

MUSKOGEE, OKLAHOMA

JOE W. FORD, WAGONER
NAT LIGON, SAPULPA
ALEX. JOHNSTON, OKMULGEE
LAFAYETTE WALKER, HOLDENVILLE

September 18, 1915.

File - JMT

Note: See Telegrams

Rec. Allen

Honorable Cato Sells,
Washington, D. C.

9/22/15.

My dear Mr. Sells:

Before you returned to Washington I requested authority from the office to assemble such of the Probate Attorneys as might be necessary to make an investigation of certain cases

in Creek County, with a view of presenting them to the grand jury. Responsive to this request the office authorized me to take Montgomery, Probate Attorney, to Sapulpa, but thought it inadvisable to take other Probate Attorneys away from their regular posts of duty. Immediately after this authority was granted I took Mr. Montgomery and Mr. Richardson, Probate Auditor, to Sapulpa and began an investigation.

I do not believe that the office has the slightest conception of the demoralizing conditions existing in Creek County.

On yesterday I wrote you concerning the indictment of the first Judge of the County Court of Creek County, who was given jurisdiction over Creek minors pursuant to the Act of Congress of May 27, 1908. This County Judge was drunk nearly all of the time he was on the bench; was a moral degenerate; was a brother-in-law of Bates B. Burnett, who has successfully embezzled more than \$100,000.00 of Creek moneys, and who is now under indictment for some of these crimes, and I expect to in-

pointment of Bates B. Burnett, which appointment occurred on or about the first day of June, 1910; that during the time of the Guardianship of Thomas J. Berryhill there

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dict him in other cases, and during his term of office not only permitted wholesale embezzlements to go unpunished, but himself embezzled in one case more than \$5000.00, and I think was a party to many other crimes. After he left Sapulpa for parts unknown he was seen working at a soda fountain in Kansas City. Realizing that he had been detected, he left that place, and the authorities have been unable to find him until now.

This man Davis was succeeded by Warren H. Brown as County Judge of Creek County. I confidently expect the present grand jury of Creek County to return an indictment against Brown for embezzlement and also one for perjury. In the embezzlement case the proof is about as follows:

While judge of the County Court Judge Brown received the sum of \$960.00 from the Annex Oil Company and the Tamany Oil Company as rentals due Nettie Alice Coleman and William E. Coleman, minors. He turned over \$425.25 of this money to the guardian of these minors; the balance of the money he paid in attorney fees and purported loans to James J. Marrs, his present law partner.

Under the laws of this State he had no authority to so convert these funds, and such conversion amounts to embezzlement. This man Marrs is a drunken, worthless attorney of Sapulpa. We expect the present grand jury to indict him in three cases of forgery of Indian names to checks, and for embezzlement of large sums of money belonging to minors.

I have recently filed in the County Court of Creek County

pointment of Bates B. Burnett, which appointment occurred on or about the first day of June, 1910; that during the time of the Guardianship of Thomas J. Barryhill there

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a motion to require Bates B. Burnett to file his final accounting as guardian of Gracie I. Berryhill. On pages 5 and 6 of this motion I have related the conspiracy formed by Brown, Burnett and others, having for its purpose the discharge of Bates B. Burnett as guardian of Gracie I. Berryhill, a minor, without requiring him to account for at least \$60,000.00 which he had embezzled. Mr. Howell is familiar with this case, having examined the files when he was in Sapulpa.

The allegations of this motion will give you a good idea of the character of Warren H. Brown.

On September 10th, Judge Decker, the present County Judge of Creek County, sustained this motion, and required Bates B. Burnett to file his final accounts, and from this order he has given notice of appeal to the District Court.

Several years ago an Indian by the name of Hilly Bear died in Tulsa County. Immediately after the death of this party a will was filed in the County Court of Tulsa County, making William Grayson, a notorious Indian grafter, the sole beneficiary. The probate of this will was contested upon the ground that the signature of Hilly Bear was affixed by thumb mark after her death. The will was probated, and an appeal taken to the District Court, which court reversed the findings of the lower court, and an appeal was taken to the Supreme Court where the decision of the District Court was affirmed.

In the trial of this case in the District Court it developed that the United States Commissioner who took the ac-

pointment of Bates B. Burnett, which appointment occurred on or about the first day of June, 1910; that during the time of the Guardianship of Thomas J. Berryhill there

of this matter...
knowledge of Hilly Bear received for his services \$1000.00,
and that several prominent people of Sapulpa were engaged with
him in this forgery. One woman who was thus engaged made the
statement in Tulsa, soon after the will was executed, that she
knew all about the facts and that she intended to tell the
officers. She was assassinated the next day. Her husband, who
also knew of the forgery and who was placed in jail by the
officers charged with the crime - and also with the murder of
his wife, was assassinated the day following his release from
jail. It is believed that four prominent people in Sapulpa
either committed these murders or hired them committed, and I
believe we will be able to get sufficient evidence against them
within the near future to cause their arrest and prosecution.
Upon this will being probated, William Grayson was appointed
executor. He was later discharged by the County Court of Tulsa
County, and J. F. Kirkpatrick was appointed administrator of
the estate. Upon settling the final accounts of William
Grayson it developed that he was short in the sum of \$3000.00,
and that this money was embezzled by him in Creek County, and I
expect this grand jury to indict him for embezzlement.

In the prosecution of this party I have two purposes.
One is to make him pay the penalty for this embezzlement, and
the other is that I believe when placed behind the bars he will
make a confession which will throw light on the murder of the
two parties named. He undoubtedly participated in these murders.

I am today filing in the County Court of Creek County a
petition for the removal of Harry G. Stein, guardian of Bessie

appointment of Bates B. Burnett, which appointment occurred
on or about the first day of June, 1910; that during the
time of the Guardianship of Thomas J. Barryhill there

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Cobb Roland, a Creek freedman minor, who owns valuable land in Creek County. This petition recites the facts in regard to this matter..

I have only mentioned here a few of the many crimes we have uncovered during the present investigation being conducted in Creek County.. We expect to indict a large number of embezzlers. There are many others who probably should be indicted, but we are only seeking indictments in cases in which we believe a conviction will be certain.

I am inclosing clipping from the Sapulpa Herald of September 17th, giving an account of the paying of \$24,000.00 to the guardian and attorneys for three Creek minors, Samuel, Alice and Herbert Aubrey. The facts in this case will show that these parties received this money under a secret agreement, and that no accounting has ever been made of same. By the agreement had an application was made to the County Court in which it was recited that no bonus was to be paid, and the order of the court approving the lease required no bonus. When the lease was made the lessee paid \$24,000.00 to the guardian, who in turn paid \$6,000.00 to the attorneys..

We have another similar case where \$4500.00 was paid in like manner.

In addition to the corruption in guardianship matters, Creek County has become notorious by reason of the open and flagrant violations of the prohibitory laws of this State. There has not been the slightest pretense at enforcement of

pointment of Bates B. Burnett, which appointment occurred on or about the first day of June, 1910; that during the term of the Guardianship of Thomas J. Berryhill there

these laws, and, as a result, the present grand jury has already returned an accusation against the sheriff and he has been suspended from office. Since his suspension there has been captured and destroyed in the city of Sapulpa intoxicating liquors and gambling paraphernalia to the value of more than \$10,000.00, and it is believed that this grand jury will remove from office every officer of Creek County whose duty it is under the law to enforce the prohibitory laws of this State.

While I have not been active in these matters, I have given all of the encouragement possible to the campaign that is being waged against these criminals, feeling as I do that the embezzlements which have occurred in Creek County have generally and largely resulted from the corruption of the officers by the boot-leggers of that County, and realizing also that with honest men in office these laws would be enforced and, therefore, the Indians could not have such easy access to intoxicating liquors. Hardly a day passes in Sapulpa that one does not see numerous Indians staggering on the streets, and the Court docket in Sapulpa is full of cases where they have been fined for being drunk.

The present chairman of the Board of County Commissioners of Creek County, J. H. H. Cobb, was for a long time District Agent at Sapulpa. He was investigated several years ago by Fred S. Cook, and as a result of this investigation he was asked to resign in nearly all of the cases in which he had been appointed guardian. Among a few cases retained by him was that of Mary H. the, an incompetent full blood Indian. While

pointment of Bates B. Burnett, which appointment occurred on or about the first day of June, 1910; that during the time of the Guardianship of Thomas J. Barryhill there

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he was guardian a woman by the name of Elizabeth Sapulpa made a claim against Mary Hutke for \$6175.00 for services alleged to have been rendered covering a period beginning forty years ago and ending twenty years ago. This claim was recommended by Cobb as guardian in the sum of \$5000.00, and was allowed in that sum by Judge Brown. The claim, of course, did not show that the services were rendered more than twenty years ago, but showed only that she had waited on Mrs. Hutke and nursed and cared for her during the past twenty years. When this claim was allowed Cobb paid to Mrs. Sapulpa \$3850.00, and on the same day she gave him \$250.00 of the \$3850.00 paid. In his final accounts, and in his testimony before the court, he swore that he paid her (Mrs. Sapulpa) \$4313.33. I am presenting this matter to the grand jury, with the request that an indictment be returned against him for perjury, and in this, as well as in all other cases, I have prepared a form of indictment to be returned.

When this grand jury was first called, I went to Oklahoma City for a conference with the Attorney General and the Governor, and persuaded them to include in the order made by the Governor directing the Attorney General to investigate the official conduct of the officers of Creek County, a provision requiring him to investigate all other crimes, including especially embezzlement and other offenses committed by guardians and others, affecting probate cases in that County.

I have written several letters and sent several telegrams urging that Mr. Howell be sent to Sapulpa in order that he might have an opportunity to see and better understand the conditions

pointment of Dates B. Burnett, which appointment occurred on or about the first day of June, 1910; that during the time of the Guardianship of Thomas J. Berryhill there

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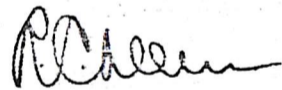
existing in Creek County.. In all probability this investigation will continue until the latter part of the week beginning September 27th.

I wish if possible you would send Mr. Howell at once, and let him see the conditions existing here.

I am writing this letter in order that you might have some understanding of the importance of this investigation to the service. I think that a vigorous prosecution of these criminals will, next winter, afford the strongest argument in favor of the continuation of the appropriation for the Probate Attorneys.

With highest personal regards, I am,

Very truly yours,



Creek National Attorney.

as such Guardian up to the
pointment of Bates B. Burnett, which appointment occurred
on or about the first day of June, 1910; that during the
time of the Guardianship of Thomas J. Berryhill there