

about the murder of Whitehorn and that they kept away from Hattie as much as they could for they were afraid that they might get Charlie sore at them if he came back and learned that they were very intimate with Hattie. Woods said that Hattie told them one time when they were talking about Charlie being gone and they said that they did not want to come near her too often because Charlie would be mad when he came home, that they did not need to worry that Charlie was not coming home that he was shot and said that a friend had told her that. Hattie said this in a manner that indicated that she knew. Woods said that Hoyt had been writing about coming back and that he would write Hoyt to come back and show that he was not afraid of an investigation.

This is directly opposite to what Minnie has told about Hoyt and Woods as she says that they were upon the hill that night and that heard them talking to Hattie on the hill."

Discontinued 10 P. M."

"Pawhuska, August 21st, 1921.

Met Mr. Comstock at his office about 10 A. M. and we talked over the case.

Later Mrs. Eva Locklin came in while Mr. Comstock was out and I talked with her some time.

Eva Locklin talked to me very freely and said that most of her information was coming from Roy her husband ~~xxxx~~ and that he was inclined to not want to tell her everything.

Roy told Eva that Minnie had some letters but he did not say who they were from and said that the letters were very incriminating and that he got the letters from Minnie's mother and that Minnie and he has some words over them. Roy intimated that it was hard to tell from the contents of these letters whether Earl Savage or Hoyt killed Charlie Whitehorn but there was one thing certain and that was that one or the other did kill Whitehorn. Eva says that Roy spoke of the gun that he received from Minnie and Eva says that she saw the gun at one time herself; that she was at Minnie's house one day and Minnie was making up the bed and the gun was under the pillow and Minnie picked it up and said something about not being afraid when she had that around. Eva says that it was a rather large gun, dark color, but that is about all she could tell.

Roy traded Eva's gun to Minnie for another gun that he carried while he was carrying the mail.

Eva says that the trade was made just a few days after Charlie Whitehorn disappeared. On the Sunday night following the Friday that Charlie went away Minnie and Earl drove down to Eva's house in a five passenger Ford and stopped there and talked and Eva said Earl was driving and she asked them where they made the raise and they did not answer and she also joked them about Earl driving as it was very unusual for Earl

to drive.

I questioned her as to what had been taking place at the jail and she told me that she had been there to parties a number of times and that her and Minnie had gone there to make dates with Freas and Dick Wallace. She says that they would all get drunk and that just about two weeks ago that she had an invitation to go with some folks that would be there and did not go. She said that Minnie tried to get her to the jail a night or two ago but she would not go but that she knew that Minnie had been talking to Earl and that Minnie said that Earl was awful blue.

She told me about Minnie and Smitherman and Eva's little girl Lena going to Foraker to see Earl and that when they drove up to the gate that the family all hid and that after they walked in that Minnie went into the bedroom and after a bit that Earl came out with her. She said they were all badly frightened and she told Lena told her mother about this trip and mentioned the fact that there must be something wrong from the manner that they acted.

Eva said that she would question Lena about the trip and let me know.

Eva said that she would gladly do all she could to assist us and I then made arrangements for her to try and get into a party at the jail with Minnie and after they made their arrangements to phone me the time that they went. Also she will try and get some information on Lee Ridge who was furnishing the whiskey that Savage was selling.

Later in the evening I learned that they did not go to the jail as I had a talk with the Sheriff and he told me that he was not going to let Minnie in to see Earl unless he was present. I told the Sheriff that I did not want Minnie or anyone else to talk to Earl and that so long as she did talk to Earl that he would never get the information that we desired. Sheriff tried to avoid making any promises but suggested that we should have moved Earl to Tulsa and that it could be done yet but I told him that it was not necessary until after Tuesday when the preliminary was set and that we could get a continuance and then move him. Sheriff said alright.

I got in connection with No 40 and he informed me that he had secured a location with the people at the Minnie Save home and that he had a room on the sleeping porch and where he could hear what was said over the telephone. No 40 reports to me that Minnie had talked to several persons over the telephone and had said that Earl would be out of jail on Tuesday and that she was going away on Wednesday but she did not state where she was going. Minnie also called John Woods a taxi driver and he took her out in the Prudem Addition to see some folks and from her conversation that woods had taken her out a few days before.

I gave further instruction to No 40 and he is to report to me tomorrow evening again. This man will make good I think but will need some coaching.

86

James G. Madley.

July 15, 1923.

-15-

In my talk with the Sheriff he mentioned Danzel Hughes and said that he had a warrant for him. Later I saw Mr. Comstock and he told me that Danzel Hughes had been mentioned as being connected with this case or that he did the work. I am inclined to believe that Danzel did not do the work but that he might know about the matter as I talked to Eva and she told me that Danzel was here that night. Also she told me that Danzel was in Nevada, Mo. working for his father-in-law in a plant there. Danzel's father-in-law's name is Coupe.
Discontinued 9 P. M."

OPERATIVE NUMBER 47's REPORT:

"Pawhuska, Okla., June 16, 1921.

Operative under cover at Pawhuska, Okla.; no developments worth while."

"Pawhuska, Okla., June 17, 1921.

Operative at Pawhuska, Okla.; nothing of value developed."

"Pawhuska, Okla., June 18, 1921.

Operative shadowing Mrs. Charles Whitehorn. No developments of value."

"Oklahoma City, June 19, 1921.

Operative shadowed Mrs. Whitehorn to Okla. City from Pawhuska, in fact accompanied her in a car. No developments worth while which throw any light on the investigation."

"June 20, 1921, Oklahoma City.

Mrs. Whitehorn at Cadillac Hotel, Okla. City. No developments worth while to this investigation."

"Oklahoma City, June 21, 1921.

I got up this morning about seven o'clock, ate breakfast and went to the residence of the aunt, Mrs. Faulkner. We remained here most of the day, and Mrs. Savage come out about 11:30 A. M. and said she had arrived in town the night before. She claimed to be looking for Dewey Sutton but later told us that the Detective Agency here had found him and that he was in jail in Okla. City; also said that she had gotten Jess Bundy out of jail and that he had come down with her. Mrs. Whitehorn has seemed to turn against Mrs. Savage and did not give her much encouragement, and Mrs. Savage returned to town a little after noon and we did not see her any more. I drove Mrs. Whitehorn and the Faulkners around town all evening and returned home with them about 11 o'clock and she remained all night with them and I returned to the hotel and discontinued."

87

"Okla. City, June 22nd, 1921.

I got up about the usual time and went to the garage and got the car and went to the house of the Faulkners. We did not leave the house all day but went for a drive in the evening after supper. We intended to start for Pawhuska but on account of it having rained all day was afraid to start. We took the family out for a ride and took them home about ten thirty and both went to the hotel for the night, so that we could get up early and get an early start. I discontinued about 11:30 P. M.

"June 23, 1921.

Left Okla. City with Mrs. Whitehorn for Guthrie. No developments of evidence."

"June 24, 1921.

Returned from Guthrie to Okla. City with Mrs. Whitehorn. No developments.

"June 25, 1921.

Enroute, Okla. City to Tulsa, shadowing Mrs. Whitehorn. No developments.

"June 26, 1921.

At Tulsa all day with Mrs. Whitehorn. No developments."

"June 27, 1921."

Trailed Mrs. Whitehorn, Tulsa to Pawhuska. No developments."

"June 28, 1921.

Shadowed Mrs. Whitehorn, Tulsa to Pawhuska. No developments."

"Tulsa, Okla., June 29th, 1921.

The subject, Mrs. Hattie Whitehorn, talked very freely to me about the shooting of her husband, Charley Whitehorn, and says she is very anxious to catch the party or parties that murdered him. I was in company with Mrs. Whitehorn for several days and believe that I won her confidence.

I studied her under every condition and do not believe she had anything to do with the murder of her husband. Subject told me that the night of the shooting, she and Mrs. Savage and Mr. Savage and their little girl went down town about 7:30 P. M. and left Charley Whitehorn and Dewey Sutton there playing cards. She said that Mrs. Savage had an engagement with an Osage boy and left her when they got to town. Subject went to the doctor's office where she had an appointment. She says that her husband met her on the street after she come down from the doctor's

office and returned home with her, and then left her saying he was going back to town. Subject did not know where Sutton had gone after leaving the house, nor who the parties were that her husband intended to go to with. I have questioned her closely when talking of this matter as to whom she thought might have killed her husband, and she said that she suspicions no one but Sutton, though she believes Mrs. Savage knows something about the affair.

She says that Mrs. Savage has been very nervous since the investigation has been going on, and in talking with her after they were brought under suspicion she told subject not to say anything about Dewey Sutton being a roomer at their house. Contrary to former report that I had, subject has no use for Jess Bundy at all, and she was very sore at Mrs. Savage for getting him out of jail on bond. Subject claims that it is Mrs. Savage who is sweet on Bundy instead of her and that Mrs. Savage receives special delivery letters from him all the time. Mrs. Whitehorn does not think that Jess Bundy and Amos Clark had anything to do with the killing. She does not in any way suspicion any of her relatives but thinks that it was a robbery motive that prompted the killing. She does not try to protect her relatives as she says they have always tried to work her for every cent they could and did not care for her only for her money, but she feels sure that they had nothing to do with the killing of her husband.

Subject is not worried one bit about the outcome of the investigation. I tried to bring her out by telling her that they might frame her, and send her up whether she done it or not, but she didn't see how that could be done as she knows nothing whatever about the affair. She said that her husband had always been cruel to her, beating her up several times when he was drunk, but that she had loved him and had never even thought of leaving him much less disposing of him. I do not believe that Mrs. Whitehorn could have plotted this affair, from her talk actions, etc. but would not say positively that she did not know of it.

I do not think she covered anything up in her talk as she seems as easy person to read, and think in all the time I have spent with her that she would have given herself away. She claims that the day before her husband was killed that they were planning to buy a car and take a trip to California."

"Tulsa, Okla., June 29, 1921.

This morning following instructions of Mrs. Whitehorn I drove the car back to Chatau's about 8:30 a. m. I was told they wanted to go to Sapulpa on some business, but after I got out there they decided not to go.

Mr. Chatau went to town about nine a. m. and I did not leave until after lunch. I wanted to draw Mrs. Chatau out about the murder if I could do so without arousing any suspicion. I found that they did not like Charley Whitehorn and never had anything to do with him, and she did

did not advance anything that would prove a motive for their being connected with the murder. She told me that her husband had been taken to the station the same day as Mrs Whitehorn and Mrs Savage, but at the time they did not know what it was for.

Mrs Chatus said she had gotten Mrs Whitehorn to leave Pawhuska and come here to live in order to get her away from that bunch up there; she seems to think that the same parties who killed him might try to do her away with her. She said that Mrs Whitehorn had gone up to get her clothes and sell her furniture. I left their home about one p. m. and put the car in the Oil City Garage and then discontinued."

"Pawhuska, Okla., June 18th 1921"

I, Minnie Savage, gave the following as to the information as to the killing of Charley Whitehorn. I live at 322 Grand View, and rent out rooms. About April 25, 1921, a man came to the rear door of the house and asked if I might make room and board for him. I gave the man a room. He gave the name of Dewey Sutton. He was tall, slender and of about 22 years of age and medium dark brown hair. He made arrangements to stay about a week and he slept on the sleeping porch with Mr. Savage. He was looking for work and Mr. Savage helped him to get work with Mr. Aushorne at the County Farm, and he went to work about the middle of the week. He came in Saturday night from work and stayed till Sunday evening and then returned to Aushorn's place and worked all week. He came in again on Saturday evening or Sunday morning the 7th or 8th and went back Monday morning. Mr. Aushorne discharged him for not returning Sunday evening and he came home Monday again. He did no work that week but said that he had written his mother at Muskogee and have her send him \$10.00 to come to Muskogee, and that he expected to leave Pawhuska Saturday noon, May 14th. Friday evening Sutton and Charley Whitehorn were playing cards on the dining room table and Mr. Savage and Mrs. Whitehorn, my little girl, Ruby and myself all went to the show at the Jackson theater leaving Sutton and Charley there at the house a little before 8 o'clock. We left Mrs Whitehorn at Dr. Langworthy's office where she said she had an appointment for 8 o'clock. Mr. Savage also had an appointment with Dr. Langworthy for about 8 o'clock and he left him on the street and taking my little girl with us to the Jackson theater. We came out of the theater about 9:15 and started home and met Mr. Savage on the street and all went to the house. Mrs Whitehorn was at home when we arrived. Mrs. Whitehorn said that Charley had brought her near home from the doctor's office and then returned toward town. Mr. Sutton was not at home when we arrived but came in about 11 P. M. He usually came in the front door passing through the house to the sleeping porch but this night he came around the house and in the rear door, and went to where he kept his suitcase and opened the case putting something in or took something out of it. I could not see him but heard the locks on the suitcase work. He got up sudden early the next morning and as he left the place bid all of us good bye and left on the 6 A. M. train for Muskogee. Sometime later we received a letter mailed at Okla. City on May the 23rd and was signed Cecil Hally, which we knew

was from him. We also got a letter a few days later mailed in Oklahoma City which we knew was also from him, Sutton. On Saturday following the finding of the body of Charley Whitehorn, Sutton came to the house in the evening and stayed about two hours. He paid for a room then later seemed very unsettled and asked for his money back saying that he thought he would try to get a car to Hologony then to Muskogee. He had plenty of money but said that he had not worked any but had run around hunting work. When Sutton left on June 14th he wore a brown dress suit and when he returned the last time he wore a suit of overalls which were blue something like the clothes that are ordinarily worn by train men. This suit changed his appearance until I did not know him, he looked very much different to the person whom we had known and seen before. He left that evening saying that he would write us and we have not seen him since.

Witness: J. J. Moran (signed) (signed) Minnie Savage."

A divorce petition filed by MRS. CHARLES WHITEHORN against CHAS. WHITEHORN and his guardian, No. 574, District Court of Osage County, filed about September, 1920. The ground set forth for divorce is abandonment, failure to provide support and maintenance, extreme cruelty by striking, beating and abusing plaintiff, cursing the plaintiff, almost continuous intoxication on the part of defendant. The outcome of the divorce case is not shown in the files.

Mrs. Chas. Whitehorn's brother, Amos B. Clark, is reported to have been in jail at El Reno or Okla. City from the 8th day of May to the 14th day of May, 1921, that is the story they tell. Her cousin or sweetheart, Jess Bundy claims to have been with Clark on these dates.

Mrs. Whitehorn has cashed several checks of Chas. Whitehorn, since his death, these checks are supposed coming as weekly checks on his allowance from his guardian who is Geo. Treadway of Hominy, G. K. Sutherland, Attorney for the estate is also at Hominy and is able to give some information.

Mrs. Whitehorn and Minnie Savage went to Bartlesville on June 4th of 5th and stayed there this time at Main Hotel came back Sunday night or Monday morning as she appeared in the District Court Monday the 6th and secured a divorce from Earl Savage, these two men Clark and Bundy deny being in Bartlesville on these dates. Mrs. Whitehorn states that they went to Bartlesville to meet a friend of Minnie Savage, (two friends I think.) Mrs. Savage said she had to cash a check for \$7.00 at Main Hotel and they phoned to Pawhuska to see if the check was good. These two made it appear that they were going to Okla. City, when they left here on this visit so it would be well to look who they

went to meet in Bartlesville on these dates June 4-5.

Mrs. Whitehorn made a talk to two parties in Hominy or who live near Hominy that she was going to get that estate if she had to bump Chas. Whitehorn off one of these parties was a young man named Roy Robertson and Cathrine Cole at or near Hominy.

It appears that their plans was to go on an extended trip to California as soon as Mrs. W. got an auto and got expense money out of the estate they told a party that they were going to take two friends with them.

Chas. Thurman who lives or boards and rooms with Minnie Savage is a carpenter and I dont think that he knows any thing about this matter we can get his record from Harry Mead, Sheriff Joplin, Mo.

Mrs. Chas Whitehorn's first husband was a man named Amos Hoskins he was killed about five years ago. Her second husband was a Cheyenne Indian named Peat, do not know last name, there is some question as to having a divorce from him."

Following seem to be bits of information compiled relative to the character and reputation of CHAS. WHITEHORN and MRS. CHAS. WHITEHORN:

"Charles Whitehorn was rather of good character for a young Osage Indian got drunk once and awhile but was a likable disposition, and was liked by both whites and the Indians, he did not spend his money as foolish as some of the Osage boys, everything taken into consideration Charles Whitehorn would be called a good Osage boy.

Mrs. Whitehorn is part Indian of some other tribe nearly white and there is some question as to her character there is a lot of talk about her being a woman of the underworld. She has and has had a sweetheart that has been with her in Pawhuska think that she came from El Reno or near there.

Mrs. Whitehorn has a small gun .32 cal. lead balls and this gun is a cheap gun.

Minnie Savage the woman where Mrs Whitehorn lives is a bad one, she also has one of the cheap .32 cal revolver.

John Casson saw Chas Whitehorn about 8 o'clock Saturday night May 14 in front of Constantines Theater, was drunk and in the company of two white men. Mrs Whitehorn has a brother named Amos B. Clark. His friend's name is Jess Bundy.

Mrs. Whitehorn's cousin claims to be a brother or brother-in-law.

Two men are staying there where Mrs. Whitehorn is and are under cover

all the time. Minnie Savage is in on the deal, she has been promised a big car as soon as Mrs Whitehorn gets the estate, these two men were in the house all day June 1st, and have been there for quite a while. One of them went to the funeral at Hominy, of Charlie, but one of them would not go as he was afraid of John Abbott this dope is coming to me from a reliable source, and no doubt Mrs. W. is prime mover in killing Charley Whitehorn.

Roy Maker and Lewis James was with Charles Whitehorn at the ball game on Friday May 13 all three of them came back from the ball game to Palace pool hall in Lewis James Buick car. There then planned to go to Pershing about nine or ten o'clock that night. Roy and Lewis had no money, but Charles had won some at the ball game, Roy's wife would not let him go and kept him at home all night, none of them going to the picture show. James went to the home of his brother in law John Casson (whose wife is some relative of James) where he stayed all night, on Saturday he went to Hominy with John Casson, Casson paying for the gasoline.

On Saturday afternoon about five o'clock Mrs. John Casson was walking along the street in the vicinity of the Osage Mercantile Building, and met Charles Whitehorn in a drunken condition, and in the company of two white men both being young men, Whitehorn was between these two who were assisting him.

Both Lewis James and Roy Maker admit planning to go to Pershing with Charles Whitehorn on Friday night May 13th but claim that they did not go and have good proof that they did not go, and both are able to prove that they did not go. Charles Whitehorn told his wife at nine o'clock Friday night that he was going to Pershing with Roy and James and that she need not worry about him if he did not return until late.

Now in my opinion Mrs. Whitehorn knows more about this than she tells, as she called me up on Saturday the 14th day of May, and asked me to locate Charles as she was afraid that he had met foul play, that in itself is suspicious as she and Charles had been fussing and quarling for two years or more and she was used to his going away and being gone, she and Charles had been divorced and she had come back and remarried him."

Investigation continued.

93

WFO-111

62-5033 - 25

JUL 31 1923

July 26, 1923.

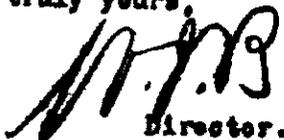
Mr. J. G. Findley,
P. O. Box 135,
Oklahoma City, Okla.

Dear Sir:

Reference is made to the reports submitted by you
in the Osage Indian case.

I desire that you confer also with the Attorney
General for the State of Oklahoma, who has been here and taken
up the matter with Assistant Attorney General Crim. You
should work in close cooperation with the office of the Attorney
General for the State, and copies of your reports may be forwarded
to that office.

Very truly yours,


Director.

RECORDED

MAILED

JUL 26 1923

94

G. H.

THIS CASE ORIGINATED AT Okla. City office;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT Oklahoma City	DATE WHEN MADE: July 20, 25	PERIOD FOR WHICH MADE: July 14 to 20	REPORT MADE BY: Calvin S. Weakley
---------------------------------	--------------------------------	---	--------------------------------------

TITLE AND CHARACTER OF CASE: E.L. SMITH and other Osage Indians, Murder of, State Court	Pawhuska & : Conspiracy Resulting in Murder Fairfax, : of a Number of Osage Indians; Okla. : Object, Elimination of Heirs to : Monies Disbursed by the U. S. Govt.
--	--

ACTS DEVELOPED:

at Oklahoma City, Okla.

62-5033

(O. C. #7060.)

Reference made to letter of Director of March 24, 1923, initialed WIS:GA, reports of Agent Frank V. Wright, Okla. City, dated April 5, 9, 16, 1923 and May 31, 1923, reports of Agent in Charge Findlay, Okla. City, Apr. 16th and July 12 & 13, 1923.

On July 14, 1923, in company with Agent in Charge Findlay, saw Assistant State Attorney General EDWIN DABNEY, State Attorney General SHORT being out of town, and on July 16th, in company with Agent in Charge Findlay saw State Attorney General GEO. H. SHORT. Both these gentlemen advised us that they had no record of evidence or facts or reports of previous investigations made of any of the above crimes, or any record of examining trials, if any such had been held.

R. SHORT advised that his letter addressed to the Hon. CHAS. H. WYKE, Commissioner of Indian Affairs, contained practically all the information he had; that his information consisted of general gossip surrounding these deaths. That after the explosion of W. E. SMITH'S house he, SHORT, had detailed one HERMAN FOX DAVIS, a state detective, to investigate this case, but that this man secured no material information or

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-26	SEARCHED
BUREAU OF INVESTIGATION	JUL 27 1923
DEPARTMENT OF JUSTICE	
ROUTED TO:	

95

REFERENCE:

COPIES OF THIS REPORT FURNISHED TO:
5 Washington; 3 file.

Salvino J. Buckley.

July 14-20, 1935.

-3-

count, in the enforcement of laws, and it seems hard to secure the services of county officers who will properly function. That he some time ago prepared a writ proceedings to remove both the County Sheriff and County Attorney, but after making an investigation, they decided not to press these charges.

Mr. BARKER recommended that we interview several parties, whose names he gave, but suggested first that Mr. GEO. E. HINER at Pawhuska, Okla. be interviewed, as Mr. HINER now had the services of a private detective who on his behalf as well as on the behalf of other Indians, was endeavoring to ferret out the parties responsible for these crimes and that Mr. HINER could give considerable detailed information thereto at Pawhuska, Okla.

On July 17th and 18th interviewed Mr. J. GEO. WRIGHT, Superintendent, Osage Indian Agency, and A. E. WOODWARD, Tribal Attorney, Osage Indian Agency, who reiterated to me the facts as shown in Agent Wright's report, as to ~~xxx~~ ^{their} knowledge. They advised that the Indian Agency had at no time especially detailed any man to make investigation of any of these offenses, and therefore had no investigative reports on file in their office which showed any evidence secured in this matter.

That Mr. SAM TYLER, who was formerly Indian Agent at Fairfax, but who is now Chief of Police at Ponca City, had considerable information as he had worked on the case in assisting the local authorities, but does not know whether or not he kept any memorandum of facts in the matter.

Mr. WOODWARD advised that the administrator of the estate of ANNA

94

2
3
4
5 Calvin S. weakley.

July 14-20, 1923.

-5-

6
7 evidence were all locked up in his safe, to which he did not have the
8 combination; that this combination of the safe was in the hands of his
9 young lady secretary, who is now away from the office, and he does not
10 know exactly what date she will be back, but it will not be before the
11 end of the week, but he called in MR. BRACKETT and advised that BRACK-
12 ETT could give a line on the information secured.
13
14

15 I talked both to MR. BRACKETT and to MR. JOHN A. GUSTAFSON, as
16 BRACKETT had formerly worked for GUSTAFSON in the investigation of the
17 BROWN case.
18

19 MR. GUSTAFSON advised me that the copies of reports of operatives
20 which he had in this case were all at his office at Tulsa, Okla. That
21 he had not shown these reports to anyone, not even to the client under
22 whom he was employed. That at the time he accepted employment with his
23 client, it was with the understanding that he would not furnish reports
24 of operatives ^{as} ~~if~~ the case progressed, as he did not want this informa-
25 tion to get out.
26
27

28 MR. GUSTAFSON, while not refusing to let me see the reports of his
29 operatives, indicated very clearly that he did not want me to review
30 his reports, but would talk freely about the case, and furnish such
31 information as he could, to co-operate with us in this investigation.
32
33

34 Both MR. GUSTAFSON and MR. BRACKETT reiterated the various facts
35 shown in Agent Wright's report, but furnished very little data of pro-
36 bative value. They expressed the opinion that BRYAN BURKHART was re-
37 sponsible absolutely for the BROWN murder.
38

39 MR. BRACKETT, ~~whom~~ ~~was~~ who conducted the personal investigation
40 in this case, stated as shown in Agent Wright's report, that they had
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

97

secure information tracing the actions of ANNA BROWN for the day or two prior to her disappearance. He recited then in substance the positions of ANNA BROWN, as shown in Agent Wright's report of July 13, 1923, outlined on pages two, three and four. As this information is a repetition of the pages therein set out, reference is made to them, and not transcribed.

In addition thereto, MR. BRACKETT stated that MARTHA UPRIGHT, a girl employed in the BURKHART home, had stated that BRYAN BURKHART and ANNA BROWN had had a fuss, and that BRYAN BURKHART is said to have stated that ANNA BROWN would kill him if he did not marry her, but that he, BURKHART, intended to beat her to it.

That there was a family by the name of BRIDGES who were relatives of the BURKHARTS, the BRIDGES living somewhere in Texas, and were visiting the BURKHARTS on the night that BRYAN BURKHART and ANNA BROWN left ERNEST BURKHART'S residence.

That Justice WILSON at Fairfax held a coroner's inquest over the body of ANNA BROWN, and that he had the records of such inquest, but that such inquest did not reveal very much of interest. That there was no examining trial held after the arrest of BRYAN BURKHART, as when the date set for the examining trial arrived he, BRACKETT, tried to explain the case to MR. JEFFRIES, then Asst. County Attorney, and MR. TEMPLETON, the County Attorney, but it seemed that these two gentlemen could not be convinced that they had sufficient evidence against BRYAN BURKHART, and that he, BRACKETT, ~~was~~ ^{saw that} a continuance of this prosecution would be merely a revealing of the evidence they had secured and would not result in the successful prosecution. That they

Calvin S. Wearley.

July 14-20, 1925.

recommended the dismissal of BRYAN WRIGHT without prejudice to further action. That therefore no hearing was had before the Justice of the Peace, and no record made of same.

He also advised that after the death of HENRY ROAN as recited in previous reports, a man by the name of [REDACTED] POCK, alias [REDACTED], who was then at Bartlesville, had asked him if he was interested in the ROAN case, advising him that if he was so interested, he could give him considerable information. At that time he was not concerned in the investigation of the ROAN case, and did not press for this information but that recently POCK had been arrested and was under a charge of automobile theft at Council Bluffs, Iowa, and that he interviewed POCK there, and POCK advises him that BEN DAVIS murdered HENRY ROAN, and was also suspected of possibly having murdered ANNA BROWN.

That POCK, while a notorious thief, bootlegger and automobile thief, is not a gun-man, but associates with all the crooks. That [REDACTED] also advised him that DAVIS was at Fairfax on the night that ROAN was murdered, and was also in Fairfax at the time of the explosion of Mr. E. SMITH'S home, and that POCK believes that DAVIS either was implicated in the SMITH explosion, or has knowledge of same.

MR. PINKER, MR. [REDACTED] and MR. BRACKETT have made arrangements for the release of POCK under bond on the automobile offense under which he is held, and [REDACTED] is to return to Osage County and try to get in touch with DAVIS, as he claims he can soon locate DAVIS and through DAVIS secure all the details of these crimes. This last information was given to me confidentially, with the understanding that same would be kept absolutely quiet. Will advise that they felt sure that within

99

the next ten days or two weeks, with the return of [redacted] to this vicinity they through him will be able to dig up evidence that will warrant state action in clearing up these offenses.

They also advised that HARVE FREESE, who was Ex-Sheriff of Osage County, and now lives at Bartlesville, is also working on these murder charges quietly and that they only today had been over to Bartlesville and saw FREESE, who advised them that HENRY CORNETT is supposed to have said that LOUIS DAVIS knew who blew up WILLIAM SMITH'S house. Also, that through FREESE they secured information that a boy by the name of RALPH, last name not yet known, had before the ROAN killing been at Okla. City with HENRY GRAMMER, a notorious bootletter, now dead, and while at a hotel, BILL HALE came to the room of HENRY GRAMMER and talked to HENRY GRAMMER about ROAN owing him some money. That in the subject of this conversation something was said about bumping ROAN off. That they now had lines out trying to locate this boy RALPH, to verify this information.

They talked at length as to gossip, but admitted that they had no definite information as to the party guilty of the explosion, or any information other than that recited in Agent Wright's report as to the other murders.

MR. GEO. E. SINKER advised that he understands that while HERMAN FOX DAVIS was working on this case, that HERMAN FOX DAVIS became associated with a woman named [redacted] in Okla. City, and one HUSTES KNIGHT, who is a taxicab driver and a man of the underworld at Okla. City, and that through [redacted] and HUSTES KNIGHT, ascertained that they knew all about this explosion.

August 2, 1923.

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

Dear Sir:

Further with regard to the case of BILL SMITH and
other Osage Indians, I am enclosing herewith, for your in-
formation, copy of a report dated July 20th, made by Agent
Weakley, of our Oklahoma City office.

Very truly yours,

[Handwritten Signature]
Director,

Enc. 13511

RECORDED

35 ✓
MAILED
AUG 2 1923

101

0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2

THIS CASE ORIGINATED AT Okla. City office;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: July 20, 23	PERIOD FOR WHICH MADE: July 13 & 14	REPORT MADE BY: James G. Findlay.
----------------------------------	--------------------------------	--	--------------------------------------

TITLE AND CHARACTER OF CASE: BILL SMITH and OTHER OSAGE INDIANS, Murder of	FAIRFAX, Okla.	MURDER; (in State Court)
--	-------------------	-----------------------------

FACTS DEVELOPED:
At Oklahoma City, Okla. **62-5033** (O. C. #7060.)

Continuing investigation, entitled as above, on July 10th Agent received a telegram from the Director stating in substance that Agent Weakley of the Cincinnati office would report here, on a special assignment in the above entitled matter.

On July 13th Agent ~~WEEKS~~ Weakley reported at this office at nine A. M. and we endeavored to get into touch with State Attorney General SHORT, but as he was out of the city, we afterwards got into touch with EDWIN DABNEY, Assistant Attorney General, who has been handling a number of matters in Osage County, and we had a conference with him. He had no definite information relative to the BILL SMITH murder, and knew nothing definite about same; however, he gave us considerable general information, which will be reported in Agent Weakley's report.

On Saturday we got in touch with CHARLIE McCLOUD and others working out of the State Attorney General's office and the Governor's office, and ascertained that they had no specific information relative to this case.

We then went to the office of Attorney General SHORT, who arrived in Oklahoma City on Sunday, July 15th, but we were unable to have a conference

JUL 31 1923 DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-27	RECORDED
BUREAU OF INVESTIGATION JUL 24 1923	
DEPARTMENT OF JUSTICE	
ROUTED TO: FRODOV	<i>[Signature]</i>

REFERENCE: COPIES OF THIS REPORT FURNISHED TO:
3 Washington; 2 file.

102

with him. We had a conference with him on Monday, July 16th, and found that he had very little definite information relative to this matter, but he gave us considerable general information, which Agent Weakley made notes of, and which will be reported in his report.

This investigation will be conducted as rapidly as possible.

CONTINUED.

103

0
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

July 26, 1923.

Hon. Charles H. Burke,
Commissioner of Indian Affairs,
Department of the Interior,
Washington, D. C.

Dear Sir:

Further with regard to the case BILL SMITH and other
Seage Indians, I enclose herewith copy of a report dated July 13th,
made by Agent Findley of our Oklahoma City office.

Additional reports will be sent you upon receipt.

Very truly yours,

[Signature]
Director.

*Case
Murder
Judges*

Enc. 15135

62 5033

62-5033-28

RECORDED

JUL 27 1923

MAILED
JUL 26 1923

104

THIS CASE ORIGINATED AT Okla. City office;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ON

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Aug. 11, 28	PERIOD FOR WHICH MADE: Aug. 4 to 8	REPORT MADE BY: Calvin S. Weakley.
----------------------------------	--------------------------------	---------------------------------------	---------------------------------------

TITLE AND CHARACTER OF CASE:
 BILL SMITH, et al. Osage County, Okla. : Murdered Osage
 : : Indians.

FACTS DEVELOPED:
 At pawhuska, Okla. 62-5033 (O. C. #7060.

Reference made to previous reports of Oklahoma City office in above case.

On Aug. 3d and 7th had long talk with BRIGHT RODDY, who runs an Indian curio shop at Pawhuska which is frequented by a large number of Indians. MR. RODDY feels convinced that ROSE OSAGE was the one who killed ANNA BROWN; that she was prompted by the fact that ANNA BROWN was intimate with AMOS OSAGE, the father of ROSE, and that there had been ill feeling between the two and recited an instance of Feb. 23, 1921 when AMOS OSAGE bought of him an alligator grip for \$20.00, one blanket grip for \$20.00 and four yards of silk for about \$10.00 which he gave to ANNA BROWN, and also AMOS OSAGE had told him that he was going to leave his wife and marry ANNA BROWN; that on one occasion AMOS OSAGE and ANNA BROWN were in his store and ROSA OSAGE came to the door where he, RODDY was standing and asked if her father was in there and he advised her he was; that ROSA went into the store and almost immediately came out; that he, RODDY, asked if she found her father; that she replied "yes, but I don't want to talk to him when he is with that whores."

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-29
 AUG 14 1923
 BUREAU OF INVESTIGATION
 DEPARTMENT OF JUSTICE
 AUG 17 1923
 DIVISION

REFERENCE: COPIES OF THIS REPORT FURNISHED TO:
 3 Washington; 1 U. S. Atty.; 2 file. 105 -lp

Handwritten notes:
 J. J. [unclear]
 4-2-28

referring to ANNA BROWN. RODDY also advised he had heard that a man named TRENT who lives near Yellow horse Camp, saw them near the place where ANNA BROWN was found and that a man named JACK HALE who worked for TRENT was with ROSA OSAGE on that night. Also, that a man named FRANK TERRELL also saw them. RODDY claimed he received his information from talk of various Indians who came to the store.

Agent was not much impressed with MR. RODDY, who seems to be a person who was very anxious to impress one with the fact of his ability to gain the confidence of the Indians, etc., and thereby able to know exactly what was going on.

This story of RODDY is an old story upon which in part ROSA OSAGE and JOE ALLEN (alias JIMMIE HICKS) had been previously arrested.

The detectives checked all this up and ascertained that these parties had been to Pawnee on Saturday night, May 21st and came back to Fairfax Sunday A. M. at about two o'clock and took JACK HALE home and this accounted for their presence at TRENT'S place.

From W. K. BRACKETT, one of the detectives who for some time has been working on these cases, I ascertained that a thorough check has been made of the actions of ROSA OSAGE and JOE ALLEN and others mentioned as being with them and it has been definitely established that they were at Pawnee, that they were at MRS. BENNETT'S, who runs a rooming house at Pawnee, that they left Pawnee Saturday night, May 21st, or rather Sunday A. M. at one o'clock and after arriving at Fairfax, they took JACK HALE home. He was then working for a man named TRENT who lived on the Pawhuska road a short piece out of Fairfax. That the FRANK TERRELL spoken of was a farm hand working for TRENT and he also saw

106

them after they had brought JACK HALE home.

BRACKETT advised that JOHN A. GUSTAFSON had all these statements in his file. Also other leads and rumors which I have collected in the past investigations I ascertained from MR. BRACKETT had already been run out and statements secured from the parties and that all of same were in the possession of GUSTAFSON, as it has become apparent that all this rumor and information has been checked by the private agency previously employed by the administrations, I decided it was best first to get again in touch with MR. GUSTAFSON and arrange to if possible get access to all the reports he had on this case. As MR. GUSTAFSON did not return to Pawhuska until Aug. 8th, I did not see him until then. Ascertained that his complete file on these investigations is at Tulsa, and he is going to be there Aug. 9th and return to Pawhuska Aug. 10th in the A. M. He has promised to bring with him all of this file and let me have access to same.

From my talk with him it appears that he has secured statements from possibly all available witnesses, and while he in general gave me the context of such statements, I will await seeing these original statements prior to making report of same.

MR. BRACKETT advised me that on the evening of Aug. 6th he met KELSEY MORRISON on the street of Pawhuska in his automobile and they engaged in conversation; that as MORRISON knew he, BRACKETT, was working on these murder cases, he, BRACKETT, said to MORRISON: "KELSEY, I am going to ask you a question. I don't expect you to tell me the truth and if you don't want to answer it, say so. You know everybody hinks you had a hand in these murders. What do you know about them?"

107

That this opened the conversation in which MORRISON stated that he knew everyone was accusing him of being connected with these cases, but that he had nothing to do with it and knew nothing about it; that on the day before the explosion he left Fairfax about noon with JOHN LASLEY, BILL REWARD and AMOS TUCKER and drove to Okla. City; that they had all being drinking and took some whiskey with them; that at Guthrie they got another quart and drove into Okla. City; that they were all pretty well under the influence of whiskey; that they had not been there long when JOHN LASLEY got in jail; that REWARD and TUCKER went to a hotel (BRACKETT stated that MORRISON mentioned the hotel but he, BRACKETT, could not at the moment remember the name) and stayed all night and he, MORRISON, went home and fell across the bed and went to sleep and stayed there until the next morning when he had to appear in Federal court. MORRISON went on to state that he had always thought that this was the work of BILL HALE and the BURKHART boys; that at one time he had a suspicion as to who blew SMITH'S house, but is not so sure now. That there was a man who had been confined in the penitentiary, and BILL HALE had secured his parole and later gave him the money to buy his full pardon; that until recently he had thought BILL HALE had gotten this man to do the job.

But that recently he had asked BILL HALE to go on his, MORRISON'S note for some money and BILL HALE refused, and mentioning this man's name said he had gone on his note at the bank and had had to pay that note and he had made up his mind not to go on any one's else note. MORRISON said that this made him think that his first suspicion was un-true as HALE, he does not think, would have said this about the party

108

if he had gotten him to have pulled the job.

On August 7th at Fairfax went to the home of TOM CORNELIUS but ascertained he was in Missouri and would not be at home until the end of next week.

Went to the home of HOBERT ELLIOTT, a farmer who lives about one mile south of Fairfax. MR. ELLIOTT stated that they were awakened by the explosion and saw the fire in Fairfax and when they called the telephone exchange learned it was BILL SMITH'S house; that he and a man who was working for him, named RAY PENNICK, got dressed in a hurry and went out and got his automobile out and were waiting for his, ELLIOTT'S uncle from Missouri to finish dressing, when they saw a Ford car drive up the road going towards town. ELLIOTT and this man were in their car in the barn lot about 150 yards from the road; that it was not quite daylight and they could not see who was in the car. That PENNICK did speak up and remark about that looking like ERNEST BURKHART'S car and wondering what he was going out so late.— That by the time they got out on the road this car was passing over the railroad track about one-half mile down the road and that they lost sight of the car and did not see where it went.

That RAY PENNICK he thinks is now working for C. C. COMBS, a farmer near Hominy, Okla. MR. ELLIOTT stated that later at the fire they saw ERNEST BURKHART and he saw ERNEST BURKHART who had on his night shirt and pants and a robe over him as if he had just hurriedly gotten out of bed and dressed and come to the fire.

That he could not say who was in the car as they could not see the person in same, neither could he say whose car it was.

109

0 MR. ELLIOTT stated that TOM CORNELIUS is his brother-in-law, but
1 that he is now in Missouri, but that he has heard CORNELIUS say that
2 about five or ten minutes before the explosion he, CORNELIUS, was on
3 his back porch and heard a car pass his house going at a high rate of
4 speed; that from the exhaust it sounded like a big car but that he,
5 CORNELIUS, did not see the car.
6
7

8
9 Also at Fairfax saw CHAS. A. ASHBROOK, administrator of HENRY
10 ROAN and MR. W. E. COPELAND, who was a member of the coroner's jury in
11 both the ROAN and SMITH inquest.
12
13

14
15 All the information they had was the general rumor previously re-
16 ported. MR. COPELAND did advise that after the coroner's jury had been
17 discharged he was talking to CHAS. HEMBREE, who advised him that the
18 morning of the explosion he was driving a truck of feed and was on the
19 Ralston road near a bridge out of Ralston and he met a Studebaker car
20 coming at a high rate of speed and he had to pull off the road to keep
21 them from hitting him.
22
23

24
25 Talked to other parties previously interviewed at Fairfax,
26 but no additional information obtained.
27
28

29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46 CONTINUED.
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

0
1
2
3
4
5 August 20, 1923.
6
7
8
9
0

1 Hon. Charles H. Burke,
2 Commissioner of Indian Affairs,
3 Department of the Interior,
4 Washington, D. C.
5

6 Dear Sir:

7
8 Further with regard to the case of Bill Smith et al
9
10 Murdered Osage Indians. — I enclose herewith copy of a report
11
12 dated August 11th, made by Agent Weakley of our Oklahoma City
13
14 office.
15

16 Very truly yours,
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

J. Edgar Hoover
Director.

Enc. 14242

MAILED
AUG 20 1923

THIS CASE ORIGINATED AT City office;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: Aug. 7, 23	PERIOD FOR WHICH MADE: July 20th to Aug. 4, 23	REPORT MADE BY: Calvin S. Weakley
---	--------------------------------------	--	---

TITLE AND CHARACTER OF CASE: BILL SMITH, et al. Osage County, Okla. : Murdered Osage Indians			
--	--	--	--

FACTS DEVELOPED:
At Oklahoma City, Okla. 62-5033 (O. C. #7060.)

Reference made to previous reports of Okla. City office, made in this case. July 20, 1923, at Oklahoma City.

Agent at police headquarters interviewed C. H. STRATTON, Bureau of Identification, regarding matter mentioned in Agent Frank V. Wright's report of April 9, 1923, last paragraph, page one, and first paragraph page two. MR. STRATTON advised that after taking the finger prints as mentioned therein he had compared same with the records of his office and also of finger prints of parties suspected by the local authorities but was not able to identify the finger prints on the bottle. That he had not sent a copy of these prints to the Bertillon Dept. at Leavenworth, Kans. but would do so at once and also would make two copies of same and furnish them to Mr. Findlay for the department files. He advised he had no information of further benefit in this investigation.

During the day endeavored to locate MR. C. O. GREER, ex-Sheriff of Canadian County, who was said to have made investigation of the HENRY ROAN case, ascertained he is now located at Sylvia, Kans.

On July 21st held conference with

DO NOT WRITE IN THESE SPACES

FILE NO. 62-5033-36	RECORDED AUG 17 1923
BUREAU OF INVESTIGATION AUG 14 1923 DEPARTMENT OF JUSTICE	INTELLIGENCE DIVISION
ROUTED TO: HOOVER	FILE BY JUB

REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington; 1 U. S. Atty., Muskogee; 2 file.
------------	--

0 Agent in Charge Findlay, U. S. Atty. W. A. MAURER, State Attorney Gen-
1 eral G. B. SHORT, at which time MR. SHORT advised he would communicate
2 with C. O. GREER and arrange for him to come to Okla. City and from him
3 secure such information he had but as he did not arrive prior to Agent's
4 departure from Okla. City, arrangements were made that he would be in-
5 interviewed by Agent Findlay.
6

7
8
9 Agent interviewed at the Bureau office JOHN J. MORAN, of Tulsa,
10 Okla., who had furnished to the Okla. City office copies of reports of
11 operatives as shown in the reports of Agent F. V. Wright of May 31, 1923
12 and Agent in Charge Findlay of July 12 and July 13th, 1923. MR. MORAN
13 in explanation of various parts of these reports, advised that from sub-
14 sequent investigation that ROSA OSAGE and JIMMY HICKS had nothing to do
15 with the death of ANNA BROWN, and also that the statement of SARA CONN
16 the Kaw Indian, of Kaw, Okla., was not true, but was made for the pur-
17 pose of revenge. That they had installed a dictagraph in a room in
18 which ROSA OSAGE, JIMMY HICKS and others were held as witnesses at one
19 of the hearings and from the conversation they were convinced that there
20 was nothing to this story. Also they were at no time able to secure
21 any evidence showing that ROSA OSAGE and JIMMY HICKS were with ANNA
22 BROWN on the night she disappeared. That all the evidence secured
23 tended to show that BRYAN BURKEHART was the last one with ANNA BROWN as
24 shown in previous reports.
25

26
27 MR. MORAN advised he did not think the CHARLEY WHITEHORN case of
28 Pawhuska had any connection with the Fairfax cases, but that HATTIE
29 WHITEHORN and the SAVAGE family were the ones who had knowledge of this
30 killing and were at least indirectly responsible but they were never
31 able to make the proof; although they had several of these par es
32

under arrest.

0. MR. MORAN advised that all the evidence secured was purely cir-
1. cumstantial and they were unable to secure any definite proof, although
2. he is convinced BRYAN BURKHART was responsible for ANNA BROWN'S death.
3. At Pawhuska, Okla.
4.

5. On July 25th Agent interviewed CHAS. COOK, Sheriff of Osage County
6. and he advised he had no information except the general gossip as pre-
7. viously reported but went into detail telling this rumor. He advised
8. that at the time of the explosion his deputy sheriff, J. W. HUTCHINSON,
9. had worked with the private detectives trying to solve this case but
10. had not been able to get any definite information. He advised he was
11. willing to cooperate and do what ever he could but knew of no lead
12. through which evidence could be secured.

13. Interviewed JOHN THOMPSON of the Osage Torpedo Co. as I had ascer-
14. tained their magazine had been broken into. He advised that a day or
15. two before the SMITH explosion their magazine located on the SCHIDEL
16. farm one-half mile north and three miles west of Denoya, Osage County
17. Okla., had been broken into, by the tearing off of the boards through
18. which the hasps and locks were fastened and ten quarts of nitroglycerin
19. had been stolen. That they had made every effort possible to ascertain
20. the parties responsible for this larceny but had made no progress; that
21. as this magazine is in an isolated spot it was practically impossible
22. to get any clew.

23. Interviewed MR. ROLP, County Attorney, Osage Co., Pawhuska, who
24. advised that after the explosion which wrecked the home of W. F. SMITH,
25. he went to Fairfax and was present at the coroner's inquest and advised
26. that the testimony was taken by MRS. PRENTIS, the Postmistress, and
27.
28.
29.
30.
31.
32.

that same was in the possession of H. E. WILSON, Justice of the Peace who conducted this inquest, but that no definite information was secured; that they had a chemist from A. & M. College at Stillwater, Okla. who after examination of the premises reached the conclusion that this house had been wrecked by some high explosive such as TNT. or nitro-glycerine placed under the building near the garage door at a point where there was a hole bawn in the ground through the cement floor, this hole being six feet in diameter and three and one-half feet deep. Agent later read this testimony, which was given by DR. C. T. DOWELL, Professor of Chemistry, Stillwater, Okla., and same substantiates the above statement. MR. ROTH advised that MR. JOHN McLEAN, an insurance agent of Tulsa, Okla. who on the night was stopping at the SMITH WILLIAMS Hotel testified that he was in room 15 and due to kidney trouble he was up about 3 A. M. and saw a flame flare up and then die down on the reflection of flames flaring and for a moment sat on the side of his bed thinking that it was possibly an automobile which had caught fire and after a moment the explosion occurred, the concussion of which knocked him back on the bed. This hotel is two blocks north and two blocks east of the SMITH residence.

Agent also read Mr. McLEAN'S testimony which is in the possession of H. E. WILSON, Justice of the Peace, the testimony of these two witnesses were the only ones which were transcribed. MR. ROTH advised that beyond the fact of establishing the fact that SMITH and wife came to their death by this explosion there was no testimony introduced at the coroner's inquest. That the coroner's jury was held for a period of several months in order that the detectives who were working on the case could produce evidence if possible fixing responsibility; that

they were never able to secure any definite evidence as to the death of

HENRY ROAN. MR. ROTH advised he was present also at that hearing of the

Coroner's inquest and furnished me with copy of the transcribed testi-

mony in the abstract shows that DR. M. B. PRENTISS and DR. J. G. SHOUL-

held a post mortem on the body of HENRY ROAN and each testified that he

came to his death by a bullet wound, the ~~bullet~~ bullet entering the head be-

hind the left ear and emerged over right eye. - that he had been dead

possibly a week as he had evidently met his death just prior to the

last cold spell before his body was found as there was practically no

decomposition and the body was frozen, which would indicate that he had

been killed just before the change in the weather which was about a

week prior to the finding of his body on Feb. 6, 1923. ROAN'S body was

found about three or four miles northwest of Fairfax in his automobile,

same having been driven up a draw, a short piece off the road.

ALFRED MCKINLEY was another witness at the coroner's inquest. His

testimony was in substance that he had seen HENRY ROAN about one month

prior to the inquest; that he, MCKINLEY had talked to a Ponco Indian boy

whose name he does not know but who lived with JOE MASON, and that this

Ponco boy had told him that he had seen an Indian boy in a big car and

two white men in another car and the next time he saw this Indian boy

his face was bloody but that he did not say this Indian boy was HENRY

ROAN.

MARY ROAN, the wife of HENRY ROAN, before the coroner's inquest

testified that the last time she saw him was Wednesday or Thursday,

Jan. 24th or 25, 1923; that he left home about 9 A. M. with their little

boy and went to Spurgin's Garage and came back with a mechanic and took

his car to the garage to have same repaired; that he left the car

home. That ROAN had \$20.00 with him. That ROAN had been drinking and
01
02
03
04
05
06
07
08
09
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
home. That ROAN had \$20.00 with him. That ROAN had been drinking and
claimed he got his whiskey at Whizbang, Okla. That when he did not re-
turn at noon for dinner she phoned Spurgin's Garage and ascertained he
had been gone an hour that she telephoned to ROAN'S cousin, BOB PETSE
at Hominy but he had not been there.

GRACE ROAN, his daughter, of Pawhuska, testified she had seen her
father about a month prior at Hominy with CHAS. MORREL. Nothing mater-
ial in her testimony.

In further investigation at Fairfax, Okla. interviewed the follow-
ing parties; W. W. THOMASON, Indian Enforcement Officer; D. E. JOHNSON
attorney; A. C. HUNSAKER, merchant; L. R. HEFLIN, merchant; W. C. SPUR-
GIN, motor Garage; J. W. HUTCHINSON, Deputy Sheriff; DR. J. S. SHOUN;
H. E. WILSON, Justice of Peace and Police Judge; J. H. WARD, stockman;
FRANK SHAW, stock man; DR. A. H. FREEDMAN, dentist; JOHN HAZLETT, in-
surance agent; HENRY MORGAN, manager telephone co.; M. CM McNEW, depot
agent; L. A. WEISMEIR; MR. CROSLAND, former night watchman, city of
Fairfax; GEO. BORTON, merchant. As the major portion of the informatio
received from these men is the same and mostly rumor reports and genera
reference is made to information received generally and only when per-
tinent is attention called to the source of such information as each of
the parties mentioned furnished me with the same information previously
shown in reports of the Oklahoma City office.

W. E. SMITH met his death by the explosion of his home March 10
1923 about 3 A. M. he dying March 14th, his wife RITA SMITH and hired
girl, NETTIE BROOKSHIRE, being killed instantly.

The general impression and talk being that this was planned by W.

117

0
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62

K. HALE and his nephews, ERNEST and BRYAN BURKHART and possibly executed by KELSEY MORRISON or someone acting for him and that these four are directly responsible for this act, the object being the centering of inheritance in ERNEST BURKHART'S family as previously mentioned in reports, also the further fact of a suit of W. E. SMITH vs. W. K. HALE for \$6,000.00 borrowed money. Each of the parties interviewed stated that there had not been any direct evidence as yet obtainable to substantiate any of these suppositions except the fact of the previous deaths of members of this family branch as previously reported.

W. E. SMITH had been very active in endeavoring to fix the responsibility of the murder of his sister in law ANNA BROWN and it was generally known that he had accused BRYAN BURKHART with same as well as accusing BURKHART and HALE with being responsible for the death of HENRY ROAN.

SMITH had on several occasions told D. E. JOHNSON, J. D. SHOUN, HENRY WARD and A. C. HUNSAKER that he feared HALE and the BURKHARTS would kill or blow up him and his wife and that for this reason he had moved into town from his ranch. That he had only lived in this property one or two nights prior to the explosion.

As to the suit between SMITH and HALE, MR. D. E. JOHNSON, who was attorney for SMITH advised that this suit was filed about Sept. 25, 1920 this was on an indebtedness of W. K. HALE to SMITH for \$6,000 borrowed money as evidenced by check of SMITH dated Apr. 17, 1920; that at that time SMITH and HALE were very friendly and this money was loaned without security and supposedly for a short period; that when SMITH asked for its return at first he was put off and after repeated request HALE refused to pay and suit was filed. HALE filed answer to this suit.

alleging that he, HALE, had in March and April, 1918 at one time loaned to SMITH \$2,500.00 in cash another time \$3,000.00 in cash and at a third time such an amount that with interest on said other loans had totaled \$6,000.00 and that this check for \$6,000.00 was given in payment of these previous loans. That this suit while pending for some time, would have come up for trial in April, 1923.

Messrs. JOHNSON, SHOUN and WARD also related to me the statements of SMITH made at the hospital as related in Agent Wright's reports of April 16, 1923. Each of the men interviewed by me who had previously been interviewed by Agent Wright, furnished me the same information they had given him.

Reference to Agent Wright's report of Apr. 16, page two regarding statement reported to have been made by ROBERT ELLIOTT. This same report was made to this Agent but I could not ascertain anyone who had heard ELLIOTT make the statement; tried to get in touch with MR. ELLIOTT on my trip to Fairfax but was unable to do so but will see him later, yet J. A. GUSTAFSON advised me he had seen ROBERT ELLIOTT and ELLIOTT stated that when he was coming to the fire he saw a Ford car also coming towards the fire but did not know who was in that car and had not said it was ERNEST BURKHART, and had no reason to believe it was he.

MR. CROSLAND, the night watchman of the city of Fairfax, advised that just a few moments prior to the explosion he was at the Smith Williams Hotel and had entered the lobby of the hotel, he saw a car driving west on the street just south of SMITH'S house that at the time he saw this car it was about two blocks east of SMITH'S house, that this car was about two blocks away from him; that he merely noticed the reflection of the lights of the car that he went in the hotel lobby and sat

July 20 to Aug. 4, 1923.

down and almost instantly the explosion occurred; that at the time when
0 the first noticed this car there was no reason for him to pay any atten-
1 tion as it is nothing unusual to see cars driving around town late
2 ar night.
3
4
5

6 MR. M. C. McNEW lives two doors south of W. E. SMITH, advised that
7 on the night of the explosion he was up most of the night on account of
8 sickness of his family; that about 2 A. M. he heard a car pass his house
9 which drove down to the end of the block south of his home and stopped
10 to let a man out; that this man walked back north on this street, which
11 would be towards the SMITH house; that at that time he paid no atten-
12 tion to this as he thought it was merely someone bringing some of the
13 neighbors home; that this was a small car and he thought a Ford. That
14 about fifteen to twenty minutes prior to the explosion he heard a car
15 pass his house going south at a high rate of speed and from the exhaust
16 it sounded like a large car; that at 2:50 A. M. which was about fifteen
17 or twenty minutes after this last car passed the explosion occurred;
18 that this was of such force it broke the window glass in his house
19 and particles of wood fell in his yard and on his house.
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

44 Confidentially, MR. McNEW, who is also depot agent, showed me a
45 telegram sent by L. L. OLLER, a partner of W. K. HALE, then at Campbell
46 Tex. on March 9, 1923. This telegram was sent from Fairfax, Okla.,
47 and read as follows:
48
49
50
51

"March 9, 1923.

52
53 W. K. Hale,
54 Campbell, Texas.

55 Deal's hands good. I will go in the morning.
56 (signed) L. L. Oller."
57

58 Mr. McNEW states that while he does not know that this has any
59
60
61
62

bearing, same might be kept in mind.

W. B. advised generally that a truckman had seen a Studebaker car near Elston on the early morning of March 10th driving at a high rate of speed, but while this rumor is general no one was able to advise where this rumor started or the name of this truck driver. MR. GUSTAFSON also advised he had been unable to trace this story.

Regarding the man at the light plant at Pawnee, Okla. who was reported as seeing a car answering description of MORRISON'S car, sport model, Studebaker, pass through Pawnee about 4 A. M. March 10, 1923 as mentioned in Agent Wright's report of April 16th, MR. GUSTAFSON advised that he talked to this man but that he merely saw a large car pass there early that morning but could give no description of same.

MR. J. H. WARD advised that two or three days before the explosion KELSEY MORRISON was arranging to buy a car from EARL RICHARDSON and said he had to go to Pawhuska and get some money from HALE that he MORRISON did come back with some cash and a check of HALE'S for \$100.00 which check he, MORRISON, turned over to RICHARDSON as part payment of car.

Am also advised that HALE is surety on notes of MORRISON for about \$2,000.00 at the First National Bank at Fairfax.

There has not as yet been any facts developed upon which to make any connecting link looking to any definite development.

The party mentioned in my previous report who is working under Detective W. W. BRACKETT has not as yet secured any data as he has not as yet been able to locate the parties through whom he expects to secure information.

DR. J. G. SHOUN advised that the day before the explosion is W. K. HALE in talking to his, SHOUN'S wife had asked her if the had

moved all their furniture from the house which SMITH had purchased.

That at the time of this inquiry they thought nothing but since the explosion they had thought it rather queer.

MR. J. H. WARD stated that after the explosion he was talking to KELSEY MORRISON and they were discussing the explosion and MORRISON remarked "You know I was on my way to Okla. City when it happened; no, I went there the evening before." MR. WARD said that MORRISON seemed to catch himself when he had made the first statement and followed it up with the correction.

MR. HENRY MORGAN, manager of the telephone company, stated that a day or two after SMITH died, a nurse at DR. SHOUN'S hospital whose name is BURKHART? and is a sister of ERNEST BURKHART, a nephew of HALE called HALE by phone at Pawhuska and advised him, SMITH had died. HALE replied, "Is that so" or some such phrase. MISS BURKHART said: "I must see you right away." HALE said something about coming up to the hospital and she replied no, he must not come up there, and then HALE said he would come to his home and leave the door open and she could come down there and see him.

Also that immediately after SMITH died, LOUIS OLLER, HALE'S partner, called HALE from Halston by phone, HALE at that time being some place in Texas, and that in making this call it came over the wire that passed through the Fairfax exchange and the operator at Fairfax caught the call, that he, MR. MORGAN, does not remember what the conversation was, but that OLLER is supposed to have left and met HALE some place enroute to Pawhuska and then to Fairfax.

MR. MORGAN stated he would talk again to this operator and let me know what that conversation was.

0 MR. C. HUNSAKER advised that recently KELSEY MORRISON had had
1 some trouble with Attorney D. E. JOHNSON and had assaulted him and
2 broken his JOHNSON'S nose; that after that trouble MORRISON one night
3 came to his, HUNSAKER'S store and wanted to give him a check for \$50.
4 saying that the check was no good now but would be some time; that he
5 wanted to buy a shot gun as he was going to have to kill a man; that
6 MORRISON went on to say that his mother and father were dead and his
7 brother was dead and he might as well be dead; that everybody was ac-
8 cusing him of blowing SMITH'S house but that he did not know anything
9 about it. That he and MORRISON had quite a talk and he, HUNSAKER, at
10 first thought he would get some information but did not, as someone
11 came into the store and interrupted them.

12 The coroner's jury in the investigation of the death of W. E. SMITH
13 was composed of the following:

14 J. H. WARD K. M. CRANDALL F. C. HOEFER
15 W. E. COPLAND A. D. RECKHAN W. G. LYNN

16 The decision was to the effect that death resulted from an explo-
17 sion of high explosive which wrecked his home, placed there by par-
18 ties unknown.

19 AS TO THE DEATH OF ANNA BROWN:

20 From H. E. WILSON, Justice of the Peace, before whom the Coroner's

21 ~~inquest~~ inquest was held, I secured the following transcript of the
22 testimony:
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63

May 28.

Examination of Melvin Case.

Q What do you know of this matter of the death of Annie Brown? A I only know that which I have heard, and have heard nothing of importance.

Q When did you last see Annie Brown? A It has been some time.

Q When did you last hear of her? A I heard that Lee Jennette took Annie to Pawhuska Sunday week and that she came home the following Friday.

Q Have you heard of her since? A Yes I heard that Bob Carter took her to Greyhorse Saturday morning and that Burkhart brought her home that night.

Q Have you heard of Annie Brown's whereabouts since? A I have not. I know nothing-else.

START
Examination of Joe Allen (alias Jimmie Hicks)

Q How long have you been in this vicinity? A About four months.

Q Did you know Annie Brown? A I did.

Q Did you have much to do with her? A Not much.

Q Where were you on Sunday week? A I went to the ball game here, and that night I went to Pawhuska with Rosie Osage.

Q Where were you Monday? A I was in Pawhuska.

Q Where were you Tuesday? A Yes, I left Pawhuska, about 12 P. M. ~~3:00~~ Tuesday night.

Q When did you arrive at Fairfax? A About daylight.

Q What were you so long on the road about? A My car broke down and I had lots of trouble with it.

Q Who was with you? A Rosie Osage.

Q Where did Mr. Tulk meet you? A Not far out of town.

Q Did you follow him back? A I came part of the way and being sleepy went to sleep.

Q Did you stay there all night? A We stayed there until about daylight.

Q Where was this? A About four miles from town on the Pawhuska road.

Q Why did you not come on in town? A We were too sleepy.

Q Whose shoes were those in the back seat? A They were Rosie Osage's.

Q Where did you go the next day? A I think I was here part of the day and left for Pawhuska about 11:30 Wednesday noon.

Q When did you come back to Fairfax? A I came back Friday.

Q Where were you on Saturday? A I was in Fairfax and went to Pawnee that night with Mary Osage Rosie Osage, Fannie Lasley & Jack Hale.

Q When did you get to Pawnee? A About 9 o'clock.

Q When did you leave? A About one or two o'clock.

Q When did you get to Fairfax? A About 3.

Q What did you do then? A I took the girls to the hotel, Fannie had stayed in Pawnee.

Q Where did you go then? A I drove down in front of the Silver Moon with Jack Hale and in about a half hour took him to home.

Q What did you do then? A I drove back to the barn and slept in my car.

Q Did you see Annie Brown during that week? A I did not.

Q When did you see her last? A I saw her in Burbank.

Q When was the last time you had seen her? A I don't know.

124

Q Were you thick with Annie? A No I was never.

Q When did you say you left Pawnee? A About 12 and got here about 1:30 (witness was unusually nervous without probable cause.)

ROSIE OSAGE.

Q Where were you on Sunday last? A I went to Pawhuska with Joe Allen after the ball game.

Q When did you return? A We left Pawhuska about 12 Tuesday night and got back about day light.

Q Why were you so long? A We had a break down.

Q Where did you go after Mr. Tulk left you? A We came in almost to town just over the bridge and went to sleep

Q Whose shoes were those in the back seat? A These slippers you mean They are mine.

Q How did the car happen to be torn up so badly? A Joe ran into a tree

Q How did it have mud on the top then for? A I don't know.

Q Were you with Joe when he ran into a tree? A No he was riding by himself in Pawhuska.

Q Where did you go Saturday? A I went to Pawnee and got back about 1:30 that night. I went to the new hotel and spent the night.

Q Where were Jack Hale and Joe Allen? A They left I don't know where they were.

Q When did you last see Annie Brown? A Oh about a month ago out here in the road next Greyhorse.

Q Have you seen her since? A No.

Q You have been in town haven't you? A Yes.

Q But you have not seen Annie for a month? A No.

JOE ALLEN.

Q Joe how did that blood get on the door of the car? A It has been there for a long time one of the girls cut her hand when the car turned over and it bled bad.

Q Where did you take her? A I took her to a doctor in Pawhuska.

Q Where was his office? A In the Osage Rooms Building.

Q But there is no doctor there is there? A That was where I took her to a doctor.

ROSIE OSAGE.

Q Did you see Annie at Burbank? A Yes I saw her and brought her home several days ago.

Q Where did you find her? A In a rooming house over a store down from Williams store.

Q Did you have any trouble in getting her home? A Yes she was in a room with a man and would not let me in.

Q Was she drunk? A Yes

Q Did you buy some whiskey? A No I never did buy any whiskey.

Q How did you get her home? A Frank Fletcher went in and made the man let him have Annie and we brought her home.

WILLIAM McVEY:

Q When did you see Annie Brown last? A Took her to Grace Bighe rt's late Sunday May 15th.

Q When did you hear of her last? A Bob Carter took her to Greyhorse
week ago Saturday morning.

Q Did you hear of her after that? A Bryan Burkhart brought Annie home
that night from Greyhorse to her home in Fairfax.

Q Do you know anything else? A No nothing at all.

JOE COX:

Q Did you know Annie Brown? A Yes.

Q When did you see her last? A It has been a long time.

Q What kind of a car have you? A Buick seven passenger.

Q What kind of casings has it? A Black covers with white stripes down
the middle.

Q Have you had your car out lately? A I have loaned it out and have
not had it for several days.

Q To whom? A To James Moses.

Q Do you know any thing about this murder? A I do not.

MOLLIE LA MOTTE.

Q Have you seen Annie Brown lately? A I have not for I just returned
from St. Louis and heard about the murder when I came back.

Q Did you see a car out here on the three mile about Wednesday? A I
did not for I was not here I just come home.

ROBERT KAZEE:

Q When did you last see Annie Brown? A Sometime ago in Burbank.

Q Is it not true that you were rather stuck on Annie? A I was not

Q Did you not go with her some? A I did not.

Q What do you do? A I am a farmer in Ralston, or near there.

Q Do you know anything about this matter? A I do not.

Q Are you sure you know nothing? A I am.

Brief of testimony from thence on:

Testimony of MRS. JAMES, June 3, 1923:

That she knew Anna Brown during her life time. That she had seen
her from time to time with a tall jitney driver. That on Saturday or
rather early Sunday morning about 4 A. M. she heard loud talking down
by the track near her home, on this side of the track on the road to
Grayhorse. That a man was saying "Annie get in" and that he talked
clearly but with disgust. That she could hear the drunken voice of a
woman. That they drove up to Annie's house and went on the porch; that
the porch light was on and she saw a tall slim man with a hat (could
not tell color) grey trousers and tan shirt. That she went on back to

bed and saw or heard no more.

BOB CARTER:

0
1 That he drove ANNIE to Greyhorse early Saturday morning. That she
2 was drunk when he took her. That she asked him if he wanted a drink
3 but he said he did not. That Annie told him ~~to~~ not to go thru Grey-
4 horse but to go around the town to her mothers that on the way she
5 told him that she was pregnant and that Jim Moss was the father. That
6 she went out by the cemetery, and there she told Bob to have a man come
7 out to fix up her father's grave.
8
9
10
11
12
13
14

ROBERT KISSEE:

15
16 Says that he went up to Annie Brown on Sat. night May 21 but that
17 she was not home and that later he and two other men, Lee Uto and H. B.
18 Mathews went to Burbank to try and get some girls. That they went to
19 Burbank for no other purposes and did not get any girls. That on their
20 return they let Mathews out and Lee took Hinkle home to Greyhorse, while
21 he, Kisse, stayed at the Silver Moon. That he started home with Lee
22 when they saw a closed in car and took out after it. That they passed
23 this car just over the railroad track near the bridge on the road to
24 Pawhuska. That he could not tell who was in the car but believes it
25 to be Joe Allen and Rosie Osage that he believes there was one man and
26 four women in the car. That they came on back and he went home. That
27 he had not seen Annie Brown for some time.
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

MARY OSAGE:

51
52 Says she went to Pawnee on Sat. night May 21 with Joe Allen,
53 Fannie Lasley, Rosie Osage and Jack Hale. That Fannie stayed here and
54 they came home late that night and she got out while they went to take
55
56
57
58
59
60
61
62

Jack Hale home. That she had been with Annie about two weeks before that, but she did not know any of Annie's troubles. That she had not seen her for days before she was killed.

JOE ALLEN:

That he had not seen Annie for a long time. That he went to Pawnee on May 21 and came home about dawn Sunday May 22. That they let Mary out at the hotel and went to take Jack Hale home. That when they took him home they stopped the car on this side of the hill and went to sleep until they were awakened by a car coming up the hill. That the car was driven by Frank Terrell. That a man was with him but he does not know who it was. That he came on back to town with Rosie and let her out at the hotel. That he did not know Annie very well and had not seen her for a long time. That he knows nothing at all about her murder.

(The witness told things much different than he did on the stand on Saturday's inquest and admitted he had lied at that time.)

ROSIE OSAGE:

That she went to Pawnee May 21 came home early next morning. Took Jack Hale home. Went to sleep on this side of the hill on the way to town from Bill Trents. That she had not been drinking that night. That she does not carry a six shooter. That she had never had any trouble with Annie Brown and had made no threats as she was accused of having made.

Testimony June 9:

MRS. JOHNSON:

Testifies that she talked with Rosie Osage on Monday June in the