

MRS. KERRY: As soon as this is done the guardian may give to the Indian what he pleases out of that through a court order.

MR. BROWN: That is, the guardian appointed by the state?

MRS. KERRY: We have been having trouble with the guardian's authority. This is my reason; I will tell you why the guardian was appointed. In the first place I had gotten into this trouble with Fillman; I had shot him. I knew that things were getting pretty bad. I knew that Kenny was under this influence; he was drinking himself to death. It was something terrific. I have paid men \$25.00, and as high as \$30. a day to look after him. He was jumping at me like some wild cat or something. I couldn't do anything with him. He would just sit back and look at me. I went to the agency and had a talk with Wright and McKinn. Wright said, "you was opposed to the issuance of that certification; I told you." I said, "how are we going to get out of it? We are in it now." He said, "the only way I see is to stop this payment, the March payment, and then appoint a guardian over him either in Kansas or here. Try in Kansas. If you get one appointed in Kansas you can get rid of him. If you have a guardian appointed here you will never get out." We tried in Kansas. The gang was too strong. They were trying for that divorce. I was hoping against hope that Kenny would get out of it. I thought he would creep out something. The guardian was appointed the 1st day of September not quite a year ago.



# Department of Justice

Bureau of Investigation

Washington, D. C.

RKS

C

August 12, 1925.

MEMORANDUM FOR MR. GRIMES.

IN RE: EDITH FOX, violation of the National Motor Vehicle Theft Act.

Subject was arrested, together with her husband, Harry Fox, at El Paso, Texas, on August 22nd, 1921 for the theft of a Ford car, the property of John Barluform of Pueblo, Colo., which she had stolen and driven to Amarillo, Texas, where she was joined by her husband.

On August 25th, 1921, in accordance with the instructions of Assistant U. S. Attorney Elfers of El Paso, a complaint was filed before the U. S. Commissioner charging subject; J. E. Deverse and Harry Fox with violation of Section 3 of the National Motor Vehicle Theft Act, and they were held for appearance before the U. S. Grand Jury at Santa Fe, N. M. An indictment was returned against Edith Fox and Harry Fox by the Grand Jury at Santa Fe on March 6th, 1922, and on March 13th Edith Fox entered a plea of "guilty" and was sentenced to serve 60 days in jail and to pay the costs of the prosecution. Harry Fox was acquitted.

Edith Fox, together with Claude Parker, W. C. Parker, and Mrs. L. G. Whitten were apprehended by the Sheriff at Ferry, Oklahoma, on November 12, 1921, in possession of a Studebaker car, the property of Herman Schmolder of Peoria, Illinois, which was stolen on November 9, 1921. All of the above subjects were indicted on April 5, 1922, and were tried at Guthrie, Oklahoma, on June 15, 1923. Edith Fox was sentenced to serve 4 months in the Logan County Jail at Guthrie, Oklahoma.

Very truly yours,

RECORDED & INDEXED

*M. C. Carter*

*George Case*

*Mr. Brown  
at Perry, Texas*

62-5033-198	
BUREAU OF INVESTIGATION	
AUG 13 1925 A.M. 1	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

1136

WWS:GA

62-583-198

AUG 13 1925

62-583-198

August 12, 1925.

*file in Cage case*

Mr. Edwin Brown,  
c/o Hon. Lafayette French,  
United States Attorney,  
St. Paul, Minnesota.

Dear Sir:

In accordance with your request I am transmitting  
herewith the following information contained in the files with  
regard to the case of EDITH FOX, Violation of the National  
Motor Vehicle Theft Act:

Subject was arrested, together with her  
husband, Harry Fox, at El Paso, Texas, on  
August 22, 1921 for the theft of a Ford car,  
the property of John Barluform of Pueblo,  
Colo., which she had stolen and driven to  
Amarillo, Texas, where she was joined by her  
husband.

On August 25, 1921, in accordance with the  
instructions of Assistant U. S. Attorney Kilfers  
of El Paso, a complaint was filed before the  
U. S. Commissioner charging subject, J. E.  
Deverse and Harry Fox with violation of Section  
3 of the National Motor Vehicle Theft Act, and  
they were held for appearance before the U. S.  
Grand Jury at Santa Fe, N.M. An indictment was  
returned against Edith Fox and Harry Fox by the  
Grand Jury at Santa Fe on March 6, 1922, and on  
March 13 Edith Fox entered a plea of "guilty"  
and was sentenced to serve 60 days in jail and to  
pay the costs of the prosecution. Harry Fox  
was acquitted.

Edith Fox, together with Claude Parker, W. G.  
Parker, and Mrs. L. G. Whitten were apprehended

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WVG:GA  
62-5033

CODE

August 10 1935

White  
Federal Bldg  
Oklahoma City Okla

HAVE INSTRUCTED AGENTS WERNER PARKER AND DAVIS REPORT YOU UNDER  
COVER AT PLACE INDICATED UNABLE SEND EDLMGREN WIRE HIS SUGGESTION  
OF SUBSTITUTE IF NEEDED

TWO NATHAN ACTING

62-5033-201

RECORDED & INDEXED

62-5033-201

BUREAU OF INVESTIGATION

AUG 12 1935 P.M.

DEPARTMENT OF JUSTICE

FILE

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135

Department of Justice

TELEGRAM RECEIVED

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OKLAHOMA CITY, OKLA.

AUGUST 13, 1925

DIRECTOR

AGNES WREN, PARKER, AND DAVIS ARRIVED HERE

TWO WHITE

RECD: 1:25  
Decoded: LW  
To Dir: 1:30

62-5033-3

RECORDED & INDEXED

AUG 14 1925

62-5033-202
BUREAU OF INVESTIGATION
AUG 13 1925 P.M.
DEPARTMENT OF JUSTICE
Div. Two

1136

ADDRESS REPLY TO  
DIRECTOR, BUREAU OF INVESTIGATION  
AND REFER TO  
INITIALS AND NUMBER

WFG:GA

Department of Justice

Bureau of Investigation

Washington, D. C.

August 5, 1925.

MEMORANDUM FOR THE DIRECTOR

This telegram is based on the oral re-  
quest of Mr. Ridgely who thinks that Mr. Smith  
should come.

Respectfully,



RECORDED & INDEXED  
AUG 17 1925

62-5033-212



62-5033-203

AUG 17 1925

WNG:GA

U S D E

August 5 1925

White  
Federal Bldg  
Oklahoma City Okla

AGENT FRANK SMITH AUTHORIZED PROCEED HERE IN COMPANY  
WITH ATTORNEY BROWN

TWO HOOVER

RECORDED & INDEXED

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WNB:GA

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

August 5, 1925.

MEMORANDUM FOR THE DIRECTOR

In accordance with my telephone message to you, this morning Mr. Ridgely came to my office and discussed the OSAGE MURDERS and related matters.

He stated that Mr. Brown had communicated with Mr. Wixson and that, to use his own expression, Mr. Brown was "running wild" and insisted that he (Brown) be given authority with the Agents to institute an immediate and general investigation of the United States Attorney's office. Specifically, Mr. Ridgely wanted to know whether we in the Bureau had any basis which would warrant such an investigation and I told him that so far as I personally was aware, the only information of this character was in the form of statements made by both the Agent in Charge and Mr. Brown that they knew that the United States Attorney had given copies of our reports to prospective defendants or their friends.

I assured Mr. Ridgely that the Bureau had instructed the Agent in Charge that he was to attend to Bureau matters entirely and not become involved in any difficulties which Mr. Brown may be having with the United States Attorney.

Respectfully,



AUG 19 1925

62-5033-70



62-5033-205

into

Personnel file

1140

Department of Justice

TELEGRAM RECEIVED

OKLAHOMA CITY, OKLA.

AUGUST 22, 1925.



DIRECTOR, BUREAU OF INVESTIGATION,  
DEPARTMENT OF JUSTICE,  
WASHINGTON, D.C.

HAVE NATIONAL BANK EXAMINER DENTON RAWHUSKA, OKLAHOMA INSTRUCTED TO CHECK  
NATIONAL BANK THERE FOR FURTHER INFORMATION OSAGE MURDER CASES. IMPORTANT.

TWO WHITE.

*Rec'd 12:30 pm  
8/24/25 Comp  
Thomson  
Cummings 12:32*

*Two White  
62-5033-200*

REC'D & DECODED

2:20 M

N Y

62-5033-200
BUREAU OF INVESTIGATION
AUG 24 1925
DEPARTMENT OF JUSTICE
Div. Two
Div. Three

AUG 23

*1491*

JBO:PMH

August 24, 1925

T. B. White,  
Federal Building,  
Oklahoma City, Oklahoma.

Your wire immediately advise nature of <sup>bank</sup> information desired

Three Hoover

62-503

RECORDED & INDEXED

62-5033-207  
BUREAU OF INVESTIGATION  
AUG 25 1925  
DEPARTMENT OF JUSTICE

142

Department of Justice

TELEGRAM RECEIVED

OKLAHOMA CITY, OKLA.

AUGUST 29, 1925

DIRECTOR

62-5033  
b2

INFORMATION DESIRED CHECK OF ALL NATIONAL BANKS PAWUSKA EXCEPT  
LIBERTY NATIONAL. IS RELATIVE ALL TRANSACTIONS WILLIAM L. HALE.  
EXAMINER ROBERT W. DENTON ~~SEE~~ <sup>HOW</sup> THAT PLACE IS FAMILIAR AND KNOWS  
WHAT TO LOOK FOR. SUGGEST HE BE AUTHORIZED TO EXAMINE.

THREE WHITE

RECD: 11:55  
Decoded: [unclear]  
To Dir: 1210

*EW*  
*Stamps*  
*total*  
*me*  
*8/31/25*

DEPARTMENT OF JUSTICE

SEP 17 1925

62-5033-208  
BUREAU OF INVESTIGATION  
AUG 29 1925  
DEPARTMENT OF JUSTICE

*[Handwritten signature]*



IBC-RAF  
43-5055

SEP 17 1925

September 15, 1925.

Mr. T. B. White,  
P. O. Box 125,  
Oklahoma City, Oklahoma.

Dear Sir:

With further reference to the checking by a national bank examiner, of all national banks in Oklahoma, except the Liberty National, in order to verify the transactions of William L. Hale, please be advised that the office of the Comptroller of the Currency states that you hope to establish connections between any one of three persons or any one of some forty other persons by means of transfers between accounts, purchases of drafts, etc., covering the period of five years. No definite transfers are known and it is only hoped to confirm them. It will be very difficult to obtain the information desired, as it appears that the national bank examiner is of the opinion that transfers may be found through the National Bank of Commerce. The accountants of the Bureau of Investigation have no authority upon which to make an investigation of the National Bank of Commerce, and the national bank examiner cannot make an investigation of this bank except on the regular period examination date.

Instructions have been issued to national bank examiners, making examinations of banks, to discreetly endeavor to obtain this information. Upon receipt of the same you will be promptly advised.

Very truly yours,

Director.

RECORDED & INDEXED

*[Handwritten signature]*

*[Handwritten initials]*



# Department of Justice

OFFICE OF  
The General Agent  
Washington

JDE-MMP



September 3, 1935.

MEMORANDUM FOR MR. HOOVER,

Director, Bureau of Investigation.

There is transmitted herewith memorandum of Mr. Ridgely, under date of August 28th, and letter from Edwin Brown, Special Assistant to the Attorney General, under date of August 24th, with respect to expenses incurred by him which can not be allowed in his regular expense account.

With reference to so much thereof as relates to meals for witnesses; [REDACTED]

I think the only way these items can be paid would be as confidential information.

It would appear also that the automobile for travel from Guthrie to Pawhuska and return, which was made apparently by Mr. Brown and one of your agents, could be paid for from your appropriation.

Respectfully,

*J. H. Starn*  
General Agent.

SEP 1 8 1935  
RECORDED & INDEXED

62-5033

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Allen to  
John City  
9/6/35*

62-5033-209	
BUREAU OF INVESTIGATION	
SEP 4 1935 A.M.	
DEPARTMENT OF JUSTICE	
<i>Div. Five</i>	<i>Div. One</i>

Guthrie, Okla. Aug. 26, 1928  
 Box 513.

Hon. H. S. Ridgley,  
 Department of Justice,  
 Washington, D. C.

My dear General Ridgley:

During our recent conferences in Washington, I mentioned to you about the possibility of my being reimbursed for some of the necessary expenses that I am put to incident to the Geage Murder Cases. The following are a few examples:

[redacted] who was formerly connected with a bang of bank robbers in Geage County, but who is now helping in the investigation, has been doing me considerable good in locating witnesses and getting information generally for me. He and his family are very poor and they have an old Ford car, which he uses in driving from place to place on this work, and I have paid him some money out of my own pocket for gasoline and oil for his Ford. Nothing for his personal work. He is very faithful and willing and comes and goes for me at any time we ask him.

Another example is where respective witnesses drive in for considerable distances to see me and I take them to lunch or dinner as the case may be.

Another instance, I hired a Ford coupe for three weeks and have used it altogether on business connected with these cases and have not driven it for more than five miles for my own pleasure. As an example in using it, late Saturday evening one of the agents and I had a call to go from Guthrie to Pawhuska immediately, a distance of one hundred and twenty five miles, and if we had waited for the train, we could not have reached there until about six Sunday evening, but I took the car and drove over there Saturday evening, and was able to attend to the matter the first thing Sunday morning and returned to Guthrie Sunday night. Otherwise if we had made the trip by rail, we could not have gotten here before this, Monday afternoon, and we would have been unable to interview the people we want to see. I was out the necessary gasoline and oil for the trip in addition to the rent of the car.

These are only some of the items that I have been out, but it will give you an idea of what they are. I, of course, can get a receipt for the hire of the automobile but cannot get a receipt from such people as [redacted] as they would immediately become suspicious, if asked to sign any paper, and as for taking witnesses to lunch or such expenses as that, it is practically impossible to do. Up to date, I have spent at least \$150.00 to \$200.00 of my own money solely for our interest in these murder cases.

When I see that such expenditures, that I have enumerated, are advantageous to us and have gotten good results, I have unhesitatingly paid them myself, but as the work progresses and I see that such things are coming up all the time, I do not feel like paying this money out of my own pocket, if I am rightfully entitled to be reimbursed. If I could afford it, I would gladly do so and say nothing to the Department about it. I discussed this matter with the Bureau of Investigation and was advised that they have a system of using "Blue Slips" for obtaining confidential information, but the Bureau is somewhat separate from us, and I was unable to understand just how to go about it without receipts or instructions from you.

If there is any way by which I can be reimbursed for my expenditures up to date and know that the same will be taken care of in the future, I wish that you would advise me.

I can make an itemized statement of most of the expenditures and accompany same with my affidavit and the affidavit of one or more of the Special Agents, that the same has been truly spent, and that the same has been spent incident to these Government cases, but as I say in some instances, it will be impossible to furnish receipts.

I think that you will readily see, that after having made these expenditures without knowing whether I could get the money back, that I will not spend any money foolishly and for other than the good to be accomplished in these cases and in every instance the Special Agents working with me or Agent in Charge White will verify what I say, provided a verification is needed.

In the argument of the motion to stay the execution in the Edith Fox case, the Court took the view, and I think rightly, that it had authority to recall the Mandate at any time during term time. The only proposition that I could use in argument was, that before the defendant could ask for a re-hearing in the Court of Appeals, she or he must personally surrender to the authorities to abide the judgment in the first instance, and as notice for her motion for stay of execution had been served upon the United States Attorney or Mr. Ingraham, but at the hearing on the motion, the same was opposed by the Government, the Court thought that this would relieve her of that obligation.

When I was in the Department I went to Caldwell's office three or four times to see him, but he was out on each occasion. I wish when you see him, that you would tell him that I was there and wanted to pay my respects to him.

With kindest personal regards to yourself, I am,

Yours very truly,

Edwin Brown

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13:05

62-203-209

SEP 18 1925

September 16, 1925.

Mr. T. B. White,  
P. O. Box 125,  
Oklahoma City, Okla.

Dear Sir:-

I am forwarding herewith copy of a letter addressed to Mr. Ridgely under date of August 24, 1925, by Special Assistant to the Attorney General Edwin Brown. You will note from the letter that Mr. Brown has been using a Confidential Informant by the name of [REDACTED] in the investigation incident to the Clegg Murder cases and requests authority to pay said Gregg for the use of his Ford automobile. B7D

As there is no appropriation available for the payment of such items excepting that of Detection and Prosecution of Crimes, you are requested to confer with Mr. Brown and secure an itemized B7D list of such expenses as he has incurred for [REDACTED] and also automobile hire in travel from Guthrie to Pawhuska and return, such travel was apparently made by Mr. Brown and one of the Agents of the Bureau. These expenses may be rendered by you, or the Agent working with Mr. Brown, on a blue slip as Confidential Information and forwarded to the Bureau for attention. On payment of same you may reimburse Mr. Brown for his expenditures.

The items referred to in the third paragraph of Mr. Brown's letter, lunch or dinner for witnesses, cannot be allowed and should not be included in the amount.

Please give this matter prompt attention and also inform Mr. Brown that the hiring of this Confidential Informant or the travel by automobile must not be made a regular practice.

Very truly yours,

Enc. 4457

Director.

RECORDED & INDEXED

1149

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

September 12, 1925.

MEMORANDUM FOR MR. GELES

The synopsis of the attached report is not in accordance with Bureau instructions. It is descriptive or administrative rather than an actual synopsis of the facts as obtained.

Please advise the Agent who prepared the report.

Very truly yours,

*J. E. Hoover*  
Director.

Inc. 49248

*3/10  
11/17/25  
Bureau file*

*1150*

THIS CASE ORIGINATED AT

REPORT MADE AT: Guthrie, Okla.	DATE WHEN MADE: 9/1/25	PERIOD FOR WHICH MADE: 7/17 to 8/31	REPORT MADE BY: F. S. Smith.
TITLE: BRYAN BURKHART ET AL			CHARACTER OF CASE: Murder of Anna Brown Osage Indian Woman.

(O.C. 70/1/3)

SYNOPSIS OF FACTS:

JOINT REPORT AGENTS SMITH,  
STREET, BURGER AND MURPHY.

62-5033

Statement obtained from B. B. Crane concerning murder of Anna Brown. Reference Blackie Gord being in custody under federal charge in Osage County. Statement obtained from Mrs Margaret Mitchell nee Himes concerning murder W. E. (Bill) Smith et al. Possible developments obtained from Henry Cornet through a confidential informant. Reference reported theft Government files Osage case from United States Attorney. Agents notes concerning distribution reports.

DETAILS:

CONCERNING THE MURDER OF ANNA BROWN.

Referring to joint report made by Agent, Smith, dated 7-17-25 identical caption and statement therein by Dewey Selph and W. C. Bailey, and the connection of B. B. Crane and Blackie Gord therewith.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>F. S. Smith</i>	SPECIAL AGENT IN CHARGE	62-5033-210	RECORDED AND INDEXED: SEP 11 1925
WASHINGTON REFERENCE:	COPIES OF THIS REPORT FURNISHED TO: 3 Washington 3 Files	SEP 10 1925 A.M. DEPARTMENT OF JUSTICE	CHECKED OVER: SEP 24 1925 JACKSON
		ROUTED TO: Dir. Two	FILE

1151

## STATEMENT OBTAINED FROM B. B. CRANE:

X

"Several days before Anna Brown was found murdered; I was at Earnest Burkhardt's home, at Grayhorse. I recall that Dewey Selph, Clarence Bailey, Kelsey Morrison, Earnest Burkhardt and several others were there. We were all drinking and we played Indian Stud Poker. I was very drunk while we were playing poker; I don't remember the time of the night; Earnest Burkhardt, Kelsey Morrison and Dewey Selph went into another room, and talked. Then Dewey Selph came back, and called me to one side and told me that Earnest Burkhardt wanted Anna Brown bumped off and asked me what I thought of it and said our time would be made worth while. I told Dewey that kind of money wouldn't be any good to us. Dewey did not say any more and we went back to the poker game. Later on the game broke up, and Dewey Selph said to me come on, and he and I, Kelsey Morrison, Earnest Burkhardt and Clarence Bailey, went out and got in Earnest Burkhardt's Buick car and Earnest Burkhardt drove us to Pawmiska and stopped west of town near a bridge. When the car stopped Kelsey Morrison got out of the car, and walked away. I was drinking and paid no attention to what was said before Kelsey left the car. Kelsey was gone some time and came back in a car and in this car I remember seeing Anna Brown and another woman that I paid no attention to and can't say who she was. I don't remember what was said but Kelsey stopped his car and then drove on off and Earnest Burkhardt followed. Earnest drove on to his home at Grayhorse. We got there some time about morning. We all got out and I layed down and want to sleep. Later Dewey Selph woke me up and Dewey, Clarence, Bailey, Earnest Burkhardt and myself drove to Fairfax in Earnest Burkhardt's Buick car and ate breakfast. I don't remember seeing Kelsey Morrison or Anna Brown at Earnest Burkhardt's house when I woke up, and we left for Fairfax some time later. I recall we all went to Grayhorse and saw some races. I remember seeing Bryan Burkhardt at the races, and also Kelsey Morrison but don't remember seeing Anna Brown. After the race some time in the evening I remember that Dewey, myself, Kelsey Morrison, Earnest Burkhardt and Clarence Bailey, went to Earnest Burkhardt's home and ate supper. This was

1152

This was late in the evening. I tried to eat but got sick and vomited. Some time after supper, Earnest Burkhardt, Clarence Bailey, Dewey Selph and I, in Earnest Burkhardt's car, left Earnest's house, Kelsey Morrison was not with us when we left; when we got to Grayhorse which is a short distance from Earnest Burkhardt's house, I saw Kelsey Morrison, Anna Brown and another man and woman that I don't remember sitting in a car in front of some store. Earnest Burkhardt stopped his car near Kelsey's car and I paid no attention to what was said, but we then drove on and Kelsey with Anna Brown and the other two followed us. We drove down to Fairfax. We stopped at Fairfax and Kelsey Morrison, Anna Brown and the others drove up and stopped. Earnest Burkhardt and Dewey Selph got out of our car and walked over towards Kelsie's car. Clarence Bailey and I remained in our car and I went to sleep. The next thing I remember I woke up and our car was in front of the hotel at Ralston and Kelsie Morrison's car with Anna Brown and the other two were at Ralston. We all got out of our car and went into the hotel. Clarence and I set down in the Lobby of the hotel and all the others left us and went some where in the hotel, except the man and woman whom I don't remember that was riding in Kelsie's car and they stayed in Kelsie's car. In a little while Clarence and I wanted a drink and was afraid to drink in the lobby so we went out and got in Earnest Burkhardt's car and drank some whiskey which we had, and I went to sleep. Some time later I don't know what time but around day light, Earnest and Dewey came and got in the car and drove to Fairfax. I did not see Kelsie and Anna Brown again. At Fairfax Dewey Selph took me to a hotel and put me to bed. This was in a rooming house close to the Depot. When I woke up I eat and later saw Dewey, who was sitting in front of the place where I slept. I told Dewey that I believed I would go to Denoya and see Albert Sturnson. I left Fairfax in a bus going to Denoya. The next day I came back to Fairfax and met Dewey and the next day I went to Ponca City. In about four or five days later I saw in the paper where they had found Anna Brown murdered. I have made the above statement of my own free will and accord, because I felt that the Government should know all the facts that I have told. B. B. Crane. Witnesses, F. S. Smith, J. A. Street."

B. B. Crane is now confined in the County Jail at La Junta, Colorado,

1153

charged with felony by that State. Arrangements have been made with the County Attorney and Sheriff at La Junta, Colorado, by which Crans will be available to the Government.

REFERENCE BLACKIE GORD:

Gord is now confined in Osage County on a Federal charge; theft interstate shipment in default of bail in the sum of \$5000.00. Efforts are in progress to have Gord divulge the true facts.

*Start*  
CONCERNING THE MURDER OF W. E. (Bill) SMITH ET AL.

Memorandum statement obtained from Mrs Margaret Mitchell (nee Himes) by Special Agent, Murphy.

STATEMENT OF MRS MITCHELL:

"That she came to Fairfax, Okla., during the Spring of 1921, and secured employment as a nurse in the Fairfax Hospital, where she worked until the fall of that year; that at that time her name was Margaret Himes, she having met and married a Dr. J. H. Mitchell at Fairfax; that she was assigned to the case of W. E. "Bill" Smith on night duty; that during the time she was his nurse he never made any statements to her regarding who might be responsible for the dynamiting of his home, but that during his sleep he muttered several times various names which she was unable to understand, also he stated-"they got Rita and now it looks like they have got me." That he was afraid he might mention names while he was asleep, and upon wakening would at once ask her if he had mentioned any names during his sleep, and on being told he had not, would seem relieved. Mrs Mitchell also stated that she was not present when Bill Smith made a dying statement, as she was asked to leave the room by Dr. Shoun, and the only ones present were Dr. Shoun and some attorneys, whom she did not know. Mrs Mitchell further stated that some time after Bill Smith's death, she was asked by Dr. Shoun to go to the home of Bryan Burkhart as nurse for Bryan, who was ill; that she refused to go, stating she would not nurse any Indians or stay in their homes, but finally agreed to take the case for one

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day only, until they could obtain another nurse; that during the day she was there, Bill Hale, the Uncle of Bryan, visited him and she was asked to leave the room so they could talk, she going out on the porch and sit in the swing; that in a short time Bill Hale came out where she was and tried to engage her in conversation, finally asking her if Bill Smith had made a dying statement, to which she stated she replied to him -- "That if he did I would not be telling it." Mrs Mitchell is of the opinion that Bill Hale would like to get to her to secure any information which he thinks she may know."

*Steps* Address Margaret Mitchell, Hamlin, Oklahoma, witness under surveillance Deputy Sheriff Hebler, who will keep agents advised of any change in her address.

POSSIBLE DEVELOPMENTS:

Through a confidential informant, one Henry Cornet was interviewed in County Jail at Anadarko, Oklahoma, where he is confined by the State of Oklahoma under charge of bank robbery, and stated as follows:

That he is in possession of material information relative Osage murders; that should he divulge such information at this time and his enemies in Osage County through any means detect it, that they would use their exerted efforts to convict him in the cases in which he now stands charged and while he is confident of acquittal when cases are tried Sept. 17th. Cornet promised informant that after his trial that he would divulge all information in his possession and would aid and assist the Government in the Osage matters.

The confidential informant has great faith in Cornet doing this. Cornet outlined to informant briefly some of the material facts in his possession, as follows:

"That sometime prior to the murder of Henry Hoan, Osage Indian, that Bill Hale, master mind suspect in Osage murders, and one Henry Grammer, now deceased, but then the king of liquor

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manufacturing and distribution, and a fence and protector for, and manipulator of the law violators of Osage District, were overheard plotting the murder of Henry Roan by a friend of Cornet. That their plot was to have Roan killed on Cornet's ranch to leave the impression that Cornet committed the murder; that repeatedly after their plans were laid that friends of Hale Grammer organization circulated numerous reports that Roan and Cornet were bitter enemies, and that Roan was going to kill Cornet and that general line of propoganda to impress the public of the animosity existing between Roan and Cornet. That he, Cornet, knew three Indians who have material information relative to Osage murders and who he will cause to tell the whole truth; that he knows two men now in the Penitentiary at McAlester, who actually participated in the Osage murders, who he can cause to divulge the full truth."

It is a developed fact that just prior to the Roan murder in Jan. 1923 and at the time of Anna Brown's murder in 1921, that Cornet, Grammer and other suspects in Osage Murders, were an organized gang of high powered criminals and knew the heart beat of each other, which justifies anticipated results from Cornet, as he unquestionably has information of interest.

AGENT'S NOTES:

For the information of the Bureau, copies of all reports of special Agents with reference to Osage murders up to Jan. 1925, were furnished United States Attorney, Maurer, for the Western District of Oklahoma. Recently Mr. Maurer advised Agents that all copies of the Osage cases mysteriously disappeared from his office and advances the theory that they were stolen. Since January at which time these agents were specially assigned to these investigations no copies of reports have been furnished the United States Attorney of this District, and will not be unless otherwise instructed. Under instructions

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F. S. Smith

7/17 to 8/31

of Special Agent in Charge, T. B. White, the original and two copies of all reports are furnished him, and by him sent Director of Bureau, and three copies retained in files of these Special Agents.

CONTINUED.

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RECORDED

SEP 24 1925

62-503-210

September 22, 1925.

Mr. H. Hutto,  
P. O. Box 125,  
Oklahoma City, Okla.

Dear Sir:

Receipt is acknowledged of report of Agent Smith, now an special investigation in your jurisdiction, dated September 1, 1925, captioned Bryan Burkhart, et al.

Will you please call the attention of Agent Smith to the fact that the synopsis of facts in the report of this investigation is not correct, said synopsis being descriptive rather than a correct synopsis of the facts set forth in the report which follows.

Very truly yours,

Director.

RECORDED & INDEXED

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CASE ORIGINATED AT

MADE AT  
Muskogee, Okla.

DATE WHEN MADE:  
9/10/25

PERIOD FOR WHICH MADE:  
8/18 to 9/8

REPORT MADE BY:  
F. S. Smith

SEP 14 1925  
1510

0 RYAN BURCHART ET AL

CHARACTER OF CASE:  
Murder of Anna Brown,  
Osage Indian woman.

SYNOPSIS OF FACTS:

JOINT REPORT AGENTS JOHN WREN,  
CHAS. DAVIS AND GENE PARKER.

62-5033

General review of results obtained  
by these agents operating under cover,  
naming witnesses to be interviewed  
giving location of material witnesses  
and suggestions of agents.

DETAILS:

Pawhuska, Okla. Sept. 8, 1925.  
Mr. T. B. White, Box 125 Oklahoma City, Okla.  
Re Osage Murder Cases. Joint report made  
by Agent Parker, Wren and Davis from Aug.  
12, 1925 to Sept. 8, 1925, endeavoring to  
secure further information and locate material  
witnesses in the above cases—agents working  
under cover.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:	<i>F. S. Smith</i> SPECIAL AGENT IN CHARGE	62-5033-211	RECORDED AND INDEXED: SEP 14 1925
WASHINGTON REFERENCE:  Two.	COPIES OF THIS REPORT FURNISHED TO:  3 Washington 3 Files.	BUREAU OF INVESTIGATION SEP 14 1925 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: SEP 18 1925 JACKETED:
		ROUTED TO: Div. Two	FILE

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**FAIRFAX AND VICINITY:**

While Agent Davis was at the White Star Cafe at Fairfax conducted by one Mr. Franks, one Mr. Smith of Fairfax, whose son-in-law, a Mr. Denoya, owns a dray line at Fairfax, stated in conversation with Agent Davis and Mr. Franks, that he Smith came to the Osage country in an early day and took contracts to dig water wells for the Osage Indians. Mr. Smith stated that he knew all of the Osage Indians that had been murdered mentioning Anna Brown and Henry Roan, who had been murdered near Fairfax. Mr. Smith stated that he also knew the Bill Smith family whose house was blown up in Fairfax, killing wife of Bill Smith who was a sister of Anna Brown and who was also related to the Osage Indian, Henry Roan. Mr. Smith stated that Bill Smith, his wife and a servant girl was killed when the home was blown up. Mr. Smith further stated that it was thought that a rich ranchman was the master mind of all the three murders (but Mr. Smith did not give name of rich ranchman) Mr. Smith stated that these murders were being investigated by the Federal Government and detectives now and turning to Agent Davis asked Davis if he was a detective and when being told by Davis that he was not a detective, Smith stated, 'I guess I have said too much already for my son-in-law has told me not to talk for the bunch may bump me off if I did.' Mr. Smith stated he was 84 years of age and come from Canada at an early day. At the Wide Awake Filling Station located about 6 miles east of Fairfax and on the Fairfax and Pawhuska Road, this station is conducted by a man and his sister and the mail box shows the name of Bert. White in conversation with the lady who waited on us she informed us that the ranch across the road from their filling station belonged to Bill Hale and she asked agents if we were thinking of locating in that vicinity, on being informed that we were looking around for a location stated that Bill Hale was not a very good neighbor as he controlled every thing around there, that he, Bill Hale, owed them an account of \$50.00 that they had purchased an old house from Bill Hale that stood in his pasture across the road from their filling station, that they offered him \$10.00 for this old house and that Hale said that he would let it rot down before he would take \$10.00 for it, but finally agreed to take \$25.00 for the house, that they agreed on the price and they moved the house over the filling station, that later they sent Hale a bill for the balance due them, that Hale then sent them a bill for \$250.00 claiming that they owed him that

amount for things that they had bought from him at different times. This lady stated that she and her brother did not owe Hale five cents but that Hale did owe them, stating that is just the kind of man Hale is, that it was reported and generally known that Hale had had an Osage Indian woman murdered and that this woman's body was found not far from their filling station and that also there was an Osage Indian man killed and his body found in a pasture near Fairfax, that there was a house blown up in the town of Fairfax killing a man, his wife and a servant girl. This lady further said that Hale owned and controlled about 30,000 acres of land near their filling station, that sometime ago he, Hale, had the grass on this land insured for a dollar an acre or \$30,000.00. She further stated that he, Hale, had his cow boys to go around and set fire to this grass at night and that every acre insured was burned off and that he, Hale, had collected the \$30,000.00 insurance. This is about all this lady mentioned in regard to Hale, as at this time a car drove up and we had to move out to let the other car in. The above conversations quoted are merely to show what is generally known in the vicinity of Fairfax and were voluntarily on the part of the people quoted. No doubt if the lady and her brother who own and operate the Wide Awake Filling station on the road between Fairfax and Pawhuska were interviewed by an agent of this Department, who is not under cover, might be able to throw some light on this case, and if not on the murder cases, information may be obtained as to Hale having his pasture set fire for the insurance as this is a prairie country and only a barb-wire fence and a road between the residence of the owners of the filling station, they undoubtedly saw the fire and may have seen men setting fire to the grass as they could see for a number of miles.

AT RALSTON AND VICINITY:

Agent Parker and Wren visited and stayed all night at the Jones Hotel at Ralston a short distance from Fairfax, Agent Davis remaining at Fairfax. The proprietor of the Jones hotel is a man named John Holder, he stated to the above named agents that he had lived in the country for about thirty two years, that he had been running the hotel for about two years, that the hotel was owned and ran previously by his step father who died about two years ago. In a general conversation with Mr. Holder in regards to investments etc he stated that the country in the vicinity of Fairfax and Ralston was owned and controlled by a group of men and the leading character of the bunch was named Bill Hale. John Holder further stated that all of the hi-jackers, boot-leggers etc had married Indian

women and had obtained by marrying said Indian women the royalty and income of their oil and lands. Holder appeared to agents by his actions to know or to have been next to the Hale gang activities, and at a proper time we are of the opinion that Holder should be interviewed by an agent that is not under cover, in reference to Osage murders frauds etc, as reports made by other agents shows that the Jones Hotel was visited by Anna Brown and Bryan Burkhart on the night that Anna Brown was murdered. On the same block due west of the Jones Hotel at Balston is the restaurant where Anna Brown and her party stopped and got sandwiches on the night of the murder. This restaurant is owned and operated by a man named Bob McSpadden who was also running this place at the time this party bought the sandwiches. Reports read by these agents does not show that Bob McSpadden was ever interviewed and agent Frank Smith stated to these agents that McSpadden has never been interviewed-working in this restaurant is McSpadden's wife and daughter, the daughter being acting waitress and the wife doing the cooking.

#### AT SHIDLER AND VICINITY:

While at Shidler, Agents Wren and Parker stopped at the Broadway rooming house, which is operated by John Gregg, wife and daughter. Agents had a lengthy conversation with John Gregg far into the night. In the course of conversation Gregg told agents that the prohibition officers had recently been in Shidler and vicinity conducting raids, searching men and women at dances for liquor. Gregg said that the officers in Shidler were a sorry lot, that some of them would arrest a man if they smelled whiskey on his breath and that another officer would either put a small flask in his pocket or swear that he had taken the flask off of man arrested. While talking to Gregg about conditions of the country he informed us that sometime ago some men had learned that a \$200,000.00 pay roll was in one of the banks at Pawhuska, that these men got into the bank drilled a hole in the safe and put in a charge of nitro-glycerine and touched same off and after the explosion they discovered that they had put in too much and had blown the safe through the wall and had jammed the door so it couldn't be opened and that they had to beat it. Gregg further stated it didn't take much nitro to blow a safe that these men were green at the business. Gregg stated that he had seen many oil wells shot with nitro. Gregg stated that nitro was a very powerful explosion and that sometime ago some one blew up a house in Fairfax with nitro-glycerine killing several members of the family and completely wrecking the house- Gregg did not mention whose house it was, who blew it up or no names mentioned for at this point of conversation Gregg was interrupted by a man who came into hotel to