

A Sheriff Lost in Time

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Ardmore, Oklahoma

Thursday, December 3, 1925

LONDON GOES OUT

JIM CRUCE NAMED AS SHERIFF

PENDING THE LITIGATION



It was stated in our last week's issue that rumors were pending of an indictment being returned against Ewing London, sheriff of this county, by the grand jury, and that London had denied the allegation. However, on the following day, Friday, the story broke, and proved to be a genuine sensation.

The indictment returned by the grand jury embraces eight charges, all of which are serious, and the truthfulness of each of them is said to be challenged by London and his counsel.

The grand jury in its report accompanying the indictment recommends the suspension of the sheriff, pending the investigation of the charges in the indictment, which, as the writer understands, is a necessary part of their return. A motion that this act be taken was presented to the district court, Judge Freeman presiding, and set for hearing on the following day, Saturday, at 9:00 o'clock; some defect in the notice of the proceedings was discovered and the hearing was adjourned to Saturday afternoon, when after more or less lengthy and more acrimonious argument on the part of counsel, the court suspended the sheriff, and, as law provides, named a "sheriff pendente lite", that is, pending the litigation.

Anticipating this action of the court, something like 20 applications, supported by petitions, were offered to the court, requesting the appointment of that many different individuals. The court after brief consideration, named James Cruce, a farmer/dairyman, living near the Mount Washington School, and who is a man well known over the county, as "sheriff pro tem". Mr. Cruce required but a short time to prepare, and present to the court the required \$5,000 bond, and was sworn in as the temporary sheriff, to serve until the pending litigation was terminated.

Then the rush began. It is said that before Monday noon, more than 200 applications had been made to Cruce for appointment to places on his staff.

Cruce did not, however, take any action in the matter until Tuesday, when he accepted the resignation of all of the London deputies except T.B. McLish, undersheriff, and in their places he appointed the following as his deputies: Frank Smith, former night chief at the city police station, George Steward, Carl Parker, Virgil Thomas, Bill Boucher, L.B. Jones and D. Cunningham, all of whom assumed their duties at 4 o'clock Tuesday afternoon.

Jailer Hathcock will be succeeded by Bill Fraser, and Frank Smith will be first deputy. The other jailers are Bill Dickson, Frank Carson and Henry Kirby.

The organization thus completed, sheriff pro tem Cruce has started the machinery of his branch of the department of the county, and it is now functioning, pending the action of the courts on the indictment and ouster proceedings against Ewing London.

From the start, last Friday, the situation has abounded in sensations. The indictment of London was but little shock to the general public than was that of Fred S. Haynie, former county treasurer, several weeks ago, and who is still in jail, being unable to make the \$50,000 bond fixed by the court.

One of first sensational features was the controversy which one of our two district judges should take jurisdiction of, hear and determine the questions rising in the case, and preside at the final hearing. Judge W.F. Freeman, up to the present, has presided in all matters coming before the court, but London's attorneys have objected to his doing so because the case as filed, comes automatically on the docket over which Judge Asa Walden presides.

It appears that when the new judge was provided for in this judicial district, a court rule was adopted providing that there should be two courts, numbered, respectively, one and two; that all cases at that time on the docket having an odd number should be in court No. 1 and all cases having an even number should be docketed in court No. 2. Or, to make it absolutely clear, all cases filed having a number ending with 1,3,5,7, or 9, should be docketed in Court No. 1; and all cases having a number ending in 2,4,6,8, or 0, should be docketed in Court No. 2. Then Judge Freeman was assigned to preside in Court No. 1 and Judge Walden to preside in Court No. 2. The indictment against London is entered on the clerk's docket as case No. 13,826 and even number, and hence counsel for London insist that all proceedings under it should be heard, and orders made, by Judge Walden. Judge Freeman takes the position that the grand jury was appointed by him, and made report to him in open court, returning the indictment against London, that he has thus acquired jurisdiction over the case, and declines to surrender it to Judge Walden. Both Judges, set the case for hearing, each in his own court, on December 8th, at 9 to 10 o'clock a.m.

This resulted in the first application to the state supreme court, it being a petition to that court for an order of prohibition against Judge Freeman, prohibiting him from sitting in the case. Hearing on that petition, or motion, before the supreme court was expected on Wednesday forenoon, and counsel for both sides went to Oklahoma City on Tuesday evening, to appear and argue the matter before the supreme court.

(Editor's Note: Two reports come from Oklahoma City Wednesday afternoon regarding the action of the supreme court. One was that Freeman is given jurisdiction of the case. The other was that the court was divided in its opinion, only six judges being present, one of whom favored Walden and two for Freeman. It takes five judges agreeing to make a decision. Hence the decision was postponed until Friday morning, when all the judges would be present.)

Thus the attorneys appearing for London have been, John Hodge, Guy Sigler, and Bob Roland. The state being represented by county attorney Dudley, assistant attorney Shilling and Maj. Kirby Fitzpatrick.

Thus litigation stands at the present writing. The charges in the indictment, and other comment on the cases will be found elsewhere in this paper.

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Ardmore, Oklahoma

Thursday, December 17, 1925

LONDON OUSTED ON ONE COUNT IN THE INDICTMENT

JURY DISAGREES ON THE OTHER THREE

ASKS FOR NEW TRIAL

The London ouster trial reached its first station-stop on Tuesday morning. That is, the jury rendered a verdict on one count (that of permitting prisoners lawfully committed to jail, to visit their families while under sentence of confinement) which operates to oust the sheriff from office. On the other three counts in the indictment, which had not been stricken out by the court, the jury reported that it was unable to agree.

Defendant, Ewing C. London, through his attorneys, at once entered a motion for setting aside the verdict of the jury, and the granting of a new trial. This motion was set for hearing by the court, for December 28th, 1925.

And so the matter rests for the present. Should the court grant the motion for a new trial, the case will at once be set for rehearing, at an early day after the first of January. If the motion is denied, the defendant will, his attorneys announce, pray an immediate appeal to the supreme court of the state.

The chief ground on which the motion seems to be based is, that since the testimony was closed Sheriff London has received a letter from Governor M.E. Trapp (who had been off on a hunting trip while the trial was pending) confirming London's testimony to the effect that he had received authority by telephone to permit Conelly who was in jail under a misdemeanor charge, to visit his child, which was reported dangerously ill at his home in the west part of the county. Of course there are, or will be, other grounds set out on which the new trial request will be based.

Interest in the case was, naturally, intense. The jury received the case at 3:00 o'clock Monday afternoon, and at about 8:00 o'clock that night returned to the court and asked that the testimony of witness Dick Hignight, former night jailer, and John W. Ginn, former deputy sheriff, be read

to them from the court reporters notes, which was done. At 9:00 o'clock they reported that they were unable to agree, and court adjourned until Tuesday morning.

It is said that the jury stood 7 to 5 on the count relating to failure to enforce the prohibition laws, and allowing prisoners to run at large, and 6 to 6 on the count relating to the collection of fees, when they asked for the reading of the court reporters notes, as above stated.

But when they entered the courtroom at 11:25 Tuesday morning, all 12 of them had agreed upon, and signed the verdict of guilty under the court charging the allowing of prisoners to run at large, but still stood 7 to 5 on the other counts, which charged the non enforcement of the prohibition laws, and the unlawful collection of fees by deputies from justices of the peace.

Public opinion, here in Ardmore, so far as the Statesman could gather it from interviewing men on the streets and in business houses, was pretty much divided.

Many friends of London insisted that there had been better order preserved in the county and city, far less drunkenness and bootlegging, disorderly houses were kept under very much closer restraint, wildcatters had been vigorously raided and prosecuted, and in every way moral tone of the community had been elevated under London's administration.

Then there were others who said that, with exception of roistering conduct on the part of deputies, the administration of London was no better than that under Buck Garrett, and in the matter of suppressing robberies, hold-ups, and the like, it does not, as one enthusiast stated, "hold a candle to the Garrett administration."

Little comment was heard regarding the successor of London in the event the ouster stands; it seems pretty general agreed that Jim Cruce would get the appointment for the unexpired term.

The foregoing is a fair summary of the "vox populi" as the Statesman was able to gather it, up to the time this was written, Wednesday afternoon.

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Ardmore, Oklahoma

Thursday, December 31, 1925

LONDON BEATS BACK CONVICTION SET ASIDE

NEW TRIAL GRANTED AND

SHERIFF REINSTATED TO HIS OFFICE

The local sensation of the past week, was the setting aside of the verdict of conviction of sheriff Ewing C. London, granting him a new trial, and a court order reinstating him to the office of

sheriff of the county. All of this happening Tuesday, December 28, just one month after the day on which the indictment against him was returned by the grand jury, and the order of ouster made by Judge Freeman, all of which happened on Saturday, November 28th.

There was little of the spectacular connected with last Tuesday's proceedings. Judge Thos. G. Chambers, of Oklahoma City, who had been assigned to and had presided over the trial, on calling the court to order at 1:30 Tuesday afternoon, and a few unimportant preliminaries had been complied with, stated to counsel and the attendant audience, that he had, during the days intervening since the trial closed given the matter careful consideration, re-read the testimony, and had reached a definite opinion in the matter; hence argument would be but wasted time. That he was convinced that the verdict reached by the nine members of the jury, after protracted consideration, was not sustained by the testimony offered in the case; hence he would grant the motion pending for a new trial, and would revoke the order suspending the defendant from office, and would order him reinstated as sheriff of the county at once.

Naturally, this aroused the friends of London in the crowded courtroom, to enthusiastic shouts of approving applause; they surrounded him congratulating him shaking his hand, and in every way demonstrating gratification over the sudden ending of the case, which everyone had expected would consume the entire afternoon at least.

The county attorney and Kirby Fitzpatrick, representing the state expected to the ruling of the court and once gave notice of appeal to the supreme court. These exceptions were allowed and noted and the appeal granted.

Later in the day Judge Chambers prepared an order in the case to be entered on the minutes of the court, a full copy of which will be found below.

Immediately the county attorney and the associate counsel, prepared a petition to the supreme court asking an order of prohibition against Judge T.C. Chambers, reinstating him from restoring London to office because the indictment is still pending, a new trial granted, and an appeal prayed and granted from the order Judge Chambers made. This petition was taken Tuesday afternoon to the capital, and presented to the supreme court, which set a hearing for it on Wednesday morning. On that day the matter was argued before the court, and the prayer of the petition denied, virtually sustaining the action of Judge Chambers.

That puts the whole thing back to the perfecting of the appeal, if it is perfected, and the action of the supreme court thereon. The latter event may take place, as it did in the Buck Garrett case, after the term of London as sheriff has expired. As to whether the appeal from the Judge Chambers decision will work a stay of proceedings on the whole action or not, "this deponent is unable to say."

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Ardmore, Oklahoma

December 16, 1926

#### LONDON OUSTER CASE DISMISSED ON MONDAY

On last Monday morning the case against Sheriff E.C. London, under the indictments returned against him by the grand jury sitting in the summer of 1925, were "dismissed without prejudice" by Judge Tom P. Pace, of Purcell, who was assigned to hear the matter, because both local judges had disqualified themselves.

This was the case in which London was ousted, about a year ago, and Jim Cruce appointed sheriff pro tem. London was found guilty under only one charge, that of letting a prisoner visit his family while under sentence, and Judge Thomas G. Chambers, of Oklahoma City, who was assigned to hear the case then, set aside the verdict, and gave London a new trial, which has just come up. Monday the Carter county attorney asked for leave to dismiss the case with prejudice, and Judge Pace granted his request. Thus the case ends. Neither London nor his representatives were present at the trial. London will fill out the balance of his term with the title to his office undisputed.