

Federal Prison,
Leavenworth, Kan.

"I was a Deputy Sheriff to Agent Smith
on the date of the explosion of Osage County
Bill Smith 1925:

O. L. 4, 000 and family at Fairfax
D. L. 4, 300 was Sheriff at jail that killed
deputies and Henry Layes, Fred Shitaker,

and Dock Linns Harry Myself, Ed Cleveen,
Roby Vas Linns was active
work at night. Assistant Jailor and Col. Sheriff

health and night. Mr. Hoby and Col. George
the Deputy Sheriff who account was supposed to
releasing would help happened any very bad

stay at the prisoners him in locking to be around
Layes and I before he went times up and

was in jail were the Smith went to would
try to get him to work on a show, Henry

who he had some dope to furnish, called him
6:30 P. M. Henry associated peddlers at "Squirrel",
third floor sells to talk to "Squirrel" the

is the floor sells and with, and I went up about
on the passed sell to talk to "Squirrel" the
Jackson was then floor, which was top of the
with his head confined in, we saw cell Burt

Burt standing in, we saw Deputy
at that time I gave that bars talking door
him there talking to reason that I thought to
Jackson that I had seen

many times prior

4.
Babb's postscriptum ed
Page 862
Par. last

to jail and after that on leaving the
jail about 1:30 P. M. Lloyd was still
talking with Lawson. On the morning of
the explosion, which took place around
2 A. M. and around 8 A. M. a bunch of
the deputies were in the Sheriff's office
talking about the explosion and I noticed
that Lloyd was exceptionally nervous and
acted different than usual. I said no-
thing at that time, but a few days later,
Fred Whitaker, in the presence of Doc
Kains, myself, Henry Hayes, mentioned how
queer, funny and nervous Lloyd was acting
since the blow up and all of us commented
on his peculiar actions. Whitaker went so
far as to go to Sheriff Cook and told him
that on account of Lloyd's actions he did
not want to work with him. Sheriff Cook
then came to me and asked me if I was
afraid to work with him, and I told him
no, and we then worked together for prob-
ably a month or more. Sometime about two
weeks after the Smith murder, Lloyd showed
up with a new special Studebaker car,
especially equipped. Prior to the Smith
murder Lloyd was broke and always borrowing
from some of us deputies, so naturally we
could not figure out where he got the new
car. Sometime after he got the new car he
very suddenly disappeared and none of the
Sheriff's force knew where or why he had
gone. I recently heard that "Squirrel"
Lloyd is in Fort Madison Prison.

Following statements on December 16,
1938, by a inmate of this Federal Prison
serving an eighteen months sentence
from Osage County, Oklahoma, for pos-
session of liquor.

My present work is
cleaning and attending to Cell House
Gallery No. 2, and am a orderly. Some-
time about ten days ago or two weeks ago
I came in contact with one Burt Lawson,
who is a prisoner here, and he remembered
me in Osage County. He seemed to take a
liking to us and placed confidence in me
and we have had many talks together about
Osage County and people we both knew. A
few days ago Lawson told me in confidence
that he trusted me and went on to tell me
that he was brought here by the Government
from McAlester prison and that he had no
sentence here. That he blew up the Dill
Smith home in Fairfax; that Bill Hale and
another party furnished the money and that
Bill Hale and a Deputy Sheriff took him out
of Pawhuska jail where he was in on a mur-
der charge, and took him to Fairfax on the
night Smith's house was blown up and that
he actually did the blowing up. That he
was taken back and put in the Pawhuska jail
after the blow up and that none of the of-
ficials knew that he was out of jail except
the Deputy Sheriff, and that he was taken
out once by the Deputy. Lawson
told me that he made a statement to this
some Government man telling him the truth.

96-D

After the man was taken out of jail and had been up Smith's house, but since making the statement he told several that the statement was not the truth and had sent a letter to the Department of Justice at Washington through his sister at Oklahoma City, telling the Government his statement was not the truth, but that the statement was the "truth" but that he was going to back out of it. My reason for furnishing this information is that if West Lawson has told me is the truth, that those implications, should be prosecuted as it was a "horrible affair".

"A few moments ago on being advised that I was wanted at thearden's office, Burt Lawson asked me who wanted to see me. I told him I thought it was my lawyer. Lawson said if it is your lawyer he is a friend of Bill Hale and you tell him to tell Hale for him to stand by me and I will stand by him. Tell him not to fail to tell Hale this."

Boles sent the following letter to Agent Smith at Guthrie, on December 19, 1926:

"Dear Sir: I will write you a line to let you know how everything is. Burt Lawson has agreed to stay with the statement he made to you. I told him if his statement was true he had better stand by it and tell the truth no matter who it hurt. He said he would do it. He said he had better take care of himself they wasn't going

(cont'd.)

anything for him. He told me that Bill Hale and Deputy Sheriff Bloyd came to the jail where he was and the Deputy Sheriff took him out at night and Bill Hale taken him to Fairfax and drove him up to the alley. He got out of the car and he goes up the alley back of the Bill Smith house goes in the back way with a jug of nitroglycerine puts it under the house and exploded it and blew it up then walked back down to Ernest Burkhardt's place where Bill Hale agreed to wait for him. He found Hale waiting there for him and Bill Hale got in the car and went back to Pawhuska and Bloyd taken him and put him back in jail. He said Deputy Sheriff Bloyd friend tais job up had all the arrangements and he blew it up. He said he thought the Deputy got more out of it than he did. He hasn't told me how much he got for the job but he said he got a good price of money out of it. He says he don't know whether Burkhardt had anything to do with it or not, but Hale waited for him at this place while he was doing the job. It looks a little bad on his part to me. He says he is going to ask you to not prosecute him in this case. I told him he had better take care of himself. I didn't think Hale was going to help him out. I told him all people wanted was the truth in this case they wanted the guilty party and to just tell the truth and it wouldn't hurt him any. He said he would do it. Well Mr. I

100%
COTTON
100%
POLYESTER

100%

2.

3.

"Henry Teans body was found by Roy Bunch. He told me that Bill Hale had offered him money to leave Fairfax, until it was a good thing he didn't take it. Now if he had left it would have made things look bad for him. Before Henry Roan was killed Roy Bunch always carried an automatic pistol. I don't remember seeing Roy Bunch with this pistol after Henry Roan was killed."

5061
1. CHARGED
(Continued)

Made the following sworn statement to Agent Hren in the presence of E. L. Burch, Page 864 at Fairfax, Oklahoma, December 10, 1935:

My name is Arch Berger. I am 29 years old, married, and have resided in Fairfax, Okla., for 17 years. I am the proprietor of the B. & L. Billiard Parlor, located in Fairfax, Okla.

I have known Mr. Roy Bunch intimately for 12 years and he frequented my place of business located in Swanson Building for several months prior to the death of Henry Roan, and at various times stated to me that he loved Mary Roan, and would marry her if he could get her.

On or about _____ or about ten days prior to the finding of Henry Roan's body, while on my way home from my place of business at about 12:30 A. M., I met Roy Bunch in front of the Ford Garage in Fairfax, Oklahoma, and he stopped me and we entered into a conversation. Mr. Bunch asked me if I had ever heard Henry Roan make any threats against his, Bunch's, life, and I stated to him that I had not. Mr. Bunch then asked me that in case I have to kill Mr. Roan, would I swear that I had heard Mr. Roan make threats against his Bunch's life, and I told him that I would not. Mr. Bunch then stated that Mr.

First April. They were married at New York City, N.Y., in 1924. She asks for alimony and for her name to be off the rolls of Henry.

Ann Smith of Blackwell charges adultery on the part of her husband, E. T. Smith, on July 10 of last year. The couple have two children, Alden, 9, and Bennie, 7. Mrs. Smith is seeking divorce and means for support of the two children.

Toads, no longer with other crea-

Mar-

In

TONKAWA APPOINTS COMMITTEE ON DATES

Tonkawa, Jan. 25.—Conflicting dates have been hampering civic meetings in Tonkawa for some time, so the chamber of commerce has appointed a "committee on dates." The duty of the committee is to see that various events are scheduled so they will not conflict.

ROADS ARE SLIPPERY BUT ARE TRAVELABLE

Tonkawa, Jan. 25.—Roads in and out of Tonkawa were slick but passable Sunday, motorists from all directions reported. Buses ran about as schedule. The road beds were frozen before the snow fell, and cars slide to and fro across the road, but did not penetrate deeply.

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up from

ment injunction issued by U. S. District Judge W. E. West Friday re-enforced from col-

lateral at the highway. The order did not specify the return of the stopped further

Not only does the order affect the main case, in which Ladd and Ranney are now involved, but also other Osage Indians and new Indians may be affected.

SCOUT WORKERS TO MEET HERE TONIGHT

Members of the Ponca City Rotary Club will attempt tonight to overcome the lead held by the Lions club in the contest for attendance at the Boy Scout training school conducted weekly by H. W. Wester, Noble-Kay county areal council director, at the city hall.

Tonight's meeting at 7:30 o'clock will be the second of a five-week series, and both clubs are keenly interested in the contest as a means of promoting interest in the Boy Scout movement. At the first meeting there were 22 Lions and 12 Rotarians. Not only members of these two clubs are invited, but also any man interested in knowing more of the scout movement, and the program under way in Kay and Noble counties.

Hotel Death List Increased
Allentown, Pa., Jan. 25.—With the death of Edward Fletcher of Scranton today, the toll of lives lost in the Lafayette hotel fire Saturday reached 13.

old jar which sprung Miss E. K.
of the heat of the commercial
gave a feastproof of the poi-
cars old, early Sunday morning.

physician. Unable to get a doc-
or at the moment, Stewart rush-
ed Kathleen to Ponca City hospital
where she has since been re-
ceiving treatment. Her throat and
nasils are extremely sore, but
it is believed that all of the poi-
son had passed from her system.

FIND BALDNESS CURE

New York.—In an effort to
cure baldness and other ills of the
hair, Charles Neesler, president of the
American Master Hair Dressers' Association, has given
\$5,000 toward the establishment
of a college on hair research.

OUR Winter store... A GOOD line of
certificates for "tuck the hair
machines until the r
passes on the perm
William H. Zwick has
straining the departu
leaving the fee.
This was made clear
way development took
order or Judge Zwick
Dressers' Association, has given
really demand no
money but merely st
collection.

\$1.00

III BIG W. Muslin
Out, L.L. Brown Muslin,
36 inches wide, a real
good one, 10 YDS. FOR

\$1.00

Miller's \$1.75
Corsets—

A nice Broaded Corset,
pink shade and all sizes,
EACH—

\$1.00

COMPANY

Indicting that the rising genera-
tion takes its cue from the gen-
eration popularized by members of the
newspaper, nor so well versed in matters
as the gentle art of deceit, Dr. A. J.
Lincheid, president of Central
Teachers College, Ada, re-
futed the indictment against
him in an address at the Chris-
tian church Sunday morning.
"I have never found out and I
can't believe anyone has ever
found out whether there is any
relation between styles and
"Dr. Lincheid said, "but
at present youthful styles, tend-
ing to an exaggerated fullness on
the one hand and an abbreviated
stunt, on the other, are not designed
for our youth. They are made and
bore out by statistics. He be-
lieves there are more good stu-
dents in the high schools and col-
leges today than there were 25
years ago. As the enrollment in
luxuries in general
these institutions had increased
the generation after
about 700 percent, there is a bet-
ter cross section of society, he
thinks, than in the old days when
only the serious minded and the
determined ever attained Henry Ford and John
Dowdell, former students, are equal to

fore we begin on you
be sure we have taste
speech and proper re-
sponsibility before we en-
close things of our young
had all the money
in one year for joining
costing over ten c
each—

Assorted colors, extra
long, and a regular
\$1.00 item, the PAIR—

Icon, conducted by Rev. T. M.

Merold Acton, 22-year-old son of T. W. Acton, veteran Ponce City mail carrier who died early Sunday morning, underwent an operation for acute appendicitis Saturday night at Ponce City hospital. His condition was said to be satisfactory today.

Hunter, of the Baptist church. Burial was in L. O. O. F. cemetery.

Theophilus W. Acton was born at White Cloud, Kan., August 2, 1867, and came to Kay county when the Cherokee Strip was opened. He claimed a farm north of Ponce City, where he lived until he became a rural mail carrier about 15 years ago.

Acton was the only mail carrier here ever to be retired on pension, retiring from the postal service because of his illness. He was married August 23, 1894, to Mary Brumel of Cross, by whom he is survived. He also leaves five sons, Sidney W. Acton, student at A. and M.; George Nithwater; Getham H. Acton; See North Elm street; Howard T. Acton, 711 West Oklahoma; Duke; Merold M. Acton, 616 South Birch street; and George Acton living at home. Four daughters survive, Pauline, Mary, Esther and Ida, all living at home, and one brother, Norman Acton, of South Fifth street.

tow away the body and legs. I removed it Thursday morning and took a paper that bore the date of September 11, 1924, and drew it up and then took it

and drew it under the trestle."

—

COOLIDGE RECEIVES COURT MARTIAL DATA

"S," told me she had taken a bribe in New York and being a poor girl, who went to work every day, he threw her down. That fellow in New York and being a

President Coolidge for final action.

War department officials who transmitted the papers to the White House declined today to intimate what recommendations they had made.

The court's trial record was approved early last week by the war department board of review, and it now rests solely with the president to decide whether to make effective the five-year suspension to which the air officer was sentenced for his public attack on government aviation policies.

TUE DAY IN WASHINGTON

Honest discharge of naval militia service, motion measure.

Scholar votes on position for

Mistaking a bottle of earl Stewart, 416 North Union street, son to their daughter, Kathleen.

Slight hope was expressed

her recovery Sunday, but physi-

cians this afternoon were of

opinion that the child is out

a relapse.

Mother Collapses

Mrs. Stewart suffered a number of shocks as a result of the unfortunate error, but her condition is not considered serious.

Stewart said today that K.

teen had had a severe cold, that he had given her a dose of the cough medicine Saturday night. Upon retiring he sat on a window near his wife's bed where it would be handy needed during the night.

Sunday morning while he was

absent from the room at

the time, Mrs. Stewart gave the child a dose of carbolic acid.

The fluid was

of a reddish color and could easily be mistaken for the colored cough syrup.

"Medicine" Burned Mouth

When Stewart again entered the house he said he heard his wife complain that the medicine had burned her mouth. Mrs. Stewart gave the child an enema, the first time brought forth

the earl Stewart to have

acid caused Stewart to have

nausea and the error was discovered.

Mr. Stewart gave the child some milk while he tried to

DAY NEWS

MEMBER OF
ASSOCIATED PRESS
UNITED PRESS NEA SERVICE

V. JANUARY 25, 1926. Full Leased Wire Associated Press

PRICE THREE CENTS

SAFETY INDICTMENTS

Mile. Fox Trot

**SENATE CLAPS Federal Jurisdiction
GLOUCESTER RULE Sustained; Men Held
ON INDICTMENTS FOR FURTHER CHARGES**

**FINAL VOTE ON COURT
IS MADE CERTAIN
THIS WEEK**

Government Makes Plans for New Indictments as Court Sustains Delinquer on Technical Grounds

Department of Justice,

Bureau of Investigation.

P. O. Box 125,
Oklahoma City, Oklahoma.
Feb. 3, 1926.

CONFIDENTIAL

Mr. J. E. Hoover, Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Mr. Hoover:-

Re: A. K. (Bill) Hale and John Nance
Murder of Osage Indians.

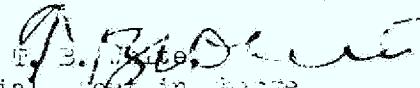
I have just received information that Hale has a brother-in-law in Washington in Government service, named Will King.

My information is that King is a bookkeeper, or stenographer, but the information coming to me did not go so far as to inform me just what department King is in. King married Hale's sister.

I believe it would be worth while to learn just where this man is working in Government service and whether or not he is in the Department of Justice.

If you concur with me in this, would you kindly have someone find out, if possible, what department he is working in and whether or not he would have any opportunity of learning any of the details in the case against Hale.

Yours very truly,


F. B. I. Agent
Special Agent in Charge.

J. E. H.

EB, 1/3/1926

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FEB 1 3 1926

February 3, 1926.

MEMORANDUM FOR MR. FLEMING:

I am forwarding herewith copy of a letter
dated February 3rd, from our Oklahoma City Office, with
regard to WILL KING a brother-in-law of T.M. HALE, principle
in the Oedge Murder cases. Inquiry at the Department of
Justice yesterday, resulted in the report that KING is not
connected with the Department of Justice, however, I wish
you would ascertain exactly where he is in the service and
advise our Oklahoma City Office.

Very truly yours,

Director.

encl. 14796

1776

THIS CASE ORIGINATED AT

Oklahoma City, Okla.

REPORT MADE AT:

Oklahoma City, Okla.

DATE WHEN MADE:

1/28/26

PERIOD FOR WHICH MADE:

1/16-25/26

REPORT MADE BY:

F. S. Smith

CHARACTER OF CASE:

Murder of George E. Anna Brown, et al.

U. S. vs. J. K. Hale and
John Ramsey.

O. C. File #70-1

SYNOPSIS OF FACTS:

Motions to quash indictment in case #5660 overruled. Demurrers to same indictment sustained and defendants certified held for further action of Grand Jury. Hale's lawyers made unsuccessful attempt to get control of Ernest Burkhart. Opinion of court on demurrer, petition of Hale's lawyers for delivery of Ernest Burkhart and Burkhart's letter requesting body guard quoted herein.

Continued.

Details:

Reference is made to report of this Agent dated January 21, 1926.

The arraignment of J. K. Hale and John Ramsey; on indictment #5660, was set for January 16, 1926. On this date their attorneys asked for time to plead, and were given until January 19. On January 19 their attorneys filed motions to quash, and January 23 was set as the date for arguments. On this date the motions were overruled without arguments. Attorneys for Hale and Ramsey insisted on filing demurrers, and after hearing arguments, Judge Cotterell put the matter under advisement until January 26.

The opinion of the court, sustaining the demurrers, is as follows:

APPROVED AND
FORWARDED:WASHINGTON
REFERENCE

Two

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Oklahoma City

Morning

SPECIAL AGENT
IN CHARGE

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RECORDED AND INDEXED

69-5033-312

BUREAU OF INVESTIGATION

FEB 21 1926

DEPARTMENT OF JUSTICE

ROUTED TO:

FILE

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FEB 21 1926

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F. B. I. 1/28/26

OPINION ON DIAURER TO INDICTMENT

The indictment charges the defendant John Ramsey with the murder of John (Henry) Roan, on January 31, 1926, in Osage County, Oklahoma, and the defendant William H. Hale with then and there aiding, abetting, counseling, commanding and procuring John Ramsey in so doing. The place of the offense is further described as the "Indian country", upon a tract of eighty acres comprising a restricted allotment of Rose Little Star (or Tom-pah-pe), a full-blood Osage Indian, a legal member of the Osage Indian Tribe, enrolled upon the roll of said tribe, as declared by the Osage Indian Allotment Act of June 28, 1906, remaining unsold and undisposed of by said allottee, and at a point on said allotment described by section, township and range, about four miles in a northwesterly direction from Fairfax, in said county. The victim of the alleged crime is described as a full-blood Osage Indian, and a legal member of the Osage tribe upon the rolls therof.

There is no claim that the essentials of the crime are not set forth as defined in section 375 of the Penal Code, and in Section 303 thereof which declares to be a principal one who aids or abets in the commission of an offense. The main objections are that no crime is charged against the United States because the Federal laws against unlawful homicide were not extended to the place of this alleged crime or to the protection of Henry Roan.

Section 375 of the Code defines and fixes a penalty for murder and manslaughter when committed on lands under the exclusive jurisdiction of the United States. By section 3145, U. S. Rev. Statutes it is provided, "**** the general laws of the United States as to the punishment of crimes within the sole and exclusive jurisdiction of the United States **** shall extend to the Indian country."

Controversy is now foreclosed as to the constitutional power of Congress to apply the criminal laws of the United States to a reservation in a state legally set apart for the use of an Indian Tribe or to allotments carved out of it. Domally v. United States, 228 U. S. 242-269. United States v. Felician, 112 L. J. 442. United States v. Sutton, 215 U. S. 291. The like power rests in Congress to apply those laws to ceded lands not owned by Indians when located in such proximity that those laws are reasonably essential to their protection. Dick v. United States, 208 U. S. 340. Ferrin v. United States, 232 U. S. 476. It is immaterial that the Indians own their land free. United States v. Sandoval, 231 U. S. 26. It has been directly held to be a competent exercise of that power to level a punishment against persons having the possession of intoxicating liquors in Osage County, Oklahoma, by reason of the presence of the

Indians there, regardless of the title to the lands where the Indians were possessed. Browning v. United States, 6 Fed. (2) 301. By the same principle, Congress may apply the more important laws against murder for the security of the Osage Indians. United States v. Telicon, supra.

There is no difficulty, therefore, in holding that Henry Roan was an Indian to whom Congress was authorized to grant such protection, or that it has done so, if the alleged crime was committed in the Indian country. He was, as alleged, an enrolled full-blood member of the Osage Tribe, and as appears from the Osage Allotment Act of June 29, 1905, (34 Stat. 539) subsequent acts of Congress and the Departmental Regulations thereunder, the tribal organization continued, subject to Departmental powers. There is an Indian agent over these Indians, with a superintendent in charge, their funds including royalties from mineral leases for 25 years and other sources are subject to distribution by the Secretary of the Interior. Leases of the lands are dependent upon his approval, the sale of the allotments is subject to his control, etc. And these Indians have continued to be wards of the Government, notwithstanding their citizenship and subjection to various state laws. Rosier v. United States, 193 Fed. 34. Hallowell v. United States, 201 U. S. 317. Tiger v. Western Investment Co., 201 U. S. 286. Browning v. United States, supra. Perrin v. United States, supra. United States v. Kicq, 241 U. S. 531. United States v. Gray, 201 Fed. 293. And the power to protect them being derived from the Federal Constitution, is not dependent upon a compact with the state, or a reservation in the act of admission. United States v. Sandoval, supra. Coyle v. Oklahoma, 221 U. S. 559, 574. Joplin Mercantile Co. v. United States, 213 Fed. 926.

But does the indictment sufficiently charge that the allotment of Rose Little Star was "Indian country"? The terms "Indian country" and "restricted allotment" are but conclusions derived from unalleged facts. In what way and against what was it restricted? In what way was it Indian country? What the grand jury conceived to be Indian country may not be so at all. The only facts averred with descriptive certainty are, in substance, that the allotment was that of a legally enrolled full-blood member of the tribe, not sold or disposed of by the allottee. More definite facts are essential to describe the allotment as Indian country. The laws applicable thereto must be consulted to ascertain this.

The allotment act (supra) authorized the Osage tribal roll and the division of the reservation lands among the Indians, consisting of a homestead and other selections and awards, known as surplus

P. C. Smith 1/28/26

lands. The homestead was to be inalienable until otherwise provided by Congress. Secs. 1, 2, 3. The Secretary of the Interior was empowered, upon request and petition of an adult member, to issue him a certificate of competency, authorizing him to sell, convey and control his surplus land, the same as any other citizen, and it would be subject to taxation, etc. Sec. 3 subd. 7. By the Act of March 3, 1909 (35 Stat. 778) the Secretary was authorized, upon application, to sell any or all of the surplus lands. By the Act of April 10, 1912 (37 Stat. 86) the property of deceased and of minor, insane or other incompetent allottees was made subject to the jurisdiction of the county courts, but no lands were to be sold without the approval of the Secretary. By the Act of May 25, 1913 (40 Stat. 570) the Secretary was authorized to permit the sale of the surviving and homestead allotments. From this brief reference to the legislation on this subject, it is apparent that all the allotted lands might have been freed of governmental trust and become subject to alienation and sale by the allottees.

But the indictment is so far indefinite as to the actual status of the Rose Little Star allotment, that is, whether it was so held in trust, or alienable and free of it, by virtue of a certificate of competency, or authorization of the Secretary of the Interior, or otherwise.

In the first place the Quapaw Reservation was acquired from the Cherokees and was conveyed in trust for the tribe. United States v. Brewer-Elliott Oil and Gas Co., 249 Fed. 609; affirmed 270 Fed. 100, 230 U. S. 277. And it became Indian country. Brown v. United States, 146 Fed. 975. The allotments, notwithstanding the divisional decree to the changes, were held in trust by the United States, for it is expressly so declared by section 5 of the allotment act. And upon the authority of *Belious v. United States*, they constituted and remain Indian country, as long as they were not released therefrom.

That these allotments might cease to be of that character while still owned by the allottees seems clear from the decisions. In the *Belious* case, the indictment specified that the allotment where the offence occurred was held in trust by the United States. This conclusion was reached by considering that as the reservation formed a part of the Indian country, the allotments still retained during the first period a distinctly Indian character, being devoted to Indian occupancy under the limitations imposed by Federal legislation. It was further held:

"The explicit provision in the Act of 1897, as to allotments, we do not regard as pointing a distinction but rather as emphasizing the intent of Congress in carrying out its policy."

ith respect to allotments in severalty where these have been accompanied with restrictions upon alienation or provision for trusteeship on the part of the Government. In the present case, the original reservation was Indian country simply because it had been validly set apart for the use of the Indians as such under the Superintendence of the Government. Donnelly v. United States, supra. The same considerations, in substance, apply to the allotted lands, which when the reservation was diminished, were excepted from the portion restored to the public domain. The allottees were permitted to enjoy a more secure tenure and provision was made for their ultimate ownership without restriction. But, meanwhile, the lands remained Indian lands set apart for Indians under governmental care; and we are unable to find ground for the conclusion that the other than Indian country through the distribution into separate holdings, the Government retaining control."

Given the stress thus laid upon the status of the title, where an allotment is the focus of the offense, a conclusion is necessary that Federal jurisdiction, not being reserved, does not extend to land held by the allottee, free of governmental trust and restriction upon sale. Such title is no longer of an Indian character, but it belongs only to it. The allotment of Ross Little Bear's land in Indian country and therefore subject to Federal jurisdiction only if held in trust by the United States, and inalienable for want of authorization or sale by the Secretary of the Interior.

If, as counsel claim, this was a surplus allotment held in trust by the United States and thus inalienable, not being then distributed into a "separate holding" and the Government not "retaining control of it", Federal jurisdiction over the allotted land exists. But appropriate averments should have been added that this is a surplus allotment made pursuant to the Allotment Act of June 25, 1906, the title thereto then and there held in trust by the United States and inalienable by the allottee, no certificate of competency having been issued her by the Secretary of the Interior, i.e., no title of said allotment having been granted or made by the Secretary of the Interior. But there are no such averments, and without them the allotment may have been free of the trust and subject to sale by the allottee, the indictment fails as to jurisdictional facts, except that it was committed in the Indian country, which is an essential of the offense. Louis v. United States, 284 U.S. 343. That this was meant to be alleged in due form may be assumed, but it does not sufficiently appear from the language employed in the indictment.

The test of Indian country to be applied here is not found to be whether the allottee had parted with his title independently of or by him. In cases where there upon the title test refer to the original Indian title of tribes falling within the definition of Indian country by the Act of June 30, 1854, or apply that test to lands where the tribal title has been ceded in Indian Reservations. *Dexter v. Clark*, 98 U. S. 204. *St. Louis Crows Dog*, 100 U. S. 556. *Dick v. United States*, 203 U. S. 340. *Browning v. United States*, *supra*. *Living v. Victor*, 204 Fed. 361. *Clairmont v. United States*, 225 U. S. 561. An allotment owned in fee by an individual Indian free of trust and restriction is not Indian country because his title has not been extinguished.

(b) As a suggestion, rather than a point, as being material in opposition to the claimants, that all of the property remaining Indian country because by the Sioux Allotment Act minerals underlying the lands which composed the reservation were reserved to the tribe for twenty-five years, and the Indian title thereto has not been extinguished. This view, most seriously affecting, as it must, the jurisdiction constantly exercised by the state courts, is indefensible. It could not apply to this allotment, nor to others not apparently to contain minerals, but even if they be found or assumed to affect such a variable basis of Federal jurisdiction cannot be sustained so easily as was contemplated by Congress. Nor, by freezing the law as it stands and restricting the same tenure of title imposed on the allottees as to land allotted in other reservations, where the jurisdiction of the state courts has been held to attach, as in *Livingston v. United States*, *supra*. Therefore, the better and the sound rule, and the only certain and dependable standard which prevails generally is that when the Indian holds an alienable title in fee to the surface, Federal jurisdiction, not being expressly reserved by Congress in such case, has ceased to exist and the state courts have succeeded to the jurisdiction.

Under the view of this court as to the sufficiency of the indictment as well taken, certainly a corrected indictment should be issued, if justified by the facts. The present order will be that the State Attorneys of the defendants are sustained, the indictment is set aside, for want of a sufficient statement of jurisdictional facts showing in the offence charged to have before police court, if the cause shall go to trial, for its further action. *That is*, the defendant will be held by the marshals to await such action. Of course, if counsel to the defendants elect a writ of error, as is being done, the Supreme Court, can, for day to the Criminal Appeals of March 9, 1907, 34 Stat. 744.

Oakland City, California, January 26, 1926.

7. 7. Smith 1/28/26

During the course of the proceedings on January 20, the attorney for the presented the following petition to the court:

1. On or about January 20, 1926, the attorney for the presented the following petition to the court:

That the said Ernest Burkhart, now residing at Durbin, Okla., was indicted by a Grand Jury of the Eastern District of Oklahoma, and that said Grand Jury has dis-
missed, and that there is now no charge pending against the
said Ernest Burkhart, wherein the United States of America is
plaintiff.

That the said Ernest Burkhart was held by the United States
as a witness before the recent Grand Jury, fit in and for the
Eastern District of Oklahoma, and that said Grand Jury has dis-
missed, and that there is now no charge pending against the
said Ernest Burkhart, wherein the United States of America is
plaintiff.

It is further represented and shown to the court that the
said Ernest Burkhart is not now confined in any jail of the
United States or of the State of Oklahoma, and that the last
seen of the said Ernest Burkhart, he was in company with and in
custody of one John Allen, either a Deputy Marshal or an inspect-
or of the United States, but an official representing the United
States.

Your petitioners further represent and show that the said
Ernest Burkhart is a married man; that Nellie Burkhart is his
wife, and that he has two children, one boy named James, about
five years of age, and one girl named Elizabeth, about seven
years of age, both of whom are at this time sick and in need of
the care and attention of their father.

Your petitioners are unable to say just where the said
Ernest Burkhart is, but believe him to be in the custody of the
said officer, and that this court has jurisdiction over said
officer, and that if he is restrained by said officer, he is
restrained without any order of this court and without any pro-
cess of law from any court of the United States.

The motions considered, your petitioners pray that an
order be made directed to the United States Marshal of the Eastern
District of Oklahoma, or to any officer he may have in cus-
tody of the said Ernest Burkhart, ordering and commanding him to
produce the said Ernest Burkhart before this court at once, or
to release him within the state of Oklahoma if held therein.

Attorneys for Ernest Burkhart

F. B. I.

1/28/25

This petition was immediately met by the United States Attorney with the following letter:

Oklahoma City, Okla.
January 28, 1926.

Hon. Roy S. Lewis,
United States Attorney,
Oklahoma City, Okla.

Dear Sir:

I have been told that Lawyer J. I. Howard, of Prichard & Howard and Wren, Oklahoma City, Oklahoma, and Captain Franklin of La Guardia, Oklahoma, have been stating that they represent me in the George murder cases.

This is to advise you that I have never employed, or had anyone else employed a lawyer in these cases, and will further state that I do not want any lawyers to represent me at this time.

If I should desire any legal representation, I will make up my mind, and notify you accordingly.

Very truly yours,

(Signed) ERNEST GUTHRIE.

The court would hold that there was nothing before it, and the matter was dropped.

Ernest Guthrie's request for a body guard is as follows:

Oklahoma, Oklahoma,
January 28, 1926.

F. B. I. File,
Bureau of Investigation,
Department of Justice,
Washington, D. C., U. S. A.

Mr. Sir:

I having confessed to the Government, in writing, to
knowers of the murders of J. E. Smith and wife, and servant,

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J. H. Kline

9. F. S. Smith 1/28/26

Hattie Brookshire, and Henry Roan, and my participation with J. H. Kline, John Ramsey and others in these murders, and now realizing the importance of my testimony in the future trials of these cases, and the danger that I will be placed in should Kline and his friends find out that I have told the Government the truth, I think it best that I stay away from Osage County until such time as the Government needs me as a witness, and pending the trial of the Government's cases, that the Government place a body guard with me continuously for my protection.

Very truly yours,

(Signed) F. S. Smith

Witness:

F. S. Smith.

Continued.

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WEC:JRW

62-5083 - 3/1

FER 11 1926

February 6, 1926.

MEMORANDUM FOR MR. LURING,

I am forwarding herewith a copy of a report
of Agent Smith of our Oklahoma City Office for January
25th, showing court action taken in the Usage Murder
cases.

Very truly yours,

Director.

encl.
14778

RECORDED & INDEXED

1726

THIS CASE ORIGINATED AT

REPORT MADE AT:	DATE WHEN MADE:	PERIOD FOR WHICH MADE:	REPORT MADE BY:
Oklahoma City, Okla.	Jan 29-1926	Jan 24 to 27.	E. J. Smith
TITLE:		CHARACTER OF CASE:	
U.S. v. W. H. Hale and John Murphy.		NUMBER OF OREG. INDICT. LAW BLDG., 11 AL.	

(C. C. File #70-1)

SYNOPSIS OF FACTS:

Joint Report of Agents D. E. Parker and J. V. Murphy.

Elmer Smith, Jefferson City, Missouri, State penitentiary, interviewed regarding being propositioned by W. H. Hale to kill A. E. Smith. Elmer Smith made verbal statement, giving unreliable information concerning proposition. Certified copy of bill of sale obtained from Glen L. Clinton Motor Co., covering Ford auto sold to John Murphy. ~~CONFIDENTIAL~~

REFERENCE - In mate to all previous reports, captioned as above.

DETAILS at
Jefferson City, Mo.

62-5033

The following letter was received from one Elmer Smith, convict No. 36402, Jefferson City, Mo., State penitentiary:

"Missouri State Penitentiary,
Jefferson City, Missouri,
January 19, 1926.

Mr. Davis, Agent,
Oklahoma City, Okla.

Dear Sir:

I am now taking the time and pleasure to drop you a few lines today in regards to William Hale. I have some very important evidence for

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED:	SPECIAL AGENT IN CHARGE	62-5033-313	RECORDED AND INDEXED:
WASHINGTON REFERENCE: 1100.	COPIES OF THIS REPORT FURNISHED TO:	BUREAU OF INVESTIGATION 19 1926 A.M.	CHECKED OFF: REFD 9-1628
	Washington-3 Oklahoma City-5.	DEPARTMENT OF JUSTICE	JACKETED:
		ROUTED TO: FBI - OKLAHOMA CITY	FILE: 111

Now, I might be of great help to the Court
in this case.

Yours truly,

LESTER SMITH,
No. 28402,
Born 47, Jefferson City, Mo.

Lester Smith was interviewed by Agent A. H. Parker at the Jefferson City, Mo., State penitentiary regarding the information contained in Smith's above quoted letter, and Smith made the following verbal statement:

"My name is Lester Smith. I am now serving a 25-year sentence in the Missouri State Penitentiary for the robbery of the Fordon Theatre at Kansas City, Missouri.

"Some time during the month of March, 1940, Mr. Hale came into the Buick Garage at Pawhuska, where I was working, and asked me if my name was Smith. I told him it was, and he then asked me to follow him outside, which I did. Hale then told me that he wanted me to bury off Bill Smith at Fairview. Hale said that he would give me \$3000.00 to do the job. I told Hale that he must be mistaken in the person to whom he was talking, and he then asked me if my name wasn't George Smith, and I said no it was Lester Smith, that George Smith was back in the garage. He then called George Smith out and talked to him, but I do not know what he told him or asked him to do. No one was present when Hale talked to me, and I did not see Hale talk to George Smith.

A short time after Hale talked to me, I received a letter from Hale in which he advised me to leave Pawhuska. I tore this letter up after I read it, and paid no attention to it. I do not know Hale only by sight. George Smith is now in Clinton, Oklahoma, State Penitentiary serving sentence for bank robbery."

Upon being closely questioned by Agent, this party admitted that he had received most of his information concerning the George Smith story from the papers he had read. It is evident that this convict is trying to spin up a story on the strength of which he might be able to obtain a parole with the idea in view of making his getaway. Smith was unable to give a description of A. H. Hale, who he claimed propositioned him to kill W. B. Smith.

At Ponca City, Okla.

Agent W. V. Murphy obtained from the Glen L. Wigton Motor Company, 101 South Second Street, Ponca City, Okla., the following copy of bill of sale covering a Ford automobile sold to John Ramsey on Jan. 4, 1935:

Ponca City, Okla. Jan. 4th, 1935

Mr. John Ramsey,

Gen. Delivery, Ponca City, Okla.

* in account with

GLEN L. WIGTON MOTOR CO.

Ford Lincoln Fordson

Authorized Sales and Service.
We are building a reputation on Service.

1 Ford Aeroliner, Motor Number 6694155

Delivery Rice - 444.00

John L. Parlor

1 Ford Aeroliner Steel Body - 15.50

Licence - 10.00

Total - 467.50 Cash.

J. L. Parlor, Vice President of the Glen L. Wigton Motor Company, hereby affidavit that this is a true and correct copy of the Bill of Sale which was issued to John Ramsey on January 4, 1935.

J. L. Parlor

Subscribed and sworn to before me, Fred V. Key, a Notary Public, at Ponca City, Okla., State of Oklahoma, on this first day of January, 1935.

Fred V. Key

Notary Public.

Commissioned January 1, 1933.

CO PL U.D.

Department of Justice,

Bureau of Investigation.

P. O. Box 113,
Tulsa City, Oklahoma.

January 21, 1926.

62-503 32

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

Dear Mr. Hoover:

Personal - Confidential.

In accordance with instructions contained in your personal and confidential letter of January 9th, I am herewith enclosing a summarized report together with a number of photographs in connection with the Osage Indian Murder Cases.

This report is addressed to me and was made by Special Agent Frank J. Smith, with the assistance of Special Agents Granville Crimes, J. V. Murphy, and John R. Burger, and covers the case fully, laying a special stress upon the angle that the human interest is most concerned with.

The photographs are of the principal actor in this case, W. K. Hale, together with several of his victims, and scenes around the points of his operations. All of the photographs are either marked on the face of them or on the reverse side as to just what they are.

I have endeavored and have been successful in keeping out of the papers in this entire transaction. There has been no statement from either the agents or myself in reference to our connection with this case and we have strictly abided by your instructions in this regard. However, I should think that a report of this case would not show the proper color unless the agents assigned thereto are mentioned. I can say without a reservation that the combined efforts of the agents in connection with this investigation is what put it over, and I am sure that you will give them full credit for the same.

I might mention in this connection that there is a state officer in Oklahoma who gave me as valuable service as any of the agents in this case; that is Luther Bishop, who is connected with the State Bureau of Investigation. Mr. Bishop has been a state officer for a number of years and has been successful in putting in the pen-

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Mr. Hoover. Page #2.

tentiary more bank robbers and other outlaws than any other man in this state. I can't say as much for some other state officers that I have dealings with, but I can commend this man's services very highly. His services were obtained through my request made personally upon Governor M. E. Trapp of this state.

Our agents connected with the investigation, of course, you know very well and it is useless for me to elaborate upon their qualifications, and to them, I would like to say again, the credit should go as to the success in this case.

I trust that this report, together with the photographs enclosed, will be sufficient for your purpose.

Respectfully,

A. J. Tamm, C. I. A.
Special Agent in Charge.

A. J. T.
Enc.

OKLAHOMANS OPPOSED PINE, HARRELD BOTH AGAINST RULE

Washington, Jan. 25. (AP) — The senate invoked its drastic cloture rule today to limit debate on the world court.

The step makes certain a final vote on the court issue within a few days, with adoption of the resolution of American adhesion to the tribunal foregone conclusion.

The vote for cloture was 68 to 26, or five more than the necessary two-thirds.

Thirty-seven republicans and 31 democrats voted to invoke the rule with 18 republicans, seven democrats and one farmer-labor opposing it.

The roll call follows:

For Cloture:

1. Republicans—Bingham, Butler, Capen, Cawthon, Cummins, Curtis, Deacon, Edge, Ernst, Fess, Gillett, Goff, Goodling, Green, Hale, Jones of Washington, Keyes, Leinenweber, McKinley, McLean, McMaster, McNary, Metcalf, Nease, Odell, Popper, Philipp, Reed of Pennsylvania, Sackett, Schall, Shorridge, Smoot, Stanfield, Waukegan, Warren, Weller and Willis.

2. Democrats—Ashurst, Bayard, Britton, Bruce, Caraway, Edwards, Ferguson, Fletcher, George, Gerry, Glass, Morris, Harrison, Heflin, Jones of New Mexico, Keniry, King, McLean, Mar, Mayfield, Neely, Overman, Pritchett, Ranftoll, Robinson of Arkansas, Rosenwald, Smith, Tamm, Tracy, Vining, Watson and Woodward.

3. Independent—Clegg, Brockhart, Clegg of Indiana, Davis, Erdman, Fisher, Gandy, Johnson, La Follette, Moore, Moses, Norris, Nyce, Pine, Robinson of Indiana, Watson and Williamson.

4. Farmer-Labor—Blease, Broussard, Bill, Reed of Missouri, Smith, Stephens and Wheeler.

5. Farmer-Labor—Shipstead—1.

Total, 68.

Only two senators, Dupont, republican, Delaware, and Copeland, democrat, New York, were absent. It was announced that if present Senator Dupont, who is ill, would have voted in the affirmative. There was no announcement as to how Senator Copeland stood on the question.

Not Test of Strength.

Pro-court leaders declared the vote could not be regarded as a test of strength on the court issue itself. A number of senators who voted against cloture, they said, will support the court resolution.

The roll call followed an hour's debate, during which Senator Robinson of Arkansas, the democratic leader, declared it was not only the right but the duty of the majority to force action on the court.

This is the second time the cloture rule has been invoked since its adoption in March, 1917, after a group of 12 senators had conducted a successful filibuster against President Wilson's armed ship measure.

The first time the rule was used was on November 15, 1919, to limit debate on the treaty of Versailles. The vote then was 44 to 14 and a vote on the treaty

men charging W. K. Hale, wealthy ranchman, and Ramsey, a farmer, the murder of Henry Roan, Osage Indian, were sustained today by Judge John H. Cotteral, United States district court.

Judge Cotteral held the indictment was insufficient. At the same time he sustained the jurisdiction of the federal government in prosecuting the case on the ground that the alleged murder occurred on restricted Indian land. This means that a new indictment must be drawn.

Both Ordered Held.

Hale and Ramsey were ordered held for further consideration by a federal court grand jury which will reconvene at Guthrie February 12.

Judge Cotteral upheld the demurrer on the ground that while the indictment set out that the land on which Roan was killed was restricted, it did not specify the manner in which the restriction had been imposed.

He held that the indictment did not definitely state, also, that the allotment of Rose Littlestar, where Roan died, was Indian land. Defense Council Claims Victory.

Counsel for Hale and Ramsey declared the decision a victory. They said that the question of whether Osage land is still considered "Indian country" hinges upon the consideration of its still being held in trust by the government. This is, not being done, they asserted, and characterized the decision as "the end of the case so far as the government is concerned."

J. M. Springer, counsel for Ramsey, announced that he would apply for bail for his client.

"While the court has decided views on making bail in such cases, the application may be filed and it will be given due consideration," Judge Cotteral replied.

Roy Lewis, United States district attorney, said he would not appeal from the decision, and would start preparation at once to have a new indictment returned.

Referring to what is termed "Indian land," Judge Cotteral said:

"It is apparent that all the allotted lands might have been freed of the government trust and become subject to sale and alienation by the allottee."

"The indictment is indefinite as to the actual status of the Rose Littlestar allotment, that is, whether it was so held in trust, or alienable and free from it by virtue of a certificate of competency or authorization of the secretary of interior, or otherwise."

He said the Littlestar allotment would remain "Indian land" and subject to federal jurisdiction only if held in trust by the United States government.

NO MONEY REFUNDED TO OWNERS OF CARS

Oklahoma City, Jan. 25. (AP) — No money will be refunded by the state of Oklahoma to owners

GRAND JURY RESUMES PROSECUTION

LAST OBSTRUCTION CLEARED AWAY

Guthrie, Jan. 25. (AP) — The federal grand jury investigating the Osage murders will be re-assembled not later than February 12 to consider new indictments of W. K. "Billy" Hale and Edwin Brown, U. S. attorney general, of the investigation.

Brown made his decision following the action of Judge John Cotteral, who held the indictments existing against Hale and Ramsey on the ground of insufficiency but holding that government has jurisdiction to prosecute for the killing of Henry Roan and other Indians.

Brown hailed the decision of the government as "our greatest victory" in removal of the "last obstacle" to prosecution for the Osage murders, and said the trials will go through to completion.

"The fact that the indictments were quashed is a mere technicality brought about by technicalities," said Brown, "the fact is the government has established beyond doubt jurisdiction to prosecute Osage murderers of far-reaching effect, so that the guilty will be tried."

The federal court, in upholding the indictment, held that the evidence warranting the indictments by ordering Hale and Ramsey held in the Logan county jail pending re-assembly of the grand jury and new indictment.

Trials Probably in May

The action Monday also indicates that, in event of re-trial of Hale and Ramsey, it is safe to presume the trial will be held in May, probably during the May term of the court.

The grand jury which re-assembled was dismissed January 12 by Judge Cotteral with the statement that it had been investigated as possible at the time. It was then told to return on February 12 to continue its sessions unless otherwise directed.

ELECTIONS FILED

TAX COLLECTION BILL BE PROTESTED

Oklahoma City, Jan. 25.—Ed Butterfield, Oklahoma county commissioner, and head of the state association of county commissioners, withdrew today as a plaintiff in an injunction suit attacking the constitutionality of the state highway department.

His withdrawal was announced following a continuance of a hearing on the case until tomorrow morning to allow the three plaintiffs to draw new petitions.

New Petitions Planned.
W. J. Cunningham, state representative from Creek county, and R. C. Oldham, McCurtain county commissioner, are the other plaintiffs. Each will file a separate petition tomorrow. Cunningham will try to explain the collection of the automobile license fee for 1926 and the disbursement of funds derived from the three-cent gasoline tax. Oldham will bring a similar action except that he will appear as one who has already paid his 1926 fee and seeks to prevent its disbursement.

Butterfield withdrew after the court had ruled in his favor in the case.

Short Represents State.

The state is represented by Attorney General George Short, William Murphy and C. H. Johns, assistant attorneys general. Kirby Fitzpatrick of Ardmore appeared for the plaintiffs.

The suit is the second filed by Butterfield in which the constitutionality of the highway law is questioned. The first suit was dismissed after the court had sustained a motion of the state requiring that different causes of action be stated separately.

Eleven causes of action are contained in the second petition.

VETERAN MAIL CARRIER DIES

1. A VETERAN MAIL CARRIER DIES
WHEN SICK ON THE JOB

T. W. Acton, 59 years old, one of the first rural mail carriers, died at Ponca City early Sunday morning at his home, 110 North Third street, following an attack of heart trouble.

Funeral services were held in the chapel of the Gill

a boat over and look him into the disfigured woman in the bed. She said: "I wish I could speak—she would tell that I am guiltless."

Confesses After Four Hours.
The confession made in the office of District Attorney William Taylor at Media, came in tumbling frantic words after the chiropractor had been cross-examined for four hours.

He was taken to Media from his home in Bywood Heights, which overlooks the ravine where the young woman's head was found wedged under a railroad track Saturday, and where yesterday searchers came upon remains of the clothing she had bought last Tuesday, the day she disappeared, to wear to a dance the following night.

McHall had glibly answered a multitude of questions in the district attorney's office, in his own honor, his Philadelphia office and in body in the morgue.

Hall had been left alone with District Attorney Taylor.

"Frightened With Fear"
"Mr. Taylor," he began suddenly, after a tense silence of five minutes, "I want you to promise me one thing—that you will take care of my wife and child." Then there was another

silence, he tried again.

"I don't know why I did it—I was

then he began the brief story of the woman's death and the dismemberment and disposition of her body.

Met Girl Outside Office.

"I met the girl Tuesday night outside my office on Seventeenth street in Philadelphia," he began. "She said she did not feel very well. I proposed that she go up to my office—I told her the door was unlocked and lie down. I said I was going out to get something to eat."

"I was gone about an hour. When I came back I went to my office, but I did not see Miss Dietrich. She was in the bathroom.

"I sat down and read for ten or fifteen minutes. Then I knocked on the door of the bath room and when she did not answer I pushed in the door, which was fastened with a catch.

Unable to Revive Her.

"I found Miss Dietrich on the floor in a heap, unconscious. I picked her up and carried her to the operating table in my office. I tried to revive her, but could not. I worked on her until she died.

"Then I became frightened and ran away. I did not know what to do. I have a wife and child and I would be blamed for her death.

"I kept the body all that night in my office. Early next morning I came back and then I cut the head and legs with a hacksaw.

"I took the body to the railroad station and put it in a box car. I got

Ken John and men to stay out late and get shooting craps.

Lillian heard the way to make a husband stay at home was to keep him interested.

So she learned to shoot craps too.

"Now I have him faded and we get along swell," the young bride told Judge John Lupe in asking that her charges of neglect against her husband be dismissed.

OWNER OF CAR TO WORK

What police say
City's
the time when
which
Sunday when
the car in a
J. J. Miller
which was
front of the Penn
East Grand ave
10:15 o'clock.

She is Miss Edna
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day, were
requisition
Ben Pauls
in custody.

Osborne
college, soil expert, was in the
city Saturday with Ed H. Martin
of Newkirk, county farm agent,
for the purpose of testing the
lime deposits in the immediate
vicinity of Ponca City as to
whether or not it is proper for
fertilization of farm land. He is
also getting samples of farm soil
to test its assimilation with the
lime. Several farmers of this com
munity have expressed a desire to
lime their land. The Chamber of
Commerce brought Osborne here
through Martin in order to ascertain
the details. F. A. Heberling
accompanied them on their rounds
this afternoon.

Phil Slover reports good suc
cess in calling upon citizens and
interesting them to become mem
bers of the Chamber of Commerce
for the ensuing year, and will

Mot

Tuesday

AT 9 A. M.

36-inch Standard
PERCALE
Light and dark
Patterns.

10 YARDS \$1.00

10 yards limit.

Wool Unions—

Men's wool process union suits, \$2.50 values,
THE SUIT—

\$1.00

Flannel Shirts—

Men's flannel shirts, plain and plaid patterns,
EACH—

\$1.00

Boys' Shirts—

That boy's need fast
colored blue shirt, sizes
12 1/2 to 14, TWO FOR—

\$1.00

Silk Ties—

Men's 50c silk four-in-
hand ties, buy them now
at FOUR FOR—

\$1.00

Men's Soft Shirts

Men's dress shirts, col-
lar attached, a nice line
of patterns, all sizes,
EACH—

\$1.00

Men's and Boys'

Spats



DOLLAR DAYS at this store mean a real saving. This Dollar Day will offer most unusual bargains and values unsurpassed. Read every item carefully and then decide for yourself if it is not well worth your while to attend this, our greatest month's offering.

Dollar Day is a regular monthly event at Anthony's and our customers have learned that every item offered is bona fide and always as represented. This Dollar Day is no exception to this rule. Come early and be prepared to carry home a big load of bargains.

Winter Coats

Just a few Winter Coats left in stock now, and we are going to clean them up these next two days if price will do it. Make your selection now at only

\$14.75

Silk and Wool Dresses

These are what we have left in Winter Dresses, about twenty on one rack. There are dresses in this lot that sold formerly up to \$29.75. Buy them now at—

\$11.75

Wool Dresses

One rack of Winter Wool Dresses, very attractive in style and real value. Make your own alterations and take your choice at each—

\$4.98

Tuesday

AT 2 P. M.

18c Fast Colors
GINHAM
32 inches wide
10 YARDS \$1.00
10 yards limit

Non-Kling Slips

A nice shadow geo-
non-kling princess fit
in white and color
EACH—

\$1.00

Children's Hosiery

Here is a child's hose, black or cordovan, regular 35c hose, \$1.00
PAIR FOR—

\$1.00

36-in. Cretonne

A good cretonne, 36-in.
wide, in a good line of
patterns, 10 YDS FOR—

\$1.00

Ladies' Silk Hose

Our new spring line of
fiber silk hose in black
and all popular shades
TWO PAIR FOR—

\$1.00

DOLLS! DOLLS!

We have a few dolls
left. For two days you
may select dolls worth
up to \$3.98 at EACH—

\$1.00

Bath Towels

\$1.00

These were given to
model schools.

In grading 111 model schools in the state, the school grounds building, equipment and organization, these must be up to the standard set, or the rating cannot be good.

Fairview school was rated a superior model Wednesday with 329 points to spare, Mrs. Sims reports. The teacher of the school is Miss Myrtle Stagner.

New Hope, district 75, taught by Miss Winifred Weathers, had 180 points more than the necessary \$200 for superior model school.

The school at Lucien, which now has three teachers, but couldn't score model school last year, was given the superior model rating this year. This school teaches primary, intermediate and junior high school.

District 77, a school for colored children, scored superior model for the second consecutive year. This school is one of the most up-to-date in the county, Mrs. Sims said. The school is taught by Lyma Savage.

Hunter School, district 78, showed an improvement said to be the second greatest in the state. By scoring superior model this year it accumulated 500 more points this year than last. Mrs. Helen Will is the teacher.

Two schools were given the model school ratings. They were the 4-D Bittman, and district 80, taught by Mrs. Mary Lief.

The four schools which were given superior model or model ratings as soon as they made certain improvements were Barrett School, Oak Point, Pioneer and district 41.

By making certain improvements on their playgrounds both Barrett and Oak Point schools will be able to score for the superior model ratings, Mrs. Sims declares. Pioneer and District 41 will be able to secure model school rating improvements on furniture and grounds respectively.

Only one school of those invited failed to score. Oak Hill was unable to accumulate the necessary 1,000 points.

Inspection of other Noble County schools will continue this week. Miss Victoria L. in the office of State Superintendent M. A. Nash will be in every corner of the world.

REE WOMEN FILE SUITS FOR DIVORCE

whisk, Jan. 25.—Ema Cook of a City has filed suit for divorce from her husband, Edward, pounds of desertion since July last year. The couple were last April at Joplin, Mo., Cook set forth in her petition to the district court here that when her leg was broken last winter and she had to go to a doctor, her husband refused to give her money.

increased; they tend to retard the growth of the yeast. Rolls take longer to rise if kneaded. Rolls may be made from bread dough by adding the extra sugar and shortening when the dough is ready to be punched down the first time. In this case, of course, more kneading is required in order to combine the materials thoroughly and it may be necessary to knead in more flour.

After rolls are molded and scored in the pan, they may be put

ing in the oven. Roll the dough out thin and cut small pieces from the rough, roll them into balls, and flatten with the palms of the hands. Brush the top part lightly with butter, crease through the center with the handle of a table knife, fold over and press down the top. Brush the top with butter if a soft crust is preferred. When they have again doubled in bulk, bake them quickly in a hot oven (425 degrees F.) for 10 or 15 minutes.

JUDGMENT OF \$750 GRANTED MRS. WOODEN

Newkirk, Jan. 25.—Because she tripped over a protruding curbing in front of the Kaw City National bank at Kaw City two years ago and suffered a Pott's fracture of the ankle in so doing, Mrs. Agnes Wooden sued the city of Kaw City for the bank for damages of \$10,000. A district court jury gave her \$750 here Friday.

Mrs. Wooden is the wife of Clyde Wooden and is the mother of three children. She testified that as she was walking along Main and Fifth streets of Kaw City in March 1, 1924, after dark, that she stumbled over a protruding curbing which jutted about four inches above the sidewalk. She said that she did not know the curbing was in such condition that she had to take her turn at the time.

She maintained that two bones of her left leg were fractured in such a fashion that for six weeks she could not walk and now can only bear weight on her left leg by walking slowly and that the fracture proved a shock to her entire nervous system. Mrs. Wooden said she has been unable to do housework and that physicians say she will always walk with a limp. The accident was attributed to carelessness on the part of the city in leaving the walk in such a dangerous condition.

INSURANCE AGENT IS STATE'S HIGH MAN

Newkirk, Jan. 25.—Newt Lawhorn, Mid-Continent Life Insurance agent in this district, is now on a trip to Old Mexico which he won by being high salesman in a contest the Mid-Continent held in Oklahoma. Mr. Lawhorn had the record of selling more life insurance during the contest than any other man in the Mid-Continent employ in the state.

Marriage Licenses Issued

Newkirk, Jan. 25.—Marriage licenses were issued to the following couples Saturday from the court clerk's office: Luther A. Clark, 30, El Dorado, Kan., and Clara Craig, 21, Braman; James Loran, 28, son of William Loran, and Estelle Lyday, 18, daughter

WOODPILE UNDER CLOTHESLINE IS TRAGIC MISTAKE

Tonkawa, Jan. 25.—George Ebert, farmer east of Tonkawa, built his woodpile under a clothesline. Sunday, while he was replenishing the woodpile, his ax became entangled in the clothesline. When it descended it connected with Ebert's head instead of the stick of wood. Several stitches were required to close the gash in his scalp. The injury is not serious, his physician said.

ROAD WORK IS OUTLINED FOR TWO COUNTIES

Enid, Jan. 25.—Improvement of 229 miles of state roads in the 16 counties comprising the northwestern division of the Oklahoma state highway system, with paving on approximately 30 miles of this road, is the contemplated road program for this year, according to C. W. Rightmire, division highway engineer for the district.

Rightmire gives a summary of the work to be done in the 16 northwestern Oklahoma counties, with the following in Kay and Noble counties or the Ponca City district:

Kay County—Build, grade and drainage structures to Blackwell to Honeywell, Kan. Grade and drain from three miles south of Tonkawa to Three Sands. Grade and drain from the west end of the pavement four miles west of Ponca City for seven miles and possibly pave four miles of this highway. This road leads west toward Blackwell.

Noble County—Grade and drain from Three Sands south to present pavement 10 1/2 miles north of Perry, and continue this road east of pavement west of Maryland. To grade and drain from Lucien east to present work now going on from Perry to Orlando. If the courts hold the Noble county bond issue of \$900,000 voted last summer to be legal, the road from Perry to Orlando will be paved this year with state and federal aid.

BRAMAN SETS PAC IN SCOUT SG

Tonkawa, Jan. 25.—Ter, scout executive of Kay Boy Scouts, Braman has the out of any city in the state the scout schools. Three men at the opening of Braman school.

Schools are now open in Braman, Tonkawa, Ponca City and Blackwell and Maryland schools have completed, and classes in Rock, Morrison and Noble county and Kaw City county are yet to be organized. Wester says that the over the state are shown interest in the work.

More than 8,000 have occurred on coast during the past year.



Sunny day through a smoky wonderland

By Bert

HAGGEN MILL

CO-OP MARKET BUREAU IS ESTABLISHED.

Washington, Jan. 24.—(P)—The bill to establish a co-operative marketing division in the department of agriculture was passed today by the house.

The measure now goes to the senate. It carries an appropriation of \$225,000 to accomplish the work of the new division the first year. It is designed to aid co-operative marketing organizations in disposing of their crops.

One of the bills in the campaign to get a statehood 1928 tag, Sam [redacted] said today that campaign will be inaugurated after delinquent motorists have been given a reasonable period of grace to obtain tags.

THE DAY IN WASHINGTON

House nra. decision on
operative marketing bill.

World court debate continues
Senate under cloture.

General Patrick testifies on
fence bill in house committee.

Man Paid Miller 10-Year-Old ~~Debt~~ Profited at Least \$9 in Closing Up Aged Lot

COR. JOE C. MILLER of the 101 Ranch is still scratching his head after several months thinking to decide just where he stands personally as a result of a payment to him of a dollar debt, ten years old. This occurred while the wild west show was on the road last fall in South Carolina.

A stranger came to the front of the show tent and asked for Joe C. Miller. When the latter was called the stranger introduced himself, thanked Joe C. Miller for his help ten years ago, and paid him a dollar. "I was up against it," he said. "I became sick and had to leave the show without being able to pay it back. here's

stranger then informed that he had been fairly well in business and had saved some money. He had a wife and two children. After some further

Miller could not figure up for the show that he had. Of course Miller had no bill and counted a dollar off with the stranger.

Now Miller says he has a bill for \$9.90. The stranger was asked if he had to pay a dollar for a 10-year-old, it had to be a dollar and nine dollars to show him in the long run.

"It was a good man to do that," Miller reflected.

UNITED SENTENCES

JANUARY TERM OF COUNTY COURT IN NOBLE IS ENDED MONDAY

Perry, Jan. 26.—The January term of the Noble county court ended Saturday, with nine convictions and one acquittal of the 10 liquor law violation charges. Sentences were pronounced Monday.

E. W. Jones, judge of the county court. Most of the sentences included fines and jail sentences.

Jim Leigh was acquitted on his appeal of a sentence for selling liquor. Those sentenced by the court were: Walter McKee, W. Norvelle and J. L. Norvelle, manufacturing whisky; Barnes Taylor, maintaining a place where liquor was sold; Jim Dale, maintaining; J. P. Braden, transporting; H. C. Hausey, possession; J. Blackwell, possession; Tip and P. Ralby, manufacturing.

The jury panel was composed of W. C. Bowers, John Andrews, Frank Douglas, L. A. Parson, H. L. Brown, R. L. Cooper, G. Beasley, S. D. Carpenter, C. Hunter, A. Steele, E. Seitz, W. Dunham, H. L. Derry, A. C. Lamb, Ernest Shook, R. J. Halsey, John Smoot, E. E. Nelson, Frank Martana, W. G. Coulter, H. H. Lyne, Beryl McQuiston, L. J. Layton and Clifton Holland.

TAILERS' SECRETARY AT TONKAWA RESIGNS

Tonkawa, Jan. 26.—Miss Francis Gresty, who has been secretary of the Merchants' Credit Association since its organization two years ago, will resign her position February 1 to enter Phillips university at Enid. She will be a sophomore, and will take a taught academic course.

Newkirk, Jan. 26.—W. Anderson of Morett, Mo., has been given the pastorate of the Christian church in Newkirk. Reverend Anderson preached a large audience at the church Sunday morning and following services Sunday evening at a meeting composed of the church body and the congregation. Reverend Anderson was definitely decided on as resident pastor of this city.

He will bring his wife and family here from Morett some time this week. Most of Reverend Anderson's pastorate have been in Missouri. He has had wide experience and is an interesting speaker. He replaces Rev. C. C. Taylor, visiting pastor, a professor in the Bible college at Phillips university. Rev. Taylor is now placed at Billings.

FIRE HYDRANTS TO BE STANDARDIZED

Tonkawa, Jan. 26.—Hydrants and hose connections of Tonkawa will be standardized, according to E. A. Rogers, chief of the Tonkawa fire department. This will be done in conjunction with the standardizing agreement made by Blackwell, Ponca City, Perry and other cities, which will enable the fire departments from the cities to come to the assistance of each other in case of a serious fire.

Tools from the state inspection bureau are now being used to standardize Ponca City equipment, and will be sent to Tonkawa as soon as the work is completed there.

* Marriage Licenses Issued.
Newkirk, Jan. 26.—Marriage licenses were issued over the week end from the court clerk's office to: Clifford Rosell, 19, and Edith Long, 18, both of Rawl City; Charles H. Jester, 23, Lee Summit, Mo., and Corinne Hill, 23, of Independence, Mo.; John R. Miller, 26, Cooper, and Helen B. Frost, 24, Shidler; Harry F. Ames, 26, Cashmere, and Irene Chappell, 20, Newkirk.

THE PONCA

PONCA CITY,

(P) Means Associated Press

THE WEATHER
Oklahoma: Tonight and Friday partly cloudy to cloudy.

VOL. XXX.—NUMBER 118.

QUASHES

WOMAN FACES AUTO THEFT CHARGE HER

Chiropractor Confesses Robbing Woman's Body

Philadelphia, Jan. 25. (AP)—David L. Marshall, a chiropractor, confessed at 6:15 a. m. today that he had dismembered the body of Anna May Trappell, 25, and dumped it in a hole in the ground. Marshall said he had been selling his services to the woman before she was found dead.

SAC CITY NEWS

MONDAY, JANUARY 25, 1926.

DO IT DAY

At ANTHONY

THURSDAY

ed
all
chief
the
l af-
have
period

not only a "big step" in the first
step in fighting fur but "but is
also the best direct attack to
break down" the government's Osage
evidence case. Other attacks on the
government's case have been along
technical lines.

Gave Many Leads

That Ramsey was a virile part
of the alleged Osage "murder
ring" and that his confession,
although now repudiated, gave the
officials many vital "leads" in
their investigation is admitted
by the secret service men who
are still working on the case.

The report that Ernest Burk-
hart has told many vital things
in the investigation has been lately
verified.

It is reported that it was on
information obtained from Burk-
hart that Ramsey was confronted when
he made his alleged confession.
Burkhart, while not held in jail,
is "not free" Federal agents say,
and "there will be buds on the
trees when he sees the Osage
hills again," they add.

MINERS CONFERENCE SCHEDULED TO OPEN

Philadelphia, Jan. 26.—In an
effort to settle the anthracite
strike a conference of operators
and miners was called to meet at
3 p. m. today.

John L. Lewis, president of the
United Mine Workers, at whose
request the call was issued, said
last night that if the operators'
spokesmen would waive their insis-
tence on arbitration of wages
the strike would end 20 minutes
after the meeting opened. It is
the third attempt by the two
groups to adjust their differences.

New Ministers Appointed

Washington, Jan. 26.—(P)— H.
Percival Dodge of Massachusetts
was nominated today to be min-
ister to Denmark, and John Dyne-
ly Prince of New Jersey to be
minister to the kingdom of the
Serbs, Croats and Slovenes. Prince
is now minister to Denmark and
Dodge to Jugo-Slavia.

Y NEWS

BY W. L. HALE, Special to The Associated Press

Ramsey Repudiates Alibi Confession in Osage Murder

**Scared Girl Says Man
Beating Against Her Head,
Removes Appendix After
Operation.**

Washington, Jan. 26 (AP)—Search for a third man who was with the girl friend school has led a 16-year-old girl who gave her name as Benita Kenison, of Tulsa, into police court here to explain how it happened that she drove an automobile into a lamp post during a snowstorm, notwithstanding principally in a red bathing suit.

The girl, who is visiting her sister here, also is induced by the police to discuss reports to them that the collision "terminated a two-day 'endurance party' at which she and her friends partook of embassy refreshments."

Embassy Supplied Liquor?

One explanation was offered Police Judge McDonald yesterday by the girl's sister, Velma, who with a man, John Hoffman, were in the automobile when it was halted by the lamp post. Benita had tired of school, Velma said, and had come to Washington for a little excitement. "A welcome party" followed, she declared. Police officers who heard the information

COMPILED BY
WALTER E. KEELEY

**ADMITS
RAMSEY ALIBI
WERE
NOT**

**THIRD DEGREE
ATTACKED IN
AFFIDAVIT**

DENIES HALE HIRED HIM

**BOND APPEAL WILL
BASED ON AFFIDAVIT**

Guthrie, Jan. 26 (AP)—The depth of the government's information in the unusual Osage Indian war will be told to be revealed here today when it becomes known whether they have a confession made by John Ramsey that he was implicated in the murder of Henry Roan for which he and W. K. Hale stand charged.

The confession by Ramsey was made known when attorneys for this defendant started action to repudiate his statements made to government officials that he was paid \$300 and given a "bodyguard" by Hale for killing Henry Roan. J. M. Springer, attorney for Ramsey, was in Guthrie Monday afternoon and made out affidavits which were later signed by the prisoner and which are to be read, in reverse, when the first aid federal commissioners

NEW LICENSE CHIEF NAMED

FLORENCE WALTON WILL
HANDLE TAGS

Ponca City motorists who have not obtained their 1926 license

HOUSE PASSES

Hale for the murder of Roan.

2.—That Ramsey's confession was in any part correct.

3.—That Ramsey was connected with Hale and that he knew of the execution of Hale.

4.—That Ramsey ever talked with W. K. Hale about his imminent trial at Fairview.

The affidavits, signed by Ramsey, accuse the government of holding the prisoner in secret and extracting an "alleged confession" from him after a grueling third degree from which he could not escape by an alleged confession.

The affidavits are to be presented by Attorney Springer when he asks Federal Commissioner for bond for Ramsey.

The attorney will also demand a copy of the affidavit of the