

GUNFIGHT AT BOLEY, OKLAHOMA

By Art T. Burton

The most famous shoot-out in Boley, Oklahoma, occurred on November 23, 1932, when Pretty Boy Floyd's right-hand man, George Birdwell and two confederates attempted to rob the Farmers and Merchants Bank in Boley. Birdwell was accompanied by C. C. Patterson and a black man from Earlsboro named Charles "Pete" Glass who drove the getaway car. Birdwell and Glass were killed by alarmed armed residents and Patterson was wounded and sent to prison. Floyd reportedly cautioned Birdwell about trying to rob the Boley bank and didn't think wise of it, he knew Boley was a unique Oklahoma town.

This article is about the death of the first town marshal in Boley. Prior to statehood, Oklahoma had thirty African American towns, the most famous and largest of them being Boley. The town was founded in 1903, located on a railroad line that ran between Fort Smith, Arkansas and Guthrie near Okemah, Oklahoma (Indian Territory). By 1908, Boley had a population of 2,500, two banks, two cotton gins, a newspaper, a hotel, and a college, the Creek-Seminole College and Agriculture Institute. The town was located in the Creek Nation of the Indian Territory.

At the last NOLA Conference that was held in Oklahoma City in 1989, a housekeeper at the Lincoln Plaza Hotel inquired with Oklahoma member Bob Ernst what the conference was about. Ernst told her "outlaw and lawmen" from the frontier era. She quickly responded that her father was a deputy U. S. Marshal and was killed at Boley in 1905. Ernst found out her father was W. R. "Dick" Shaver and after validating the shoot-out, added Shaver to the list of known deputies killed in the line of duty.

Dick Shaver is on record with the National Archives at Fort Worth, Texas, as receiving a deputy U.S. marshal's commission on August 25, 1890, from the federal court at Fort Smith, Arkansas. He was one of the deputies that served under Judge Issac C. Parker. Shaver was a well known African American deputy in the Indian Territory. He had lived in the territory since childhood. The OKEMAH INDEPENDENT stated that Dick Shaver was well liked by both blacks and whites and had the confidence of all. In August of 1905 Shaver was serving as City Marshal of Boley, the first person so appointed, and he held a commission as a deputy U.S. marshal. There was a white outlaw family named Simmons that lived in the vicinity of Boley. Word was received at the U.S. marshal's office at Weleetka, Creek Nation, that Andy Simmons, a horse thief for whom a reward of \$800 had been offered for the past three years, had arrived on the train. Deputy Wood of the Weleetka office was ordered to get a posse to find and arrest Andy Simmons. Wood went directly to Boley and attained the help of Dick Shaver for the manhunt. Shaver knew exactly where the Simmons' family home was located, approximately three miles from Boley. They had received word on Monday concerning Simmons, and on Tuesday they were in the field trying to locate him. Shaver and Wood searched unsuccessfully the vicinity around the home until near sunset. Shaver made a decision to talk to a neighbor of the Simmons named Johnson. He told Wood "you ride on ahead. I want to see Johnson a minute. I know he will tell me if he has seen Andy."

SHAVAR KILLED

Wood rode ahead, out of sight of Shaver. Shaver called Johnson out into the road. As Johnson came up close to Shaver, Dick Simmons appeared from a side road adjacent to Johnson's house. Dick Simmons, Andy's brother and outlaw, had a \$500 reward on his head. When Shaver had taken a horse from Dick Simmons the week before which had been stolen, Simmons had sent word he would kill Shaver. Simmons, dressed in black, remarked, "Johnson, have you seen my horses?" At this same time he fired his Winchester rifle at Shaver. Shaver tried to dismount, falling from his horse. He raised himself on his right side and fired his pistol twice, almost simultaneously, the bullets striking Simmons in the upper part of the right breast. The bullet holes were less than an inch apart. The third shot fired by Shaver struck Simmons in the palm of the wrist, coming out just above the wrist joint on the back.

Simmons had fired twice with his rifle, and one shot struck Shaver. All three of Shaver's shots hit the mark. The BOLEY PROGRESS stated that Shaver was a noted marksman. During the shooting, Simmons and Shaver were about 20 yards apart, Simmons was dead when Wood and Johnson went to him, and Shaver lived for about thirty minutes after the battle. Shaver had been shot in the stomach, with the bullet exiting about three inches to the right of the backbone. Dick Simmons was thirty-two years of age and Dick Shaver was thirty-five years old.

Two younger Simmons' boys were later arrested under the charge of larceny and one of them was arrested for assault and attempt to kill with a deadly weapon.

Shaver had been installed as the first City Marshal of Boley for one week when the shooting occurred. He had a wife and four small children and four brothers, one of which happened to be visiting from Eufaula, Indian Territory, at the time of the tragedy. Shaver's funeral services were conducted at Boley under the auspices of the black Odd Fellows Lodge. The funeral procession was nearly a mile long and was attended by more than 500 people.

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