

Ross Cafe and there she told her she was held for murder and was going to be taken to Pawhuska to jail. That later her little girl Iva while walking down to the station said that Rosie had told her that she had killed Annie Brown. That they had knocked her in the head, then shot her, and took her out to the three mile, but that if she told she would get her. Later the girl said it was a lie and that she just said that.

IVA JOHNSON:

Testifies that she talked with Rosie Osage on June 5 in the Ross Cafe. That Rose told her that she was going to jail but did not say she had done anything. Denies that she ever heard Rosie make such a statement but said she had just made it up to have fun out of her mother. States that later she went with Rosie to the hotel and there Rosie told her that she did not know what they had her for because she did not know a thing about it.

Testifies that she knew that Rosie was with Annie Brown at the hotel on Sat. May 21st and that they left the hotel late that afternoon in Fanny Lasley's car (this was the last day on which Anna Brown was seen). Says she knows nothing else about the matter.

MRS. MELVIN CASE:

Testifies she lives next door to the Brown home. That the last time she saw Annie was on Sat. May 21. That it was in the morning and Annie was at that time on the back porch. That later she saw Bob Carter come after her in the car and saw them go towards Greyhorse. That this was the last time she ever saw Annie or any signs of Annie.

Clerk hire in inquest of Annie Brown case:

Clerk, Walter L. Gray.	May 28	Saturday	2.00
	June 3	Friday	2.00
	June 9	Thursday	2.00
			6.00

MR. WILSON advised that there were other witnesses heard but that MR. WALTER L. GRAY acted as clerk and he does not think their testimony was transcribed as same was of no importance. That there was some testimony given by BRYAN BURKHART but he does not know whether MR. GRAY has that or not.

Interviewed C. K. TEMPLEMAN, County Attorney, and A. L. JEFFRIES Asst. Co. Atty., at Pawhuska at the time of this murder MR. JEFFRIES being the one who conducted this inquest. He advised that at first it was thought ROSA OSAGE was possibly the one who was guilty but that they were never able to secure any information to show that she was with ANNA BROWN at any time during the week prior to her disappearance. That they had BRYAN BURKHART as a witness at the inquest and that his conduct was such on account of his uncalled for uneasiness that he was at once suspected and further investigation showed he was the last one seen with her having been seen as late as 3 A. M. May 22 when he brought her home. That BRYAN BURKHART was arrested on the evidence collected by the detectives as shown in previous reports but that a trial was not had as the detectives were afraid to trust to the decision of the magistrate before whom they had issued the warrant, but that he, JEFFRIES, had always thought BRYAN BURKHART was the one guilty of this offense.

MR. D. E. JOHNSON, A. C. HUNSAKER, W. C. SPURGIN, J. W. HUTCHINSON and A. L. JEFFRIES all related the instance as detailed by MR. JOHN J. MORAN as shown in my report of July 20 of the use of the dictagraph and each stated they were now sure that ROSA OSAGE had nothing to do with this case.

The prevailing opinion seems to be that BRYAN BURKHART is the guilty party predicated upon his being the last known party with her

and the theory of centering the inheritance of these ~~state~~ estates in

MOLLIE BURKHART.

MR. JOHNSON advised that JOHN GUSTAFSON had made a check up of the actions of ROSA OSAGE which would tend to show she was not connected with this crime. He also stated that the time he and MR. SAM TULKA met ROSA OSAGE and JOE ALLEN (JIMMY HICKS) was on the Tuesday as mentioned by her and not on Saturday night when ANNA BROWN disappeared. MR. W. C. SPURGIN also stated that to him there was nothing to the matter of the blood on the car of FANNY LASLEY.

Agent has not had an opportunity to take up with JOHN A. GUSTAFSON the matter of what check he has made of ROSA OSAGE in this matter. MRS. GEO. JAMES, who was the one reported to have seen ANNA BROWN and BRYAN BURKHART on the morning of May 22 at 2 A. M. is now spending the summer in Colorado touring, so was unable to see her.

MR. CROSLAND, former night watchman, advised that he had talked to a woman who worked for HENRY ROAN and his wife MARY ROAN prior to this death and is now working for ROY BUNCH and his wife, who is ROAN'S widow, and that this woman told him that she all about the ROAN murder but would not tell him any of the facts. MR. CROSLAND does not know this woman's name but will secure same. ROY BUNCH and his wife are now in Colorado near Colorado Springs touring for the summer and it is thought this woman is with them.

At present a large number of these Osage Indians are around Colorado Springs, spending the summer.

It is general rumor among several of the parties interviewed that ROY BUNCH was instrumental in the killing of HENRY ROAN. This is pre-

01 dicated on the fact that BUNCH had been intimate with MARY ROAN and that
02 HENRY ROAN knew this and had spoken of how his home had been broken up
03 by BUNCH; also that BUNCH in about a month after ROAN'S death had mar-
04 ried his widow.
05

06 W. K. HALE had an insurance policy for ~~\$2,500~~ \$25,000.00 on ROAN'S
07 life supposedly to secure loans. This policy was with Capitol Life Ins
08 Co. of Denver. This policy has not been paid, and I am advised that an
09 adjuster from Denver whose name I have not learned as yet, came to Fair-
10 fax and made an investigation and refused payment. That HALE has placed
11 this policy in the hands of attorneys for collection but no ~~act~~ ^{suit} has
12 been instituted. It is suggested that the Okla. City office write to
13 Agent in Charge McAfee and have him secure from the Capitol City Life
14 Ins. Co. of Denver all the information they have as to this policy and
15 what data was secured by their inspector.
16

17 Reference to report of Agent F. V. Wright of Apr. 16, 1923, page
18 three paragraph two as to death of JOE GRAYHORSE (whose correct name is
19 JOE BATES) and the real estate deals with HALE, ascertained that JOE
20 BATES is an Osage Indian with certificate of competency; examination of
21 the records of deeds of Osage County were made with Mr. McCANNY of the
22 Indian Agency and same show under date of Aug. 10, 1920 a conveyance of
23 an undivided interest of JOE BATES to W. K. HALE of certain tracts of
24 land; this deed was properly acknowledged before PAT HENRY, Notary Pub-
25 lic, Aug. 10, 1920 and recorded same day. Consideration \$1 and other
26 considerations. Recorded in Deed Book 37, page 372.
27

28 Also under date of Aug. 21, 1920 appears a conveyance of a undi-
29 vided interest of JOE BATES to W. K. HALE of certain tracts of land;
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this deed was properly acknowledged on Sept. 3 by W. H. BOLDUFF, Notary Public and recorded same day.

McCANN advised me that there is now a suit pending asking a partition among the heirs and purchasers of undivided interests of these tracts of lands of which suit the agency has notice and copy of the particular petition. From this investigation of BATES transactions with HALE, which occurred practically a year prior to his death there is nothing to cause suspicion.

As to the descent of the estates of the deceased Osage Indians involved in this investigation I ascertained from Mr. Wise and Mr. McCann of the Indian Agency, Interior Dept., that the interest in tribal property or tribal funds held by the Government (commonly called head rights) upon the death of such owner becomes a part of his general estate and descends under the state law of descent and distribution, if such party dies intestate or under a will if such is left.

As to the special cases under investigation, the records of the agency show as follows:

"ANNA BROWN, murdered May 1, 1921. Heirs undetermined.

LIZZIE I. KYLE, died July 17, 1921. She left a will devising certain designated tracts of real estate to her daughters RITA SMITH and MOLLIE BURKHART also certain tracts to her granddaughter, ELIZABETH ERNESTINE BURKHART and grandson JAS. WILLIAM BURKHART also to the above granddaughter and grandson she devised her home place at Greyhorse to be held by them jointly.

All her rights in Osage Indian lands and Government funds she devised one-third to RITA SMITH, one-third to MOLLIE BURKHART one-

sixth to ELIZABETH ERNSTINE BURKHART and one-sixth to JAS. WM. BURKHART. This will contains a residuary clause dividing the remainder of her estate between RITA SMITH and MOLLIE BURKHART. This will was dated June 8, 1923 revoking previous wills; this will designated A. S. MATHIS as executor.

CHAS. WHITEHORN murdered May 1921 he held by the records one and two-ninths (1 2/9ths) interest his heirs and their interests are as follows: HATTIE (WHITEHORN) SMITHERMAN, 11/18; RALPH WHITEHORN, 2/9; ELDER WEBB, 2/9; JOHN ABBOTT, 1/6; CHAS. WHITEHORN left no will and his estate descended by law.

HENRY ROAN, murdered Feby. 6, 1923. Heirs not yet determined.

MINNIE KYLE SMITH, died Sept. 22, 1918. The records show the following distribution: LIZZIE I. KYLE, 1/2; BILL SMITH, 1/2.

RITA KYLE SMITH killed March 10, 1923. Heirs undetermined.

But MR. McCANN advised that the joint wills of SMITH and his wife RITA KYLE SMITH as previously mentioned in this and other reports are before the department for approval.

Agent endeavored to see the following parties but was unable to do so for the reasons indicated; viz.:

S. S. MATHIS, administrator of ANNA BROWN, is now in Colorado;

DR. PRENTIS and wife, now in Colorado;

R. M. RICHESON, Indian Farm Agent, out of town on vacation;

DR. D. A. SHOUN is now in Colorado.

W. L. GRAY, attorney for several Indian estates is now in Missouri on vacation.

Most of the information obtained has been rumor and conclusions

based upon theories founded upon circumstances rather than facts.

0
1 All parties interviewed advised that while they have tried since the
2 murder of ANNA BROWN in May, 1921 both individually and through the
3 employment of detectives out of the funds of the Indian estates by the
4 administrators, to secure facts to establish guilt, yet to date only
5 circumstantial evidence had been able to be secured.
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7

8
9 At present there is very little talk of these cases by the public
0 and all parties seem to be afraid to furnish information and it is ex-
1 tremely difficult to secure any tangible lead.
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6 MR. C. O. GREER, ex-Sheriff of Canadian County, saw me at Paw-
7 huska but had no information of value. His chief aim seemed to be to
8 ascertain what I knew. He is wanting to work on these cases in hope
9 of receiving a reward, but no information from him is worthy of report.
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Case originated by Director; Journal to be made by that office.
ATTENTION - MR. HOOVER - 2.

Oklahoma City Aug. 15, 1923 Aug. 9 to 11 Calvin S. Weakley.

BILL SMITH and other Osage
Indians, Murder of
At Pawhuska, Okla. Murder (in state court)
62-5033
(O. C. #7060.)

Reference is made to this Agent's reports under above title, dated July 20, 1923 and reports mentioned therein and also to my reports of date Aug. 7th and Aug. 11th, 1923.

On August 8th JOHN A. GUSTAFSON advised me that his complete file showing all investigative reports of this investigation were in his Tulsa office file and that he was on Aug. 9th going to Tulsa and would bring the complete file so I could see exactly the work they had done at the same time advising that there was no positive information or proof obtained, except in the Anna Brown case they had been able to show her connection and presence with BRYAN BURKHART up to 3 A. M. ~~at~~ Aug. 22, 1921 as previously reported.

On Aug. 10th MR. GUSTAFSON upon returning from Tulsa advised that when he searched for this file at Tulsa he ascertained that it had been packed with some other records and was now enroute with a shipment of records from his Tulsa office, which he had recently closed, to his Kansas City office; that he thought that this file was not included in this shipment but ascertained that it had and that he would have to get same from Kansas City as soon as that shipment arrived; that he had in another jacket with him the testimony of BRYAN BURKHART and ERNEST BURKHART taken before the coroner's inquest also two affidavits which he had secured one from ~~Martha~~ Martha Upright and one from Fred Wheeler which he

62-5033-31
AUG 20 1923 P. M.
HOOVER

SEP 1923
1923

Washington: 3 file.

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furnished me and are as follows:

Testimony taken at the inquest of Anna Brown at Fairfax, Okla. May 28, 1921.

Bryon Burkhart having been duly sworn testifies as follows:

Direct examination by Assistant County Attorney Mr. Jeffrey:

Q State your name? A Bryon Burkhart.

Q Do you live in Fairfax? A Yes

Q Do you know Anna Brown? A Yes

Q When did you see her last? A Saturday afternoon.

Q A week ago? A Yes, sir.

Q Where was she? A She was at Grayhorse, I brought her to town Saturday afternoon.

Q What business are you engaged in? A Well, not anything now. I drive a car.

Q You have a car of your own? A No, sir.

Q What kind of a car was it that you drive? A A Ford.

Q When you brought her back, where did you go? A Came to town.

Q When was this? A Last Saturday, about 5 or 4:30.

Q You haven't seen her since then? A No, sir.

Q Heard anything about her, or talked to anyone that knew anything about her? A No, sir.

Q What did the fellows about town say about her? A Don't know

Q Talked to any certain one? A Just overheard, just heard everybody talking about it and everybody wondering.

Q Did you know that she was absent from her home for the past week?

A Yes, sir.

Q Who told you? A Her mother and sister.

Q Did they ask you where she was? A No.

Q Did you ask them where she was? A No.

Q The afternoon that you took her to her house who was there? A I didn't get out.

Q She got out? A Yes, sir.

Q Positive you haven't seen her since then? A Yes, sir.

Q Heard any talk around town, anything special as to who was guilty? A No, sir.

Q No one guessing at it? A No, sir.

Q Did you get out there where the body was found? A Yes sir.

Q Did you see some automobile tracks there? A Yes, saw some; but there was lots of cars out there.

Q Bryon, was she intoxicated that day? A Yes, she was.

Q She had been at Grayhorse all day? A Yes, sir.

Q Had any whisky with her? A Didn't see any

Q She was still drunk that evening? A Yes, sir.

Q What did she talk about? A Didn't talk much. She didn't say anything much to me. Wanted to know where I could get some booze. I told her I don't know, didn't think I could find any.

Q Did she say she was going to try and get some? A She didn't say.

Q What else did she say? A Said she was going to have a party that day

Q Where? A At her house.

Q Did she say who she was going to have there? A No, sir, didn't say a word about who was going to be there.

Q Did you go? A No, sir.

Q Did she invite you? A No, sir.

- Q Saturday evening as you brought her back, did she have a small satchel with her? A I believe she did, I am not sure, I think she had it with her.
- Q Did you hear her say anything about her friends in Burbank? A No, sir.
- Q Ever hear her mention any of them? A No, sir.
- Q Did you notice how she was dressed? A Well, I think she was in her stocking feet, might have been moccasins.
- Q Didn't she have any shoes on? A I don't think she had shoes.
- Q You ought to remember whether she was in stocking feet A I think she was in her stocking feet.

Earnest Burkhart having been duly sworn testifies as follows:

Direct examination by Assistant County Attorney, Mr. Jeffrey:

- Q State your name? A Earnest Burkhart.
- Q Mr. Burkhart are you related in any form to Anna Brown? A Yes, sir.
- Q What relation? A Brother-in-law.
- Q Did you marry her sister? A Yes, sir.
- Q Where do you live? A Grayhorse.
- Q And she lived in Fairfax? A Yes, in Fairfax.
- Q How often did you see her? A Some times every day and again a couple or three weeks, just off and on, a week at a time and some time a couple of weeks.
- Q Did she have any other person living with her? A She had a girl from Pawnee; she stayed with her but I don't know how long.
- Q When did you see Anna Brown last? A A week ago.
- Q Did she have any one living with her at that time? A She had a girl with her some time ago, a week or so ago.
- Q Did you go about her place since last Saturday? A Been there twice.
- Q Was there any one there? A. No one, the house was locked.
- Q Did you make any inquiries about Anna? A Yes, her neighbor.
- Q Did she know anything about her? A She seen her , she came and fixed breakfast for her.
- Q Did you know who Anna chummed with during her lifetime, who her friends were? A. She had several.
- Q Who are they? A. Well, I heard her speak of several and have seen her with some, there is Jim Moss and Wayne McFay and several others and said she had a ~~man~~ fellow in Burbank.
- Q What was the nature of the conversation about the gentlemen she spoke of? A She told me one time that she was going to get married.
- Q Who to? A. jim Moss.
- Q When did she say she was going to get married? A. Sometime in June, I think.
- Q Did you ever see her with Jim Moss? A. Yes, sir.
- Q How often, when? A About a month ago, or something like that.
- Q Did you ever hear her speak of any enemies? A Not that I remember of.
- Q What girls did she chum with or speak about? A Well, there was Pearl Mottley.

Q Did you ever see her with any other girl? A Rosa Osage.

Q Mr. Burkhart, were you in any way alarmed at their absence from home?

A I asked the neighbor lady and she said she fixed her breakfast for her morning but she didn't know anything about her.

Q She couldn't give you any information as to when she went away, or where or who with. A No, sir.

Q Mr. Burkhart, have you any information whatever that you could give this jury as to how Anna Brown met her death? A No sir, I couldn't.

Q I ask for information, I am not asking for positive information? A No. I don't know of enemies she had or any one that disliked her.

Q Who did she speak of when she got drunk or who did she drink with?

A Just anybody. I have been told that she has been drunk with Charkey West.

Q Have you heard anything since the discovery that she was dead as to how she died? A No, only what the conversation was out there.

Q Or heard who she was with Saturday or Sunday night? A No, sir.

Q Did Anna Brown wear a diamond ring? A Three of them, that looked like diamonds, but they weren't. She had a good diamond at one time. I think she sold it about a year ago.

Q Did they have the appearance of good quality stone? A I don't know much about them if she hadn't told me.

Q Did she carry any money with her?

A Yes, seen her with quite a bit some times.

STATEMENT OF MRS. MARTHA BROOKSHIRE, BARTLESVILLE, OKLA.

Q Where were you working on May 21st, 1923? A On May 21st, 1923 I was employed at the home of Ernest Burkhart.

Q Were you there during all the day: at home all that day? A Yes sir, I went to Greyhorse in the afternoon about one-half hour; then in the morning I was gone about one hour.

Q Did you see Anna Brown at the home on this day? A Yes sir.

Q Who else was there at the Burkhart home besides the family, if any body? A His aunt, uncle two nephews, and one niece. Bryan and her were fussing first out in the summer house and then she came in and was fussing with her mother. Then Bryan and Ernest got up and went some place then they took the little girl to the horse race and brought her back; then they went some place else.

Q What time did they return in the afternoon? A Around 5:30 or 6:00.

Q Did Anna Brown talk to you about Bryan? A She said if she caught any one flirting with him she would kill them.

Q What time did the family leave there that night, Bryan, Ernest, and the rest? A About 7:30.

Q Did you notice both cars when they left the house. A Yes sir. They both left about the same time.

Q Which car was ahead? A The Ford car.

Q You did not see who was driving the Ford did you? A No sir.

Q But Ernest Burkhart was driving the Buick when he left the house? A

Q What statement, if any, did Bryan Burkhart make you about Anna?

A. He said that she was going to kill him if he did not marry her, and that he did not intend to marry her.

Q Did Bryan Burkhart's aunt talk to you about the Burkhart family affairs?

A. Yes sir. That she did not like their company and she did not like to see her nephews mix up with such company.

Q What else did she say? A She said that she would rather see them dead than mix up with such family, that she did not think they were very nice.

Q Did Mrs. Burkhart ask you anything about some clean clothes that she might get for Anna that afternoon? A. Yes, sir. She asked me where they were. I told her, and she went and got some clothes.

Q. Do you know what they consisted of? A. Well just an Indian shirt and Indian apron.

Q About what time in the afternoon do you think this was? A. Right around 5:00. I left there that night about between 8:30 and 9:00 and did not return to the place any more.

The above statement is made of my own free will and is true to the best of my knowledge and belief.

(Duly signed and acknowledged)

STATEMENT OF FRED WHEELER, Ralston, Okla.

Q Were you in Ralston May 21st, 1925? A. Yes, sir.

Q Did you see Anna Brown and Bryan Burkhart on this day? A. Yes, sir.

Q State in your own way what you saw on that day.

A. I an Joe McGuire and Ben Jones were setting in front of the Jones Hotel along about dusk when two persons, Anna Brown and Bryan Burkhart drove up in a car, and asked about getting something to eat and just at they left Ben Jones asked Joes McGuire if that was Anna Brown in the car; Joe McGuire turned around to me and says "Shorty, wasn't that Anna Brown in that Car and I said Yes, it was.

They drove on down the street and stopped in front of Bob McSpadden's resturant and Ben Jones says I am going down and shake hands with her, I haven't seen her for a long time. An Ben Jones and McGuire both got up and stood there a minute and I walked down the street and stopped and sat down about 30 feet of the car, and Joe McGuire come on down that way and got in about twenty feet of the car when they left; then Anna Brown looked back and hollered something at Joe McGuire. Bryan Jones started down that way and he was in about the middle of the block when they left they went straight west from there right on through town and I don't know where they went from there.

The above statement is made of my own free will and is true to the best of my knowledge and belief.

(Duly signed and acknowledged)

On August 11th a conference was had at Okla. City, at State Attorney General Short's office, there being present Agent in Charge Finney, U. S. Attorney Maurer, State Attorney General Short, Geo. E. Tucker of

Pawhuska a friend of MR. SHORT, and who has been financing some of the private investigation previously made; JOHN A. GUSTAFSON, who has conducted previous investigation, and this Agent.

All information and rumor so far received was presented to MR. SHORT and MR. GUSTAFSON advised him as to the data he had secured as shown in the reports on the ANNA BROWN case as previously furnished by JOHN J. MORAN; and MR. GUSTAFSON also advised that while he was convinced BRYAN BURKHART was the one who was responsible for her death, he had been unable to secure other than circumstantial evidence, but had established the fact that he was last one with her when she was last known alive, which was three A. M. May 22, 1921, and that he did not believe any further information could be obtained unless some drastic action was taken by the state, such as the arrest of the BURKHART boys on a charge of murder of ANNA BROWN and they held without bail and endeavor to go open up the case as to secure a possible confession from some of them and possibly at the same time start a court of inquiry under the state law.

MR. SHORT advised that he did not feel there was as yet sufficient evidence secured to warrant these arrests, and suggested if possible further evidence be obtained.

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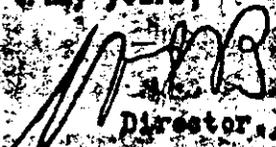
August 24, 1923.

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

Dear Sir:

Further with regard to the murder of Bill Smith and
other Osage Indians, I am enclosing herewith copy of a report
of Agent Weakley of our Oklahoma City office, dated August 15,
1923.

Very truly yours,


Director

Enc. 18678

RECEIVED
AUG 24 1923

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Department of Justice,

Bureau of Investigation,
Oklahoma City, Okla.,

SEP 4 1923

August
twentieth,
1923.

62-5033-32
BUREAU OF INVESTIGATION
AUG 23 1923
HOOVER

Director, Bureau of Investigation,
Department of Justice,
Washington, D. C.

ATTENTION -
MR. HOOVER - 2.

BILL SMITH? et al.
Murdered Osage Indian
(O. C. #7060.)

62-5033

Dear Sir:

I am enclosing herewith quasi-personal letter received from Agent Weakley, especially assigned to investigate this case. His reports covering his investigation have been submitted heretofore, and he is continuing the investigation at the present time.

As you will note from Mr. Weakley's reports of our conferences with the United States Attorney, and with State Attorney General Geo. F. Short, the Attorney General of the state had made no investigation of this matter and the County Attorney of Osage County had made no investigation, or at least had developed no facts with respect to who had committed these murders.

The Attorney General was requested to assign an assistant Attorney General or a competent investigator to assist Agent Weakley in making this investigation. He promised that he would do so when we had our first conference with him. He has been repeatedly requested and urged to assign a man to assist Agent Weakley in this investigation, but until date he has made no such assignment, and Agent Weakley has proceeded as best he could, endeavoring to make this investigation.

You will note in Mr. Weakley's letter, a copy of which is enclosed herewith, what he has to say with respect to obtaining results in this investigation. I am transmitting same to you and request that you advise this office what further efforts you desire be made by this Bureau in this investigation.

Very truly yours,

James G. Findlay,
Special Agent in Charge.

F-B

GENERAL INVESTIGATION
AUG 23 1923
DIVISION

(C O P Y)

Fairfax, Okla.,
Aug. 16, 1923.

Jas. G. Findlay, Esq.,
Oklahoma City, Okla.

Dear Sir:

Have received no additional information this week, and at present see no possibility of getting any further information than that already received. No one seems to have any definite data or any information through which to work, and I at present must admit I am at a loss as to any avenue through which any evidence can be obtained.

Have some parties whom I want to see tomorrow, if I can locate them, but doubt seriously if I get any information as it seems they have already been interviewed by the private detectives and no information has been secured. As I have previously explained, it seems that every available party has previously been interviewed a long time ago by the private detectives, shortly after these murders happened and no material direct evidence was obtained, and the interested citizens at that time when things were fresh were unable to secure any evidence, so you see at this time when such a period of time has elapsed and previous investigations have been made without any success, it is practically impossible to get any thing.

In the next two days I believe I will have interviewed all available parties and unless some unexpected happens I will be in a position of having exhausted all available leads.

I am writing you this so you may be in possession of all facts, and give such instructions as you may see fit, for at present I do not see any possible chance of unravelling this case, and believe at present any continued investigation is useless.

Would appreciate any direction or instructions you may have to give.

Respectfully,

(signed) C. S. Weakley,

Special Agent.

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JWB-EW
62-5033

August 27, 1923.

MEMORANDUM FOR MR. BURNS

Referring to the attached letter from Special Agent in Charge Findlay with regard to the Murder of Bill Smith, Osage Indian, enclosing copy of a note from Agent Weakley, if you will indicate what further action you desire in connection with this matter I will prepare a reply to Agent Findlay's letter.

Very truly yours,

J. E. H.

SEP 4 1923

RECORDED
62-5033-32
BUREAU OF INVESTIGATION
AUG 30 1923 A.M.
DEPARTMENT OF JUSTICE
DIRECTOR'S OFFICE
FILE

Have Mr. [unclear] continue the investigation and keep after the State Atty Gen.

Write Olla. [unclear]



AUG 29 1923

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SEP 4 1923

August 29, 1923.

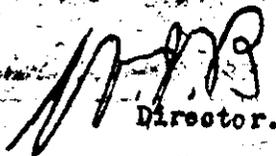
Mr. James G. Findlay,
P. O. Box 125,
Oklahoma City, Okla.

Dear Sir:

Receipt is acknowledged of your letter of the 20th instant, enclosing copy of a letter to you from Special Agent Weakley, with regard to the Murder of Bill Smith et al -- Osage Indians.

The investigation of this case should be continued, and further efforts should be made to have the State Attorney General assign a competent investigator to assist Agent Weakley.

Very truly yours,


Director.

RECORDED

MAILED

AUG 29 1923

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ATTENTION - MR. HOOVER - 2.

THIS CASE ORIGINATED AT Okla. City office; JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT Oklahoma City	DATE WHEN MADE: Aug. 22, 23	PERIOD FOR WHICH MADE: Aug. 13 to 18	REPORT MADE BY: Calvin S. Weakley
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TITLE AND CHARACTER OF CASE: BILL SMITH and other OSAGE INDIANS, Murder of	Murder (In State Court.)
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FACTS DEVELOPED:
At Pawhuska and Fairfax, Okla. 62-5033-33 (10. C. #7060)

Reference is made to this Agent's reports under above title, dated Aug. 15, 1923 and reports mentioned therein.

Interviewed W. C. GRAY, attorney of Fairfax, who is the attorney for the administrator of ANNA BROWN and was also the clerk at the coroner's inquest in that case and has been very active in endeavoring to secure evidence in these cases and has been in direct touch with the private detectives working on these cases. He related the history of these cases and the work done but the information furnished was only repetition of the matter covered in previous reports made.

MR. GRAY stated that these cases had been to date unsolved and that it seemed that there had not been any direct facts able as yet to be obtained that there had been suspicions which was practically the opinion of the entire community that these crimes were the outcome of the efforts of the BURKHARTS and BILL HALE in order to center the inheritance of the one family in MOLLIE BURKHART and that the death of HENRY ROAN was for the purpose of collecting the insurance but that no direct evidence had been able to be secured although a committee of citizens had exercised their efforts and also

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FILE NO. 62-5033-33	SEP 8 1923
BUREAU OF INVESTIGATION AUG 24 1923 DEPARTMENT OF JUSTICE	
ROUTED TO: HOOVER	FILE J. K. [Signature] AUG 27 1923 GENERAL INTELLIGENCE DIVISION

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

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the administrators had spent considerable money in the employment of detectives.

Interviewed MRS. JOHN KENNEDY, a white woman, the present wife of JOHN KENNEDY, an Indian, the first husband of ANNA BROWN, as I understood he might possibly be able to give some information. She had no information of value; she talked at great length as to her theory and suspicion of the guilty parties as founded on rumor showing the family connection of the parties involved and how HALE and the BURKHARTS would profit by their death but furnished no leads upon which to found any investigation.

Interviewed MRS. ANNA SITTERLEY, who stated she knew ANNA BROWN very well as she was a near neighbor and used to go to her home and see and do her housework; that on the Saturday morning, May 21, 1921, ANNA BROWN came to her home about 4 A. M. having returned from Pawhuska; that ANNA BROWN was drinking; that she, MRS. SITTERLEY, got breakfast for her and cleaned up her house; that ANNA dressed and left home about 8 A. M. for Greyhorse to see her mother, who was sick. BOB CARTER, a taxicab driver, took her; that ANNA took with her a little hand bag of personal effects and also had in this a .32 caliber revolver which she usually carried; that she did not see her again until after she was found dead. That after ANNA had been found dead, she, MRS. SITTERLEY, went with the officers and unlocked ANNA BROWN'S house and they found this hand-bag on a chair open but the revolver was not there; that she had heard that a .32 revolver had been found by FRANK HICKIE, an Indian boy, while on a picnic, out near where ANNA BROWN'S body was located.

I later interviewed FRANK HICKIE, but he stated this report was

not so, as he had not been on any picnic in this place since this occurrence. MRS. SITTERLEY stated that the house was at that time in the same condition as it was when she straightened it up on the morning of May 21st and did not show that anyone had stayed there since, as the beds were not mussed nor was there any sign of any scrap or disturbance there. That the presence of ANNA BROWN'S hand-bag there, which was the same one she had taken with her Saturday morning, showed that evidently ANNA or someone else had been there and left it.

That she did not see ANNA around the house that evening and feels confident she was not there during the early evening as she knows if she had been there she would have had her, MRS. SITTERLEY, to have gotten her supper.

MRS. SITTERLEY stated WAYNE McVEY was a taxi driver who frequently hauled ANNA BROWN. I ascertained he is now living some place in Idaho. I also understand that he was a witness before the coroner's inquest but had no information beyond the fact he had frequently driven for her.

MRS. SITTERLEY also stated that on Thursday after ANNA'S disappearance and prior to her being found, ERNEST BURKHART came to her home and inquired if she had seen ANNA as ANNA'S mother, who lived with the BURKHARTS, wanted her.

MRS. SITTERLEY stated that she had understood that two girls had testified at the coroner's inquest that they had passed the place where her body was found and had seen two cars near this place on the occasion when she was supposed to have disappeared but I ascertained from H. E. WILSON, the Justice before whom this inquest was held, that this

was not the fact.

Interviewed MRS. MAGGIE CLARK McCLURE, who was sister of HENRY ROAN'S wife, as I had heard rumor that she had seen ANNA BROWN and BRYAN BURKHART leaving ANNA BROWN'S house, but she denied this and was unable to get any information from her as she claimed to have no knowledge.

Interviewed HATTIE PAUL, who worked for HENRY and HATTIE ROAN, and also now works for ROY BUNCH and his wife, who is HENRY ROAN'S widow, but no information was received.

Interviewed MRS. GEO. JAMES, who stated that early Sunday A. M. May 22d she had heard voices of a man and a woman on the Grayhorse road to the rear of her home and looking out the rear bedroom window saw an automobile that the man was trying to get the woman to get in the car, that she heard the man say, "Anna, get in" or some such words; that she heard a woman's voice muttering but could not tell what she was saying; that the machine later drove around the block and she, MRS. JAMES, went to the front of her house and saw the auto stop in front of ANNA BROWN'S house and this man and woman got out and went in; that she saw that the man was a tall, spare built man, without a coat. She said she could not tell who the man was. I believe she feels confident this man was BRYAN BURKHART, although she would not admit it, yet from her actions I believe she feels that it was he. She stated the car was a large car but she could not tell what kind; that she returned to bed and the car was in front of the house and she saw nor heard nothing more of the parties; that this was about 3 A. M.

Interviewed BOB CARTER, who stated that on Saturday mornin, May 21, 1921, ANNA BROWN phoned him to come and take her to Grayhorse; that

0 he went to her home about 7:30 A. M. and drove her to Greyhorse; that
1 soon after she got in the car she saw she was drinking and she asked
2 him if he wanted a drink, but he told her he did not; that she had a
3 quart bottle in her hand ~~xxxxxx~~ satchel. That about two miles out of
4 Fairfax there is a road turning south which goes through Grayhorse or
5 one can drive straight on and go around town and enter Grayhorse from
6 the other side; that when they reached this road she asked him to go
7 straight on and not pass through the town but drive around the ~~tax~~ town
8 to her mother's. That during the drive she told him she was pregnant
9 and he asked "Where was its daddy" and she said she had a sweetheart,
10 JIM MOSS, and he was its daddy. That he thought nothing of this as he
11 thought it was nothing but drunken talk. That he drove her up to ER-
12 NEST BURKHART'S house where her mother lived and let her out; she told
13 him to come back for her at five o'clock that afternoon; that he did
14 not go back as he saw she was drinking and did not know where she would
15 be that evening and did not want the drive there, for nothing.

16 CARTER stated he had not been able to secure any data as to who
17 was responsible for any of these offenses that there was very little
18 talk at present, in fact that it has ~~xxxx~~ ceased to be a subject of
19 conversation. That he does no night driving and therefore does not
20 come in contact with the parties on drunken night parties but that he
21 has tried to sound out the other taximen but has not been able to se-
22 cure any facts.

23 I have ascertained that BOB CARTER is a well thought of man and
24 highly respected and has endeavored to secure information for t e re-
25 presentation of citizens who have tried to ascertain the facts.

0 interviewed ROBT. SROUFE and a MR. MILLS, both taxidrivrs, but
1 no information was obtained other than the general rumor previously
2 reported.

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4 interviewed MRS. RUTH GORDON, whom it was rumored had said that
5
6 ERNEST BURKHART while drunk had told her he knew all about the explo-
7 sion and had later the next day come to her and told her to forget what
8 she had said. She upon being interviewed stated she had worked for
9 ERNEST BURKHART and that one time after the explosion she saw him at
10 dance and he was drunk and they were talking about the explosion and
11 he said that he was afraid for MOLLIE his wife, that if it were not for
12 the kids, he believed the parties who had done the other job would may-
13 be do the same to them. That he did not say anything about his know-
14 ing who had done it. That the next day she told him he ought not to
15 get so drunk as he told too much when he got drunk and tried to make
16 him believe he had told her lots and he then told her that he did not
17 know what he had told but for her to forget what he had told. She
18 talked at length of her belief of BILL HALE and LON ~~ALLEN~~^{OLLER}, his partner
19 being connected with these offenses, but no information of benefit was
20 secured. ^{OLLER}LON ~~ALLEN~~ is her brother-in-law and she is very bitter a-
21 gainst him as he has told her parents of her wayward actions. I have
22 understood that her life is somewhat shady.

23
24 interviewed CHAS. HEMBREE, the truck driver mentioned in previous
25 reports who was said to have passed a car near Ralston on the morning
26 of the explosion. He states that on that morning he was coming from
27 Ralston to Fairfax driving his truck and about three miles out of Ral-
28 ston his truck stopped and he had trouble getting it to run; t at
29

while he and a man who was walking into Ralston were trying to get it started, they heard a loud report that this man said someone must be shooting a gun, and he said sounds more like someone blasting or some such remark; that they got the car started and he drove to the top of the hill just over the bridge this side of Ralston and he heard a car coming towards him at a rapid rate of speed; that he pulled to the side of the road and stopped as the lights blinded him; that it was a large car but he could not tell the kind of car; that they had the two regular headlights and also a spotlight on the windshield and were driving very fast; that when they came around the curve where they passed him they were running about 35 miles per hour; that just before they reached him he could hear the brake bands screech when they applied the brakes; that this car passed him about ten to fifteen minutes after he had heard the loud report; that the place where he passed this car was about seven miles south of Fairfax. That he drove on into Fairfax to his home, arriving there about 4 A. M.; that he put his truck up and went to bed and did not hear of the explosion until he arose that morning, then he thought of passing this car; that there were two men sitting on the front seat but he could not tell who they were nor could describe them or the car.

Interviewed ROBERT KISSEE. He stated he had not seen ANNA BROWN for two or three weeks prior to her disappearance. That early Saturday night, May 21, 1921 he had gone to her home and no one was there; that he went back a little later and found no one there; that both these trips were early in the evening; that then he and LEE UT and H. E. MATHEWS went to Burbank; that they were drinking and chasin around

That late that night they returned to Fairfax and MATHEWS went home.

He and LEE UTO went to the Silver Moon Cafe, where they saw a boy named

HINKLE who lived out at Greyhorse, who wanted them to take him home;

that he, KISSEE, stayed at the Silver Moon while LEE UTO took HINKLE to

Greyhorse; that when UTO returned he got in the car and started home

with LEE UTO and when driving south on Main Street they when they were

in the block south of the Smith-Williams Hotel saw a car coming north

on Main St.; this was a closed car, and they saw that it was FANNY LAB-

LEY'S car; that this car turned west, either the first or second block

before it reached the hotel and then turned north; that they took out

after it and passed it just over the railroad tracks north of town on

the Pawhuska road; that they drove on out this road just over the bridge

and let this car pass them; that JACK HALE was driving the car and

ROSIE OSAGE and JOE ALLEN were in the back seat and it looked as if

one or two other persons were in the back but he would not be positive;

that this car drove on out the road and they drove back to town and

went home; that they only followed this car to see who was in it and

that when they passed it and saw they just drove on to let the car pass

them again and then turned around; that this other car did not stop and

they did not see in the car except as it passed by and while he was

sure JACK HALE was driving and ROSIE OSAGE and JOE ALLEN were in the

back seat, he could not state positively anyone else was in this car.

He stated he guessed this was about 2 A. M.

He stated that Sunday afternoon "DUKE" BURKHART, who is HORACE

BURKHART, and he drove to ANNA-BROWN'S house to see if she was at home

but she was not at home; that "DUKE" had come in town at the request

of ANNA'S mother to see if she was there and he had met DUKE down town

and went up there with him. That "DUKE" BURKHART is now living at Taylor, Texas.

He claims this is all he knows. He was very reticent in telling anything but this might be due to the fact that when this death happened and ROSE OSAGE was suspected, he also was under suspicion.

ROSE OSAGE and JOE ALLEN are now in Colorado for the summer. JACK HALE has been away for some time having moved to Marietta, Kansas.

BILL TRENT, for whom JACK HALE worked, is in Colorado for the summer and FRANK TERRELL, who worked for BILL TRENT, is in Wichita Falls, Texas.

W. W. BRACKETT advised me that when they first investigated this case and the suspicion was that ROSIE OSAGE was the guilty party by reason of the fact that she and HICKS had been seen out this way in the above car but that they had interviewed JACK HALE, BILL TRENT and FRANK TERRELL and had verified all statements of ROSA OSAGE and JOE ALLEN as previously reported.

Saw R. M. RICHESON, Government Farm Agent, but he had no information other than that furnished Agent Wright and the general gossip previously reported.

Saw RICHARD KRANDALL, who was one of the coroner's jury, as well as is a member of a citizens committee who have been trying to secure facts in these cases since their occurrence and that all that had been secured was the suspicions and conjectures previously reported; that at no time had they been able to secure any facts, and that at present these cases are never talked about as every one seems to have forgotten all about them.

During the past week have been in touch with various business men.

and prominent citizens of both Pawhuska and Fairfax who have had an interest in the solution of these cases as well as in touch with the private detectives who have been working on same but no information in addition to that previously obtained has been secured.

These cases are not at the present the subject of conversation, as the public has forgotten all about them and have passed them up as unsolved and unaccountable cases.

Most of the prominent citizens who have taken an interest in the solution have stated to me that they do not believe the truth will ever be known unless some of the parties guilty have a falling out or inadvertently let something slip, as they do not believe that anyone except the guilty parties have any information.

I have during the past month followed out all available leads but have been unable to secure any definite data and see no chance of at the present getting any facts which will be of any value except suspicion and circumstantial as previously reported.

At the present there is no lead undeveloped and I do not see any possibility of a successful termination. This is ~~here~~ submitted as it is my desire to fully advise the Agent in Charge of the Oklahoma City office, as well as the Director, of the possibility of results that may be accomplished by continued investigation.

CONTINUED.

JWB-W

62-5033 - 33

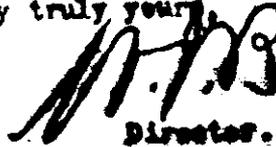
August 22, 1923,

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

Dear Sir:

Further with regard to the Murder of Bill Smith and
other Osage Indians, I enclose herewith copy of a report dated
August 22nd, made by Special Agent Weakley of our Oklahoma City
office.

Very truly yours,


Director.

Enc. 17903

MAILED
AUG 23 1923

REPORT MADE AT: Kansas City, Mo.	DATE WHEN MADE: 8-17-23	PERIOD FOR WHICH MADE: 8-17-23	REPORT MADE BY: L. E. Miller
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TITLE AND CHARACTER OF CASE:
BEN DAVIS Re Death of certain Osage Indians
62-5033

FACTS DEVELOPED: **At Kansas City, Mo. K.C. File 10368 Attention Mr. Hoover-2**

Reference is made to letter addressed to M. Eberstein, Agent in Charge, Kansas City, Mo., dated Aug. 15, 1923, from Special Agent Calvin S. Weakley of the Oklahoma City Office requesting that this office ascertain the present whereabouts of one Ben Davis, a Creek Indian, who was at one time stopping at the Washington Hotel, Kansas City, Mo.

Agent on this date, Aug. 17-23, called at the Washington Hotel, 12th & Washington, and interviewed Mr. Clark, a clerk at this hotel, who stated to agent that there was not anyone stopping at this hotel by the name of Ben Davis at present, nor did they ever have any Indians stopping there.

Mr. Clark and agent made a very careful check of hotel register but could not find anyone registered by the name of Ben Davis.

Agent also called at the different oil companies in Kansas City but was unable to find anyone that knew or had heard of Ben Davis, but agent was informed by Mr. Smith of the Imperial Royalties Co. at 454 Sheidley Bldg., Kansas City, that there had been a number of Indians call at his place inquiring for this Ben Davis. Agent also checked General Delivery mail, but could not find any mail at General Delivery here for Ben Davis.

Therefore this case is considered closed at Kansas City unless further instructions are received.

CLOSED.

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FILE NO. **62-5033-34**

BUREAU OF INVESTIGATION
 AUG 23 1923
 DEPARTMENT OF JUSTICE

ROUTED TO: **HOOVER** FILE **2018**

GENERAL INTELLIGENCE
 REC'D
 AUG 25 1923

REFERENCE: COPIES OF THIS REPORT FURNISHED TO: **2 Washington, 1 Oklahoma City, 2 to Agent Weakley, 1 K.C. File.**

CASE ORIGINATED AT

Director;

JOURNAL TO BE MADE AT ORIGINATING OFFICE ONLY

REPORT MADE AT: -Oklahoma City	DATE WHEN MADE: Aug. 27, 23	PERIOD FOR WHICH MADE: Aug. 20 to 25	REPORT MADE BY: Calvin S. Weakley.
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TITLE AND CHARACTER OF CASE: BILL SMITH and other OSAGE INDIANS	Murder of (State, Court)
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FACTS DEVELOPED:
At Ralston, Pawnee, Fairfax and Pawhuska, Okla. 62-5033

Continuing investigation of matter
entitled as above,

At Ralston, Okla. interviewed ROY COOK, Chief of Police, Ralston, who has held this position for about a year. MR. COOK advised that prior to a year ago he was a resident of Fairfax, Okla., and at the time of the death of ANNA BROWN was operating a pool room at Fairfax. That he heard considerable of the rumor that was prevalent at that time, and his pool room was a place frequented by various young men of Fairfax, who at the time of this occurrence talked same very freely. He reiterated the various rumors previously reported of BRYAN BURKHART'S bringing ANNA BROWN from Grayhorse to Fairfax on the evening of May 21, 1921 but stated that beyond the information received through this rumor, he knew of no facts whatsoever that would be of value in this investigation. That at the time of that occurrence, the officers made thorough investigation, trying to locate facts to prove who committed this act, but nothing material was able to be obtained as far as he could see.

MR. COOK advised that he was not living at Fairfax at the time of the

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SEP 8 1923

FILE NO. 62-5033-35

BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

GENERAL INTELLIGENCE
AUG 30 1923
AUG 31 1923

ROUTED TO: HOOVER

REFERENCE	COPIES OF THIS REPORT FURNISHED TO: 3 Washington; 3 file.
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HENRY ROAN for the SMITH murders, therefore knows no facts whatsoever beyond the fact of the occurrence, and has heard nothing of a definite nature in either case.

He also advised that JOHN A. GUSTAFSON was at Ralston and made investigation at Ralston as to BRYAN BURKHART being with ANNA BROWN at Ralston on that night, also made investigation of the supposed large car passing through Ralston on the night of the SMITH explosion. That he, MR. COOK, with GUSTAFSON, interviewed M. L. THOMAS, a miller at Ralston, also ED HART, night watchman at Ralston, on March 10th at the time of the explosion.

In company with MR. COOK, Agent interviewed M. L. THOMAS, who advised that on the night of this SMITH explosion he was awakened by the sound of the explosion and at first thought that possible it was an oil heater in the residence of his neighbor. That about ten or fifteen minutes after this explosion, he heard a high-powered car pass through Ralston, but did not see same, and therefore could give no information as to the character of the car or any details. He merely stated that the car passed through the town going at a very high rate of speed, with muffler open.

Endeavored to interview ED HART, the night watchman at Ralston at that time, but was unable to see him; yet MR. COOK stated he had talked with HART, who is a very old man, at the time this car passed through town, also he was present with JOHN A. GUSTAFSON when GUSTAFSON interviewed HART. That HART'S statement was that he was at the ice plant just at the entrance to town at the time he heard the explosion, and ten or fifteen minutes after this explosion, a large car, running at a good rate of speed, came into Fairfax from the north and passed

was two o'clock in the morning, stating that at the time this car passed he looked at his watch and saw it was two o'clock.

From this statement, it is apparent that this could not have been the same car previously mentioned which was supposed to have left Fairfax on the night of the explosion, as the explosion occurred at Fairfax at 2:50 A. M. and ~~that~~ ^{it} would have been at least an hour and a half drive from Fairfax to Pawnee.

Also at Pawnee interviewed CAPT. SCOTT, Sheriff, and NATE NELSON, Chief of Police of Pawnee. These gentlemen were unable to give me any information of benefit. I endeavored to ascertain from them as to whether or not ANNA BROWN was in Ralston in Pawnee ^{on} ~~at~~ the night of May 21st as it was thought possible she might have been there with ROSIE OSAGE and JIMMIE HICKS, but they advised that they had not seen her and could not state whether or not she was present in Pawnee on that night.

Interviewed ANNE BENNETT, who at that time operated a rooming house at Pawnee. She advised that on May 21, 1921 ROSIE OSAGE and FANNIE LASLEY came to her house between eleven and twelve o'clock; that they were in Pawnee attending a street fair. That the car in which they came to Pawnee was down stairs on the street, but she did not go down to see who was in the car. That she asked ROSIE OSAGE who came over with them and their reply was, "Two dead ones were down in the car". That she, ANNA BENNETT, said, "Yes, I guess they are dead drunk". That ANNA ~~BEN~~ BROWN was not with ROSIE OSAGE in Pawnee on that occasion; that the last time ANNA BROWN had been at Pawnee had been about two weeks prior to the date of her disappearance. That she feels positive that ANNA was not there, as if she had been in Pawnee, she certainly could have come to her rooming house, as all these Osage Indians whenever

coming to Pawnee come in to see her, even if only for a minute, as they make her rooming house their headquarters while there. ANNA BENNETT corroborates that statement of ROSIE OSAGE and JIMMIE HICKS that they left Pawnee about twelve o'clock midnight May 21, 1921.

Also endeavored to locate EDITH DAVIS, who I am advised lived at Pawnee and who about the time of the ANNA BROWN murder was in Fairfax and was a close friend of ANNA BROWN'S. Ascertained that she had formerly lived at Pawnee, but had moved from there, together with her husband, BAXTER DAVIS, and was now living at 40 N. York St., Tulsa, Okla.

I later talked with MR. W. W. BRACKETT, private detective who has previously made investigation of these cases, and he advised me that he had interviewed EDITH DAVIS, but that EDITH DAVIS was unable to give any information of benefit.

At Fairfax interviewed TOM CORNELIUS, whom I understood had seen the high-powered car pass his house east of town at a high rate of speed immediately prior to the explosion. He advised that on the night of this explosion he was awakened by the sound of an automobile passing his home at a high rate of speed. That from the noise of the engine he inferred this was a high-powered car. That he did not see the car, and therefore could not state positively the character of the make nor the contents of this car. That shortly after this car passed, in fact about fifteen minutes, as he would judge, he went on his back porch to answer a call of nature and almost as soon as he reached the porch he heard the explosion.

Interviewed LEE UTO, mentioned in previous reports as being in a car on the evening of May 21st and having gone to ANNA BROWN'S house, and also having followed JIMMIE HICKS and ROSIE OSAGE out north of

town. LEE UTO states that on the forenoon of May 21st, the date of ANNA BROWN'S disappearance, he, together with JEFF SMITH, H. E. MATHEWS and ROBERT KISSEE, had been to the horse race near Fairfax and came back to Fairfax and he and ROBERT KISSEE about eight o'clock that night drove up to ANNA BROWN'S house, but found no one at home; that later they returned to her home about eleven o'clock and still found no one there. That they were driving SMITH'S car, which is a Hudson Super-Six. That the object in going to ANNA BROWN'S house was to get her and try to find some other girls to go out riding. That in fact they were out drinking and woman chasing, and went to ANNA BROWN'S house for that purpose. That after they found ANNA was not at home, he, KISSEE, JEFF SMITH and H. E. MATHEWS drove to Burbank to get some girls and also whiskey. That they did get some whiskey, stayed around Burbank until shortly after midnight and returned to Fairfax he thinks they arrived at Fairfax somewhere between two and three o'clock. That JEFF SMITH was getting pretty well drunk and SMITH and H. E. MATHEWS went to bed on a cot in MATHEWS' paint shop. That he, LEE UTO and ROBERT KISSEE stopped at the Silver Moon Cafe and a fellow by the name of HINKLE who lives at Gray Horse was at this cafe trying to find some way to get to Gray Horse. That KISSEE stayed at the Silver Moon Cafe and he, UTO, took HINKLE home to Gray Horse. That as he returned from Gray Horse, just prior to entering Fairfax, sometime ~~about~~ between three and four A. M. Sunday, May 22, 1921, he saw the lights of a car driving down Main Street. That he also drove on Main Street and again saw this car about two blocks from the SMITH WILLIAMS Hotel on Main St. That this car either turned off to the west on the block in front of the Smith-Williams Hotel or the block just south of the hotel. That he drove on

to the Silver Moon Cafe and later saw this same car come around the block and enter on Main St. just south of this cafe. That this car drove on out Main St. across the railroad tracks. That he thought it was a Hudson Coach, and he and KISSEE took after this car, passing same just about the railroad tracks. Their purpose in going after this car was to see who was in this car, as he thought it was a bunch of women out for a good time. That after passing this car, they drove on across the bridge where the road forks, they driving up the left-hand road, stopping to again see who was in the car. That this car passed, and he thinks there was a man on the front seat driving and one or two persons in the rear seat, but that he did not recognize who they were, although he later ascertained that it was ROSIE OSAGE and JOE ALLEN, alias JIMMIE HICKS and JACK PALE. That after this car passed them, they turned around and came back to town. This corroborates the statement shown by ROSIE OSAGE and JOE ALLEN in their testimony before the coroner's inquest.

LEE UTO also stated that during the past month he has been working for the Oklahoma Pipeline near Burbank and that while working there another man whose name he does not know was also working on the same construction and this party was supposed to have formerly been over at Ponca City. That this party was inquisitive as to what had been ascertained regarding the ANNA BROWN case, and made several inquiries as to whether or not they had found out who killed her. That this man claimed to know ODE BROWN, her husband, who lives at Ponca City.

UTO stated that as this matter is never talked of, he became suspicious when this party made inquiry. Also that a man by the name of NORRIS, who is now in the hospital at Fairfax, worked with this man,

as NORRIS was holding the steel drill while this other man and he, UTO were striking the steel. He describes this other party as about six feet tall, slim build, 180 to 195 lbs., and had very bad eyes due evidently to some eye trouble, as he kept his hat ~~down~~ pulled down over his eyes to shade them, practically all of the town. That all three of these men were working under a boss named PARKER.

I also interviewed M. A. NORRIS and he in substance gave the same statement about this party making inquiry. NORRIS stated that he did not know this party's name, but that this party was called by the name of SLIM. NORRIS stated that what attracted his attention was this man making various inquiries regarding the fact as to whether or not they had been able to find out who killed ANNA BROWN. That he claimed to have formerly lived near Fairfax, but had been away for some time, and had not heard what had been done on that case.

I later interviewed TOM WHEELAND, who is timekeeper of the Oklahoma Pipeline Co. He advised me that the man mentioned was E. FELLOWS; that he worked for the Okla. Pipeline Co. about three or four weeks, was a very talkative, nosy, inquisitive sort of a man; that he ceased this employment about the 9th of August, and they mailed his check to him at Henryetta, Okla. That when FELLOWS received this check there was a shortage of about eight dollars in the amount, which he should have received, and he returned to Fairfax, where this matter was straightened up. That FELLOWS stated that he had expected to come back and take further employment with their company.

Arranged with MR. WHEELAND that should this party return that I would be notified; also that arrangements would be made to have someone

0 pump him to see whether or not he knew anything, yet MR. WHEELAND advised
1 me that this party was always talking; that he claimed to have
2 formerly been employed by MR. MARLAND, the oil man, at Ponca City, and
3 was boasting of how he used to take care of MARLAND'S horses, and trips
4 he had made to California with MARLAND, tending horses, etc.

5 MR. WHEELAND is of the impression that this conversation of FELLOWS
6 is all talk, and FELLOWS has no information.

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Interviewed FRED WHITTAKER, Pawnee, now a Deputy Sheriff. MR. WHITTAKER was formerly a barber at Fairfax, Okla. prior to becoming Deputy Sheriff the first of the current year. WHITTAKER also gave me the general rumor previously reported regarding these murder cases, but no facts were given by WHITTAKER nor any leads furnished. WHITTAKER did state that it was generally rumored around Fairfax that there was a man whose first name was JOHN, last name not known, who was a cousin of the BURKHART boys, and that this man JOHN -----, last name unknown, was about the time of the explosion of SMITH'S home, driving a nitroglycerine wagon for some company, but that he does not know any connection that this would have. He states that he heard this information through a man, JOE DENNING, who lives at Burbank, but that he does not believe JOE DENNING would tell anyone else about it, even if he knew, as DENNING is the character of a man who will not talk to anyone unless he is an intimate friend.

During the week, I have had numerous interviews with parties previously interviewed, but no additional information received. Also had several conferences with business men of Fairfax, as well as MR. GEO. E. TINKER, who is a close friend of Attorney General SHORT, and who is

looking after matters in this territory for MR. SHORT, but none of these men was able to furnish any further information than that previously reported, nor are they able to furnish any further parties to be interviewed than those already interviewed.

Most of the business men of Fairfax in this vicinity feel that it is almost a hopeless case of working out who is responsible for these murders, as they advise that at present this matter is not a subject of conversation, and in fact the public generally has almost forgotten about the cases. That it is only those who are vitally interested who are keeping this matter in mind that ever talk, and that they only talk among themselves. That with all the work that has been done, both through the citizens committee, as well as through the private detectives employed, they have never yet been able to develop the facts other than the general facts upon which their suspicions previously reported are based.

The hereinafter parties have been mentioned in previous reports:

JACK HALE, who was supposed to have been with ROSIE OSAGE and JIMMIE HICKS on the night of ANNA BROWN'S murder, and with whom they drove to BILL TRENT'S place, where HALE was working, as previously set out, has left Fairfax, and the last known residence was Marietta, Kansas. Therefore I was unable to see him, although I am advised by MR. BRACKETT that he interviewed HALE as well as the others, and that HALE corroborated the statement of ROSIE OSAGE and JIMMIE HICKS driving him home.

BILL TRENT, for whom HALE worked, is now in Colorado on a vacation and will not return until some time in September or October.

FRANK TERRILL, who is supposed to have seen ROSIE OSAGE and JIMMIE

HICKS on this evening, has left Fairfax and when last heard of was living at Wichita Falls, Texas.

MR. BRACKETT advised he interviewed all these parties, and that the story checks completely with the story of ROSIE OSAGE and JOE ALLEN ALFRED MCKINEEY, a witness before the coroner's inquest in the ROAN case, is now dead.

WM. McVEY, also known as WAYNE McVEY, who is a taxicab driver, and was a witness before the coroner's inquest in the ANNA BROWN case, has moved to someplace in Idaho.

JOE COX, another taxicab driver, and a witness in the ANNA BROWN case, as shown in the transcript of testimony, before the coroner's inquest, has left Fairfax, present address not now known.

T. B. JONES and FRED WHEELER of Ralston, Okla., from whom the private detectives secured affidavits of ANNA BROWN and BRYAN BURKHART being in Ralston on Saturday night, May 21, 1921, are now dead. JOE McGUIRE, the other party at Ralston who saw ANNA BROWN and BRYAN BURKHART THERE that evening, gave a statement to private detectives, which statement has been previously reported, but JOE McGUIRE is not now living at Ralston and as yet I have not learned his whereabouts, although his people live somewhere around Hominy and he is well known around Hominy, yet statements have already been secured from him by the private detectives and previously reported.

INVESTIGATION CONTINUED.

62-5033-35

September 1, 1923.

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

Dear Sir:

Further with regard to the the Murder of Bill Smith
and other Osage Indians, I enclose herewith copy of a report
dated August 27th, made by special Agent Weakley of our Oklahoma
City office.

Very truly yours,

[Handwritten Signature]
Director.

Enc. 17932

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