

BEFORE TOWNSITE BOARD NO. 2, FOR EDMOND, O. T.

Newman J. Burton, contestant. :  
vs. : Involving lot 3, block 24 in the  
William Innis, Contestee. : town of Edmond, O.T.

The above named parties having filed their applications for a deed to lot 3, in block 24, in the town of Edmond, and county of Oklahoma, O.T., the contest thus instituted was set down for final hearing on the 24th day of April, 1891 of which the said parties had due notice. At the time so fixed for hearing the said Newman J. Burton appeared in his own proper person and by attorney, and the said William Innis appeared by his attorney, and both having made the necessary deposit for expenses answered ready for trial and the same was proceeded with.

The board having heard the evidence and argument of counsel and being fully advised in the premises after due deliberation and consideration upon the same find:

That Innis took possession of the said lot in the spring of 1889 and built a small 8 by 10 foot house thereon and soon thereafter permanently left the country and abandoned the lot; that various persons at different times claiming to be his agent collected rents, first of one Grantman who went away about October, 1889, leaving the contestant Burton whom he had in his employ in possession. Burton has occupied these premises ever since as his place of business as a harness maker. For a time he paid rents to various parties claiming to be agents of Innis. He swears he made these payments under protest and under duress and threats of ejectment by these parties aided by a Deputy U.S. Marshal. Be this as it may the fact remains, as clearly shown by the evidence, that from and after the appointment of this board he has continued to occupy the lot personally as his said place of business, claiming the same openly as his own, and from that time openly refused to pay rents and in fact paid none. It seems that he did not enter under a contract to pay rents, but rent was exacted from him monthly for a time. It further appears from the testimony that Burton has been in Edmond ever since the 22nd day of September, 1890 that he did not violate the President's proclamation and is otherwise qualified; that he now is and long has been residing in Edmond with his family, and that is in fact his home. The board is therefore of the opinion that he is the rightful occupant of said lot and entitled to a deed therefor.

It is therefore, considered, ordered and adjudged by the board that lot 3, block 24 in the town of Edmond, County of Oklahoma, O.T., be and the same is hereby awarded to him the said Newman J. Burton and that upon the payment by him of all assessments lawfully made by this board for expenses against the said lot it shall execute to him a deed in due form of law therefor.

It is further ordered that the said William Innis, be and he is hereby allowed 10 days from notice hereof to appeal to the Honorable Commissioner of the general land office, from this decision.

Given under our hands as such board this 3rd day of June 1891.

*David H. Hammond*  
Townsite Board No. 2, for Edmond, O.T.