

GEORGE C. MONTGOMERY

VS. THE MILLERS AND THE 101 RANCH

Who Won, Who Lost and Who Did It

GEORGE C. MONTGOMERY

George C. Montgomery was born in the hills of West Virginia in 1864. The family moved to Kansas in 1882. He started his law enforcement career as marshal of Rossville, Kansas. He later became a deputy sheriff of Shawnee County (Topeka). In 1892 he entered the secret service of the Santa Fe as a detective. He was one of the best known of his profession in the west. In 1898 the Santa Fe transferred him and his family from Topeka to Winfield.

They rented a house on Millington Street, and in a short time the family had made many friends. In 1900 they built a house on South Loomis Street in Winfield and settled down for a long and happy life.

On the street and on trains, Mr. Montgomery always carried two six-shooters in easy reach, and he knew how to shoot with both hands. But once in his own house the revolvers were laid aside and Montgomery was a companion for his two little boys and his wife. One time the head of the Santa Fe claim department sent him a present of a fine Winchester rifle, but he never carried it because the revolvers suited him better. A dare-devil on the road, he was a boy at home, full of fun and always sympathetic.

Saturday evenings in October are much the same now as in 1901. Men are home because the work week is over. Women are in the kitchen cleaning up after supper; husbands in the living room; and the young children are outside playing in the diminishing twilight.

The evening of October 5, 1901, changed forever the lives of the George Montgomery family. Mr. Montgomery had been working out of town, in Wichita, all week. He returned Friday night and had been in Winfield all day Saturday. He was at his home on Loomis Street, where the family had finished supper. He went to a table in the sitting room, put on his green eye shade, and started preparing his weekly reports to send to the Santa Fe home office. His wife sat at the table, which had an ordinary shaded oil burning parlor lamp on it, to talk with him. His youngest son, Guy, was in the bedroom. The eldest son, Phil, was playing in the yard with his father's dark lantern. (This was a kerosene lantern with metal sides instead of a glass globe. One side had a glass lens that could be opened or closed. With the lantern lit and the lens closed, no light escapes.) Phil was flashing the light through the window into his father's face. This bothered Mr. Montgomery, who told Phil to quit and to come into the house. Phil started into the house through the east kitchen door. Mrs. Montgomery got up and went into their bedroom to hang up and arrange some of her husband's clothes. Mrs. Bereau, mother of Mrs. Montgomery, was living with them. She was at the well, south of the house, drawing water.

A shot rang out. Mr. Montgomery half rose from his chair, put both hands to his face, and fell to the floor. Mrs. Montgomery heard the shot and returned to the sitting room. She thought the oil lamp had exploded, throwing burning oil over the room as well as into his

By Mary Ann Wortman

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face. She panicked and ran out into the yard calling, "Help, the house is on fire."

Mrs. E. E. Rogers, who lived across the street from the Montgomery family, was the first person to enter the house after the shot was fired. She entered through the east door and as she got into the hall leading to the sitting room heard Montgomery say his last words: "My God, I am shot." She hurried to him and raised his head as he gasped a few times and died.

The family and neighbors extinguished the fire before they looked at George. He was dead, having lived only a few seconds after being struck by buckshot from a shotgun. Eight shot struck Montgomery in the face and five went into his neck and breast. Two went into his left eye and entered the brain and one struck just on the right side of his nose. One entered his heart and the others perforated his lungs.

The window screen wire through which the shot passed showed seventeen holes. The glass had a hole about seven inches across.

His wife did not know, until after his death, of some of the threats made on his life.

In a few moments word spread uptown and the county officers and many other people hurried to the scene. The house and yard were carefully examined in the hopes of finding a clue to the murderer. Shotgun wads were found midway from a fence located about thirty feet east of the house. There were buggy tracks that swerved from the road to near the fence at that point, but they appeared to have been made earlier in the day. After studying the buckshot embedded in the wall and the hole in the glass, the sheriff determined that the murderer was standing on the ground and not sitting in a buggy. Tracks were found running across the road and they might be those of the murderer.

Sheriff Daniels wired Manhattan, Kansas, to send bloodhounds to follow the tracks. On Sunday morning the bloodhounds arrived by

train, along with Santa Fe detectives and Chief of Police Hamilton of Topeka. Chief Hamilton had become a personal friend of George Montgomery while he lived in Topeka. They went to the Montgomery home and examined the ground. They could not do much, owing to the fact that hundreds of people had trampled over the ground, and it was almost impossible to discover the footprints of the murderer.

Tracks thought to be the right ones were taken up Sunday afternoon by the hounds at a point on Fuller Street near Hop Shivers' residence at 1803 Fuller Street. There were boot tracks that led back to a point near Montgomery's house. The footprints were measured several times. They showed a boot with a high heel and corresponded in form and shape with a boot track which was found just outside of Montgomery's yard in Winfield. The cowboy boot has a particularly high heel. The boot worn by the man who made the tracks was evidently a size 8. The hounds took the trail and followed it south on Fuller Street to the main road (originally named Pearl Street—now 19th Street) running east and west and then it went south to the bridge and across it to the second Santa Fe railroad crossing. Here they lost the trail.

The agent at Hackney had a man ask him about Montgomery of Winfield. This was about 10 o'clock on the Saturday night of the murder. He suspected something and telegraphed to Winfield and found out about the murder. The man was still in the office. He told of a man being in the office making inquiries about it, and word was sent back from Winfield to hold him. The agent got up to go out for help; but the fellow drew a gun on him and told him to stay where he was, and then disappeared into the darkness.

The Sheriff had heard about the man at Hackney, so they took the hounds there. The

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hounds caught the scent and followed it south. The man walked to Arkansas City, where he was joined by two other fellows, who took him away in a buggy. The trail ended at an Arkansas City livery stable owned by J. C. Mattox.

The men around the stable gave an accounting for everybody who left the stable Sunday morning except for one. That man was one of three who came in a buggy in the afternoon on Saturday. He seemed to be intoxicated and his companions asked for a place for him to sleep. He was taken to an out-of-the-way corner of the hay mow. He was not seen again until 3 o'clock Sunday morning, when he appeared, apparently sober enough. He and his companions did not leave town until after daylight. All efforts to trace their buggy failed. If they were from the Oklahoma Territory, they must have returned into Kaw country east of the Arkansas River.

While at Arkansas City, detectives heard that one of the men connected with the suspected Oklahoma men had been seen to write on a brick at the Santa Fe Depot at Arkansas City. The message read: "Ranch 101 will get even with Montgomery." This brick was found and removed from the depot wall. It was sent to the legal department of the Santa Fe, where it was kept for future use.

An expert in secret service work is the authority for the statement that the secret service men of the Santa Fe were not handling the case in such a way as to indicate that they thought that the conspiracy to assassinate Montgomery was hatched in Oklahoma. However, deputy marshals and officers from Oklahoma began working into the Indian country. Sheriff Bain of Ponca City went south to follow some clues in Noble County, which is the next county south of Kay County.

On Wednesday, October 9th, Sheriff Daniels and Santa Fe detectives went north on the Santa

Fe Railroad. Santa Fe officials invited nine Kansas County Sheriffs to the Centropolis Hotel in Kansas City. An attempt would be made to run down the dastardly murderer of Montgomery. Because these sheriffs were known to be men of daring and knew the case and the field well, they were asked to join in the man hunt.

On that same day the *Wichita Eagle* published a story that a detective had told them. He stated that cowboys in the Territory are suspected of the crime by the public; but the Santa Fe detectives had other suspicions to which they were giving more attention.

A prominent citizen of Winfield intimated to a reporter that it was his belief that the cowboys at the 101 Ranch had no part in the matter, although they had made threats.

Mrs. Baird, who lived on East Eleventh Street reported that about 7:30 on the night of the murder, a young man, probably 25 years old, called at her home and inquired of her where George Montgomery lived. The man was sturdy and well built. She noticed that he wore a fancy vest—a large check in gaudy colors. She stood in the doorway and held a light, but could not describe his features other than in a general way. When he asked about Montgomery, she said, "I don't know such a man. He doesn't live on Eleventh Street." "No, he lives on Loomis Street," the visitor replied. Mrs. Baird then explained to him that he was a block too far east for Loomis Street. The stranger seemed anxious to leave. When he left her house, she noticed that he went across the sidewalk. She first supposed that he had a bicycle, but the heavy rain made that improbable. There was a clump of bushes which would have hidden a buggy if he had one. If he had a companion, he would probably have driven far enough to be in the shadow. She said that the man called about fifteen or twenty minutes before Montgomery

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was shot. The Baird home was three blocks east of Main Street and still further south than the Montgomery home. Opposite the Baird house there was a house that in many respects resembled the Montgomery dwelling. It stands in the northeast corner of the block, is shaded by trees, has a fence around it, has a bay window in the east, and is painted green. This much of the description applies to both houses, but on other material points they differ. The Montgomery house is a cottage—the other house has a full two stories. The trees are larger than those around the Montgomery house and the fence was made of wood, while Montgomery's fence was of woven wire.

It is possible that the murderer was directed to Montgomery's house and finding this one, believed his directions to be in error, and went to Mrs. Baird's to make sure. Nobody has been found who was looking for the Montgomery home at that hour, so it is possible that Mrs. Baird really saw the murderer. This gives color to the belief that he rode away in a buggy or on horseback and might have had an accomplice with him. In this country, where everybody rides a horse, it would seem improbable that a man who would come from any distance to commit a crime would undertake to walk alone all the way to Arkansas City—nearly twelve miles away—on a dark, rainy night.

The vest and chunky man were described in Arkansas City. The boy at Hackney, who stated that he was forced to stay in the telegraph office by a man who stuck a revolver under his nose, did not give a description of the man nearly accurate enough to show that he was the same man who was seen in Winfield and Arkansas City.

It later developed that the visitor at the Baird home that Saturday night, whose inquiry was supposed to have such an important bearing on the Montgomery case, had nothing whatever

to do with the matter. It turned out that the person who inquired of Mrs. Baird concerning the location of Montgomery's house was Art Dow, one of the boys who delivered papers for Capt. S. G. Gary. Immediately after the murder Deputy Sheriff Dick Kruger, accompanied by young Dow, started to drive to the Montgomery home. As neither of them knew exactly where it was, Kruger sent young Dow to the Baird home to make inquiries while he remained in the buggy. Mrs. Baird had not heard of the murder at that time and when she did hear of it, naturally thought of the inquiry which had been made.

The visitor was said to answer the description of "Ben" Cravens, who is described as five feet ten inches in height and of heavy build, and was further said to have worn a very loud plaid vest. Dow wore a plaid vest, and while he does not answer the description otherwise, the discrepancy may be laid to the excitement of the occasion and the imperfect view which was obtained of the visitor.

A deputy United States marshal in Kay County told a reporter that "Ben" Cravens, who had a criminal record, was an enemy of Montgomery, and was being sought by cattlemen interested in the capture of Montgomery's murderer. In the country south of the "101" ranch, there was a disposition to find out where Cravens was on that fatal Saturday night. He said Cravens would be hard to trace.

Cravens was one of three men who used a dummy gun at the Lansing penitentiary. They "held up" a guard and made their escape. One of the three, Smith, was killed and another, Estell, was shot. Cravens told in the Territory that he had helped Estell to a hiding place in a ravine and kept watch over him until he died, after which he covered him with brush.

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In March 1901, so it is charged, Cravens and Bert Welty went into a store at Red Rock, Oklahoma, and held up the cashier. While they were robbing the cash box, Alvin Bateman, an employee of the company that owned the store, came in and started to shoot. Both Cravens and Welty fired on him, and one of them killed Bateman.

The next day Deputy Sheriff Johnson tried to arrest Cravens at Pawnee, Oklahoma. Cravens drew a six shooter and killed the lawman instantly. Efforts to locate Cravens failed, but Montgomery took up the case as an incidental piece of work, and it was soon said that he knew something of Cravens' haunts and was watching for him. Cravens could not have ridden on a Santa Fe train without recognition, and although he was considered a dangerous man, Montgomery would have taken him, dead or alive, on sight. Montgomery had taken some of the worst criminals captured in this country, and the marshals who worked among the tough characters and criminals in the Indian country mourned his loss as much as the railroad men.

There was motive enough for Cravens, if he had known—as he must have—what Montgomery had been doing lately. An important fact at the time was that Cravens came nearer fitting the incomplete description given by Mrs. Baird at Winfield as the man who called at her home. Cravens was about five feet and ten inches tall and was heavily built.

Will C. Johnson Arrested.

On Saturday afternoon, October 12, 1901, Cal Ferguson and John Skinner arrested and brought Will C. Johnson up from the south. After a thorough sweating process lasting all day Sunday and Monday forenoon, they placed Johnson in jail. He was thought to be connected with the Montgomery murder. Cal Ferguson was asked if he was a detective. He replied

“No,” stating that he had been asked by County Attorney Torrance to help.

Johnson lived in the south part of Winfield and prior to the murder was working in the Evans stone quarry for Mat O'Connor. He had left for the Territory to work on the 101 Ranch, again, breaking horses for the Miller family. His father was the man who drove the mail wagon.

George W. Miller and a number of his men came up from the south. Mr. Miller went into consultation with County Attorney Ferguson, Cal Ferguson, and others. Mr. Ferguson said that the arrest of Johnson had nothing to do with the 101 Ranch. Mr. George W. Miller stated that Johnson came down to work for him on his invitation and that he had been in his employ before.

Will C. Johnson was bound over for preliminary hearing on the charge of murdering George C. Montgomery.

Johnson Preliminary Hearing.

The preliminary hearing of Johnson began Thursday, October 31, 1901, before Justice Webb. County Attorney Torrance was prosecutor; S. E. Fink defended Johnson.

Mrs. George C. Montgomery testified as to seeing the shoe tracks, introduced by the prosecution, and said they were brought to her house a few days after the murder and that when a certain shoe was fitted into them, it fit exactly. She did not know whose shoe it was. The tracks referred to were the ones gathered up, boxed, and taken to her house a few days after the murder by her brother-in-law, Scott Esdale. A. S. Lewis had found them in the road a block north of the Montgomery home. After Johnson was arrested, a shoe was secured from him. Dr. S. K. Williams testified that he was present when Cal Ferguson and County Attorney Torrance brought the shoe taken from Johnson to see if it would fit the track taken. He stated that it fitted perfectly on one side, but on the

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other it did not fit so well because the dirt was crumbled away. The shoe belonged to the right foot of Johnson.

A. S. Lewis of South Fuller Street, Winfield, stated that he helped to take up the tracks introduced as evidence. He said they were taken from the middle of Loomis and Seventeenth Streets, ten or twelve feet from the sidewalk crossing, and placed in a box and taken to Mrs. Montgomery's residence. One track was of a shoe; the other was of a shoe heel. Both seemed to have been made by the same shoe.

Cal Ferguson took the stand and testified that he got to the Montgomery home shortly after 8 o'clock, went into the house, sized up the situation, and went outside to examine the ground. He found a buggy track near the sidewalk east of the house and after examining it, decided it was an old track made during that or the previous day. He took a lantern and went south of the house into the street, where he found running tracks going south. These tracks were found just one block south of the Montgomery home on Loomis Street. The tracks ran diagonally across Loomis Street, and then south to within a few steps of the Jennings road, where they cut across and were lost. He also testified as to finding other running tracks in a small patch of wheat immediately below the Jackson house on the same street. These ran south across the patch to the next corner, where they swerved into Loomis Street for a half block and then ran into a cane patch. After making a detour, these tracks came together with the other tracks, where they were lost. This would convey the idea that there were two parties and they were both running.

Mr. Ferguson testified that Johnson's shoe exactly fit the track, when it was first tried. He also testified that he, John Skinner, and Will Johnson's father were together when the arrest

was made at Bliss, Oklahoma, and that Johnson's shoe was secured at that time.

Ferguson testified that Johnson told him that he had gone down to Bliss on Sunday morning in response to a card he had received from George L. Miller dated September 29, postmarked "Bliss" and reading as follows: "I am going south with two cars of mules soon; if you want to go with me, write me by letter at once. George L. Miller." Johnson gave this card to Ferguson after his arrest. In conversations after the arrest, Johnson stated that he had worked for Miller before, but had not heard of the Miller-Montgomery troubles.

Allen Brown was called to the stand and testified to finding a brass shotgun shell, which he had turned over to Cal Ferguson. He found it one block south of the Montgomery home in one of the shoe tracks already described. He also picked up three buckshot by the shell, but lost them. The shell had a charge of powder in it but no shot.

J. G. McGregor testified that he sold the same size buckshot to Will Johnson earlier in the week of the murder.

Cy Roberts, baggageman at South Winfield, was at the Montgomery house and saw the shoe fitted into the track. He said it fit exactly. He testified to not seeing Johnson board a southbound train Sunday morning.

Charles Barker, city policeman, testified that he had charge of Johnson for awhile after he was brought up from the Territory, that in conversation with Johnson, he was told that Johnson knew little about the murder, and that the first time Johnson said he knew of it was at his father's breakfast table on Sunday morning. Barker quoted Johnson as saying that he went down to Bliss on Sunday morning by train.

Mat O'Conner, of the Winfield Stone Company, testified that Johnson worked for him a month or so and had quit Friday evening,

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October 4. O'Conner said he was at the Santa Fe depot on Sunday morning, but he did not see Johnson there.

Two witnesses (J. E. Everett and Frank Rogers) who worked at the same quarry as Johnson said that they heard Johnson talking about the Miller-Montgomery affairs, but that they did not remember any details.

A. Rau, ticket agent at the South Winfield station, testified that he did not sell Johnson or anyone else a ticket to Bliss on Sunday; however, he did sell one to Johnson on Monday morning, October 7. He brought tickets and stubs into court to prove it. He said he was absolutely positive from records and memory that he sold Johnson a ticket.

D. M. Burge, of Topeka, a Santa Fe claim adjuster, testified that he went south on the Santa Fe from Winfield to Perry on the morning of October 7, 1901. Upon arrival at Perry, he met with Mr. Hamilton, claim agent of the Santa Fe. Hamilton had received a telegram from the agent at Bliss reading: "A party named Johnson just arrived from Winfield."

County Attorney Torrance announced that the state would rest.

Attorney S. E. Fink announced that the defense would call its first witness, J. M. Johnson, father of the accused. Mr. J. M. Johnson testified that he was out of town at the time of the murder and knew nothing about it or his son going down to the Miller 101 Ranch.

The accused, Will C. Johnson, took the stand. Will Johnson was born in Ireland in 1876 and came with his parents to this country, settling about twelve miles north of Winfield. At one time he lived in Udall with his father, who ran a livery stable there. Will C. Johnson married at Bartlesville, Indian Territory, where he now had a wife and child, but he and his wife were separated. He was arrested once in the

Cherokee Nation for selling whiskey, but was acquitted.

Will Johnson told about his work on the Miller ranch and at the rock quarry. Said he wrote a postal to Miller October 4, 1901, saying he would go with them and asking them to let him know two days before they started. He took the 9:14 south train at South Winfield on Sunday morning, October 6th, buying the ticket of ticket agent Rau, and boarded the train five minutes afterward. He arrived at Bliss about 11:55 a.m. He then telephoned over to the ranch and got word that a wagon would be over shortly and he could ride out. He did not wait, but went out with another man. He then told of his work at the ranch during the week. He testified that he went home the night of the killing at about 5:30 o'clock and took supper with his sister and brother and Barney Patterson. After supper he stayed about the house. At about 7:46 Ben Brown came in with some medicine for his mother, who was sick. At about 8 o'clock he laid down on the couch and rested there all night, and did not hear anything of the murder until at breakfast the next morning.

In answer to the question "Did you have anything to do with the killing of Montgomery?" he said "No." He stated that he was not at the Montgomery house on the night of the murder. Further that on the evening of the murder he was not wearing the shoes introduced as evidence. In answer to the question, "Did Miller hire you to kill Montgomery?" he said "No."

Will Johnson testified that after he arrived at Bliss, he heard the storekeeper mention the murder of Montgomery. He went to the Miller ranch and during the whole day, Sunday, no one there said anything about the murder until Joe Miller read it to the boys from a paper in the evening. Notwithstanding the fact that he had just arrived from the scene of the murder, no

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one on the ranch inquired about particulars concerning the murder.

After Johnson was taken in custody by Ferguson and Skinner, he had a talk with Frank Potts at Bliss and borrowed \$5 of the storekeeper, which Potts agreed to stand good for. Later he met George L. Miller and his foreman, Dick Chase, at Ponca City and had a talk with them. George W. Miller was on the platform with a Winchester.

Both Fred Baldruff, a merchant at Bliss, and W. H. Sapp, a cowboy on the Miller ranch, testified that they saw Johnson Sunday morning.

Rufus Scott, the fellow who was with Johnson at the Santa Fe depot in Winfield, said he saw Johnson get on the south train Sunday morning.

Worthy Johnson, a brother of the accused, said that he first heard of the murder about 9 o'clock Saturday night at Mooso's livery barn. He went home and found his brother asleep in his room. He said his brother did not own a gun.

Mrs. Moore, a younger sister of Will Johnson, together with Maggie Brown and a neighbor, Della Reed, testified to seeing Will Johnson downtown in Winfield between 7:00 and 9:30 on the evening of the murder. James Hicks, J. Mayfield, Will Allen, and O. M. McRoberts testified to seeing Will Johnson on the evening of the murder.

George W. Miller testified that he first heard of the murder Sunday evening while he was at Red Rock.

On Monday, November 18, 1901, Justice Webb gave his decision to hold Johnson for trial in the district court.

The newspapers reported that there seemed to be very little evidence to connect Johnson directly with the murder, but there were abundant indications to show that he had knowledge of something of the sort. The

officers felt confident that they would be able to trace this down before the case came to trial.

The worst evidence against Johnson was that given by his own witnesses, whose testimony had a tendency to create a cloud of suspicion. There were only two points which indicated Johnson's presence at the time of the murder. His shoe fit the tracks found at the Montgomery house, and it seemed quite clear that J. G. McGregor's testimony that he bought buckshot a few days before the murder was very damaging. A brass shell found on the scene of the tragedy was of the same kind purchased by Johnson.

While Johnson could not be convicted on the evidence obtained, there were a host of suspicious circumstances which could not be explained and which it was felt would lead to the discovery of more important information.

O. W. Coffelt Arrested.

O. W. Coffelt was arrested for the murder of George C. Montgomery on January 2, 1902, at Del Rio, Texas.

Coffelt's capture in Texas is accredited to Sheriff Foster and Dr. Patton of Perry, Oklahoma.

W. C. Johnson, confined in the Cowley County jail awaiting trial, was charged with the same crime, and as to whether one or both of these men was guilty cannot be known until they have had a trial. One thing appeared certain: the community wanted the murderer of Montgomery brought to justice whether it be Coffelt, Johnson, or someone else; and the officers who stood by the law were making every endeavor to make the guilty party answer for the crime.

Coffelt was returned by train to Winfield; and then, for his own safety and to keep him apart from Johnson, was taken to the Sedgwick County jail. He was brought from Wichita on January 8, 1902, to appear before Justice Webb.

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Coffelt met his wife and baby in Winfield, and they accompanied him to the courtroom, where he held and caressed his child while the lawyers were fixing a date for his trial. His wife was described as an average looking woman. Their child, about ten months old, was described as a very bright looking one.

Coffelt, somewhere near thirty years of age, was described as being of medium size, blue eyes, and light moustache. His appearance was very rough. His uncombed hair was long and tangled, and on his face was a week's growth of beard. He wore a felt hat, a brown colored ragged coat, hickory shirt, canvass pants, and cow hide boots. "His appearance is that of a man who has been subjected to the rougher things of life, and there is an expression of countenance that does not convey the highest in intelligence; his actions are those of a man who does not seem to be much concerned over anything," commented one newspaper writer.

Coffelt's preliminary hearing was set for Monday, January 27, 1901. He was returned to the Sedgwick County jail. The preliminary was later delayed to February 4, 1902.

The *Wichita Eagle* printed a letter dated January 30, 1902, from George W. Miller, which was later reprinted in the *Winfield Courier*.

"We are as anxious as any person for the truth regarding the killing to be known, but we do not care to be injured by unwarranted statements.

"The story from a Winfield man that Coffelt was once hangman at Fort Smith, Arkansas, is untrue. Coffelt never saw a man hanged in his life and was never at Fort Smith. The statement that the station agent at Winfield sold Johnson a ticket to Bliss on the Monday following the killing of Montgomery is also untrue. We believe that the station agent swore to a falsehood. It can be proved by reliable persons

that Johnson came to Bliss on Sunday and was not at Winfield at all Monday. Efforts have been made to get other persons to give false testimony, which will be shown at the proper time.

"I wish to correct other errors which I shall do by repeating a statement previously made in reply to an article written some time ago. 'Of the dead speak nothing but good,' is a maxim we do not wish to violate. No one condemns the cowardly assassination of this man more than we do. A few facts, however, must be stated in justice to the living. There are four incidents cited which are a reflection on us.

"In the first place you speak of Montgomery whipping Joe Miller. Miller and Montgomery met in Perry, Oklahoma Territory, and had some words. Miller denounced Montgomery, who made no effort to resent it. Miller turned around and was talking to another person when Montgomery struck him one blow with his fist from behind. Miller was unarmed, except for a small pocket knife, which he pulled and started for Montgomery, who ran through a door. He (Montgomery) remained in the company of an officer until the train left, fearing that Miller would do him some bodily harm. Miller was advised to have him (Montgomery) arrested, but declined, saying that he would not settle his difficulties in that way, but would on the first chance meet Montgomery as man to man and settle the matter.

"Now, as to the cowboy incident that happened at Bliss. Three of our cowboys happened to be at the depot when the train came in, not one of them having a weapon of any kind. As the train stopped, Montgomery, who was on the rear platform, saw them and stepped off onto the depot platform, a pistol in each hand, covering these unarmed men and saying he had heard they were looking for him. One of the boys told him he was a coward and without

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nerve, and dared him to shoot. They told him they were unarmed, but that anyone of them would whip him if he would put down his guns.

“On another occasion Montgomery got off the train at Bliss, when the only person connected with the 101 ranch at the depot was myself, a man over 60 years of age, who was entirely unarmed. Montgomery and I had some words and just as the train was pulling out, this brave man pulled out his ever-ready six-shooter and struck me a savage blow on the head and jumped on the already moving train.

“Now for the facts about holding up a freight train. The very small basis for his charge occurred, during the strike on the Santa Fe, when there was no agent at Bliss. The 101 ranch always pays freight by check, but the conductor said he had no authority to accept checks and wanted cash. George L. Miller had tendered him a check and said that his brother would be there in a few minutes with the cash. At first the conductor said he would have to carry the cattle on to Arkansas City, but afterwards agreed to wait a short time for the arrival of Joe C. Miller, who soon came and paid the amount in cash. There were no pistols drawn, the conductor was not ‘stood up,’ and left satisfied, with no hard feeling. Oklahoma law imprisons a man for three months for drawing a pistol on another, and the railroad would have been very glad to enforce it had such an incident occurred.

“The statement that Zack Miller or any of the 101 ranch cowboys were off the ranch when Montgomery was killed is entirely false. The sheriff was at the ranch by daybreak the next morning and found everyone at home. A general round-up of cattle had been in progress and two very prominent commission men from Kansas City were present and know that everyone was at home the day before and days after the killing as well as the night it occurred. We are known to many of your readers and have done business

with them, and do not wish these imputations to pass unnoticed by us. The fact of our having had trouble with the Santa Fe people and with Montgomery accounts for these indirect charges. There has not been a shadow of evidence to justify any of them. The truth is that we are too busy attending strictly to our own affairs and if we ever had personal difficulties with people, we never have and never will resort to cowardly methods to settle them.”

Coffelt Preliminary Hearing.

The preliminary examination of W. W. Coffelt, by Justice Webb, began Tuesday, February 4, 1902. County Attorney Torrance is assisted in the prosecution by his deputy, C. W. Roberts. Hackney and Lafferty conducted the defense.

When the preliminary of O. W. Coffelt commenced, Justice H. L. Webb enforced a ruling which he made some time ago. He ordered all the small boys and babies to be taken hence. Justice Webb claimed he was unable to think right when there was a fretting child in the room. Two small boys, possibly nine and ten years of age, were sitting on the front row, ready to soak in all the history of murder and evil doings they could hold. The undersheriff told them to get out, giving as a reason “His Honor’s” orders. They complied, but what was to be done with the baby? There was only one in the room, but it was already beginning to show signs of importance as it belonged to Mr. and Mrs. Coffelt. Judge Webb ordered it to be taken out, but this could not be done without the mother going also. The defense attorneys, Hackney and Lafferty, objected to this. Someone suggested that Joe Lafferty nurse the child during the trial, but he objected on the grounds that he was not in the business and thought anyway that Mr. Torrance could do a better job of it because of his having had recent experience. The child was about to be thrust on

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Mr. Hackney when Mr. Webb consented to allow the baby to remain in the room until noon if some provision would be made for it at that time. The provision was made and the baby did not attend court in the afternoon.

Coffelt was brought to the courtroom, accompanied by his wife and little child. His appearance was changed from that of January 8, 1902. He had on a new suit of dark clothes, a new shirt and dark necktie, his face was shaven and his hair trimmed and nicely combed. He did not look like the same man who appeared a month earlier.

Mrs. Montgomery was the first witness. Andy Smith, colored, was the next witness. Cal Ferguson was then called. He told of finding two sets of tracks, one of which matched exactly to Johnson's shoes. The others were of a shorter foot, with a small heel. The two tracks ran south on different sides of the street and met in the southeast corner of a cane field north of Nineteenth Street. He produced a stick which he had used in measuring the second tracks found near the Montgomery home. He said he fitted it in a track made by Coffelt's shoe in the alley near Lambrecht's blacksmith shop and said it fitted exactly.

Deputy Sheriff Guy Marsh and County Attorney Torrance testified to the making and measuring of Coffelt's tracks.

Allen Brown, Ed. Donnelly, and S. F. Onstot testified as they had in Johnson's hearing. A. P. Johnson, Henry Kirk, and L. J. West also testified.

George A. Foster, sheriff of Noble County, Oklahoma, took the stand. He said he had known Coffelt for about three years by sight. He had seen Coffelt at Miller's ranch working as a line rider, and sometimes taking care of stock, but not lately. He said that Coffelt had told him that he had taken a horse to the Ponca City livery barn, but was not sure of the time. Mr.

Foster saw Coffelt at Del Rio, Texas, where he was going under the name of Maxwell. He said Coffelt told him that he had got to Del Rio by wagon and team, which he had gotten at Mr. Miller's. Sheriff Foster and Dr. Patton brought Coffelt up from Texas. Dr. Patton was Coffelt's bondsman in Noble County, Oklahoma, where Coffelt was charged with a crime. In cross-examination W. P. Hackney tried to get Sheriff Foster muddled by accusing him of being in cahoots with the Santa Fe and trying to fix up a case on the accused, but Foster kept his equilibrium fairly well.

Tom Hawkins, of Winfield, saw Coffelt on the morning of the 5th of October at the Santa Fe depot in Winfield and again saw him with Will Johnson in the afternoon at the same depot. They were talking together. He also saw Montgomery uptown in the evening of the same day at the corner by Mr. Dauber's store; he also saw a man on the same corner, which he took to be Coffelt. He had on a short, brown coat.

Dr. Jacobus, James North, and C. R. Peeden testified as before at the Johnson hearing.

N. W. Busch of Kansas City, assistant superintendent of the Pinkerton Agency, testified that Coffelt told him he was at the headquarters ranch Sunday morning after the murder. He said Coffelt told him he went from the headquarters ranch to Joe Miller's house at 4:30 in the morning of October 6, 1901.

At this juncture the state rested.

The defense offered no testimony.

Justice Webb announced that he would hold Coffelt for trial without bail; but later changed his decision and made it \$5,000 bail at the suggestion of the county attorney.

George W. Miller, proprietor of the 101 Ranch in Oklahoma, called at the *Winfield Courier* office, Thursday morning, February 6, 1902, and offered publicly some statements regarding the Coffelt preliminary held in

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Winfield that week. Mr. Miller said an endeavor was made at the preliminary hearing to drag the Miller ranch into the murder, and that because Coffelt had worked for them and had been on their ranch, it was deemed sufficient evidence that they were parties to the crime; that newspaper reports published from time to time dragged their name into the affair—the rankest kind of injustice—which they did not care to stand any longer.

In speaking of the testimony offered by the prosecution at the preliminary hearing, Mr. George W. Miller said: “The evidence from start to finish was false. The evidence of the 13-year old ‘nigger’ about Miller threatening to kill Montgomery and carrying a gun to the Bliss station for that purpose was all bosh. The testimony of Mr. Hawkins about seeing Johnson the day he stated, was all wrong, for Johnson was at the stone quarry. It will be proven by good witnesses where Coffelt was at the time of the murder.” Mr. Miller said the people had no right to connect them with the crime in any way until more evidence was produced than was at the preliminary hearing the other day.

On February 20, 1902, Will Johnson was docketed in District Court, case number 1624, to be tried for the murder of George C. Montgomery. Trial date was set for April 14, 1902.

On February 20, 1902, O. W. Coffelt was docketed in the District Court, case number 1626, to be tried for the murder of George C. Montgomery. Trial date was set for April 8, 1902.

Coffelt Trial.

The Coffelt trial for the murder of Santa Fe detective Montgomery was commenced in district court Tuesday, April 8, 1902. On April 14, 1902, the Johnson case was continued to the next session of court.

Judge Lawrence presided. County Attorney J. E. Torrance was assisted in the prosecution by G. H. Buckman and C. W. Roberts. G. J. Wrightsman of Pawnee, Oklahoma, conducted the defense for Coffelt, assisted locally by H. S. Hines of Arkansas City and Emory Earhart of Winfield.

After examination of forty-seven men, the jury of twelve was selected. They were W. C. Churchill, B. F. Sadil, A. P. Hutchinson, W. M. Hooker, J. C. Powers, H. M. Hoop, J. S. Shorter, G. H. Dwyer, W. L. Wilson, C. W. Hanna, G. L. Shoup, and E. F. Calendar. Winfield had one representative on the jury, while Arkansas City had two—one of them being William Hooker, a colored man.

O. W. Coffelt, the accused, was described as a man of peculiar make-up by a reporter. “He impresses one as being possessed with qualities rather above the ordinary individual. When arrested, he looked the rough western cowboy that he was; but to see him now in the courtroom leaves a different impression. He is neatly dressed in a dark suit, and is clean shaven. The jail confinement has filled out his face and added several pounds to his weight. He shows no anxiety about the charge on which he is being tried, and calmly sits hearing the proceedings that shall determine his future life, without even giving expression.”

County Attorney J. E. Torrance gave the opening statement. He told of the trouble between the Millers and Montgomery in the Territory, and said “by reason of this trouble, the state will endeavor to prove that a conspiracy was formed which resulted in the killing of Montgomery.” He said the evidence will show that Coffelt made three attempts before he killed Montgomery; that he was in Winfield several times under different names and disguises for that purpose, and that the night of the murder, about fifteen minutes before

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Montgomery was killed, a responsible party saw Coffelt going toward Montgomery's house in company with a man who looked something like W. C. Johnson; and that on the afternoon of the murder Coffelt was seen going west on West Ninth Street, and was seen to enter George W. Miller's residence. He also said that witnesses would testify to seeing a man near the United Brethren Church the night of the murder carrying a shotgun under his arm. This was a few minutes before the killing. A few minutes later a shot was fired, which ended Montgomery's life.

Mr. Torrance told of the two tracks found below the Montgomery residence and of their fitting the shoes of W. C. Johnson and O. W. Coffelt. He said that the evidence would show that Coffelt got confused after firing the shot and did not carry out the plans for escape that had been arranged, and as proof would show that parties were looking for Coffelt at different places shortly after the killing; that Coffelt went south to the ranch that night. He said, "We will show you that Coffelt got the shot at Elgin, Kansas, with which to kill Montgomery, and that he had said to a certain party that he performed the deed."

J. M. Bradley, county surveyor, was the first witness and described maps of the area.

George A. Foster, of Perry, Oklahoma, sheriff, was the next witness. He testified that he had known Coffelt for three years and saw him on the headquarters ranch previous to the murder. He testified to being in the courthouse at Perry when it was purported that Joe Miller and Montgomery had trouble. He said Miller had declared that he would get even with Montgomery for hitting him. Witness testified to securing Coffelt at Del Rio, Texas, and of bringing him to Pawnee and lodging him in jail. He went after him in company with Dr. Patton of Pawnee. Foster said he went with Coffelt

when he inquired for a package which he was expecting.

C. R. Peeden, who lived three miles east of Winfield, testified that he saw Coffelt on West Ninth Street going east on September 2, 1901, on horseback and agreed to buy his horse, telling him to take the same to Mooso's livery barn. Coffelt gave his name as Maxwell, and said he had been working with a threshing machine. Someone at the barn said the mare was "wet" or stolen. Peeden saw Coffelt on South Main Street, Winfield, the next day.

Ira S. Brecount of Arkansas City was a brakeman on the Santa Fe from Arkansas City to Purcell in October, 1901. On the night of the killing he was in Arkansas City awaiting his train to go out on the road. He went out about 1 o'clock, south. He got a message from the night operator before going, to be on the lookout for a certain man that had been seen at Hackney. Witness examined the train before it left Arkansas City, and found three men, one of whom was Coffelt. He stated that Coffelt had a large caliber revolver with a white handle. All three of the men got on at Arkansas City. Coffelt got off at Ponca City. The train made no stops between the two places. In cross-examination, he gave a minute description of the clothes worn by Coffelt and the other two men.

"Shorty" McFarland was the next witness. His testimony was that Zack Miller gave a revolver to Coffelt and that he had ornamented the handle with shells for Coffelt.

Ed. Walker, colored, was the next witness. He lived at Guthrie, Oklahoma. In October 1901 he was a porter on a Santa Fe train between Newton and Purcell. He was in Perry last May attending a trial in the case of the State versus Zack Miller and Frank Potts. He was in the room when Joe Miller and Montgomery had an altercation, and heard Miller say that if he had his gun, Montgomery could do it over again. He

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was porter on the train when it was flagged at Bliss and the Miller's Frank Potts, and others got on the train to look for Montgomery. The witness stated that he was on the train in July when Montgomery was called for. Coffelt and others of the 101 ranch were there. Montgomery got off the train and drew two guns. He testified that about a week after this occurrence at Bliss he saw Coffelt on the train near White Eagle and that Coffelt told him that Montgomery would never attend another trial at Perry; also that it would be better for him (Walker) to not stop at Bliss. [Walker had been a witness in the trial at Perry, Oklahoma, and had incurred the enmity of some of the ranchmen.]

H. J. James, a Santa Fe conductor between Newton and Purcell, was called to the stand. He said in the early part of last July he had George W. Miller and a small colored boy as passengers to Bliss. George Montgomery was on the train. The train stopped at Bliss and just as it was pulling out, he saw Miller and Montgomery on the platform, the former with a knife and the latter with a revolver. They seemed to be in a hostile mood toward each other, but he was not close enough to hear what was being said.

Henry Kirk, of Grouse Creek, Cowley County, made a trip south on the Santa Fe last July on the 10th. Returning home the afternoon of July 11th, at Bliss, he poked his head out of the car window and saw several men on the platform, and heard one of them say: "Get off of there, you Son-of-a-B_____." The man got off with two revolvers in his hands. Witness did not recognize Coffelt in the crowd. On cross-examination Kirk said he did not see any firearms on the fellows on the platform.

A. P. Johnson made a trip from Winfield to Guthrie July 11th on the Santa Fe. He saw George W. Miller get on the train at Winfield and saw him again at Bliss. He also saw

Montgomery at Bliss. He saw Miller out on the platform with blood streaming down his face, waving his arms, and appearing to be somewhat disturbed. Montgomery was on the platform with a gun in his hand. Johnson returned to Bliss on the evening of the same day. Zack Miller and five or six men were on the platform, and Montgomery was on the car platform. Zack was talking to him loudly and speaking threatening words. While the controversy was going on, a man was seen hiding behind some boxes on the platform, his left hand on a gun and right hanging at his side. Witness could not describe him.

Michael Monahan, a section foreman at Bliss, was acquainted with Coffelt. He said that Coffelt went by the name of "Colorado" on the ranch. He was at the Bliss depot in the evening of July 11th when the trouble occurred. The fellows asked Montgomery to get off the train, lay down his guns, and fight—at the same time calling him a coward for hitting an old man over the head with six shooter. Coffelt was on the platform.

James North, a small colored boy living in Winfield, went to the Miller ranch with George W. Miller last summer, and saw the trouble at Bliss. He was at the Miller ranch in the evening and George Miller told him to get a shell for his shotgun; that he was going to Bliss to kill Montgomery. They started for Bliss in a buggy, but before they got there the train had pulled out. Afterward they came up to Winfield on the train, Miller getting off at Arkansas City. Witness testified that on the train Miller had said again he would kill Montgomery. On cross-examination the defense brought out the fact that North was part Negro and Part Indian, and that he had been staying with Cal Ferguson.

N. M. Sellers, of Guthrie, was the next witness. He saw George W. Miller on the depot platform at Arkansas City in September 1901.

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He saw him write on a brick in the depot wall. The brick was presented and he said it was the same wording and, he thought, the same brick. The writing on it was: "101 ranch will get even with the son-of-a-B_____."

Charles Brown, of Arkansas City, attorney for the Santa Fe, said he saw George Miller at Arkansas City about the middle of September on the depot platform. It was in the morning. He was talking to some men on the platform. It was nearly time for the train to start, and he heard Miller say that if "he hadn't had his artillery, they would have strung him up with a rope."

John Law, of Arkansas City, was the next witness. He identified the brick and writing taken out of the Arkansas City depot. Law is the man who removed the brick, wrapped it up, and delivered it to the authorities. Norman Barker also identified the brick and writing.

M. J. Wilson, a carpenter living in Winfield, was the next witness. He testified to seeing Coffelt on the day of the murder, at the corner of Main Street and Tenth Avenue, between two and three o'clock in the afternoon. Between five and six o'clock he saw him again on West Ninth Avenue in front of George W. Miller's residence. Witness was going east and Coffelt west. After passing, Wilson looked back and saw Coffelt going in at the Miller gate.

H. L. Miles, of Wichita, traveling freight agent of the Santa Fe, was in Perry after that trial and had a conversation with Joe Miller, in which he said he would fix Montgomery, and at another time was on the train with him when he said that Montgomery and he (Miller) could not ride on the same train together.

Bert Colby was the next witness. He was arrested a few weeks ago at Enid, Oklahoma, charged with complicity in the murder of Montgomery. Colby was under attest at Enid, charged with several counts of horse theft. He was brought to Winfield and placed in the same

cell with Coffelt. For the past nine months, with the exception of a few weeks, he was an employee of the 101 ranch. He and Coffelt were intimately acquainted. He told what he had learned from Coffelt's lips while in jail with him. In substance, Coffelt said he had killed Montgomery with a shotgun the night of October 5, 1901, at his home in the south part of the city. After the deed had been committed, he hid the gun under a culvert (which he did not designate) and struck out for Arkansas City on foot. At Arkansas City he got into a box car, where two bums were riding, shortly after midnight, and rode to Ponca City. From there he went to the 101 ranch on foot, arriving about daybreak.

On cross-examination Colby admitted that he had been arrested at Enid for the theft of three mules and had three indictments hanging over him. He was in jail prior to being brought to Winfield. Sheriff Porter and the county attorney in Enid promised him that if he would come to court in Winfield and testify in this case, the charges in Enid would be dismissed against him. The charge of the murder of Montgomery by him was simply made to hold him until he testified.

Tom Hawkins told about being with Peeden on West Ninth Avenue in the early part of September, 1901, when Coffelt sold a horse to the latter and received a check in the name of Maxwell. On the morning of October 5, 1901, he testified to seeing Coffelt at the Santa Fe depot after the north-bound train pulled in; also to seeing him in the evening on the corner by Dauber's store when Mr. and Mrs. Montgomery passed by.

J. B. Wernet, of Del Rio, Texas, sheriff, saw Coffelt December 27, 1901, and arrested him by Sheriff Foster's orders. He was going under the assumed name of Maxwell, but admitted that his name was Coffelt.

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Cal Ferguson testified that one block south of Montgomery's house he found tracks which fit the shoes of W. C. Johnson; and another half block south, he found tracks fitting the shoes of O. W. Coffelt. Both tracks were running in a southerly direction. Defense showed, however, that one was a running track and the other a walking track. Ferguson produced the 10 gauge shotgun wads that Mr. Rogers had found. He also had a 10 gauge brass shell, which Allen Brown had picked up in the tracks a block and one-half south of the home. Cross-examination tried to bring out the fact that Ferguson was working up the case for a reward, but the attempt was unsuccessful. Allen Brown and E. E. Rogers were each called and identified the wads and shell respectively.

Guy Marsh testified to taking Coffelt up the alley back of Lambrecht's blacksmith shop, where the defendant left tracks. Those tracks were afterward measured by Messrs. Torrance and Ferguson. Testimony showed that these tracks corresponded in measurement to those found below the Montgomery residence.

Witnesses were introduced to show that two men were seen walking south on Church (Millington) Street a few minutes before the murder, carrying a gun, and that they were Coffelt and Johnson.

County Attorney Torrance announced that two witnesses which he had expected had not yet arrived and as he could use them just as well in rebuttal, the state would rest.

The jury was retiring while the defense made a motion that nine items be excluded from the consideration of the jury. Judge Lawrence made a hit with the lawyers as well as the spectators when he said he never believed much in withdrawing evidence from the consideration of a jury as it usually tended to more forcibly impress the portion not wanted considered, on their minds. He denied the motion.

C. J. Wrightsman made his opening statement for the defense. He said they would prove beyond a reasonable doubt that the statement of Bert Colby as to how Coffelt told him he had killed Montgomery and made his escape were unworthy of belief and absolutely false; that Coffelt was here the day of the murder, but not at the time of the killing; that the testimony of Tom Hawkins was untrue, the check said to be given Maxwell was given Coffelt in his own name. In speaking of the conspiracy, he said he would show that there was none in this case; also he would show three attempts were not made by the defendant to kill Montgomery.

Miss Emma Fulton testified to taking shorthand notes and making a transcript of the same in the Coffelt preliminary hearing.

Col. S. E. Fink testified that he heard a conversation between Tom Hawkins and several men, in which Hawkins said he saw Coffelt following Montgomery about fifteen minutes before he was killed, and that Coffelt had no gun on him that could be seen.

James Lorton produced a book containing a bank record of the Winfield National Bank for the day of September 2, 1901. The entry showed that a check of \$42.50 on the National Bank of Commerce, Wichita, made by Pendleton & Boyd, payable to O. W. Coffelt, had been cashed. Mr. Lorton thought Will Johnson was the party who cashed it.

E. W. Callahan, John C. Moore, and Joseph Perine, all of Arkansas City, testified separately that Ira S. Brecount was a Pinkerton detective as well as a brakeman on the Santa Fe.

S. A. Daniels, sheriff of Cowley County, testified that he had known Brecount for several years and that he visited the jail about three weeks ago.

The next witness was J. D. Bass, colored, of Arkansas City. He was in a cell adjoining

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Coffelt's in the county jail two or three weeks ago. He said he saw Brecount at Coffelt's cell the latter part of March and overheard a conversation between them. What he overheard in the conversation was not allowed to reach the jury on account of the state's objection.

George L. Miller was the next witness. He is the bookkeeper and assistant secretary of the 101 Live Stock Company. He told of the size of the 101 ranch, the volume of business done by it, and the volume done with the Santa Fe railway. He said the company transacted between twenty-five and thirty-five thousand dollars of business with the Santa Fe each year; but for the past five years there had not been a very friendly relation existing between them. He told of the trouble at Bliss the evening of July 11, last year, and said he and some of the boys were returning from a trip branding cattle and had stopped at the depot to inquire for mail, etc. He thought Charles Colby, Zack Miller, Frank Potts, O. W. Coffelt, and himself were in the crowd. The train had pulled into the depot. Montgomery was standing on the platform. He (George L. Miller) addressed Montgomery and told him he ought to be ashamed for striking an old man of 66 years over the head. Montgomery came down off the car with two revolvers in his hands, one of which was leveled at George L. Miller. Some words were exchanged, from which there were no results. None of the gang were armed.

George L. Miller stated that Coffelt was not on the train the day he and others went to Ponca City, where it was purposed Coffelt and others went through the train looking for Montgomery. He said Montgomery's nor the porter's names were mentioned on the train. To the best of his recollection, none of them were armed. He stated that Coffelt first went to work on the 101 ranch in 1895, and had worked there on and off ever since. The witness said: "To the best of my

recollection, Coffelt was not working for the ranch in May or June, 1901." The witness was asked by Mr. Hines if he in any way conspired with Coffelt or anybody else to kill Montgomery. The answer, made in a clear, audible tone was: "I did not."

George L. Miller testified that he saw Coffelt on the ranch the evening of October 4th, when Coffelt asked for a leave of absence to sell a team of ponies, stating that he was going to Winfield. George L. Miller stated that he next saw Coffelt on Sunday morning, October 6, 1901, on the ranch with the same team, which he bought of him for \$40.

On cross-examination George L. Miller said he did not know of Coffelt going to Texas until he heard it at the trial. He knew nothing about a package containing \$85 being sent to Coffelt at Del Rio, Texas.

Mrs. O. W. Coffelt, wife of the accused, was placed on the stand. She said her home was in Pawnee County the winter, spring, and summer of 1901; that her husband was arrested in 1900 on the charge of assaulting his brother. Her husband was placed under bond with Dr. Patton, of Perry, being one of his bondsmen. She said they went to Texas in the hope of benefitting her health and to avoid the \$50 bond which they understood Dr. Patton was unwilling to stand good for any longer. They went under the name of Maxwell. Coffelt was arrested there and brought back without requisition. In answer to the question on cross-examination, "Did you tell Dr. Patton that you did not go away to avoid the bond, but to escape worse trouble than that?" She answered, "I did not." The witness stated that before they went to Texas, her husband came home from the Miller ranch about October 8. In a few days they left, going by way of the ranch, where they stopped three or four days. In Texas they sold one of their ponies branded "ETC," or something like that.

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The state offered a copy of the brand as evidence. The brand was made on a bill of sale which had been given with the horse, but which Mrs. Coffelt denied as having been given.

H. E. Braden, Ed. Flagner, and J. Temple gave testimony next.

J. B. McMillen of Enid testified about the poor character of Bert Colby. Joseph Brown of Enid testified that Colby's reputation for truth and veracity was not very good.

D. H. Lunceford, of the 101 ranch, was at Bliss on the evening of the murder and took Coffelt from town out to the ranch. He met him in Bliss between the grocery store and depot. On the way out Coffelt said nothing to him about Montgomery's murder. He was not acquainted with Montgomery. When asked how he remembered it was October 5th, he said because he had got a lamp chimney at the Bliss Mercantile Company's store to take out to the ranch to Mrs. Joe Miller. P. C. Veering, of the Bliss Mercantile Company, was placed on the stand. He had a daily account book of sales of October 5, 1901, showing that such an article had been sold to the ranch by telephone order from Mrs. Joe Miller.

The defense rested on April 16, 1902. The state put up a good case of circumstantial evidence, while the defense reasonably met it with the time honored alibi. In the trial of Coffelt, the state worked on the theory of a conspiracy, the Miller ranch of Oklahoma being brought into it at the beginning.

If the jury should decide that Coffelt was guilty, then it would be the decision of the court that a conspiracy did exist of which the Millers were a part. However, if Coffelt was acquitted, the Millers would be exonerated.

When court reconvened the state offered in rebuttal the testimony of F. B. Hodgson and C. F. Cook, of Enid, about Colby's good character and reputation for truth and veracity.

The attorneys gave their closing arguments.

The court then gave its instructions to the jury. The life of O. W. Coffelt was given into the hands of the jury at 11:45 a.m., Saturday morning, April 19, 1902. Under the instructions of the judge, the jury either had to find Coffelt guilty of murder in the first degree, or acquit him. If guilty, he would be hung or sent to the penitentiary for life; if innocent, he would be free to join his anxious wife and baby. If by chance it was a hung jury, the whole proceedings would have to be gone over again.

The jury was called into court at 10:30 a.m., Monday morning, April 21, 1902. The defendant, O. W. Coffelt, was brought in. Judge Lawrence asked the jury if they had arrived at a verdict. B. F. Sadil, as foreman, responded that they had not and there was absolutely no hope of their ever arriving at one. The judge then asked each individual juror if this was his opinion, to which the response was a hearty "Yes." Seven jurors had voted "guilty" and five had voted for acquittal.

The jury was then discharged and the court announced that the case would be called for trial in the June term of court.

By this decision, the first chapter in the Montgomery Murder case was closed. The case cost Cowley County several thousand dollars. But that was not all—it would all have to be gone over again!

GEORGE W. MILLER ARRESTED.

On May 19, 1902, George W. Miller was arrested for the murder of George C. Montgomery by constable Cal Ferguson. His hearing was set for May 29th before Judge L. H. Webb. On May 29, G. W. Miller, represented by J. T. Lafferty, waived examination and was bound over for trial. \$5,000 bond was set and the bondsmen were M. A. Miller, James Lorton, J. T. Lafferty, and Grant Stafford. On June 10th a restraining order was granted protecting the

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Millers from arrest by all authorities during the trail.

Second Coffelt Trial.

The work of securing a jury was commenced June 16, 1902, and a jury was secured on Thursday, June 19, 1902.

On Thursday, June 19, 1902, the second trial commenced. For nearly two weeks the court listened to motions and petitions of the defense. They then selected a jury of nine Cowley County farmers and three Arkansas City residents. W. P. (Bill) Hackney handled the defense and County Attorney Torrance the prosecution. The weather was hot and muggy to the point that palm leaf fans were in use. The court announced that those gentlemen desiring to do so could remove their coats.

The opening statement of County Attorney Torrance was given. He said he would show that the beginning of this trouble dated to 1900, when several parties had trouble with a newsboy on a Santa Fe train, who threw some of his wares out of the window; and that George C. Montgomery, as an employee of the railroad, was required to look into this matter. Arrests followed and a trial was held at Perry, Oklahoma Territory, in July 1900. That Zack Miller, and one Frank Potts, an employee of the 101 ranch, were the parties arrested. At the courthouse at Perry, Oklahoma, where the trial was held, there was controversy between Joe Miller and Montgomery in which blows were exchanged. Bad feelings began to crop out between the 101 people and Montgomery. Threats were made and this really was the beginning of a conspiracy. This feeling of hatred on the part of 101 people toward Montgomery had grown and widened; further, it appeared that more people were being drawn into it.

The prosecutor continued, saying that soon after Montgomery and George W. Miller were on the same train. Both stepped off the train

onto the platform at Bliss, Oklahoma Territory, and had words. Mr. Miller took off his coat and vest, and had a knife. Mr. Montgomery pulled out his revolver. A scuffle ensued, during which Montgomery used his revolver to strike Miller over the head—not injuring him much, but making George W. Miller very angry. Montgomery then stepped back onto the train. The prosecutor said that the state would not attempt to show who was to blame, but simply would introduce it to show the motive for the crime.

Torrance said that on the day of the trouble at Bliss, a little colored boy by the name of James North, was at the Miller ranch; and that before they started in a buggy to drive to Bliss, Mr. Miller sent him to the cook house to get a shell for his shotgun, and said that he was going to Bliss to kill Montgomery. That they got into the buggy and started for Bliss, but the train pulled out before they arrived. Miller was angry.

That when the train pulled up at Bliss, Zack Miller, Frank Potts, Coffelt, and others were there. That Montgomery was on the train, that they called for Montgomery, and that he stepped from the train with a revolver in each hand. Mr. Torrance said that the evidence would show that Coffelt was hiding behind a box and an endeavor was made to get Montgomery away from the train so he could be injured or killed.

That on the morning following the trouble at Perry, when the train pulled in at Bliss, parties went through the train from smoker to sleeper, looking for Montgomery. That a colored porter was on the train, who became a witness against the parties arrested and tried at Perry; and that the porter had a conversation with Coffelt on the train, in which Coffelt said Montgomery would never attend another trial at Perry, and he (the porter) had better not get off the train at Bliss.

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County Attorney Torrance said that W. C. Johnson was working at the ranch at that time and that about the first of September he came to Winfield and went to work in a stone quarry. Coffelt came to Winfield a little later and was seen with Johnson. That when Coffelt first came to Winfield, he had a horse which he wanted to sell. That the parties whom he talked to about selling the horse thought it might be a stolen animal; but Johnson came along and said that he (Coffelt) was alright. That Coffelt told some of the parties to whom he talked that his name was Maxwell. That to the man who bought the horse—the sale being consummated in a stable—the other persons were not present. That Coffelt told the man who bought the horse that his name was Coffelt, and he received a check payable to that name. He went to the Winfield National Bank to have the check cashed. That the check was drawn on Wichita parties, and James Lorton telephoned to Wichita to find out if the check was all right. That Johnson was hanging around the front of the bank during this transaction and the check was cashed.

The County Attorney stated he would show that on the night of September 4, 1901, Coffelt appeared at the Exchange Hotel in Winfield and engaged a room for the night, telling them that he was a U. S. detective from Pawhuska, Indian Territory, and was looking for two men who had killed a woman and child down there. Further, that he had overtaken one of them at Arkansas City and was now looking for the other man. Torrance said that the state would introduce the hotel register as evidence; further, the state would prove that Coffelt was in Winfield about September 9, 1901, eight or ten days before the murder, and that he did work on the ranch up to the evening of October 4th. That on the morning of October 5th he got a pony, rode to Ponca City, turned the pony over to a livery barn at Ponca City—telling them that

someone from the Miller ranch would call for it. That Coffelt took the morning train and came to Winfield. That on arriving in Winfield, he went to the mail wagons (being run at that time by the Johnson family) and later disappeared at the rear of the depot.

Bert Colby Arrested for Murder of George C. Montgomery.

Bert Colby was arrested for the murder of George C. Montgomery, a preliminary hearing held, and Colby was bound over to the District Court. On June 25, 1902, he was docketed with case number 1627, and held for trial.

In the afternoon of June 25, 1902, about 2:00 p.m., Coffelt was seen around Winfield at Miller's hardware store. On the same evening he was seen going west on Ninth Avenue, and then seen entering the gate of the Miller residence; later he was seen coming uptown again along Eighth Avenue.

County Attorney Torrance stated that Montgomery had been doing work for the railroad company at Wichita that week, where a street fair was being held. That he returned to Winfield on October 5, 1901, and that evening he and his wife came uptown. They passed Dauber's store, where Coffelt was standing in a dark nook of the building. That when these parties passed, he stepped out and looked at them. That later in the evening Johnson and Coffelt were seen coming out of the Johnson home on South Main Street with Coffelt carrying a shotgun under his coat. They walked south to the railroad track and turned west on Riverside (now Fourteenth Street). On going west they parted company, each taking opposite sides of the avenue, and when this division of company was made the party having the gun transferred it from one side to the other, showing that it was a shotgun. They were going toward the Santa Fe depot, according to

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Torrance, with the intention of Montgomery passing their way on his way to take a train.

Continuing, Torrance stated that about 7:30 p.m., October 5, 1901, members of the U. B. Church—located on South Church Street (now called Millington)—were sitting in the vestibule of that edifice waiting for the calling of a church meeting. There was a gas lamp near the church. They observed two men passing the building, one of them carrying a gun. That in a few minutes a shot was heard by the people of the church. The state said it was afterward proven that the shot heard was the one that killed Montgomery. That Coffelt wore on October 5th, the day of this tragedy, as far as can be remembered by witnesses, a slouch hat and duck coat—the only bits of wearing apparel noticeable to people who saw him.

Mr. Torrance stated that Mr. Montgomery was shot while sitting at a table writing, a short distance from a bay window at his residence. That the shot was fired a few feet from outside the window. That his wife was in her room and the little boys in theirs. Torrance said that tracks would be shown in court that corresponded with the shoes worn by Coffelt and Johnson. That in one of the tracks made a 10 gauge shell was found along with buckshot and wad, and in the Montgomery yard wads were picked up that are used in a 10 gauge shell. Further, he stated that Johnson quit his work at the stone quarry on Friday evening and drew his pay. That he left Winfield Sunday morning and appeared at the 101 ranch at noon of the same day. That Johnson talked to parties in Ponca City. The state further claimed that Coffelt fired the shot, became confused, lost his way, and wandered west of town. That parties had been stationed along the railroads and roads to pick him up; but because Coffelt became lost, they failed to get him. He stated that Coffelt walked to Arkansas City. That a party answering Coffelt's

description bought a half pint of whiskey in Arkansas City between 12 midnight and 1:00 a.m. on the night of the murder. That Coffelt then went to the Santa Fe yards, got into a box car behind a double-header, and rode to Bliss. That sometime between 4:00 a.m. and 5:00 a.m., he knocked at Joe Miller's door. That the cook answered the rap. That Coffelt said to the cook: "I want to see Joe, and want to see him quick." That the cook told Coffelt that Joe was asleep and demanded to know who it was that Mr. Miller was to be told that he wanted to see him. That Coffelt answered: "Tell him 'Colorado.'" [This was the name by which Coffelt was known on the ranch.] That Mr. Joe Miller came out and had a conversation with Coffelt, who is purported to have said, "We have fixed that fellow." That Joe Miller responded, "All right, go tell the old man." That Coffelt then went over to the elder Miller's house.

Torrance continued. He said somebody appeared Monday night and got the pony that Coffelt had left in the barn at Ponca City on Saturday morning. That several days later Coffelt went into a store at Pawnee, after writing paper, and that Coffelt said he had in his crops and was now going over to the "101" ranch to see if he could get work. Instead, Coffelt went back to where his wife and child were, gathered his corn, and engaged a team to move him. That about this time Frank Potts, an employee of the 101 ranch, arrived at Basin and had conversation with Coffelt; and that he and Coffelt then went to the ranch, where Coffelt was fitted out with a team and wagon. That Coffelt camped at the ranch about two days and then disappeared.

The state stated that when Coffelt was next heard from, he was at Del Rio, Texas, a town near the Mexican border, where he was working in the railroad shops and going under the name of Maxwell. That Coffelt had left Pawnee under

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a \$50 bond for trouble occurring between himself and his brother-in-law. That a Dr. Patton of Pawnee had gone his security. That this Dr. Patton and Sheriff Foster, of Noble County, Oklahoma Territory, went after him. When arrested Coffelt or Mrs. Coffelt are purported as saying that they did not leave Oklahoma on account of the bond but that they had worse troubles than that. The state said that Coffelt said at the time he left Ponca City, he did not go to Winfield but to Red Rock after bridle bits.

The county attorney reminded the jury of the stranger at the Hackney depot. He said that a Mr. Onslott and his wife, living north of Winfield, on the night of October 5th, were driving north from Arkansas City in a single buggy. That they stopped a half mile below Hackney and were approached by a man, who said, "I'm ready to go," and then after a moment said, "I guess I have struck the wrong parties." That he then left.

The state advanced the theory that parties had been stationed along the roads south of Winfield to pick up Coffelt and Johnson; but that Coffelt became confused and went west. That he missed the party he was looking for and as a consequence walked into Arkansas City; and that Johnson stayed all night at his own home in Winfield.

County Attorney Torrance said that George W. Miller had scratched on a brick in the wall of the depot at Arkansas City, "101 ranch will get even with the son---," and would introduce the brick as evidence. Further, that the defense would contend that this writing was "san" instead of "son." Mr. Torrance said that Mr. Miller had remarked in speaking of the Bliss episode that "If he hadn't produced his artillery, they would have roped him."

Mr. W. P. (Bill) Hackney made his opening statement for the defense. This is something out of the ordinary for testimony of witnesses for

the state usually follow the county attorney's opening statement.

Mr. Hackney first said that while the defendant, O. W. Coffelt, was being tried, the Millers were really the ones on trial—and that while the prosecution was supposed to be the state—it was in reality the Santa Fe, a railroad corporation, which was trying by all their means to persecute the Millers. Mr. Hackney then gave a little history of the Millers, their long residence in Winfield, business reputation, etc. That they in their business dealings had no trouble with anyone except the Santa Fe company. He then described the 101 ranch, the vast interests involved; and told of the causes of the Miller-Santa Fe rupture over charges, neglect, sidetracking of stock, etc. He stated a dead line north and south of Bliss was established by the railroad. This made it necessary for the 101 people to ship cattle over other roads, etc. That all they could do was to go the courts when they had sufficient evidence. In the meantime, they were at the mercy of the Santa Fe.

Hackney said the attorneys for the defense thought the railroad finally wanted to get evidence of a criminal nature against the Millers; and as a consequence, threw several boxes of cigars out of the car window into the ranch pasture, where they were trampled upon and picked up by the out-riders. That the railroad then had Zack Miller (who had nothing to do with these cigars) and Frank Potts arrested. That their preliminary hearing was held at the U. S. Court at Perry, that the train bearing Zack Miller to Perry was late five or six hours; and that the defense thinks this delay was caused by the Santa Fe company, and that the U. S. Court refused to continue the case. Mr. Hackney stated that these officials were working in conjunction with the railroad. Since the Court would not continue the case, Mr. Joe Miller was required to pay costs. It was on this occasion

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that Joe Miller met Montgomery, who was the detective assigned by the railroad on the case, and they had trouble. That Montgomery told Joe the railroad had it in for them and that they had no business to fight the railroad company; further, Montgomery told Joe Miller that they intended to break the Millers up.

Other words followed. It appears that Joe Miller told Montgomery that the Millers were not cowards, they were not afraid, and being angry, naturally made threats. At this point Montgomery knocked Joe Miller down.

A short time after this incident, Hackney stated that Montgomery and George W. Miller were on the same train and got off on the platform at Bliss. That George W. Miller called Montgomery's attention to the way the railroad was abusing the Millers. That trouble followed, and Montgomery knocked George W. Miller down; and if the old man had a gun, he would not have been knocked down. That George W. Miller may have said some foolish things and made some threats while angry. That he said it was absurd for a man to send after one shell when he intended to kill a man armed with two revolvers.

Mr. Hackney then paid his respects to the United States court officials and their kind, who he claimed were greatly influenced through passes, etc., granted by the railroad company.

Defense Attorney Hackney then described the interior of the Montgomery room, where the detective sat when killed, the bay window, etc., and said that a short time before the shooting, the wife went out on the porch and called the little boys in; that they had been out on the east side playing. That one child went into the kitchen and the other went into the room with his mother. That a little while later her husband was shot. That she came out into that room; and instead of immediately going to her husband's side, went to extinguishing flames, the result of

a broken lamp that had been hit by some of the shot. That these flames had ignited rugs, etc.; and that her mother was the one who went to the side of the dead man and took his head in her hands; and that Mrs. Montgomery never shed a tear over the death of her husband, and was talking the next day of going into the millinery business. That she collected the life insurance on her husband and left town as soon as possible. That at the preliminary, she had been smirking and smiling; and that she did the same thing also at the first trial until stopped by the court.

Mr. Hackney said there was a gang of outlaws in Oklahoma, headed by one Ben Cravens. That just before the Montgomery killing, a man supposed to be this Ben Cravens, accompanied by another party described as being a large, handsome man of light complexion, wearing a derby hat, who had birth marks on his person, arrived at the house of a lone woman who lived in Oklahoma a short time before the day of the Montgomery murder in Winfield. That they demanded from her their horses, which she gave them. But it develops that before this time one of the Cravens' gang (Bert Welden) had been shot through the hand by a railroad detective and the gang wanted revenge. Mr. Hackney said that this woman would testify that on the morning while these men were at her house, she heard them say they would go up and kill that "s-- -- ----" who shot Bert Welden. That the gang then talked about holding up a bank in Ponca after doing this job. Mr. Hackney said that she would state that on Sunday (the day after the Montgomery murder) the same two men again arrived at her home, and called for food for both horse and men. The horses were covered with sweat and looked as if they had traveled extensively. That in conversation again held by the men, she heard

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one of them say, "We got that d-- s-- b--", he will never bother us anymore."

Mr. Hackney said the defense would show that a man coming into Winfield was nearly run over by two men in a buggy on a road near the south bridge on the night of the murder. That on the night of the murder, a man who was evidently a telegraph operator, inquired of the Hackney agent about a murder at Winfield. When the agent received an answer to the question he had asked, the man evidently caught on to the click of the telegraph and the drift of the message and told the agent to go back into the depot and stay there. That on the same night there was a man coming north on the Hackney road, who had stopped to feed his horse. That another man came up to him and said he was ready, but seeing he had made a mistake, stepped away in the darkness. Soon after, the man having fed his horse, heard a buggy and clatter of horses' feet crossing a small bridge or culvert a short distance away.

Mr. Hackney said that immediately after the murder, Cal Ferguson went down to the Montgomery house and began looking for clues. That afterward he and the County Attorney got together on this case and finally arrested Johnson; that the state, county commissioners, railroad, railroad organization, etc., had offered rewards for the capture and conviction in this case; that a crowd of detectives swept down on Winfield and Pinkerton detectives were employed. That it was reported as soon as the amateur detectives at Winfield got through, the professionals would bring in the men who killed Montgomery. That newspapers took up the stories in regard to the killing and it was laid at the door of the Millers. The County Attorney went to Topeka finally and consulted with Santa Fe officials. Mr. Hackney told of Johnson being out on \$500 bond; and said that Johnson had been taken to the County Attorney's office and

asked to implicate the Millers and Coffelt in the Montgomery case. That the witnesses in the last case were paid by individual checks from the County Attorney, and that these checks came through the Santa Fe. Further, that the associate counsels in this case were evidently being paid by the same people. That the Santa Fe offered a job to a man who would be a good witness in this case.

County Attorney Torrance then made a counter statement. He said what Mr. Hackney had stated in regard to the County Attorney and Johnson was false. That he had gone to the Santa Fe people after a consultation with Mrs. Montgomery, in which she had said she had no rich friends or relatives to furnish money to push the case; that the enmity existing between the Millers and Santa Fe, as told by Mr. Hackney, would show a motive for the crime; that when Coffelt was first brought here, he had no money or friends; but when he said to a county officer, "If I go to the penitentiary, I will not go there alone." Soon thereafter, he was aided and friends hovered around him. That the checks to which Mr. Hackney alluded, the ones given by Mr. Torrance to witnesses, had been allowed him by the county commissioners as the records in the County Clerk's office would show. Torrance spoke of the shoes and clothes said to have been worn by the party who was supposed to have been seen at Hackney, and stated that if Mr. Joe Miller was brought on the stand, the state would show that those clothes were in the Joe Miller house during the previous trial.

Mr. Hackney then said that the Santa Fe was interested in this case; that the counsel was furnished by the Santa Fe. They, the defense, were here defending the Millers, as well as the man who had no friends. That the Santa Fe had employed one of the best lawyers in Oklahoma to come here as counsel in this case; but the County Attorney said it would never do as they

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would have to conceal from the jury the Santa Fe's connection with this case. That they had notified the railroad detectives to keep away from Winfield because it might injure the case. That the Santa Fe had sent two men into Texas after Coffelt. That the defendant did not say to them he was worried about the criminal case. He did say he was worried over the family affair in which he was mixed with. All the episodes in Texas up to his incarceration in Wichita showed the hand of the Santa Fe. Hackney said that while Coffelt was in the Wichita jail, a man by the name of Bush came into the cell where Coffelt was and said if Coffelt would show where the Millers were connected with the Montgomery case, he (Coffelt) would get off easy. That on Coffelt's refusal to comply with this man's threats, he said he would break every bone in Coffelt's body if he did not tell him what he wanted.

Hackney continued, saying that the Bert Colby episode was part of this conspiracy. That Colby was in jail in Oklahoma under charges which would have sent him to the penitentiary. That these conspirators went there and got him; and that the County Attorney promised he should go free. He is out on bond, with the State furnishing the bond. That Colby was to perjure himself in Kansas in order to free himself in Oklahoma.

The witnesses for the state were then introduced. The first witness called was J. M. Bradley, County Surveyor, who exhibited and explained a plat of the ground at and surrounding the scene of the murder. The next witness was J. W. Quick, a lawyer at Perry, Oklahoma. He told of the fight between Joe Miller and George Montgomery.

Sheriff Foster, of Noble County, Oklahoma, was the third witness. He told of Coffelt's arrest at Del Rio and the subsequent events. In cross-examination Mr. Hackney asked Mr. Foster if he

was not trying to play a two-handed game with George W. Miller inasmuch as this trouble came up by attempting to trap Miller in a reported hide stealing affair. Foster said he had not. Redirect cross-examination divulged the fact that Foster had information from a man on the ranch, who had told him that such business was going on. Further, that Foster had made arrangements with the man to put him next to any crookedness of this character. Nothing further was divulged except that Foster had learned the name of a man in St. Louis, who was receiving bribes from a man by the name of Snapp, and had written to him. The facts about the hide shipping and stealing business were not fully brought out. Foster claimed he was on friendly terms with the Millers. Cross-examination further attempted to show that the Santa Fe was furnishing the money for his expenses in this case.

H. L. Miles, of Wichita, a freight agent of the Santa Fe, testified to what he heard and saw at the Perry trial: "Joe Miller said he would fix Montgomery."

Ed Walker, a colored porter on the Santa Fe at the time of the episode, testified to the threats that the Millers had made on Montgomery's life at different times.

William Watson, A. P. Johnson, John Adams, Mike Monahan, and James North (the small colored boy) each testified about the fight and subsequent matters. On cross-examination it was brought out that James North was staying with Cal Ferguson, tending the furnace, because the State was afraid he would be kidnaped to keep him from being a witness in this case.

Norman Baker, Arkansas City, testified in regard to a brick taken from the Santa Fe depot at Arkansas City. He stated that he first saw the brick in October and that he and John Law cut out the brick, took it to the freight office where it was sealed up, took it up to his office, and

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placed it in his safe until it was called for by John Law. On cross-examination, he admitted that the removal of the brick was caused by the theory of it being a possible connection of the Millers with the murder.

Charles Brown, L. J. West, H. J. Jones, and C. R. Peeden each testified.

There were several other witnesses before Tom Hawkins was called. After his examination and testimony, Mr. Hackney cross-examined and brought out the fact that the witness had been brought to Winfield to testify by Jake Harmon, a Santa Fe man. The witness had served a jail sentence in Cowley County. Hawkins' testimony regarding the time at which he had seen Coffelt conflicted with his testimony in the first trial. The witness denied ever saying in front of Col. Fink that he had seen Coffelt with a long coat on, carrying a shotgun near Dauber's store on the evening of the murder.

William Fox next gave testimony. On cross-examination he denied being a detective in this case or being paid to give testimony. He admitted that he was the party who had told the County Attorney about the additional witness that the state had asked to introduce on the previous morning. That he had told his wife and Dr. Pugh what he knew about actions in this case. That he had not said anything about it during the first trial as he did not want to get tangled up in this affair. The County Attorney and Cal Ferguson drove to his place and saw him in a corn field and talked to him about this matter. The reason he had noticed Coffelt and Johnson on the evening of the murder when they had a shotgun was their actions appeared very peculiar to him. He had gone to the Cowley County jail, seen Coffelt there, and said it was the same party he had noticed on October 5, 1901.

Dr. Jacobus, M. E. Brane, and Mrs. Brane were the next witnesses.

Mrs. Montgomery, wife of the deceased, was called to the stand and gave the same testimony she furnished in the first trial. She further testified that Joe Miller had been to her house once and that George W. Miller had also driven by her house. On cross-examination she said that she did not immediately leave town after her husband's death. That she did not laugh and smirk at the preliminary and was not reprimanded by the court for the same. The Santa Fe had furnished her transportation. Mr. Montgomery had told her he was gathering evidence against parties who killed an operator at the Santa Fe depot. She did not talk about going into the millinery business when her mother was dying. [Mrs. Montgomery's mother died in Winfield shortly after the murder.] In redirect examination she admitted to always trying to treat her friends politely and pleasantly when she met them in the courtroom.

Several witnesses from the previous trial were examined before the new witness, Harrison Carter, was called. Mr. Carter lived south of Winfield and on the night of the murder, he and wife and two sons were sitting in their house near a table on which was a lamp. This table was located a short distance from the window, where the blinds were up. About 9 o'clock somebody tapped on the window and he looked up and saw a man with his face pressed against the window pane, so much so that the brim of his hat was pushed back. The man asked Mr. Carter for the way to Arkansas City. The witness told him. He stated that the man wore a light hat and coat—he did not notice the color of the coat—and that the man's complexion was tanned. Mrs. Carter and the two boys were examined, and gave approximately the same tale.

S. F. Onstott, Ira Brecount, E. W. Eatsmonger, Mrs. Mary Hutchins, Henry Hutchins, W. M. Hurst, Mrs. Elmira Johnson,

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Lottie Johnson, Guy Marsh, Ed. Donnelly, and Sheriff Foster (of Noble County) were called and examined. The State then rested its case.

The Defense introduced their witnesses. They were then sworn, and a ruling was made by the court to allow the Miller family, Mrs. Coffelt, and Will Johnson (all witnesses) to stay in the courtroom.

The first defense witness called was Charles Roberts, one of the attorneys for the State. Mr. Hackney interrogated Mr. Roberts in regard to who the party was that was nearly run into by two men in a buggy near the south bridge on the night of the Montgomery murder. Mr. Roberts stated that he did not know.

Will Johnson, C. L. Brown, Henry Carson, Rufus Scott, W. J. Nevins, Mrs. Lydia Johnson (mother of Will Johnson), Mrs. Myrtle Layman, Nellie Taft, C. H. Scantlin, and Albert Layman all testified to Will Johnson being at the Johnson home in Winfield at the time of the Montgomery murder.

H. E. Braden, James Lorton, Will Allen, Cal Ballard, Henry Hutchins, Mary Hutchins, Col. Fink, E. H. Lunceford, Robert Jackson, William Gum, Oscar Taylor, Henry Anderson, William Foutch, J. D. Chase, W. J. Nevins, and C. D. Roberts testified as to the whereabouts of O. W. Coffelt at the time of the murder.

S. H. Harris, a prominent attorney of Perry, Oklahoma Territory, who was also a local attorney for the Santa Fe railroad at that point, was the next witness. Mr. Harris is the gentleman who was mentioned previously by the attorneys for the defense as the one who was to aid the County Attorney in prosecuting this case, but who was not sent to Winfield on account of being connected with the Santa Fe railroad. Mr. Harris is also the gentleman whom Mr. Wrightsman telephoned to from Pawnee and asked to get out a habeas corpus when Coffelt was being taken from Oklahoma to

Kansas. Testimony followed as to what had been said over the telephone that day between Mr. Harris and Mr. Wrightsman, in which the witness admitted that he had said to Mr. Wrightsman that he wanted to keep out of the affair as he thought he might be employed in the case by the prosecution. Further, Mr. Harris stated that Mr. Wrightsman had a desire to secure his service for the defense and had mentioned the fee that he would possibly get; and that he, the witness, was a personal friend of George C. Montgomery and could not defend the man charged with his assassination unless he was positive of his innocence.

The defense then called Robert Jackson, Charles Eskridge, C. W. Sowers, Joe Perrins, Guy Marsh, J. D. Crout, J. M. Moore, H. W. Herrick, George A. Blakey, Mrs. Joe Miller, Mrs. George W. Miller, Miss Alma Miller, Rilla D. Atkins, J. E. Torrance, Col. Fink, Col. G. W. Jackson, H. C. Hargis, and Constable M. M. Scott. They each testified.

Lizzie Bryant, who conducted a farm ten miles west of Ponca City, was called to the stand. She said she knew a man supposed to be Ben Cravens.

[At this point the jury was retired, and Mr. Hackney told what he intended to prove—the same thing that he went into detail about in his opening statement. The State objected that such testimony would be incompetent, irrelevant, and have no direct bearing on the defendant in this case. The court sustained the objection. As a result, witness Bryant was withdrawn from the stand.]

Judge Lawrence stated that he had been informed that Mrs. A. L. Post, wife of one of the jurors in the Coffelt case, was ill at her home in Pleasant Valley Township, and that he thought it would be the best thing for Mr. Post to go home and see about his wife's condition. The attorneys for both sides, being of the same

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opinion, Mr. John W. Skinner was made a special bailiff to take charge of Mr. Post and take him to his home. The case was postponed until the ringing of the courthouse bell in the morning on the following day.

Court reconvened the next morning at 9 a.m.

Guy Marsh, Sheriff Daniels, Ed. Gray, C. J. Wrightsman, and Elmer E. Brown were called and examined.

George L. Miller, assistant manager of the 101 ranch, was called to the stand. He described the workings of that corporation. He told what he knew of the early troubles relating to Montgomery and Millers around the ranch. He described the war of words between himself and Montgomery on the depot platform at Bliss. He declared that he was not armed, had no rope on his saddle, and no inclination of roping Montgomery. He had been branding cattle that day and stopped at the station to inquire about freight. He said he was angry and so was Montgomery. That he told Montgomery he was a coward to strike an old man sixty years of age on the head with a gun, and to come out and fight a man his own age or size. That he did not remember who addressed the other first. That when he first saw Montgomery he noticed that Montgomery had his hands in his pockets. That when he came down on the platform, Montgomery had two guns in his hand, and they were pointed at him (George L. Miller). That he was not armed nor were the other men in his company. That he had never entered in any conspiracy to kill Montgomery; that he hardly knew him; and had only seen Montgomery once or twice; and that he had never talked about killing him. George L. Miller testified that Coffelt quit work on the ranch on Friday night, October 4th; that he paid him his wages; and that they had a conversation in regard to ponies. Coffelt had a team of ponies he wanted to sell

and the witness offered him \$40 for them. Coffelt said he thought he could get what he wanted for them at Winfield: \$60. Further, Coffelt said he had sold a horse there in September; and George L. Miller stated that he understood that Coffelt was going to Winfield to see about selling the ponies. That he again saw Coffelt on Sunday morning, October 6th, and that the defendant told him the horse buyer at Winfield was not there. That Coffelt had inquired and found he would not buy those colored horses. [The prospective buyer was purchasing horses for the army in South Africa.] Consequently, George L. Miller bought the ponies and paid Coffelt for them. Witness stated that it was his understanding that Coffelt went to work on the line fence at the 101 ranch. That on the night of October 5th, Coffelt slept at Joe Miller's house and was called by Joe between 5:00 a.m. and 6:00 a.m., October 6th. That he went downstairs, where Mrs. Hutchins was getting breakfast, went out to the stable and found that the horses had not been fed. That he went to Hutchins' house and found him (Hutchins) in bed asleep. George L. Miller stated that he told the little colored boy (North) to get on the cattle train going toward Winfield and saw him get on the cars. That his father was not around the railroad at the time.

George L. Miller testified that he and Dick Chase were in Florida when he received a letter from Joe Miller, containing a newspaper clipping dated from St. Joseph, Missouri, telling of the arrest of Coffelt in connection with the Montgomery murder. That the letter he received was an ordinary business letter, and that no comment was made in it about Coffelt. The witness said he had never entered trains at Bliss by himself or with others, armed, looking with hostile intent for Walker (colored), Montgomery, or any other people. That Frank

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Potts was not working at the ranch and that he did not know where he was at present.

A lengthy cross-examination by Judge Buckman followed.

Ed. F. Nelson, district clerk, was examined.

Perry Keller, an employee of the 101 ranch, remembered the Kansas City commission men being at the ranch on October 5th. They rounded up cattle and had dinner in the pasture that day. Bert Colby was there at the time of the round-up.

Joe C. Miller, superintendent of the 101 ranch, said that he was at the Montgomery house in Winfield shortly after the arrest of his brother, Zack. He stated that he had never seen Montgomery to know him until he went to his home that day. Zack Miller had a preliminary hearing before U. S. Commissioners and Montgomery represented the railroad company and the witness represented the defense. At the time of the trial, Zack was coming home from California (where he had been buying mules). The train was late and the case was postponed until the next term, but the defense protested and wanted it called for the next day. It was finally agreed that Joe should pay the costs and then the trouble between Montgomery and Joe C. Miller occurred. Joe was in the marshal's office figuring up costs. There were quite a number of fees for detectives, to which Joe objected as being unnecessary, mentioning such fact to Montgomery. Montgomery said, "He didn't steal the cigars from me, talk to the man he stole them from." Joe Miller testified that he then said to Montgomery that if he said Zack stole those cigars, he was a dirty, lying scoundrel. Montgomery then struck Joe Miller, knocking him against the wall. Joe Miller then went out to wash the blood from his face. He testified that he met Quick, but he did not say what Quick claims—probably Quick got his conversation with Foster mixed. Foster told the

witness that he better go and swear out a warrant. Joe Miller testified that he said: "No, but it was probably a good thing he did not have a pistol." That he never said remarks attributed about Frank Potts taking a gun and killing s-n-b--h. That he had a conversation with Miles on the train and had asked how Montgomery looked; and was informed that Montgomery was all right. That he had asked if Montgomery was on the train. Miles answered: "Suppose not," as he evidently thought the train was not long enough for both of us.

Joe Miller testified that he remembered Coffelt and Dick Chase coming to his house about 5:30 a.m. on the morning of October 6th. He heard Chase knock, went to the door, and Chase asked about sowing wheat; then Coffelt came around from the back door and wanted to know if he could get a horse to ride to Ponca City to get his animal. That he told Coffelt to go over the river, as he thought they would want him to ride the line fence that day. Bert Colby was at the round-up on the 5th. That no conversation about "fixed him" or telling "father about it" was made.

Joe C. Miller testified that he had never conspired with his father, brothers, or others to do Mr. Montgomery bodily harm. That he was not at the depot at Bliss when trouble occurred between his brother and Montgomery. That he did not see Henry Hutchins on the morning he talked to Coffelt and Chase. That he knew the North boy was at the ranch once.

At this point in proceedings a letter was introduced, purported to be written by Henry Hutchins from Tarkio, Missouri, to Joe C. Miller. The State objected and the court sustained the objection. The letter was withdrawn.

Mr. Joe C. Miller stated that the Hutchins left the ranch two or three weeks after the murder. That he did not tell Coffelt and Chase

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that Santa Fe detectives were looking for them and asked them to leave. That he did not state to John Skinner, Dr. Emory, or others during the last trial that he knew where the derby hat, plaid suit, tan shoes, and blue shoe strings were—and would tell the County Attorney if he would let up on him. That he did not remember saying to parties during the last trial that Coffelt was in Red Rock on October 5th and that he could prove it by forty witnesses. That he was in his office part of the day, October 6th, and there first heard of the death of George C. Montgomery. when he read about it in the *State Capital*, that he read it out loud. That he made no comments nor heard comments made by those around. That the first time he mentioned this matter was to his uncle.

The County Attorney interrogated Mr. Miller about his arrest, conviction, and pardon several years ago. The defense then attempted to show that his arrest and conviction was a part of a conspiracy on the part of the A. T. & S. F. to secure their leases (the Millers) of Indian lands. The Santa Fe did secure them while he (Joe C. Miller) was in the penitentiary.

[The jury was withdrawn and the question argued. The State objected, and the Court sustained the objection.]

Joe C. Miller testified that he had a talk with Henry Hutchins before the Johnson preliminary. That he (Hutchins) wanted to come to Winfield as a witness, saying that he would be a good witness.

In regard to Skinner conversation, Joe C. Miller said he and Skinner were taking in regard to Bert Colby. That the witness said that he (Colby) used to wear a plaid vest, tan shoes, and blue shoe strings; and for that matter, they might be in Colby's trunk on the ranch at that time. That he did not say they were at his house.

In regard to the conversation with Dr. Emory, Joe C. Miller testified that during the

last trial, Emory had asked him about the case and he had told Dr. Emory that he did not think they would stick the man, as there were forty men who would testify to his (Coffelt) not being in Winfield at the time of the killing; further, that he said nothing about Coffelt being at Red Rock.

Zack Miller, of the 101 ranch, was called. Zack at this time was the assistant manager of the livestock department. Zack Miller testified that he is the Zack Miller who was arrested for stealing cigars. That he knew Ed. Walker. That he had never made any threats himself or in company with his fathers, brothers, or anyone else against either Walker or Montgomery. That on the day of trouble at Bliss, they had been branding cattle at the stockyard and stopped at the depot to see who got on or off the train and to ask about freight or express. That he did not know Montgomery was on the train. That the first he saw of Montgomery was on the platform, where Montgomery was addressing his brother, George. (He stated that he was the man leaning behind pop boxes.) The witness stated that they had no ropes or guns at this time. That he heard George Miller and Montgomery quarreling and swearing at each other. That George told Montgomery "to lay down his guns and fight like a man." That he did not remember just what Montgomery said. That Montgomery was searing and seemed to be addressing the whole crowd—calling them cowards, etc. The witness said that he said to Montgomery that he was a scoundrel, and a coward, and there wasn't a man in the crowd but what could lick him if he would lay down his guns. That Frank Potts also addressed remarks to Montgomery. That he saw Bert Colby at the round-up on the 5th. The witness stated he had never gone on the cars looking for anybody.

On cross-examination Zack Miller stated that he first heard of the death of Montgomery

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from the lips of a cowboy about three miles out of Red Rock, where they were with the cattle. This man did not know any of the particulars, but had simply learned the fact of Montgomery's death at Red Rock a short time before. Zack said the first time he read of it was in a paper at camp on Sunday evening, when one of the boys called his attention to the article. That no comments passed between himself, father, and brothers relative to the death of Montgomery. The witness did not have a very good memory in regard to dates, and was rather mixed up in his answers to Mr. Buckman about placing the events that had happened. He told of Potts and his (Miller's) experience from Ponca City. (This is the time that they are credited with looking for the colored man, Walker.)

Zack Miller said he had been told by railroad men and newsboys that they (the railroad employees) had been joshing Walker about what Miller and Potts would do if they should catch him. These same railroad men had said the colored porter would go in the baggage car, lock himself in a closet, or get on the back platform of a sleeper whenever these boys from the ranch got on the train. Being asked again about the affair on the night of July 11th at Bliss, he said the first he noticed of Montgomery, he had one gun trained on him and the other on George, and that Montgomery afterward switched the gun he had on the witness, to Potts, Coffelt, Hunter, and Colby. Zack Miller said more or less profanity accompanied remarks made on either side. He thought the revolvers were about 38 caliber. He said the case at Perry was still pending against him.

Joe Miller was recalled. He stated that he went out to the stable on the morning of the 6th of October, 1901, and found that Hutchins had not fed the horses, that they wanted to get an early start; therefore, he went to hunt Hutchins

up. He finally found him and wanted to know why he had not fed the animals. Hutchins said he would feed them and have them ready by the time breakfast was finished at Joe's house. Joe Miller stated he had written a letter to his brother, George, in Florida, and enclosed a newspaper clipping, which had been mentioned heretofore by other witnesses.

George W. Miller was called to the stand and related the trouble between Mr. Montgomery and himself on the depot platform at Bliss on the morning of July 11, 1901, which in substance is about as follows. He (George W. Miller) got off the train at Bliss, and Montgomery followed him. The witness noticed that the detective looked threateningly at him, and so asked him if it was the Millers he was looking for. He stated that Montgomery answered "Yes. Trot them out." George W. Miller responded that he guessed he was man enough for him. Mr. Miller said Montgomery pulled his gun and hit him twice with it. Miller responded by drawing his knife, but he could not get it open. That his head bled from the blows and that they left a scar. Miller remembered the little colored boy, North, being at the ranch. Miller stated that he had never sent the boy after a shell nor had he said he would kill Montgomery. That he, the witness, had never had Will Johnson carry a shotgun from the ranch to Bliss station; further, he had never taken a gun and with the little colored boy rode to Arkansas City. The North boy left Bliss in a caboose attached to a cattle train.

George W. Miller said he had no shotgun in his Winfield residence last October. Mr. Miller stated he had never conspired with his wife, daughter, sons, or Coffelt to kill Montgomery. That he was not in Winfield at the previous trial, but he had attended the Coffelt preliminary hearing. That he knew L. G. West, but did not tell him that Coffelt had come to Ponca City on

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October 5, 1901, leaving his horse in a barn there, and departing to go to Red Rock after bridle bits. That he did not say to parties that Coffelt was at a cow-camp on October 5th, and such could be proven by a number of witnesses. Mr. Miller said he was arrested once in Oklahoma in connection with another party on the charge of killing beef and was convicted, but appealed the case to the U. S. Court and the case was thrown out of court.

Mr. J. L. Jackson, Winfield, walked behind Rev. Botkin and George C. Smith on the night of October 5, 1901, from the Christian Church south toward the Montgomery home soon after the shooting. He stated that he passed the U. B. Church, that a light on the corner was burning, that he noticed a man and woman sitting in the church vestibule, that he had seen the man twice since then—once in the witness chair—and was informed he was a Mr. Brane. That the time of going by the U. B. Church was placed by him at about 8:00 p.m.

H. C. Hargis was recalled. He said he had been one of the attorneys for the defense in the previous trial. That he remembered Mrs. Montgomery laughing and giggling at that trial; and also that Mr. Wrightsman called the attention of the court to mirth prevalent in the room. That when she was in the witness chair during the time he was cross-examining her, she smiled. At this point Hargis was cross-examined by Judge Buckman; and it was brought out that the question that had been propounded to Mrs. Montgomery concerned where she lived previously to coming to Winfield. She said Topeka. When she was then asked the name of the county, she could not remember it. Buckman stated that a smile under such circumstances might be one of nervousness or embarrassment.

Rev. George C. Smith was in Winfield on the evening of October 5, 1901, attending a meeting at his church (Christian) when he

received word of the Montgomery shooting. He and Rev. Botkin started there, going down Church Street. The witness did not remember the third party (Jackson) being with them. Further, he did not recollect the street lamp on the corner adjacent to the U. B. Church being lighted nor did he notice any lights being on in that church. He placed the time at about 8 o'clock.

William Allen and Amos Becker were examined about William Fox's reputation for truth and veracity.

Mrs. Lillie Coffelt, wife of the defendant, said that they moved from their home in Pawnee County to the 101 ranch about October 19, 1901. That she heard at Pawnee that the men who had been on Coffelt's bond (for shooting at his brother-in-law) were going to give him up. This news along with the state of her health were the cause of the Coffelts deciding to go to Del Rio, Texas. That the Coffelts changed their name to Maxwell when they went to Del Rio. That she heard a conversation over the telephone at Mr. Wrightsman's office on Sunday morning when Wrightsman phoned to Mr. Sam Harris at Perry, telling him that Coffelt had been spirited away and asking Harris to get out a habeas corpus. That she was in Wrightsman's office at that time to see him in regard to her husband. That Mr. Coffelt was not in Pawnee at that time.

Cross-examination by Mr. Buckman in regard to how the Coffelts traveled from Pawnee County to the 101 ranch followed. Mrs. Lillie Coffelt stated that they saw Mr. George Miller when they got to the ranch and that they stayed there three or four days. That they were not hiding there. That neither she nor her husband said anything to Mr. Miller about going to Texas; and that they left the ranch on Friday morning. That they had been sleeping in a wagon and cooking their own meals. That her

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husband did not work at the ranch during this time. That she did not exact point in Texas they were going to when they left the ranch. That it took them about five or six weeks to go to Del Rio; and that they arrived there about the first of December. That she went to housekeeping there.

The witness stated that she did not make a statement to Dr. Patton or Sheriff Foster on the way from Del Rio to Pawnee. Further, she denied that she had stated that they left Pawnee because they had worse troubles than the bond. That she had never at any time or place made such a statement to Patton or Foster and had never heard her husband make such a statement.

On redirect examination Mrs. Coffelt stated that she had never said to Foster, Patton, or anyone else that her husband had any connection with the Montgomery murder. That she did not have any relations in Del Rio. That she had a sister in an adjoining county. That she did not tell Dr. Patton at any time or place that they went to the 101 ranch without going through Pawnee.

The defense rested its case after Mrs. Coffelt's testimony.

At this time the state had introduced about 53 witnesses; the defense had introduced 57 witnesses. Of these, 20 had been recalled for examination—9 by the state and 11 by the defense. This made a total of about 110 witnesses called during the trial.

The state then introduced their rebuttal testimony.

Harold Herrick, the official court stenographer, was the first witness. He was questioned by Mr. Hackney as to the possibility and probability of a court stenographer ever being in error in taking testimony.

John W. Skinner was called next. He stated that at the previous trial of Mr. Coffelt, Mr. Skinner had a conversation with Joe Miller, in

which Mr. Miller said in substance that the plaid suit, derby hat, blue shoe strings, and tan shoes—referred to in testimony—were at the 101 ranch; further, Mr. Joe Miller stated in substance to him that if the County Attorney would let up on us (the Millers) that they would produce them. The witness stated that he knew George W. Miller and that at a preliminary examination of Coffelt, the witness overheard a conversation between George W. Miller and J. J. West in which Mr. Miller said "You were right when you said Coffelt came to Ponca City on that day, but that Coffelt did not come to Winfield but went south to Red Rock." Mr. Skinner said that on the following day in conversation, Joe C. Miller stated that 40 witnesses could be introduced to show that Coffelt was at or near Red Rock on the afternoon of October 5th. The witness stated that he saw Deck Chase and George W. Miller at the depot at Ponca City when Skinner with other parties were bringing Will Johnson to Kansas. That he had not been very active in the Coffelt case, but acknowledged having been quite interested in the Johnson case.

Dr. Isaac Votaw was next examined.

J. W. Wise, of Winfield, a cousin of Will Johnson, testified to seeing Johnson on the night of October 5th near Brady's store.

L. J. West, Frank Wise, John Mendenhall, and G. A. Penny were each examined in turn.

Arthur B. McFarland, town justice of Tonkawa, was examined. On cross-examination he strenuously denied locking himself in a room with a man and sentencing said man to jail without allowing him either a lawyer or a trial. He admitted that the Santa Fe furnished him transportation.

W. H. Ward, A. T. Moore, S. F. Gould, A. M. Fritzie, A. B. Hutchinson, and W. J. Nevins were called and examined. After these witnesses were examined, the state rested its case.

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The defense called 12 witnesses for examination and then rested its case.

Judge Lawrence gave the jury the case and the jury retired to consider it. The evidence and arguments occupied all the time until 3:45 p.m., the day of July 4, 1902. The jury then took the case and wrestled with it unceasingly for four days and four nights.

On Tuesday morning, July 8, 1902, the Coffelt jury was called in; and after individually asking the jurymen if there was a possibility of their reaching a verdict, to which they answered "There is not," they were discharged.

Only two ballots had been taken, and these on last Saturday. Both resulted in nine for conviction and three for acquittal.

County Attorney Torrance was seen by a newspaper reporter that morning. He said that he felt somewhat disappointed over the result, but not discouraged, and would try the case again. He believed that at the next trial he could secure a conviction. When asked if he would try the case at the next term of court, he said that he might take up the George Miller case before trying Coffelt.

Judge Lawrence did not seem so enthusiastic over trying the case in the November term of court. He said that there were other important cases pending in court that needed attention badly.

During the time that the jury was locked up, it was publicly talked about on the streets, and no doubt in the homes, that one of the jurymen had been bribed and would hang out for acquittal all summer, if necessary. This talk was forever silenced when the jury was discharged and it was found out that this man was one of the strongest for conviction.

If the attorneys had not agreed on the discharge of the jury, the chances are that it would have remained out all summer, for Judge

Lawrence had made up his mind to let them stay out until they had reached some decision.

The court fixed Coffelt's bail at \$5,000.

On March 3, 1903, W. P. Hackney withdrew from the defense and Oliver P. Fuller was hired to replace him.

Coffelt's Third Trial.

On Friday, March 27, 1903, the selection of jurors for the third trial of O. W. Coffelt, for the murder of George C. Montgomery, began. The court took over a week, and summoned over 350 men for examination to serve on this jury of 12 men.

The attorneys for the state were County Attorney J. E. Torrance, G. H. Buckman, C. W. Roberts, and Mr. Cruse of Ardmore, Indian Territory.

The attorneys for the defense were A. M. Jackson, A. L. Noble, and O. P. Fuller.

A new witness, C. B. Hunt, a deputy U. S. Marshall at Perry, Oklahoma, was introduced. He testified that he was present at the time of the trouble between Montgomery and Joe Miller. That it was at the time of the trial of Zack Miller and Frank Potts for robbing the newsboy, when Zack Miller's bond had been forfeited because of failure to appear for trial. The Court had ordered the witnesses to be paid, which it was Mr. Hunt's business to do so. While seated at his desk in his office, just off the courtroom, writing checks, Joe Miller entered very much excited and talking very fast. Mr. Hunt could not say whom it was that Miller was addressing until Mr. Montgomery spoke up. Mr. Hunt heard Montgomery say: "If the boys had not taken the cigars, there would have been no trouble." That Joe Miller replied to Montgomery: "Whomever said the boys stole the cigars was a ---- liar." That Mr. Montgomery hit Joe Miller, who fell against the wall and over Mr. Hunt's chair. That all this occurred behind Mr. Hunt's back; and that he

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couldn't say just how it occurred. That as Miller fell, he (Hunt) jumped up to separate them and Miller had his hand in his pocket. That Mr. Hunt grabbed his arm and said, "Don't pull a gun here, Joe." That Mr. Miller removed his hand and displayed a pocket knife, which he immediately replaced in his pocket. That Mr. Miller's face was bloody. That later in the day young George Miller was in his office on business and asked for Montgomery, using rather severe language.

Another new witness was George A. Foster, Sheriff of Noble County, Oklahoma, at the time of the trouble. He said he saw Joe Miller immediately after the fight and that Joe said Montgomery had hit him without cause, adding that "It was a good thing he didn't have his gun." That Joe Miller also told the witness that Frank Potts said that "If he (Joe Miller) said so, he (Frank Potts) would take his six shooter and kill Montgomery." That the witness said he advised against such a course, and suggested rather that Miller have Montgomery arrested, which he at first thought Miller would do, but a warrant was never sworn out.

George Foster further testified that Coffelt was called "Colorado" at the ranch. That the first time he saw Coffelt after the murder was at Del Rio, Texas, about December 23, 1901.

Foster located Del Rio on the Rio Grande, 450 miles south of El Paso, Texas, near the Mexican line and 1,000 miles from Bliss. Foster stated that he and Dr. Patton of Pawnee had gone together to Del Rio ostensibly to get Coffelt for a forfeiture of bond with Patton as his bondsman. That Coffelt was willing to return. The witness told of the express package expected by Coffelt under the name of Maxwell.

The case was given to the jury April 10, 1903. It had taken eight days to get the jury out of a special venire of 350. The trial lasted fourteen days. The state introduced seventy-

eight witnesses and the defense fifty-three. On the Tuesday morning, April 14, 1903, the jury reported to Judge Swarts that they could not arrive at a verdict. They were six for acquittal and six for conviction.

There was much speculation as to whether the case would ever come to trial again. It seemed almost impossible to get a jury to agree as to a verdict either one way or the other. County Attorney Torrance asked for a continuance of the case and also asked that Coffelt's \$5,000 bond be renewed at its expiration.

DEATH OF GEORGE W. MILLER.

On April 25, 1903, George W. Miller died of pneumonia.

Coffelt's Fourth Trial.

The fourth trial of Mr. O. W. Coffelt began November 9, 1903, in Winfield, Kansas.

On November 12th Cal Ferguson, a witness for the State, was examined as well as other witnesses. Bailiff Jake Harmon had been sent to Bliss on the previous day for a witness who lived on the 101 ranch. He returned with the report that he had been stood off with guns and was unable to get his man.

State witness Bert Colby was called. He was held in jail since June 25, 1902, on the charge of the murder of George C. Montgomery. He appeared in the first trial; but had evaded the second and third. Being one of the strongest witnesses for the state, the defense subjected him to a search cross-examination. The defense felt they had drawn from him stronger details as to the arrangements made for dismissing felony cases against him in the Territory. Their object was to show that Colby was induced by fear of the penitentiary to swear against Coffelt in Winfield. On redirect examination Colby insisted that the prosecution had only required him to tell the truth, and he had told it.

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The state introduced a new witness, Charles Colby. The witness swore that he saw Coffelt at the 101 ranch on the morning of the killing, that G. W. Miller had given Coffelt a shotgun, and that he saw Coffelt ride away. The defense cross examined him very closely, seeking to establish his connection with Bert Colby and the desire he would have of getting Bert clear of other charges by swearing against Coffelt in this case.

Frank Potts was examined on November 14, 1903. He gave his residence as Fort Collins, Colorado, and stated that he was an employee on the 101 ranch for three or four year, ending his employment there in November 1901. Frank Potts said that he knew of the trouble between the Millers and Montgomery. That a few days after the scene between them and Montgomery at Bliss, George W. Miller called him aside and told him that he wanted him to kill Montgomery. That it was urged upon him that he could do it and get away. That he was then under obligations to the Millers and would not say "No." That sometime in August 1901 George W. Miller sent him to Winfield on horseback. That he arrived late and went to the Millers' barn on West Ninth, and that George W. Miller brought him food and a shotgun. That this gun was the one Zack Miller had won at a raffle in Bliss. That Miller then left him with orders not to be seen on the street. Frank Potts stated that he was in Winfield two days, but that Miller being gone, he came uptown and was seen several places, meeting and talking with people he knew. That when Miller came back from Kansas City, they returned to Bliss. That he was asked several times to do that job, there, and out in new country. That the Millers told him they could hire Coffelt to do it. That he had several conversations with Coffelt, who wanted to know what had been offered Potts to do the job; and that Coffelt had told the witness that he would not do it for less than \$500. That witness

knew when Coffelt came to Winfield the first time and when he came back to tell that he had changed his plan for the killing of Montgomery. That he was at Bliss on the day of the killing and knew of the presence of the two commission men from Kansas City. That two or three weeks after the killing, he carried a message from Miller to Coffelt, who was then on his farm near Sinnott, Oklahoma Territory. That the message from Miller was that Coffelt should come to the ranch, and to be careful as he was likely to be arrested for killing Montgomery.

Other witnesses had testified in this and former trials as to the stranger coming to Coffelt's; and it appears that Frank Potts was this man.

Potts testified that while he was on a cattle inspecting trip, he was told by Ed. Snyder that Coffelt had been, or was to be, arrested. That he had no conversation with Snyder in which he stated that Coffelt didn't kill Montgomery and that Snyder would be surprised to know who did. Potts also denied that he had told Dick Chase that he had a chance to get \$1,000 for testifying against Coffelt; that he had attempted to get Sowers to leave the country; that he had told Dick Chase that he would pay him \$300 to leave the country and not testify in behalf of Coffelt; further, that Dick Chase would be arrested for perjury if he did so testify. Potts testified that he did not tell Charles Kellogg that he had a better thing than punching cattle and that after the Coffelt trial, he would have plenty of money and was going to Colorado and run a saloon.

Potts further testified that George W. Miller had told him that he (Miller) could kill Montgomery, play crazy, and get out of it in a year. Potts also stated that when Miller sent him to see Coffelt, he was instructed to tell him to leave at home "that damned yellow coat with the big buttons." That this was the coat identified by

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so many witnesses. Potts said that the object of the trip from Ponca City was to see Joe Miller, who had sent for him. That he saw Joe Miller at the ranch before he was given up on his bond, was rearrested on the bond in the cigar stealing case in which Joe Miller was surety.

On cross-examination Potts stated that he gone by the name of Frank Mann and had been in reform school for running away from home. Cross-examination was handled by Mr. Jackson for the defense.

County Attorney Torrance then testified that Frank Potts was not put on the stand at the third trial because he (Torrance) had not considered Potts' testimony proper rebuttal and it was not considered advisable for the prosecution to reopen the case.

The commission man, Deffendorff, from Kansas City, not being present, his testimony in a previous trial was read. In it he swore that slept at the 101 ranch on the night of the killing of Montgomery, and on the morning after the killing he heard someone waken Joe Miller and tell him that "Colorado" (meaning Coffelt) had come and wanted to see him.

The next witness called by the defense was Ed. Snyder, who appeared in the case for the first time. Snyder testified that he knew Frank Potts; and that in December 1901 or January 1902 he, in company with Inspector Noble and Frank Potts, went below Bliss to inspect some cattle. That he had heard from Sheriff Foster that Coffelt had been arrested, or would be arrested, and while on the trip he had asked Frank Potts if Coffelt had killed Montgomery, and that Potts replied that Coffelt had not. That it was getting too hot for him (Potts) and he told Snyder that he expected to leave the country. That Potts told Snyder that he would be surprised if he knew who did kill Montgomery. The testimony of Ed. Snyder was not shaken by cross-examination.

Mrs. G. W. Miller took the stand. She was followed by her daughter, Mrs. W. H. England. They both denied the presence of Frank Potts at the Miller home in Winfield during the month of July 1901; they both further denied that Potts was hidden in the barn at their residence on West Ninth, where it was purported that George W. Miller had carried food to Potts. The effort of counsel to interrogate Mrs. Miller in regard to the ante-mortem statement of George W. Miller was overruled by the court. Mrs. Miller and her daughter left the stand without cross-examination.

On Friday, November 27, 1903, the jury returned with no verdict. They stood eight for acquittal and four for guilty. They were selected out of a venue of 190.

By March 1, 1904, all cases concerning the murder of George W. Montgomery were dismissed by the County Attorney.

After the death of her mother, in Winfield, Mrs. Montgomery moved to Denver, Colorado, to be near other relatives. She returned for each trial. *Arkansas City Daily Traveler*, December 28, 1901.

MURDER WILL OUT. IS COFFELT MONTGOMERY'S ASSASSIN?

Under Arrest in Texas.

The Sheriff Has Gone For Him.

**It is Said That He Was an Employee of
Millers on Ranch 101.**

Coffelt is under indictment in Pawnee County, Oklahoma, on the charge of felonious assault, and forfeited his bond.

KANSAS CITY, Dec. 28. A special to the Star from Guthrie, Okla., says that the assassin who killed G. C. Montgomery, the Santa Fe detective, at Winfield, Kan., last summer, is believed to be under arrest at Del Rio, Texas. The man in custody is O. W. Coffelt, who is

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under indictment in Pawnee county, Oklahoma, for felonious assault and who forfeited his bond of \$5,000 by leaving the country.

Coffelt was employed at one time on ranch "101" at Bliss, O. T., in the strip. Montgomery was killed at night while sitting in his home writing, the assassin firing through the window.

A large reward is offered by the Santa Fe Railroad company for the arrest of the murderer. Coffelt is said to have taken refuge in Mexico at the time and was tracked across the line into Texas. The sheriff left today with a requisition for him.

Arkansas City Daily Traveler, Monday, December 30, 1901.

T. W. ECKERT, Editor.

Should O. W. Coffelt, who is under arrest in Texas, prove to be the real murderer of G. C. Montgomery, it will strengthen the suspicions expressed by some at the time that an Arkansas City man had some knowledge at least of the criminal.

[SAME EDITION OF PAPER: *Arkansas City Daily Traveler*, December 30, 1901.]

IS HE THE MAN?

O. W. Coffelt Is Believed to Be Montgomery's Murderer.

Saturday afternoon the TRAVELER's Associated Press report contained a story of the capture of O. W. Coffelt at Del Rio, Texas, and it is believed that he is the murderer of George C. Montgomery.

Coffelt was under indictment in Pawnee county, Oklahoma, on the charge of felonious assault and forfeited his bond of \$5,000.

The Pinkerton detectives who had charge of this case had traced the crime to Coffelt, who was at that time in Pawnee county. The requisition was secured and they went after him, but when they reached Pawnee and talked with

the sheriff, they found that his trial on the charge of assault was set for a few days later and that officer was sure he would be on hand, when he could easily be arrested.

For some reason he did not come into court and his attorney succeeded in having the trial postponed several days. Coffelt evidently learned that he was wanted and left the country, forfeiting his bond. When the day set for the trial came, no man to be tried put in an appearance, and the detectives began a search for him which was unsuccessful. They were called off and the bondsman went after his man.

Coffelt, if he is the man wanted, was for several years the hangman at Fort Smith, Arkansas, and it is said that he thought no more of hanging a man than he did of eating a meal. He had plenty of the work to do and grew hardened to it.

John Law has placed the case before the Santa Fe company and it is likely that something will be done at once.

Arkansas City Daily Traveler, December 31, 1901.

COFFELT IN THE CITY.

Sheriff Foster, of Perry, Took the Man Through Last Night.

Last night, on No. 405, Sheriff Foster, of Perry, took O. W. Coffelt through Arkansas City en route to Perry, where he will be lodged in jail to await trial. The presence of this man on the train was kept a secret and no one save the conductor knew that he was wanted for the most cold blooded murder ever committed in southern Kansas. The reason for this was the fear of the officer that if he is the guilty man and the people at 101 ranch are implicated that an attempt might be made to take him from the officer and give him his liberty. He was shackled and handcuffed and occupied a seat in the chair

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car with his wife and small child. Just behind them sat Sheriff Foster.

Coffelt was arrested last week at Del Rio, Texas, a small place near the Mexican border, and a requisition placed in the hands of Sheriff Foster, to go after his man. He was brought around by the way of the main line of the Santa Fe and late last night lodged in jail at Perry.

The proof against Coffelt is said to be very strong and in the minds of the officers there is but little doubt of his guilt. Yesterday John Law wired to J. D. M. Hamilton, who has charge of the case for the Santa Fe, and asked him if Coffelt was arrested for the murder of Montgomery. He received in answer last evening stating that he was.

The prisoner will be kept in jail at Perry until the matter of his forfeited bond can be fixed up and then he will be brought to Cowley County for trial.

Arkansas City Daily Traveler, Saturday, January 4, 1902.

COFFELT SENT TO WINFIELD

Where He is Charged with the Murder of G. C. Montgomery.

Governor Tom Ferguson yesterday honored the requisition issued by Governor Stanley, of Kansas, for the return of O. W. Coffelt to Winfield, where is wanted to answer to the charge of murdering Santa Fe Detective G. C. Montgomery about three months ago. E. G. Gray, deputy sheriff of Cowley County, Kansas, was here with the papers and went to Pawnee yesterday for Coffelt, who is there in custody.

Coffelt was arrested last week in Del Rio, Texas, as a fugitive from justice from Oklahoma, having skipped a bond at Pawnee. He was returned to Pawnee and the Oklahoma authorities have agreed to surrender him to Kansas. *Guthrie Capital*.

Arkansas City Daily Traveler, Monday, January 6, 1902.

COFFELT BROUGHT BACK.

Is Now in the Sedgwick County Jail and Will Answer for the Murder of George C. Montgomery.

Yesterday O. W. Coffelt was brought from Pawnee County, Oklahoma, to Kansas to answer to the charge of killing George C. Montgomery.

THE CRIME.

On the evening of October 5, George C. Montgomery, special Santa Fe detective, was sitting at a table in his home in Winfield, busily engaged in making out his weekly reports. It was about 7:40 o'clock when a load of buckshot was fired through the window with fatal effect. Montgomery fell from his chair a dead man. So well was the murder planned and the traces covered up that the officers did not find a clue for several days. The hunt for the murderer is a well known story and the people are all familiar with it. Finally, W. C. Johnson, a young man who left Winfield the following day for Bliss, was arrested and is now in jail on the charge of killing the detective. Owing to the fact that Montgomery had considerable trouble with the Millers, proprietors of the 101 ranch, suspicion very naturally fell upon them and the ranch was closely watched.

The Pinkerton men, were put on the case by the Santa Fe company, finally got a clue which they followed out and found it pointed to O. W. Coffelt as the man who actually did the killing. He was under bond at Pawnee for his appearance for trial upon the charge of assault with intent to kill. He learned that he was wanted upon the other more serious charge and when all was ready to make the arrest, he was not to be found.

To Sheriff Foster, of Perry, was instructed the work of locating the man, and he finally was

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successful. He watched the mail received by Mrs. Coffelt's mother and learned that they were in Del Rio, Texas, where Coffelt was working as a roust-about in the roundhouse in the

The Cowley County officers were notified at once and securing a requisition, Under-sheriff E. G. Gray went to Pawnee, where he succeeded in getting the case against Coffelt postponed and started to Kansas with his man. Rumors were afloat in Pawnee to the effect that the Kansas officer would never bring his man out of Oklahoma and that the Millers would take Coffelt at Bliss.

Saturday morning Undersheriff Gray and Coffelt started to Guthrie, accompanied by Detective Bush, of the Pinkerton agency in Kansas City, who worked up the case, and Sheriff Foster, of Perry. Upon reaching Guthrie they got aboard the northbound Santa Fe and put their man in the baggage car. He was heavily ironed and the doors of the car barricaded. No one was allowed to see him and the utmost caution was used.

When Bliss was reached, the officers were more careful than ever. There was not a sign of the Millers or anyone from their ranch, and the chances are that the rumors were pure fakes. The station safely passed, Coffelt was relieved of his shackles and handcuffs and when seen by a reporter, yesterday, he looked more like a farmer than a bad man.

All the way up he exhibited a desire to talk, but the officers did not allow this, as they are not quite ready. He is very nervous and they believe he will ultimately confess all.

He was not stopped in Winfield, but was taken directly to the Sedgwick County jail, where he will be kept until he is brought down for his hearing. He will probably be taken before the justice court tomorrow and his hearing set.

The case against Coffelt is a very strong one and the officers believe they have the right man.

Southern Pacific railroad. His arrest was ordered and Sheriff Foster brought him to Pawnee.

Arkansas City Daily Traveler, Monday, January 6, 1902.

George Miller, of the 101 ranch, was in the city last night on his way to Winfield.

Arkansas City Daily Traveler, Wednesday, January 8, 1902.

COFFELT'S PRELIMINARY.

Judge Webb, of Winfield, Will Hear the Case January 27.

This morning O. W. Coffelt, the man charged with the murder of George C. Montgomery, in Winfield, was brought from the jail in Wichita, where he is being held, to Winfield and taken before Justice of the Peace L. H. Webb. The preliminary hearing was set for January 27, and he was sent back to jail without bail.

Coffelt is still very nervous and realizes that he is up against a tough proposition. He was taken back to the Wichita jail, where he will be held until the date of his hearing.

[Next item has no bearing on the George C. Montgomery trial. It was written by the husband of Edna Worthley Underwood.]

Arkansas City Daily Traveler, Monday, January 13, 1902.

EARL UNDERWOOD Makes a Suggestion Worthy of Consideration.

Below will be found a letter from Mr. Underwood, on a subject very near to the heart of the people of the southwest. His suggestion that Mr. Bassett be used as a witness in the case of Kansas against Colorado, is respectfully

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referred to the Commercial Club and to Attorney General Goddard.

KANSAS CITY, MO., Jan. 11, 1902.

DEAR SIR: I have just read in the TRAVELER the item regarding William Bassett, as government water gauger. It occurs to me that the evidence of Mr. Bassett would prove valuable in your water suit against Colorado. His deposition taken by the attorney general would be more conclusive than the testimony of a dozen farmers living in the valley because his knowledge comes from actual measurements, while the farmers' comes from observation and guess work. The very fact that Mr. Bassett's office was discontinued on account of having no water to measure should be of some weight. This all may have occurred to you, but a friendly interest in Arkansas City prompts me to call it to mind.

Yours truly,

EARL UNDERWOOD

Arkansas City Daily Traveler, Thursday,
January 16, 1902

WITH SONGS.

O. W. Coffelt Spends His Time in a Peculiar Manner.

O. W. Coffelt, the alleged murderer of George Montgomery, who is confined in the rotary cell of the county jail in solitary confinement, is continually singing religious songs and praying. He will sing "Nearer My

God to Tee," and then offer a prayer for his soul. Then he will sing "Hallelujah," and make another prayer, and then sing another part of some old hymn. He does not know all of any of them, but supplies the words and music to suit himself. He is rather a good singer with a baritone voice, which he uses to good advantage. The inmates of the jail like to hear him sing as he renders the parts of the songs he

**T. W. ECKERT, ARKANSAS CITY,
KAN.:**

knows in a very beautiful manner and puts his whole soul into the music.

He does not want to talk with anyone. When his dinner is brought to him, he eats it without saying a word and hardly ever speaks to anyone of the officers. He will answer questions and that is all.

He is evidently troubled about something as he spends his whole time in singing and praying. He kneels for hours on the floor; and as soon as a prayer is finished, he will start up some song and when he cannot think of anymore of this, he will wait a few moments and then resume praying. He repeats almost the same prayer each time. If he gets lost in some part of it, he will stop and mumble for a few moments, and then commence again. His voice is high pitched and can be heard all over the jail. At first, his talking and singing bothered the other prisoners; but they have come to like his prayers and songs and some of them will listen for hours to his music and they seem interested, and some few of them can be heard humming parts of the songs the man sings. *Wichita Eagle*.

Arkansas City Daily Traveler, Friday,
January 17, 1902.

O. W. COFFELT.

The Man Charged With the Murder of Montgomery, Back in Cowley County.

Yesterday O. W. Coffelt, the man who is charged with killing George C. Montgomery, was taken from the rotary cell in the Wichita jail and brought to Cowley County, where he will be confined until after he has had his preliminary hearing, which is set for January 27. He was taken into the county attorney's office yesterday and a long talk between him and the attorney was had.

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Coffelt was then taken to a photography gallery and his picture taken. He did not object to this as the officers were afraid he would, but went along very quietly. The men who have worked up the case against Coffelt believe they have a chain of evidence against him that will certainly convict him.

Ed. Donnelly, the operator at Hackney, was in Winfield and taken to see Coffelt to ascertain whether he is the same man who was at Hackney on the night of the murder. He says he is not the man and this is just what the officers wished for. They expect to show that there was another mixed in the murder and another arrest may be made in a short time.

Coffelt's demeanor is that of a man under a severe mental strain and try as he will to hide his nervousness, he is unable to do so.

Arkansas City Daily Traveler, Monday, January 27, 1902.

COFFELT'S PRELIMINARY Postponed Until February 5 By Agreement.

Today was the time set for the preliminary hearing of O. W. Coffelt, charged with the murder of George C. Montgomery, before Justice of the Peace L. H. Webb, in Winfield. When the case was called, the announcement of a postponement until February 5 was made.

This was done by agreement and for the purpose of allowing some of the attorneys and others interested in the case an opportunity of going to Topeka to attend the Kansas Day Banquet.

Cal Ferguson was called to the stand. He told of going to the Montgomery home after hearing of the murder and described things as he found them there. He found a running track south of the home and followed them for some distance. He afterward compared the track with W. J. Johnson's shoe and they were an exact fit. He found another running track and took a

Arkansas City Daily Traveler, Wednesday, February 5, 1902.

COFFELT'S PRELIMINARY. Considerable Damaging Evidence Against the Man Brought Out Yesterday.

Yesterday morning before Justice Webb began the Coffelt preliminary examination. County Attorney Torrance is assisted in the prosecution by his deputy, C. W. Roberts, and Hackney & Lafferty are conducting the defense.

Coffelt was dressed in a new suit of dark clothes and his appearance is very much changed from what it was a month ago. He sat by the side of his wife and just behind his attorneys. He was very nervous and had a habit of twitching his face that gives him a bad appearance. Besides, he sits and keeps continually rubbing his thumbs. It may be merely a habit and yet it made an impression upon all who saw him.

Mrs. Montgomery was the first witness called to the stand and she related the particulars of the killing just as they have been told several times in the TRAVELER.

Andy Smith, colored, was the next witness. He testified that he was going home the night of the murder and was about a half block north of the Montgomery home on the same street. It was about 7:30 o'clock. He learned of the Montgomery murder, but did not stop as he went by. He saw the flash of the gun down by the east gate. He did not see anybody.

measurement of it. Rather a short foot, small heel. The two tracks ran south on different sides of the street and met in the southeast corner of a cane field north of the main road running east and west. In cross-examination the witness testified that the track which fitted Johnson's shoe was a broader and stubbier one than the

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other. The shoes that would fit the tracks would be a six or six and one-half.

Ed. Donnelly, the operator at Hackney, related the incident at the depot, but was not able to identify Coffelt as the man whom he saw there.

A. P. Johnson was on the train at the time of the trouble at Bliss between Montgomery and the Millers.

Henry Kirk, a farmer, was on the train and he also saw the trouble. He says there were four or five men on the platform and they told Montgomery to get off and they would "do" him. He got off, but had two six shooters in his hands.

L. J. West, a farmer of Tisdale Township, was in Ponca City on the 4th of October, and says Coffelt or a man answering his description was at a livery barn there and left a saddle horse, which he said would be called for by someone to go to the Miller ranch. He described the clothes worn by the man.

Sheriff Foster, of Noble County, was on the stand and told of the arrest of Coffelt in Texas.

Thomas Hawkins, a horse buyer, of Winfield, said he saw Coffelt first in Winfield early in September, when he bought a horse from him. Coffelt was at that time with Johnson. He said he again saw Coffelt at the Santa Fe depot on the day of the murder and then in the evening he saw him standing in a doorway uptown apparently watching Mr. and Mrs. Montgomery, who were passing. This was about six o'clock.

The court then adjourned until this morning when the hearing began again.

The prosecution finished its case this morning and the defense waived its preliminary. Judge Webb bound Coffelt over to the district court and fixed his bond at \$5,000, which he will probably not be able to give.

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TIMETABLE OF EVENTS.

- October 5, 1901 George Montgomery Murdered.
- October 12, 1901 Will C. Johnson arrested for murder.
- October 31, 1901 Preliminary Hearing for Will C. Johnson.
- November 18, 1901 Johnson bound over for Trial.
- January 2, 1902 O. W. Coffelt arrested for murder.
- February 4, 1902 Preliminary Hearing for O. W. Coffelt.
- February 5, 1902 Coffelt bound over for Trial.
- February 20, 1902 Johnson docketed for Murder Case #1624.
- February 20, 1902 Coffelt docketed for Murder Case #1626.
- April 8, 1902 Coffelt trial started.
- April 14, 1902 Johnson Trial scheduled—case continued.
- April 21, 1902 Coffelt Jury hung.
- May 19, 1902 George W. Miller arrested for murder.
- June 19, 1902 Second Coffelt trial began.
- June 25, 1902 Bert Colby charged with murder, Case #1627.
- July 8, 1902 Second Coffelt jury hung.
- September 3, 1902 George W. Miller charged for murder, Case #1669.
- November 5, 1902 Johnson case dismissed by County Attorney.
- March 19, 1903 Third Coffelt trial began.
- April 14, 1903 Third Coffelt jury hung.
- April 25, 1903 George W. Miller died.
- June 2, 1903 George W. Miller case dismissed by County Attorney.
- June 4, 1903 Johnson charged with perjury.
- November 9, 1903 Fourth Coffelt trial began.
- November 25, 1903 Johnson perjury case dismissed by County Attorney.
- November 27, 1903 Fourth Coffelt jury hung.
- March 1, 1904 Colby case dismissed by County Attorney.