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129-11

In the

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

No. 26620

*See* ~~0~~  
75

JOHN J. KING,

*Appellant,*

v.

UNITED STATES OF AMERICA,

*Appellee.*

---

*Appeal From the United States District Court for the  
Northern District of Texas*

---

APPENDIX.

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APPENDIX

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## United States District Court

DATE 1965	PROCEEDINGS	Date of Judgment:
Sept. 10	Filed Request for Leave to File Libel	
Sept. 10	Filed ORDER granting Leave to File Libel	JEE
Sept. 10	Filed LIBEL OF INFORMATION Writ of	
Sept. 10	Issued Seizure & Monition, returnable October 11, 1965, at 10 a.m. To be published in the Dallas Morning News and the Dallas Times Herald. At the request of the U. S. Attorney, WRITS also served on Marina Oswald Porter & William C. Garrett, attorney for John J. King.	
Sept. 15	Filed RETURN WARRANT OF SEIZURE AND MONITION executed on Sept. 10, 1965 by serving Marina Oswald Porter in person; and by serving William C. Garrett, lawyer, for service for John W. King, in person. (WD-15243)	
Sept. 29	Filed RETURN WARRANT OF SEIZURE & MONITION executed on Sept. 10, 1965 by serving Gordon Shanklin, Spec. Agent in charge of F. B. I.; further executed on Sept. 12, 1965 by advertising with Dallas Morning News; Dallas, Texas; and executed on Sept. 13, 1965 by advertising in the Dallas Times Herald.	
Oct. 8	Filed Advertising return made by the U. S. Marshal re publication in the newspapers.	
Oct. 8	Filed CLAIM OF OWNER, John J. King.	
Oct. 8	Filed EXCEPTIONS AND ANSWER OF CLAIMANT, John J. King.	
Oct. 27	Filed STIPULATION OF FACTS	
Oct. 27	Filed GOVERNMENT'S BRIEF IN SUPPORT OF FORFEITURE	
Oct. 27	Filed Govmt's REQUESTED FINDINGS OF FACT & CONCLUSIONS OF LAW.	
Oct. 27	Filed ORDER DENYING MOTION TO DISMISS. Motion to dismiss for JEE lack of jurisdiction was contained in "Exceptions and Answer of Claimant".	
Oct. 27	Filed PRETRIAL ORDER. JEE (Both parties to submit additional requested findings and supplemental briefs on or before Feb. 7. Trial on the merits set for Feb. 21, 1966.)	
Oct. 27	Filed CLAIMANT'S PROPOSED FINDINGS OF FACT & CONCLUSIONS OF LAW.	
Oct. 27	Filed claimant's BRIEF.	
Oct. 7	Filed Government's Additional Requested Conclusions of Law	
Oct. 7	Filed Government's Supplemental & reply BRIEF.	
Oct. 7	Filed SUPPLEMENTAL AND REPLY BRIEF OF CLAIMANT.	
Oct. 23	Filed MEMORANDUM OPINION (Signed by Judge Estes Feb. 21, 1966). Copy to attorneys.	

U.S.A. V. ONE MILITARY RIFLE & ONE REVOLVER (SSM)

CA-3-1171

D. C. 113 Rev. Civil Docket Continuation

DATE 1966	PROCEEDINGS	Date of Judgment
Feb. 24	Filed ORDER OF FORFEITURE - that the U.S. Marshal is directed to cause delivery of respondent firearms to the Secy of Treas. or his delegate, for ultimate transfer to the Adm. of GSA for preservation ... T.26, U.S.C. §5862(b), but that actual delivery of these firearms by the Marshal be delayed for 60 days after entry of this order. Costs to be taxed against Claimant in accord with terms of his bond. JEE Copy to Garrett Notices mailed Certified Copies to U.S. Marshal.	
Apr. 14	Filed Claimant's NOTICE OF APPEAL and BOND ON APPEAL.	
Apr. 21	Original record sent to U.S. Court of Appeals, New Orleans, La.	
Apr. 25	Filed letter from U.S. Attorney designating that all briefs be included in record on appeal.	
Apr. 25	Sent all briefs and above letter to U.S. Court of Appeals, New Orleans, La.	
1966		
Aug. 23	Filed Judgment from Appeal Court, REVERSING judgment of this Court. together with a copy of the Court's Opinion. Also received an envelope of exhibits	
1968		
Feb. 19	Filed NOTICE OF MOTION and MOTION FOR JUDGMENT	
Feb. 19	Filed NOTICE OF MOTION AND MOTION FOR JUDGMENT.	
Feb. 19	Filed BRIEF of claimant in support of Motion for judgment.	
Apr. 26	Filed Libellant's OPPOSITION AND CROSS MOTION FOR JUDGMENT.	
June 18	Filed CLAIMANT'S REPLY TO LIBELANT'S CROSS-MOTION FOR JUDGMENT.	
June 18	Filed BRIEF OF CLAIMANT IN SUPPORT OF MOTION FOR JUDGMENT.	
July 16	Filed ORDER that said Order of Forfeiture be and the same hereby is vacated and the libel dismissed. It is further Ordered and Directed that the Writ of Attachment issued Sept. 10, 1965, be and the same hereby is dissolved and the custody by this Court of the property seized thereunder is terminated. JEE  Copies mailed to attorneys.  Copy to U.S. Marshal.	
July 30	Filed claimant's NOTICE OF APPEAL.	
July 30	Filed APPEAL BOND.	

[ C A P T I O N ]

LIBEL OF INFORMATION

To the Honorable, the District Judge for the Dallas Division of the Northern District of Texas:

The Libel of Information of the United States by its attorneys, Melvin M. Diggs, United States Attorney for the Northern District of Texas, and B. H. Timmins, Assistant United States Attorney, against One 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances, and One .38 Special S&W Victory Model Revolver, Serial No. W510210, with appurtenances, Respondents herein, in a cause of forfeiture for breach of the provisions of Section 903(d) and 905(b), Title 15, United States Code, and on information and belief, informs the Court as follows:

I.

That at all times hereinafter mentioned, Libelant was and is a sovereign power; that all and singular the allegations hereof are within the jurisdiction of the United States and of this Honorable Court; and that the commencement of this suit has been authorized, sanctioned, and directed in accordance with the provisions of 26 U.S.C. 7401.

II.

That on or about November 22, 1963, police officers of the city of Dallas, Texas, while in the performance of official duties, in Dallas County, Texas, within the Northern Judicial District of Texas, Dallas Division, seized and detained at separate locations certain firearms, to wit:

- (1) One 6.5 mm. Mannlicher-Carcano military rifle, Model 91/38, marked "MADE IN ITALY", "TERNI", and "ROCCA", the numerals "1940" and "40", the serial number C2766, the letters "R-E", "PG", and "TNI", and one four-power-sight, stamped "4 x 18 coated", "ORDNANCE OPTICS INC.", "HOLLYWOOD CALIFORNIA" and "MADE IN JAPAN", and clip bearing letters "SMI" and the number "952"; and
- (2) One .38 Special Smith & Wesson Victory Model revolver, bearing serial number V510210, with leather holster.

That the Alcohol and Tobacco Tax, Internal Revenue Service, Treasury Department, pursuant to law, adopted the seizures of Respondent firearms as property forfeited to the United States under the facts alleged herein and the provisions of Section 905(b) of Title 15, United States Code; that the Respondent firearms are now in custody of the Supervisor in Charge, Alcohol and Tobacco Tax, Dallas, Texas, and are stored at Room 200, Mercantile Continental Building, 1800 Commerce Street, Dallas, Texas; that the Respondent firearms had a value less than \$2,500 and notice of their seizure was published as required by Section 7325(2), Title 26, United States Code; that thereafter and on September 3, 1965, John J. King, 27 Sunset Drive, Englewood, Colorado, filed a claim, alleging an interest in Respondent firearms, and a bond for costs as provided by Section 7325(3), Title 26, United States Code; that John J. King, represented by William C. Garrett, Kilgore and Kilgore, 1800 First National Bank Building, Dallas, Texas, and Mrs. Marina Oswald Porter, 1245 Donna, Richardson, Texas, may intervene and claim some interest in Respondent firearms; and that this Court has jurisdiction of this cause by reason of Section 905(b), Title 15, United States Code, and Sections 5862(a) and 7323, Title 26, United States Code.

III.

That at sometime between March 12, 1963 and March 20, 1963, Lee Harvey Oswald procured and caused a false entry to be made in the records required by 26 CFR Part 177, section 177.51(c) to be maintained by Klein's Sporting Goods, Chicago, Illinois, a licensed dealer in firearms under Chapter 18 of Title 15, United States Code, with respect to the disposition of the Respondent rifle described herein to wit: the 6.5 mm. Mannlicher-Carcano military rifle, Model 91/38, marked "MADE IN ITALY", "TERNI", and "ROCCA", the numerals "1940" and "40", the serial number C2766, the letters "R-E", "PG", and "TNI" and the four-power sight, stamped "4 x 18 coated", "ORDNANCE OPTICS INC.", "HOLLYWOOD CALIFORNIA" and "MADE IN JAPAN", and the clip bearing letters "SMI" and the number "952", in that the said Lee Harvey Oswald used a fictitious name in purchasing said rifle from the said dealer.

That at sometime during the period January 27, 1963 to March 20, 1963, Lee Harvey Oswald procured and caused a false entry to be made in the records required by 26 CFR Part 177, section 177.51(c), to be maintained by Seaport Traders, Inc., Los Angeles, California, a licensed dealer in firearms under Chapter 18 of Title 15, United States Code, with respect to



the disposition of the Respondent revolver described herein, to wit: the .38 Special Smith & Wesson Victory Model revolver, bearing serial number V510210, in that the said Lee Harvey Oswald used a fictitious name in purchasing said revolver from the said dealer.

That, because of these misrepresentations as to the name of the person actually purchasing these Respondent firearms, complete and accurate records were not maintained by these licensed firearms dealers as required by Section 903(d), Title 15, United States Code, and Section 177.51 of Title 26, Code of Federal Regulations, Part 177; and that the Respondent firearms became forfeited to the United States pursuant to Section 905(b), Chapter 18, Title 15, United States Code, as being firearms involved in a violation of the provisions of said Chapter 18.

WHEREFORE, Libelant prays that due process and monition issue from this Honorable Court to enforce the said forfeiture by libel; that the Respondent firearms be seized and attached; that all persons interested in the said firearms be admonished to answer the premises; and that all due proceedings being had thereon for the causes aforesaid, and others appearing, the 6.5 mm. Mannlicher-Carcano Rifle, Serial No. C2766, with appurtenances, and the .38 Special Smith & Wesson Revolver,

Serial No. V510210, with appurtenances, be condemned by the sentence and decree of this Honorable Court as forfeited to the United States, according to law.

MELVIN M. DIGGS  
United States Attorney

By s/ B. H. Timmins, Jr.  
B. H. Timmins, Jr.  
Assistant United States Attorney

September 10, 1965  
(Date)

[ C A P T I O N ]

CLAIM OF OWNER

TO SAID HONORABLE COURT:

AND NOW appears JOHN J. KING, intervening for himself as owner of one 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances, and one .38 Special S&W Victory Model revolver, Serial No. V510210, with appurtenances, before this Honorable Court, and makes claim to the said one 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances and one .38 Special S&W Victory Model revolver, Serial No. V510210, with appurtenances, as the same are proceeded against at the instance of the United States of America,

the Libelant, and the said Claimant, John J. King, avers that he was, at the time of the filing of the Libel herein, and still is, the true and bona fide sole owner of said one 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances, and one .38 Special S&W Victory Model revolver, Serial No. V510210, with appurtenances, and that no other person is the owner thereof;

WHEREFORE, he prays to defend accordingly.

s/John J. King  
John J. King

KILGORE & KILGORE  
William C. Garrett  
Charles F. Hawkins  
1800 First National Bank Building  
Dallas, Texas 75202

Proctors and Attorneys for Claimant

Of Counsel:  
HOLMBERG & POULSON  
James S. Holmberg  
1700 Broadway  
Denver, Colorado 80202

[ C A P T I O N ]

EXCEPTIONS AND ANSWER OF CLAIMANT

TO SAID HONORABLE COURT:

Now comes JOHN J. KING, Claimant herein (hereinafter referred to as the "Claimant"), and in response to the Libel states, upon information and belief, as follows:

A. First Exception to the Jurisdiction  
of This Court

1. By Complaint filed on May 24, 1965 in the United States District Court for the District of Colorado, in an action styled "John J. King, Plaintiff, v. Nicholas deB. Katzenbach, Attorney General of the United States, Defendant," Civil Action No. 9168 (hereinafter called the "Denver Action"), Claimant brought suit to compel the defendant in the Denver Action to

deliver over the one 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances and one .38 Special S&W Victory Model Revolver, Serial No. V510210, with appurtenances (hereinafter collectively called the "Weapons") which are the subject of the Libel herein, to their owner, Claimant herein. A true and correct copy of the Complaint in the Denver Action is attached hereto as Exhibit A and incorporated herein. The defendant in the Denver Action has filed various dilatory motions therein but has not yet answered therein.

2. The Denver Action was instituted long prior to the institution of the Libel herein and involves the same controversy as the Libel herein. The Court in the Denver Action has jurisdiction fully to dispose of all matters in controversy in this Libel action.

WHEREFORE, in the alternative to the other prayers herein, Claimant prays that the Libel be dismissed.

B. Second Exception to the Jurisdiction  
of This Court

3. The United States Marshal's Return endorsed on the Warrant of Seizure and Monition herein states that the Marshal left the Weapons stored in the vault of Mr. Gordon Shanklin,

Special Agent in Charge, Federal Bureau of Investigation, at his offices Room 200, Mercantile Securities Building, 1810 Commerce Street, Dallas, Texas. The Weapons have not been properly brought into the possession of the Marshal and this Court as required by law to give this Court jurisdiction to determine this action.

WHEREFORE, in the alternative to the other prayers herein, Claimant prays that the Libel be dismissed.

C. Third Exception to the Jurisdiction  
of This Court

4. The Weapons were respectively the rifle used by Lee Harvey Oswald (also sometimes known as A. J. Hidell) in the assassination (sic) on November 22, 1963 of John F. Kennedy, late President of the United States and the pistol used by Oswald in the slaying on the same date of J. D. Tippitt, late of the Dallas, Texas police force.

5. As stated in Article II of the Libel, the Weapons were seized and detained by police officers of the City of Dallas, Texas in the performance of their official duties in Dallas County, Texas on November 22, 1963. On or about that date the Federal Bureau of Investigation, a branch of the Justice Department of the United States, took custody of the

Weapons and receipted for same to the City of Dallas.

6. On or about December 31, 1964, Claimant purchased from Marina N. Oswald, individually and as community survivor of Lee Harvey Oswald, all of her right, title and interest in and to the Weapons. Subsequently by Bill of Sale and Contract dated March 25, 1965, a true and correct copy of which is attached hereto as Exhibit B and incorporated herein, Claimant purchased from Marina N. Oswald, individually and as Community Administratrix of Lee Harvey Oswald, all right, title and interest in and to the Weapons. Claimant has at no time conveyed any of his interest in the Weapons and continues to be and now is the sole owner thereof.

7. At various dates in February, March and April of 1965 Claimant and Claimant's attorney made demand upon the Department of Justice and other representatives of the United States for delivery to Claimant of the Weapons. Such demands were wholly refused without reason or justification, and specifically without any claim or statement being made by the United States or any of its representatives that the Weapons were subject to any seizure or forfeiture.

8. Sometime prior to May 24, 1965 the Attorney General of the United States decided and determined to retain the



Weapons indefinitely. Such decision and determination were made without any attempt to consider or establish the ownership of the Weapons or to declare a seizure or forfeiture by or to the United States under any provision of law.

9. On August 16, 1965 the Attorney General of the United States, without Claimant's approval, consent or knowledge, transported, or caused to be transported, the Weapons from Washington, D. C. to Dallas, Texas. Such transportation was wrongful and tortious in violation of Claimant's legal rights and Libelant cannot avail itself thereof to confer jurisdiction on this Court.

WHEREFORE, in the alternative to the other prayers herein, Claimant prays that the Libel be dismissed.

D. Exception in the Nature of a  
General Demurrer

The facts averred in the Libel are insufficient to constitute a cause of action.

WHEREFORE, in the alternative to the other prayers herein, Claimant prays that the Libel be dismissed and that the Weapons be ordered delivered to Claimant forthwith.

E. Answer to Libel

I.

Claimant admits that at all times Libelant was and is a sovereign power. Except as herein expressly admitted, Claimant denies each and every allegation of Article I of the Libel.

II.

Claimant admits the allegations of the first paragraph of Article II of the Libel. With respect to the second paragraph of Article II of the Libel, Claimant admits that the Weapons are now stored at Room 200, Mercantile Continental Building, 1800 Commerce Street, Dallas, Texas; that notice of their seizure was published; that thereafter and on September 3, 1965 John J. King, 27 Sunset Drive, Englewood, Colorado, filed a claim, alleging an interest in the Weapons, and a bond for costs as provided by Section 7325(3), Title 26, United States Code; that John J. King, represented by William C. Garrett, Kilgore & Kilgore, 1800 First National Bank Building, Dallas, Texas, may intervene and claim some interest in the Weapons. Except as herein expressly admitted, Claimant denies each and every allegation of Article II of the Libel.

III.

Claimant admits that Lee Harvey Oswald used a name other than the name "Lee Harvey Oswald" in purchasing the Weapons. Claimant further says that the name so used by Lee Harvey Oswald was the name "A. J. Hidell" or "A. Hidell," by which name he frequently went. Except as herein expressly admitted, Claimant denies each and every allegation of Article III of the Libel

WHEREFORE, in the alternative to the other prayers herein, Claimant prays that the Libel be dismissed and that the Weapons be ordered delivered to Claimant forthwith.

s/ William C. Garrett  
William C. Garrett  
Attorney for Claimant

KILGORE & KILGORE  
William C. Garrett  
Charles F. Hawkins  
1800 First National Bank Builidng  
Dallas, Texas 75202  
RII-6784

Attorneys for Claimant

Of Counsel:  
HOLMBERG & POULSON  
James S. Holmberg  
1700 Broadway  
Denver, Colorado 80202

V E R I F I C A T I O N

STATE OF TEXAS     X  
                                  X  
COUNTY OF DALLAS   X

WILLIAM C. GARRETT, being duly sworn, deposes and says:

I am a member of the firm of Kilgore & Kilgore, Attorneys for the Claimant herein. I have read the foregoing pleading and know the contents thereof. The matters therein are alleged upon information and belief, and I believe them to be true.

The source of my information and the grounds for my belief as to the matters therein stated are my personal knowledge of matters therein set forth in which I personally participated, documents referred to therein and documents annexed thereto as Exhibits, public reports of events referred to therein, and statements made by Claimant.

The reason this Verification is not made by Claimant is that the Claimant resides in the State of Colorado and is not present within this District at the time of the preparation and filing

of this pleading.

s/William C. Garrett  
William C. Garrett

SWORN to before me this 8th day of October, 1965.

(SEAL)

s/Sue Parish  
Notary Public in and for  
Dallas County, T e x a s

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

JOHN J. KING,	)	
	)	
Plaintiff	)	Civil Action No. 9168
	)	
v.	)	
	)	
NICHOLAS deB. KATZENBACH,	)	
Attorney General of the	)	<u>C O M P L A I N T</u>
United States,	)	
	)	
Defendant.	)	

JOHN J. KING, plaintiff, complaining of defendant,  
NICHOLAS deB. KATZENBACH, Attorney General of the United  
States, alleges:

1. Plaintiff is a citizen of the State of Colorado, residing at 27 Sunset Drive, Englewood, Colorado. Defendant is, and has been at all times since prior to February 1, 1965, the Attorney General of the United States, duly qualified and acting as such, and is a citizen of the District of Columbia. The matter in controversy exceeds, excluding all interest and costs, the sum of Ten Thousand Dollars (\$10,000). This court has jurisdiction of this action because of the diversity of citizenship of the parties and also, in the alternative,

the Act of October 5, 1962, 76 Stat. 744, United States Code, Title 28, Sec. 1361.

2. Under the provisions of United States Code, Title 28, Sec. 1391, as amended by the Act of October 5, 1962, 76 Stat. 744, this action is properly brought in this judicial district, such district being the district in which the plaintiff resides, and the summons and complaint may be served by delivering same to the defendant by certified mail beyond the territorial limits of this judicial district.

3. Plaintiff is the owner of the following described personal property:

RIFLE: Caliber 6.5 mm. Mannlicher-Carcano Italian military rifle, Model 91/38, serial number C2766, with attached 4-power telescopic sight stamped "Ordnance Optics Inc.," "Hollywood California," together with two-piece sling strap and cartridge clip marked "SMI" "952," as more fully described on pages 553 through 555 of Appendix X, Report of the President's Commission on the Assassination of President Kennedy, and identified as Exhibit #139 of that Commission.

REVOLVER: Caliber .38 Special Smith & Wesson Victory Model revolver, serial number V510210, as more fully described on pages 558 and 559 of Appendix X, Report of the President's Commission on the Assassination of President Kennedy, and identified as Exhibit #143 of that Commission, together with the holster for said revolver.

4. The defendant, under color of his office as Attorney General of the United States, now has, and at all times since prior to February 1, 1965, has had, custody and control of the said personal property.

5. Plaintiff has heretofore requested and demanded that defendant deliver to plaintiff the above-described firearms, which are the personal property of plaintiff. Defendant does not own the above-described firearms and has no right under any law to retain such firearms in his custody, either for his own account or in his official capacity as Attorney General of the United States. Defendant has nevertheless refused and failed and continues to refuse and fail to deliver such firearms to plaintiff, and defendant threatens to withhold such firearms from plaintiff permanently. Such refusal and failure on the part of defendant has deprived and continues to deprive plaintiff of his property without due process of law.

WHEREFORE, plaintiff demands:

A. That defendant be required to deliver up to plaintiff the aforesaid firearms;

B. That defendant pay to plaintiff the costs of this action; and



C. That plaintiff have such other and further relief  
as is just.

Respectfully submitted,

s/James S. Holmberg  
James S. Holmberg

HOLMBERG AND POULSON  
1700 Broadway  
Denver, Colorado 80202  
Telephone: 623-3268

Attorney for Plaintiff

Of Counsel:

William C. Garrett  
Charles F. Hawkins  
KILGORE & KILGORE  
1800 First National Bank Building  
Dallas, Texas 75202  
Telephone: RIverside 1-6784

EXHIBIT B

BILL OF SALE AND CONTRACT

THIS BILL OF SALE AND CONTRACT, made this 25th day of March, 1965, by and between MARINA N. OSWALD, individually and as Community Administratrix of the Estate of Lee Harvey Oswald, Deceased (hereinafter called "Seller"), and JOHN J. KING (hereinafter called "Buyer"),

W I T N E S S E T H :

1. In consideration of Five Thousand Dollars (\$5,000.00) heretofore paid by Buyer to Seller on December 31, 1964, and Five Thousand Dollars (\$5,000.00) today paid to Seller, the receipt of which is hereby acknowledged, and in consideration of Buyer's agreeing to pay the further contingent payments hereinafter provided, Seller, individually and as Community Administratrix, hereby BARGAINS, SELLS, ASSIGNS, and CONVEYS to Buyer, his heirs and assigns, all right, title and interest in and to the following described personal property:

RIFLE: Caliber 6.5 mm. Mannlicher-Carcano Italian military rifle, Model 91/38, serial number C2766, with attached 4-power telescopic sight stamped "Ordnance Optics Inc.," "Hollywood California," together with two-piece sling strap and cartridge clip marked "SMI" "952," as more fully described on pages 553 through 555 of Appendix X, Report of the Presi-

dent's Commission on the Assassination of President Kennedy and identified as Exhibit #139 of that Commission.

REVOLVER: Caliber .38 Special Smith & Wesson Victory Model revolver, serial number V510210, as more fully described on pages 558 and 559 of Appendix X, Report of the President's Commission on the Assassination of President Kennedy, and identified as Exhibit #143 of that Commission, together with the holster for said revolver.

2. In consideration of this transfer, Buyer covenants and agrees not to cause or permit public exhibition or display of either of the aforesaid rifle and revolver during the lifetime of Marina N. Oswald; and Buyer further covenants to use his best efforts to prevent such public exhibition or display by others.

3. If and when Buyer obtains possession of the above described personal property, free of all adverse claims thereto, he covenants and agrees to make an additional payment of Thirty-Five Thousand Dollars (\$35,000.00) to Seller. In the event that Buyer is not able to obtain such possession free of conflicting claims to all of the above-described personal property, he may, at his election, either

[i] Reassign and convey all of his right, title and interest in and to the above-described personal property to Marina N. Oswald and her

children or their legal representatives, as their interests may appear, it being understood that no repayment to Buyer shall be due in such event and that upon such reassignment Buyer shall have no further obligations whatsoever hereunder; or

[ii] Waive, in writing, the fact that he has obtained possession of only part of such property or that there are any conflicting claims and make the full payments.

It is understood that Buyer will make reasonable efforts to obtain full possession of the above-described personal property, but Buyer shall determine in his sole discretion when and if he desires to cease such efforts and make the election above provided.

4. It is understood that Seller will pay and discharge all obligations to Mr. Declan Ford with respect to this transaction, and the Buyer will pay and discharge all obligations to Mr. William Bateman and for legal services of Buyer's attorney with respect to this transaction.

IN WITNESS WHEREOF, this Bill of Sale and Contract is  
executed this 25th day of March, 1965.

Witnesses:

s/Mrs. Katya Ford

s/Wm. C. Blalock

s/Marina N. Oswald  
Marina N. Oswald, individually  
and as Community Administratrix  
of the Estate of Lee Harvey  
Oswald, Deceased

S e l l e r

s/Cay York

s/Nancy Lauder

s/John J. King  
John J. King

B u y e r

I, MRS. KATYA FORD, hereby certify that I have read and  
explained the foregoing instrument to Marina N. Oswald in the  
Russian language prior to her execution thereof, this 25th  
day of March, 1965.

s/Mrs. Katya Ford  
Mrs. Katya Ford

[ C A P T I O N ]

Filed Jan. 27, 1966  
at 9 o'clock a.m.  
RAMELLE HAMILTON, Clerk  
By Elizabeth McClellan, Deputy

STIPULATION OF FACTS

It is stipulated and agreed for the purpose of the above-shown action and for no other purpose, even though the parties thereto may be identical, that the hereinafter outlined facts may be taken as true. Neither party agrees that any particular fact hereinafter stipulated is relevant or material to the issue.

1. The rifle and revolver described in the Libel of Information are herein respectively called the "Rifle" and the "Pistol."

2. That on November 22, 1963, Eugene Boone, Deputy Sheriff, Dallas County, Texas, and Seymour Weitzman, Deputy Constable, Dallas County, Texas, discovered the rifle with telescopic

on the sixth floor of the Texas Book Depository Building, Dallas, Texas. (President's Commission Report, page 79.)

3. That on November 22, 1963, Lt. J. C. Day, Dallas Police Department, removed the rifle and telescopic sight from the sixth floor of the Texas Book Depository Building, Dallas, Texas, and took such rifle to the Dallas Police Department office as property taken as evidence in connection with the assassination of President John F. Kennedy. (PCR, p. 79)

4. That the right palm print of Lee Harvey Oswald was found on the underside of the barrel of the rifle by Lt. J. C. Day, Dallas Police Department. (PCR, pp. 122-123.)

5. That on November 22, 1963, in Dallas, Texas, Dallas police officers took the respondent pistol from Lee Harvey Oswald. (PCR, pp. 178-179.)

6. That the respondent rifle and respondent pistol were transferred between various places and persons as follows:

(a) November 22, 1963, the rifle was received by an F.B.I. agent from the Dallas Police Department.

(b) November 23, 1963, the rifle was taken to the F.B.I. Laboratory, Washington, D.C., by an F.B.I. Special Agent.

(c) November 24, 1963, the rifle was returned to the F.B.I. vault in Dallas, Texas, and later on that date was turned over to Dallas Police Chief Jesse E. Curry.

(d) November 26, 1963, Dallas Police Department returned the rifle to F.B.I. Special Agent for return to the F.B.I. vault.

(e) November 27, 1963, rifle was taken to F.B.I. Laboratory, Washington, D.C., by Special Agent, F.B.I.

(f) February 5, 1964, rifle delivered to President's Commission on the Assassination of President John F. Kennedy.

(g) February 6, 1964, rifle returned to F.B.I. Laboratory.

(h) February 17, 1964, rifle delivered to President's Commission.

(i) February 17, 1964, rifle returned to F.B.I. Laboratory.

(j) March 11, 1964, rifle delivered to President's Commission.

(k) March 11, 1964, rifle returned to F.B.I. Laboratory.

(l) March 17, 1964, rifle delivered to President's Commission.

(m) March 30, 1964, rifle returned to F.B.I. Laboratory.

(n) March 31, 1964, rifle delivered to President's Commission.

(o) May 8, 1964, rifle returned to F.B.I. Laboratory.

(p) July 2, 1964, rifle delivered to President's Commission.

(q) July 2, 1964, rifle returned to F.B.I. Laboratory.

(r) August 13, 1965, rifle shipped from F.B.I. Laboratory, Washington, D.C., to F.B.I. office, Dallas, Texas, arriving Dallas, Texas, on August 16, 1965.



(s) At sometime during the period March 17, 1964 to March 30, 1964, rifle was tested by the Weapons Evaluation Branch, Department of the Army, Aberdeen Proving Ground, Maryland. Also, during or about March 1964, the rifle was tested at Edgewood Arsenal, Maryland.

(aa) November 22, 1963, in Dallas, Texas, officers of Dallas Police Department took the pistol, and on this same date turned the pistol over to a Special Agent of the F.B.I.

(bb) November 23, 1963, the pistol was taken to the F.B.I. Laboratory, Washington, D.C., by a F.B.I. agent.

(cc) November 24, 1963, the pistol was returned to the F.B.I. vault in Dallas, Texas, and later on this date was turned over to Dallas Police Chief Jesse E. Curry.

(dd) November 26, 1963, the pistol was returned to the F.B.I. Special Agent by the Dallas Police Department.

(ee) November 27, 1963, the pistol was taken to the F.B.I. Laboratory, Washington, D.C., by F.B.I. Special Agent.

(ff) February 5, 1964, the pistol was delivered to the President's Commission on the Assassination of President John F. Kennedy.

(gg) February 6, 1964, the pistol was returned to the F.B.I. Laboratory.

(hh) March 25, 1964, the pistol was delivered to the President's Commission.

(ii) March 30, 1964, the pistol was returned to the F.B.I. Laboratory.

(jj) April 1, 1964, the pistol was delivered to the President's Commission.

(kk) May 1, 1964, the pistol was returned to the F.B.I. Laboratory.

(ll) August 13, 1965, the pistol was shipped from the F.B.I. Laboratory, Washington, D.C., to F.B.I. office in Dallas, Texas, arriving in Dallas on August 16, 1965.

7. On November 29, 1963, by Executive Order No. 11130, President Lyndon B. Johnson created the Commission to investigate the assassination on November 22, 1963, of John Fitzgerald Kennedy, the 35th President of the United States (PCR Foreword.

8. Attached hereto as Exhibits Nos. 1 and 2 are true and correct copies of Senate Report #851 and House Report No. 813 on H.R. 9545 providing for the acquisition and preservation of certain items of evidence pertaining to the assassination of President John F. Kennedy.

9. That the rifle was shipped to one A. Hidell, P. O. Box 2915, Dallas, Texas, on March 20, 1963, by Klein's Sporting Goods Company, Inc., 4540 West Madison Street, Chicago 24, Illinois. (PCR, pp. 118-119.)

10. That the order for the rifle was on a coupon clipped from the American Rifleman Magazine; that this order coupon was signed, in handprinting, A. Hidell, P. O. Box 2915, Dallas, Texas; and that this printing on the face of the mail order coupon was in the handprinting of Lee Harvey Oswald. (PCR, p. 119.)

11. Attached hereto as Exhibits 3, 4, 5 and 6 are true and correct photographic reproductions accurately depicting information contained on the originals of documents reflecting the order, invoice for shipment, and payment for the rifle.

12. That at sometime during the period January 27, 1963 and March 13, 1963, Seaport Traders, Inc., a division of George Rose and Company, Inc., Los Angeles, California, received an order for the pistol, which order was signed A. J. Hidell, and the address was shown as Post Office Box 2915, Dallas, Texas. (PCR, p. 174.)

13. That on March 13, 1963, an invoice was prepared by Seaport Traders, Inc., Los Angeles, California, covering the sale of the pistol to A. J. Hidell, Post Office Box 2915, Dallas, Texas, and this revolver was shipped to the name and address shown on the invoice on March 20, 1963. (PCR, pp. 174 and 173).

14. Attached hereto as Exhibits 7, 8, 9, 10 and 11 are true and correct photographic reproductions accurately depicting information contained on the originals of documents reflecting the order, invoice for shipment, and shipment for the pistol.

15. That Post Office Box 2915, Dallas, Texas, was rented in the name of Lee H. Oswald from October 9, 1962 to May 14, 1963. (PCR, p. 119.)

16. That Post Office Box 2915, Dallas, Texas, was rented by Lee Harvey Oswald from October 9, 1962 to May 14, 1963. (PCR, pp. 119-120.)

17. Attached hereto as Exhibit 12 is a true and correct photographic reproduction accurately depicting information contained on the original document reflecting renting of Post Office Box 2915, Dallas, Texas, by Lee H. Oswald.

18. That the mail order for the rifle was made by Lee Harvey Oswald using the name A. Hidell. (PCR, p. 569.)

19. That the mail order for the pistol was made by Lee Harvey Oswald using the name of A. J. Hidell. (PCR, p. 571.)

20. The individual who mailed the purchase orders, referred to in stipulations 10 and 11 above, was given the name Lee Harvey Oswald at birth. (PCR, p. 377.) In the purchase of the rifle in March 1963, Lee Harvey Oswald used the name "A. J. Hidell," and in the purchase of the pistol, Lee Harvey Oswald used the name "A. J. Hidell."

used the name "A. J. Hidell." (PCR, pp. 119-121.) The post office box to which the rifle and pistol were sent was rented in the name of Lee H. Oswald. (PCR, p. 119) At the time of his arrest on November 22, 1963, Lee Harvey Oswald carried on his person a forged Selective Service Notice of Classification in the name of "Alek James Hidell" and a forged United States Marine Corps Certificate of Service in the name of "Alek James Hidell." (PCR, pp.571-574.) He also had on his person a Selective Service Notice of Classification, a Selective Service Registration Certificate, and a United States Marine Corps Certificate of Service, all in the name of Lee Harvey Oswald. (PCR, pp. 571-574.) Lee Harvey Oswald rented a room at 1026 N. Beckley Avenue, Dallas, Texas, in the name of "O. H. Lee" where he lived on November 22, 1963, and his landlady at this address did not know him as Lee Harvey Oswald. (PCR, pp. 182, 419.) Among Lee Harvey Oswald's effects at 1026 N. Beckley Avenue, Dallas, Texas, there was found a vaccination certificate dated June 8, 1963, showing vaccination of Lee Harvey Oswald by "Dr. A. J. Hideel," P. O. Box 30016, New Orleans, Louisiana. The signature of Dr. A. J. Hideel was in the handwriting of Lee Harvey Oswald. There was no P. O. Box 30016 in New Orleans; however, Lee Harvey Oswald rented box 30061 in New Orleans on June 3, 1963, and "A. J. Hidell" was shown as an additional person entitled to

receive mail there. (PCR, pp. 121-122.)

In May 1963, Lee Harvey Oswald, while in New Orleans, joined a New York organization called Fair Play for Cuba Committee. (PCR, p. 290) He caused to be printed handbills headed "Hands Off Cuba" and had membership cards for a local New Orleans FPCC Chapter. (PCR, p. 291.) Lee Harvey Oswald's membership card for the New Orleans Chapter of FPCC showed member name as Lee Harvey Oswald and also showed "A. J. Hidell" as chapter president. (PCR, p. 292.) Mrs. Marina Oswald helped Lee Harvey Oswald by writing the name "Hidell" on the membership cards at the insistence of Lee Harvey Oswald. (PCR, p. 292.) Some of the "Hands Off Cuba" handbills showed the name and address of "L. H. Oswald, 4907 Magazine Street, New Orleans, Louisiana"; whereas others showed "A. J. Hidell, P. O. Box 30016, New Orleans, Louisiana." (PCR, p. 409.) Lee Harvey Oswald was the only member of the FPCC Chapter which he attempted to organize in New Orleans. (PCR, p. 407.) He was arrested by New Orleans Police on August 9, 1963, for disturbing the peace because of a street fight in connection with the distribution of the "Hands Off Cuba" handbills was arrested as Lee Harvey Oswald. (PCR, p. 436.)

Mrs. Marina Oswald first heard of Lee Harvey Oswald of the name "Hidell" in connection with the pro-Castro

in New Orleans, which was after May 29, 1963. (PCR, pp. 122, 290). The name "Alek," however, was a nickname used by Lee Harvey Oswald in Russia, and he signed "Alek" to some letters written to Marina Oswald. (PCR, p. 122.)

Lee Harvey Oswald and Marina Oswald were known by the name Oswald by the Paine family in Irving, Texas, where the family lived in October and November 1963. (PCR, p. 438.)

21. That during the calendar year 1963 Klein's Sporting Goods, Inc., 4540 West Madison Street, Chicago 24, Illinois, was a licensed dealer in firearms and held license No. 36-2601 issued pursuant to Section 903, Title 15, United States Code, a part of the Federal Firearms Act.

22. That Klein's Sporting Goods, Inc., Chicago, Illinois, kept records required by Section 903(d) of Title 15, United States Code, and as to the respondent rifle these records showed such firearm as shipped to A. Hidell, P. O. Box 2915, Dallas, Texas.

23. Attached hereto as Exhibits 13, 14 and 15 are true and correct copies of records of the sale of the rifle made by Klein's Sporting Goods, Inc.

24. That during the calendar year 1963, Seaport Traders, Inc., 1221 South Grand Avenue, Los Angeles, California, was a licensed dealer in firearms and held license No. 95-1437 issued pursuant to Section 903, Title 15, United States Code, a part

of the Federal Firearms Act.

25. That Seaport Traders, Inc., Los Angeles, California, kept records required by Section 903(d) of Title 15, United States Code, and as to the respondent pistol these records showed such firearm as shipped to A. J. Hidell, P. O. Box 2915, Dallas, Texas.

26. Attached hereto as Exhibits 8, 9, 10 and 11 are true and correct copies of records of the sale of the pistol made by Seaport Traders, Inc., a mail order division of George Rose and Company.

27. The rifle and the pistol shown as shipped to Hidell were actually received by the individual generally known as Lee Harvey Oswald. (PCR, pp. 128, 171.)

28. The rifle was used by Lee Harvey Oswald in the assassination of President Kennedy and the pistol was used by Lee Harvey Oswald in killing a Dallas Police Officer. (PCR, pp. 20, 129, 176.)

29. On December 31, 1964, Marina N. Oswald, widow of Lee Harvey Oswald, individually and as community survivor, sold to John J. King all right, title and interest which she has in and to the rifle and pistol for and in consideration of Five Thousand Dollars (\$5,000.00) paid by buyer to seller. true and correct copy of that Bill of Sale and Contract concerning this transaction is attached hereto as Exhibit 16.



30. That on March 25, 1965, Marina N. Oswald, individually and as community administratrix of the Estate of Lee Harvey Oswald, sold to John J. King all right, title, and interest over which she had power of sale as such administratrix in and to the rifle and pistol for and in consideration of an additional Five Thousand Dollars (\$5,000.00) that day paid by buyer to seller. A true and correct copy of that Bill of Sale and Contract covering this transaction is attached hereto and marked Exhibit 17.

31. At the time of the purchases by John J. King, referred to in stipulation Nos. 29 and 30 above, John J. King knew that the rifle and pistol were in the possession of agents of the United States. At the time of the purchases referred to in stipulation Nos. 29 and 30, John J. King had no actual notice or actual knowledge of a claim of title thereto by the United States.

32. At no time prior to publication of the notice of seizure of the pistol and rifle and the forfeiture proceedings in or about August 16, 1965, had the United States or any of its representatives ever asserted to claimant, John J. King, any claimed right of forfeiture.

33. On May 24, 1965, John J. King filed an action for the recovery of the rifle and pistol in the United States District Court for the District of Colorado. True copies of

the Complaint, Defendant's Motion to Dismiss Plaintiff's Complaint, or alternatively to stay further proceedings, and the order dated October 8, 1965, in that action are attached and marked Exhibit 18.

34. On or about June 17, 1965, the Attorney General of the United States submitted to the Vice President and the Speaker of the House of Representatives a proposed bill to authorize him to condemn the rifle and the pistol and other items of evidence introduced before the President's Commission.

35. That on or about August 4, 1965, the Alcohol and Tobacco Tax Division of the Internal Revenue Service determined to commence forfeiture proceedings against the rifle and the pistol. The forfeitability of these firearms had been considered by the Department of Justice and the Treasury Department in considering methods of preserving these firearms for historical purposes. The Department of Justice filed a memorandum in John J. King's Denver action stating, in part as follows:

"This forfeiture proceeding had previously been withheld upon the hope that the prosecution of the present action could be postponed pending enactment of H.R. 954. If plaintiff has any lawful property interest in the firearms, he could then have been paid just compensation. Plaintiff, however, has vigorously opposed defendant's efforts to continue this action and it thereby became necessary for Internal Revenue to file its proceeding.

36. That at the time of the sale and delivery of the rifle and of the pistol by the licensed firearms dealers, such dealers had no knowledge or reason to suspect that the person to whom such weapons were shipped had any name other than that shown in the order forms.

37. That since seizure of the rifle and of the pistol on November 22, 1963, such firearms have continuously remained in custody of the President's Commission or of units of the Federal Government or of the City of Dallas, Texas, as shown in stipulation No. 6 above. These firearms at no time have been released to anyone for nongovernmental use.

38. In an interview on or about August 15, 1963, Lee Harvey Oswald falsely informed a Special Agent of the Federal Bureau of Investigation that, since he had received his membership card in the New Orleans Chapter of the Fair Play for Cuba Committee, he had spoken with "Hidell" on several occasions on the telephone. He also stated that he had never personally met "Hidell." (Hearing before President's Commission on the Assassination of President Kennedy, Vol. XVII, Exhibit 826, page 759.)

39. During an interview on or about August 17, 1963, by William Kirk Stuckey of New Orleans radio station WDSU, Lee Harvey Oswald falsely stated that he, Oswald, was not presi-

dent of the New Orleans Chapter of the Fair Play for Cuba Committee, but was the secretary and that "this other gentleman, Hidell, was the president." Lee Harvey Oswald then exhibited his membership card showing Oswald as secretary and Hidell as president. (PCR, p. 729, Hearings Vol. XI, page 162.)

40. On November 24, 1963, Lee Harvey Oswald told Captain Will Fritz, Dallas Police Department, that he, Oswald, did not know anyone by the name A. J. Hidell, and he, Oswald, falsely told Captain Will Fritz that he had never used the name "A. J. Hidell" as an alias. During the course of that interview Lee Harvey Oswald stated to Captain Will Fritz of the Dallas Police Department that he did not know anyone by the name "A. J. Hidell" and he falsely stated that he had never heard of the name before. (PCR, page 636.)

41. The rifle and pistol were acquired by Lee Harvey Oswald during his marriage to Marina N. Oswald.

42. The information set forth on pages 741 through 745 of the President's Commission Report correctly shows the financial situation of Lee Harvey Oswald during the period covered so far as can be ascertained.

Dated at Dallas, Texas, this 26th day of January, 1966.

MELVIN M. DIGGS  
United States Attorney

By s/B. H. Timmins, Jr.  
B. H. Timmins, Jr., Assistant  
United States Attorney

s/William C. Garrett  
William C. Garrett  
Attorney for Claimant

[ C A P T I O N ]

PRETRIAL ORDER

1. The motion to dismiss for lack of jurisdiction has been denied by separate order of this date.
2. There are no other pending motions.
3. All of the facts and exhibits are set forth in the stipulation by the parties filed herein. The only differences between the parties on fact issues are fundamentally matters of characterization. Those differences are reflected in the separate proposed findings of fact and conclusions of law submitted by each of the parties.
4. The contested issues of law are the following:
  - a. Does the Federal Firearms Act permit forfeiture under the facts stipulated in this action?
  - b. Does Public Law 89-318, dealing with items of physical evidence before the President's Commission on the Assassination of President John F. Kennedy, provide the exclusive remedy by which the government can take the military rifle and revolver in question?

c. Does the forfeiture of the military rifle and revolver under the Federal Firearms Act deny claimant King due process of law and just compensation guaranteed by the Fifth Amendment of the Constitution of the United States?

5. It is anticipated that neither party will offer any witnesses so that the case will be handled solely on stipulations, briefs and oral argument.

6. Both parties may submit additional requested findings of fact, conclusions of law, and reply or supplemental briefs provided they are filed with the Clerk of the Court on or before February 7, 1966.

7. This case is set for trial on the merits Monday, February 21, 1966, at 9:30 a.m.

ENTERED at Dallas, Texas, this 27 day of January, 1966.

s/Joe E. Estes  
UNITED STATES DISTRICT

MELVIN M. DIGGS  
United States Attorney

s/B. H. Timmins, Jr.  
B. H. Timmins, Jr., Assistant  
United States Attorney

s/William C. Garrett  
William C. Garrett  
Attorney for Claimant

MEMORANDUM OPINION

The United States of America brings this proceeding for forfeiture of respondent military rifle and revolver to the government because these weapons were involved in violations of the Federal Firearms Act, 15 U.S.C. ss 901-909. Claimant John J. King denies the right of the government to forfeiture and claims title to the weapons by purchase from Marina N. Oswald, individually and as community administratrix of the estate of Lee Harvey Oswald. It is stipulated for the purpose of this action only that respondent rifle was used by Lee Harvey Oswald in the assassination of President Kennedy and the pistol was used by Lee Harvey Oswald in killing a Dallas police officer. The case was heard on the "Stipulation of Facts" appended hereto, briefs and oral argument.

\* \* \*

Claimant King's contentions that forfeiture of respondent firearms deprives him of property without due process of law and takes private property for public use without just compensation is without merit. In Associates Investment Co. v. United States (5 Cir., 1955), 220 F.2d 885, the Court said in respect to forfeiture of an automobile used in the transportation of marihuana:

"...[I]t is well settled that such deprivation [forfeiture] is not a denial of due process of law, or a taking of private property for public use without fair compensation." At 888.

Judge Will's discriminating opinion in United States v. One 1962 Ford Thunderbird (N.D. Ill., 1964), 232 F.Supp. 1019, 1022, states:

"Where Congress, in the implementation of its constitutional powers, provides for penalties such as forfeitures, such action is not a taking of property in a constitutional sense. It is not an instance of eminent domain, in which property is taken because the use of such property is beneficial to the public. Rather, the property interest is infringed because Congress has deemed it necessary in order to preserve other incidents of the public welfare. As such, it represents a federal exercise of a police power to which the constitutional requirement of compensation is inapplicable. See Hamilton v. Kentucky Distillers Co., 251 U.S. 146, 156-157, 40 S.Ct. 106, 64 L.Ed. 194 (1919)..."\*

Claimant King is in no sense an innocent purchaser. He knew when he purchased his claimed interest in these firearms, on December 31, 1964, and March 25, 1965, that they were not in the possession of the seller, Marina N. Oswald individually and as community administratrix of the Estate of Lee Harvey Oswald, and that the weapons were in possession of agents of the United States. The Bill of Sale and Contract covering "all right, title and interest" of the seller in the weapons expressly recognizes that the weapons were subject to "adverse claims." A \$35,000 additional contingent payment was conditioned upon obtaining possession "free and clear of all adverse claims."

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\*See also One 1958 Plymouth Sedan v. Pennsylvania, 380 U.S. 693, 85 S. Ct. 1246 (1965).



[ C A P T I O N ]

ORDER OF FORFEITURE

The above entitled cause was submitted to the Court upon the Libel of Information and Claimant's pleadings, upon the Stipulation introduced herein, and upon other matters and claims on all of which the Court entered a memorandum opinion as filed herein.

Therefore, in accord with such memorandum opinion, it is hereby ordered, adjudged and decreed that the 6.5 mm. Mannlicher-Carcano Military Rifle, Model 91-38, Serial No. C2766, with appurtenances, and the .38 Special S&W Victory Model Revolver, Serial No. V510210, with appurtenances, be and hereby are forfeited and condemned to the use of the United States of America for the causes set forth in the Libel of Information filed herein.

It is ordered, adjudged and decreed that the United States Marshal for the Northern District of Texas be and is directed to cause delivery of the respondent firearms to the Secretary of the Treasury, or his delegate, for ultimate transfer to the Administrator of General Services, General Services Administration, as prescribed in Title 26, U. S. Code, Section 5862(b), for the preservation and use of such firearms consistent with their evidentiary and historical significance, but that actual delivery of these firearms by the Marshal be delayed for a period of sixty (60) days after entry of this order.

And it is further ordered that costs of this action be taxed against the Claimant in accord with the terms of his bond.

Dated this 24 day of February, 1966.

s/Joe E. Estes  
UNITED STATES DISTRICT JUDGE