

F.J. Smith

1. The last day in the month, the 31st of January.
2. How long before the robbery of the Ripley bank was it that you saw Curley Johnson with this man there?

OBJECTION by Mr. Lohring. Sustained.

- ... I think about a week.
Did you hear any conversation between Mr. Ramsey and this man that was with Curley Johnson?
A. I heard part of it.
Q. Where did this conversation take place?
A. Close to the barn.
Q. About what time of the day was it Mr. Ramsey?
A. I think it was a little after noon, I am not positive about that, maybe one o'clock.
Q. Just what did you hear said between Ramsey and this man that was with Curley Johnson there at that time?

OBJECTION by Mr. Lohring.

BY THE COURT: Let him answer.

- A. They were talking something about the lease on a farm. I don't know just exactly what it was.

BY THE COURT: Did you know anything that was said?

- A. Well, he said he wanted to rent some land and John said I can't tell you now.

BY THE COURT: Is that all that was said?

- A. That's all I remember.

BY MR. LOHRING: I move to strike that conversation out, its immaterial.

BY THE COURT: It doesn't amount to anything.

By Mr. Lohring: Mr. Addabaugh, do you know what the general reputation of John Ramsey was during the time he lived in Ripley as to peace and quietude and good citizenship?

- A. Yes.
Q. What was it?
A. Good.

CROSS EXAMINATION

2319

F.S. Smith

By Mr. Lohring:

- Q Where is your calendar Mr. Raddabaugh, lets take a look.
- A. Alright.
- Q When was it you saw John Ramsey in Ripley in January, 1933?
- A. Well, practically all the time from either the 9th or 10th of January until he left on Sunday.
- Q How do you fix the 9th or 10th as the time that John Ramsey came to Ripley?
- A. I hadn't been working. I hurt my back and so wasn't working until the 9th, or several days after.
- Q You made a record of it?
- A. Yes, sir.
- Q And from that calendar and the record you made you saw he came there on the 9th or 10th of January and remained there until the 30th?
- A. Yes, sir, I think so.
- Q You have no doubt about that have you, sir, he was there every day?
- A. Yes, sir.
- Q Now did you know, tell this jury.
- A. Well, I kept my team at the barn and was at the barn every day, maybe two or three times, and I seen John Ramsey in the barn noon or night every day.
- Q He was there on the 14th all day?
- A. Yes, sir.
- Q On the 15th?
- A. Yes, sir.
- Q On the 16th?
- A. Yes, sir.
- Q On the 17th?
- A. Yes, sir.
- Q And the 11th and 12th, thats right is it?
- A. Yes, sir.
- Q You are just as sure about that as you are about the other things you have told?
- A. Yes, sir.

OBJECTION, but question already answered.

.....

Names and addresses of witnesses who appeared for the government at Guthrie and Oklahoma City, Oklahoma, and gave testimony that differs from that given by Subject Raddabaugh, as follows:

F. S. Smith

JAMES BALLEW,
Ponca City, Okla.

Testimony of this witness places John Ramsey on the Ballew Ranch covering a period from the latter part of December, 1932, until about January 20th, 1933, except a few days prior to January 7th, working for Ballew as a carpenter constructing a garage and doing repair work.

MRS. JAMES BALLEW,
Ponca City, Okla.

Testimony of this witness substantially corroborates that of James Ballew.

JOHN MCCRORY,
Ponca City, Okla.

Testimony of this witness substantially corroborates that of James Ballew and Mrs. James Ballew.

FRANK PRATT,
Ponca City, Okla.

Testimony of this witness substantially corroborates that given by James Ballew, Mrs. James Ballew and John McCrory.

HARRY CORBETT,
Fairfax, Oklahoma.

This witness places John Ramsey at Fairfax, Oklahoma, on January 13th, 1933, at his home west of Fairfax on January 14th, 1933, and on evening of January 14th at the home of Mrs. Jennie Ward, west of Fairfax.

BRYAN CORBETT,
Springfield, Mo.

This witness substantially corroborates that testimony given by Harry Corbett.

MRS. HARRY CORBETT,
Fairfax, Oklahoma.

This witness substantially corroborates that testimony given by Harry Corbett and Bryan Corbett.

MRS. JENNIE WARD,
Fairfax, Oklahoma.

This witness places John Ramsey at her home near Fairfax on January 14, 26, and about the 28th, 1933, and on a date intervening between these dates.

BOB HAZLER,
Fairfax, Oklahoma.

This witness is the Chief of Police at Fairfax, Oklahoma, and will testify to seeing John Ramsey drive into Fairfax in the early part of January, 1933, in a new Ford car, and suspecting that he was sell-

ing whiskey, with the assistance of his deputies, watched Ramsey's movements very closely, and recalls that he saw Ramsey in Fairfax during the following days of January as frequently as other citizens that resided there. Mr. Parker places John Ramsey definitely at Fairfax on January 14, 1933.

JIM RHODES,
Fairfax, Okla.

This witness substantially corroborated the testimony of Bob Parker, except that he is unable to establish any definite date.

J.M. GROSSMID,
Fairfax, Okla.

This witness substantiates the testimony of Bob Parker and Jim Rhodes, and definitely places January 17 and 18, 1933 as dates he saw John Ramsey at Fairfax, Okla.

WILLIAM HUBBARD,
Fairfax, Okla.

This witness operates a hotel at Fairfax, Oklahoma, and recalls renting a room to John Ramsey January 19th and 20th, 1933, and identified John Ramsey at Guthrie during his trial for the murder of Dean as the same John Ramsey. Testimony of this witness corroborated by hotel register bearing signature of John Ramsey under date of January 19th and 21st, 1933.

BILL STRAIN,
Fairfax, Okla.

This witness operated a gas station at Fairfax, Oklahoma, and will testify that John Ramsey drove in to his place in the early days of January, 1933, in a new Ford car, and in conversation this witness asked Ramsey where he got the new car and Ramsey's answer was that he managed for it. Following this occurrence Ramsey visited his place and made use of gas as regularly as any other person residing in the vicinity.

DAVID HILL,
Bartlesville, Okla.

This witness testified to seeing John Ramsey in a cage in the latter part of January, 1933, at Fairfax, Oklahoma, but was unable to establish a positive date.

2322

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

E.S. Smith

R.O. WIGLEY,
Fairfax, Oklahoma.

This witness placed John Ramsey in company with Henry Roan, in a cafe at Fairfax, Oklahoma, about a week or ten days before Roan was found murdered.

JOHN RAMSEY,
convicted murderer
of Henry Roan.

This witness, at his trial in Packer, Oklahoma, placed himself at Ripley, Oklahoma, with his family, from about January 7, 1923, continuously until a date some time about January 28, 1923, at which time he visited Fairfax with his wife. This witness at his trial at Oklahoma City testified that he reached Ripley about January 15th, 1923.

- PENDING -

2323

THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT: <u>Oklahoma City.</u>	DATE WHEN MADE: <u>12-9-26</u>	PERIOD FOR WHICH MADE: <u>December 7 and 8, 1926.</u>	REPORT MADE BY: <u>Frank S. Smith.</u>
--	-----------------------------------	--	---

TITLE: <u>J.L. Casparis</u>	CHARACTER OF CASE: <u>Perjury and probable conspiracy in connection with trial W.K. Hale and John Ramsey, murder of Henry Roan, Osage Indian.</u> <u>(O. C. File # 74-19-1)</u>
------------------------------------	--

SYNOPSIS OF FACTS: Joint Report of Agents Frank S. Smith and J.R. Burger.

Subject Casparis was a member of a Federal Grand Jury at Guthrie, Oklahoma, in the Western District of Oklahoma, that indicted W.K. Hale and John Ramsey for the murder of Henry Roan, an Osage Indian. He later appeared at the trial of Hale and Ramsey at Guthrie, Oklahoma, as a defense witness and gave testimony conflicting with the true facts concerning statements made by John Ramsey and evidence given before said Grand Jury by Agent F.S. Smith.

Summary of the testimony of Subject Casparis at Guthrie, Oklahoma.

Brief summary of facts, names and locations of witnesses to refute.

- PENDING -

DETAILS: BEGINNING. Reference report of Agent F.S. Smith at Oklahoma City, Oklahoma, captioned P.C. Kesser, Perjury, dated November 26, 1926, with special attention directed to testimony and statement of Kesser, indicating a probable collusion between Subject Casparis, P.C. Kesser, and attorney Hamilton.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>C. D. Hester</i>	SPECIAL AGENT IN CHARGE	62-5035-1768	RECORDED AND INDEXED:
WASHINGTON REFERENCE: # 2	COPIES OF THIS REPORT FURNISHED TO: 3 Director, Wash., D.C. 2 Bureau, O.C. 1 U.S. Atty, O.C.	BUREAU OF INVESTIGATION DEC 16 1926 A.M. DEPARTMENT OF JUSTICE	CHECKED OFF: JACKETED:
		ROUTED TO:	FILE

GOVERNMENT PRINTING OFFICE

2324

F.S. Smith

2.

Subject Gasparis was a member of a Federal Grand Jury convened at Guthrie, Oklahoma, in the Western District of Oklahoma, January 4th, 1926, before whom evidence was presented concerning the murder of Osage Indians, resulting in an indictment being returned against W.K. Hale and John Ramsey for the murder of Henry Roan, a full blood Osage Indian, on a restricted Indian allotment.

On January 6th, 1926, Special Agent F.S. Smith and former Special Agent in Charge T.B. White, obtained from John Ramsey a signed statement concerning the murder of Henry Roan and his participation therein.

On January 7th, 1926, Special Agent F.S. Smith and former Special Agent in Charge T.B. White obtained from John Ramsey a signed statement concerning the murder of W.E. (Bill) Smith, wife and servant girl, and his participation therein.

On January 7th, 1926, after securing statements above referred to, Special Agent F.S. Smith was called before said Federal Grand Jury at Guthrie, Oklahoma, was duly qualified as witness and gave testimony relative to the obtaining of statements from John Ramsey and read said statements to member of Grand Jury, first reading signed statement made by John Ramsey dated January 6th, 1926, concerning the murder of Henry Roan. Following the reading of this statement he then read the statement signed by John Ramsey dated January 7th, 1926, concerning the murder of W.E. (Bill) Smith and family.

Present, in addition to members of Grand Jury, when Special Agent Smith testified, were United States Attorney, Roy St. Lewis, Assistant United States Attorney General, Oscar R. Inaring, Special Assistant to the United States Attorney General, Edwin Brown, and Special Assistant to the United States Attorney General, Paul B. Bailey.

Special Assistant to the United States Attorney General, Paul B. Bailey, functioned in recording testimony given by Special Agent Smith.

SUMMARY of Evidence
and testimony given
by Subject Gasparis
at trial of Hale &
Ramsey at Guthrie, Okla.

Transcript of testimony given at Guthrie,
Oklahoma not available at this time.

Witness Gasparis testified that Agent
Smith appeared before Federal Grand Jury
at Guthrie, Oklahoma, in January, 1926,
and presented to said Grand Jury a state-
ment that Agent Smith claimed to have ob-
tained from John Ramsey concerning the
murder of Henry Roan; that said statement

2325

The following members of Federal Grand Jury who sat with Subject Casparis at Guthrie, Oklahoma, in the investigation of W.K. Hale and John Ramsey, were interviewed, the results of which follow:

BURDECK, C.L.,
Davenport, Okla.

This witness interviewed by Agents Smith and Burger and he recalls distinctly Agent Smith appearing before said Grand Jury, the introduction of Ramsey's statements, and the fact that both statements were signed. He expressed surprise at the testimony given by J.L. Casparis and P.O. Hesser at trial of Hale and Ramsey.

DODD, Wm.,
Guthrie, Okla.

This witness was interviewed by Agent Smith and stated that after hearing the testimony introduced before the Grand Jury at Guthrie in January, 1930, he was thoroughly convinced of the guilt of Hale and Ramsey, and voted on indictment and then excused dismissed the entire matter from his mind. He now has no recollection as to the details before said Grand Jury. This witness is a very old man which no doubt accounts for his forgetfulness.

DELMONDSON, Harry,
Perry, Oklahoma.

This witness appeared for the defense in the trial of Hale and Ramsey at Guthrie, Oklahoma, and testified that statements of Ramsey when presented to Grand Jury by Agent Smith were unsigned. Later he appeared and corrected this testimony by stating that since refreshing his memory he found he was mistaken.

DUTCHER, H.A.,
Guthrie, Okla.

This witness when interviewed stated that both statements of John Ramsey were signed when presented by Agent Smith to the Grand Jury. He recalls minutely all details occurring before said Grand Jury.

12324

F.B. Smith

4.

JENSEN, W.T.,
Kildare, Okla.

Witness Jensen when interviewed stated that both statements of John Ramsey, when presented by Agent Smith in Grand Jury room, were signed. He recalls minutely all details occurring before said Grand Jury.

JERNIGAN, O.E.,
Navina, Okla.

Witness Jernigan when interviewed stated that both statements of John Ramsey, when introduced by Agent Smith, were signed. Witness recalls minutely all details concerning occurrences before said Grand Jury.

JORDAN, Sam F.,
Guthrie, Okla.

This witness has a clear recollection of the testimony of Agent Smith before said Grand Jury, and states that both statements of John Ramsey were signed when introduced. This witness personally examined statements.

KESSLER, W.T.,
Guthrie, Okla.

This witness has a clear recollection of the testimony of Agent Smith before said Grand Jury and states that both statements of John Ramsey were signed when presented. He personally examined statements.

MASON, W.S.,
Guthrie, Okla.

This witness distinctly recalls that John Ramsey's statements were signed when presented to Grand Jury by Agent Smith. He personally examined statements.

PERCOCK, T.M.,
Guthrie, Okla.

This witness recalls that John Ramsey's statements were signed when presented by Agent Smith to Grand Jury. He personally examined statements.

RALEIGH, B.B.,
Guthrie, Okla.

This witness personally examined statements of John Ramsey presented to Grand Jury by Agent Smith and recalls that both statements were signed by John Ramsey.

2327

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

F.S. Smith

5.

WILL, D.S.,
Glencoe, Okla.

This witness states both statements of John Ramsey presented to Grand Jury were signed when introduced by Agent Smith.

During session of Grand Jury of which Subject Casparis was a member, based on information obtained that Subject Casparis was in the cattle business and a friend of W.K. Hale, then under investigation before said Grand Jury, and the further fact that Subject Casparis had been seen in conference with and associating with Low Oller, a close friend and business partner of W.K. Hale, United States Attorney Roy St. Lewis, in the presence of the Grand Jury assembled, cautioned Subject Casparis and warned him against such influence. A further conspicuous fact was that Subject Casparis was in constant attendance at the trials of W.K. Hale and displayed personal interest in his behalf.

- PENDING -

2328

THIS CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: 11-30-36	PERIOD FOR WHICH MADE: 11-29-36	REPORT MADE BY: F.B. Smith
TITLE: Walter Ramsey			CHARACTER OF CASE: Perjury. Commission in connection with trial of W. Hale and John Ramsey, murder of Henry Roan

(O.C. File # 74-18-1)

SYNOPSIS OF FACTS: Subject Walter Ramsey, brother of John Ramsey who was convicted for the murder of Henry Roan, testified at Guthrie and Oklahoma City in the matter of U.S. vs. W.K. Hale and John Ramsey, murder of Henry Roan, Case Indian, as a defense witness, and in the interest of substantiating an attempted alibi by John Ramsey, his brother, a defendant, placing John Ramsey at Wipley, Oklahoma from January 9 or 10, to January 23, 1936, which was contrary to the facts developed and conclusively false. Testimony of Subject Ramsey and summary of testimony of numerous witnesses to perjury.

- PENDING -

DETAILS:

BEGINNING. At Guthrie, Oklahoma, Subject Ramsey testified as a defense witness in case of U.S. vs. W.K. Hale and John Ramsey, who were at Oklahoma City to substantiate the same set of facts, which were in the interest of establishing an alibi attempted by John Ramsey, his brother, in the Roan murder case, such testimony being contrary to the facts developed and consciously false, as follows:

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>Edmundo</i>	SPECIAL AGENT IN CHARGE	62-5733-467	RECORDED AND INDEXED: 3
WASHINGTON REFERENCE: # 2	COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U.S. Atty. Okla. City. 2-Oklahoma City	BUREAU OF INVESTIGATION JAN 24 1937 DEPARTMENT OF JUSTICE	CHECKED OFF: 1 JACKETED:
		ROUTED TO: True ✓	FILE J.F.B.

GOVERNMENT PRINTING OFFICE

7-1022

2329

Testimony of Walter Ramsey
given at Guthrie, Oklahoma:

WALTER RAMSEY called by the defense,
sworn and testifies as follows:

Direct Examination.

By Mr. Springer:

- Q. You may state your name?
- A. Walter W. Ramsey.
- Q. You are a brother to the defendant, John Ramsey?
- A. Yes, sir.
- Q. Where do you live?
- A. Ripley, Oklahoma, is my home.
- Q. Do you know where John lived in January 1933?
- A. Yes, sir.
- Q. Where?
- A. He was living in my house.
- Q. Where?
- A. Ripley, Oklahoma.
- Q. Were you living there at that time?
- A. I was staying there, that is I wasn't living in the house, I was boarding there in town, I slept in the barn. I run a livery barn there.
- Q. You owned the barn, the livery barn there?
- A. Yes, sir, and his family lived in the house.
- Q. Did you sleep in the barn?
- A. Yes, sir.
- Q. Did John and John keep his horses in the barn there?
- A. Yes, sir, all the time.
- Q. When John was at home did he keep his car in the barn?
- A. Yes, sir.
- Q. Do you remember John coming home in January, 1933?
- A. Yes, sir, I remember John coming home with a new car in fore part of January along the first of January.
- Q. About what time in January would you say it was when he got there?
- A. Along about the first week, 6 or 8 days in the forepart of January.
- Q. You say he had a new car at that time?
- A. Yes, sir.
- Q. Do you remember of anything happening to that car while he was there?
- A. Well, I drove the car quite a little bit while he was there, I think he broke out a wind shield or something in some way.
- Q. And he it broke that wind shield?
- A. I think John probably broke it out.
- Q. Billy McFinty?
- A. Yes, him or John one.

295t

F.S. Smith

- Q. Had left the Sunday before that?
- A. They had left the Sunday before that to visit his wife's folks, they went up to Fairfax.
- Q. Do you remember when it was that Mrs. Ramsey came back with reference to the time that they left there?
- A. I don't remember the day, but she came back a day or two before John brought the car back.
- Q. Do you remember the day of the week when she got back?
- A. I don't remember the day of the week that she got back.
- Q. What is your recollection to when John got back with reference to the time she got back?
- A. It was just a day or two, I remember asking her why John did not come back and she said John was not feeling very well and did not come back. Just a day or two after she got back, John brought the car back.
- Q. When John came back there that time, how long was he there until he left again?
- A. It seems to me like he was there about a week, but I don't remember just how long but about a week. I think that I did not use the car as long that time as I did the first time when the car was new.
- Q. Did you use the car during the time he was there that week?
- A. Yes, I used the car quite a little when it was there.
- Q. Was John away from there any time that week that he was there?
- A. Not any length of time.
- Q. What was the condition of his health while he was there?
- A. He had been grunting around all the time. He never had been in very good health, that is he was sick.
- Q. Do you know if he was taking medicine?
- A. He takes medicine practically all the time.

Witness excused.

.....

testimony of Walter Ramsey
given at Oklahoma City, Okla.

Direct Examination

By Mr. Springer:

- Q. State your name?
- A. Walter Ramsey.
- Q. You are a brother of the defendant, John Ramsey?

2331

- Q. Do you remember of Mr. and Mrs. Ramsey leaving there to go up to Fairfax on a visit?
- A. They left there in the latter part of January on a visit afterwards.
- Q. Do you know what day in the week when they left there?
- A. It was the last week in January.
- Q. What day in the week?
- A. It was on Sunday they left.
- Q. On Sunday?
- A. Yes, sir.
- Q. You may state to the jury whether or not John had been away from there any time from the time he came there in the fore part of January until he and Mrs. Ramsey left there the latter part of January.
- A. No, sir, he was there practically all the time. He was there sick and grunting around all the time he was at home. I think I and John went out on a little drive once and maybe twice but he was kinda ill all the time he was there.
- Q. Do you know where you and John went on those two trips?
- A. We went after a dog, one of my dogs.
- Q. Where was that?
- A. Well, it was about 6 or 8 miles south of Ripley, but it was just over in another county, I don't know where the line is just exactly.
- Q. Did you and John make any other trips while he was there?
- A. I think John and I went down to Duncan on one trip, down in the bend about 3 or 4 miles.
- Q. How far was that from Ripley?
- A. I think they called it 14 miles maybe 15 miles, I don't know just exactly how far it was.
- Q. With the exception of those two trips was John away from there any time during the time he was there until he and Mrs. Ramsey left?
- A. I think not, no sir.
- Q. Did you use the car any while you were there?
- A. I used it practically every day.
- Q. What was you doing that winter?
- A. I was trapping. I would use the car to go down to the traps and back.
- Q. Do you remember anything happening there in Ripley while John and Mrs. Ramsey were away that fixes in your mind the time when they left there?
- A. Yes, sir.
- Q. What was that?
- A. The bank was robbed. John went at home when the bank was robbed at Ripley and it was either robbed on the 30th or 31st, but I believe it was the 30th of January. He was not at home when the bank was robbed up there.

2332

- Q. Yes, sir.
- Q. Where were you living in January, 1933?
- A. Ripley, Oklahoma.
- Q. Do you own property there?
- A. Yes, sir.
- Q. Where was your brother John living at that time?
- A. He was living in my property.
- Q. In Ripley?
- A. Yes, sir.
- Q. I will ask you if you remember the occasion of your brother, John, and his wife, Mrs. Ramsey, making a visit some time the latter part of January, 1933 up to Fairview?
- A. Yes, sir, they went up and visited with his wife's folks.
- Q. Do you remember what day of the week it was they left?
- A. It was about the last of the month I believe it was, I don't know like it was on Sunday or Saturday, I don't remember just the day.
- Q. In order to fix the time do you remember of anything occurring at Ripley while they were away on that visit?
- A. Yes, I remember the bank being robbed while they were away.
- Q. Do you know what day the bank was robbed?
- A. It was robbed on the 30th or 31st I believe.

CEASED. Overruled.

- Q. How long had your brother, John, been at home in your home, at the time he and his wife left to go up there on this visit?
- A. Practically all the time, he came in there about the latter part of the month, about the 10th or 11th, I don't remember the date.
- Q. I will get you to state to the jury what the condition of John's health was at that time?
- A. It was poor.
- Q. Do you know where the car was kept during that time?
- A. Yes, sir.
- Q. Where was it kept?
- A. It was kept in the barn.
- Q. Did you see the car during the time he was there?
- A. Yes, sir, I used the car and there was another one or two used the car.
- Q. Mr. Ramsey do you remember of a birthday dinner being given, being given for one of Mr. Ramsey's daughters at that time?
- A. Yes, sir.
- Q. Do you remember what day in the month that was?
- A. That was on the 15th. I don't board with John's folks, but I was at the birthday dinner. I boarded at an eating house down at the depot but I was there for dinner on the 15th.
- Q. You may state to the jury whether or not John was away from there, as far as you know, at any time for any length of time

2333
D

F.S. Smith

a day or so or over night from the 15th until he and his wife left there on the 28th of January, on Sunday?

A. No, sir, he wasn't away there for any length of time.

Q. I will ask you if you remember when Mrs. Ramsey returned after they left on this trip?

A. I don't just know when she did return but it was after the bank was robbed.

Q. Did you know when he came back after his wife returned?

A. No, I don't remember any dates.

Cross Examination.

By Mr. Lohring:

Q. You said he was there every day from the 15th, the day of the birthday dinner, until the 28th of January, the Sunday they went to Fairfax?

A. He was there as far as my knowledge.

Q. Why do you say as far as my knowledge, you were there every day?

A. I never did miss him away.

Q. You slept in the barn?

A. Yes, sir.

Q. You were out skunk hunting every day?

A. Practically every day.

Q. Used his car?

A. Yes, sir.

Q. Every day?

A. Not every day.

Q. When it wasn't in use, it was in the barn wasn't it?

A. John's boy drove the car and another one or two drove the car.

Q. What time did you go usually to set your traps?

A. I would generally go out to look at the traps of a morning.

Q. What time would you get back about 9 or 10 o'clock?

A. About 10 or before, when I went in a car I got home around 10.

Q. Then you were around the stable most of the time?

A. I had a man looking after the stable.

Q. You were in the stable and barn most of the time?

A. Looking around there.

Q. Do you know where John Ramsey was on the 18th or 19th of January, 1933?

A. I don't remember any particular day that would call my attention to it.

Q. John did go to Fairfax during the time he was at Ripley didn't he?

A. I wouldn't say that he did or didn't, I don't remember it.

Q. He was at this Royal Rooming house at Fairfax on the 19th of

F.S. Smith

A. Not that I know of.

Q. He was there on the 1st of January, wasn't he?

A. Not that I know of.

Q. When did he first come to his home?

A. On the 13th or 14th of January, he came along the fore part of January.

Q. You saw him at the birthday dinner?

A. Yes, sir.

Q. How long had he been there before that dinner?

A. He had been there several days.

Q. Two or three or four?

A. I don't remember.

Q. Don't you know he was up in Fairfax the 1st of January?

A. No, sir.

Q. On Sunday out at the pump house drinking whiskey?

A. No, I don't know that.

Q. If he was there he certainly couldn't have been at Ripley could he?

A. No, he sure couldn't.

Q. You couldn't be mistaken when you say he was there several days before the 10th?

A. He was there before the 10th.

Q. He was there on the 10th of January, wasn't he?

A. I don't know about that, I don't know of anything that occurred that would cause me to remember that.

Q. You know Mr. Raddabaugh?

A. Yes, sir.

Q. The old man that was doing carpenter work?

A. Yes.

Q. And had a calendar and marked when he got his back hurt or something?

A. I know Mr. Raddabaugh, he looked after the barn for practically three years. He kept a team in the barn as much as three years.

Q. You and Mr. Gausey talked over about when it was that John first came there in January, 1926?

A. No, I believe I had talked Mr. Raddabaugh if he remembered John being there.

Q. He shows you this calendar didn't he?

A. No, sir.

Q. Where he had the dates marked?

A. No, sir.

Q. And you agree that John was there on the 10th day of January didn't you, and that is what you swore to at Galtier?

A. No, sir, I don't think it was.

Q. You testified as a witness there?

A. Yes, but I don't remember testifying there on the 10th, he was there off and on the biggest part of the time.

2325

2
3
4
5
6
7
8
9 F.S. Smith

- 10
11 Q. About the 10th or 11th when he came there?
12 A. He came along about that time.
13 Q. That is what you said in Guthrie, wasn't it?
14 A. I said he came in along about that time.
15

16
17
18 Re-Direct Examination

19 By Mr. Springer:

- 20
21 Q. Mr. Ramsey, do you know Ernest Burkhardt?
22 A. Yes, sir.
23 Q. Did you know Curley Johnson in his life time?
24 A. Yes, sir.
25 Q. Did you see Ernest Burkhardt and Curley Johnson at Ripley any
26 time in January, 1928?
27 A. I did.
28 Q. You may state to the Court and jury about when that was as far
29 as you remember with reference to the time when the Ripley bank
30 was robbed?
31 A. It was awhile before that, I don't know, 5 or 10 days, I don't
32 know just the day.
33 Q. Did you hear a conversation between Ernest Burkhardt and your
34 brother John there?
35 A. I just seen them talking as I went by where they were at.
36 Q. Did you hear Ernest Burkhardt say to your brother, John, there
37 whether he wanted to rent that farm?
38

39 OBJECTION. Overruled.

- 40
41 A. There was something, I don't know whether Ernest Burkhardt said
42 anything about a farm or not. As near as I can recollect I
43 don't remember but something was said about a farm and I asked
44 John what kind of a farm it was and he said it wasn't a very good
45 farm.
46

47 MOTION TO STRIKE OUT THAT CONVERSATION. Overruled.

- 48
49 Q. How long was Mr. Burkhardt and Curley Johnson there at that time
50 and what time in the day was it?
51 A. I don't know it was some time in the afternoon, but I don't know
52 just what time it was or how long they were talking. They were
53 talking when I went by there.
54 Q. You heard all the conversation?
55 A. No, sir.
56

57 Witness excused.
58
59
60
61
62

2336

ONE CITY, ONE

[illegible]

6000 - 1977
6000 - 1977

the finding of a 10 percent collection efficiency
corroborates that of the 20 percent.

JOHN MCCORMACK,
Riv., Chicago.

testimony of this witness substantially corroborated that of James Miller and Mrs. James Miller.

[illegible]

testimony of this witness substantiated the
conclusion that given by J. Edgar Hoover,
Mr. Charles Miller and John Henry.

James M. Smith,
Director, Oklahoma.

It is witnessed, Ingea John Kennedy, by Robert Kennedy, Jr., January 21, 1964, at his home west of "Lindero" or "Lindero" Bath, 1964, and on evening of January 21st, 1964, at the home of Mrs. John Kennedy, west of "Lindero".

W. H. R. 11-10-10, 10.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of the
FBI and is loaned to your agency; it
and its contents are not to be
distributed outside your agency.

1. James Earl Ray, 1928-1968;
 2. James Earl Ray, 1928-1968;

This witness substantially corroborates that testimony given by Larry Corbett and Bryan Corbett.

444. 32110-10,
Museum, Chicago.

This witness places John Harvey at New York near Central St. January 12, 88, and at Chicago and South, Ill., at Chicago, Ill., on January 13, 88, because of the latter.

227

BOB PARKER,
Fairfax, Oklahoma.

This witness is the Chief of Police at Fairfax, Oklahoma, and will testify to seeing John Ramsey drive into Fairfax in the early part of January, 1933, in a new Ford car, and suspecting that he was selling whiskey, with the assistance of his deputies, watched Ramsey's movements very closely, and recalls that he saw Ramsey in Fairfax during the following days of January as frequently as other citizens that resided there. Mr. Parker places John Ramsey definitely at Fairfax on January 14, 1933.

JIM RHODES,
Fairfax, Oklahoma.

This witness substantially corroborates the testimony of Bob Parker, except that he is unable to establish any definite date.

J.A. CROSBIE,
Fairfax, Oklahoma.

This witness substantiates the testimony of Bob Parker and Jim Rhodes, and definitely places January 17 and 18, 1933 as dates he saw John Ramsey at Fairfax, Okla.

ALVIN L. BISHOP,
Fairfax, Okla.

This witness operates a hotel at Fairfax, Oklahoma, and recalls renting a room to John Ramsey January 19th and 20th, 1933, and identified John Ramsey at Guernsey during his trial for the murder of Kohn as the same John Ramsey. Testimony of this witness corroborated by hotel register bearing signature of John Ramsey under date of January 19th and 21st, 1933.

BILL SPURGIN,
Fairfax, Okla.

This witness operated a gas station at Fairfax, Oklahoma, and will testify that John Ramsey drove in to his place in the early days of January, 1933, in a new Ford car, and in conversation this witness asked Ramsey where he got the new car and Ramsey's answer was that he managed for it. Following this occurrence Ramsey visited his place and made purchases of gas as regularly as any other patron residing in the vicinity.

DAVID HILL,
Bartlesville, Okla.

This witness testified to seeing John Ramsey in a cafe in the latter part of January, 1933, at Fairfax, Oklahoma, but was unable to establish positive date.

2338

A.O. WIGLEY,
Fairfax, Oklahoma.

This witness placed John Ramsey in company with Henry Roan, in a cafe at Fairfax, Oklahoma, about a week or ten days before Roan was found murdered.

JOHN RAMSEY,
convicted murderer
of Henry Roan.

This witness, at his trial in Guthrie, Oklahoma, placed himself at Ripley, Oklahoma, with his family, from about January 7, 1923, continuously until about some time about January 28, 1923, at which time he visited Fairfax with his wife. This witness at his trial at Oklahoma City testified that he reached Ripley about January 15th, 1923.

- PENDING -

2235

THIS CASE ORIGINATED AT Oklahoma City, Okla.

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: 12-1-26	PERIOD FOR WHICH MADE: 11-27-26	REPORT MADE BY: S. Smith
TITLE: Joe Bozarth			CHARACTER OF CASE: Perjury. Committed in trial of Hale and John Ramsey, mur- der of Henry Roan.

(O. C. File # 74-17-1)

SYNOPSIS OF FACTS: Subject Bozarth testified at trial of W.K. Hale and John Ramsey, murder of Henry Roan, Osage Indian, at both Guthrie and Oklahoma City, Oklahoma, and gave testimony corroborating with Amos Tucker, but conflicting with true facts developed.

Transcript of Subject Bozarth's testimony given at Oklahoma City.

Summary of testimony of witnesses to refute.

- PENDING -

DETAILS

BEGINNING. Reference report of Agent F.S. Smith, captioned "Amos Tucker, Perjury, dated November 26, 1926.

Transcript of testimony of Subject Bozarth given at Guthrie, Oklahoma, not available at this time. Testimony as given by Subject Bozarth at Oklahoma City follows, and summary of testimony of other witnesses to refute.

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	62-5033-468		RECORDED AND INDEXED
WASHINGTON REFERENCE: # 2	COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 1-U.S. Attorney, Okla. City 2-Oklahoma City	BUREAU OF INVESTIGATION DEC 14 1926 A.M. DEPARTMENT OF JUSTICE		CHECKED OFF: JACKETED:
		ROUTED TO:	FILE	
		TWO ✓ 5 LR		

OPTIONAL FORM NO. 10

7-1222

3
4
5
6
7
8 T.S. Smith
9

10
11 Testimony of Joe Bozarth
12 given at Oklahoma City, Okla.
13
14

15 Direct Examination.

16 By Mr. Howard:
17

18 Q. State your name to the Court and jury.

19 A. Joe Bozarth.

20 Q. Where do you live?

21 A. Fairfax.

22 Q. Grocery clerk up there?

23 A. Yes, sir.

24 Q. Did you live there in January, 1933?

25 A. Yes, sir.

26 Q. Do you know Amos Tucker?

27 A. Yes, sir.

28 Q. Do you know Roy Bunch?

29 A. Yes, sir.

30 Q. Henry Roan?

31 A. Yes, sir.

32 Q. Do you know where Henry Cornett was living at that time?

33 A. Yes, sir.

34 Q. Mr. Bozarth, do you remember about the finding of the body of
35 Henry Roan out in Sol Smith's pasture on the 6th of February,
36 1933?

37 A. Yes, sir.

38 Q. Do you recall whether or not you and Amos Tucker made a trip
39 to Henry Cornett's some time about that time?

40 A. Yes, sir.

41 Q. About when was it with reference to the finding of that body?

42 A. I couldn't say just when it was, 5 or 6 days, something like
43 that, or five or 10 days.

44 Q. How did you go out there?

45 A. We went out in a car.

46 Q. Whose car did you go in?

47 A. Amos Tucker's.

48 Q. What did you go there for?

49 A. For some whiskey.

50 Q. And what time did you leave Fairfax?

51 A. Well, 7 or 7:30, I wouldn't say just when.

52 Q. What road did you travel?

53 A. We went north and up Salt Creek.

54 Q. And after you crossed Salt Creek which way did you go?

55 A. Through Sol Smith's pasture.

56 Q. And out by the Rowe place to Henry Cornett's?

57 A. Yes, sir.

58 Q. Did you meet Roy Bunch that night anywhere?
59
60
61
62

- 2
3
4
5
6
7
8
9
10
11 A. Yes, sir.
12 Q. Tell the court and jury where?
13 A. We met him coming out of Col Smith's north pasture into his
14 south pasture.
15 Q. And how far was that from Henry Cornett's?
16 A. Well, it was 4 or 4 and half miles.
17 Q. And how far is it south of the Rowe place?
18 A. Well, I think about a mile and half or something like that.
19 Q. Who was with Roy Bunch at that time?
20 A. I couldn't say, there was somebody with him but I don't know who
21 it was, I couldn't tell.
22 Q. Was it a woman or man?
23 A. I couldn't say that.
24 Q. Did you know Mary Roan at that time?
25 A. Yes, sir.
26 Q. And have you seen Roy Bunch and Mary Roan associating together
27 prior to the death of Henry Roan?
28 A. Yes, sir.
29 Q. How frequently?
30 A. Several times.
31 Q. Where did you see them?
32 A. I seen them there at Gray Horse and Fairfax.
33 Q. And various other places around there?
34 A. Several places.
35 Q. And when you got to Henry Cornett's who did you see there that
36 night?
37 A. One of Henry Cornett's boys and Curley Johnson.
38 Q. Was Curley Johnson there when you got there?
39 A. No, sir.
40 Q. How long were you there before you saw Curley Johnson?
41 A. Oh, 25 or 30 minutes.
42 Q. Did you get some whiskey there that night?
43 A. Yes, sir.
44 Q. And did you get it from?
45 A. Curley Johnson.
46 Q. And where did he come from, if you know, what direction?
47 A. He come from the east.
48 Q. How was he travelling?
49 A. In a car.

Cross Examination.

By Mr. Leahy:

- 52
53
54
55
56 Q. What time did you get out to Henry Cornett's that night?
57 A. Well, I guess it would be about 8:30, or something like that,
58 I couldn't say just what time.
59 Q. How long did it take you to drive from Fairfax to Henry Cornett's?
60 A. I couldn't say; I never drove a car, I couldn't say.

2542

F.S. Smith

- Q. You say you left Fairfax about 7:30?
- A. Yes, sir.
- Q. And that is a distance of about 8 or 9 miles isn't it?
- A. 9 or 10 miles.
- Q. And you didn't stop anywhere on the road?
- A. No, sir. Only until we met Roy Bunch at the cattle guard.
- Q. And you didn't have to stop longer than for him to drive through?
- A. Just as he drove through.
- Q. You say you and Amos Tucker went out there?
- A. Yes, sir.
- Q. Together in his car or yours?
- A. Went in his.
- Q. You went out there for whiskey?
- A. Yes, sir.
- Q. How much did you get?
- A. I think I bought a gallon; I generally almost bought a gallon.
- Q. How frequently did you go out to buy any?
- A. Well, I made several trips.
- Q. You made several trips before this particular time you are talking about?
- A. Yes, sir.
- Q. Did you ever make any others with Amos Tucker?
- A. Yes, sir, I think so.
- Q. Do you know whether you did or did not.
- A. I think I did.
- Q. When?
- A. Well, sometime maybe in a month or 6 weeks.
- Q. And now, this time that you went out there Mr. Bozarth aren't you mistaken, wasn't it just before Amos and you went out to get a supply for Amos?
- A. No, sir, I didn't.
- Q. Do you say Henry Cornett came from the east?
- A. No, sir, not Henry Cornett, Curley Johnson.
- Q. And you were waiting for him were you?
- A. Yes, sir.
- Q. And about what time in the night did he get there?
- A. Well, I think it was 9 or a little after 9, something like that.
- Q. Was there any other way to get in there except to drive in from the east?
- A. Yes, sir, I went in from Burbank out there.
- Q. If you come from Burbank which way did you come in?
- A. I think you come in through a field and go up through the field kind of a north.
- Q. You are familiar with the road leading out from Fairfax aren't you?
- A. Yes, sir.
- Q. You have travelled it a good many times?
- A. Yes, sir.

- Q. Now looking at Government's Exhibit 18, Mr. Bozarth, with the top of the map indicating north and the right indicating east, west and so on, and with this diagram here indicating the town of Fairfax, now will you take this ruler and indicate on that map just how you drove out from Fairfax; let this represent Fairfax down here, what road did you come out?
- A. Well, we crossed a bridge right at Fairfax.
- Q. That is on the north side of Fairfax?
- A. Yes, sir, and then we come on up Salt Creek; well, I think we come up Salt Creek; I don't know much about that map.
- Q. That is about the right direction is it?--You know where Sol Smith's ranch house is?
- A. Yes, sir.
- Q. This indicates Sol Smith's ranch house?
- A. Yes, sir.
- Q. Does that help you straighten out the road?
- A. We come to the left of Sol Smith's ranch; there ain't but one road comes up Salt Creek.
- Q. There is a road that leads across Salt Creek to Sol Smith's ranch house?
- A. Yes, sir.
- Q. And the road you travelled is the road that goes out this way?
- A. Yes, I think so.
- Q. Letting this indicate Sol Smith's pasture and this the pasture road leading out there and this Henry Cornett's house does that help you out on your road question?
- A. We come through Sol Smith's pasture; we come out north of where old man Dillinger lived and then right through the middle of Sol Smith's pasture.
- Q. Doesn't this road run through Sol Smith's pasture?
- A. I can't tell much about this; if there is a pasture on this side we come up this road here.
- Q. You have learned where the body was found?
- A. Yes, sir.
- Q. The location?
- A. Yes, sir.
- Q. And you know the country surrounding there and what it is like?
- A. Yes, sir.
- Q. Let this indicate the location of where the car and body were found, does that help you on your road?
- A. Yes, sir, we come around this way; we come to the left of where that body was found.
- Q. Where was it you met Roy Bunch?
- A. Where it comes out of the north pasture into the south.
- Q. Where is that from where the body was found?
- A. I think about two miles northwest, maybe a little more north than west.

F.S. Smith

5.

- Q. That would be up in this direction up where the Rowe boys live and towards Henry Cornett's?
- A. Yes, sir.
- Q. He was going towards Fairfax and you were going towards Cornett's?
- A. Yes, sir.
- Q. You said you couldn't tell who was in the car?
- A. No, sir.
- Q. And you didn't talk to him?
- A. No, sir.
- Q. You didn't see any other cars?
- A. No, sir.
- Q. You didn't pass any other car?
- A. No, not that I know of.
- Q. And it was about 7:30 at night when you left Fairfax?
- A. I think it was about that time.
- Q. Do you know as a matter of fact whether anybody else was in the car?
- A. Yes, sir, I think somebody else was in the car but I couldn't tell who it was.
- Q. Could you tell how many?
- A. It looked like 2 or 3 but I can't see very good and couldn't tell; there was someone in the car but I wouldn't say positive who it was.

.....

Testimony of Roy Bunch
of Fairfax, Oklahoma.
(Summary).

That all testimony given by Subject Bozarth at Guthrie and Oklahoma City, Oklahoma, was false in its entirety. That Subject Bozarth is corroborating Amos Tucker and that Amos Tucker approached him, Bunch, just prior to going on the witness stand at Guthrie to testify and told him that he was going to perjure himself for Hale and would do the same for him, Bunch, under like circumstances, and requested him not to get mad at him, Tucker. Bunch states that he was not at Cornett's for more than a year previous to the murder of Henry Roan.

Testimony of Mary Bunch
of Fairfax, Oklahoma.
(Summary).

Mary Roan Bunch will testify that she had not been to Cornett's for more than a year previous to the death of Henry Roan.

7. S. Smith

and was not out with Bunch and Taylor as testified to by
Fucker, and that she had no car at that time.

Testimony of Bill Taylor
of Fairfax, Oklahoma.
(Summary).

That testimony given by Fucker was false with respect to his
being with Bunch and Mary Rean Bunch in a car.

- PENDING -

5676

THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: 12-9-26	PERIOD FOR WHICH MADE: December 8 and 9, 1926.	REPORT MADE BY: Frank S. Smith.
TITLE: J.M. Springer.		CHARACTER OF CASE: Subordination of Perjury and probable conspiracy to commit perjury in connection with trial of W.K. Hale and John Ramsey, murder of Henry Roan. (O. C. File 74-20-1)	
SYNOPSIS OF FACTS: <u>Joint Report of F.S. Smith and J.R. Burger.</u> <p>Subject Springer represented John Ramsey as attorney in the case of the United States vs. W.K. Hale and John Ramsey, murder of Henry Roan, an Osage Indian, killed on a restricted Indian allotment, tried in the Western District of Oklahoma, at Guthrie, resulting in a hung jury, and at Oklahoma City, resulting in a conviction.</p> <p>Manner of obtaining employment as counsel for Ramsey.</p> <p>Manner in which Subject Springer obtained and attempted to obtain perjured testimony from witnesses for use in trials of Hale and Ramsey in State courts in Osage County for the murder of W.E. Smith.</p> <p>Report reference of witnesses and their statements to prove. Springer's manner and inducements to corrupt, intice and induce witnesses to swear falsely at the trials of Hale and Ramsey in the Federal Court at Guthrie and Oklahoma City, Oklahoma. Names, addresses and statements of witnesses to prove.</p> <p style="text-align: center;">- PENDING -</p> <p>DETAILS: BEGINNING. Reference reports of Agent F.S. Smith made at Oklahoma City, captioned W.K. Hale and John Ramsey, murder of Henry Roan, Osage Indian, dated June 22, 1926, with special attention directed to statements therein by W.V. McSparrin, Mrs. John Mayo and Bob Ryan. To report captioned W.K. Hale and John Ramsey, dated October 13, 1926, directing attention to statements therein by E.W. Elliott, C.D. Pierce and E.L. Erwin, all.</p>			
APPROVED AND FORWARDED: <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN THESE SPACES	
WASHINGTON REFERENCE: # 2	COPIES OF THIS REPORT FURNISHED TO: 3 Director, Wash., D.C. 2 Bureau, O.C. 1 U.S. Atty., O.C.	BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE ROUTED TO: Div. Two	RECORDED AND INDEXED: CHECKED OFF: JACKETED:

of said statements concerning the corrupt practices of Subject Springer in obtaining perjured testimony for use in the trial of W.K. Hale and John Ramsey in State courts of Osage County, for the murder of W.E. Smith.

On January 6th, 1926, F.S. Smith, Special Agent, and T.B. White, then Special Agent in Charge, obtained from John Ramsey a confession concerning the murder of Henry Roan, an Osage Indian, and implicating himself as doing the actual killing and having been hired by W.K. Hale to commit said murder.

On January 7th, 1926, Agents Smith and White obtained a full confession from John Ramsey concerning the murder of W.E. Smith, his wife and servant girl, and the implication of both W.K. Hale and himself.

Following these confessions Subject Springer appeared and requested Agent Smith to permit him to confer with John Ramsey as his attorney. John Ramsey was consulted and stated to Agents Burger and Gene Parker and Police Officer Taylor that he had told the government the truth and did not want a lawyer, and refused to see Subject Springer. Subject Springer then appeared before the Honorable John H. Cotteral, Judge of the United States District Court for the Western District of Oklahoma, and represented to him that he was attorney for John Ramsey and was being deprived of the right to consult with the said Ramsey by Agents of the Department of Justice. He was promptly permitted by Judge Cotteral to privately confer with John Ramsey, which later resulted in Ramsey repudiating previous confessions. Thereafter at all hearings and trials in which Hale and Ramsey et al, involved in the Osage murders, were held Subject Springer appeared and actively participated in the defense of all defendants, and especially in the interest of vindicating W.K. Hale. This was conclusively demonstrated by his activities throughout the prosecution of Hale and Ramsey.

AT GUTHRIE:

On August 17th, 1926, in the trial of Hale and Ramsey, at Guthrie, Oklahoma, one Fannie Lasley appeared as a government witness, testifying concerning John Ramsey registering at a hotel at Fairfax, Oklahoma, on January 19th and 21st, 1923, which this witness was then operating.

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

F.S. Smith

3.

J.V. MURPHY, Agt.,
Department of Justice,
Statement of.

Prior to Fannie Lasley testifying in the Hale and Ramsey trial at Guthrie, Oklahoma, for the murder of Henry Roan, at the request of Assistant Attorney General Luhning, I took Fannie Lasley to the office of the United States Marshal in the Federal Building, and there she viewed John Ramsey and identified him as the same John Ramsey who registered at her hotel at Fairfax, Oklahoma, on January 19th and 21st, 1923.

GEORGE KING,
Statement of.

"August 17, 1926.

Statement of George King.

Some time around after 3 PM I was standing just outside of the Court Room door in the Federal Building at Guthrie. The court had just taken a recess. A man came out of the Court room whom I recognized as a lawyer in the Hale and Ramsey case. This man asked me if my name was King and when I told him it was, he introduced himself to me as Attorney Springer and told me he was representing Mr. Ramsey. He took me to one side and asked me if I knew Fannie Lasley, who had been on the witness stand testifying. I told him that I knew her. Mr. Springer asked me if I was a friend of Hale and Ramsey. I told him that I had only spoken to Mr. Ramsey once, and that I knew his son Homer. Mr. Springer told me that a Mr. Murphy had taken Fannie Lasley down to identify John Ramsey, and for me to go and tell Fannie Lasley not to identify John Ramsey and say that she did not know him, and for her to say that the dates on the hotel register had been changed. I walked away from Mr. Springer and did not tell him whether or not I would do this. When I got outside of the Federal Building I met Mr. Bob Parker, and he asked me what Springer was saying to me, and I told him just what I told in this statement, and later I told John Lynn the same as I told Parker.

(Signed) George King.

2549

2
3
4
5
6
7
8
9
10
11 F.S. Smith

14.

12
13
14 SOL M. SMITH,
15 Fairfax, Okla.
16 Statement of.

Statement made by Sol M. Smith to Mr. John Leahy,
in the presence of Frank S. Smith, on October 7th,
1926, at Oklahoma City, Oklahoma:

17
18 By Mr. Leahy:

19 Q. State your name.

20 A. S.M. Smith.

21 Q. Where do you live?

22 A. Fairfax.

23 Q. You are acquainted with J.M. Springer, one of the attorneys for
24 Ramsey and Hale?

25 A. Yes, sir.

26 Q. Were you in attendance in Guthrie in July and August of this
27 year at the trial of Ramsey and Hale for the murder of Henry
28 Roan?

29 A. I was there all the time.

30 Q. Were you subpoenaed there?

31 A. Yes, I was.

32 Q. On behalf of the government?

33 A. Yes, sir.

34 Q. During the time that you were there did Springer have a conver-
35 sation with you in which he tried to get you to say that an
36 automobile drove up to your house a short time before Henry
37 Roan's body was found, and with Curley Johnson and Roy Bunch
38 in the car and had the body of Henry Roan in the car.

39 A. Yes, sir.

40 Q. Was that true or false, that they drove up there?

41 A. It is absolutely false - there was no car there at all.

42 Q. Did you ever hear of such a thing prior to the time of his sug-
43 gesting it to you?

44 A. No, sir.

45 Q. State what he said with reference to trying to get you to
46 testify to that?

47 A. He just asked me if I remembered it and he said "You know that
48 car was up there", and I said "I know there was not". He said
49 "You know you saw that car", and I said "I did not see that
50 car". Well, we had quite a little argument about it.

51 Q. In that conversation, did he tell you that if you could remem-
52 ber that that there would be \$2,500.00 in it for you?

53 A. Something to that effect.

54 Q. Did you, in that conversation, say to him that if there was
55 Twenty-five Thousand Dollars, or any amount of money in it,
56 that you could not remember it?

57 A. I told him there was not enough money in the world to make me
58 remember that as it was not true and that I did not want him to
59 tell me there was.

60 Q. Did he tell you, in that conversation, that Russ B. Reed and
61 his wife would testify to that?
62

- A. He did not.
- Q. Several days after that time you met him on the streets in Guthrie?
- A. Yes, sir.
- Q. Did he stop you?
- A. He did.
- Q. Did he have a gun?
- A. Well, he had what I took to be a gun.
- Q. What caused you to take it to be a gun?
- A. Well, I had seen them before and he made a motion that made me to believe it was a gun.
- Q. Did he have his hand in his right coat pocket?
- A. Yes, sir.
- Q. Did he hold his hand in his pocket and hold it toward you?
- A. In his side pocket.
- Q. Did he stick it out toward you?
- A. Yes, sir.
- Q. From the appearance of his pocket and his hand was it your judgment that he had a gun?
- A. Absolutely.
- Q. What did he say to you at that time?
- A. Now listen, John McClain had went and had a conversation with him and told him about this and told him that I would go on the stand and swear to what he had told me down there. So when I met him he was telling me about what John had told him and he said "God Damn you, if you tell that I will kill you", and that was when he stuck that gun toward me, or what I took to be a gun.
- Q. And what did you say?
- A. I told him he might just as well start marching as I would tell it if they asked me about it.
- Q. In that conversation on the street, did he say to you anything about that he would have a gun with him in the Court Room in case you went on the witness stand and testified.
- A. He just said that he would kill me and I took it that way.
- Q. And since that time have you had a talk with him?
- A. Yes, I talked to him a little.
- Q. Where was that?
- A. Tulsa.
- Q. Did he make an apology to you?
- A. No, he didn't make an apology and he wouldn't stand long enough to say such. He said he would see me later. I have never seen him any more.

(Signed) S.M. Smith.

HARRY CORBETT,

Fairfax, Okla.

Nov., 3, 26.

Fairfax, Oklahoma

F.S. Smith

6.

I was called as a witness and went to Guthrie in the Hale-Ramsey case, and after I testified I was told by Mr. Springer that I could go home that they would call me back if needed. I went to Fairfax and the 2nd day later Charlie Hale, Bill Hale's brother, come and told me they wanted me at Guthrie, that Mr. Springer wanted to see me. We went to Guthrie Hale's car. At Guthrie I met Mr. Springer after court and in front of Fed building and we walked down the street and stopped in a stairway. Mr. Springer then said to me "That God dam Bill Taylor come down here and swore that John Ramsey was at your house on Jan 15 and we cant have it that way. We must change that evidence some way". I said "Well Mr. Springer that sure was the way it was", and Springer then repeated "That we cant have it that way and we got to change it that is bad evidence. I again told him that was the truth and I would testify to the same thing. Springer got mad and wheeled around and started away. I then asked him if I could go home and he said No and left.

(Signed) Harry Corbett.

RUSSELL BERECE,
Fairfax, Okla.

Witness Berece stated to Mr. John Leahy, on October 7th, 1926, at Oklahoma City, Oklahoma, that some time after the trial of W.H. Hale and John Ramsey at Guthrie, which resulted in a hung jury, he was approached by Subject Springer at Fairfax, Oklahoma, Springer endeavoring to have him remember that Roy Bunch and Curley Johnson drove up to Sol Smith's ranch house with the dead body of Henry Roan in a car and Sol Smith directed them to where the body was later found, Springer telling him that he, Berece, could remember these facts if he cared to and insisted that he remember them. This witness will again be interviewed and a written statement obtained from him.

- PENDING -

TPB:DSS
62-5033-169

RECORDED

December 21, 1926.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LOHRING.

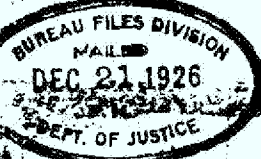
Further with regard to the investigation of perjury on the part of a number of witnesses in connection with the trial of William K. Hale and John Ramsey, charged with murder of Henry Roan, Osage Indian. I am attaching, for your information and of possible interest, copy of reports submitted by Special Agent F. S. Smith, at Oklahoma City, dated as follows:

November 30th., in re C. C. Baddabaght.
November 30th., in re Walter Ramsey.
December 1st., in re Joe Bozarth.
December 9th., in re J. M. Springer.
December 9th., in re J. L. Casparis.

Very truly yours,

Director.

Inc. 252590..



THIS CASE ORIGINATED AT Oklahoma City, Oklahoma.

REPORT MADE AT: Oklahoma City	DATE WHEN MADE: 12-8-26	PERIOD FOR WHICH MADE: December 6 and 7, 1926.	REPORT MADE BY: Frank S. Smith.
TITLE: Henry Cornett, Homie Rowe, and Carl Rowe.			CHARACTER OF CASE: Probable conspiracy to commit perjury. In connection with trial of W.K. Hale and John Ramsey for murder of Henry Roan, Osage Indian.

SYNOPSIS OF FACTS:

(O.C. File # 74-15-1)

Joint Report of Frank S. Smith and J.R. Burger.

Subject Cornett is an uncle of Subjects Homie Rowe and Carl Rowe, and each testified as defense witnesses in the trial of W.K. Hale and John Ramsey, at Guthrie and Oklahoma City, Oklahoma, for the murder of Henry Roan, an Osage Indian. Subject Cornett, in his testimony, attempted to vindicate defendants Hale and Ramsey and place the murder of Henry Roan on Curley Johnson, now deceased, and Roy Bunch, who married the widow of Henry Roan, said testimony of Cornett being substantially corroborated by testimony of Subjects Homie Rowe and Carl Rowe, all of which was contrary to the true facts developed and conspicuously false.

Testimony of Subjects Cornett, Homie Rowe, Carl Rowe, and other witnesses, and summary of their evidence, to refute.

- PENDING -

DETAILS:

BEGINNING. Subject Cornett, now serving sentences aggregating thirty-five (35) years for bank robberies, with a sentence pending against him of eighteen (18) months in Leavenworth Penitentiary on a Federal charge of liquor violation.

Following is testimony given by Henry Cornett at Guthrie and Oklahoma City, Oklahoma, and testimony given by Homie and Carl Rowe at Okla-

DO NOT WRITE IN THESE SPACES

APPROVED AND FORWARDED: SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: 602-2033-470
WASHINGTON REFERENCE: # 2	COPIES OF THIS REPORT FURNISHED TO: 3 Director, Wash., D.C. 2 Dept. of Justice, O.C. 1 U.S. Atty, Okla. City.
BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	
ROUTED TO: FILE	

GOVERNMENT PRINTING OFFICE

7-1323

2
3
4
5
6
7 J. L. Smith and J. L. Burger.
8

9
10 home city, transcripts of their testimony is available not so as avail-
11 able at this site.
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

B3

1. Well, I had knowed him 4 or 5 years, I guess, Henry Roan. I don't know just how long I did know Roy, 2 or 3 years, anyhow.
- Q. Had all of these parties, Mary Roan, Roy Bunch and Henry Roan, been at your place southwest of Burbank during the time Curley Johnson was selling whiskey there?
- A. Yes, sir.
- Q. How frequently?
- A. Well, they had been there a number of times.
- Q. How would they come there usually?
- A. Well, they would come in cars. I never did see them there together, the three of them.
- Q. Did you ever see Roy Bunch and Mary Roan there together?
- A. Yes, sir.
- Q. About how frequently, say, during the two months before Henry Roan was killed?
- A. I would say they had been there on an average of two or three times a week all winter that winter.
- Q. Do you know Amos Tucker?
- A. Yes, sir.
- Q. Did you ever see them there in company with Amos Tucker?
- A. Yes, sir.
- Q. That is, Mary Roan and Roy Bunch?
- A. They would come there four and five in a car at different times.
- Q. With reference to Henry Roan, did you ever see Henry Roan and his wife there together?
- A. No, I don't think so.
- Q. Do you know what the occasion would be for Henry Roan coming to your place?
- A. Well, he would come there to get whiskey, I suppose.
- Q. And what would Roy Bunch and Mary Roan do when they would come there?
- A. Well, they would hunt the whiskey cellar up and get whiskey.
- Q. And what would Amos Tucker do when he would come out there?
- A. I think he was handling whiskey in Burbank. He would come up there to get whiskey, that is what I understood.
- Q. You have referred to a day something like a week or ten days before Henry Roan's body was found. I will ask you if you saw Henry Roan at your place that day?
- A. Yes, sir.
- Q. What time of day was it?
- A. Late in the evening.
- Q. How was he travelling?
- A. He was in a Buick car.
- Q. What was his condition?
- A. He appeared to be pretty drunk.
- Q. When he left your place what direction did he go?
- A. He went north.
- Q. There was Curley Johnson when Henry Roan left your place that day?

F.S. Smith and J.R. Burger.

- 11 A. I just got thru branding and getting out of the branding pen, and
12 he drove up; Curley got on the car with him and they went down to
13 the creek north.
14 Q. What was there down on the creek?
15 A. He kept his whiskey cached down there.
16 Q. Then which way did Henry Roan go?
17 A. He went on north.
18 Q. Is there a way you can go north from your place and go back south
19 toward the Sol Smith pasture?
20 A. Yes, sir, go around the creek there.
21 Q. Just tell the jury how you travelled the way Henry Roan left to
22 to Sol Smith's pasture.
23 A. Go half a mile north and half mile east and turn south. I live in
24 the southeast corner of the southwest quarter section, and he
25 go half a mile north and half a mile east and then turn south.
26 Q. Where would that road lead to now?
27 A. Fairfax.
28 Q. Well, with reference to the Sol Smith pasture did it lead down
29 thru it?
30 A. Yes, sir.
31 Q. Was there more than one road or trail that led south of your
32 place and down to the Sol Smith pasture to Fairfax?
33 A. There is more than one that runs into that road, which is the main
34 road that goes thru there.
35 Q. Was there another road that lead south from your place?
36 A. Yes, sir.
37 Q. Besides the one Henry Roan took?
38 A. The one he came in on. He came in from the south.
39 Q. That isn't on a section line?
40 A. No, sir.
41 Q. Just describe to the jury what kind of a road that is?
42 A. It is just a road that cut thru the pasture that way and cut off.
43 Just a trail thru the pasture?
44 A. Yes, sir.
45 Q. Generally speaking, what kind of a road is it or was it at that
46 time from your place down thru Sol Smith's pasture to Fairfax?
47 A. Tolerably fair road but not a graded road or nothing like that,
48 just a by-road.
49 Q. One that just led around thru the pastures and fields?
50 A. Just thru the pasture.
51 Q. Did you see Roy Bunch and Mary Roan there that day?
52 A. Yes, sir.
53 Q. When did you see them with reference to the time you saw Henry
54 Roan leave your place?
55 A. Well, I think he had been gone about 25 minutes, may be 20 or 25
56 minutes, when they drove in.
57 Q. Tell the jury what Roy Bunch and Mary Roan did there at your place.
58
59
60
61
62

12 A. Well, they drove up --- well, I will tell you, when Curley come
13 back from down at the creek he just asked me, he said, have you
14 got ---

15
16 BY MR. PURRING: Wait a minute.

17
18 A. Any whiskey.

19
20 BY MR. HOWARD: Don't tell any conversation.

21
22 A. Well, it was about 20 or 25 minutes after the Indian was there
23 until they drove up.

24 Q. When you say the Indian you mean Henry Roan?

25 A. How?

26 Q. You mean Henry Roan?

27 A. After he come it was about 25 minutes until Roy and them drove up.

28 Q. How were they travelling?

29 A. They were in a touring car.

30 Q. Do you recall what kind it was?

31 A. I think it was a Buick, I ain't sure, though.

32 Q. Is that your best recollection it was a Buick car?

33 A. I think it was.

34 Q. Who was in this car with Mary Roan and Roy Bunch, if anyone?

35 A. Bill Taylor; Roy was in the front seat and they was in the back
36 seat.

37 Q. Who is Bill Taylor?

38 A. Well, he is a boy that lived at Fairfax.

39 Q. What occurred while these parties were there?

40 A. Well, they stood there and talked a little bit, and Curley got on
41 the running board and went down with them, down to the creek

42 where he had went with this Indian.

43 Q. They went down to where the whiskey was?

44 A. Yes, sir.

45 Q. Then where did they go?

46 A. They come by the house a little bit, and went on the way they come.

47 Q. Was that back towards Fairfax?

48 A. Yes, sir.

49 Q. What became of Curley Johnson?

50 A. A little bit after that he got in his car and drove off on the
51 same road, went south.

52 Q. Did you see Curley Johnson again that day?

53 A. I saw him that night.

54 Q. About how long afterwards?

55 A. About three hours, I guess, or something like that.

56 Q. Now, with reference to daylight or dark, what time was it when
57 Roy Bunch and Bill Taylor and Mary Roan left your place?

58 A. Just a little before dark, about dusk.

59 Q. Did you ever see Henry Roan leave after that?

60 A. No, sir.

61

62

12358

- 12 Q. Did you ever see Mary Roan and Roy Bunch at your place any more
13 after that?
- 14 A. Yes, sir.
- 15 Q. About how long afterwards?
- 16 A. Well, I saw Roy there about a couple or three days after that,
17 him and another boy or two, I don't remember seeing her at all.
18 Was that before the body of Henry Roan was found?
- 19 A. Yes, sir.
- 20 Q. You know where this car was where his body was found, don't you?
- 21 A. Yes, sir.
- 22 Q. How far was that from your place?
- 23 A. I judge about 4 miles.
- 24 Q. And leaving your place and driving the way Roy Bunch and Mary
25 Roan went that led down thru the Sol Smith pasture to where the
26 car was found?
- 27 A. I don't understand.
- 28 Q. I say, now the road leading south from your place where Roy
29 Bunch and Mary Roan and Bill Taylor took, would that lead down
30 to where the car was found?
- 31 A. Yes, sir.
- 32 Q. Now, the main road coming from the Searns road going to Fairfax, that
33 side road, that road through my pasture was then a road we tra-
34 velled and they would come through there.
- 35 Q. Well, did they come together?
- 36 A. About two miles south of my place.
- 37 Q. Is there a cattle guard or gate there?
- 38 A. Cattle guard.
- 39 Q. Then after you got through that guard did the roads run --- just
40 one road from there on down through Sol Smith's pasture goes to
41 Fairfax?
- 42 A. Just one road.
- 43 Q. You spoke about the Rowe boys helping you that day?
- 44 A. Yes, sir.
- 45 Q. Were they there when Roy Bunch and Mary Roan and Bill Taylor came
46 up there?
- 47 A. I don't think they were.
- 48 Q. How did they come to your place that day?
- 49 A. Horseback.
- 50 Q. Where did they live at that time?
- 51 A. They lived two miles south of me on the road.
- 52 Q. Where did they live with reference to where these two roads came
53 together?
- 54 A. About half a mile south.
- 55 Q. Is there a cattle guard near the Rowe place?
- 56 A. Yes, sir, two of them, one on each side.
- 57 Q. One just a little north of Rowe's house?
- 58 A. And one south.

Q. And then another about half a mile south?

A. Yes, sir.

Q. In travelling south of your place would a car have to go through both of those cattle guards there by the Rowe place?

A. There would be four cattle guards there just in about a mile, one going out of my pasture and one north of their house a half a mile, and one about 200 yards north of their house, there was at that time, and one a half a mile south of their house.

Q. This cattle guard where the roads come together is about half a mile east of your place, isn't it?

A. You mean east and then south?

Q. Yes.

A. It is a half mile.

Q. You live almost right in the center of the section?

A. I live on the corner, southeast corner, southwest corner.

Q. And this cattle guard was almost nearly on the section line, nearly half a mile east of you?

A. Yes, sir.

Q. Now did you attempt at any time to fix the exact date you saw Henry Roan at that place the last time?

A. No, just what we remembered in being there the last time.

Q. Did Henry Roan give you a check at one time?

A. Yes, sir. He give Curley Johnson one made out to me.

Q. Made out to you?

A. Yes, sir.

Q. Was that the last time he was there?

A. Well, I don't think it was.

Q. How long was it before?

A. I think it was 2 or 3 days before that.

BY MR. DURING: Two or three days?

MR. DURING: Before his last visit.

Q. Were you able to find that check?

A. No, sir.

Q. Did you make a search for it?

A. Yes, sir.

Q. In whose company did you make that search?

OBJECTION by Mr. Lewis.

Q. Well, you did make a search for it?

A. Yes, sir.

Q. When was that?

A. I think it was along in January just before the Grand Jury here at Guthrie.

Q. Where were you living at that time?

A. Ponca City.

234

Q. Who helped you make a search for that check?

A. My wife.

Q. Any one else?

A. Frank Smith and Ed Robertson.

Q. Is that Mr. Smith sitting here?

A. Yes, sir.

Q. Were you able to find it?

A. No, sir.

Q. If you could have found that check would there have been any way to fix the date more accurately than you are now able to?

A. Yes, sir.

Q. Did you ever see Henry Rean alive after that day?

A. No, sir.

Q. After he left there?

A. No, sir.

Witness herewith details prior convictions, aiding and abetting in bank robbery, two cases pending on appeal.

Q. Do you have an independent recollection of the date of the check you say Henry Rean gave you?

A. No, sir.

Q. You remember he gave you a check about that time?

A. He had been on a drunk and he had been out there every day for a week before he disappeared.

Q. Mr. Cornette, you testified a moment ago with reference to this check that Mr. Frank Smith, Special Agent of the Government, was present. I will ask you if you assisted the agents of the government in any way in the investigation into the death of Henry Rean?

A. I didn't understand the question.

OBJECTION by Mr. Lohring. Objection sustained.

MR. HOWARD: Exception.

Q. Did Curley Johnson have a gun of any kind while he was at your place?

MR. LOHRING: Objection. Overruled.

A. He carried one all the time.

Q. Can you tell the jury what kind of gun it was?

A. Well, he carried a .38 special mostly.

Q. Do you know whether he was armed that evening he left your place?

A. I couldn't say, but I never did see him unless he was.

Q. You testified about Roy Bunch being at your place. Do you know whether he carried a gun or not?

A. I have seen him with a gun a number of times.

MR. LOHRING: I move to strike out the answer as not responsive to the question. SUSTAINED.

MR. HOWARD: I think Gen. Luhring has misconstrued the question. I don't recall just how I asked it.

BY THE COURT: The question was whether he had a gun while he was there.

Q. (By Mr. Howard: Did you see Roy Bunch carry a gun at or about the time he was out there on this occasion?

A. I didn't see him have no gun the last time because he was in a car.

Q. Well, about that time?

A. I saw him with a gun a short time before that.

Q. Was it a month or two prior to that time?

A. Well, I think a week or so before that.

Q. Now, how did the Rowe boys come to your place that day?

A. Horseback.

Q. In going to your place to their home how did they travel?

A. They went the road south.

Q. Was that the same road Roy Bunch, Mary Roan and Bill Taylor took?

A. Yes, sir.

.....

HENRY CORNETT.
Testimony given at
Oklahoma City, Okla.

Henry Cornett is thereupon called as a witness on behalf of the defense, and after being first duly sworn testified as follows:

Direct Examination.

By Mr. Howard:

Q. State your name.

A. Henry Cornett.

Q. Where do you live?

A. Hatcher.

Q. Did you know Henry Roan during his life time?

A. Yes, sir.

Q. Do you know Roy Bunch?

A. Yes, sir.

Q. Mary Roan?

A. Yes, sir.

Q. Where were you living in January, 1923?

A. About 4 miles southwest of Burbank.

Q. What direction and what distance from Fairfax?

2342

- 12 A. About 4 miles southwest of Burbank.
- 13 Q. That direction and what distance from Fairfax?
- 14 A. About 10 miles northwest.
- 15 Q. In going from Fairfax to where you lived then what was the usual
- 16 travelled road?
- 17 A. There was a road that runs from my place to Fairfax which angles
- 18 through the fences a lot.
- 19 Q. Did that road pass through Jol Smith's pasture?
- 20 A. Yes, sir.
- 21 Q. Did you see Henry Roan at your place at any time in January, 19
- 22 A. Yes, Sir.
- 23 Q. About what time?
- 24 A. The last time I saw him was the 29th of January.
- 25 Q. What were you doing at that time?
- 26 A. I wasn't doing nothing; I had been branding some cattle.
- 27 Q. Brand that day?
- 28 A. Yes, sir.
- 29 Q. Where had you received those cattle? Where from?
- 30 A. Oklahoma City.
- 31 Q. I hand you defendant's exhibit 10 for the purpose of allowing
- 32 you to examine it to fix the date. Will you examine that let-
- 33 ter and see whether or not that was received by you?
- 34 A. Yes, sir.
- 35 Q. Does that have reference to the particular cattle you were
- 36 branding that day?
- 37 A. Yes, sir; I bought the cattle at Oklahoma City.
- 38 Q. Where were those cattle received?
- 39 A. At Burbank.
- 40 Q. On what day?
- 41 A. I think it was on the 26th or 27th.
- 42 Q. If they were shipped out here on the 26th what day would it
- 43 be there?
- 44 A. It would be the 27th.
- 45 Q. If that was Saturday then you branded on Monday the 29th?
- 46 A. Yes, sir.
- 47 Q. Who was helping you brand those cattle?
- 48 A. There were several of us there; Homie Rowe, Carl Rowe, Curley
- 49 Johnson, Ed White and myself.
- 50 Q. You say Curley Johnson was staying at your place?
- 51 A. Yes, sir.
- 52 Q. What time did you finish branding that day?
- 53 A. It was along late in the evening.
- 54 Q. What was Curley Johnson doing and what was his business?
- 55 A. He had been selling whiskey.
- 56 Q. You say you saw Henry Roan there, about what time did you see him
- 57 there?
- 58 A. About 5:30 or 6 o'clock.
- 59 Q. How was he travelling?
- 60 A. He was in a car.
- 61
- 62

136

Smith and J.R. Burger.

- Q. Did you notice when he left there?
A. Yes, sir.
Q. Where did he go, which way?
A. He went north; him and Curley Johnson drove off together, they brought Curley back and he went north.
Q. How long was he and Curley gone?
A. Probably 20 minutes.
Q. Then he went north?
A. Yes, sir.
Q. Do you know how far north he went?
A. He would have to go a half mile north to the road.
Q. Then if he was returning to his home at Fairfax what direction?
A. He would have to go east half a mile or three quarters then turn south.
Q. Would that road lead back through Sol Smith's pasture?
A. Yes, sir.
Q. You say that was about sundown, something like that?
A. Almost sundown.
Q. What was his condition when he left there?
A. He was pretty drunk, appeared to be.
Q. Do you remember how he was dressed?
A. No, sir.
Q. Do you recall whether he had an overcoat or not?
A. No, I don't remember.
Q. Did you see anyone else there that evening?
A. Yes, sir.
Q. Who was there?
A. Roy Bunch, Mary Roan and Bill Taylor.
Q. When were they there with reference to when Henry Roan was there?
A. They drove in about 20 minutes I guess after Roan left.
Q. How long did they stay there?
A. Just a little bit.
Q. Then when they left what direction did they go?
A. They went back south.
Q. Was this Mary Roan you say with Roy Bunch the wife of Henry Roan?
A. Yes, sir.
Q. They went back south?
A. Yes, sir.
Q. Give the jury the best estimate of time when they left with reference to the time when Henry Roan left?
A. I suppose 20 to 25 minutes, maybe 30.
Q. Did you ever see Henry Roan alive after that time?
A. No, sir.
Q. Did you hear of his body being found in Sol Smith's pasture?
A. Yes, sir.
Q. How long was it before that?
A. I should judge about a week, maybe 10 days.
Q. You say Curley Johnson was there, did he have a car?

F.3. Smith and J.R. Burger.

- 1. Yes, sir.
- 2. What kind?
- 3. A Ford car.
- 4. Did he go anywhere that evening?

OBJECTION as immaterial. Sustained.

- Q. Did Curley Johnson leave your home that evening?
- A. Yes, sir.
- Q. How was he travelling?
- A. In a Ford touring car.
- Q. What direction did he go?
- A. He went south.
- Q. What time with reference to the time Mary Roan, Roy Bunch were there?
- A. About 5 minutes after they left.
- Q. Was that in the same direction that Roy Bunch and Mary Roan had travelled?
- A. Yes, sir.
- Q. Did you see Curley Johnson at your home again that night?
- A. Yes, sir.
- Q. How long afterwards?
- A. About 10 o'clock that night.
- Q. Did he come back and stay at your home that night?
- A. Yes, sir.
- Q. Did you ever see Roy Bunch and Mary Roan at your home after that?
- A. Yes, sir, they were there a night or two after that.
- Q. Had they been to your place prior to that time on any occasion?
- A. Yes, several times.
- Q. What were their purpose in coming there, what business did they transact while there?

OBJECTION as immaterial.

BY THE COURT: The purpose was to buy whiskey, wasn't it?

- A. Yes, sir.
- Q. (By Mr. Howard) Mr. Cornett, I will ask you if Henry Roan gave you a check on that day?
- A. No, sir.
- Q. Did he about that time?
- A. Yes, sir, a few days before that.
- Q. Were you able to find that check?
- A. No, sir.
- Q. You say that Carl Rowe and Homie Rowe were helping you bring the cattle that day?
- A. Yes, sir.
- Q. They are your nephews?
- A. Yes, sir.

- Q. Where did they live?
A. Half a mile east and two south.
Q. Did they live on the road that runs from that place through Sol Smith's to Fairfax?
A. Yes, sir.
Q. What time did they leave your home that evening?
A. They left about the time Henry Roan drove off with Curley Johnson.
Q. About how long would that be before Henry Roan finally left your place?
A. I guess 15 or 20 minutes maybe.
Q. How long was it after they left before Roy Bunch and Mary Roan left?
A. 20 or 25 minutes.
Q. Do you know whether Henry Roan procured any whiskey there that evening?
A. I couldn't say, I think he did.
Q. Do you know whether Roy Bunch and Mary Roan procured any?
A. I couldn't say they did, but I think they did.
Q. You are confined in the State Penitentiary?
A. Yes, sir.
Q. On charge of bank robbery?
A. Yes, sir.
Q. Your case is now upon appeal?
A. Yes, sir.
Q. Hasn't been finally determined or disposed of?
A. No, sir.

Cross Examination.

B. Mr. Leahy:

- Q. Have you served any other term in the penitentiary?
A. No, sir.
Q. Have you been convicted of any other charge?
A. Yes, sir.
Q. How many?
A. I have been convicted of aiding and abetting two bank robberies.
Q. When was that?
A. One was September a year ago, I guess it was and one was in May.
Q. You have those cases on appeal?
A. Yes, sir.
Q. Were you ever convicted of selling whiskey?
A. Yes, sir.
Q. How many times?
A. Once.
Q. How much time did you get on these bank robbery cases?
A. 30 years on one and 5 on the other.

Q. Were you tried by a jury?

A. Yes, sir.

Q. Have you got a sentence pending on you in federal court?

A. Yes, sir.

Q. How much is that?

A. 18 months.

Q. At Leavenworth?

A. Yes, sir.

Q. At this time you can't serve that because of being imprisoned in the State Penitentiary?

A. I can't make bond; I forfeited my bond.

Q. In 1923 you lived 8 miles northwest of Fairfax on the Wilkerson place?

A. No, sir.

Q. You lived on the Monegran place?

A. Yes, sir.

Q. Homie Rowe and Carl Rowe lived on the Wilkerson place?

A. Yes, sir.

Q. They are nephews of yours?

A. Yes, sir.

Q. They helped you brand these cattle at that time?

A. Yes, sir.

Q. Didn't you in your testimony at Guthrie in this case say you were branding these cattle on the 27th?

A. I don't think so.

Q. That is your recollection you didn't say that?

A. I said I received them on the 27th.

Q. Did you say that Curley Johnson was staying at your place at that time?

A. Yes, sir.

Q. Was he interested with you in selling whiskey and manufacturing whiskey?

A. Yes, sir.

Q. Curley Johnson is dead?

A. I don't know whether he is or not.

Q. That is your understanding isn't it?

A. I heard it.

Q. Curley Johnson actually took part in helping brand those cattle?

A. Yes, sir.

Q. And the Rowe boys took part in branding those cattle?

A. Yes, sir.

Q. Were you through branding cattle at the time Henry Roan came there?

A. Yes, sir.

Q. You knew where the supply of whiskey was kept at that time?

A. Not exactly.

Q. About where it was kept? What direction from your house was it kept?

- 11 A. North.
- 12 Q. Did Henry Roan and Curley Johnson go down in the direction where
- 13 the whiskey was kept?
- 14 A. Yes, sir.
- 15 Q. Did they both come back to the house?
- 16 A. Yes, sir.
- 17 Q. How did Henry Roan leave?
- 18 A. He left in his car.
- 19 Q. What direction did he go?
- 20 A. North.
- 21 Q. Would that lead him into the main road?
- 22 A. Yes, sir.
- 23 Q. How far was that road north?
- 24 A. Half a mile north of my house.
- 25 Q. Then in which direction does the road go which leads back to
- 26 Fairfax?
- 27 A. You have to go three quarters of a mile east to the road that
- 28 leads to Fairfax.
- 29 Q. That road goes near the place where the body of Henry Roan was
- 30 found doesn't it?
- 31 A. Yes, sir.
- 32 Q. You say about 25 or 30 minutes after he left there Roy Bunch,
- 33 Mary Roan and Bill Taylor drove up?
- 34 A. Yes, sir.
- 35 Q. How long did they stay there?
- 36 A. They were there just a few minutes.
- 37 Q. As much as 10 or 15 minutes?
- 38 A. Yes, sir, maybe 20.
- 39 Q. Did they go down in the direction where this whiskey was kept?
- 40 A. Yes, sir.
- 41 Q. They went down with Curley Johnson did they?
- 42 A. Yes, sir.
- 43 Q. Came back up to the house?
- 44 A. They came back up through my yard.
- 45 Q. And they got in the car and drove away?
- 46 A. They were already in the car.
- 47 Q. What kind of a car were they driving?
- 48 A. I think it was a Ford touring car.
- 49 Q. That would make it from the time Henry Roan left your place up
- 50 to the time Roy Bunch left something like 40 minutes?
- 51 A. Something like that.
- 52 Q. Do you recall what kind of a car Henry Roan was driving?
- 53 A. Yes, sir, I know.
- 54 Q. What kind was it?
- 55 A. A Buick.
- 56 Q. A Buick touring car?
- 57 A. Yes, sir.
- 58 Q. You have seen the car before?
- 59 A. Yes, sir.
- 60
- 61
- 62

2368

Q. And you saw him drive it?

A. Yes, sir.

Q. And he had drive it very frequently?

A. Yes, sir.

Q. If there a road that leads from your place down to where the Rowes' live?

A. Yes, sir.

Q. That is not the road you described while ago that led back to Fairfax?

A. Yes, sir, there is just one road through there.

Q. Isn't it some distance back to your house, before you come into the Fairfax road?

A. They run together about half a mile north of the Rowe house.

Q. Let me understand, leaving the Rowe boys house after you go a half mile there is a road that turns to the left to your house?

A. About one mile.

Q. That road leads to the left?

A. The road forks, one goes by my house.

Q. That would be a left hand turn?

A. Yes, sir, and the other goes practically straight north.

Q. That would be the road that Henry Roan would have come into if he had been going into Fairfax?

A. Yes, sir.

Q. These roads come together about half a mile north of the place where the Rowe boys live?

A. Yes, sir.

Q. You knew Bill Taylor well?

A. Yes, sir.

Q. And had seen him frequently before that?

A. Yes, sir.

Q. Did you know what his business was?

A. Yes, sir.

Q. What did he do?

A. Mechanic at the garage.

Q. Had you seen him frequently at your place?

A. Yes, sir.

Q. Did you ever see him there before with Roy Bunch?

A. Yes, sir.

Q. How many times?

A. Probably 3 or 4 times.

Q. You say these people there bought whiskey?

A. I said I didn't know whether they did or not, I supposed they did.

Q. You were running a whiskey business there weren't you?

A. Curley was selling whiskey.

Q. It was your business?

A. I got pay out of it.

Q. Did they have jugs or jars?

A. Anyway they wanted it.

Q. You don't know how these people bought theirs that day if they

bought any?

2669

- A. I wasn't there, I don't know.
- Q. You are certain this was on the 29th day of January?
- A. Yes, sir.
- Q. You couldn't be mistaken about it?
- A. Do you want me to tell you how I know it?
- Q. No; you are certain it is the 29th?
- A. Yes, sir.
- Q. You are certain on the 29th of January, 1923, that Herry Roan was at your place late in the evening?
- A. Yes, sir.
- Q. About what time in the evening?
- A. It was sundown.
- Q. That would be about 5 o'clock?
- A. Yes or 5:30.
- Q. He left your place at that time?
- A. Yes, sir.
- Q. Fairfax is about 8 or 9 miles from there in a southeasterly direction?
- A. It is about 9 or 10 miles.
- Q. It is a fairly good road from there into Fairfax isn't it?
- A. The road through that country is not very good, wasn't at that time.
- Q. It was a road that people were driving every day with automobiles?
- A. It was a whiskey road, a by road.
- Q. The road to Burbank wasn't a whiskey road was it?
- A. That is not the road to Fairfax.
- Q. It was a road travelled a good deal?
- A. It was a by road through the country cutting through pastures.
- Q. There are lots of roads that cut through pastures?
- A. Yes, sir.
- Q. And is yet?
- A. Yes, sir.
- Q. That is not an unusual thing in Osage County for roads to cut across pastures, is it?
- A. No, sir.
-

HOMIE ROWE.
Testimony given at
Oklahoma City, Okla.

Homie Rowe is thereupon called as a witness on behalf of the defense, and after being first duly sworn testified as follows:

7570

F.S. Smith and J.R. Burger.

Direct Examination.

By Mr. Howard:

- Q. You may state your name to the Court and jury.
A. Homie Rowe.
Q. Where do you live?
A. Five miles northeast of Fairfax.
Q. Are you acquainted with Henry Cornett who was just on the witness stand?
A. I am.
Q. Is he your uncle?
A. Yes, sir.
Q. Where were you living in January, 1923?
A. About two miles and a half south and about two miles west of Burbank.
Q. Where were you living with reference to Henry Cornett, where he was living at that time?
A. I was living about two miles and a half southeast of Henry.
Q. Did you know Henry Roan in his life time?
A. I did.
Q. Do you know Roy Bunch?
A. Yes, sir.
Q. Do you know Mary Roan?
A. Yes, sir.
Q. Is she now the wife of Roy Bunch?
A. Yes, sir.
Q. Mr. Rowe were you at Henry Cornett's at the time they were branding some cattle, some time in the latter part of January, 1923?
A. Yes, sir.
Q. Who else was there at that time Mr. Rowe?
A. Well, my brother was there.
Q. (By Mr. Lohring: And what is his name?
A. Carl Rowe. And Ed McGilvery was there.
Q. (By Mr. Howard) Mr. Rowe what time did you finish the branding of those cattle that day?
A. Well, it was along late in the evening, I don't know just what time it was.
Q. And after you branded the cattle where did you go?
A. I went home.
Q. And who went home with you, if anyone?
A. Carl, my brother.
Q. I believe you said you lived about two miles east of Henry Cornett. Now, with reference to the road from Henry Cornett's going to Fairfax which runs down through the southwest pasture, did you live on that road?
A. I did.
Q. What time did you go home that evening?

- 1 A. It was along a little before sundown.
2 Q. How were you up there, how were you travelling?
3 A. Horseback.
4 Q. Your brother also?
5 A. Yes, sir.
6 Q. Was Curley Johnson there that day?
7 A. Yes, sir.
8 Q. Was he helping brand the cattle?
9 A. I don't think he helped do the branding.
10 Q. Was he around there while the cattle were being branded?
11 A. Yes, sir.
12 Q. Did you see Henry Roan out there that day?
13 A. Yes, sir.
14 Q. What time of the day?
15 A. It was along about four or five o'clock, I imagine.
16 Q. How did he come there?
17 A. He came there in a Buick car.
18 Q. And what occurred while he was there, if anything, what I mean
19 did he buy any whiskey, anything of that kind?
20 A. Well, I never talked to him myself.
21 Q. With reference to the time you finished branding the cattle,
22 did you see him leave there?
23 A. No, sir.
24 Q. Did you see Roy Bunch and Mary Roan that evening?
25 A. Yes, sir.
26 Q. Anyone with them?
27 A. Yes, sir.
28 Q. Who was that?
29 A. Bill Taylor.
30 Q. Where did you see them with reference to where Henry Cornett
31 lived?
32 A. It was a quarter of a mile south.
33 Q. Which direction were they going at that time?
34 A. They were going north.
35 Q. Toward Henry Cornett's?
36 A. Yes, sir.
37 Q. Was that when you and your brother were on your way home?
38 A. Yes, sir.
39 Q. What were they doing when you met them?
40 A. They had stopped.
41 Q. In the pasture there?
42 A. Yes, sir.
43 Q. Did you see Henry Roan late that evening?
44 A. Yes, sir.
45 Q. And where was he when you saw him?
46 A. He passed our place going south.
47 Q. Did that road lead to the Sol Smith pasture?
48 A. It did.
49 Q. He was still in the same car?

- A. Yes, sir.
- Q. Where was your brother when you saw him there at your home?
- A. He was there by the gate.
- Q. You went home together?
- A. Yes, sir.
- Q. Did you see Roy Bunch and Mary Roan and Bill Taylor any more that evening?
- A. Yes, sir.
- Q. Where did you see them?
- A. They passed our place.
- Q. Did you see Curley Johnson?
- A. Yes, sir.
- Q. Where did you see him?
- A. He passed there.
- Q. Passed your house?
- A. Yes, sir.
- Q. Your house is on the road?
- A. Yes, sir.
- Q. Is that a main travelled road there that came through?
- A. No, it wasn't a very well travelled road.
- Q. Are there some cattle guards there where your home is?
- A. There was three.
- Q. Thats bars put over a depression in the ground to keep stock from going through, but which a car could roll over?
- A. Yes, sir.
- Q. How many are there on this road that leads south so the Sol Smith pasture?
- A. Two right there by the house.
- Q. And one just north?
- A. Yes, sir.
- Q. And how far south is the next one?
- A. About a hundred yards.
- Q. That cattle guard south of yours?
- A. Yes, sir. There was one there and there was one about a quarter of a mile south.
- Q. You are talking about the one north about a hundred yards?
- A. Yes, sir.
- Q. Which one of those cars were in front as they passed your house going south that evening?
- A. Roy Bunch was in front.
- Q. Roy Bunch, Mary Roan and Bill Taylor?
- A. Yes, sir.
- Q. How far behind his car was Henry Roan's car?
- A. I judge about a quarter.
- Q. How far behind Henry Roan was Curley Johnson?
- A. It might have been half a mile, something like that.
- Q. Did they all pass south in the same direction?
- A. Yes, sir.
- Q. ~~The house you lived in there is on a rather high hill isn't it?~~
- A. Yes, sir.

- Q. Where you were living then?
- A. Yes, sir.
- Q. How far south could you see looking south going to the Sol Smith pasture?
- A. Its about two miles, I guess.
- Q. Can you see a car travelling along that road the entire distance?
- A. In places you can.
- Q. You cross the creek over south of your house?
- A. Yes, sir.
- Q. And in travelling south for what distance would a car be out of sight of your house?
- A. Well, it would be half a mile.
- Q. How is that road where it crosses that creek with reference to being rough or otherwise?
- A. It is pretty rough around there.
- Q. Does the road go straight across it?
- A. No, it goes east and it goes back west.
- Q. You didn't pay any attention to where the cars went after they went south of your house?
- A. No, I didn't.
- Q. Mr. Rowe, do you recall whether you helped Henry Cornett, your uncle, brand any other cattle in the month of January?
- A. Not that I remember of.
- Q. Did you brand any after that day or was that the last bunch you branded?
- A. I believe it was the last bunch.
- Q. Did you ever see Henry Roan alive after that?
- A. No, sir.
- Q. Did you hear about his body being found in the Sol Smith pasture?
- A. Yes, sir.
- Q. About how long was it that the body was found, when you heard about it being found, after the time that you lost Henry Roan, Roy Bunch, Mary Roan and Curley Johnson pass your house?
- A. Well, it was a little over a week.

Cross Examination.

By Mr. Lohring:

- Q. How much over a week?
- A. Oh, I imagine -- I don't know just how long it was.
- Q. How much over a week I am asking?
- A. Well, I don't remember.
- Q. You said at Guthrie that it was ten days didn't you?
- A. I don't remember.

2524

- Q. That's what you said wasn't it, ten days before you heard about Henry Roan's body being found; that Roy Bunch and Henry Roan were out there drinking whiskey?
- A. Something over a week.
- Q. Did you say it was about a week or ten days?
- A. Yes, sir.
- Q. And that's right, it might have been ten days?
- A. Yes, sir.
- Q. As a matter of fact it was.
- A. Well, I couldn't say.
- Q. The top of that map represents north.
- A. Yes, sir.
- Q. The bottom of the map represents south, that part on this map represents west and this east; this is about where Henry Cornett lived, isn't it?
- A. Yes, sir.
- Q. This road is the one that goes down past his house, past your house, just through Sol Smith's pasture, isn't it?
- A. He lived west of the road.
- Q. Who lives west of the road?
- A. Henry.
- Q. That's where the picture of this house is, isn't it?
- A. Yes, sir.
- Q. That's the road that forks right there by Henry's house, that runs out by his house there?
- A. Yes, sir.
- Q. There is a little creek down there too?
- A. Yes, sir.
- Q. That's where the liquor cache was?
- A. I don't know about that.
- Q. Right north of his house, is that right?
- A. I don't know nothing about the liquor down there.
- Q. You do know there is a creek there?
- A. I do.
- Q. This road then runs north and south?
- A. Yes, sir.
- Q. And what time in the evening was it you say you left there?
- A. It was late in the evening.
- Q. Was it before or after sundown?
- A. Before.
- Q. That would be before half past five o'clock, wouldn't it?
- A. Yes, sir.
- Q. What direction did you go when you left Mr. Cornett's house?
- A. We went south, right around that road.
- Q. And then you went on farther south to your house?
- A. Yes, sir.
- Q. You lived in what is known as the old Willerson place?
- A. Yes, sir.
- Q. And here is a place marked Rose Ranch, whose ranch is that?

A. I don't know.

Q. Is there a ranch out there as indicated on this map?

A. Not that I know of.

Q. Didn't you used to live up there?

A. No, sir.

Q. Then this road follows on down through this south pasture?

A. Yes, sir.

Q. It goes on here and over to Fairfax?

A. It does.

Q. What is the distance from Henry Cornett's place to your house?

A. About two miles and a half.

Q. And you and your brother rode from Cornett's to your own house horseback?

A. Yes, sir.

Q. Can you tell the jury now just when it was that you left there?

A. Well, I am not certain about the time.

Q. Had you finished branding the cattle?

A. Yes, sir, we had.

Q. Was Henry Roan there when you left?

A. He was.

Q. How long had he been there before you left?

A. About twenty or thirty minutes.

Q. How soon after you left did he leave?

A. I don't remember.

Q. Did he pass you on your way home?

A. He passed us when we got home.

Q. He didn't pass you then on your way?

A. No.

Q. Tell this jury how long it took you to get home that distance of two and one half miles?

A. It took about something like half an hour, I guess.

Q. Then according to your statement Henry Roan was there twenty-five minutes before you left and you didn't see him until thirty minutes after that?

A. Yes, sir.

Q. That made you almost in the neighborhood of an hour?

A. Yes, sir.

Q. And he was driving an automobile?

A. Yes, sir, a big car.

Q. And he went by your house at what rate?

A. Well, about fifteen or twenty miles an hour.

Q. Then how long do you say it would have taken him to have gone from Henry Cornett's place in that automobile until the time you saw him?

A. Oh, it might have been five or ten minutes.

Q. And that being true he was at Henry Cornett's place fully forty minutes?

A. Well, he was up there some place.

Q. You left him at Henry Cornett's?

A. But I didn't watch him where he went.

Q. This road is a straight road isn't it; he didn't go by you on the road did he?

A. No, sir.

Q. Therefore he was up there?

A. There is a road going north.

Q. But you saw him going south?

A. I did.

Q. And he left there going south?

A. I never seen him leave.

Q. Your uncle said he went south.

BY MR. FREELING: We object as to what his uncle said. SUSTAINED

Q. If that's true then he would have to come south?

A. Yes, sir.

Q. He had to pass your place?

A. Yes, sir.

Q. How where were you on this road when you saw Roy Bunch, and Mary Roan?

A. I was right down east in the pasture.

Q. Where, point on the map, point on the map for the jury where you first saw him and the last time you saw them?

A. The first I seen them they was right along there.

Q. How far from the creek?

A. About a quarter of a mile, I guess.

Q. You were then on your way home?

A. Yes, sir.

Q. And according to that when you left the ranch Henry Roan was there?

A. He was.

Q. And you saw them on your way home about a quarter of a mile from where you last saw Henry Roan?

A. How was that?

(Question was read to him).

A. Yes, sir.

Q. In Henry Cornett's property, on his property?

A. Yes, sir.

Q. In what you call his pasture?

A. Yes, sir.

Q. Right on this road that you were taking?

A. Yes, sir.

Q. Indicate here to this jury where Henry Roan was when you last saw him when you left there?

A. He was there at the house when we left.

Q. Sitting on the porch, or what was he doing?

A. Sitting out in the yard in the car.

Q. With whom?

A. Curley Johnson.

Q. Had he been down to the creek with Curley Johnson at that time?

A. I don't remember exactly whether he was or not.

Q. The last time you saw him he was in the car talking to Curley Johnson?

A. Yes, sir.

Q. Anyone else he was talking to?

A. No, sir.

Q. Where was Ed Wade?

A. I don't remember.

Q. Was he there?

A. Seems like he were there.

Q. Help brand the cattle didn't he, you testified at Guthrie that he did?

A. He might have been around there, but he didn't taken much hand in branding.

Q. You saw he didn't assist in the branding of those cattle?

A. No, sir.

Q. Then the last place you saw Curley Johnson was when he was talking to Henry Roan?

A. Yes, sir.

Q. And you saw Roy Bunch and Mary Roan a quarter of a mile away?

A. Yes, sir.

Q. Going in the direction of Henry Cornett's house?

A. Yes, sir.

Q. And then the next time you saw them you saw Henry Roan going by your house first?

A. No, sir.

Q. What did you see?

A. I seen Roy Bunch go by there first.

Q. Roy Bunch must have left this place before Henry Roan did?

OBJECTION by Mr. Howard.

A. He went by there first.

Q. Roy Bunch went by first?

A. Yes, sir.

Q. And then within five minutes Henry Roan went by?

A. Something like that, might not have been that long.

Q. And then within five minutes more Curley Johnson went by?

A. Something like that.

Q. And they passed you down here by your house?

A. Yes, sir.

Q. That's where you saw them going?

A. It was.

Q. Henry Roan then was in between Bunch and Curley Johnson?

A. Yes, sir.

Q. And that's the last you saw of them?

A. Yes, sir.

Q. Now how long had you been working for your uncle, Henry Cornett, up to that time?

A. I hadn't been working for him.

Q. He was in the cattle business?

- 1 A. I went up and helped him brand that evening.
2 Q. Was that the only time you helped him brand?
3 A. I think it is, I might have helped him before.
4 Q. How long before?
5 A. I don't remember about how long; occasionally we would go up
6 and brand a steer.
7 Q. Who is we, you and your brother?
8 A. Yes, sir.
9 Q. What kind of car did Mr. Bunch drive?
10 A. He drove a Buick..
11 Q. He owned a Buick?
12 A. I don't know whether he owned it.
13 Q. You had seen him up there before?
14 A. I had.
15 Q. At different times?
16 A. I had.
17 Q. Had you seen Henry Roan there at different times?
18 A. I had.
19 Q. What were you doing there at those times?
20 A. Well, I was visiting - would go by there.
21 Q. You were there at this house quite often weren't you Mr. Rowe?
22 A. Yes, sir.
23 Q. Were you living with your parents at your own home?
24 A. Yes, sir.
25 Q. Did you do any odd jobs around there for Mr. Cornett?
26 A. No, sir.
27 Q. Go up there and visit during the day time?
28 A. Yes, sir.
29 Q. How did you go?
30 A. A horseback sometimes, sometimes in the car.
31 Q. And you have seen these people there at different times?
32 A. I have.
33 Q. And you remember this time particularly and especially?
34 A. I do.
35 Q. That might have been on the 27th day of January, 1923?
36 A. It was something in January, the last part.
37 Q. It might have been on the 25th day of January, 1923, might it
38 not?
39 A. Well, I don't think it was, I think it was later than that.
40 Q. You didn't know Mr. Taylor very well did you?
41 A. No, sir.
42 Q. Did you see Amos Tucker there?
43 A. No, sir.
44 Q. See him pass by your house that evening?
45 A. No, sir.
46 Q. You have seen him there have you?
47 A. I don't know that I know him. I probably know his face.
48 Q. He unloaded these cattle at Burbank?
49 A. Well, I don't remember. His boy helped him.
50 Q. His boy? Has he got a boy?
51 ~~His boy? Has he got a boy?~~
52

A. Yes, sir.

Q. How old is he?

A. Well, he is about twenty-one I guess.

Q. Is he married or single?

A. He was married.

Q. At that particular time, 1923?

A. No, sir.

Q. How old was he then?

A. He was about eighteen or nineteen.

Q. He helped around with the cattle?

A. He did.

Q. And unloaded them and drove them there and helped with the branding?

A. No, sir.

Q. Where was he?

A. I don't remember.

Q. Did you see him there?

A. No, sir.

Q. What time of the day was it you branded these cattle to begin with?

A. It was afternoon when we went up there.

Q. How many were there?

A. There was about twenty head I imagine.

Q. And you started to brand them when?

A. Well, along in the afternoon.

Q. After dinner?

A. Yes, sir.

Q. Did you have dinner?

A. Yes, sir.

Q. Where?

A. At home.

Q. And after you had dinner you went up to brand?

A. Yes, sir.

Q. Who went after you?

A. Henry.

Q. His son came up and told you they wanted you to help?

A. No, sir.

Q. How did he send word to you?

A. He told us a day or two before.

Q. Where was that?

A. At his place.

Q. You were up there two or three days before?

A. Yes, sir.

Q. Did you see Curley Johnson and Roy Bunch there?

A. I saw Roy Bunch.

Q. Did you see Bill Taylor there?

A. No, sir.

Q. Henry Roan?

A. No, sir.

Q. Wasn't Henry Roan there at that time?

- A. No, sir.
- Q. How long did it take you to brand twenty cattle?
- A. Well, about two or three hours, or something like that.
- Q. Where did you get supper that night?
- A. At home.
- Q. Was supper ready when you got home?
- A. I don't remember.
- Q. Weren't you arrested for stealing an automobile at Pawhuska?

OBJECTION by Mr. Howard. Sustained.

.....

CARL ROWE
Testimony given at
Oklahoma City, Okla.

Carl Rowe is thereupon called as a witness on behalf of the defense, and after being first duly sworn testified as follows:

Direct Examination.

By Mr. Howard:

- Q. State your name to the Court and jury.
- A. Carl Rowe.
- Q. Are you a brother to Homie Rowe who was just on the witness stand?
- A. Yes, sir.
- Q. And you are a nephew of Henry Cornett's?
- A. Yes, sir.
- Q. Where do you live now?
- A. Ponca City.
- Q. Where were you living in January 1923?
- A. I was living two miles west and two and a half miles south of Burbank.
- Q. Where were you living with reference to where Henry Cornett was living at that time?
- A. Mile and a half south and half a mile east.
- Q. Did you know Henry Roan in his life time?
- A. Yes, sir.
- Q. Do you know Roy Bunch?
- A. Yes, sir.
- Q. Mary Roan?
- A. Yes, sir.
- Q. And Bill Taylor?
- A. Yes, sir.

Q. Curley Johnson?

A. Yes, sir.

Q. Do you remember being at your uncle's, Henry Cornett, some time in January 1923 branding cattle?

A. Yes, sir.

Q. Who else was there helping brand those cattle?

A. Ed McGilvery and Homie Rowe and I.

Q. Was Curley Johnson around there that day?

A. Yes, sir.

Q. Did you see Henry Roan that day?

A. Yes, sir.

Q. About what time was it?

A. Along late in the evening.

Q. About what time did you finish branding the cattle?

A. Some time about an hour of sundown.

Q. You didn't have a branding chute there did you?

A. No, sir.

Q. Had to rope these cattle and throw them when you branded them?

A. Yes, sir.

Q. How did you and your brother go up there?

A. Horseback.

Q. Went home the same way?

A. Yes, sir.

Q. You say you saw Henry Roan there about an hour before dark?

A. Yes, sir.

Q. Where did he come from?

A. Came from the south.

Q. How was he travelling?

A. In a Buick.

Q. Buick Touring car?

A. Yes, sir.

Q. Where was he when you left there?

A. Standing in the yard.

Q. Where was Curley Johnson?

A. He was there by the car talking to him.

Q. Did they go anywhere while you were there, Henry Roan and Curley Johnson?

A. No, sir.

Q. In going home which way did you and your brother travel?

A. We went south.

Q. I think there is a road that goes north of Henry Cornett's about half a mile?

A. Yes, sir.

Q. And then you go east half a mile and then almost straight back to your house?

A. Yes, sir.

Q. And then there is a road that leads almost south and winds through the pasture toward your house?

A. Yes, sir.

Q. Those roads go about how far north of your house?

A. Half a mile.

- Q. Is that the road that leads down through Sol Smith's pasture to Fairfax?
- A. Yes, sir.
- Q. Did you see Roy Bunch and Mary Roan and Bill Taylor that evening?
- A. Yes, sir.
- Q. Where?
- A. South of Henry Cornett's.
- Q. About how far?
- A. About three hundred yards.
- Q. And what were they doing when you saw them?
- A. They were setting up there in the pasture.
- Q. Anybody out of the car?
- A. Roy Bunch I believe.
- Q. And you and your brother went on home?
- A. Yes, sir.
- Q. Did you see Henry Roan any more that evening?
- A. Yes, sir.
- Q. Did he come back by your home going south?
- A. Yes, sir.
- Q. How long was that after you and your brother got home?
- A. Well, it wasn't very long after we got there.
- Q. Did you see Roy Bunch and Mary Roan and Bill Taylor?
- A. Yes, sir.
- Q. Where?
- A. They was in the car right in front of Henry Roan.
- Q. About how far in front Mr. Rowe?
- A. Well, not over a quarter of a mile.
- Q. And did you see Curley Johnson again that evening?
- A. Yes, sir.
- Q. Where did you see him?
- A. He was going by the house.
- Q. And in what direction was he travelling?
- A. South.
- Q. How was he travelling?
- A. Ford Touring.
- Q. How far can you see down that road south of your house?
- A. Well, the last hill you can see a car about two and a half miles.
- Q. Is there some place on the road that a car goes out of sight?
- A. Yes, sir.
- Q. Where?
- A. About a mile on a creek.
- Q. What is the character of the country along that creek?
- A. It is rough.
- Q. There was some timber on the creek?
- A. Just a few timber.
- Q. There is a way that leads off to the south down that creek?
- A. Well, I don't think there is a road.
- Q. That is a way you can travel with a car?
- A. I don't know.

- Q. Do you remember about hearing of the finding of Henry Roan's body?
- A. Yes, sir.
- Q. About how long was this before you heard of the finding of this body?
- A. Well, it was about, if I remember, a day or two, maybe the next day.
- Q. I am talking about when they were up at Henry Cornett's. My question is: from the time you saw these parties at Henry Cornett's until the time you heard that Henry Roan's body was found about how long was it?
- A. Oh, it was about a week.
- Q. Did you ever see Henry Roan after that?
- A. No, sir.
- Q. Had you ever seen him up there before that?
- A. Yes, sir.
- Q. Had you ever seen Roy Bunch and Mary Roan up there together?
- A. Yes, sir.
- Q. What was Curley Johnson doing there?
- A. Bootlegging.

Cross Examination.

By Mr. Lohring:

- Q. What did you mean when you said it was a day or two after, what did you have in your mind?
- A. When I heard about him being dead?
- Q. Yes, and it was a day or two before that that you had seen these people pass by your house?
- A. No, sir.
- Q. And what did you intend to say to this jury?
- A. I intended to say that I thought the question was how long after they found him dead did I hear it?
- Q. And it was a day or two after you heard it?
- A. Yes, sir.
- Q. You heard it about the 8th of February?
- A. Yes, sir.
- Q. And you say it was a week before that?
- A. About a week or a little over.
- Q. A week prior to the 8th of February or a little over that. These people were out there drinking?
- A. Yes, sir.
- Q. Didn't you say at Guthrie it was about ten days before Henry Roan's body was found that this happened?
- A. I don't know when he was found.

- Q. It was found on February 6th. That date was called to your attention and you said about a week or ten days that these people were out there drinking.
- A. I said over a week.
- Q. Didn't you say you branded the cattle the same day they were driven down from Burbank?
- A. Not the same day.
- Q. Do you remember when they were driven down?
- A. Not the date.
- Q. Did you help drive them down?
- A. No, sir.
- Q. Who did?
- A. I don't know.
- Q. You know Henry Cornett's son. He helped there.
- A. He was there, I suppose.
- Q. He was there helping you brand; drove them in?
- A. He wasn't there when we started.
- Q. What time did he come there?
- A. He might have come later in the evening.
- Q. He was there when you were there?
- A. Yes, sir.
- Q. He was there when all these folks were there?
- A. I don't know.
- Q. What is your best recollection?
- A. Both of the boys were there.
- Q. Where are those boys now?
- A. They are working at Watchorn.
- Q. That's not very far from here, is it?
- A. No, sir.
- Q. You have been convicted in this court for violating the liquor laws have you not?
- A. Yes, sir.
- Q. You remember that don't you?
- A. Yes, sir.
- Q. The jury found you guilty?
- A. I paid a fine.
- Q. Did you plead not guilty and the jury found you guilty and you paid a fine?
- A. Yes, sir.

Re-Direct Examination.

By Mr. Howard:

- Q. Were these boys at Henry Cornett's going to High School in Fairfax at that time Mr. Rowe?
- A. Yes, sir.

2375
L...

[REDACTED]
Guthrie, Oklahoma.
Summary of informa-
tion in his possession.

[REDACTED] Subject Cornett in jail at Anadarko, Oklahoma, where he was confined charged with bank robbery by the State of Oklahoma, concerning his knowledge of the Osage murder cases. Cornett stated to [REDACTED] that he lived in the vicinity of where these murders were committed, had known Wm. K. Hale for many years, and was very familiar with all of the underworld in all that section of the country, but knew of no information directly bearing on the Osage murder cases; suspected however that Bill Hale was guilty in connection with all of these murders. He stated further that pending cases against him in the State could be easily beaten if he was on the ground to defend himself, but that he had a Federal case which he expected a mandate to be handed down in within a few days and in that event he would be taken to the Federal Penitentiary; that if the government would delay that matter for a short period of time, giving him an opportunity to arrange defense in his State cases, that he would gladly go into the Osage country and meet with the underworld and endeavor to find leads of interest in the investigation of Osage murder cases. However, he stated that he knew nothing of these cases of his own knowledge. An arrangement was made after Mr. Cornett's release from the County Jail at Anadarko by which the Court granted him a stay of execution on his sentence for a period of sixty days. Mr. Cornett then went into the Osage country for the purpose of collecting information. Following this Mr. Cornett kept in direct touch with witness [REDACTED] and repeatedly reported to [REDACTED] that he was unable to find any information that would throw any light on the guilty parties involved in any of these cases. Mr. Cornett was then told by [REDACTED] that there was a suspicion that Roy Bunch might be implicated in the killing of Henry Roan and [REDACTED] requesting Cornett to endeavor to get information in that respect. In a short time thereafter Cornett reported to [REDACTED] that he had a witness by the name of Ray Smith who was in possession of circumstances that placed the suspicion on Roy Bunch and others for the murder of Henry Roan. [REDACTED] communicated this information to Agent Smith, who immediately joined [REDACTED] and in company with Subject Cornett went to Osage County and located and interviewed Ray Smith.

Ray Smith, in the presence of Subject Cornett, and after Cornett had stated that Mr. Smith had material information about Roan, made a statement to Agent Smith, stating that he saw Roy Bunch and Bill Taylor in an automobile going in the direction in which he later saw Henry Roan going; that unquestionably they met or were close together as they passed through a gate going in the direction of Fairfax; that this occurred just

prior to Roan's body being found murdered. Agent Smith took this statement from Ray Smith, and after Ray Smith related the many details Cornett called him off to one side, approximately thirty feet away, and held a conversation with him. Ray Smith then came back and completed his statement to Agent Smith and signed same. After this happening Cornett then stated that he recalled seeing Bill Taylor and Roy Bunch and Mary Roan together at Cornett's place some time about the date that Ray Smith had placed as seeing these parties, and that he, Cornett, held a conversation with Roy Bunch and told him that he had better look out that Henry Roan would get him for running around with his wife; that Bunch made the remark that he would beat him to it, and Taylor spoke up and said that he would "cold cock him". Cornett further stated that he recalled that Henry Roan was at his house on a date about that time and had given him a check for some whiskey, said check never having been paid, but claimed to have lost the check.

Cornett later told [REDACTED] that he believed that he could talk to Roy Bunch and get the truth from him concerning the murder of Roan if Bunch was implicated in it, and later reported to [REDACTED] that he made an effort to talk to Bunch but could not locate him. Repeatedly after this occurrence Mr. Cornett expressed his opinion that Bunch was implicated in the murder of Roan and was hired to do it, and was framed by Bill Hale to commit this murder due to the fact that Hale wanted Roan's death and Bunch wanted his wife. At no time did Mr. Cornett tell [REDACTED] that he even suspected Curley Johnson was implicated in any manner in the killing of Henry Roan.

.....

FRANK S. SMITH,
Special Agent,
Department of Justice.

Will testify that based on information obtained from [REDACTED]

that Henry Cornett had lived in the Osage country covering the period of the various Osage murders suspected to have been committed by W.K. Hale and others and that Cornett had expressed a desire to aid and assist the government in obtaining information in these cases if it was possible to obtain a stay of execution on a conviction in the Federal Court of Cornett for a liquor violation that he, Agent Smith, took the matter up with Special Agent in Charge, T.E. White. Cornett had stated to Mr. Robertson that he had no information direct or otherwise in connection with these matters, but that he felt that knowing the under-

4386

world as he did in Osage County that if he could go into that country for awhile that he thought that he would be able to pick up some leads that would be beneficial to the Government in these cases. After Cornett obtained bond in pending cases in the State he came to the office of Mr. White and in the presence of Agent Smith and [REDACTED] stated to Mr. White that he had no information concerning these murders and knew nothing of interest to the Government, however he felt that with his knowledge of the underworld of Osage County that if he was given an opportunity to go into that country and work in a discreet manner that he could get some information if it was available. Based on this theory a stay of execution was had with the promise of Cornett that he would obtain and furnish the Department of Justice any information that he could get. Repeatedly after this Cornett reported to Agent White and to Agent Smith that he was unable to obtain any information, but would continue to try.

At a later date [REDACTED] reported to Agent Smith that Cornett had found a witness in one Ray Smith who had some information that would be of interest concerning the Roan murder. Agent Smith, in company with [REDACTED] and Henry Cornett, went to the home of Ray Smith in Osage County, and there took a statement from Ray Smith concerning his having seen Roy Bunch and Bill Taylor and Henry Roan on the same day in a position to create a suspicion involving Bunch and Taylor in the murder of Roan, and other details of things that he had seen reflecting on Bunch and Taylor. Subject Cornett stated to Agent Smith, in the presence of [REDACTED] that he recalled seeing Bill Taylor and Roy Bunch and Mary Roan in an automobile at his place just prior to the finding of Henry Roan's body and that he remarked to Bunch that if he wasn't careful that that Indian would kill him for running around with his wife, and recited remarks made by Bunch and Taylor at that time. He further stated to Agent Smith, in the presence of [REDACTED] that he recalled Henry Roan being at his place just prior to his being found dead, and of Roan giving him a check in payment for some whiskey, this check being turned down. Mr. Cornett stated that he would make a search and see if he could find this check to establish the date he had last seen Roan. Later Cornett reported he was unable to find this check. Mr. Cornett then suggested that he would see Bunch and that he felt that if Bunch was implicated that he might be able to obtain the true facts, but he later reported that he had made an effort to see Bunch and that Bunch could not be found. Later Mr. Cornett stated to Agent Smith and [REDACTED] that he was unable to find any additional information to implicate anyone in these murders, and at no time did he mention the name of Curley Johnson in connection with the murder of Henry Roan.

B7D

2388

During the trial of M.K. Hale and John Ramsey at Guthrie, Oklahoma, Ray Smith stated to Agent Smith that the statement he had made previously to Agent Smith concerning seeing Bunch, Taylor and Henry Roan was all false; that Henry Cornett came to him in advance of his making this statement and told him that he could save himself from going to the penitentiary if he could find some information that would implicate someone in the Roan murder, and that all the details that he gave in that statement were the suggestions of Henry Cornett; that Cornett told him that a statement would not hurt anyone and would save him from the penitentiary, and feeling that he should favor Cornett that he made this false statement. Later Witness Smith reiterated this same statement of facts in the presence of United States Attorney St. Lewis and Mr. Lohring and Agent Smith.

RAY SMITH.

"Nov. 18, 1925.

Statement made to
Agent Smith.

My name is R.R. Smith. I am a farmer and
reside seven miles west of Fairfax.

I knew HENRY ROAN and his wife, MARY ROAN, for more than a year before Henry Roan was killed. I had heard that Roy Bunch was laying up with Mary Roan and I saw them together many times. There was common talk that there was going to be trouble between Bunch and Henry Roan. About three weeks before Roan was found dead, I was at Henry Cornett's Ranch and Roy Bunch, Bill Taylor and Mary Roan drove up in a car. Henry Cornett made the remark to Roy Bunch that if he did not look out that Henry Roan would catch him with his, Roan's, old lady and kill him or something like that, and Bunch remarked that he would beat Roan to it. Then Taylor said leave him to me, meaning Roan, and I will cold cock him. There was several other remarks made. Three days before Henry Roan's body was found I was going from my home to Burbank, when I got within a short distance from where the road coming from Henry Cornett's ranch run into the Fairfax road, I saw Roy Bunch and Bill Taylor coming from towards Cornett's ranch in a Buick car. As I went through the gate Bunch motioned to me to leave the gate open, which I did. I drove on and turned in to the Burbank road and Bunch and Taylor turned into the Fairfax road going towards Fairfax. Just after I turned into the Burbank road I met Henry Roan coming from towards Burbank in a Buick car. When he passed me I saw he was drinking or under the influence of whiskey. He passed me and went towards Fairfax. From where I met Bunch and Taylor on the Cornett road, they would have just about had time to meet Henry Roan when he got to where they struck the main Fairfax road. After I passed Roan I paid no more attention to either of them. After I heard of Roan being found dead, the first thing I thought of was that Bunch and

Taylor had met him and killed him.

(Signed) R.R. Smith.

.....

T.B. WHITE,
Former Special Agent,
Department of Justice:

Mr. T.B. White will testify substantially
to the same facts as set out in testimony
of Special Agent Frank S. Smith,

.....

ROY BUNCH,
Fairfax, Oklahoma.
Statement of.

Roy Bunch will testify that all the evi-
dence given by Henry Cornett, Honie Rowe
and Carl Rowe in the trial of Bill Hale
and John Ramsey, at Guthrie and Oklahoma
City, Oklahoma, were false in its entirety,
and also the facts set out in the first

statement of Ray Smith; that he was not at Henry Cornett's place with
Bill Taylor and Mary Roan as testified to by these witnesses; that he
was never at Henry Cornett's place in company with Bill Taylor; that
he was not on good terms with Bill Taylor at that time, nor prior to
that for a long period of time; that he owned no automobile at the
time that these witnesses testified he was at Cornett's; that Mary
Roan Bunch had no automobile at that time as it had been confiscated
at that time under the law, and later was sold.

.....

MARY ROAN BUNCH,
Fairfax, Oklahoma.
Statement of.

This witness will corroborate in detail
testimony given by Roy Bunch.

.....

BILL TAYLOR,
Fairfax, Oklahoma.
Statement of.

This witness will testify that he was
never at Cornett's place but one time in
his life and that was a year and a half,
or approximately that period of time,
prior to Roan's murder; that he was never
at Cornett's place after that time with
anyone; that the testimony of witnesses

Henry Cornett, Homie Rowe and Carl Rowe is false in its entirety; that he was not on speaking terms with Roy Bunch for six months prior to the finding of Roan's body and for a long period thereafter; that he was employed in Fairfax, Oklahoma, as a mechanic, working eight hours a day and did not lose any time prior to the time which these witnesses testified that he was at Cornett's ranch, nor thereafter, and the records of the firm for whom he was employed disclose that he was paid for eight hours service for each day from January 1st until March 1st, 1923, and was not absent from duty any time during this period of time.

.....

W.T. CARROLL,
Fairfax, Oklahoma.
Statement of.

At Oklahoma City, Oklahoma, on October 7th, 1926, W.T. Carroll appeared as a witness before the Federal Grand Jury, and made the following signed statement to Agent Frank S. Smith and Mr. John Leahy:

By Mr. Leahy:

Q. Your name is W.T. Carroll:

A. Yes, sir.

Q. You reside at Fairfax?

A. Yes, sir.

Q. You know Homie Rowe?

A. Yes, sir.

Q. How long have you known him?

A. About 3 years.

Q. Do you recall him being subpoenaed as a witness to attend the trial of John Ramsey and W.K. Hale at Guthrie a short time ago?

A. Yes, sir.

Q. Before he went down to the trial did you have a conversation with him?

A. Yes, sir.

Q. In that conversation did he state to you whether or not he knew anything with reference to the Hale and Ramsey case?

A. He said he did not know anything.

Q. Did you caution him against being influenced by anyone to testify about something he did not know anything about?

A. Yes, sir.

Q. What did you say in that regard?

236711

A. We went out to the ranch and I told him I heard he had been subpoenaed as a witness and told him not to tell anything but the truth and not to let anyone influence him in telling anything but the truth.

Q. Was that in response that he said he did not know anything?

A. Yes, sir.

Q. Have you talked with him since he was down there as a witness?

A. Yes, but not on these matters.

Q. He didn't state what he testified to?

A. No, sir.

(Signed) W.T. Carroll.

JOHN CARROLL,
Fairfax, Oklahoma.
Statement of.

This witness will corroborate the testimony given by W.T. Carroll, his brother.

- Pending -

TPB:BSB
2-5033-470
DEC 2 1926

December 20, 1926.

238430

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL LOHRING.

I am attaching hereto copy of
a report submitted by Agent Frank E. Smith, at
Oklahoma City, Okla., dated the 8th. inst., in re
HENRY CORNETT, HOMER ROSE and CARL ROSE, probable
conspiracy to commit perjury in connection with
the trial of W. K. Hale and John Ramsey, for the
murder of Henry Roan, Osage Indian,

There is also inclosed copy of a

report by Agent Smith, dated November 30th.,

in the Hale and Ramsey