

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

NOWATA PIPE & SUPPLY CO., )  
a corporation, )  
Plaintiff, )  
-vs- )  
M. D. WILLIAMS, B. S. ALPHA )  
and C. S. ANDREWS, dba )  
WAA OIL COMPANY, a partnership, )  
Defendants. )

No. 67-C-7

**FILED**

APR - 1 1968

NOBLE C. HOOD

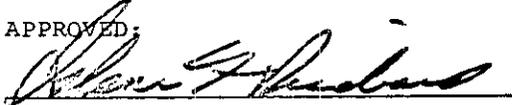
Clerk, U. S. District Court

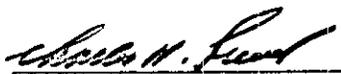
ORDER DISMISSING CAUSE WITHOUT PREJUDICE

NOW on this 30 day of March, 1968, upon Stipulation of the parties hereto, the Court being fully advised in the premises, finds that the issues in this cause should be heard and tried before the District Court of Washington County under case No. 20141 and that therefore this case should be dismissed without prejudice to a future action thereon by the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the above cause be and the same is hereby dismissed without prejudice to a future action thereon by the plaintiff.

  
Judge of the United States District  
Court

APPROVED:  
  
Glenn F. Prichard  
Attorney for Plaintiff

  
Charles H. Froeb  
Attorney for Defendants

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

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
284.43 Acres of Land, More or Less,  
Situat in Creek, Osage and Pawnee  
Counties, Oklahoma, and  
Ernest R. Anthis, et al.,  
Defendants.

CIVIL ACTION NO. 4951  
Tracts Nos. 3044, 3044E,  
3044E-2 and 3044E-3  
(Formerly Tract No. 3044)

**FILED**

APR - 2 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

J U D G M E N T

1.

NOW, on this 25 day of Mar, 1968, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of Judgment on stipulations agreeing upon just compensation and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This Judgment applies to the estate originally condemned in Tract No. 3044 as such estate and tract are described in the Declaration of Taking filed in this action. Tract No. 3044 originally applied to 171.05 acres, more or less. The stipulations for revestment alters the original acreage taken in that, as of the entry of this Judgment, only 159.36 acres are effected out of the original 171.05 acres. In addition, three new tract designations are created. The manner in which the acreage is effected and the new tracts designated is as follows:

|                             |              |
|-----------------------------|--------------|
| Tract No. 3044 . . . . .    | 155.97 acres |
| Tract No. 3044E . . . . .   | 3.35 acres   |
| Tract No. 3044E-2 . . . . . | 0.02 acre    |
| Tract No. 3044E-3 . . . . . | 0.02 acre    |
|                             | <hr/>        |
| TOTAL                       | 159.36 acres |

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

The owners of the subject tracts and the United States of America have executed and filed herein Stipulations as to Just Compensation wherein they have agreed that just compensation for the estates condemned in the subject tracts is in the amount shown as compensation in paragraph 9 below and such Stipulations should be approved.

5.

Stipulations for Revestment of Property executed by the owners and the United States of America and Authorizations to Make Certain Changes in Stipulations for Judgment are filed herein simultaneously with this Judgment and such Stipulations and Authorizations are incorporated herein as if fully set out in this Judgment.

6.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 3044, as such tract is particularly described in the Complaint and Declaration of Taking filed herein and such tract, with the exception of the property revested by the Stipulations above referred to, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking and Stipulations, is condemned and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

7.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking the owners of the estates condemned herein in such tracts were the defendants whose names appear below in paragraph 9 and the right to receive the just compensation for the estates taken herein in these tracts is vested in the parties so named.

8.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations for Revestment of Property and the Authorizations to Make Certain Changes in Stipulations for Judgment, mentioned above, are hereby confirmed and title to the property reconveyed by such Stipulations is vested in the defendant owners.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation, mentioned above, are hereby confirmed and the sum therein fixed is adopted as the award of just compensation for the estates condemned in subject tracts as follows:

TRACTS NOS. 3044, 3044E, 3044E-2 & 3044E-3

| <u>OWNERS:</u>  | <u>INTEREST OR CLAIM</u>   |
|---|----------------------------|
| The Estate of Louise Edmisten Wheeler . . . . .   | 2/33                       |
| The Estate of Andrew McAffery . . . . .   | 1/165                      |
| Kenneth McAffery . . . . .  | 1/165                      |
| Hugh McAffery . . . . .   | 1/165                      |
| The sole heirs of Raymond W. McAffery, being . . . . .<br>Mildred McAffery, an incompetent (widow)<br>and minor children<br>Sharon Kaye McAffery<br>Carolyn Sue McAffery and<br>Donna Jean McAffery, by K. R. McAffery,<br>Guardian of the above persons & estates. | 1/165                      |
| Mrs. Jce Blevins . . . . .  | 1/165                      |
| Mrs. Juanita Ferguson McDonald . . . . .  | 1/165                      |
| Mrs. Neil J. Swan . . . . .   | 1/165                      |
| Mrs. Mildred Van Duyne . . . . .  | 1/165                      |
| Mrs. Louise Lingo Moore . . . . .   | 1/165                      |
| Andy Thompson . . . . .   | 1/165                      |
| The Estate of Lillie Mae Smith by . . . . .<br>Donna McCullough and<br>Wilford L. Smith, sole heirs.  | 29/33                      |
| Award of Just Compensation<br>pursuant to Stipulations . . . . .  | \$16,100.00    \$16,100.00 |
| Deposited as estimated just compensation . . . . .  | 17,100.00                  |
| Disbursed to owners . . . . .   | <u>\$17,100.00</u>         |
| Overpayment to owners . . . . .   | \$ 1,000.00                |

It Is Further ORDERED, ADJUDGED AND DECREED that the owners of the above estates and tracts shall deposit in the Registry of this Court, pursuant to the Stipulations filed simultaneously herein, to the credit of the subject tracts in this case the sum of \$1,000.00, which the Clerk of this Court shall return to the United States of America.

APPROVED: ALLEN E. BARROW  
UNITED STATES DISTRICT JUDGE

s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

895.38 Acres of Land, more or Less,  
Situate in Creek and Pawnee Counties,  
Oklahoma, and Ray Spess, et al, and  
Unknown Owners,

Defendants.)

CIVIL ACTION NO. 5105

Tracts Nos. 3044, 3044E,  
3044E-2 and 3044E-3

(Formerly Tract No. 3044)

**FILED**

APR - 2 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

J U D G M E N T

1.

NOW, on this 25<sup>th</sup> day of March, 1968, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This Judgment applies to the estate originally condemned in Tract No. 3044 as such estate and tract are described in the Declaration of Taking filed in this action. Tract No. 3044 originally applied to 171.05 acres, more or less. The stipulations for revestment alters the original acreage in that, as of the entry of this judgment, only 159.36 acres are effected out of the original 171.05 acres. In addition, three new tract designations are created. The manner in which the acreage is effected and the new tracts designated is as follows:

|                             |                     |
|-----------------------------|---------------------|
| Tract No. 3044 . . . . .    | 155.97 acres        |
| Tract No. 3044E . . . . .   | 3.35 acres          |
| Tract No. 3044E-2 . . . . . | 0.02 acre           |
| Tract No. 3044E-3 . . . . . | 0.02 acre           |
| <b>TOTAL</b>                | <u>159.36 acres</u> |

3.

The Court has jurisdiction of the parties and subject matter of this action.

4.

The owners of the subject tracts and the United States of America have executed and filed herein Stipulations as to Just Compensation wherein they have agreed that just compensation for the estates condemned in the subject tracts is in the amount shown as compensation in paragraph 9 below and such Stipulations should be approved.

5.

Stipulations for Revestment of Property executed by the owners and the United States of America and Authorizations to Make Certain Changes in Stipulations for Judgment are filed herein simultaneously with this Judgment and such Stipulations and Authorizations are incorporated herein as if fully set out in this Judgment.

6.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 3044, as such tract is particularly described in the Complaint and Declaration of Taking filed herein and such tract, with the exception of the property revested by the Stipulations above referred to, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking and Stipulations, is condemned and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

7.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking the owners of the estates condemned herein in such tracts were the defendants whose names appear below in paragraph 9 and the right to receive the just compensation for the estates taken herein in these tracts is vested in the parties so named.

8.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations for Revestment of Property and the Authorizations to Make Certain Changes in Stipulations for Judgment, mentioned above, are hereby confirmed and title to the property reconveyed by such Stipulations is vested in the defendant owners.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation, mentioned above, is hereby confirmed and the sum

therein fixed is adopted as the award of just compensation for the estates condemned in subject tracts as follows:

TRACTS NOS. 3044, 3044E, 3044E-2 & 3044E-3

| <u>OWNERS:</u>   | <u>INTEREST OR CLAIM</u> |
|--|--------------------------|
| The Estate of Louise Edmisten Wheeler . . . . .        | 2/33                     |
| The Estate of Andrew McAffery . . . . .                | 1/165                    |
| Kenneth McAffery . . . . .                             | 1/165                    |
| Hugh McAffery . . . . .                                | 1/165                    |
| The sole heirs of Raymond W. McAffery, being . . . . . | 1/165                    |
| Mildred McAffery, an incompetent (widow)               |                          |
| and minor children                                     |                          |
| Sharon Kaye McAffery                                   |                          |
| Carolyn Sue McAffery and                               |                          |
| Donna Jean McAffery, by K. R. McAffery, Guardian       |                          |
| of the above persons and estates.                      |                          |
| Mrs. Joe Blevins . . . . .                             | 1/165                    |
| Mrs. Juanita Ferguson McDonald . . . . .               | 1/165                    |
| Mrs. Neil J. Swan . . . . .                            | 1/165                    |
| Mrs. Mildred Van Duyne . . . . .                       | 1/165                    |
| Mrs. Louise Lingo Moore . . . . .                      | 1/165                    |
| Andy Thompson . . . . .                                | 1/165                    |
| The Estate of Lillie Mae Smith by . . . . .            | 29/33                    |
| Donna McCullough and                                   |                          |
| Wilford L. Smith, sole heirs                           |                          |
| Award of Just Compensation                             |                          |
| pursuant to Stipulation . . . . .                      | \$3,000.00    \$3,000.00 |
| Deposited as estimated just compensation . . . . .     | \$3,230.00               |
| Disbursed to owners . . . . .                          | \$3,230.00               |
| Overpayment to owners . . . . .                        | <u>\$ 230.00</u>         |

10.

It Is Further ORDERED, ADJUDGED AND DECREED that the owners of the above estates and tracts shall deposit in the Registry of this Court, pursuant to the Stipulations filed simultaneously herein, to the credit of the subject tracts in this case the sum of \$230.00, which the Clerk of this Court shall return to the United States of America.

APPROVED:

ALLEN E. BARROW  
UNITED STATES DISTRICT JUDGE

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT  
for the  
NORTHERN DISTRICT OF OKLAHOMA

ALICE HARPER, )  
)  
Plaintiff, )  
-vs- )  
)  
UNITED STATES OF AMERICA, )  
)  
Defendant. )

Civil Action File No. 6476

**FILED**

APR - 2 1968

AMENDED JUDGMENT

NOBLE C. HOOD  
Clerk, U. S. District Court.

This action came on for trial before the Court, Honorable Allen E. Barrow United States District Judge presiding, and the issues having been duly tried and a decision having been duly rendered

IT IS ORDERED AND ADJUDGED that the plaintiff, Alice Harper, recover of the defendant, United States of America, the sum of Forty Nine Thousand, Seven Hundred Seventy Four Dollars and Ninety-Five Cents (\$49,774.95), providing further that if and in the event an appeal is lodged, said judgment will bear interest at the rate of Four (4) Percent, as provided by law, and that plaintiff in addition thereto is awarded the costs of this action.

Dated at Tulsa, Oklahoma, this 2<sup>nd</sup> day of April,

1968

APPROVED AS TO FORM:

Robert B. Brown  
ATTORNEY FOR PLAINTIFF

Robert A. Marlow  
ATTORNEY FOR DEFENDANT

Noble C. Hood  
Clerk of Court  
By M.M. Caring, Deputy

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

TRANSPORT WORKERS UNION OF AMERICA, )  
AFL-CIO, an unincorporated )  
association, and TRANSPORT WORKERS )  
UNION OF AMERICA, LOCAL NO. 514, )  
AFL-CIO, )

Plaintiffs, )

vs. )

AMERICAN AIRLINES, INC., )  
a corporation, )

Defendant. )

Civil Action No.

68-C-18

**FILED**

APR - 2 1968

ORDER DISMISSING

NOBLE C. HOOD  
Clerk, U. S. District Court

The Court has for consideration the Motion to Dismiss and briefs in support thereof filed by the defendant, and being fully advised in the premises, finds:

It affirmatively appears from all the pleadings in this case that the plaintiffs have not exhausted their administrative remedies. The Court further finds that plaintiffs have already elected the remedy of proceeding before the System Board of Adjustment, which has exclusive and primary jurisdiction of the subject matter. The Court, therefore, finds that it lacks the requisite jurisdiction to entertain this action at this time.

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

ENTERED this 2nd day of April, 1968.

  
UNITED STATES DISTRICT COURT

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

FILED

NANCY MAY PHILLIPS,

)  
) Plaintiff, )  
)

vs.

UNITED STATES OF AMERICA,

)  
) Defendant. )

APR - 8 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

Civil Action File No.  
6575

AMENDED JUDGMENT

This action came on for trial before the Court, Honorable Allen E. Barrow, United States District Judge presiding, and the issues having been duly tried and a decision having been duly rendered.

IT IS ORDERED AND ADJUDGED that the Plaintiff, Nancy Mae Phillips, recover of the Defendant, United States of America, the sum of Five Thousand Dollars (\$5,000.00), providing further that if and in the event an appeal is lodged, said judgment will bear interest at the rate of Four (4) Percent, as provided by law, and that Plaintiff in addition thereto is awarded the costs of this action.

Dated at Tulsa, Oklahoma, this 3rd day of April, 1968.

APPROVED AS TO FORM:

*L. J. Wharden*  
Attorney for Plaintiff

*Howard G. Marshall*  
Attorney for Defendant

*Noble C. Hood*  
Clerk of Court  
*J. M. M. [Signature]*  
*[Signature]*



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
-vs- )  
156.12 ACRES OF LAND, MORE OR )  
LESS, SITUATE IN ROGERS COUNTY, )  
OKLAHOMA, KERR ENTERPRISES, )  
ET AL., AND UNKNOWN OWNERS, )  
Defendants. )

NO. 67-C-234 CIVIL

FILED

APR - 4 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

JOURNAL ENTRY OF JUDGMENT AS TO TRACT 417-4

On April 1, 1968, this cause comes on before the Court for entry of judgment on the written agreement between plaintiff and defendants herein-after named.

After examining the record, and being fully advised, the Court finds that this is a civil action by plaintiff under its power of eminent domain, that this Court has jurisdiction over the parties and subject matter, that the plaintiff has the right to condemn the property here involved for the public use and under the authorities set out in the complaint, and that upon the filing of the declaration of taking on DECEMBER 1, 1967, title to the estate taken, as set out therein, became vested in the United States of America.

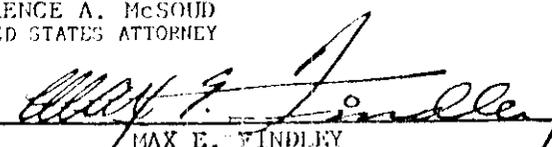
The Court further finds that at the time of the taking of said estate in said tract the following persons owned the interests indicated, that just compensation therefor is as set out, and that the amount deposited as payment for said interests, the amount thereof heretofore paid, and the balance owing each of said persons, inclusive of interest, are as shown:

| OWNER  | INTEREST   | JUST<br>COMPENSATION | DEPOSIT | PAID | BALANCE<br>DUE |
|--|--|----------------------|---------|------|----------------|
| Commissioners of the<br>Land Office of the<br>State of Oklahoma<br>Capitol Building<br>Oklahoma City, Oklahoma 73105 | Undivided 1/2<br>interest in<br>mineral estate<br>(.045 net acres) | \$1.50               | \$1.50  | NONE | \$1.50         |

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the plaintiff is the owner of the estate herein condemned, that just compensation therefor is as set out herein-above, that any contracts between plaintiff and defendants as to just compensation are confirmed, and that the Clerk of this Court issue checks for the balance due the persons above named for their respective interests as indicated.

  
JUDGE

APPROVED:  
LAWRENCE A. McSQUID  
UNITED STATES ATTORNEY

  
MAX E. FINDLEY  
TRIAL ATTORNEY, U.S. DEPARTMENT OF JUSTICE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

-vs-

632.75 Acres of Land, More or Less,  
Situate in Creek & Pawnee Counties,  
Oklahoma, and J. F. Quinlan, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION No. 5924

Tracts Nos. 9830-4M

4523

4523E-1 and E-2

**FILED**

APR - 8 1968

ORDER AND JUDGMENT

NOBLE G. HOOD  
Clerk, U. S. District Court

NOW, on this 8th day of April, 1968, pursuant to notice to all parties of record, there comes on for hearing the Objections to the Report of Commissioners of the Plaintiff, United States of America; the Objections to the Report of the Commissioners by the Defendant Oil and Gas Lessees and Operator; the Motion of the Defendant Oil and Gas Lessees and Operator to require the Plaintiff to furnish a transcript of the testimony and evidence before the Commissioners; and the Motion to Dismiss Plaintiff's Objections to Report of Commissioners by the Defendants, Theodore G. Montague, Grace M. Montague, Jane Q. Lott, Nancy Q. Simmons, Dorothy M. Cholnoky, individually and as guardian of Thomas R. Shaw, a minor, Oras A. Shaw, Ancillary Trustee of the Estate of Leonard C. Quackenbush, deceased, and Shaw Oil Company, hereinafter called "Shaw and Associates", and all other matters pending before the Court. The Plaintiff, United States of America, appearing by United States Attorney, Lawrence A. Meloud, by Hubert A. Marlow, Assistant United States Attorney; E. Robert Huff, Attorney for the Defendant Oil and Gas Lessees and Operator; David H. Loeffler, Attorney for Shaw and Associates; no other persons appeared. Thereupon the Court inquired of the United States Attorney as to whether he had any evidence to present to the Court at this time, and the

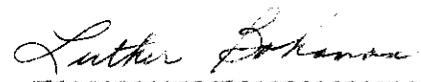
United States Attorney indicating that he had none that was not of record, and the Court having heard argument of counsel and being fully advised in the premises finds that the Objections of the Plaintiff, the Objections of the Defendant Oil and Gas Lessees and Operator, and all pending Motions should be overruled, and that the Commissioner's Report should be approved and adopted as rendered and filed herein on July 11, 1967.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Objections to the Report of Commissioners of the Plaintiff, United States of America; the Objections to the Report of the Commissioners by the Defendant Oil and Gas Lessees and Operator; the Motion of the Defendant Oil and Gas Lessees and Operator to require the Plaintiff to furnish a transcript of the testimony and evidence before the Commissioners, and the Motion of the Defendants, Shaw and Associates, to Dismiss Plaintiff's Objections to Report of Commissioners be and the same are hereby overruled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Report of the Commissioners filed herein on July 11, 1967, be and the same is hereby adopted by the Court, as the Judgment of this Court, and Judgment is accordingly entered in the amount of \$44,000, of which sum \$15,000 thereof is attributable, by stipulation of the parties, to the owners of the East Cushing Red Fork Sand Unit Water Supply System, as properly determined by the Commissioners.

As to all said Orders and Judgment of the Court, the Plaintiff and the Defendant Oil and Gas Lessees and Operator except, and which exceptions are allowed.

LUTHER BOHANON

  
UNITED STATES DISTRICT JUDGE





UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, on behalf  
of David McNac, Lena Billie, Thompson  
Billie and Robert Screechowl, all  
Fullblood Creek Indians,

Plaintiff,

CIVIL ACTION NO. 67-C-212

vs.

Lake Moore, Jr., Rita W. Moore,  
Alice Swartz, Maxine Jackson Cochrane  
and Frances Gray,

Defendants.

FILED

APR - 8 1968

J U D G M E N T

NOBLE C. HOOD  
Clerk, U. S. District Court

NOW, on this 8th day of April, 1968, this matter comes on for disposition before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma. Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. None of the defendants appeared, either in person or by attorney. Having heard the statement of counsel and having examined the files in this case and being fully advised in the premises, the Court finds and concludes that:

1. This Court has jurisdiction of the parties and the subject matter of this action.
2. Service of Process has been perfected either personally or by publication notice as required by law on all defendants in this case.
3. The defendants, Lake Moore, Jr., Rita W. Moore, and Alice Swartz, have signed and filed herein a disclaimer whereby they each disclaim any interest in the property which is the subject matter of this action.
4. The defendants, Maxine Jackson Cochrane and Frances Gray, have not answered or otherwise appeared in this action and are wholly in default.
5. The facts as recited in Plaintiff's Complaint are true and correct.
6. The deed executed by Martha Jones on December 14, 1925, by which she purported to convey to one Frank L. Montgomery an undivided

1/15th interest in the minerals underlying the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 31, Township 18 North, Range 7 East, Creek County, Oklahoma, was in violation of Section 9 of the Act of Congress of May 27, 1908 (35 Stat. 312) and, therefore, void.

7. The claim of the defendants in this action, to the above-described property, was based on the void deed described in No. 6 above and their claim, therefore, is invalid.

8. The said undivided 1/15th interest in the minerals under the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 31, T. 18 N., R. 7 E., remained vested in the said Martha Jones until her death on August 26, 1947. Thereafter, by inheritance it became vested and remains vested in the following persons, to-wit:

David McNac

Lena Billie

Thompson Billie

Robert Screechowl

9. The persons named in No. 8 above are entitled to have the cloud upon their title, created by the above-described void deed, removed and title quieted in them as lawful owners.

It Is, therefore, ORDERED, ADJUDGED AND DECREED that the deed described in No. 6 above was void and the defendants, Lake Moore, Jr., Rita W. Moore, Alice Swartz, Maxine Jackson Cochran, and Frances Gray, or any other person claiming under such void deed have no interest whatsoever in the undivided 1/15th interest in the minerals which such deed purported to convey. Said defendants are permanently barred and enjoined from asserting any right, title or interest in such property.

It Is Further ORDERED, ADJUDGED AND DECREED that the following named persons are the owners of all right, title and interest in an undivided 1/15th interest in the minerals under the Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ) of Section 31, Township 18 North, Range 7 East, Creek County, Oklahoma, (being the same 1/15th mineral interest described in the void deed executed by Martha Jones to Frank L. Montgomery) and that their respective

interests in such 1/15th interest are shown following their names, as follows, to-wit:

David McNac - - - 3/15 of the subject 1/15th interest  
Lena Billie - - - 4/15 of the subject 1/15th interest  
Thompson Billie - 4/15 of the subject 1/15th interest  
Robert Screechow 4/15 of the subject 1/15th interest.

  
ESTHER BOHANNON  
UNITED STATES DISTRICT JUDGE

jtd

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

HAROLD J. LORENZ )  
and CORA B. LORENZ, )  
Plaintiffs, )  
vs. )  
SALMON CORPORATION, )  
Defendant. )

NO. 67-C-229

**FILED**

APR - 8 1968

JUDGMENT

NOBLE C. HOOD  
Clerk, U. S. District Court.

NOW, on this 8th day of April, 1968, there came on for hearing Defendant's Motions to Dismiss this cause and the Court having read and considered the briefs of the parties herein and having heard the arguments of counsel and being fully advised in the premises is of the opinion that said motions should be and they are hereby sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above entitled cause be and the same is hereby dismissed with prejudice, at Plaintiffs' cost.

151 Luther Bohanon  
Luther Bohanon,  
United States District Judge

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

JAMES EARL WOODRUFF,

Plaintiff,

vs.

SHERIFF DAVE T. FAULKNER,  
SHERIFF OF TULSA COUNTY,  
OKLAHOMA,

Defendant.

68-C-87

**FILED**

APR -8 1968 AS

ORDER OVERRULING PETITION FOR WRIT OF HABEAS CORPUS  
OF ROBLE G. HOOD  
Clerk, U. S. District Court

The Court has for consideration a letter dated April 1, 1968, written by the plaintiff, which has been filed as a Petition for Writ of Habeas Corpus (28 U.S.C.A. §2254), and being fully advised in the premises, finds:

That the petition, on its face, affirmatively shows that plaintiff has failed to exhaust his state remedies.

IT IS, THEREFORE, ORDERED that the Petition for Writ of Habeas Corpus be and the same is hereby denied.

ENTERED this 8th day of April, 1968.

  
UNITED STATES DISTRICT JUDGE

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

WILLIAM EDWARD BROADDRICK, )  
 )  
 Plaintiff, )  
 vs. ) No. 68-C-86  
 )  
 )  
 RAY H. PAGE, WARDEN OF )  
 OKLAHOMA STATE PENITENTIARY, )  
 )  
 Defendant.)

**FILED**

APR - 9 1968

ORDER TRANSFERRING CAUSE TO THE NOBLE C. HOOD  
EASTERN DISTRICT OF Clerk, U. S. District Court  
OKLAHOMA

The Court has for consideration a letter dated April 2, 1968, which has been filed under Title 28 USCA 2254, and being fully advised in the premises, finds:

That plaintiff is now incarcerated in the Oklahoma State Penitentiary at McAlester, Oklahoma, serving a six year term imposed in McIntosh County, Oklahoma. He complains that he should be given credit for a three year term imposed in Tulsa County, Oklahoma, which sentence has been heretofore served. Petitioner does not complain of the sentence imposed in Tulsa County, Oklahoma, but only complains concerning the McIntosh County sentence and what credits he should be granted.

Habeas corpus will not lie when petitioner is not incarcerated under the sentence complained of. Petitioner has served the Tulsa County sentence and is now incarcerated under the sentence imposed in McIntosh County, Oklahoma.

The Court therefore finds that with reference to the Tulsa County sentence, the writ of habeas corpus is moot.

IT IS, THEREFORE, ORDERED that the writ of habeas corpus is denied with reference to the Tulsa County sentence.

The Court further finds that the sentence imposed and which plaintiff is currently serving was imposed in McIntosh County, Oklahoma, in the Eastern District of Oklahoma, and that

he is presently incarcerated in the Eastern District of Oklahoma. Pursuant to Title 28 USCA 2241, the matter will be transferred to the United States District Court for the Eastern District of Oklahoma in the interest of justice and for the convenience of the witnesses.

IT IS, THEREFORE, ORDERED that this cause be transferred to the United States District Court for the Eastern District of Oklahoma, in the interest of justice and for the convenience of witnesses.

ENTERED this 9<sup>th</sup> day of April, 1968.

  
UNITED STATES DISTRICT JUDGE

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

J. I. Case Credit Corporation,  
a corporation,

Plaintiff,

vs.

Reuben K. Fischer,

Defendant and  
Third Party  
Plaintiff,

No. 47-3-140

vs.

J. I. Case Company and  
Newman Equipment Co., Inc.,

Third Party  
Defendants.

FILED

APR 11 1960

NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER CONFIRMING SALE

On this 12<sup>th</sup> day of April, 1960, there came on for hearing the return of sale by Harry Connolly, Chief Deputy, United States Marshal for the Northern District of Oklahoma, upon the Order heretofore entered herein and the Court having examined said return and being fully advised, finds said sale was conducted in all respects as required by law and its order for sale entered herein.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that said sale be and same is hereby confirmed and the United States Marshal for the Northern District of Oklahoma is hereby ordered and directed to execute a bill of sale conveying said personal property to J. I. Case Credit Corporation, the purchaser thereof.

  
\_\_\_\_\_  
Judge Allen E. Barron

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

CONSTANCE B. COSTOPOULOS, )  
 )  
 ) Plaintiff, )  
 )  
 vs. ) No. 6317  
 )  
 )  
 NEW YORK LIFE INSURANCE COMPANY, )  
 )  
 ) Defendant. )

**FILED**

APR 16 1968

ORDER FOR DISMISSAL  
AND DISBURSEMENT OF FUNDS

NOBLE C. HOOD  
Clerk, U. S. District Court

This cause coming on to be heard upon the stipulation of the plaintiff, Constance B. Costopoulos, the defendant, New York Life Insurance Company, and the interpleaded defendant, Vasilios D. Costopoulos, upon due consideration the Court finds:

That the said Constance B. Costopoulos, New York Life Insurance Company, and Vasilios D. Costopoulos have settled said case and cause among themselves;

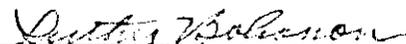
That the said case and cause should be dismissed with prejudice;

That the sum of \$2,669.71 paid into the Clerk of the Court by the defendant, New York Life Insurance Company, and now on deposit with the Clerk of this Court should be disbursed by the Clerk to Vasilios D. Costopoulos in care of his attorneys of record.

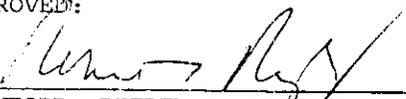
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the above numbered case and cause should be, and is dismissed with prejudice.

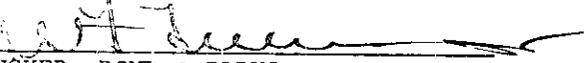
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Clerk of this Court pay to Vasilios D. Costopoulos in care of his attorneys, Loew & Cohen, 30 Vesey Street, New York, New York 10007, the sum of \$2,669.71, being the sum now on deposit in said cause

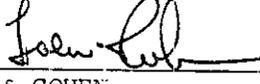
Dated this 15<sup>th</sup> day of March, 1968.

  
Judge

APPROVED:

  
CRAWFORD, RIZLEY & PRICHARD  
Attorneys for Plaintiff,  
Constance B. Costopoulos  
1414 First National Building  
Tulsa, Oklahoma 74103

  
TUCKER, BOYD & PARKS  
Attorneys for Defendant,  
New York Life Insurance Company  
217 West Fifth Street  
Tulsa, Oklahoma 74103

  
LOEW & COHEN  
Attorneys for Defendant  
Vasilios D. Costopoulos  
30 Vesey Street  
New York, New York 10007



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

JIM TRAMMEL,  
Plaintiff,

vs.

RAY H. PAGE, WARDEN OF THE  
OKLAHOMA STATE PENITENTIARY,

Defendant.

68-C-71

**FILED**

APR 16 1968

NOBLE C. HOOD  
Clerk, U. S. District Court *h*

ORDER OF DISMISSAL

The Court has for consideration the Petition for Writ of Habeas Corpus, and brief in support, and the Motion to Dismiss, and brief in support, and being fully advised in the premises finds:

1. After a complete and thorough persual of the file in the instant case, it affirmatively appears that the State Habeas Corpus proceeding is still pending in the Oklahoma Court of Criminal Appeals. The case was submitted for opinion without oral argument on June 20, 1967. No opinion has been rendered by the Court as of this date.

2. Title 28 USCA §2254(b) provides:

"An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the prisoner.

3. It appears to the Court that plaintiff seeks to come within the above cited section by virtue of the fact that the Oklahoma Court of Criminal Appeals has not rendered judgment and/or opinion on his Petition for Writ of Habeas Corpus presently pending before them.

4. The Court finds that in our dual system of government a federal district court cannot upset a state court conviction without an opportunity for the state courts to correct an alleged constitutional violation. The doctrine of comity teaches that one court should defer action on causes properly within its jurisdiction until the courts of another sovereignty with concurrent powers, and already cognizant of the litigation, has had an opportunity to pass upon the matter.

5. The federal court has the power to grant habeas corpus, but the Supreme Court has consistently instructed lower federal courts to defer ruling on the merits of state petitions until after the state remedies have been exhausted. The rule of exhaustion is not one defining power, but one which relates to the appropriate exercise of power. Therefore, comity includes "exhaustion", not a definition of power.

6. The Court, therefore, finds that plaintiff has not exhausted his State remedies and the Motion to Dismiss should be sustained.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss be and the same is hereby sustained.

ENTERED this 16 day of April, 1968.

  
UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

CIVIL NO. 67-C-192

vs.

Edgar Wayne Partrick and  
Elresa M. Partrick, husband  
and wife; Home Savings Association  
of Kansas City, Missouri,

Defendants.

**FILED**

APR 17 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 16 day of April, 1968, there comes on

for consideration the Motion to Confirm Sale made by the United States  
Marshal for the Northern District of Oklahoma on  
under an Order of Sale dated February 16, <sup>1968</sup> of the following-described  
property, to-wit:

**Lot Three (3) in Block Nine (9) of West  
Sunset Addition to the City of Bartlesville,  
Oklahoma, Washington County, State of  
Oklahoma,**

and the Court having examined the proceedings of the United States Marshal  
under the said Order of Sale, there being no exceptions thereto and no one  
appearing in opposition thereto, finds that due and legal notice of the  
sale was given once a week for four (4) consecutive weeks prior to the  
date of said sale in the Examiner-Enterprise, a newspaper of general  
circulation in Washington County, State of Oklahoma, and that on the day  
fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs  
he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity  
with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United  
States Marshal's Sale made pursuant to the Order of Sale heretofore issued  
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States  
Marshal for the Northern District of Oklahoma, execute and deliver to the  
purchaser, the Admin. of Veterans Affairs, a good and sufficient deed  
for the above-described real property.

APPROVED:

*S/ Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

(s) *Hubert H. Bryant*  
HUBERT H. BRYANT  
Assistant U. S. Attorney

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

SAMUEL MERLE DOTY, )  
)  
Plaintiff, )  
)  
vs. )  
)  
OTIS ELEVATOR COMPANY, )  
a foreign corporation, )  
)  
Defendant. )

NO. 67 - C - 200

**FILED**

APR 17 1968

NOBLE G. HOOD  
Clerk, U. S. District Court

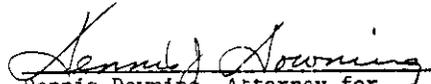
ORDER SUSTAINING MOTION FOR SUMMARY JUDGMENT

NOW, on this 8th day of April, 1968, there came on for hearing pursuant to regular assignment, Defendant's Motion For Summary Judgment. This Court being fully advised in the premises, finds that said Motion should be and hereby is sustained.

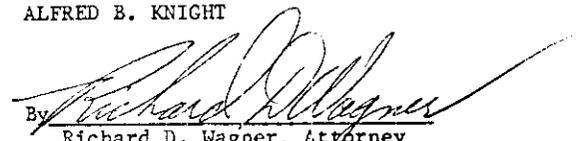
IT IS THEREFORE THE ORDER, JUDGMENT AND DECREE OF THIS COURT that Judgment be granted herein for Defendant, Otis Elevator Company, and that the costs herein be paid by the Plaintiff.

APPROVALS:

  
JUDGE

  
Dennis Downing, Attorney for  
Plaintiff

ALFRED B. KNIGHT

By   
Richard D. Wagner, Attorney  
For Defendant

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

United States of America,

Plaintiff,

CIVIL NO. 67-C-232

vs.

Russell F. Smith and Esther A.  
Smith, husband and wife, and  
Gerald Imel and Glenda Imel, et al,

Defendants.

FILED

APR 17 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 16 day of April, 1968, there comes on  
for consideration the Motion to Confirm Sale made by the United States  
Marshal for the Northern District of Oklahoma on  
under an Order of Sale dated January 29, 1968 of the following-described  
property, to-wit:

**Lot Twelve (12), Block Seven (7), Northridge,  
an Addition in Tulsa County, Oklahoma, according  
to the recorded plat thereof,**

and the Court having examined the proceedings of the United States Marshal  
under the said Order of Sale, there being no exceptions thereto and no one  
appearing in opposition thereto, finds that due and legal notice of the  
sale was given once a week for four (4) consecutive weeks prior to the  
date of said sale in the **Tulsa Daily Legal News**, a newspaper of general  
circulation in **Tulsa** County, State of Oklahoma, and that on the day  
fixed therein the aforesaid property was sold to the **Admin. of Veterans Affairs**  
he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity  
with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United  
States Marshal's Sale made pursuant to the Order of Sale heretofore issued  
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States  
Marshal for the Northern District of Oklahoma, execute and deliver to the  
purchaser, the **Admin. of Veterans Affairs**, a good and sufficient deed  
for the above-described real property.

APPROVED:

*St. Luther Robinson*  
UNITED STATES DISTRICT JUDGE

(s) *Hubert H. Bryant*  
HUBERT H. BRYANT  
Assistant U. S. Attorney

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

McCULLOUGH TOOL COMPANY, a corporation, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 SERGE A. SCHERBATSKOY, an individual, )  
 )  
 ) Defendant. )

No. 6417 Civil

**FILED**

APR 22 1968

JUDGMENT

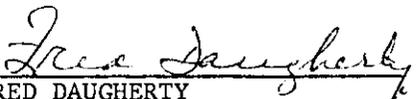
NOBLE C. HOOD  
Clerk, U. S. District Court

This action came on for trial before the Court, Honorable Fred Daugherty, District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED:

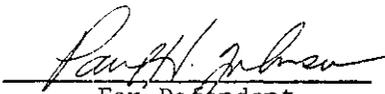
1. The Plaintiff, McCullough Tool Company, shall take nothing upon any of the causes of action stated in its Complaint, and Plaintiff's action is dismissed on the merits;
2. Defendant shall take nothing upon his counterclaims except that the Las Vegas agreements between the parties of February 15, 1964, are declared to be valid;
3. Costs are denied both parties.

Dated at Tulsa, Oklahoma, this 22 day of April, 1968.

  
FRED DAUGHERTY  
United States District Judge

Form approved:

\_\_\_\_\_  
For Plaintiff

  
\_\_\_\_\_  
For Defendant

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

|   |  |   |                         |
|---|--|---|-------------------------|
| WILLIAM EDWARD WARE,  | Plaintiff                              | ) |                         |
|   |  | ) |                         |
| vs  |  | ) |                         |
|   |  | ) |                         |
| ROYAL INDEMNITY<br>CORPORATION,   | Defendant and<br>Third-Party Plaintiff | ) |                         |
|   |  | ) |                         |
| THE HERTZ CORPORATION,  | Defendant                              | ) | NO. 67-C-36 ✓           |
|   |  | ) |                         |
| vs  |  | ) |                         |
|   |  | ) |                         |
| AETNA CASUALTY AND SURETY<br>COMPANY and<br>HARTFORD ACCIDENT AND<br>INDEMNITY COMPANY, | Third-Party<br>Defendants              | ) | FILED<br>APR 22 1968 DS |

J U D G M E N T

NOBLE C. HOUL  
Clerk, U. S. District Court.

The above entitled cause came on for trial before the Court without a jury, the parties appearing by their respective counsel, and, testimony having been offered, Statements of Positions filed, Stipulations of the parties filed, and briefs having been submitted by all parties, and the Court having filed its Findings of Fact and Conclusions of Law and Order for Judgment, and pursuant to said Order for Judgment, it is hereby

BY THE COURT ORDERED AND ADJUDGED THAT:

1. The plaintiff, William Ware, is not entitled to a declaratory judgment declaring that the Royal Indemnity Corporation policy afforded him coverage and is not entitled to a reformation of said policy.

2. The Royal Indemnity Corporation policy does not afford coverage to the plaintiff, William Ware, and the Royal Indemnity Corporation is not liable under its policy for the investigation or defense of the actions instituted by the Administratrix of William Blinn, deceased, or by Burt D. Huddleston against William Ware, and is not liable for the payment of the judgments obtained by them against William Ware.

3. The plaintiff, William Ware, is not entitled to recover from the defendant, The Hertz Corporation.

4. Royal Indemnity Corporation have judgment against Aetna Casualty and Surety Company in the sum of Fifteen Thousand Dollars (\$15,000.00) and against Hartford Accident and Indemnity Company in the sum of Fifteen Thousand Dollars (\$15,000.00), and that said judgments bear interest at 6% per annum from the date hereof.

5. In the event of appeal, supersedeas bond to cover both judgments is hereby fixed at \$40,000.00.

Dated this 17<sup>th</sup> day of April, 1968.

*[Signature]*  
United States District Judge

*Chas. J. M. ...  
att. for ...  
agreement to ...  
David ...  
attorney for ...  
detrad.*

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

WILLIAM J. McPARTLAND, et al.,

Plaintiffs,

vs.

BRUNSWICK CORPORATION, et al.,

Defendants.

67-C170<sup>v</sup>

**FILED**

APR 22 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER DISMISSING

The Court has for consideration the Joint Application and Stipulation for Dismissal filed by the parties in this Action on April 20, 1968.

IT IS, THEREFORE, ORDERED that this cause be and the same is hereby dismissed without prejudice.

ENTERED this 22nd day of April, 1968.

  
UNITED STATES DISTRICT JUDGE

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

J. W. LEDFORD for Himself and  
as Next Friend of LYNN A. LEDFORD,  
a Minor,

Plaintiffs,

vs.

THE TEXAS AND PACIFIC RAILWAY  
COMPANY, a corporation,

Defendant.

68-C-67

**FILED**

APR 22 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

MEMORANDUM OPINION AND ORDER REMANDING

This case is now before the Court on the plaintiffs' Motion to Remand. The exact question presented is novel, and it is necessary to review the prior proceedings to determine whether jurisdiction is vested with this Court.

On February 23, 1968, plaintiffs instituted their action in the District Court of Tulsa County, Oklahoma, seeking damages for personal injuries alleged to have been sustained in a collision between a vehicle and a train at a grade crossing. On March 8, 1968, defendant removed the case to this Court, alleging that process had been served on its general agent in Tulsa, Oklahoma, on February 23, 1968. Defendant further alleged that at the time of the commencement of the action and since that time the plaintiffs were and now are citizens of the State of Oklahoma, and that the defendant was and is still a foreign corporation with its principal place of business in the City of St. Louis. On March 13, 1968, plaintiffs filed their motion to remand, predicated on the allegation that the railroad was and is a corporation created under an act of Congress and cannot be regarded as a citizen of any state for the purpose of diversity of citizenship.

In opposition to the Motion to Remand, in its brief, defendant railroad company relies on a supplementary Act, passed after

the original Act of March 3, 1871, being Public No. 407, 67th Congress, S. 4029, which provides that it is an Act to incorporate The Texas and Pacific Railroad Company. Section 5 provides that The Texas and Pacific Railway Company, for the purposes of all actions at law by or against it, real, personal, or mixed, and all suits in equity, shall be deemed a citizen of the State of Texas and an inhabitant of the County of Dallas.

Section 5, however, was amended on January 28, 1915, 38 Stat. 583, to provide as follows:

"Sec. 5. No court of the United States shall have jurisdiction of any action or suit by or against any railroad company upon the ground that said railroad company was incorporated under an Act of Congress."

The Supreme Court of the United States construed this amendment in the case of Bankers Trust Co. v. Tex. & Pac. Ry., 241 U.S. 295. The Court said:

"It results that if the general jurisdictional provisions, now embodied in §24 of the Judicial Code, respecting suits arising under the laws of the United States were alone to be considered, it would have to be held that the District Court had jurisdiction of the present suit as one falling within that class by reason of the incorporation of the Texas and Pacific Railway Company under a law of the United States. But §5 of the act of January 28, 1915, must also be considered. It is a later enactment, is shown by the title to be amendatory of the Judicial Code, and, as has been seen, declares that 'no court of the United States shall have jurisdiction of any action or suit by or against any railroad company upon the ground that said railroad company was incorporated under an act of Congress.' These are direct and comprehensive words and, when read in the light of the settled course of decisions just mentioned, must be taken as requiring that a suit by or against a railroad company incorporated under an act of Congress be not regarded, for jurisdictional purposes, as arising under the laws of the United States, unless there be some adequate ground for so regarding it other than that the company was thus incorporated. Plainly, there was a purpose to effect a real change in the jurisdiction of such suits."

The Court went on to say:

"Whether this is a suit between citizens of different

States turns upon whether the Texas and Pacific Company is a citizen of Texas. It is doubtful that the pleader intended to state a case of diverse citizenship, but, be this as it may, we are of the opinion that the company is not a citizen of any State. It was incorporated under acts of Congress, not under state laws; and its activities and operations were not to be confined to a single State, but to be carried on, as in fact they are, in different States. Of course it is a citizen of that State, but it is not within the clause of the Fourteenth Amendment which declares that native born and naturalized citizens of the United States shall be citizens of the State wherein they reside. Nor has Congress said that it shall be regarded as possessing state citizenship for jurisdictional purposes, as is done in respect of national banks by §24, par. 16 of the Judicial Code. In short, there is no ground upon which the company can be deemed a citizen of Texas, and this being so, the suit is not one between citizens of different States."

See also Sloan Shipyards vs. U. S. Fleet Corp., 258 U.S. 540, 569; Gay v. Ruff, 292 U.S. 25, 35.

The Court, therefore, finds that it lacks jurisdiction in the instant case, in view of the admitted erroneous diversity allegations in the petition for removal, in view of Section 5 of the Judicial Code, January 28, 1915, and in view of the fact that the time for removal has long since expired and defendant has made no effort to amend its removal petition to allege jurisdiction, if any there be.

It appearing to the Court that this action was removed improvidently and without jurisdiction, an order of remand of the action is being entered.

This case is, therefore, remanded because of the reasons stated above.

ENTERED this 22nd day of April, 1968.

  
UNITED STATES DISTRICT JUDGE

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

BILLY W. HILL, HORACE R. MULLENS, )  
GARY M. SCOBIE, JOHN ENGBERG, BILL )  
HOUGHEY, )

Plaintiffs, )

vs. )

RAY H. PAGE, PARK J. ANDERSON, )  
et al., )

Defendants. )

No. 67-C-218 Civil

**FILED**

APR 25 1968

O R D E R

NOBLE C. HOOD  
Clerk, U. S. District Court

The Plaintiffs mailed a handwritten Leave to Proceed in Forma Pauperis, Petition for Writ of Habeas Corpus ad Testificandum, and Complaint, which were received by the Clerk of Court for the Northern District of Oklahoma, from their place of confinement at the Oklahoma State Penitentiary at McAlester, Oklahoma. The case was filed by minute order granting leave to proceed in forma pauperis pursuant to Rule 24(c) of the Rules of Court for the Northern District of Oklahoma.

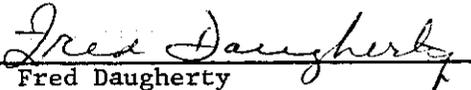
Rule 24 provides, "The Clerk of this Court is authorized to sign and enter the following orders without further direction by the Court: . . . (c) Any other orders under Rule 77(c), Federal Rules of Civil Procedure, and by the practice of this District do not require special direction by the Court. Any order entered by the Clerk under this subdivision may be suspended, altered, or rescinded by the Court for cause shown."

Upon review of the Complaint accompanying the Leave to Proceed in Forma Pauperis, the Court finds that, as the cause of action therein pleaded has no ultimate chance of success in the Federal Courts, cause is shown for rescinding the minute order granting leave to proceed in forma pauperis. This is a civil suit by State prisoners against the Warden and Deputy Warden of the State Penitentiary and presents a situation very like that in Weller v. Dickson, 314 F. 2d

598 (Ninth Cir. 1963).

The minute order dated November 6, 1967 and entered in this case granting leave to proceed in forma pauperis is therefore rescinded and the Clerk is directed to remove this case from the civil docket and enter it upon the miscellaneous docket of the Court.

Dated this 25 day of April, 1968.

  
Fred Daugherty  
United States District Judge

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

OLLIE KREBS,

Plaintiff,

-vs-

ELFRIEDA L. BALMANN,

Defendant.

68-C-25  
NO. 68-C-24

FILED

APR 29 1968

PRE-TRIAL ORDER

NOBLE C. HOOD  
Clerk, U. S. District Court

NOW, on this 8th day of April, 1968, the above-styled cause comes on regularly before the undersigned Judge, for pre-trial hearing, plaintiff appearing by and through her counsel of record Harold E. Doherty and Covington, Gibbon & Poe, by James E. Poe, and defendant appearing by and through her counsel of record Church & Roberts, by Donald Church.

The Court finds that this is a personal injury action, arising from an automobile accident occurring on or about August 30, 1967, near Nowata, Oklahoma, and this Court is vested with jurisdiction hereof. The Court finds that this is also a companion case to cause number #68-C-25, styled Arlie Ammon vs. Elfrieda L. Baumann, which likewise arises from the same automobile accident. Said cases therefore should be and herewith are consolidated under this case number, #68-C-24 and both cases shall hereafter proceed under the said case number.

The Court finds that it is the contention of the plaintiffs that they were proceeding north on Highway #169 approximately five (5) miles south of Nowata, Oklahoma, with the plaintiff Ollie Krebs driving the vehicle and the plaintiff Ammon being a passenger therein, when said vehicle was struck from the rear by another automobile being operated by the defendant; that the defendant was negligent in thusly striking plaintiffs' vehicle

from the rear, and that as a result of the accident each of the plaintiffs sustained certain personal injuries and medical expenses.

The Court finds that the contention of the defendant is that the plaintiff driver was guilty of negligence in suddenly slowing or stopping her vehicle on a traveled portion of the highway, without giving a proper signal of intention to do so, and that the plaintiff Ammon was guilty of negligence in failing to warn or caution the driver of the vehicle in which she was a passenger. Defendant further contends that the accident was unavoidable insofar as she was concerned.

The Court further finds that the defendant has obtained a medical examination of both plaintiffs by a physician of defendant's choice, and copies of the medical reports have been furnished to plaintiffs' counsel. The Court finds that plaintiffs' counsel should furnish to defendant's counsel copies of any and all medical, doctor or hospital bills, which will be offered in evidence, and should further furnish copies of all medical reports from doctors who will testify on behalf of plaintiffs.

The Court also finds that counsel for either side should be and are hereby authorized to view or examine all hospital records existing with regard to the hospitalization or treatment of either plaintiff from said accident, and a copy of this Order shall be sufficient authorization for any such hospital to make said records available.

The Court further finds and directs that both sides shall exchange witness lists not less than ten (10) days prior to trial. Said cause shall be set for jury trial on the forthcoming May,

1968 jury docket.

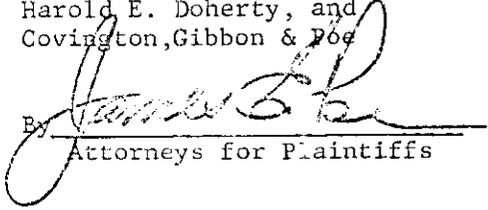
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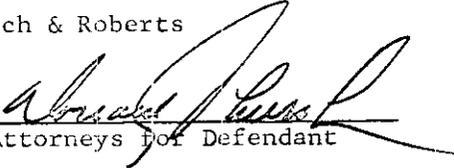
Honorable Luther Bohanon  
United States District Judge

APPROVED AS TO FORM:

Harold E. Doherty, and  
Covington, Gibbon & Poe

By   
Attorneys for Plaintiffs

Church & Roberts

By   
Attorneys for Defendant

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

United States of America,

Libelant,

vs.

One 1965 Cadillac Deville Convertible,  
Two-Door, Serial No. F5193709, its  
tools and appurtenances,

Respondent.

Civil No. 68-C-42

**FILED**

APR 23 1968

NOBLE C. HOOD  
Clerk, U. S. District Court

D E C R E E

This matter coming on before me, the undersigned Judge, this 26<sup>th</sup> day of April 1968, pursuant to a regular setting, and the libelant appearing by James E. Ritchie, Assistant United States Attorney, and no persons appearing on behalf of the respondent articles, and the Court being fully advised in the premises finds:

That pursuant to evidence offered and the statement of counsel neither Buford Bruner, National Bank of Commerce nor Miss Gertrude Lyons, nor any other person or corporation, presently makes any claim to the captioned articles nor disputes in any way the allegations contained in the Libel of Information filed herein.

The Court further finds that Gertrude Lyons entered her appearance on February 20, 1968, and the National Bank of Commerce entered its appearance on December 18, 1967, and disclaim any interest herein.

The Court further finds that no other person or corporation has entered any appearance herein nor filed any answer contesting the Libel of Information filed by the United States of America.

That therefore all the allegations contained in the Libel of Information filed herein should be taken as true and correct, and the captioned articles should be condemned and forfeited to the libelant, United States of America.

That upon the request of counsel for the government the captioned articles which have been condemned and forfeited should be turned over to the Bureau of Narcotics, United States Treasury Department, for their use and disposition.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the captioned articles be and they hereby are condemned and forfeited to the United States of America.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the United States Marshal be and he hereby is ordered to turn over and deliver the captioned articles to the District Supervisor of the United States Bureau of Narcotics, at Kansas City, Missouri, for official use.

  
UNITED STATES DISTRICT JUDGE

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

LENNIS W. SEXTON, )  
 )  
 Plaintiff, )  
 )  
 vs. ) NO. 67-C-228  
 )  
 OLD EQUITY LIFE INSURANCE )  
 COMPANY, )  
 )  
 Defendant. )

FILED

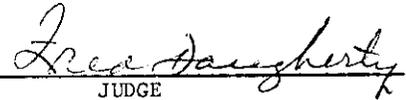
APR 29 1968

NOBLE C. HOOD  
Clerk, U. S. District Court.

ORDER OF DISMISSAL

The above matter coming on to be heard this 29 day of April, 1968, upon the written application of the parties for a dismissal of said action with prejudice, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in the action and have requested the Court to dismiss said action with prejudice to any future action, and the Court being fully advised in the premises, finds that said action should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Action of Plaintiff filed herein against the Defendant be and the same is hereby dismissed with prejudice to any future action.

  
JUDGE

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

United States of America,

Plaintiff,

vs.

Wilfred C. Coburn and  
Diane Coburn, husband  
and wife,

Defendants.

Civil No. 67-C-179

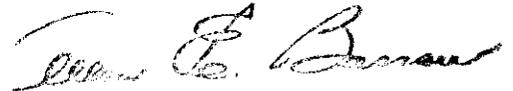
**FILED**

APR 30 1968

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

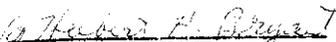
This cause came on to be heard this 20 day of April  
1968, pursuant to regular assignment for disposition, said Plaintiff  
being represented by its Attorney, Hubert H. Bryant, Assistant United  
States Attorney, and the said defendants, Wilfred C. Coburn and Diane  
Coburn, by their Attorney, Ted P. Gibson, and both parties having pre-  
viously agreed and filed a written stipulation and the Court being fully  
advised on consideration of said stipulation finds that the Plaintiff  
has sustained the allegations of its Petition and is entitled to judgment  
accordingly.

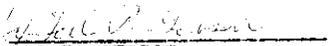
IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that  
the said Plaintiff, United States of America, have and recover of the said  
defendants, Wilfred C. Coburn and Diane Coburn, and each of them, the sum  
of \$5,419.62, with interest thereon at the rate of  $5\frac{1}{2}\%$  per annum from  
August 8, 1966, together with accrued interest in the sum of \$242.00 and  
for the costs of this action.



UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT H. BRYANT  
Attorney for Plaintiff,  
United States of America

  
TED P. GIBSON  
Attorney for Defendants,  
Wilfred C. Coburn and Diane Coburn

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

United States of America,

Plaintiff,

vs.

Clifford C. Walker and  
June Ovell Walker, et al,

Defendants.

CIVIL NO. 67-C-184

**FILED**

APR 30 1966

NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 29 day of April, 1968, there comes on for consideration the Motion to Confirm Sale made by the United States Marshal for the Northern District of Oklahoma on April 26, 1968 under an Order of Sale dated February 5, 1968 of the following-described property, to-wit:

Lot Eight (8), Block Three (3), Sunnyland  
Addition to the City of Tulsa, Tulsa County,  
Oklahoma, according to the recorded plat thereof,

and the Court having examined the proceedings of the United States Marshal under the said Order of Sale, there being no exceptions thereto and no one appearing in opposition thereto, finds that due and legal notice of the sale was given once a week for four (4) consecutive weeks prior to the date of said sale in the Tulsa Daily Legal News, a newspaper of general circulation in Tulsa County, State of Oklahoma, and that on the day fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States Marshal's Sale made pursuant to the Order of Sale heretofore issued herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, execute and deliver to the purchaser, the Admin. of Veterans Affairs, a good and sufficient deed for the above-described real property.

APPROVED:

  
ROBERT P. GANNEE  
Assistant U. S. Attorney

  
UNITED STATES DISTRICT JUDGE