

TO THE HON. SECRETARY OF THE INTERIOR, WASHINGTON, D.C.

Oklahoma T.S. Case #154.

x-----x	:	William Innis	:	
:	:	vs.	:	Involving title to Lot 3 in Block 24
:	:	Norman J. Burton	:	Edmond, O.T.
x-----x	:		:	

Comes now the above named Norman J. Burton, by his attorney of record, A. B. Hammer and files this his appeal, from the decision of the Hon. Commissioner adverse to him in the above entitled cause and as grounds for said appeal alleges the following errors, to-wit:

First:

The Hon. Commissioner erred in his finding of facts in said cause in holding; that the claimant, William Innis, was a qualified entryman for said lot at the time deed was passed to townsite Board No. 2 for said townsite; the evidence showing that said Innis was, and had been for a long time theretofore, a non-resident of the Territory of Oklahoma and had by such loss of residence abandoned all claim to said lot.

Second:

The Hon. Commissioner erred in finding that appellant Norman J. Burton was, or ever had been, a tenant of the said claimant William Innis, the evidence showing that one A. H. Classen was the real party in interest and the beneficiary under a decision in favor of said Innis.

Third:

The Hon. Commissioner erred in his finding in favor of said Innis in the face of the record which shows, that said Innis did not make his application for said deed in person but through the intervention of the said Classen and that neither at the time of the

2

hearing or making of such application, or at any other time subsequent to the entry of said townsite by Townsite Board No. 2, had the said Innis been personally present in said Territory.

Fourth:

The Hon. Commissioner erred in attempting to pass upon the facts in this hearing from the transcript of the evidence on file in his office, the same not having been taken as required by the rules of Practice made applicable by the Interior Department in the trial of town lot cases. That said testimony was taken in the presence of the three members of Townsite Board No. 2 and taken down by a Stenographer at that time, but was never written out, examined and subscribed by the witnesses as required by said Rules of Practice. That by reason of such failure the finding of facts by said Townsite Board became conclusive unless said testimony was reduced and subscribed by said witnesses after having been read to them as required by said Rules.

for answer to this doc. (2) L.S. 867)

Fifth:

The Hon. Commissioner erred in reversing the finding of fact made by said Townsite Board No. 2 and in not finding that said Burton was the legal and bona fide occupant of said lot and entitled to a deed therefor.

Wherefore, appellant asks that your Honor, upon a review of the facts and the law governing this case, that the finding of the Hon. Commissioner be reversed and Townsite Board No. 2 be directed to issue and deliver to appellant a deed for said lot.

Respectfully submitted,

*A. B. Hammer*  
Atty. for Appellant.