00) plus interest in the amount of Sixty-five and 19/100 dollars (\$65.19), computed to February 18, 1949.

The court further finds that the plaintiff is entitled to recover on its third cause of action the amount of Four hundred sixty-eight and 00/100 dollars (\$468.00) plus interest in the amount of Seven and 88/100 dollars (\$7.88), computed to February 18, 1949.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the plaintiff take judgment against the defendant in the total amount of Fifteen thousand six hundred and four dollars and 03/100 (\$15,604.03) plus costs of this action.

It is further ordered, adjudged and decreed by the court that execution not issue against the defendant, Joe M. Murphy, but that this judgment be allowed as a claim against the bankrupt estate of Joe M. Murphy in bankruptcy No. 5745 in this court.


Judge

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

DEPOSIT GUARANTY BANK &
TRUST COMPANY, a State
Banking Corporation,

Plaintiff,

vs

JOE M. MURPHY and
MAXINE E. MURPHY,

Defendants.

No. 2420 Civil

FILED

MAY 4 1949

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

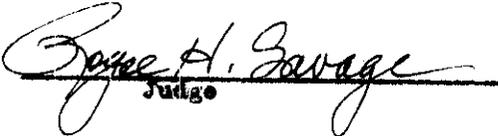
This cause comes on for hearing this 2nd day of May, 1949, and plaintiff appearing by its attorney, Gentry Lee, of the firm of Conner, Winters, Lee & Randolph, and the defendants appearing not, either in person or by counsel. The court after hearing all of the evidence and being fully advised in the premises, finds that all of the allegations in the Complaint of the plaintiff are true and correct. Plaintiff suggested to the court that the defendant, Joe M. Murphy, is now bankrupt, involuntary petition in bankruptcy having been filed against him since the filing of this action and on February 18, 1949.

The court finds that the plaintiff is entitled to recover against the defendants the amount of Six thousand and 96/100 dollars (\$6,000.96) plus interest in the amount of Fifty-three and 01/100 dollars (\$53.01) computed to February 18, 1949, and interest against the defendant, Maxine E. Murphy, at the rate of Six percent (6%) per annum from February 18, 1949 until paid, attorneys fees in the amount of Five hundred dollars (\$500.00) and costs of this action.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the plaintiff take judgment against the defendants, Joe M. Murphy and Maxine E. Murphy, in the amount of Six thousand five hundred and 96/100 dollars (\$6,500.96) plus interest in the amount of Fifty-three and 01/100 dollars (\$53.01) computed to February 18, 1949 and costs of this action plus interest against the defendant, Maxine E. Murphy, at the rate of Six percent (6%) per annum from February 18, 1949 until paid.

It is further ordered, adjudged and decreed by the court that execution not issue against Joe M. Murphy but that the amount of this judgment be allowed as a claim against the bankrupt estate of Joe M. Murphy in bankruptcy No. 5745 in this court.

It is further ordered and decreed that execution issue against Maxine E. Murphy for the amount of this judgment.


Judge

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

UNITED STATES OF AMERICA,

vs.

816.61 acres of land, more or less,
situate in Creek County, Oklahoma,
and Jack Abraham, et al.,

Petitioner,

Respondents.

No. 2254-Civil

FILED

MAY 6 1949

NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

Now on this 2nd day of May, 1949, there comes on for hearing and disposition the tracts of land designated as A-6 and A-9. The Court finds that the United States of America has obtained a warranty deed from the rightful owners of said tracts of land, and has paid directly to said owners complete and just compensation therefor.

The Court finds that this proceeding should be closed as to said tracts of land.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the title in the United States of America is hereby confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that just compensation has been paid for said tracts of land.



JUDGE

O.K.
UNITED STATES OF AMERICA, Petitioner

By W. Curtis L. Harris
Special Attorney - Dept. of Justice

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

UNITED STATES OF AMERICA,

vs.

816.61 acres of land, more or less,
situate in Creek County, Oklahoma,
and Jack Abraham, et al.,

Petitioner,

Respondents.

No. 223 $\frac{1}{2}$ -Civil

FILED

MAY 6 1949

NOBLE C. HOOD
Clark U. S. District Court

J U D G M E N T

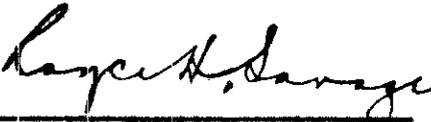
Now on this 2nd day of May, 1949, there comes on for hearing, pursuant to regular assignment, the above entitled case as to Tract No. A-1. The Court finds that the United States of America and the persons, as found by this Court to be the rightful owners thereof, have stipulated and agreed in a binding contract on all parties that the fair, cash, market value of said Tract No. A-1 is in the total consideration of Twenty-one Hundred and No/100 Dollars.

The Court further finds that the Commissioners' award, filed in this proceeding, is Twenty-one Hundred and No/100 Dollars (\$2100.00), whereupon the United States of America withdraws its demand for jury trial and requests the Court to confirm the Commissioners' award and the written contract in the total sum of Twenty-one Hundred and No/100 Dollars (\$2100.00).

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that just compensation for Tract No. A-1, involved in this proceeding, is hereby fixed at Twenty-one Hundred and No/100 Dollars (\$2100.00), without interest.

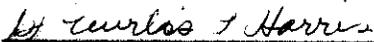
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit said sum of money in the Registry of this Court, and judgment is hereby rendered in favor of the owners of said tract in said sum of money.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon deposit-
ing Twenty-one Hundred and No/100 Dollars (\$2100.00) in the Registry of
this Court for the use and benefit of the owners of said tract, there
shall vest in the United States of America full and complete title to
said lands, as specifically set out in the Petition for Condemnation filed
herein.



JUDGE

O.K.
UNITED STATES OF AMERICA, Petitioner

By 

Special Attorney-Dept. of Justice

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

ROBBIE H. MALLARY,)
)
 Plaintiff)
)
 vs.) No. 2443 Civil
)
 WONDER BAKING COMPANY, a corporation, and)
)
 CONTINENTAL BAKING COMPANY, a corporation,) FILED
)
 Defendants) MAY 6 1949

NOBLE C. HOOD
Clark U. S. District Court

DISMISSAL WITHOUT PREJUDICE

On this 4th day of May, 1949, comes the plaintiff
Robbie H. Mallary by her attorneys, Geo. W. Reed, Jr. and
Geo. P. Striplin, and thereupon on motion, it is ordered
by the court that this cause be and the same is hereby
dismissed without prejudice and the court costs assessed
upon the plaintiff.

Royce H. Savage

Royce H. Savage, U. S. District Judge
Northern District of Oklahoma

OK AS TO FORM:

Reed + Striplin by Geo. P. Striplin
Att'y for Plaintiff

B. H. Tabor
Att'y for Defendants

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

Harry W. Nordendale,

Plaintiff,

vs.

Daniel C. Peterson, Grace Dayling,
The United States of America and
National Bank of Commerce of Tulsa,
Oklahoma, a corporation,

Defendants.

No. 2304 Civil

FILED

MAY 9 1949

NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

Upon the findings of fact and conclusions of law made by the court and filed with the clerk on April 1, 1949, IT IS ORDERED, ADJUDGED AND DECREED by the court that:

I

Title to the real estate in controversy, viz.:

The Westerly Forty (40) Feet of the Southerly Fifty (50) Feet of Lot Three (3) Block One Hundred Twenty-three (123) of the Original Townsite of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof (being located at 311 West 4th Street in the City of Tulsa, Oklahoma),

and the furniture and furnishings and other personal property located on said premises be and same is quieted in the plaintiff, Harry W. Nordendale, as against the claims of all persons, firms and corporations who are parties to this action, their agents, heirs, personal representatives and assigns except that any value of said real estate, furniture, furnishings and personal property over and above the sum of \$6,000.00 is subject to a lien, which is hereby adjudged and decreed, in favor of the United States of America in the sum of \$677.29, together with 6% interest on \$1,369.18 from March 27, 1945.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the defendant The United States of America is the owner of and it is entitled to the exclusive right to \$677.29 of the funds on deposit in the National Bank of Commerce of Tulsa, Oklahoma, that now stands to the credit of the defendant Daniel C. Peterson on the books of said bank.

II

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that of

the total sum of \$752.19 that is now on deposit in said bank to the credit of defendant Daniel C. Peterson, Attorneys Pinkerton & Wills, of Tulsa, Oklahoma, are entitled to and shall be paid the sum of \$75.00 as a part of the costs of this proceeding, being compensation for the services rendered by said attorneys in this case on behalf of the stakeholder and defendant National Bank of Commerce of Tulsa, Oklahoma.

To each portion of which judgment, ^{adverse to himself} the plaintiff, Harry W. Norden-dale, objects separately on the ground (a) that the United States of America is not entitled to any relief or lien herein as against any of the real estate or personal property or value of real estate or personal property that is involved in this proceeding, and on the further separate ground (b) that in no event could the lien asserted herein by the United States of America exceed, or be adjudged against any property other than, \$677.19 of the funds on deposit in the National Bank of Commerce of Tulsa, Oklahoma, standing to the credit of the defendant Daniel C. Peterson. And plaintiff gives notice of appeal to the Circuit Court of Appeals from said judgment and decree.

Bower Broadus
Judge of the United States District Court

O. K. as to Form:

H. O. Smith
Attorneys for Plaintiff

John H. McCune
Attorneys for United States of
America

Pinkerton and Wills
By Richard H. Wills
Attorneys for National Bank of
Commerce of Tulsa, Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Eva Wyatt Flowers,

Plaintiff,

vs.

No. 2322 Civil

United States of America,

FILED

Defendant.

MAY 9 1949

JOURNAL ENTRY

NOBLE C. HOOD
Clerk U. S. District Court

This cause came on for trial before the court on the 17th day of January, 1949, the plaintiff, Eva Wyatt Flowers, appearing by her attorneys, Harry L. S. Balley and Haghey Baker, and the defendant, United States of America, appearing by Whit X. Mausy, United States Attorney for the Northern District of Oklahoma, and the court having directed the jury to find a special verdict as to one issue involved herein and the jury having found such verdict and the court thereupon taking the matter under advisement and the parties having thereafter filed their briefs, the court made certain findings of fact and conclusions of law, which were duly filed with the clerk of this court. Thereafter the plaintiff filed a motion for new trial and after consideration of said motion and after briefs being filed by the respective parties the court amended its original findings of fact and conclusions of law and on the 5th day of April, 1949, filed its amended findings of fact and conclusions of law. Pursuant to said findings of fact and conclusions of law the court finds that judgment should be entered for the defendant.

The court further finds that the motion for new trial of the plaintiff should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the plaintiff take nothing and this action be and it hereby is dismissed on the merits, all at the cost of plaintiff, for which let execution issue.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the motion for new trial of the plaintiff be and the same hereby is overruled.

DATED this 9th day of May, 1949.

Bowen Broadus
JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Laurence L. Dresser, Executor of
the Estate of LaVern L. Dresser,
Deceased,

Plaintiff,

vs.

United States of America,

Defendant.

No. 2332 - Civil

FILED

MAY 9 1949

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

This matter coming on for hearing this 26th day of January, 1949, and the plaintiff appearing by his attorney, John M. Winters, Jr., of the firm of Conner, Winters, Lee & Randolph, and the defendant, United States of America, appearing by Whit Y. Maury, United States Attorney for the Northern District of Oklahoma, and said cause proceeded to trial. After the introduction of the evidence and the court being advised in the premises, this cause was taken under advisement pending the filing of briefs by the respective parties. Briefs having been filed and the court having been fully advised in the premises has made its findings of fact and conclusions of law, which have been duly filed with the clerk of this court. That pursuant to said findings of fact and conclusions of law judgment for the plaintiff in the sum of Two Hundred Seven Dollars and Ninety-four cents (\$207.94) should be entered.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the plaintiff have and recover judgment against the United States for the sum of \$207.94.

DATED this 23rd day of April, 1949.

Approved as to form:
John M. Winters, Jr.
Atty. for Plaintiff

W. Bowen Broadus
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

Sam Ray, Sr., and
Sam Ray, Jr.,

Defendants.

Number 2473 Civil

FILED

MAY 10 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

Now, on this 9th day of May, 1949, the above entitled action coming on for hearing and the Plaintiff appearing by Whit Y. Mousy, United States Attorney, and John W. McCune, Assistant U. S. Attorney, for the Northern District of Oklahoma, and it being represented to the Court that the defendants have heretofore paid to the Cusapaw Indian Sub-Agency the sum of \$50.00 rental, and having paid to the Clerk of this Court the sum of \$31.60, costs in full, upon motion of the attorneys for the Plaintiff;

IT IS HEREBY ORDERED, that said action be dismissed with prejudice to future action.

Loyce H. Savage

District Judge.

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

L. G. KEPPLER,

vs.

A. H. KASISHKE and CORALENA OIL
COMPANY, a Delaware Corporation,

Plaintiff,)
)
Defendants.)

No. 1245 Civil.

FILED

MAY 12 1949

JUDGMENT ON ACCOUNTING

NOBLE C. HOOD
Clerk U. S. District Court

This cause coming on to be heard on this 9th day of May, 1949, upon the report of the Special Master and the stipulation entered into between the parties hereto; the plaintiff appearing in person and by his attorney, Byron V. Boone, and the defendants appearing in person and by their attorney, Frank T. McCoy. Both sides announced ready to proceed to the hearing upon all matters necessary for the final disposition of this case. And it appearing to the Court that the parties hereto, on the 7th day of May, 1949, entered into a stipulation for settlement of this cause and asked that it be adopted by the Court and judgment entered in conformity therewith and said stipulation made a part of this judgment.

The Court finds that said stipulation for settlement should be in all things approved and made a part of this judgment.

The Court further finds that plaintiff has heretofore received assignments covering plaintiff's interest in certain oil and gas properties described in the judgment heretofore rendered on the 2d day of March, 1946, and that plaintiff has no right, title or interest in and to any oil and gas leases or other real property owned by the defendants herein other than the leasehold estates heretofore assigned to the plaintiff as aforesaid.

That plaintiff, L. G. Keppler, should have and recover judgment of and from the defendants upon the accounting, in the sum of \$150,000.00,

which sum has been stipulated to by and between the parties hereto, and which sum represents plaintiff's one-sixteenth of the working interest oil and gas sales, less net expenses of all kinds applicable to the joint operations from the date of inception to December 31, 1946.

That the parties having stipulated that the trial court assess all court costs of every kind and character, and the Court, having heard the oral testimony of the Special Master, James W. Cosgrove, and other witnesses, the Court finds that the Special Master's fee of \$ 22,500⁰⁰, less the sum of \$2500.00 which has been allowed and paid, shall be assessed against *the defendants.*

It is ordered that all court costs, *subsequent to the filing of Mandate from the Circuit Court of Appeals, 10th Circuit,* to this date be paid from the deposits heretofore made by the parties hereto and said costs are assessed one-third to plaintiff and two-thirds to defendants.

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the stipulation for settlement is hereby approved; reference thereto is hereby made and made a part of this judgment.

It is further ordered that James W. Cosgrove, Special Master, be allowed and paid \$ 22,500⁰⁰, which is hereby assessed as follows: *against the defendants, less the \$ 2500 heretofore paid which has been heretofore apportioned between the parties.*

It is further ordered that plaintiff has no right, title or interest in and to any leasehold estates except those properties heretofore assigned to the plaintiff.

It is further ordered that plaintiff have and recover judgment of and from the defendants in the sum of \$150,000.00.

It is further ordered that the defendant shall give to the plaintiff or his representative, access to the accounts and records pertaining to the joint adventure operations prior to December 31, 1946, for the purpose of securing data for the preparation of income tax returns.

OK
Byron V. Boone
Atty for Plaintiff
McLay Craig & Pearson
Atty for Defendants.

(s) Bower Broadus
United States District Judge

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

Henry Knight,

Plaintiff,)

vs.)

No. 2451 Civil

Beck Mining Company,
a corporation,

Defendant.)

FILED

MAY 12 1949

O R D E R

NOBLE C. HOOD
Clerk U. S. District Court

NOW, on this 12 day of May, 1949, the above entitled matter coming on for hearing upon the stipulation of the parties for dismissal with prejudice and it appearing to the court that the parties have settled said cause out of court and have filed their written stipulation herein for dismissal with prejudice to a new action at the cost of the defendant but without attorneys' fees to either side, and the court being well and sufficiently advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED that the above entitled matter be and the same is hereby dismissed with prejudice to a new action at the cost of the defendant but without attorneys' fees to either side.

Raymond H. Savage
JUDGE

APPROVED:

Richard J. Leary
Attorney for Plaintiff

J. C. Wallan

John R. Wallan

Ben J. Owens
Attorneys for Defendant

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

L. T. GIRKIN,

Plaintiff,

-vs-

BECKER ROOFING COMPANY, a Corporation,
and A. C. HARRELL and PERCY N. HARRELL,
Individuals,

Defendants.

No. 2361
Civil

FILED

MAY 13 1949

ORDER REMANDING CAUSE TO STATE COURT NOBLE C. HOOD
U. S. District Court

This matter coming on to be heard before me, the undersigned, Judge of the United States District Court, in and for the Northern District of Oklahoma, on this 11th day of May, 1949, plaintiff appearing by Hughey Baker, his attorney, and defendants appearing by Robert J. Woolsey of the firm of Green and Farmer, and the same coming on to be heard in its regular order, pursuant to regular setting, due and proper notice having been had by all parties of said hearing, and said parties having appeared through their attorneys and presented their cause, the court having heard the attorneys and considered the authorities presented, and being fully advised in the premises, and after due consideration finds that said cause was not removed from the State Court as required by law, and finds that said motion of the plaintiff should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that the motion of the plaintiff to remand this cause to the District Court of Tulsa County, State of Oklahoma, be, and the same is hereby granted, and that this cause be, and the same is hereby remanded to the District Court of Tulsa County, State of Oklahoma, for further proceedings, to all of which the Defendants, object and except to the end that their protest is registered to such ruling.

/s/ Royce H. Savage

Judge of the United States District Court
Northern District of Oklahoma

O. K.

Hughey Baker
Attorney for Plaintiff

Robert J. Woolsey
Attorney for Defendant

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

Thad E. Hummel,)

Plaintiff,)

vs.)

No. 2422 Civil

Swift & Company, a corporation,)
and Swift & Company Fertilizer)
Works, a corporation,)

Defendants.)

FILED

MAY 18 1949

NOBLE C. HOOD
Clerk U. S. District Court

DISMISSAL

Comes now the plaintiff, Thad E. Hummel, and asks the court to
dismiss the above styled and numbered action pending in this court, without
prejudice to the bringing of a future action.

Dated this 18th day of May, 1949.

W. E. Hudson
B. D. Hudson
Norma F. Wheaton
Attorneys for Plaintiff

For good cause shown the above styled and numbered action is
hereby dismissed without prejudice to the bringing of a future action, this
18th day of May, 1949.

Raymond H. Savage
U. S. District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Leroy Speakman,

Defendant.

Number 2477 Civil.

FILED

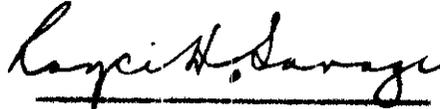
MAY 20 1949

NOBLE C. HOOD
Clerk U. S. District Court

DISMISSAL

Now, on this 19th day of May, 1949, it appearing to the Court that the Defendant has heretofore paid to the Treasurer of the United States of America the sum of \$206.46, being payment in full of the debt upon which suit was filed, and having paid to the Clerk of this Court the sum of \$27.40, being payment in full of all court costs;

IT IS, THEREFORE, ORDERED BY THE COURT that this action be dismissed with prejudice to a future action.



District Judge.

FILED

UNITED STATES OF AMERICA, SS:

MAY 24 1949

THE PRESIDENT OF THE UNITED STATES OF AMERICA

NOBLE C. HOOD
Clerk U. S. District Court

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

GREETING:

Whereas, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Gerald F. Updike, et al., plaintiffs, and Ivan M. West et al., defendants, No. 1575, Civil, the judgment of the said district court in said cause, entered on November 18, 1947, was in the following words, viz:

* * * * *

"Now, Therefore, It Is By the Court Ordered, Adjudged and Decreed That this action filed by the plaintiffs be, and the same is dismissed as to all defendants, with prejudice against any further prosecution of the issues involved herein as set out in plaintiffs' petition or amendments thereto.

"It Is Further by the Court Ordered That the request of the several defendants to withdraw their several cross complaints and counter-claims is allowed, and said cross complaints and counter-claims are accordingly withdrawn.

"It Is Further By the Court Ordered That the Clerk of this Court shall issue his check to the defendant herein, Ivan M. West, for the sum of \$724.60, being the sum heretofore deposited with said Clerk by Eugene Rust, Receiver, to be held by said Clerk pending the outcome of this case, or the further order of the Court; and the Clerk of this Court shall issue his check to the defendants herein, F. N. Matcheff and James Dunlap for the sum of \$597.52, being the sum heretofore deposited with the Clerk by Eugene Rust, Receiver, to be held by said Clerk pending the outcome of this case, or the further order of the Court. Such payments without prejudice to any issues in Cause #1575 in this Court.

"It Is Further By the Court Ordered and Adjudged That the costs of this action are taxed against the plaintiffs."

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

Gerald F. Updike, Mrs. Grace Pearl Updike, Leon W. Updike and James M. Updike, co-partners doing business under the firm name of Updike Awning Company, agreeably to the Act of Congress, in such case made and provided, fully and at large appears:

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

-- February 7, 1949.

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 FRED M. VINSON, Chief Justice of the United States, the 20th day of May, in the year of our Lord one thousand nine hundred and forty-nine.

/s/ Robert E. Cartwright
Clerk of the United States Court
of Appeals, Tenth Circuit

No. 3690

UNITED STATES COURT OF APPEALS
Tenth Circuit
November Term, 1948

Gerald F. Updike et al. Appellants,

vs.

Ivan M. West et al., Appellees.

MANDATE

ENDORSED:
Filed May 24, 1949
NOBLE G. HOOD
Clerk U. S. District Court

UNITED STATES OF AMERICA, SS:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

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

GREETING:

Whereas, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Phillips Petroleum Company, a corporation, and Michigan-Wisconsin Pipe Line Company, a corporation, plaintiff, and Skelly Oil Company, a corporation, Stanolind Oil and Gas Company, a corporation, and Magnolia Petroleum Company, a corporation, defendants, No. 2149, Civil, the judgment of the said district court in said cause, entered on May 21, 1948, was in the following words, viz:

* * * * *

"Judgment Is Hereby Entered for the plaintiff against each of the defendants in conformity with the findings of fact and conclusions of law filed herein on this date adjudging and decreeing that the contract between the plaintiff and each defendant has not been effectively terminated and that each of such contracts remain in full force and effect and the parties should be governed accordingly.

"This judgment shall be without prejudice to any rights which the defendants may have hereafter to terminate the contracts in event the order of the Federal Power Commission of November 30, 1946, issuing a certificate of convenience and necessity to Michigan-Wisconsin Pipe Line Company should be vacated by the United States Court of Appeals of the District of Columbia or by the United States Supreme Court, or in the event the order should be set aside by the Federal Power Commission.

"The costs are taxed against the defendants."

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 Skelly Oil Company, a corporation, Stanolind Oil and Gas Company, a corporation, and Magnolia Petroleum Company, a corporation agreeably to the act of Congress, in such case made and provided, fully and at large appears:

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

--March 28, 1949.

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 FRED M. VINSON, Chief Justice of the United States, the 20th day of May, in the year of our Lord one thousand nine hundred and forty-nine.

/s/ Robert B. Cartwright
Clerk of the United States Court
of Appeals, Tenth Circuit

No. 3751

UNITED STATES COURT OF APPEALS
Tenth Circuit
November Term, 1948

Skelly Oil Company, a corporation, et al.,
Appellants,

vs.

Phillips Petroleum Company, a
corporation,

Appellee.

MANDATE

ENDORSED:
Filed May 23, 1949
NOBLE C. HOOD,
CLERK, U. S. DISTRICT COURT

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

RUSSELL R. HAYS, an incompetent
person, by J. G. CATLETT,
guardian,

PLAINTIFF,

vs.

BANKERS LIFE COMPANY, Des Moines,
Iowa,

and

THE SECURITY NATIONAL BANK SAVINGS
AND TRUST COMPANY, St. Louis, Mo.,

DEFENDANTS.

Civil Action

File No. 2368

FILED

MAY 25 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER APPROVING SETTLEMENT AND DISMISSING
CASE WITH PREJUDICE.

On this 24th day of May, 1949 this cause comes on for determination. Plaintiff, J. G. Catlett, guardian for Russell R. Hays, an incompetent, appears personally and by his attorney, S. J. Glendinning. The defendant, Bankers Life Company, Des Moines, Iowa, appears by its attorney, Frank Settle. The defendant, The Security National Bank Savings and Trust Company, St. Louis, Missouri, appears by its attorney, Franklin Ferriss. All of said parties inform the Court that they have agreed upon a complete compromise settlement of all issues involved herein and for full cash payment settlement and cancellation of the three insurance policies described in plaintiff's petition and for a complete cash settlement of all claims of the defendant bank against the plaintiff upon the promissory note obligations set out in defendant bank's cross-claim filed herein. The Court is advised that all of said parties have signed the written agreement of compromise settlement and release of all claims against each other and that upon proper application of the plaintiff, J. G. Catlett, as guardian for Russell R. Hays, an incompetent, the County Court of Tulsa County, Oklahoma,

having jurisdiction over the guardianship of the said Russell R. Hays, an incompetent, has approved the said compromise settlement and release, as set out in said written agreement, and had authorized the plaintiff to execute, complete and perform such settlement agreement.

The Court is duly advised that, under the terms of the said settlement agreement, the defendant, Bankers Life Company of Des Moines, Iowa, will deposit with the Clerk of this court the sum of Seventeen Thousand-Five Hundred Dollars (\$17,500.00) in cash, in consideration of this suit being dismissed with prejudice against any further prosecution of any further claims by the plaintiff or of the defendant bank, The Security National Bank Savings and Trust Company, upon any of the issues or claims involved herein against the Bankers Life Company and further upon surrender to the Clerk of this court for delivery to the defendant, Bankers Life Company, of the three life insurance policies described in plaintiff's petition and in the defendant bank's answer and the cancellation of said policies and delivery of the same to the defendant, Bankers Life Company, so that said defendant, Bankers Life Company, shall thereupon have no further obligation of any kind or nature, either to the plaintiff or to the beneficiary or beneficiaries named in the said insurance policies or to the defendant bank, The Security National Bank Savings and Trust Company, by reason of assignment claims or other claims of any nature of said bank against the plaintiff or against the said defendant, Bankers Life Company; And further that out of the said sum so deposited with the Clerk of this court, the Clerk shall upon receipt by him of the said three insurance policies and of the promissory notes held by the defendant bank against the plaintiff, he shall pay to the defendant bank the sum of Four Thousand-Thirteen Dollars and Fifty Cents (\$4,013.50) in full and complete satisfaction of all claims of every nature of the said defendant bank against the plaintiff and against the defendant, Bankers Life Company; And the Clerk of this court shall pay the balance of said sum deposited with him to the plaintiff in full satisfaction of all claims of plaintiff and of all beneficiaries named in said insurance policies against defendant, Bankers Life Company, on account of the said three life insurance policies and

and all terms and provisions and agreements provided for therein or connected therewith.

The Court finds that said settlement agreement is fair and reasonable and that it would be to the best interest of the plaintiff and of Russell R. Hays, an incompetent, that such settlement of his claims upon said insurance policies be made and that upon receipt of said funds in consideration of the satisfaction of such claims that this suit be dismissed with prejudice and said insurance policies surrendered and cancelled.

NOW, THEREFORE, IT IS BY THE COURT ORDERED, ADJUDGED and DECREED as follows:

The Clerk of this court shall accept from the defendant, Bankers Life Company, a deposit of Seventeen Thousand-Five Hundred Dollars (\$17,500.00) and

The Clerk shall accept from the defendant, The Security National Bank Savings and Trust Company, the three life insurance policies described in the petition and other pleadings filed herein, and in connection therewith shall accept all assignment agreements held by said bank in connection with said policies; And shall accept from said bank the promissory note representing all indebtedness from the plaintiff to said bank and all claim against said insurance policies; and

The Clerk shall thereupon issue his check to said defendant bank in the sum of Four Thousand-Thirteen Dollars and Fifty Cents (\$4,013.50) in full satisfaction of defendant bank's claim against the plaintiff and against the defendant insurance company; and

The Clerk shall issue his check to the plaintiff, J. G. Catlett, guardian for Russell R. Hays, for the balance of said fund so deposited with him; and

The Clerk shall cancel the three insurance policies and deliver the same, together with all assignment papers in connection therewith, to the attorney of record for defendant, Bankers Life Company; And the Clerk shall cancel said promissory note and

deliver the same to counsel of record for the plaintiff; And

This case, including the claims of the plaintiff and cross-claims of defendant bank, will without further order of the Court become and be dismissed with prejudice.

(5) Rayne H. Savage
DISTRICT JUDGE.

APPROVED:

J. G. GATRETT, guardian for
Russell R. Hays, an incom-
petent,

By: H. J. Chaudhury
Attorney for guardian.

BANKERS LIFE COMPANY,

By: Frank Settle
Attorney for defendant.

THE SECURITY NATIONAL BANK
SAVINGS AND TRUST COMPANY,

By: Frank Settle
Attorney for defendant.

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

UNITED STATES OF AMERICA,

Petitioner

-vs-

796.79 acres of land, more or
less, situate in Mayes County,
Oklahoma, and Ellen Abernathy,
et al,

Respondents

No. 2797 Civil

FILED

MAY 25 1940

NOBLE C. HOOD
Clerk U. S. District Court

JUDGMENT ON THE DECLARATION OF TAKING

This day comes the petitioner, the United States of America, by Curtis P. Harris, Special Attorney for the Department of Justice, and moves the Court to enter a judgment vesting in the United States of America the fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines, in and to the property hereinafter described, and described in the Declaration of Taking 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, 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 Declaration of Taking were filed at the request of Gordon Gray, Acting Secretary of the Army, 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 Forty Three Thousand Two Hundred Seventy-Five and No/100 Dollars (\$43,275.00), and said sum of money was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking;

(6) A statement is contained in said Declaration of Taking that the estimated amount of compensation for the taking of said property in the opinion of Gordon Gray, Acting Secretary of the Army, will probably be within any limits prescribed by Congress on the price to be paid therefor;

(7) And the Court having fully considered the Petition for Condemnation, the Declaration of Taking, the Act of Congress approved February 26, 1931 (46 Stat. 1421; 40 U.S.C. Sec. 258a) and Acts supplementary thereto and amendatory thereof, and the Acts of Congress approved April 24, 1868 (25 Stat. 94); August 1, 1868 (25 Stat. 357), March 1, 1917 (59 Stat 948 - 33 U. S. C. 701), June 28, 1938 (52 Stat. 1215), August 18, 1941 (33 U. S. C. A. 701b et seq), and June 25, 1948 (Public Law 782-80th Congress, 2d Session), is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT that the fee simple title in and to the lands hereinafter described, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines was vested in the United States of America upon the filing of said Declaration of Taking and the Depositing in the Registry of this Court of the said sum of Forty Three Thousand Two Hundred Seventy-Five and No/100 Dollars (\$43,275.00), 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 herein pursuant to law.

The lands aggregate 796.79 acres, more or less, and are described as follows:

Tract No. 1444

South 15.41 acres of Lot 7 of Section 26; and E/2 NE/4, NE/4 NW/4 NE/4, W/2 NE/4 SE/4, E/2 E/2 NW/4 SE/4 of Section 34; and Lots 3 and 4 and W/2 SW/4 NW/4, and East 10.85 acres of Lot 5 of Section 35, all in Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 213.16 acres, more or less.

Tract No. 1469

Part of Lot 7 described as: Beginning at a point 1002.9' more or less North and 600' East of the SW corner of said Lot 7; thence North 114.3'; thence East 200'; thence South 114.3'; thence West 200' to P.O.B., all in Section 26, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 0.52 acres, more or less.

Tract No. 1472

Part of Lots 2 and 6, described as: Beginning at a point 600' East and 140.1' North of the SW corner of said Lot 6; thence in a northwesterly direction to a point on the west line of Lot 2, said point being 825' more or less north of the SW corner of Lot 2, thence north to Grand River, thence southeasterly along west bank of Grand River to a point due East of P.O.B., thence west 200' more or less to P.O.B., all in Section 26, Township 19 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 11.27 acres, more or less.

Tract No. 1478

E/2 SE/4 NE/4, NW/4 SE/4 NE/4 of Section 21, and SW/4 NW/4 of Section 22, all in Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 70.00 acres, more or less.

Tract No. 1483

Lot 6 of Section 14; and SE/4 SE/4, E/2 SW/4 SE/4, SW/4 SW/4 SE/4 of Section 15; and E/2 NW/4 NE/4, and NW/4 NW/4 NE/4 of Section 22, all in Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 114.50 acres, more or less.

Tract No. 1487

SE 11.17 acres of Lot 6 of Section 22, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 11.17 acres, more or less.

Tract No. 1492

Lot 2 of Section 23, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 3.75 acres, more or less.

Tract No. 1495-D

Lot 15, Blk 1 of Subdivision in NE/4 NW/4 of Section 23, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 0.05 acres, more or less.

Tract No. 1612

S/2 SW/4 NW/4, S/2 N/2 SW/4 NW/4, NW/4 SE/4 NW/4 of Section 17, Township 19 North, Range 20 East of the I.M., situate in Mayes County, Oklahoma, and containing 40.00 acres, more or less.

Tract No. 1628

Lots 2 and 5, of Section 14; and NE/4 SE/4, Lot 7 less SW 10.00 acres, NE/4 SW/4 NE/4, East 2.50 acres of lot 6, of Section 15, all in Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 114.40 acres, more or less.

Tract No. 1629

S/2 NW/4 SE/4 and NW/4 SW/4 SE/4 of Section 15, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 30.00 acres, more or less.

Tract No. 1643

West 6.08 acres of NW 11.08 acres of Lot 1, all in Section 18, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 6.08 acres, more or less.

Tract No. 1648

E/2 NE/4 SW/4 NE/4 lying East of RR ROW, subject to ROW for Hwy No. 69, all in Section 14, Township 19 North, Range 18 East, of I.M., situate in Mayes County, Oklahoma, and containing 1.88 acres, more or less.

Tract No. 1656

Part of NW/4 described as: Beginning at the SE corner of said NW/4, thence West 990', m/l, thence North 1320' m/l, thence Northeasterly to a point on East line of said NW 1980' North of SE corner thereof, thence South to P.O.B.; all in Section 11, Township 19 North, Range 18 East of the I.M.; situate in Mayes County, Oklahoma, and containing 37.50 acres, more or less.

Tract No. 1664-A

NE/4 SE/4 SE/4 NE/4, N/2 SE/4 SE/4 SE/4 NE/4, and S/2 SE/4 NE/4 SE/4 NE/4 of Section 3, Township 19 North, Range 18 East of the I.M.; situate in Mayes County, Oklahoma, and containing 5.00 acres, more or less.

Tract No. 1674

SW 11.05 acres of Lot 4, less SE 2.50 acres, all in Section 7, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 8.55 acres, more or less.

Tract No. 1676

W/2 W/2 NE/4 NE/4 SW/4 of Section 7, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 2.50 acres, more or less.

Tract No. 1679

S/2 SE/4 SE/4 NE/4 NW/4 of Section 7, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 1.25 acres, more or less.

Tract No. 1685

SW 10.00 acres of Lot 2 of Section 6, Township 19 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 10.00 acres, more or less.

Tract No. 1690-A

SW/4 NE/4 NE/4 of Section 7, Township 19 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 10.00 acres, more or less.

Tract No. 1697-A

NW 10.61 acres of lot 3, in Section 5, Township 19 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 10.61 acres, more or less.

Tract No. 1705

E/2 NE/4 SE/4 of Section 8, and Lot 7 of Section 9, all in Township 19 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 54.45 acres, more or less.

Tract No. 1725

SE/4 SW/4 NE/4 NW/4 of Section 100 Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 2.50 acres, more or less.

Tract No. 1766

Part of Lot 7 described as: Beginning at a point 396.00 feet West and 330.00 feet North of the center of said Section 4; thence North 209.22 feet, thence West 209.22 feet, thence South 209.22 feet, thence East 209.22 feet to P.O.B., all in Section 4, Township 19 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 1.00 acres, more or less.

Tract No. 1793-A

NW 10.00 acres of Lot 1 and West 5.00 acres of NE 10.00 acres of Lot 1, all in Section 33, Township 20 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 15.00 acres, more or less.

Tract No. 1795

Lot 1 of Section 34, Township 20 North, Range 19 East of the I.M., situate in Mayes County, Oklahoma, and containing 11.65 acres, more or less.

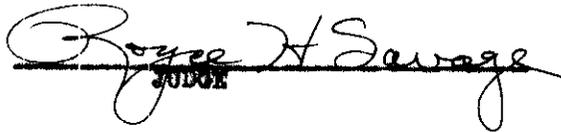
Tract No. 1803

NE/4 SE/4 NW/4 of Section 34, Township 20 North, Range 19 East of the I.M.; situate in Mayes County, Oklahoma, and containing 10.00 acres, more or less.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of or claiming any rights whatsoever to the possession of the lands hereinabove described, and all and singular the rights, privileges and appurtenances thereunto belonging are hereby ordered and directed to deliver up and surrender forthwith full and complete possession of the lands hereinabove 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 immediate possession of said lands.

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

Entered this 25th day of May, 1949.


JUDGE

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

JULIUS BANKOFF and MAX A. BANKOFF,
Partners, d/b/a BANKOFF PIPE AND SUPPLY CO.

Plaintiffs

vs.

TEXAS NATURAL GASOLINE CORP., a corporation,

Defendant

Civil No. 2347

FILED

MAY 26 1949

NOBLE C. HOOD
Clark U. S. District Court

O R D E R

Now on this 24th day of May, 1949, it appearing to the court that both parties in the above cause have moved the court to dismiss, with prejudice, the cause of action of plaintiffs herein, and the counterclaim of the defendant.

And the court being fully advised in the premises finds that said motion should be granted forthwith.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the cause of action of the plaintiffs, Julius Bankoff and Max A. Bankoff, partners, doing business as Bankoff Pipe and Supply Co., be, and it is hereby dismissed, with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that the counterclaim of the defendant, Texas Natural Gasoline Corp., a corporation, be and it is hereby dismissed, with prejudice.

(3) Royce H. Savage
District Judge

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

State of Oklahoma ex rel. Mac Q.
Williamson, Attorney General of
the State of Oklahoma,

Plaintiff,

vs

Certain parcels of land in Ottawa
County, Oklahoma,

Defendants.

No. 2255-Civil

FILED
In Open Court

MAY 26 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISBURSEMENT

Now this 27th day of May, 1949, same being a judicial day of said court this cause comes on for hearing on the application of Philip Peacock and his wife Frankie Peacock asking the court to order the disbursement of the condemnation moneys now on deposit in the office of the Clerk of this court for the benefit of those lawfully entitled thereto.

The applicants appear in person and by attorney and it was then shown to the court that notice of hearing on said application has been duly given for more than ten days next prior to this date by United States mails, postage prepaid, addressed to every person having or appearing to have any claim to the funds, including the United States District Attorney for the Northern District of Oklahoma, the Superintendent of the Five Civilized Tribes, the Attorney General of the State of Oklahoma, the Guardian ad litem for the minor heirs interested therein, and each and all of the heirs of the allottee of the lands from which the condemned lands were taken herein. The court examined the service and notice and heard proofs thereon and finds that due and legal notice has been given to all parties interested and did direct the hearing to proceed.

Thereupon witnesses were sworn and testified in open court and the court having examined the files and records in said cause, having

heard the evidence and being sufficiently advised in the premises,
doth find :

1. The plaintiff herein acting on the relation of the State Highway Department, did herein condemn and appropriate certain lands herein described as Tract 3, for State Highway purposes, that damages resulting from said taking was fixed by the Commissioners appointed by this court at \$1000.00, and that amount of money was paid into the Clerk of this court and thereafter disbursed to the owners thereof by the order of this court ;
2. That upon trial of said cause to a jury a verdict was returned and judgment thereon rendered in the sum of \$2200.00, and the plaintiff has paid into the office of the Clerk of this court the sum of \$1200.00, that being the difference between the amount of the Commissioners' award and the final judgment of this court, and has taken possession of the condemned lands;
3. That prior to the trial of said cause Philip Peacock and his wife Frankie Peacock purchased and acquired by deed all right, title and interest of the numerous heirs owning said land, and are the lawful owners of the lands remaining as well as the balance due on condemnation damages in the sum of \$1200.00.

IT IS THEREFORE ORDERED that the Clerk of this court do forthwith issue his check payable to the order of the Treasurer of the United States of America in the sum of \$1200.00 and deliver the same to Hon. H.A. Andrews, Assistant Superintendent of the Five Civilized Tribes at Miami, Oklahoma for disbursement to Philip Peacock and his wife Frankie Peacock.

W. Royce H. Savage

Judge

IN THE UNITED STATES DISTRICT COURT FOR

THE NORTHERN DISTRICT OF OKLAHOMA

Milton Roe Sabin and
Bertha Florence Sabin,

Plaintiffs,

vs.

No. 1679-Civil

Midland Savings and Loan
Company,

FILED

MAY 27 1940

Defendant.

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

The above action coming on for hearing upon the Motion to Amend Original Petition; Thereafter to Vacate Order Granting a Summary Judgment and for a Hearing on the Merits, and the Court having heard argument by the attorney for the plaintiffs, and being fully advised;

It is, therefore, ordered and decreed that the plaintiffs' Motion be, and the same is, hereby overruled.

It is further ordered that the plaintiffs, Milton Roe Sabin and Bertha Florence Sabin, or either of them, be permanently enjoined from filing any action whatsoever in any court involving the transaction which is the subject of this action or the title involved in this action and from filing any motions or other pleadings of any nature whatever in this action except those necessary to perfect an appeal from this order to the Court of Appeals of the United States for the Tenth Circuit.

/s/ Bower Broadus

United States District Judge

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

State of Oklahoma ex rel Mac G.
Williamson, Attorney General of
the State of Oklahoma,

Plaintiff,

VS

Certain parcels of land in Ottawa
County, Oklahoma et al,

Defendants.

No. 2255-Civil

FILED

MAY 27 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISBURSEMENT

Now this 27th day of May, 1949, same being a judicial day
of said court this cause comes on for hearing on the application
of Earl W. Tobien and Jean S. Tobien asking the court to order
the disbursement of the condemnation moneys now on deposit in
the office of the Clerk of this court for the benefit of those
lawfully entitled thereto.

The applicants appear in person and by attorney and it was
then shown to the court that notice of hearing on said application
has been duly given for more than ten days next prior to this date
by United States mails, postage prepaid, addressed to every person
having or appearing to have any claim to the funds, including the
United States District Attorney for the Northern District of Okla-
homa, the Superintendent of the Five Civilized Tribes, the Attorney
General of the State of Oklahoma, the Guardian ad litem for the
incompetent defendants herein, and all persons owning or claiming
to own an interest in the lands condemned and taken herein. The
Court did examine the notice and proofs of service thereof and
finds that due and legal notice has been given to all parties
interests and did then direct the hearing to proceed.

Thereupon witnesses were sworn and testified in open court, and
the court having examined the pleadings and proceedings, having

heard the evidence and being sufficiently advised of the premises doth find :

1. That Earl W. Tobien and Jean S. Tobien are the lawful owners of the entire estate in the NE $\frac{1}{4}$ -SW $\frac{1}{4}$ Sec. 17, Twp. 27 North, Range 25 East, Ottawa County, Okla. on and over which plaintiff herein has condemned and appropriated 2.53 acres for right of way purposes ;
2. That the lands last above described is an integral and inseparable part of a farming unit, consisting of the following described additional lands, to wit : NW $\frac{1}{4}$ -SE $\frac{1}{4}$; SW $\frac{1}{4}$ -SE $\frac{1}{4}$; W $\frac{1}{2}$ -SE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 17, and NW $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 20, all in Twp. 27 North, Range 25 East, on which latter lands plaintiff has herein condemned and appropriated for highway purposes 4.49 acres, and which lands are owned as follows :

Earl W. Robien, an undivided 26/30 interest ;
Blanche Boone Rouse, an undivided 1/15 interest ;
Walker L. Boone, an undivided 1/30 interest ;
Alice Boone Clark, an undivided 1/30 interest.
3. That the Commissioners appointed by the court determined the damage to both tracts resulting from the land taken for state highway purposes, to be \$1340.00, that amount of money was paid into court and thereafter disbursed to said owners.
4. On trial of said cause to a jury same resulted in a verdict and judgment of \$3350.00, and plaintiff has paid the sum of \$2010.00 into the office of the Clerk of this court, that being the difference between the Commissioners award and the judgment, the plaintiff has taken possession of the condemned lands, and said moneys should now be disbursed to the owners .
5. The court finds that said damages in the sum of \$2010.00 should be allocated as follows :

Tract A:
NE $\frac{1}{4}$ -SW $\frac{1}{4}$, Sec. 17, Twp. 27 North, Range 25 East, Ottawa County, Oklahoma, the sum of \$ 1005.

Tract B:
NW $\frac{1}{4}$ -SE $\frac{1}{4}$; SW $\frac{1}{4}$ -SE $\frac{1}{4}$; W $\frac{1}{2}$ -SE $\frac{1}{4}$ -SE $\frac{1}{4}$ Sec. 17 and NW $\frac{1}{4}$ -NE $\frac{1}{4}$ Sec. 20, Twp. 27, North, Range 25 East, Ottawa County, Oklahoma, the sum of \$ 1005.

IT IS THEREFORE ORDERED that the Clerk of this court do forthwith issue his check payable to the order of the Treasurer of the United States of America and deliver the same to Hon. H.A. Andrews, Assistant Superintendent of the Five Civilized Tribes at Miami, Oklahoma in the sum of \$2010.00 to be by him disbursed as follows :

Tract A, Earl W. Tobien and Jean S. Tobien the sum of \$ 1005.

Tract B, Earl W. Tobien and Jean S. Tobien, 26/30 of the sum of \$ 270.

Tract C, Blanche Boone Rouse, 1/15 of the sum of \$ 67.

Tract D, Walker L. Boone, 1/30 of the sum of \$ 33.50

Treat 1, Alice Boone Clark, 1/30 of the sum
of \$23.50.

Dated this 27th day of May, 1949.

per Royce H. Savage
Judge

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

St. Louis-San Francisco Railway
Company, a corporation,

Plaintiff

v.

W. C. Berry,

Defendant

No. 2392-Civil

FILED

MAY 31 1949

NOBLE C. HOOD
Clark U. S. District Court

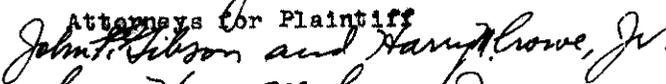
ORDER OF DISMISSAL

Now on this 31st day of May, 1949, on joint motion of the plaintiff and defendant herein to dismiss the above entitled cause and the counterclaim filed by said defendant herein, with prejudice, for the reason that said cause has been fully compromised, settled and adjusted by and between the parties hereto,

IT IS HEREBY ORDERED by the Court that said cause, and the counterclaim of the defendant herein, be and the same are hereby dismissed with prejudice.


Judge, United States District Court

O.K. 


Attorneys for Plaintiff

by 
Attorney for Defendant

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

John E. Donnelly,

Plaintiff,

vs.

Missouri-Kansas-Texas Railroad
Company, a corporation,

Defendant.

No. 2441-Civil

FILED

JUN 2 1949

NOBLE C. HOOD
Clerk U. S. District Court

JUDGMENT

On this the 23rd day of May, 1949, the above entitled case came on for trial, the plaintiff appearing by his attorneys, Pierce, Rucker, Mock, Tabor, Duncan and E. A. Adriaenssens and the defendant, M-K-T Railroad Company appearing by its attorneys, C. S. Walker and Semple & Fitzgerald. All parties having announced ready for trial a jury was impanelled and testimony was offered in behalf of both plaintiff and defendant.

At the conclusion of the testimony the defendant interposed a motion to dismiss on the ground that the plaintiff had failed to prove any acts of negligence that would entitle plaintiff to recover, which motion was by the court sustained and the jury was thereupon instructed to render a verdict for the defendant.

It is therefore considered, ordered, and adjudged that the plaintiff's petition be and the same is hereby dismissed and judgment is rendered in favor of the defendant dismissing the plaintiff's cause of action.

Boyer H. Savage
JUDGE

O.K. AS TO FORM

B. W. Tabor
ATTORNEY FOR PLAINTIFF

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

HOUNSTON OIL FIELD MATERIAL COMPANY, INC.,
a corporation,

Plaintiff

vs.

MURRAY & GRIFFEY, a partnership composed
of C. M. Murray and O. A. Griffey, and
C. M. MURRAY and O. A. GRIFFEY, indi-
vidually,

Defendants

No. 2440

FILED

JUN 2 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL BOOK OF JUDGMENT

Now on this the 1st day of June, 1949, this cause comes on for trial before the undersigned Judge. Plaintiff appeared by Green & Farmer, its attorneys, and the defendant Murray & Griffey, a partnership composed of C. M. Murray and O. A. Griffey, and the defendant C. M. Murray, appeared by Rosenstein, Fiet & Shidler, their attorneys, and both sides having announced ready for trial, said cause was ordered tried by the Court. Plaintiff introduced its evidence and rested and the defendants introduced no evidence, and on consideration of the testimony the Court finds that there is diversity of citizenship between plaintiff and defendants and that the amount in controversy is in excess of Three Thousand Dollars (\$3,000.00), exclusive of interest and costs.

The Court further finds that the defendant Murray & Griffey, a partnership composed of C. M. Murray and O. A. Griffey, made, executed and delivered a certain promissory note to the plaintiff in the sum of Sixty-three Thousand Seven Hundred Eighty-seven Dollars and Twenty-one Cents (\$63,787.21) and that there was due on said note on the 15th day of March, 1945, the sum of Fifty-nine Thousand Eight Hundred Seventeen Dollars and Two Cents (\$59,817.02), and that said note provides that past due principal and interest bears interest at the rate of ten per cent. (10%) per annum, and the Court finds there is due on said note, as of this date, principal and interest in the sum of Eighty-four Thousand Nine Hundred Ninety Dollars and Two Cents

(\$84,990.02). The Court further finds that said note provides for attorneys' fee of ten per cent. (10%) of the amount of principal and interest due on said note, and the Court therefore finds that the attorneys' fee due on said note is the sum of Eight Thousand Four Hundred Ninety-nine Dollars (\$8,499.00).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against the defendant Murray & Griffey, a partnership composed of C. M. Murray and O. A. Griffey, and the defendant C. M. Murray, individually, in the sum of Eighty-four Thousand Nine Hundred Ninety Dollars and Two Cents (\$84,990.02), together with interest on the sum of Fifty-nine Thousand Eight Hundred Seventeen Dollars and Two Cents (\$59,817.02) at the rate of ten per cent. (10%) per annum from date of this judgment, and that plaintiff have and recover judgment against the defendants aforesaid in the sum of Eight Thousand Four Hundred Ninety-nine Dollars (\$8,499.00) attorneys' fee due on said note, and that said sum of Eight Thousand Four Hundred Ninety-nine Dollars (\$8,499.00) shall bear interest at the rate of six per cent. (6%) per annum from this date, and that plaintiff recover its costs herein laid out and expended.

Royce H. Savage
JUDGE

O.K. as to form
Rosenstein Fisk & Shidler
Attorneys for C. M. Murray
& Murray & Griffey, a partnership
Green & Farmer by Jack B. Bailey

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

No. 2409 Civil

Geo. E. Gilmore, et al,

Defendants.

FILED

JUN 6 1949

FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND
JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

NOW, on this 6th day of June, 1949, there coming on for hearing the above-entitled action pursuant to assignment for trial and the plaintiff appearing by Whit I. Manay, United States Attorney for the Northern District of Oklahoma, and John W. McGune, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appearing not, the court proceeded to hear the evidence and examine the files and in consideration thereof makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

I.

This action was instituted by the United States of America by virtue of Article 3, Section 2, and Article 1, Section 8, Clause 3, of the Constitution of the United States and Section 1345, Title 28 U.S.C.

II.

That the defendants, Claude A. Dixon, John Lowery, the State of Oklahoma, acting through the Oklahoma Tax Commission, the

Beard of County Commissioners of Nowata County, Oklahoma, Guy S. Price, County Assessor of Nowata County, Oklahoma, and Lee Berry, County Treasurer of Nowata County, Oklahoma, have all filed their disclaimers herein.

III.

That John E. Fendleton, who was alleged in said complaint as claiming an interest therein as the grantee in a certain resale tax deed on December 4, 1949, died testate in Tulsa County, Oklahoma; that his estate was duly probated in the County Court of Rogers County, Oklahoma, and the defendant, Lucia Fendleton, decreed to be the sole devisee of said estate and that said Lucia Fendleton did disclaim any interest in said premises.

IV.

That the defendants, Geo. R. Gilmore, if living, or if deceased, then the unknown heirs, executors, administrators, devisees, trustees and assigns thereof, and the heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, of Richard Shall and Watie Gritts, formerly Shall, nee Daugherty, deceased, were all duly served by notice by publication herein pursuant to the order of the court heretofore entered, which publication was duly published in the Nowata Weekly Star Times, a newspaper of general circulation in Nowata County, which was published six (6) times on April 20, 27, May 4, 11, 18, 25, 1949 and that a proper proof of publication having been filed herein, the same is hereby approved.

V.

That a proper affidavit of non-military and affidavit of non-military service has been filed herein and are approved.

VI.

That the Northwest Quarter of Northwest Quarter of Southeast Quarter of Section 1, Township 26 North, Range 16 East, Nowata County, Oklahoma, was allotted by the Cherokee Nation to Richard Shell, Cherokee No. 27190, who died intestate in Adair County, Oklahoma, on March 26, 1915, leaving as his sole heirs at law his wife, Wutie Shell, nee Daugherty, Cherokee No. 19224, James Shell, a son, Cherokee No. 2458, and Thompson Shell, a son, Cherokee No. M-3494 and no administration proceedings were ever had upon his estate. That Wutie Shell married Levi B. Gritts, full-blood Cherokee, and died intestate leaving as her sole heirs Levi B. Gritts, Sr., husband, Levi B. Gritts, Jr., son, and Susan Williams, nee Gritts, daughter, and no administration proceedings were ever had on her estate.

VII.

That none of the above-named heirs nor the allottee owned, on April 26, 1931, as much as 160 acres of nontaxable land. That the County Treasurer of Nowata County and the County Assessor of Nowata County, Oklahoma, attempted to levy ad valorem taxes against said property since the year 1907 and did sell said land by resale tax deed dated December 4, 1919, to John E. Fendleton, which deed was recorded in the office of the County Clerk of Nowata County, Oklahoma, on December 17, 1919 and that said authorities did, on April 28, 1928, execute a resale tax deed to the Chairman of the Board of County Commissioners of Nowata County, which deed was recorded on May 5, 1928 in Book 226, at page 119 of said records and that the County Treasurer did thereafter, on March 4, 1935, execute a County Deed to the defendant, John Lowery, which deed was recorded on March 6, 1935, in Book 250, at page 536, who, on December 16, 1936, executed a Quit Claim Deed to the defendant, Claude A. Dixon, which deed was recorded on December 16, 1936.

CONCLUSIONS OF LAW

I.

That upon the death of Richard Shell his heirs at law and the proportions they are entitled to inherit are determined to be as follows:

Wattie Shell, nee Daugherty,	1/3
James Shell,	1/3
Thompson Shell,	1/3

That upon the death of Wattie Gritts, formerly Shell, nee Daugherty, her heirs at law and the proportions they are entitled to inherit are determined to be as follows:

Levi B. Gritts, Sr., husband,	
1/3 of 1/3, or	1/9
Levi B. Gritts, Jr., son,	
1/4 of 2/3 of 1/3, or	1/18
Susan Williams, nee Gritts, daughter,	
1/4 of 2/3 of 1/3, or	1/18
James Shell, son,	
1/4 of 2/3 of 1/3, or	1/18
Thompson Shell, son,	
1/4 of 2/3 of 1/3, or	1/18

and that title to said lands should be decreed to be vested as follows:

James Shell,	7/18
Thompson Shell,	7/18
Levi B. Gritts, Sr.,	2/18
Levi B. Gritts, Jr.,	1/18
Susan Williams, nee Gritts,	1/18

II.

That said lands are tax-exempt; that all taxes levied against said lands by the taxing authorities of Nowata County, Oklahoma, are void and should be cancelled and that the resale tax deeds, county deeds, and quit claim deeds above set forth should be cancelled.

JUDGMENT

NOW, on this 6th day of June, 1949, pursuant to the findings of fact and conclusions of law heretofore entered by the court,

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the court that the plaintiff have judgment against the defendants and each of them decreeing the heirship of Richard Shell, Cherokee No. 27190, and of Nutie Gritts, formerly Shell, nee Daugherty, Cherokee No. 19224, as above set forth and that title to said premises is hereby decreed to be vested as follows:

James Shell,	7/18
Thompson Shell,	7/18
Levi B. Gritts, Sr.,	2/18
Levi B. Gritts, Jr.,	1/18
Susan Williams, nee Gritts,	1/18

and that title to said premises is quieted in said above-named in the proportions above set forth against the defendants and each of them and all persons claiming by, through or under them.

IT IS FURTHER ORDERED, ADJUDGED and DECREED by the court that all taxes levied or assessed against the above described lands be and the same are hereby cancelled, vacated and set aside and the resale tax deeds, county deeds and quit claim deeds above described are hereby vacated, cancelled, set aside and held for naught and that the Board of County Commissioners of Nowata County, Oklahoma, Guy S. Price, County Assessor of Nowata County, Oklahoma, and Lee Berry, County Treasurer of Nowata County, Oklahoma, together with their successors in office be and they are hereby restrained and enjoined from attempting to assess, levy or collect any taxes against the above described property, so long as title to same remains in the above-named heirs.

IT IS FURTHER ORDERED that no costs be taxed.

Royce H. Savage
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

C. N. Taylor, et al,

Defendant.

No. 2476 Civil

FILED

JUN 6 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

NOW, on this 6th day of June, 1949, it appearing to the court that the defendants have heretofore settled and compromise said action by paying the sum of \$125.22 to the Attorney General of the United States and the sum of \$24.75 to the clerk of this court in payment of the costs in full, which settlement was heretofore approved by the Attorney General of the United States;

NOW, THEREFORE, IT IS ORDERED that said cause of action be dismissed with prejudice to a future action.

Royce H. Savage
JUN 6

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

CLAUDE BOUCHER,

Plaintiff,

vs.

ROBERT C. BLACK,

Defendant.

No. 2246-Civil

FILED

JUN 6 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL WITH PREJUDICE

On this 6th day of June, 1949, this matter is presented to the court on Motion of the plaintiff to dismiss this cause with prejudice to future action. The court being fully advised in the premises, orders and decrees that this matter be dismissed with prejudice to the bringing of any further action, all at the cost of the defendant.

It is further ordered that the attachment of the defendant's car be dismissed and the bond or monies placed with the sheriff of Tulsa County on the attachment be released to the defendant forthwith.

W. R. ...
Judge of the United States District
Court for the Northern District.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF KENTUCKY

* * * * *

Journal Air Lines, Inc.,

Plaintiff,

-vs-

Universal Aviation Company,
a Corporation,

Defendant.

CIVIL NO. 2458

FILED

JUN 6 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now on this 4th day of May, 1949, this cause came on regularly to be heard on Pre-Trial assignment, and both parties being present by their respective attorneys of record, upon statement by counsel the Court finds that plaintiff has no books or records and that both the question of legal liability and the amount of overtime work, if any, are genuinely in dispute; that the parties hereto are willing to and do stipulate to accept and settle, and respectively to receive and pay, in full settlement of all claims and liabilities of plaintiff as against this defendant the sum of \$108.57 plus an attorneys fee in the sum of \$50.00. And the Court does thereupon, upon said agreed facts, find that the plaintiff is entitled to a recovery herein for unpaid overtime compensation in the sum of \$108.57 and an equal amount as limited damages for a total of \$216.74 and an attorneys fee in the sum of \$50.00.

IT IS, IN WITNESS WHEREOF, this 4th day of May 1949, that plaintiff here and recover judgment herein against the defendant, Universal Aviation Company, a corporation, in the sum of \$216.74, together with judgment in the sum of \$50.00 for the use and benefit of his attorney and for his costs.

Noble C. Hood
U. S. District Judge.

Approved and consent agreed for
Journal Air Lines to be submitted to the Court
on or after June 1, 1949.

W. D. [Signature]
Attorney for Plaintiff.

[Signature]
Attorney for Defendant.

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

WILLIAM H. HARRIS,
 Plaintiff,
 vs
 THE TULSA CITY LINES, INC.,
 Defendant.

No. 246-CIVIL

FILED

JAN 6 1949

JOURNAL ENTRY OF JUDGMENT

NOBLE A. HOOD
 Clerk U. S. District Court

This matter came on to be heard before me the undersigned judge of the United States District Court, on this 16th day of May, 1949, the plaintiff appearing in person and by her attorney, Hugh Tucker, and the defendant appearing by its attorney, Pierce and Tucker, and said cause having come on for trial in its regular order before a jury of 12 good men, who being duly empaneled and sworn, well and truly to try the issues joined between plaintiff and defendant and a true verdict render according to the evidence; the cause being continued, on the 17th day of May, having heard the evidence by the jury and the argument of counsel upon their oath, they did render a verdict for the defendant in all particulars.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THIS COURT that said plaintiff have and recover nothing from the said defendant, Tulsa City Lines, Inc., and that the plaintiff pay all costs of this action.

IT IS FURTHER ORDERED THAT that judgment be entered for the defendant, Tulsa City Lines, Inc., in accordance.

 No. 246-CIVIL of the United States Court

OK

 Hugh Tucker - attorney
 for plaintiff

OK

 Truman B. ... - attorney
 for defendant



U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff, vs. Defendant,
No. 2458 Civil

FILED

JUN 6 1949

NOBLE G. HOOD
Clerk U. S. District Court

U.S. DISTRICT COURT

This cause comes on for hearing at which day of June, 1949, on the motion for summary judgment of the defendants including the Oil Company, Atlantic Refining Company, Archer D. Hayden, administrator with will annexed of the estate of Sarah D. Hayden, deceased, J. D. Harris, et al. Myce N. B. Reed, et al. Anglin, Alfred Stevenson, Holey Burk, Pearlie Buck, et al. Bernard, Beulah Boshart, et al. McKler, administrator of the estate of John H. Hoxley, William Williams trustee for Maryn Cornell Maxy, et al. Keegan, Bar J. J. Keegan, et al. Adams, Louis C. Holman, Anglin and Stevenson, a co-partnership composed of J. D. Anglin and Alfred Stevenson, and Margaret Kay Jackson, executrix of the estate of J. D. Jackson, deceased, against the defendant and cross-defendant Caesar Holmes; said defendant Caesar comes within to answer either in person or by his attorney W. H. Kerr, and the above named defendants appearing by their attorneys Charles H. Johnson, C. B. Rosenfeld, Carter Keith and Robert L. Isler, and the United States of America appearing by United States District Attorney Carl T. Souzy.

And said motion being argued by counsel and the Court having considered the pleadings and the exhibits introduced to said motion, is of opinion that said motion should be sustained.

It is hereby expressly find and adjudged that there is no just reason for delay in entry of said judgment and that said



moving defendants and against said defendant and cross-claimant Caesar
Holsen herein.

It is the order of the court, that the said defendants, and
that said judgment of said defendants for said judgment against the
defendant and cross-claimant Caesar Holsen as well as the said judgment **sub-**
stantiated and it is adjudged and decreed that said defendant and cross-
claimant Caesar Holsen take nothing herein against said defendants, or
any of them and that said defendants have judgment for their costs herein
expended and the court expressly directs the clerk to enter judgment as
afforementioned against the defendant and cross-claimant Caesar Holsen herein.

Raymond H. Savage

J u d g e

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

NANCY BARNETT)
Plaintiff)
vs.)
SINCLAIR PRAIRIE OIL COMPANY,)
et al.,)
Defendants)

No. 2458 Civil

FILED

JUN 6 1949

NOBLE C. HOOD
Clerk U. S. District Court

J U D G E M E N T

This cause comes on for hearing on this 2d day of June, 1949, on the motion of the defendants Sinclair Prairie Oil Company, The Atlantic Refining Company, Arch R. Hyden, Administrator with will annexed of the estate of Sarah C. Getty, deceased, V. V. Harris, G. B. Hyde, F. P. Swan, W. T. Anglin, Alfred Stevenson, Holey Buck, Pearlle Buck, H. G. Barnard, Beulah Boxley, G. H. Eckles, Administrator of the estate of John D. Boxley, Willard Martin as Trustee for Kathryn Cornell Daxey, A. E. Peagin, Bar Don Oil Company, M. P. Mathis, Fannie C. Holman, Anglin and Stevenson, a co-partnership composed of W. T. Anglin and Alfred Stevenson, and Margaret Fay Hammons, Executrix of the estate of J. D. Hammons, deceased, to dismiss plaintiff's petition pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure; the plaintiff appearing by her attorney, A. T. Pulling, the defendants appearing by their attorneys Charles B. Cochran, C. H. Rosenstein, Carter Smith and Robert H. Miller, and the United States of America appearing by United States District Attorney Whit T. Sady.

And said motion being argued by counsel, and the Court being well and duly advised in the premises finds:

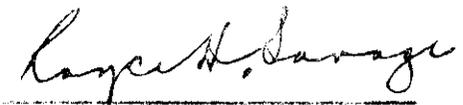
1. That plaintiff has failed to comply with the order of this Court requiring her to make her petition more definite and certain within twenty days from the 6th day of April, 1949.

2. That plaintiff has failed and refuses to prosecute this action with due diligence.

9. That plaintiff's petition should be dismissed for failure to comply with the Court's order as aforesaid and for want of prosecution.

10. The Court expressly finds and expressly determines that there is no just reason for delay in entry of said judgment in favor of said moving defendants and against said plaintiff, Nancy Barnett, herein.

It is ordered and decreed, and the Clerk is directed, that plaintiff's petition be and the same is hereby dismissed, with prejudice to a future action, and it is adjudged and decreed that said plaintiff, Nancy Barnett, take nothing herein against said defendants or any of them, and that said defendants have judgment for their costs herein expended; and the Court expressly directs the Clerk to enter judgment as aforesaid against the plaintiff, Nancy Barnett, herein.



J U D G E

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

HIRAN M. WEST, Trustee of
and for the Estate of Charles
Edward Cross, a Bankrupt,

Plaintiff

-vs-

COMMERCE ACCEPTANCE CO., INC.,
a corporation,

Defendant.

NO. 2399

FILED

JUN 6 1949

ORDER DISMISSING CAUSE WITH PREJUDICE

NOBLE C. HOOD
Clerk U. S. District Court

At Tulsa, in said District, on the 31st day of May,
1949,

There having been filed in the above entitled cause
a Stipulation of Compromise and Settlement dated May 31, 1949,
entered into by and between the Plaintiff above named and
the Defendant above named by the terms of which all controver-
sies between them were fully, completely and finally comprom-
ised and settled, it is therefore

ORDERED that the above entitled cause be and the
same hereby is dismissed with prejudice to a future action
on the subject matter thereof at the cost of the Plaintiff
above named.

Royce F. Savage
Judge

W. M. H. Powers
Lincoln & Osceola

...

Ernest R. ...
Ernest R. ...
...

Irvin E. Ungerman

Charles F. Whitebook
Charles F. Whitebook and
Charles F. Whitebook,
Attorneys for the Defendants.



IN THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GUYTON W. GUYTON,

Plaintiff

vs.

No. 1483

J. F. STAB, Sr., J. F. STAB, JR.,
AND HENRY STAB, both individually
and as a partnership doing business
as J. F. STAB & SON, and another
of the County of San Diego,
California,

FILED

NOV 9 1944

Defendants.

NOBLE C. HOOD
Clerk U. S. District Court

DISMISSAL

Upon application of Plaintiff the above entitled cause
is hereby dismissed with prejudice at the cost of defendants.

[Handwritten signature]

[Handwritten signature]

JUDGE

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

THE UNITED STATES,

Plaintiff

vs.

No. 2434

J. F. STOAB, JR., J. F. STOAB, JR.,
AND HENRY STOB, both individually
and as a partnership doing business
as J. F. STOB & SONS, and WALLER
VANCE STOB,

Defendants.

FILED

JUN 9 1949

NOBLE C. HOOD
Clerk U. S. District Court

DISMISSED

Upon application of plaintiff the above entitled
cause is hereby dismissed with prejudice at the cost of
defendants.

Henry H. Savage
Judge

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

WILLIAM WIGGINS SLOAN,

Plaintiff

VS.

No. 2435

J. F. STORAB, SR., J. F. STORAB, JR.,
and HENRY STORAB, both individually
and as a partnership doing business
as J. F. STORAB & SONS, and WALTER
VANCE TILDE,

Defendants.

FILED

JUN 9 1949

NOBLE C. HOOD
Clerk U. S. District Court

DISMISSAL

Upon application of plaintiff the above entitled
cause is hereby dismissed with prejudice at the cost of
defendants.

Dated this 7 day of June, 1949.

Conrad H. Savage

JUDGE

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

<hr/>			
Mr. and Mrs. Eddie Thulin,	Plaintiffs,	:	
		:	Civil Action No. 2467
-vs-		:	
		:	
Mrs. George Lewark,	Defendant.	:	
<hr/>			

FILED

JUN 3 1949

ORDER FOR DISMISSAL

NOBLE C. HOOD
Clerk U. S. District Court

Now, on this 2nd day of June, 1949, this matter coming on for hearing upon the defendant's motion to dismiss the complaint, plaintiffs appearing by their counsel, Grady S. Cornett, and the defendant appearing by her counsel, William K. Powers, and the court, being fully advised in the premises, finds that said action is instituted under and by authority of the Housing and Rent Act of 1947, as amended.

The court further finds that the matter in controversy herein is less than \$3,000.00 exclusive of interest and costs.

The court further finds that this court is without jurisdiction by reason of Section 1331 of the New Judicial Code inasmuch as there is lacking the material requirement of the requisite amount to be in controversy to give this court jurisdiction.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that by reason of the lack of jurisdiction of this court in the premises, that said complaint be and the same is hereby dismissed.

Royce H. Savage

Royce H. Savage, United States
District Judge for the Northern
District of Oklahoma

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

MARION VINERA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT E. BENNETT,)
 (115 East 11th, Tulsa, Okla.))
)
 Defendant.)

No. 2455

FILED
JUN 9 1948

JOURNAL ENTRY ON
MOTION TO DISMISS

NOBLE C. HOOD
Clerk U. S. District Court

THIS CAUSE regularly came on for hearing on the 2nd day of June, 1948 the same being a regular day of court, on defendant's motion to dismiss. And the plaintiff appearing by her attorneys, Wilson & Leach by Cleo Wilson, and the defendant appearing by his attorneys, Landrith & Friel by Thomas A. Landrith, Jr., and both sides announcing ready, and argument being presented and the court being fully advised, finds that said motion to dismiss should be sustained.

IT IS THEREFORE Ordered, adjudged and decreed that defendant's motion to dismiss the above cause be and the same is hereby sustained; and said cause is hereby dismissed for lack of jurisdiction of this court over said cause and at the cost of the plaintiff.

/s/ Royce H. Savare
Judge

APPROVED AS TO FORM:

Wilson & Leach

By /s/ Cleo Wilson
Attorneys for Plaintiff

Landrith & Friel

By /s/ Thomas A. Landrith, Jr.
Attorneys for Defendant



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

Employers Liability Assurance Corporation,)
 Ltd., an insurance corporation,)
 Plaintiff,)
 vs.)
 Dudley Ballard, administrator of the)
 Estate of Tennie Starr, deceased,)
 Defendant.)

No. 2426 Civil

FILED

JUN 13 1949

JOURNAL ENTRY OF JUDGMENT NOBLE C. HOOD
 Clerk U. S. District Court

Now on the findings of fact and conclusions of law heretofore made in this cause, the court finds that the following judgment should be entered and the clerk is ordered and directed to enter the same.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that Thomas Odom was not an additional assured under policy number OL-137509 issued by the plaintiff to G. V. Vandever, et al, on November 5, 1947, and that the plaintiff, Employers Liability Assurance Corporation, is not obliged to defend the said Thomas Odom in the case of Dudley Ballard, Administrator of the Estate of Tennie Starr, deceased, vs. Willia C. Vandever and Thomas Odom, No. 78270 in the District Court of Tulsa County, Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this court that the plaintiff, Employers Liability Assurance Corporation, Ltd., is not required under said policy to pay any judgment which may be obtained against the said Thomas Odom in said pending action in the District Court of Tulsa County, Oklahoma.

Dated this 13th day of June, 1949.

Royce H. Savage
 U. S. District Judge

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

PATTERSON STEEL COMPANY,
a corporation,

Plaintiff,

vs.

COLAN BROTHERS, INCORPORATED,
a corporation, and
ROYALTY INDEMNITY COMPANY,
a corporation,

Defendants.

No. 2447 - Civil

FILED

JUN 18 1949

NOBLE C. HOOD
Clerk U. S. District Court

JOURNAL ENTRY OF JUDGMENT

This cause came on regularly for trial before the court on the 9th day of June, 1949; plaintiff, Patterson Steel Company, appearing by its counsel, W. C. Dougherty and George S. Downey, and the defendants, Colan Bros., Incorporated, and Royalty Indemnity Company, appearing by their counsel, Thomas L. Kinney. All parties announced ready for trial and introduced their evidence and rested, and the court having heard the evidence and argument of counsel, finds:

FINDINGS OF FACT

1. All of the allegations of the Plaintiff's amended petition are admitted, except the correctness of certain charges in its account.

2. The contract between the plaintiff, Patterson Steel Company, a corporation, and the defendant, Colan Brothers, Incorporated, was in writing and consisted of a letter and purchase order of Colan Brothers, Incorporated to Patterson Steel Company, dated September 28, 1946, and the quotation letter of Patterson Steel Company to Colan Brothers, Incorporated, dated September 30, 1946. said contract does not specify when or in what amounts deliveries of reinforcing steel were to be made; said contract contained the following escalator clause:

"This price is based upon market conditions current at the date of this proposal and shall be adjusted for any perceptible change in the price of any item entering into the cost of this work which we shall be required to use and including labor, material, freight, insurance, workmen's compensation, taxes or other changes approved by the U. S. A. or any other governmental agency, between the date of this contract and the date of the delivery of the steel which may be in effect at the time of delivery."

3. The price of reinforcing steel was raised by the plaintiff's source of supply, Sheffield Steel Corporation, from \$3.05 base to \$3.65 base per cwt., on November 25, 1946, effective that date, but plaintiff continued to receive reinforcing steel from Sheffield Steel Corporation under its existing contract with Sheffield at the base price of \$3.05 per cwt., until January 15, 1947, and was not required to pay the increase of 60¢ per cwt., until after January 15, 1947.

4. Plaintiff raised its price for reinforcing steel 75¢ per cwt., on November 25, 1946, thereby increasing its selling price in approximately the same proportion as the cost to plaintiff was increased.

5. Plaintiff made deliveries of steel to the defendant, Kolan Brothers, Incorporated, in reasonable amounts, at reasonable intervals, within a reasonable time under all of the circumstances surrounding the transaction, and completed performance of its contract with defendant, Kolan Brothers, Incorporated, May 2, 1948.

6. There is a balance due plaintiff in the amount of \$4,926.10, of which \$2,105.32 was not in dispute.

CONCLUSIONS OF LAW

1. Under the contract between the plaintiff and the defendant, Kolan Bros., Inc., deliveries of reinforcing steel were required to be made in reasonable amounts, at reasonable intervals, within a reasonable time under all of the circumstances surrounding the transaction.

2. Under the terms of the contract plaintiff was not entitled to increase the price of reinforcing steel to defendant, Kolan Brothers, Inc., so long as plaintiff was purchasing such steel at the price in effect when the contract with Kolan Bros. Inc., was entered into.

3. Under the terms of the contract, the plaintiff was not entitled to increase the price of steel to Kolan Brothers, Inc., in a greater amount than the price increase which the plaintiff was required to assume.

4. The amount not in dispute should bear interest at the rate of six per cent per annum from the date of completion of the contract.

VERDICT

IT IS THE VERDICT OF THE JURY, ADJUDGED AND DECREED that the plaintiff

have and recover from the defendants, Nolan Brothers, Incorporated,
and Royal Indemnity Company, the sum of \$4,928.10, with interest on
\$2,105.35 thereof at six per cent per annum from May 2, 1945, and with
interest on \$2,822.77 thereof at six per cent per annum from the date
of the entry of this judgment.

For all of which let execution issue.

Dated and ordered entered this 13th day of June, 1949.

Royce H. Savage
District Judge

A. - 123:

W. P. Naughty
Attorneys for Plaintiff

Thomas M. Finney
Attorney for Defendants

UNITED STATES OF AMERICA, SS:

THE PRESIDENT OF THE UNITED STATES OF AMERICA

To The Honorable The Judges of the District
Court of the United States for the Northern
District of Oklahoma

GREETING:

Whereas, lately in the District Court of the United States for the Northern District of Oklahoma, before you, or some of you in a cause between Nancy Bradburn, nee Yarhola, an incompetent, by Sukey Jenkins, daughter and next friend, plaintiff, and Shell Oil Company, Incorporated, a foreign corporation, defendant, United States of America, intervener, No. 961, Civil, the judgment of the said district court in said cause, entered on April 26, 1948, was in the following words, viz:

* * * * *

"Therefore, It Is Ordered, Adjudged, and Decreed on this, the 26th day of April, 1948, that plaintiff, and the United States of America as intervener, take nothing by their suit and that the defendant go hence with its costs without day and that execution issue against plaintiff in its behalf for its costs."

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 Nancy Bradburn, nee Yarhola, an incompetent by Sukey Jenkins, daughter and next friend, agreeably to the act of Congress, in such case made and provided, fully and at large appears:

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

On consideration whereof, it is now here ordered and adjudged by this court that the judgment of the said district court in this cause be and the same is hereby affirmed.

-- March 29, 1949.

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 FRED M. VINSON, Chief Justice of the United States, the 9th day of June, in the year of our Lord one thousand nine hundred and forty-nine.

/s/ Robert B. Cartwright
Clerk of the United States Court
of Appeals, Tenth Circuit

No. 3744

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

November Term, 1948

Nancy Bradburn, nee Yarhola, an
incompetent by Sukey Jenkins,
daughter and next friend,
Appellant,

vs.

Shell Oil Company, Incorporated,
a foreign corporation,
Appellee.

M A N D A T E

ENDORSED:
Filed June 13, 1949
Noble C. Hood
Clerk U. S. District Court

(COPY)

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

State of Oklahoma, ex rel Mac Q.
Williamson, Attorney General of
the State of Oklahoma,

Petitioner,

vs.

CIVIL NO.
2255

Certain parcels of land in Ottawa County,
Oklahoma, containing approximately 28.30
acres, more or less; the United States of
America; Earl W. Tobien (restricted) and
Jean S. Tobien (restricted), husband and
Blanche Boone, now Houpe (restricted) and
Outhier T. Houpe, wife and husband; Walker
L. Boone (restricted), an incompetent, and
Melinda Boone, husband and wife; Melinda
Boone, guardian of the person and estate of
Walker L. Boone, an incompetent, Alice Boone,
now Clark (restricted), an incompetent; Belle
Boone (restricted); Charles Leader and Pauline
Leader, husband and wife; John D. Brown, Jr.
(restricted) and Amelia Brown, husband and
wife; Julius Brown (restricted) and Dorothy
Brown, husband and wife; Beryl Brown (restrict-
ed), also known as Beryl Brown, and Lora Brown,
husband and wife; Mary Hofer Brown, now Hall;
Calvin Brown (restricted) and Ivie Brown, hus-
band and wife; Amos W. Grant; Mary Lou Grant
(restricted); Raymond Harold Grant, also known
as Ramon Harold Grant (restricted), a minor;
Edna Lorene Grant (restricted), a minor; Jackie
Lee Grant (restricted), a minor; Margery Ann
Grant (restricted), a minor; Billie Dean Grant
(restricted), a minor; Carolyn Sue Grant (res-
tricted), a minor; Cora Brown; Edith Brown Lee
and Bill Lee, wife and husband; Howard Brown
(restricted) and Viola Brown, husband and wife;
Opal Brown Doty, now Fannanstock (restricted),
and Floyd Fannanstock, wife and husband; Loman
Brown (restricted) and Eva Brown, husband and
wife; Elizabeth Gilbreth; James Coats and Elsie
Coats, husband and wife; G.W.Coats; E. C. Coats
and Myrtle Coats, husband and wife; Lillian
Bowman, now Loring, and Sam Loring, wife and
husband; Benjamin H. Coats and May Coats, hus-
band and wife; Lou Smith; Sammie Smith; Beryl
Smith and Gladys Smith, husband and wife; Mary
Stills and Anthony Stills, wife and husband;
Louis Smith and Marie Smith, husband and wife;
Earl Smith and Maude Smith, husband and wife;
Anna Bell Arheart and Gene Arheart, wife and
husband; Jacob Hofer and Minnie Hofer, husband
and wife; Emma Masterson and Clyde I. Master-
son, wife and husband; Ernest Hofer and Alice
Hofer, husband and wife; Rosa Smith; Doris

FILED

JUN 14 1949

NOBLE C. HOOD
Clerk U. S. District Court

Hofer, now Long, and Virgil Long, wife and husband; Geraldine Hofer, now Stephenson, and Ralph Stephenson, wife and husband; Jeanette Hofer, now Irwin, and Oscar Irwin, wife and husband; Geneva Hofer, now Brock, and Floyd Brock, wife and husband; Julia Hofer, now Williams, and Eugene Williams, wife and husband; Albert Wyrick; Philip Peacock (restricted) and Frankie Peacock, husband and wife; Martha Jane Wright (restricted); Charlotte Peacock, now Barton (restricted) and Arthur Barton, wife and husband; Ernestine Peacock, now Bradley (restricted); Margaret Peacock (restricted); William Reed Peacock (restricted); Helen Jane Peacock (restricted); Harvey Elwood Peacock (restricted); Elsie Vernelle Peacock (restricted), a minor; Charles Lofland and the known and unknown heirs, executors, administrators, devisees, legatees, trustees, creditors and assigns immediate and remote, and their spouses, if any, of each of Alex Peacock, deceased; John Coon, Wyandotte Allottee No. 40, deceased; Mary Walker, Wyandotte Allottee No. 41, deceased; John D. Brown, Sr., Wyandotte Allottee No. 65, deceased; Amy Brown Coats, deceased; Alphus Brown, deceased; Lee Brown, deceased; Lota Brown, deceased; Pearl Brown, deceased; Mary Brown, deceased; Julia Hofer Brown, deceased; Sam P. Coats, deceased; Rosa Coats Smith, deceased; Cleo Brown Grant, deceased; Albert Hofer, deceased, and of Grace Hofer, deceased,

Defendants

ORDER APPROVING AND CONFIRMING

Be it remembered that on this 14th day of June, 1949, this matter comes on for hearing before the Honorable Royce H. Savage, Judge of the United States District Court in and for the Northern District of Oklahoma, plaintiff appearing hereby by its attorneys, Mac G. Williamson, Attorney General of Oklahoma, and Finis O. Stewart, Assistant Attorney General, who request this Court for an order approving and confirming plaintiffs appropriation of the hereinafter described property. The defendants Earl W. Tobien and Jean S. Tobien, husband and wife, Phillip Peacock and Frankie Peacock, husband and wife, appear by attorney, Frank Nesbitt of Miami, Oklahoma; the defendants, Raymond Harold Grant, also known as Ramon Harold Grant, Edna Lorene Grant, Jackie Lee Grant, Margery Ann Grant, Billie Dean Grant, Carolyn

Sue Grant, Elsie Vernellie Peacock, all restricted minor defendants, and the defendants Walker L. Boone and Alice Boone Clark, alleged incompetent defendants, all appear by Dickson M. Saunders, Tulsa, Oklahoma, guardian ad litem regularly appointed in this proceeding, and the defendants, the United States of America; Earl W. Tobien (restricted) and Jean S. Tobien (restricted), husband and wife; Blanche Boone, now Roupe (restricted), and Outhier T. Roupe, wife and husband; Walker L. Boone (restricted), an incompetent, and Melinda Boone, husband and wife; Melinda Boone, guardian of the person and estate of Walker L. Boone, an incompetent; Alice Boone, now Clark (restricted); an incompetent; Belle Boone (restricted); John D. Brown, Jr. (restricted) and Amelia Brown, husband and wife; Julius Brown (restricted) and Dorothy Brown, husband and wife; Beryl Brown (restricted), also known as Beryl Brown, and Lora Brown, husband and wife; Mary Hofer Brown, now Hall; Calvin Brown (restricted) and Ivie Brown, husband and wife; Amos W. Grant; Mary Lou Grant (restricted); Raymond Harold Grant, also known as Ramon Harold Grant (restricted), a minor; Edna Lorene Grant (restricted), a minor; Jackie Lee Grant (restricted), a minor; Margery Ann Grant (restricted), a minor; Billie Dean Grant (restricted) a minor; Carolyn Sue Grant (restricted), a minor; Cora Brown; Edith Brown Lee and Bill Lee, wife and husband; Howard Brown (restricted) and Viola Brown, husband and wife; Opan Brown Doty, now Fannanstock (restricted), and Floyd Fannanstock, wife and husband; Lomen Brown (restricted) and Eva Brown, husband and wife; Elizabeth Gilbreth; James Coats and Elsie Coats, husband and wife; G. W. Coats; E. C. Coats and Myrtle Coats, husband and wife; Lillian Bowman, now Loring, and Sam Loring, wife and husband; Benjamin H. Coats and May Coats, husband and wife; Lou Smith; Sammie Smith; Beryl Smith and Gladys Smith, husband and wife; Mary Stills and Anthony Stills, wife and husband; Louis Smith and Marie Smith, husband and wife; Earl Smith and Maude Smith, husband and wife; Anna Bell Arheart and Gene Arheart, wife and husband; Jacob Hofer and Minnie Hofer, husband and wife; Emma Masterson and Clyde I. Masterson, wife and husband; Ernest Hofer and Alice Hofer, husband and wife; Rosa Smith; Doris Hofer, now Long, and

Virgil Long, wife and husband; Geraldine Hofer, now Stephenson, and Ralph Stephenson, wife and husband; Jeanette Hofer, now Irwin, and Oscar Irwin, wife and husband; Geneva Hofer, now Brock, and Floyd Brock, wife and husband; Julia Hofer, now Williams, and Eugene Williams, wife and husband; Albert Wyrick; Philip Peacock (restricted) and Frankie Peacock, husband and wife; Martha Jane Wright (restricted); Charlotte Peacock, now Barton (restricted) and Arthur Barton, wife and husband; Ernestine Peacock, now Bradley (restricted); Margaret Peacock (restricted); William Reed Peacock (restricted); Helen Jane Peacock (restricted); Harvey Elwood Peacock (restricted); Elsie Vernellie Peacock (restricted), a minor; and Charles Lofland appear by Whit Y. Mauzy, United States District Attorney for the Northern District of Oklahoma. The Court finds that the pleadings show that good and lawful notice of the date of hearing of said petition was given all the defendants either by personal service of notice or by publication, and, having carefully examined plaintiff's Affidavit to Obtain Service by Publication, the Order for Notice by Publication by this Court made, the Notice and Proof of Publication, and the Affidavits with Reference to Mailing, finds that the statutory requirements have been strictly complied with and that the publication service is in all respects regular and adequate. The Court thereupon approves the publication service and finds that throughout this proceeding it has had proper jurisdiction of the parties hereto. The Court further finds that this is one of the instances wherein the laws of the State of Oklahoma authorize the appropriation of real property by condemnation proceedings and that the lands involved herein are impressed with restrictions, some being held in trust by the United States for the use and benefit of restricted Indians, and that this Court has proper jurisdiction of the subject matter hereof as well as of the parties hereto. The Court further finds that condemnation commissioners regularly and duly appointed herein viewed the properties concerned and on the 3rd day of September, 1948, filed their report therein, separately setting out their awards as to each of the tracts herein described.

The Court further finds that upon proper demand by certain of the parties made, plaintiff's appropriation of all of the said property except Tract No. 2 has been assessed by a jury, and that this Court has heretofore rendered judgment pursuant to the verdicts of the jury.

The Court further finds with reference to Tract No. 2 that the value of the land appropriated by plaintiff and all damages to the remainder of defendants' land occasioned by plaintiff's appropriation was by the condemnation commissioners determined to be Four Hundred Dollars (\$400.00). That plaintiff deposited such sum of money in the registry of this Court for the defendants the 24th day of September, 1943, and took possession of Tract No. 2, and that said sum was thereafter disbursed by the Clerk and paid to the Treasurer of the United States for the use and benefit of the Landowner defendants of Tract No. 2. The Court further finds that the statutory limitation period within which the parties interested in said Tract No. 2 might have filed a demand for jury trial, or otherwise objected, has elapsed without there having been a demand for jury trial, or other objection, filed herein, and that these proceedings have therefore become final and complete, and that plaintiff is entitled to an order of this Court approving and confirming the appropriation in condemnation proceedings by plaintiff of the right, title and interest acquired by it, which this Court determines to be the entirety of the surface rights.

It is therefore by the Court considered, ordered, adjudged and decreed that plaintiff's appropriation of the surface rights to the following described property,

A strip, piece or parcel of land lying in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, T 27 N, R 24 E, in Ottawa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at the point where the South Property line of the S.O. & S.F. Railroad intersects the West line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 638.1 feet South of the NW corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence South along said West line a distance of 178 feet, thence N 50° 50' E a distance of 1287.1 feet East to a point on the North line of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, 988.8 feet East of the NW corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence West along said North line a distance of 218.5 feet to a point on said Railroad Property line, thence Southwesterly along said property line a distance of 1005.2 feet to point of beginning.

Containing 3.63 acres, more or less,

of and from,

The United States of America; John W. Brown, Jr. (restricted) and Amelia Brown, husband and wife; Julius Brown (restricted) and Dorothy Brown, husband and wife; Beryl Brown (restricted), also known as Buryl Brown, and Lora Brown, husband and wife; Mary Hofer Brown, now Hall; Calvin Brown (restricted) and Ivie Brown, husband and wife; Amos W. Grant; Mary Lou Grant (restricted); Raymond Harold Grant, also known as Ramon Harold Grant (restricted), a minor; Edna Lorene Grant (restricted), a minor; Jackie Lee Grant (restricted), a minor; Margery Ann Grant (restricted), a minor; Billie Dean Grant (restricted), a minor; Carolyn Sue Grant (restricted), a minor; Cora Brown; Edith Brown Lee and Bill Lee, wife and husband; Howard Brown (restricted) and Viola Brown, husband and wife; Opal Brown Doty, now Fannasstock (restricted), and Floyd Fannasstock, wife and husband; Loman Brown (restricted) and Eva Brown, husband and wife; Elizabeth Gilbreth; Kames Coats and Elsie Coats, husband and wife; C. W. Coats; E. C. Coats and Myrtle Coats, husband and wife; Lillian Bowman, now Loring, and Sam Loring, wife and husband; Benjamin H. Coats and May Coats, husband and wife; Lou Smith; Sammie Smith; Buryl Smith and Gladys Smith, husband and wife; Mary Stills and Anthony Stills, wife and husband; Louis Smith and Marie Smith, husband and wife; Earl Smith and Maude Smith, husband and wife; Anna Bell Arheart and Gene Arheart, wife and husband; Jacob Hofer and Minnie Hofer, husband and wife; Emma Masterson and Clyde I. Masterson, wife and husband; Ernest Hofer and Alice Hofer, husband and wife; Rosa Smith, Doris Hofer, now Long, and Virgil Long, wife and husband; Geraldine Hofer, now Stephenson, and Ralph Stephenson, wife and husband; Jeanette Hofer, now Irwin, and Oscar Irwin, wife and husband; Geneva Hofer, now Brock, and Floyd Brock, wife and husband; Julia Hofer, now Williams, and Eugene Williams, wife and husband; and Albert

Wyrick,

is hereby confirmed and approved. It is further ordered that such costs as are taxable against the State be paid by the plaintiff.

Raymond H. ...

 DISTRICT JUDGE

APPROVED:

MAC Q. WILLIAMSON, ATTORNEY GENERAL
 By: Finis O. Stewart
 Finis O. Stewart, Assistant Attorney
 General, Attorney for Petitioner

Whit Y. Mausy
 Whit Y. Mausy, United States District Attorney

Frank Nesbitt
 Frank Nesbitt

Dickson M. Saunders
 Dickson M. Saunders, Guardian ad Litem

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

Emma Hogsholder Rabbit,

Plaintiff,

vs.

NO. 2098 CIVIL

John W. Rabbit, et al.,

Defendants,

United States of America,

Intervener.

FILED

JUN 14 1949

NOBLE C. HOOD
Clerk U. S. District Court

WARRANT CONFIRMING MARSHAL'S SALES, ETC.

and now on this the 2nd day of June, 1949, the same being a juridical day of the above styled court, the above entitled and numbered cause comes on for hearing in its regular order before the undersigned Judge of said court, with the plaintiff appearing by Ernest H. Brown, her attorney of record, and with none of the defendants either appearing in person or by counsel; the Secretary of the Interior appearing by the Honorable Whit Y. Hauzy, United States Attorney for the Northern District of Oklahoma, and upon call each of the parties announce ready; whereupon the court proceeds to examine the files and pleadings and therefrom finds that the sales of the lands hereinafter described have been held by the United States Marshal for the Northern District of Oklahoma in the manner and form provided by law and the previous orders and decrees of this court, and that the same should be confirmed and approved, and being fully advised in the premises:

IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE OF THIS COURT:

That the Marshal's sale on the 10th day of May, 1949, covering the following described real property and premises situated in Kaye County, Oklahoma, to-wit:

The South 20 acres of Lot 3; and, the Northwest quarter of the Northwest Quarter of the Southeast Quarter; and, the Southeast Quarter of the Southwest Quarter of the Northeast Quarter; and, the Northwest 10 acres of Lot 3; and, the Northeast quarter of the Southwest quarter of the northeast quarter; and, the Northeast quarter of the Northeast quarter of the Southeast Quarter of Section 27, Township 19 North and Range 19 East of the Indian Base and Meridian,

wherein said lands were sold by the United States Marshal for the Northern District of Oklahoma to Clyde H. Murlbut and Beatrice A. Murlbut, husband and wife, as joint tenants and not as tenants in common, survivor to take all, for the sum of \$550.00 be, and the same is hereby approved, ratified and confirmed, and the United States Marshal for the Northern District of Oklahoma be, and he is hereby authorized, ordered and directed to execute and deliver unto the purchasers, Clyde H. Murlbut and Beatrice A. Murlbut, etc., a good and sufficient deed, or instrument of conveyance, conveying said lands unto the said Clyde H. Murlbut and Beatrice A. Murlbut, as aforesaid, their heirs and assigns.

That the Marshal's sale on the 10th day of May, 1949, covering the following described real property and premises situated in Mayes County, Oklahoma, to-wit:

The Southeast Quarter of the Southwest Quarter; and, the Southwest Quarter of the Southwest quarter of the Southeast Quarter of Section 17, Township 19 North and Range 19 East of the Indian Base and Meridian,

wherein said lands were sold by the United States Marshal for the Northern District of Oklahoma, to Dick Dugger for the sum of \$396.00, be, and the same is hereby approved, ratified and confirmed, and the United States Marshal for the Northern District of Oklahoma be, and he is hereby authorized, ordered and directed to execute and deliver unto the purchaser, Dick Dugger, a good and sufficient deed, or instrument of conveyance, conveying said lands unto the said Dick Dugger, his heirs and assigns.

That of the proceeds the Clerk of this court is authorized, ordered and directed to distribute and disburse the same as follows:

Court Clerk, Mayes County, Okla.	\$ 26.30
Clerk of the U.S. Court	88.22
U.S. Marshal's fees	26.56
Publication fees U.S. Marshal's sale	36.00
Ernest R. Brown, Attorney's fee	100.00
Total	\$ 277.08

and that the balance be distributed by said Clerk to the persons lawfully entitled thereto as follows, to-wit:

Emma Hogshooter Rabbit	\$ 222.97
Eli Rabbit	222.97
John E. Rabbit	222.98.

That all the monies due the plaintiff, Emma Hogshooter Rabbit, and the defendants, Eli Rabbit and John E. Rabbit, as hereinabove set forth, the Clerk of this court is authorized to pay the same to the Treasurer of the United States and deliver his voucher therefor to the Superintendent of the Five Civilized Tribes at Muskogee, Oklahoma, to be disbursed unto those entitled thereto as other Indian monies are disbursed.

Royce H. Savage
UNITED STATES JUDGE

APPROVED: *W. L. Form*

Whit E. Anuz
United States Attorney

Ernest R. Brown
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
vs.	)	No. 2471 Civil
)	
Tim Otheles Wells,)	
)	
Defendant.)	

FILED

JUN 15 1949

NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

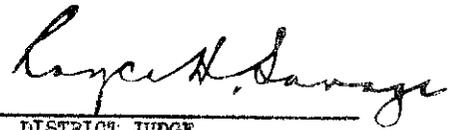
NOW, on this 15th day of June, 1949, the above entitled cause coming on for trial and the plaintiff appearing by Whit Y. Mausy, United States Attorney for the Northern District of Oklahoma, and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the court proceeded to hear the evidence of the plaintiff and in consideration thereof makes the following findings:

The court finds that the defendant, Tim Otheles Wells, was duly served with summons herein more than twenty (20) days prior to this date and having failed to plead or answer or appear herein, should be adjudged in default.

The court further finds that the allegations of the plaintiff's complaint are true and that defendant was on July 12, 1945, employed by the Navy Department of the United States of America and became indebted to the plaintiff in the sum of \$53.65 for transportation and meals furnished him pursuant to Certificate of Settlement of the General Accounting Office of the United States of America and that plaintiff is entitled to judgment therefor.

The court further finds that the plaintiff has filed a proper affidavit of non military service herein, which is approved.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that plaintiff have judgment against the defendant, Tim Otheles Wells, in the sum of \$53.65, with interest thereon at the rate of six (6%) per cent per annum from November 6, 1946, and for its costs.



DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	No. 2475 Civil
)	
Stanwood H. Farrell,)	
)	
Defendant,)	

FILED
JUN 15 1949
NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

NOW, on this 15th day of June, 1949, the above entitled cause coming on for trial and the plaintiff appearing by Whit E. Manzy, United States Attorney for the Northern District of Oklahoma, and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the court proceeded to hear the evidence of the plaintiff and in consideration thereof makes the following findings:

The court finds that the defendant, Stanwood H. Farrell, was duly served with summons herein more than twenty (20) days prior to this date and having failed to plead or answer or appear herein, should be adjudged in default.

The court further finds that the allegations of the plaintiff's complaint are true and that the defendant, Stanwood H. Farrell, was during the period from October 29, 1935, to May 4, 1937, employed as Rural Rehabilitation Supervisor, Farm Security Administration, a department of the United States of America, and that upon the settlement of his accounts with the plaintiff the General Accounting Office of the United States of America found the defendant to be indebted to the plaintiff in the sum of \$1976.23 on his official accounts and

that a certificate of settlement was issued by the General Accounting Office of the United States of America certifying to said indebtedness and that no part of the same having been paid, the plaintiff is entitled to judgment therefor.

The court further finds that the plaintiff has filed a proper affidavit of non-military service herein, which is approved.

IT IS, THEREFORE, ORDERED, ADJUDGED and DECREED that plaintiff have judgment against the defendant, Stanwood H. Farrell, for the sum of \$1976.23, with interest thereon at the rate of 6% per annum from March 31, 1939, and for its costs.



DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

R. B. Ellis,

Defendant.

No. 2490 Civil

FILED

JUN 15 1949

NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

NOW, on this 15th day of June, 1949, the above entitled cause coming on for trial and the plaintiff appearing by Whit Y. Mausy, United States Attorney for the Northern District of Oklahoma, and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the court proceeded to hear the evidence of the plaintiff and in consideration thereof makes the following findings:

The court finds that the defendant, R. B. Ellis, was duly served with summons herein more than twenty (20) days prior to this date and having failed to plead or answer or appear herein, should be adjudged in default.

The court further finds that the allegations of the plaintiff's complaint are true and that the defendant, R. B. Ellis, did on April 22, 1931, make and execute to the Secretary of Agriculture of the United States of America his written promissory note in the sum of \$143.00, which became due on November 30, 1931, and that said defendant has not paid any part of the same.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
Charles H. Gwartney
and Wanda M. Gwartney,
Defendants.

No. 2503 Civil

FILED
JUN 15 1949

NOBLE G. HOOD
Clerk U. S. District Court

J U D G M E N T

NOW, on this 15th day of June, 1949, the above entitled action coming on for hearing the plaintiff appearing by Whit Y. Mausy, United States Attorney for the Northern District of Oklahoma, and John W. McGune, Assistant United States Attorney for the Northern District of Oklahoma, and it appearing to the court that the defendants, Charles H. Gwartney and Wanda M. Gwartney, have heretofore filed in said cause their written stipulation stipulating that judgment may be taken against them for the possession of the property set forth in said complaint.

The court finds that said defendants did, on November 13, 1947, at Pryor, Oklahoma, execute a chattel mortgage to the United States of America securing payment of a certain promissory note, which chattel mortgage was on the following described property:

- 1 Cow, Jersey, brown, 7 years, named Dais
- 1 Tractor, Ford, Ferguson, 15 HP, 1947, #9N 301 940
- 1 Plow, Tractor, Ford Ferguson, 2-bottom, 12"
- 1 Cultivator, Tractor, Ford Ferguson, 2-row

and that said defendants being in default of payment of said mortgage and the conditions of said mortgage being broken, that the plaintiff is entitled to the possession of the above described chattels.



The court further finds that said chattels were delivered by the defendants to the plaintiff at approximately the time of the filing of said complaint and by reason thereof no costs should be taxed against said defendants.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the court that the plaintiff have judgment against the defendants and each of them for the immediate possession of the above described chattels.

Loyce H. Savage

DISTRICT JUDGE



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
Jay D. Murphy,
Defendant.

No. 2472 Civil

FILED

JUN 16 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

NOW, on this 16th day of June, 1949, plaintiff appearing by Whit Y. Mausy, United States Attorney for the Northern District of Oklahoma, and John W. McCune, Assistant United States Attorney for the Northern District of Oklahoma, and it being represented to the court that the defendant has heretofore paid to the Attorney General of the United States the sum of \$34.23 as payment in full of the debt and \$26.72 as payment in full of all court costs;

IT IS, THEREFORE, ORDERED BY THE COURT that said action be dismissed with prejudice to a future action.

Raymond H. Savage
DISTRICT JUDGE

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

SHELL PIPE LINE CORPORATION,
a corporation,

Petitioner,

vs.

Certain Parcels of Land in Ottawa
County, Oklahoma; The United States
of America, et al,

Defendants.

CIVIL NO. 2378

FILED

JUN 17 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER CONFIRMING REPORT OF COMMISSIONERS
AND DIRECTING PAYMENT OF AWARD

Now on this 17 day of June, 1949, upon the application of the petitioner, Shell Pipe Line Corporation, it being first proved to the Court that the Commissioners heretofore appointed by the Court, namely, Maurice DeVinna, T. B. Harp and C. V. Hamilton, did, on the tenth day of May, 1949, inspect the premises described in the petition herein and determined that by reason of the taking of a perpetual easement for pipe line purposes therein by the petitioner, the owners of Tract No. 1, as described in said petition, sustained damages in the sum of Thirty-three Dollars (\$33.00), and the owners of Tract No. 2 sustained damages in the sum of Forty Dollars and seventy Cents (\$40.70), all as more fully set forth and stated in the Report of Commissioners filed herein on the 11th day of May, 1949; and it further appearing that more than thirty (30) days have elapsed since the date of the filing of said report and no one has filed herein a written objection thereto or demand in writing for trial by jury;

NOW, THEREFORE, it is hereby ordered and decreed that the aforesaid Report of Commissioners be, and the same hereby is, approved and confirmed.

And it further appearing to the Court that on the first day of December, 1948, the aforesaid petitioner paid into this Court, as advanced damages to be applied to the payment of actual damages when ascertained, the sum of Thirty Dollars and Thirteen Cents (\$30.13) for the use and benefit of the owners of the aforesaid



Tract No. 1 and the sum of Thirty-seven Dollars and Thirty-eight Cents (\$37.38) for the use and benefit of said Tract No. 2;

NOW, THEREFORE, it is ordered and decreed by the Court that the petitioner pay into this Court, to be sent to the disbursing officer of the Five Civilized Tribes, the sum of Two Dollars and Eighty-seven Cents (\$2.87) for the use and benefit of the heirs of Tom Wolfe, namely:

- Lucien Wolfe
- Turney Wolfe
- Jimmy Wolfe
- William Wolfe, and
- Walter Wolfe;

and the sum of Two Dollars and Thirty-two Cents (\$2.32) for the use and benefit of the heirs of Ben Wolfe, namely:

- Levi Wiley
- Andy Wolfe
- Wesley Wolfe, and
- Mary Wiley.

Rayce H. Savage

 RAYCE SAVAGE, Judge of the United States
 Court, Northern District of Oklahoma.

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

LAWRENCE COOPER,)
)
 Plaintiff,)
)
 Vs.) No. 2428-CIVIL
)
 DON DEWITT,)
)
 Defendant.)

FILED
JUN 27 1949

JOURNAL ENTRY
ON
MOTION TO DISMISS

NOBLE C. HOOD
Clerk U. S. District Court

THIS CAUSE regularly came on for hearing on the 2nd day of June, 1949, the same being a regular day of court, on defendant's motion to dismiss. And the plaintiff appearing by his attorneys Edgar B. Maggi and Marion Blake, and the defendant appearing by his attorneys, Landrith & Friel, by Thomas A. Landrith, Jr., and both sides announcing ready, and argument being presented and the court being fully advised, finds that said motion to dismiss should be sustained.

IT IS THEREFORE ordered, adjudged and decreed that defendant's motion to dismiss the above cause be and the same is hereby sustained; and said cause is hereby dismissed for lack of jurisdiction of this court over said cause and at the cost of the plaintiff.

Thomas A. Landrith, Jr.

Judge

APPROVED AS TO FORM:

Edgar B. Maggi and
Marion Blake

By *Marion Blake*

Landrith & Friel

By *Thomas A. Landrith, Jr.*

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

Harry A. Goldstein,

Plaintiff

vs.

Am. Kenn Fire Insurance Co.,
a corporation,

Defendant.

No. 2403-Civil

FILED

JUN 20 1949

JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

This matter coming on for trial on the 14th day of June 1949, and the parties being present in person and by their respective counsel the court is advised that the matter has been compromised by the parties and the parties have stipulated that judgment should be rendered in favor of the plaintiff and against the defendant in the sum of \$3017.00 and the costs of the action.

It is therefore, by the Court ordered, adjudged and decreed that plaintiff, Harry A. Goldstein, have and recover of and from Am. Kenn Fire Insurance Company, the sum of \$3017.00 and the costs of this action.

Dated this 20th day of June 1949.

(S) Royce H. Swobbe
United States District Judge

On

Philip S. Sarich
Attorney for Plaintiff

On

Pat Malloy
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

CHARLES E. WATSON & CO., INC.,

Plaintiff

-vs.-

C. W. QUINN and JOE SEYMUR, a
co-partnership, d/b/a
CONSTRUCTIVE AERO EXCHANGE,

Defendants

No. 2430-Civil

FILED

JUN 20 1949

NOBLE C. HOOD
Clerk U. S. District Court

JUDGMENT AND DECREE

On this 20th day of June, 1949, the above cause having been tried on June 12, 1949 and the Court upon hearing all of the evidence and having made its findings of fact and conclusions of law and concluding that the plaintiff is entitled to recover.

It is accordingly HEREBY BY THE COURT ORDERED, ADJUDGED, ANNOUNCED AND RECORDED that the plaintiff, CHARLES E. WATSON and CO., INC. have and recover of and from the defendants, C. W. QUINN and JOE SEYMUR, a co-partnership d/b/a CONSTRUCTIVE AERO EXCHANGE, the sum of \$2819.70 together with the costs of this action. *and interest*

(S) Roy H. Grosse
United States District Judge.

O.K.

Charles E. Watson

Attorneys for Plaintiff

Walter D. Johnson

Attorneys for Defendants

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

State of Oklahoma ex rel.
State Game and Fish Commission,
Petitioner,

vs.

Acres of
Land in Delaware and Mayes
Counties, et al,
Respondents.

No. 2301 Civil

FILED

JUN 23 1949

NOBLE C. HOOD
Clerk U. S. District Court

JUDGMENT AND ORDER CONFIRMING REPORT OF
COMMISSIONERS AND DETERMINING OWNERS OF
TRACTS AND ORDERING DISTRIBUTION OF MONEYS
FIXED BY THE COMMISSIONERS

Now on this 7th day of March, 1949, the same being the date fixed by previous orders herein setting the award of commissioners for hearing and for determination of respective owners of the various tracts of land as condemned herein, and same coming on for hearing upon the regular setting of the docket of this Court for this date.

Thereupon counsel for the petitioner herein calls the Court's attention to the pleadings herein and the proof of service upon the unknown defendants herein by personal service of summonses and by publication upon other defendants herein, and said attorney for plaintiff moves this Court for judgment by default against the following defendants:

William Backwater, E. P. McClelland, Jack Hair, Mose Hair, Lucy Hair, full-blood heirs of Jefferson Hair, deceased; unknown heirs Canuka Budder, deceased full-blood Indian, Roll No. 8488; Also unknown heirs of Peter Soldier, deceased, full-blood, Roll No. 7932; unknown heirs of Robert E. Lee Colvard, deceased, Cherokee half-blood, Roll No. 6732; unknown heirs of Myrtle M. Colvard, deceased, half-blood Cherokee, Roll No. 6731; unknown heirs of

Alcy Rabbit, deceased, full-blood Cherokee, Roll No. 12532; unknown heirs of Nannie V. Whiteturkey, deceased full-blood Cherokee, Roll No. 31183; Chelodia Cabbagehead, nee Arrow, Cherokee full blood, Roll No. 19822; Jennie Cabbagehead, now Chuculate, full-blood Cherokee, Roll No. 32787; William Cabbagehead, not enrolled, being the known heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote of Paymaster Cabbagehead, deceased, all of whose whereabouts and addresses are unknown; Dave Hair, Eliza Hair, full-bloods; heirs of Susie Hair, deceased, full-blood Cherokee, Roll No. 4534; Jennie Budder, full-blood Cherokee, Roll No. 8487, if living; Rose E. Whiteturkey, full-blood Cherokee, Roll No. 31182, if living, and if either of said allottees last above named are dead, then the unknown heirs, executors, administrators, devisees, legatees, trustees and assigns, immediate and remote, of the said Jennie Budder and Rose E. Whiteturkey, all of whose whereabouts and addresses are unknown; O. F. Savage, George Bullen (addresses unknown); James Carroll Neville; Helen G. Neville; Rufus Macky; Lizzie Hall; Katie Vann, all of the last five named being enrolled as Cherokee Freedmen, and whose whereabouts and addresses are unknown; Marion Holderman, H. C. Holderman and Robert P. McReynolds (addresses unknown); and W. C. Bryan.

And the Court after an examination of the pleadings herein, including affidavit for service by publication, publication notice and proof of publication filed herein, and return of service of summonses upon certain defendants, finds that all of said defendants have been served in the manner and form as provided by law, and that none of said defendants have filed any pleadings or answer herein, as against the claim of the petitioner, nor have they taken any exception to the report of the commissioners herein, and that said respondents and each of them are in default, and that the petitioner is entitled to a judgment decreeing the ownership of said lands and confirming and approving the report of the commissioners, and directing the payment and distribution of the various sums of money awarded by the commissioners for said lands;

The Court further finds that after the filing of the petition herein, the petitioner dismissed said action as to Tracts No. A-2, A-3, No. A-7, No. A-8, No. A-9, No. A-10, No. A-11, No. A. 12, No. A-13, and also as to E $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23, Township 22 North, Range 21 East (being a part of Tract No. A-16); and is asserting no claim or right of condemnation as against said tracts; but that as to all other tracts said petitioner has established its right under the Statutes of Oklahoma to acquire title to all of the remaining tracts described in the original petition herein, by eminent domain for the use and benefit of the State Game and Fish Commission and is entitled to judgment quieting title to said tracts as against all of the respondents herein, upon the payment to the record owners hereinafter named, the amount of money due such owners by the clerk of this Court as hereinafter directed.

The Court further finds that pursuant to the order of this Court appointing commissioners herein, said commissioners, after taking their oath of office, personally inspected and viewed said respective tracts of land and returned into this Court their report and return fixing the amount of the respective value of said tracts and the damage sustained by the respective owners of said tracts of land, and that no exceptions or objections have been filed by any of said owners.

Thereupon the petitioner introduced its evidence and the Court upon consideration of same and the pleadings on file herein, finds that the respondent, William Backwater is the record owner of Tract No. A-1, described as follows:

Tract No. A-1. N $\frac{1}{2}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$; and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; NW $\frac{1}{4}$ of SE $\frac{1}{4}$; N $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$; and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 32; and NW $\frac{1}{4}$ of Section 33, all in Township 22 North, Range 22 East, Delaware County, Oklahoma.

And that said William Backwater is a full-blood Cherokee Indian, Roll No. 19789, and that said lands were duly allotted and patented to him and that he has no right under the Acts of Congress to sell or convey same or to have any of the proceeds therefrom; that under the judgment herein the petitioner has the right to condemn said

lands and to acquire title thereto upon the payment of the amount of the appraisal and award made by the commissioners in the award filed herein in the sum of \$3250.00;

The Court further finds that Tract No. A-2, described as
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 32, Township 22 North, Range 22
East, Delaware County, Oklahoma,
was allotted and patented to Jefferson Hair, full-blood Cherokee, Roll No. 26402, deceased, and that Joe Hair, Mose Hair and Lucy Hair are all of the full-blood heirs of said Jefferson Hair, deceased, and that upon the payment of the amount of the appraisal of said Tract No. A-2, above described, in the sum of \$550.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-5, described as
NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 33, Township 22 North,
Range 22 East, Delaware County, Oklahoma,
was allotted and patented to Canuka Budder, full-blood Cherokee, Roll No. 8488, and that it is not known whether said allottee be living or dead, but if dead then the unknown heirs of said Canuka Budder are the record owners of said tract of land and as such are entitled to the award filed herein by the commissioners in the sum of \$75.00 to the Clerk of this Court, and the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-6, described as
E $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33, Township 22
North, Range 22 East, Delaware County, Oklahoma,
was allotted and patented to Peter Soldier, full-blood Cherokee, Roll No. 7932, and that it is not known whether said allottee be living or dead, but if dead, then the unknown heirs of said Peter Soldier are the record owners of said tract of land, and that upon payment of the amount of the appraisal in the sum of \$25.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-14, described as
W $\frac{1}{2}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 25,
Township 22 North, Range 21 East, Mayes County, Oklahoma,

was allotted and patented to Robert E. Lee Colvard, half-blood Cherokee, Roll No. 6732, and that it is not known whether said allottee be living or dead, but if dead, then the unknown heirs of said Robert E. Lee Colvard are the record owners of said tract of land, and that upon payment of the amount of the appraisal in the sum of \$250.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-15, described as
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$; and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section
25, Township 22 North, Range 21 East, Mayes County,
Oklahoma,

was allotted and patented to Myrtle M. Colvard, half-blood Cherokee, Roll No. 6731, and that it is not known whether said allottee be living or dead, but if dead, then the unknown heirs of said Myrtle M. Colvard are the record owners of said tract of land, and that upon payment of the amount of the appraisal in the sum of \$150.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-16, described as
W $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 23, Township 22 North,
Range 21 East, Mayes County, Oklahoma,

was allotted and patented to Alcy Rabbit, full-blood Cherokee Roll No. 12532, and that it is not known whether the said allottee be living or dead, but if dead, then the unknown heirs of said Alcy Rabbit are the record owners of said tract of land, and that upon payment of the amount of the appraisal in the sum of \$100.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-17, described as
NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25, Township 22 North, Range
21 East, Mayes County, Oklahoma,

was allotted and patented to Nannie V. Whiteturkey, full-blood Cherokee, Roll No. 31183, and that it is not known whether the said allottee be living or dead, but if dead, then the unknown heirs of said Nannie V. Whiteturkey are the record owners of said tract of land, and that upon payment of the amount of the appraisal in the

sum of \$50.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-18, described as NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 26, Township 22 North, Range 21 East, Mayes County, Oklahoma, was allotted and patented to Paymaster Cabbagehead, full-blood Cherokee, Roll No. 32406, and that it is not known whether said allottee be living or dead, but if dead, then the unknown heirs of said Paymaster Cabbagehead are the record owners of said tract of land, and that upon the payment of the amount of the appraisal in the sum of \$50.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-19, described as S $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$; and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, Township 22 North, Range 21 East, Mayes County, Oklahoma, was allotted and patented to Susie Hair, deceased, full-blood Cherokee, Roll No. 4534, and that Dave Hair and Eliza Hair, nee Chopper are all of the full-blood heirs of the said Susie Hair, deceased; that upon the payment of the amount of the appraisal of said tract above described, in the sum of \$250.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-20, described as W $\frac{1}{2}$ of NE $\frac{1}{4}$; E $\frac{1}{2}$ of NE $\frac{1}{4}$ of NW $\frac{1}{4}$; and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 36, Township 22 North, Range 21 East, Mayes County, Oklahoma, was allotted and patented to Jennie Budder, full-blood Cherokee, Roll No. 8487, the record owner of said tract, and that upon payment of the amount of the appraisal in the sum of \$700.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that Tract No. A-21, described as W $\frac{1}{2}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of NW $\frac{1}{4}$; and SW $\frac{1}{4}$ of NW $\frac{1}{4}$; and NW $\frac{1}{4}$ of SW $\frac{1}{4}$; and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 36, Township 22 North, Range 21 East, Mayes County, Oklahoma.

and was allotted and patented to Charlott Hair, full-blood Cherokee, Roll No. 26406, and that it is not known whether said allottee be living or dead, but if dead, then the unknown heirs of said Charlott Hair are the record owners of said tract of land, and that upon payment of the amount of the appraisal in the sum of \$850.00 to the Clerk of this Court, the petitioner herein shall be declared to be the owner and entitled to the possession thereof.

The Court further finds that none of the other respondents herein have any right, title, interest or estate in said lands or any part thereof, and that petitioner is entitled to a judgment quieting title in said petitioner against said respondents.

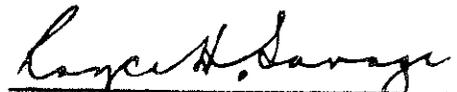
The Court further finds that the total amount of the various awards made by the commissioners as to the value of said various tracts of land and the improvements thereon is \$6300.00, and that upon motion of petitioner made in open Court this date, said petitioner is entitled to be permitted to deliver to the Clerk of this Court a State Warrant in the sum of \$6300.00 in full payment of the award of said commissioners.

The Court further finds that the petitioner herein has heretofore paid all of the court costs incurred herein to the Clerk of this Court, and has also paid all of the publication costs incurred in the publication of notice to the various respondents named in the publication notice filed herein, and also paid to the Marshal of this Court all fees required by him.

It is therefore ordered, adjudged and decreed that the report and award of commissioners filed herein be and the same is hereby confirmed and approved.

It is further ordered that the petitioner deliver to the Clerk of this Court the sum of \$6300.00, in payment of the appraised value of the land herein condemned as hereinbefore described, for the use and benefit of the respective owners of said tracts, and that upon payment of said sum that the title to all of the various tracts of land as hereinbefore described be and the same is transferred and confirmed in the State of Oklahoma for the use and benefit of the State Game and Fish Commission.

It is further ordered that whereas all of the owners of said tracts of land being restricted Indians of the Five Civilized Tribes, and that said Indians and their restricted heirs are under the supervision of the Secretary of the Interior, the Clerk of this Court be and he is authorized upon receipt of said sum of money to transmit same to the Superintendent of the Five Civilized Tribes at Muskogee, in the form of a voucher or check, payable to the Treasurer of the United States, together with a certified copy of this order for the use and benefit of said respective owners of said tracts of land as hereinbefore described, and the respective amounts of money awarded by said commissioners for said respective tracts of land, and that said Clerk furnish a receipt to the petitioner herein for the sum paid by said petitioner, and upon delivery of said sum, as above directed, to the Superintendent of the Five Civilized Tribes, that said Clerk secure a receipt for said moneys so paid and file same in this case.



JUDGE OF THE UNITED STATES COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Roy Townsley, et al,

Defendants.

No. 2400-Civil

FILED

JUN 21 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

NOW, on this 21st day of June, 1949, it appearing to the court that heretofore the defendants have paid to the Attorney General of the United States the sum of \$503.24 as payment in full of the principal and interest and paid to the clerk of this court the sum of \$22.40 in payment of the costs in full and upon motion of the plaintiff,

IT IS ORDERED that said cause be dismissed without further cost to the defendants.

Walter T. ...

(DISTRICT JUDGE)

UNITED STATES DISTRICT COURT FOR THE
 MIDDLE DISTRICT OF GEORGIA

United States of America,

Plaintiff,

vs.

No. 2429 Civil.

Geo. E. Wilson, et al.,

Defendants.

FILED

JUN 22 1949

NOBLE C. HOOD
 Clerk U. S. District Court

ORDER HUNG PFC HUNG

Now on this 21st day of June, 1949, there coming on for hearing the application of the Plaintiff for an order of Hung PFC Hung, and the statement appearing by Will T. Mangy, United States Attorney, and by H. McGinnis, Assistant United States Attorney, for the Northern District of Georgia, and it appearing to the court that heretofore a findings of fact and conclusions of law and judgment was entered herein by the court, which conclusions of law and judgment recited in Paragraph I of said conclusions of law are the following:

*That on the death of Richard Shell his heirs at law and one proportionate share are entitled to inherit and determined to be as follows:

Lucia Shell, nee Daugherty,	1/3
James Shell,	1/3
Thomas Shell,	1/3

*That on the death of Lucia Griggs, formerly Shell, nee Daugherty, her heirs at law and the proportionate share are entitled to inherit and determined to be as follows:

Lucia B. Griggs, Sr., husband,	
1/3 of 1/3, or	1/9
Lucia B. Griggs, Jr., wife,	
1/3 of 2/3 of 1/3, or	1/18
James Griggs, son, child, deceased,	
1/3 of 2/3 of 1/3, or	1/18
James Shell, son,	
1/3 of 2/3 of 1/3, or	1/18
Thomas Shell, son,	
1/3 of 2/3 of 1/3, or	1/18

Said title to said lands should be decreed to be vested as follows:

James Shell,	7/18
Thompson Shell,	7/18
Levi B. Gritts, Sr.,	1/18
Levi B. Gritts, Jr.,	1/18
Miss Williams, nee Gritts,	1/18 "

The court further finds from the evidence that said findings of fact and conclusions of law are in error in that James Shell and Thompson Shell were not the sons of Miss Gritts, formerly Shell, and are not heirs at law of the said Miss Gritts.

The court further finds that in Case No. 4502 in the County Court of Washoe County, Nevada, that an administration proceeding was had upon the estate of Miss Gritts and her heirs were determined to be Levi B. Gritts, Sr., Levi B. Gritts, Jr., and Miss Williams nee Gritts, and it appearing that said above described conclusions of law and judgment were entered by error and that said mistake should be corrected.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the judgment heretofore entered by the court be, and the same is hereby corrected so that the heirs at law of Miss Gritts to be Levi B. Gritts, Sr., Levi B. Gritts, Jr., and Miss Williams nee Gritts, each to receive a one-third interest in the share of Miss Gritts, and that the title to said lands be decreed to be vested as follows:

James Shell,	1/3
Thompson Shell,	1/3
Levi B. Gritts, Sr.,	1/9
Levi B. Gritts, Jr.,	1/9
Miss Williams, nee Gritts,	1/9

and that said judgment and all other proceedings be as heretofore recorded.

Doyce H. Savage
U. S. DEPT. OF JUSTICE



UNITED STATES DISTRICT COURT OF DISTRICT OF OKLAHOMA

IN RE: THE ESTATE OF G. S. HUNT, DECEASED

WILLIAM H. HUNT, Trusting Executor
Office of the Housing Administrator

Plaintiff

vs.

G. S. HUNT and G. S. HUNT, JR.,
Individually and as Agent for
G. S. Hunt
711 S. 4th Street
Tulsa, Oklahoma

Defendants

Civil Action No. 2163

FILED

JUN 22 1949

NOBLE C. HOOD
Clerk U. S. District Court

VERIFICATION OF PETITION FOR PROBATE OF WILL

Now on this 7th day of June 1949 the above-styled and numbered cause of action came on regularly for trial before the Court. The Plaintiff being represented by his attorney, Sanford A. Palmer, and the Defendants being represented by their attorneys, Thomas J. Landwehr, Jr., and Clayton A. Orsini.

Whereupon, after considering the evidence and argument of counsel, the Court finds as follows:

FINDINGS OF FACT

1. The Defendant, G. S. Hunt, is an individual who lives at Tulsa, Oklahoma, and was owner of the property involved in this case. The Defendant, G. S. Hunt, Jr., is an individual who also lives in Tulsa, Oklahoma. G. S. Hunt, Jr. is the son of G. S. Hunt and acting as agent for G. S. Hunt and acting in his own behalf collected and managed the property involved in this case. This Court has jurisdiction of this action by virtue of sections 10 and 205c of the Emergency Price Control Act of 1942, as amended, (Title 29, U.S.C. § 3 pp. Section 62) and section 206b of the Housing and Rent Act of 1947, as amended, (50 U.S.C. Appendix 1061-1062, Public Law 484--80th Congress, 2nd. Session).

2. The Defendants have demanded and received rent in excess of the maximum legal rent prescribed by the Emergency Price Control Act of 1942 and the Housing and Rent Act of 1947 and the controlled housing rent regulations issued pursuant thereto from the following tenants in the following particulars. This computation gives the defendants credit and reduces the amount of arrears demanded and received by the defendants, which is not an overpayment:



<u>Tenant's Name</u>	<u>Overcharge</u>	<u>Less Savings Made by Defendants</u>	<u>Total Overcharges</u>
Mr. and Mrs. Julius Libball	\$ 31.50	Less 1.50	\$ 30.00
W. Kory	247.50	Less 2.50	245.00
Mr. and Mrs. Charles L. Robinson	115.50	Less 6.75	108.75
Mrs. Marissa Mitchell	182.00	Less 13.00	169.00
Charles Roberts	100.50	Less 7.75	92.75
Mr. and Mrs. Jimmy Vincent	232.50	Less 16.75	215.75
Edward N. Ruyton	21.00	Less 1.50	19.50
	36.50	Less 2.75	33.75
	108.00	Less 6.00	<u>102.00</u>
Amount to be paid to Edward N. Ruyton to be divided 1/2 to Ruyton and 1/2 to tenant sharing apartment	36.00	Less 2.00	34.00
Colonel Dewey, Jr.	252.00	Less 14.00	238.00
Clara Hunt	126.50	Less 5.75	120.75
J. G. Green	45.50	Less 3.50	42.00
Mr. and Mrs. Sadlock			
Sept. 1, 1945 to Nov. 2, 1946 - 25¢ per week			15.25
Nov. 2, 1946 to June 16, 1948 - 50¢ per week			41.00

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the subject matter in this action and the property in question is within a Defense Rental Area and is subject to the rent regulations.
2. The defendants have violated the Emergency Price Control Act, as amended, and the Housing and Rent Act, as amended, and the rent regulations issued pursuant thereto, by collecting, demanding and receiving rents in excess of the maximum legal rent, and said defendants will continue to violate said acts and regulations if not enjoined and restrained by this Court.
3. An Injunction should be issued enjoining and restraining the Defendants from violating the Emergency Price Control Act of 1942, as amended, and the Housing and Rent Act of 1947, as amended, and said Defendants should make restitution to the tenants the amounts collected in excess of the maximum legal rent as set forth in the findings of fact.

3. It is further ordered by the Court that court costs of litigation
be taxed against the defendants.

James H. George
United States District Judge

Approved:

Samuel H. Gairner
Attorney for Plaintiff

Thomas A. Hendrich, Jr.
Attorney for Defendant

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

Harlan A. Grimes)
)
 Plaintiff)
)
 vs.)
)
 O. A. Dargill, John Barry,)
 William L. Murphy, A. S.)
 Coffield, Eunice Coffield)
 and Floyd D. Coffield)
)
 Defendants)

No. 2724 Civil

FILED

JUN 23 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER DISMISSING CAUSE

On February 3, 1949, the Court made and entered an order in this cause sustaining the separate motions of defendants, O. A. Dargill, John Barry, William L. Murphy, A. S. Coffield, Eunice Coffield and Floyd D. Coffield, to dismiss the complaint as amended of plaintiff. It now appears by plaintiff's motion filed in this cause on June 21, 1949, that he has elected to stand on his complaint as amended.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the case be and the same is hereby dismissed as to each of the defendants.

Dated this 23 day of June, 1949.

Rayce H. Savage

United States District Judge

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

Mrs. Ligea Painter,)
)
 Plaintiff,)
)
 vs.) No. 2172 Civil
)
 Sisters of the Morrowful)
 Mother, a corporation,)
)
 Defendant.)

FILED

JUN 28 1949

NOBLE C. HOOD
Clerk U. S. District Court

D I S M I S S I O N

Comes now the plaintiff, Mrs. Ligea Painter, and asks the court to dismiss the above styled and numbered action pending in this court, with prejudice to the bringing of a future action.

Dated this 16th day of May, 1949.

Ligea Painter
Plaintiff

W. L. ...

Attorneys for Plaintiff

For good cause shown, the above styled and numbered action is hereby dismissed with prejudice to the bringing of a future action, this 16 day of May, 1949.

Raymond H. Savage
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA.

IN RE: J. J. Plaine,
Habeas Corpus.

Civil No. 2512 FILED

JUN 27 1949

NOBLE C. HOOD
ORDER DISCHARGING writ OF HABEAS CORPUS Clerk U. S. District Court

This matter coming on for hearing, this 27th day of June, 1949, and the Court being fully advised in the premises finds that at the time the writ of habeas corpus issued by this Court was served upon George Blaine, Sheriff of Tulsa County, Oklahoma, that the said J. J. Plaine was not in the custody of said sheriff, having previously been transported to the State Penitentiary at McAlester, Oklahoma; and the Court further finds that said writ should be discharged.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the writ of habeas corpus issued on the 24th day of June, 1949 be and the same hereby is discharged;

AND IT IS SO ORDERED.

Loyce H. Savage

JUDGE.

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

UNITED STATES OF AMERICA,)
)
) Petitioner)
)
 vs.)
)
 190.90 acres of land, more or)
 less, situate in Mayes County,)
 Oklahoma, and Kim Dickerson,)
 et al,)
) Respondents)

No. 2429-Civil

FILED
In Open Court

JUN 30 1949

NOBLE C. HOOD
Clerk U. S. District Court

ORDER APPOINTING COMMISSIONERS

Now on this 30 day of June, 1949, the above cause came on for hearing upon the petition for condemnation of the United States of America, for an order appointing commissioners to inspect and appraise certain lands involved herein and hereinafter described. And it appearing to the Court that the United States of America has the power and authority to acquire by eminent domain the lands hereinafter described and that the acquisition of said lands is necessary to the United States of America for use in connection with the establishment of the Fort Gibson Dam and Reservoir Project on the Grand (Neosho) River in the Arkansas River Basin, in Oklahoma, for flood control, and for such other uses as may be authorized by law or by executive order, under and by reason of the Acts of Congress as set forth in the petition for condemnation and declaration of taking filed herein.

The Court finds that the petitioner has been unable to acquire title to said property hereinbelow specifically designated and described by private purchase, and has heretofore instituted the above condemnation proceeding for the taking of said lands by eminent domain.

The said lands are described as follows, to-wit:

Tract No. 1484

North 20.00 acres and Southwest 10.00 acres of Lot 1, in Section 22, Township 19 North, Range 19 East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 30.00 acres, more or less.

Tract No. 1634

North Half of North Half of Southeast Quarter of Northeast Quarter ($N\frac{1}{2} N\frac{1}{2} SE\frac{1}{4} NE\frac{1}{4}$), North Half of Northeast Quarter of Southwest Quarter of Northeast Quarter ($N\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), Northeast Quarter of Northwest Quarter of Southwest Quarter of Northeast Quarter ($NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), and North Half of Southeast Quarter of Northwest Quarter of Southwest Quarter of Northeast Quarter ($N\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$), of Section 16, Township 19 North, Range 19 East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 16.75 acres, more or less.

Tract No. 1700

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$) of Section 5, Township 19 North, Range 19 East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 40.00 acres, more or less.

Tract No. 1716

Lots 8 and 10, of Section 9, Township 19 North, Range 19 East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 32.15 acres, more or less.

Tract No. 1728

Lot 1, less the Southwest 9.35 acres thereof, in Section 10, Township 19 North, Range 19 East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 30.00 acres, more or less.

Tract No. 1732

Northwest Quarter of Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$) of Section 10, Township 19 North, Range 19 East of the Indian Base and Meridian, situate in Mayes County, Oklahoma, containing 40.00 acres, more or less.

The estate taken in and to said above described real estate, for said public uses and purposes, is the full fee simple title thereto, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, as specifically set out in the petition for condemnation and declaration of taking.

It further appears that all persons who are now living, and claim interests in said lands adverse to the United States of America, and which said persons are respondents in this proceeding, have been duly served, according to law, with notice of the hearing on the application for the appointment of commissioners by this Court.

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

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

It is now proper for this Court to enter its order appointing commissioners in this cause to appraise the lands hereinabove described, as prayed for by the petitioner.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Kenneth Couch, of the Town of Tulsa, Tulsa County, Oklahoma; Thomas A. DeVinna of the town of Tulsa, Tulsa County, Oklahoma; and T. B. Hayes, of the Town of Winita, Craig County, Oklahoma, disinterested freeholders in said

District, whose names are on the regular jury list of this Court be, and they are hereby, appointed as commissioners to inspect and view said real property hereinabove described, and to consider and fix the fair, cash, market value thereof which shall be awarded the owners as their damages and compensation, as set forth in the petition for condemnation and declaration of taking filed herein.

Said commissioners are hereby authorized, empowered and directed to forthwith take the oath prescribed by law, to immediately inspect, view and appraise the said real property and file their report in this Court, as provided by law.

Royce H. Savage
JUDGE