

FLOYD WILSON: FORT SMITH LAWMAN

By Art T. Burton

Floyd Wilson was one of the most able and noted deputy U.S. marshals for the Fort Smith federal court during the 1880s and 1890s. He also worked on and off as a town lawman in Fort Smith, Arkansas. Sadly, Wilson is known more today for the fact he was the one and only person killed by the famous Cherokee Indian bank robber Henry Starr.

Wilson was born Floyd Alderman Wilson on May 9, 1860 in Lee Township, Athens County, Ohio, the son of William T. Wilson and Eliza Cottrill. Wilson attended one term of college at St. Mary's College in Emmittsburg, Maryland, where he attained good grades. He withdrew from college and enlisted in the U.S. Army for five years from 1878 to 1883. Wilson served in Texas and the Indian Territory.

On January 5, 1884, Wilson received a commission as a deputy U.S. marshal for the Western District of Arkansas. There is also documentation showing Wilson received a commission also on October 22, 1889.

Wilson worked with the famous African American Deputy U.S. Marshal Bass Reeves in late 1883 to the Chickasaw Nation as a posseman. Reeves had a warrant for the arrest of Jim Webb, the foreman of the Washington-McLish Ranch. Webb had murdered a black man named Reverend Stewart who owned a small farm next to the huge Washington ranch. Stewart inadvertently started a fire that got out of control and burned a large portion of the grazing land on the Washington spread. Webb confronted Stewart in regards to the fire and proceeded to kill him after a short quarrel.

Reeves and Wilson rode onto the Washington ranch under the disguise of cowboys looking for work. Webb and a cowboy named Frank Smith greeted the suspicious riders at the ranch house with pistols in hand. Soon after arriving Reeves and Wilson had somewhat convinced the cowboys that they were seriously looking for work. After receiving breakfast Reeves and Wilson, noted that the cowboys were still not completely convinced. In conversation with Webb, Reeves noticed something in the yard distract Webb, Reeves took that instant to grab Webb by the throat and Wilson was supposed to control Smith. But, Reeves had been so quick his movements' startled Wilson, Smith attempted to shoot Reeves with his pistol. Reeves returned fire, mortally wounding Smith while still holding Webb by the throat. Webb was arrested for murder and Smith was buried near Tishomingo.

The veteran Bass Reeves, who by the time of Wilson's commission had served near ten years as a deputy for the Fort Smith court, help train Wilson in the aspects of being a field deputy U.S. marshal. Reeves also did this for other young deputies new to the court and territory.

The **Fort Smith Elevator** on February 15, 1884, reported on Wilson bringing a load of prisoners into Fort Smith:

"Deputy Floyd Wilson reported on Friday last with eleven prisoners, as follows: Lewis Sanders and Charles Buffington (Negroes) William and Ed Bait, Thos. McDaniel and

Albert Scrapper (Indians), and William Columbus (white) charged with introducing whiskey in the Territory; James Lee (Indian), George Vann, Levi and William Steel (white), larceny. McDaniel gave bond and the balance were locked up.”

The Fort Smith Elevator on February 29, 1884 told of Wilson arresting a white man named S. M. Carson for violating the revenue law.

In March 1884, Wilson was again acting as posse for Deputy U.S. Marshal Bass Reeves, along with the William Leach as cook, and John Brady as guard, left Fort Smith for the Indian Territory.

During this trip into the territory Reeves accidentally shot Leach. Wilson was not present when the shooting incident occurred. Reeves was arrested for first-degree murder in 1886 for shooting Leach and relieved of duty. In October of 1887, Reeves was found innocent by a jury trial and returned to work as a deputy U.S. marshal. A position he held until November 16, 1907.

On April 25, 1884, the **Fort Smith Elevator** reported on that trip into the territory:

“Deputies Reeves and Wilson came in Wednesday with the following prisoners: James Geeson, assault with the intent to kill; Eleck Bruner, Aaron Sancho and Hotablsy, larceny; Crotsey Fixico, Tobey Hill, Golmo Jessee, Wiley Hawkins, Noah, Charley Jones, Amos Hill and G. H. Brewer, introducing liquors. One of their prisoners who was severely wounded while resisting arrest had to be left in the Territory, a physician saying that to move him would endanger his life.”

The severely wounded in the article was most likely the cook and not a prisoner.

Wilson married Bridget Kelly, the daughter of James Kelly and Anne Scully, on February 25, 1886 in Fort Smith, Arkansas. The Kelly family had come from Ireland to New Orleans and then by steamboat up the Mississippi and Arkansas Rivers to Fort Smith about 1855. Floyd Wilson and his wife lived in Vinita, Cherokee Nation, and Muskogee, Creek Nation for a while before moving back to Fort Smith in March of 1887. Wilson and his wife would have three sons; Claude, John and Percy.

Wilson captured a couple of notorious desperadoes in March of 1886. The **Fort Smith Elevator** reported:

“Newt Scrimpsher and Charlie Counter, brought in a few days ago by Floyd Wilson and Sam Wingo on charges of murder have not yet been examined by the Commissioner. Newt is charged with the murder of a man named Secrest in 1879. Counter, who also answers to the name of Grunter, is a Seminole and is said to have murdered a white man named Holleren about seven years ago near Okmulgee. Holleren was murdered while engaged in hauling corn, his slayer having first shot him and then drove his team into the woods where he dumped him out of the wagon and left the team and wagon there. If Counter can't prove hi is not the man that did it he is in a bad box. Scrimpsher (sic) has lived at Muskogee for several years, during which time he has been a law abiding citizen, though at one time he was quite bad, being associate of the notorious Jim Barker, and has been before the courts on more than one occasion for acts of lawlessness.”

In 1887, Wilson left the U.S. Marshals Service and took a job as a Fort Smith municipal police officer and went into local business. The Fort Smith Elevator reported on April 15, 1887, that Wilson and W. A. Lubbes, proprietors of the New Orleans Hotel, had opened up a first class city lunch counter in Frank Freer's saloon.

By December of 1887, Wilson held the rank of sergeant with the Fort Smith police department. During that month, Wilson with Captain Henry Surratt arrested two black men; Martin Council and Harvey Blackburn for burglarizing the D. Baker & Co. merchandise store three hundred dollars worth of clothing, jewelry and other items. The officers were able to retrieve fifty dollars of the goods in a damaged condition. They later found just as much stolen merchandise hidden in the gallery of the local Episcopal Church.

In January 1889, the mayor briefly removed Wilson from the Fort Smith police department. The local newspaper reported that Captain Henry Surratt, city detective Wiley Cox and John McDaniel were also relieved of duty. These men were the most senior men on the department and some newer policemen were retained by the city. The newspaper went on to say they believed it was political due to the men signing a petition for an individual who was an applicant for the post masters job, which the mayor was also an applicant. The city council was in an uproar over the suspensions and the matter was referred to the city police committee.

Later that year, Wilson was back with the Fort Smith federal court as a deputy U.S. marshal.

In February of 1890, Wilson arrested a burglar named Burt Davis. The next month the Fort Smith Elevator reported Wilson with the arrest of a notorious Creek Indian outlaw named Gibson Partridge, who was charged with murder, assault with intent to kill, larceny and other offences. Wilson and his posse had arrested Partridge twenty-eight miles from Tulsa, after a weeklong chase. Partridge had been dodging the federal officers for about two years, stealing horses and committing other depredations. Wilson and his posse found Partridge in the cabin of an Indian medicine man known as Old Caesar. The posse surrounded the cabin and Partridge refused to come out. Innocent women and children were allowed to exit the cabin before the officers set fire to the structure. Just as the roof was falling in the fugitive came to the door, threw down his weapon and surrendered. Partridge was one of the last members of the notorious Wesley Barnett gang. He had been tried for murder three times under the Creek Nation laws, one time for the murder of his own brother.

During March of 1890, Wilson arrested Sherman Westmoreland for violating postal law and a black man named William Garvin for stealing 1500 pounds of flour from a freight car in the town of Cherokee.

In April of that year, Wilson arrested Star Wady, Sam B. Carter and John Wallace for selling whiskey and Richard Payne for assault all in the Indian Territory.

On May 2, 1890, the **Fort Smith Elevator** reported on arrests made by Wilson:

“Joe Banks, Adam Banks, and Annie King charged jointly with murder, and Eugene Lawther, charged with introducing, etc. were brought in Saturday by Deputy Floyd Wilson. The two Banks’ and the King woman are Negroes, and they are charged with

the killing of Annie's husband, who mysteriously disappeared in June last, and whose body was afterward found in a creek near his house. Adam Banks, who is a son of Joe, married King's step-daughter after the disappearance of King, and it is intimated that Joe Banks, the old man, wanted the widow, and for this reason they conspired to get King out of the way."

May 9, the newspaper reported that Wilson had arrested an Indian named Jesse Cochran for assault and Cochran bonded out.

One of the most interesting historical tidbits in regards to Wilson's law enforcement career concerns the infamous Dalton brothers. The oldest Dalton, Frank was commissioned a deputy U.S. marshal for the Fort Smith federal court and was killed in the line of duty. The next three brothers; Bob, Grat, and Emmett also worked in law enforcement, Bob had held a commission as deputy U.S. marshal for the Wichita federal court and chief of police for the Osage Indian Nation. All three worked as possemen with Floyd Wilson just before taking up the outlaw trail. Near Vinita in February 1890, Grat assisted with in arresting a Missouri Pacific Railroad foreman who was charged with beating an employee almost to death with a shovel; the accused was delivered to the Muskogee court for trial. Emmett and Bob was with Wilson in April 1890, when they captured Carroll Collier and Bud Maxfield near Claremore, Cherokee Nation, both escaped convicts from the Little Rock, Arkansas penitentiary. There was a reward of \$100 each for Collier and Maxwell, who were notorious horse thieves. The Dalton's made their last trip with Wilson in June 1890, when they were paid for their services as possemen. Afterwards they rode into the Osage country where they stole seventeen horses and a pair of mules that belonged to Clem Rogers. From this incident the Dalton's got involved in numerous escapades too numerous to mention here, only to say it climaxed with their rendezvous with fate at Coffeyville, Kansas in October of 1892.

On July 4, 1890, the **Fort Smith Elevator** reported:

"MAXFIELD IDENTIFIED Mr. George Shannon, of Gibson Station, came down Monday to take a look at Eugene Standley, believing that he was one of three men who robbed him on the night of January 5th last. He could not fully identify Standley, but thinks he was one of the party. He did, however, positively identify, Bud Maxfield as the man who held the gun on him while he was opening the safe, and who repeatedly threatened to kill him. Maxfield denies being the man, but Shannon was so positive in his identification that he told Deputy Floyd Wilson, who captured Maxfield, to call at any time and get the \$50 reward, he having offered that amount each for the robbers. The other two men who were with Maxfield were probably George Meyers and Jim Hullum, who escaped from the pen at the same time Maxfield and Carroll Collier did..."

Floyd Wilson in the last week of July 1890, brought in Dave McDaniel, charged with horse stealing; Henry Hightman, charged with adultery and violating revenue law; Dan Hawes, assault with intent to kill, and William Dale, introducing and selling liquor in Indian Territory. Dave McDaniel was turned over to the Cherokee authorities, because he was a citizen of the Cherokee Nation and stole horses from Cherokees. The federal government only had jurisdiction when someone was a non-citizen and committed crimes against Indians or vice-versa. Hightman was discharged and Hawes gave bond.

It is apparent from research that Floyd Wilson during this his second tenure with the Fort Smith court was working primarily in the Cherokee Nation. *The Elevator* in the August 15 newspaper reported that Wilson brought in from the Cherokee country David Ross, charged with assault. He also had in tow George Denver and Dedrick Smith, for introducing illegal whiskey.

The fall of 1890 found Wilson busy rounding up various individuals who committing crimes in the territories. In September he brought in W. H. Spellman for larceny. Spellman was arrested in the Oklahoma Territory. Clabone C. Jones was arrested for selling illegal whiskey. In October, Joe and Columbus Phipps were arrested for larceny.

Fred Dodge was a noted and famous detective for Well Fargo & Co., in his published memoirs, which were published in 1969. Dodge talked about working with Wilson in 1891 and 1892, while investigating train robberies in the Indian and Oklahoma Territories.

The first incident occurred on June 13, at a home owned by the Westmoreland's in the territory where Dodge was supposed to rendezvous with a posse of men led by Deputy U.S. Marshal Heck Thomas. After spending the night by himself with the family of Westmoreland's, Dodge became alarmed concerning his guest. After spending an uneasy night, Wilson with a posse arrived on the scene at daybreak. Wilson proceeded to arrest the Westmoreland's for suspicion of murder and shortly thereafter Thomas and his posse arrived. The posse investigated a nearby cave on the banks of the Arkansas River where a neighbor seen the Westmoreland's carry something inside. The posse found three skulls and skeletons; there was positive identification for two more men. Also found was evidence of four or five more men who had disappeared in the immediate vicinity. According to Dodge, the Westmoreland's were taken to Fort Smith where four men sentenced to hang and the old Lady got a life a sentence at the U.S. Penitentiary at Atlanta, Georgia.

Dodge stated that while in the territories he worked with Deputy U.S. Marshals Heck Thomas, George Thornton, Bill Tilghman, Ed Short, Chris Madsen, and Floyd Wilson. Dodge later talked about receiving a tip in August 1892 that nine heavily armed men were going to rob a Frisco train at a tunnel near Winslow, Arkansas. Dodge had a conference with the railroad superintendent and Marshal Yoes at Fort Smith. Yoes placed Floyd Wilson in command to investigate. Wilson assembled a posse consisting of Paden Tolbert and Bud Ledbetter along with Dodge. The men traveled to Winslow on a special train out of Fort Smith. When they arrived at the vicinity of the tunnel they found out that the men were a large hunting party and the leaders were known to Wilson, Tolbert and Ledbetter. The watchman who erroneously stated earlier that they were outlaw was hoping to get a large reward and fame for locating a group of train robbers. Dodge stated that after this incident he hired Tolbert and Ledbetter to serve as Wells Fargo guards on trains running through the Indian Territory.

Research shows that Wilson had again take a position with the Fort Smith, Arkansas municipal police department when Deputy U.S. Marshal and Pacific Express Company Detective Henry C. Dickey approached him in November 1892. Dickey informed Wilson that he had a warrant for the arrest of a Cherokee Indian named Henry Starr and if he would help capture the man.

Henry Starr had been very busy in the Indian Territory. He had been arrested for horse theft in December 1891, and had failed to appear in court, resulting in the arrest warrant. Starr was also suspected of robbing the Nowata, Cherokee Nation, railway depot of \$1,700, followed by holdups of the Shufeldt's Store in Lenapah and Carter's Store in Sequoyah, both in November 1892, and both in the Cherokee Nation. Starr had an additional horse theft warrant issued for his arrest on November 18, 1892.

Wilson agreed to serve as Dickey's posse and was appointed a deputy U.S. marshal, together they set out for the northern part of the Cherokee Nation. On Monday, December 12, Hickey and Wilson rode up to Arthur Dodge's XU Ranch, located eight miles from Nowata. The deputies asked Dodge if he had seen Starr, he answered that he hadn't seen the wanted felon. For the remainder of the day Hickey and Wilson searched the nearby vicinity for Starr without any good results. The following day the lawmen returned to the XU Ranch and had dinner at the bunkhouse. As they were finishing, Arthur Dodge rode up and stated he had just seen Henry Starr riding by, pointing out the direction Starr had taken. Dickey and Wilson ran to the corral for their horses. Wilson's was already saddled and ready, he put the spurs to his horse and headed in Starr's direction. Dickey had to saddle his horse, putting him several minutes behind Wilson.

Wilson caught up with Starr on the banks of Wolf Creek and shouted to he wanted man, "Hold up, I have a warrant for you!" Starr stopped his horse, turned around and told the lawman, "You hold up!" Starr, holding his Winchester rifle, dismounted as the deputy rode to within twenty-five feet of him. Wilson jumped from his horse and announced that he was a federal officer and fired a warning shot over Starr's head. He thought this would entice Starr to surrender. Instead, Starr leveled his Winchester and fired several shots that knocked Wilson to the ground. Wilson raised himself in a setting position, jerked his pistol out, and fired four times to no effect. Starr ran up to Wilson, who was lying on the ground, and fired a shot point blank into the lawman's chest, killing him instantly. It was later ascertained that there were powder burns on Wilson's coat and five bullet holes in the body. Wilson, had been shot in the left hip, right hip, left thigh, left lower leg and once in the chest.

Later in the gunfight Starr fired once at Dickey after he came up and dismounted, then he picked up Wilson's rifle and found the lever out of order, could not fire it, and turned to walk away, and as he turned Dickey, who was hugging the ground, fired at him but missed. In this exchange of gunfire, both Dickey's and Starr's horses ran away, but Starr caught Wilson's horse, and mounting it, rode off. Dickey later testified in court that he told Wilson: "Now, don't kill this boy, if possible to get along without it. We will call on him to surrender."

Deputy U.S. Marshal Floyd Wilson had true grit. He was one of the best lawmen to ever work for the Fort Smith federal court under the jurisdiction of Isaac C. Parker. Without men like Wilson there would have been no law in the Indian Territory. Wilson's body was brought back to Fort Smith. Due to the fact he was an U.S. Army veteran he was buried in the Fort Smith National Cemetery. Floyd Wilson's cemetery gravesite is located in section five, number 2708. May we forever remember the commitment made by this courageous lawman to bring law and order to the western frontier.

Sources:

“Black Gun, Silver Star: The Life and Legend of Frontier Marshal Bass Reeves.” Art T. Burton. University of Nebraska Press, 2006.

“Deadly Affrays: The Violent Deaths of the US Marshals.” Robert Ernest. Scarlet Mask, 2006.

“Under Cover for Wells Fargo: The Unvarnished Recollections of Fred Dodge.” Edited by Carolyn Lake. University of Oklahoma Press, 1997.

“Fort Smith Elevator Newspaper Floyd Wilson Vertical Files”; Fort Smith National Historic Site, Fort Smith, AR