

A. J. “BUD” TRAIL: CLAREMORE, I.T., DEPUTY U.S. MARSHAL

By Art T. Burton

This article is on a little known, but courageous white lawman from the Indian Territory by the name of A. J. “Bud” Trail. I first became interested in Trail while doing research on Bass Reeves. I noticed that Trail was one of the top income grossing deputies after the turn of the century for the Muskogee federal court, along with Paden Tolbert, Bud Ledbetter and Bass Reeves. Also, I found a picture of Trail at the Oklahoma History Center, which I used in my biography on Reeves.

At the time that Oklahombres had their rendezvous last spring in Claremore, Oklahoma, I was not aware that Trail was the last deputy U.S. marshal who was stationed there before statehood. Also, we visited Woodlawn Cemetery where Trail and his wife are buried. Gleaned from cemetery records is the fact that A. J. “Bud” Trail was born in 1867, location not known, and died in Claremore, Oklahoma in 1936. His wife’s name was Maggie; she was born in Beaver City, Nebraska, on March 25, 1878, and died in Claremore on November 21, 1959. Bud and Maggie were married in 1900, and appear to have had two children, Ralph born in 1905, and Earl in 1907, whom died in 1981.

Bud Trail was commissioned as a deputy U.S. marshal originally in 1898, for the Northern District at Muskogee, I.T.

The Vinita Indian Chieftain on May 26, 1898 carried an article that concerned Trail’s police work:

“Considerable stir was created among the hop ale men yesterday when it was learned that all of them had been indicted by the Muskogee grand jury for selling intoxicating liquors. Up to our going to press papers had been served by Deputy Bud Trail on Charlie Yahn, Z.N. Harlow, Dave Coker and Frank P. Aven. –Claremore Progress.”

The Fort Gibson newspaper **The Post** reported on June 23, 1898:

“Deputy Bud Trail of Claremore and his posseman Jno. C. Duncan, passed through the city last Saturday going to Muskogee with a prisoner, Lute Cochran, who was charged with assault and attempt. There were two men killed at Claremore last week. They were Jess Simms and Mack Smith, who were wanted for whiskey peddling and were shot by Deputies Bud Trail, Bill Newsome and John C. Duncan while resisting arrest.”

On the same day **The Vinita Indian Chieftain** carried a more thorough description of this arrest:

“Claremore is getting a reputation for killing which is entirely unsought by our people. Wednesday night witnessed the instant killing of one man and the shooting of another so that he died next day. It has been known by our marshals for some time that considerable whisky was being sold in our town and it was not definitely known until Wednesday night who the parties were that were doing the peddling. That night Deputy Bud Trail and Possemen Bill Newsome and John Duncan started out to capture J.M.

Marshall, Jess Simms and Mack Smith, whom it was believed had just received some. They came upon their men near where E.H. Gibbs resides about nine o'clock and demanded their surrender, which Marshall quickly complied with, but Simms made a break for his gun and two shots were fired by the marshals, one passing through Simms' heart, killing him instantly, and the other passing through the lower part of Mack Smith's stomach, from the effects of which he died about noon the next day at Bean Burgess', where he had been removed. Marshall is still here under arrest and it is said a liberal award is out for his capture. It will be remembered that Marshall was mixed up in a whiskey case here with Smith some time back, of which he came clear, while Smith got a term. –Claremore Progress."

A few days later **The Vinita Indian Chieftain** on June 30, 1898 ran an article that they got from **The Muskogee Phoenix** which talked further about this particular shooting incident:

"Last Friday proved a rather fatal day to some men who were wanted by the United States authorities. Deputy Marshal Trail and his posse ran onto Jim Marshall, M.C. Smith and Bill Downing, near Claremore, and while attempting to make an arrest of the three men Bill Downing was killed, M.C. Smith wounded and Marshall captured unhurt. Smith and Marshall were brought to Muskogee. Marshall is wanted for stealing cattle, also for selling whiskey and being a bigamist. Marshall is a bad man and has been an outlaw for several years, and at one time was in jail at this place."

Evidently the name Jess Simms was an alias for Bill Downing since the Muskogee newspaper story came out later and had the time to clear up the name discrepancy.

The Tahlequah, I.T., newspaper **The Indian Sentinel**, on July 29, 1898 ran the following story on Trail's police work:

"Arrested for Murder, Deputy Bud Trail arrested a man by the name of Sullivan, who is suspected of being implicated in the murder of a man named of J.A. Shanshaltzer six miles east of Sapulpa, last Friday, at which place the dead bodies were found. It is said that Gunter and Shanshaltzer left Sapulpa in the company with Sullivan and one or two other parties Friday morning and as their dead bodies were found suspicion rest heavily on the parties that accompanied them and it is thought they were murdered for their money.

Upon orders from Trail a man named McLaughlin was also arrested at Fort Smith on the charge of being an accomplice. Trail went to Wagoner yesterday with a lot of witnesses, the hearing of Sullivan taking place there. McLaughlin will be given a hearing at Fort Smith."

The Muskogee Phoenix made mention of Trail in their September 8, 1898 paper:

"Deputy Bud Trail brought in Thomas Tipton and J. Smith for cow stealing."

The Vinita Indian Chieftain on the same day ran a longer article on the story, which told of what happened to Trail before he delivered his prisoners to Muskogee:

"Cattle thieving has been going in Claremore and vicinity on an extensive scale the past two months, and Thursday Deputy Bud Trail arrested Clyde Orcutt and Charles Rogers on the charge of belonging to the gang who have been doing the stealing, but they are

both still at large, having succeeded in making their escape. They had drove a bunch of cattle to Wm. Chabers' pasture at the edge of town and were trying to sell them to Doc Denney, which confirmed the already well founded suspicion that they were connected with the business, and both were arrested in town. Rogers claimed that he had no connection with the bunch which they knew had been stolen and went with Trail to show him the cattle he was trying to sell, and while in the pasture riding a little to the rear of Trail, he slipped from his horse and made good his escape before Trail knew he was gone.

While this was taking place, Clyde Orcutt who had been placed in charge of Bud Waybourne made good his escape by slipping away from Waybourne and running through the City Hotel up stairs and going out on the front porch jumped over onto the top of Talbert's building, where he dropped to the ground at the rear and securing a horse rode off. We would suggest that some cattlemen deputized to watch such prisoners, and we guarantee that there would not be two such easy escapes as were these two. There would either be two prisoners now or a couple of dead men. Parties came over from near Eli and identified the cattle as stolen which they were trying to dispose of to Denney. –Claremore Progress. “

The same newspaper ran another story concerning Trail on November 24, 1898:

“George Whiteturkey was arrested last week by Deputy Marshals Trail and Shipley for killing a man by the name of Kind at Hogshooter creek during the progress of a picnic August 25, 1898. Whiteturkey was taken before Commissioner Yancy at Nowata and committed to jail without bail.”

The newspaper later reported on an incident that occurred in Claremore on April 20, 1899, where a felon was able to escape Deputy U.S. Marshal Trail:

“Convicted and Escaped. S.H. Sharp was given a trial before Judge Jennings Monday, on the charge of cutting timber on the public domain of the Cherokee nation. The timber cut was on land claimed by C.J. Lamb and Mrs. L.J. Wilkerson. Sharp was convicted and sentenced to sixty days in jail and \$100 fine. When sentence was passed the prisoner fainted, and after being revived, he appeared to be very ill for some time. He was taken to the hotel where Deputy Bud Trail set up with him until after 12 o'clock, then locked him in the room and retired. The next morning when Deputy Trail went after the prisoner he was gone, having removed a pane of glass from the window through which he escaped. Nothing has been heard of him since.

Sharp and several small children have been living in a tent in the woods on Dog creek, and have made their living by chopping wood, hauling it to town and selling it. He was a claimant for citizenship, and the place where he was cutting wood he claimed he intended to take as his allotment if his case was passed on favorably by the supreme court. –Claremore Progress.”

Bud Trail's activities was also closely followed by **The Muskogee Phoenix**, they ran an article that was originally published in **The Claremore Progress**, that was supportive of Trail and critical of federal policies as they related to deputy U.S. marshals in the Indian Territory on December 18, 1900:

“The Department has now refused to allow fees to a deputy for bringing in attached witnesses. Deputy Bud Trail caught a piece of this injustice recently. He had to go ten miles out from Catoosa after a witness, paying \$2.25 for team hire and putting in a good day’s work for which he did not receive a cent. The ways of the government in the Territory are hard to understand.”

The Osage Journal, which was published at Pawhuska, Osage Nation, wrote a story on January 31, 1901, that highlighted Trail’s law enforcement work in the Cherokee Nation. In January of 1901, Louis Rogers, an Osage stockman, was robbed of a large sum of money at Ramona. Rogers came into rough company when he met an old man named Rich Brown and his boys. They played Rogers with liquor before taking him into a gambling den operated by a man named John Bailey. Rogers fell asleep and when he awoke he was less \$500. Deputy U.S. Marshal Bud Trail was summoned to go to Ramona to recover the money. Old man Brown and his boys were placed under arrest. They were taken to Claremore for preliminary hearing as was Bailey, the joint keeper. There was not enough evidence to try them on robbery charges but the Browns were fined a good sum of money and Bailey went to jail on whiskey charges.

The Muskogee Daily Phoenix on Monday, August 26, 1901, carried the following story:

Taken to Claremore.

Deputy Marshal Bud Trail last night took Jack Peters and Ed. Blue to Claremore to be tried for introducing; also A. W. and Charles White, charged with assault to kill.

As the era of the Indian Territory was moving to a close and advent of Oklahoma statehood was on the horizon, there were problems in the “nations.’ One of the major problems was the issue of race and how the different cultures were able to abide with the influx of new settlers moving into the territory on a daily basis with old attitudes and prejudices. There were many incidents of race problems in both the Oklahoma and Indian Territories. The article that follows describes one that Deputy Trail was involved with. **The Indian Chieftain** reported the following on August 29, 1901:

NOT SECTIONAL

Negroes Attacked Without Cause and Driven From Homes in Terror.

REPRISALS ON RACE.

Crimes Committed by Negroes on Unprotected Women Throughout the Country Reaps a Whirlwind of Wrath Which is Spreading to Every Section.

Stroud, Ok., Aug. 26. – A mob of gamblers and toughs organized last night and ran off the negroes out of town. Two homes were burned down, in which negroes lived. The contents of the buildings were burned. The trouble started when a [N]egro drew a revolver on a white man. Two negroes escaped by running into a cotton field without any clothing on. The marshal and deputy sheriff made no attempt to stop the rioting.

Sapulpa, I.T., Aug. 26 – More notices warning negroes to leave by 3 o’clock this afternoon were posted by the citizen’s committee last night. Whites who have empowered the negroes’ side are in communication with Attorney Soper. Soper has telegraphed that he will prosecute all offenders. It is said cowboys from Kellyville and horsemen from Mounds will arrive this afternoon to take part in driving the negroes out.

Tulsa has warned negroes not to stop off there.

Governor Porter, principal chief of the Creek Nation, and United States Marshal Leo Bennett came to town today. Marshal Bennett was met here by two deputies, "Bud" Trail and Captain White, whom he instructed to swear in as many citizens as necessary to preserve order. 'There must be no outbreak here,' the marshal said. 'I have told my deputies to arrest every man who makes a move toward starting a mob and to land him in jail at Muskogee. If they cannot preserve peace, I will have troops from Fort Gibson here in twenty-four hours, and martial law will be declared if necessary.'

On May 16, 1902, **The Muskogee Daily Phoenix** thought enough of Bud Trail to make an announcement in their newspaper that he was in town, visiting Muskogee.

A few months later **The Checotah Enquirer** on July 11, 1902, had words of praise for Trail:

"Claremore is glad that Trail has been reappointed deputy marshal at that place. From all reports Bud is a terror to law breakers up in that section – something like Frank Jones is around Checotah."

U.S. Marshal Leo Bennett had earlier sent his appointment form to the U.S. attorney general in Washington D.C. with the principal deputy U.S. marshals for the Northern District of Indian Territory. Bass Reeves and John L. Brown were the two most senior deputies with twenty years or more. Also reappointed were Grant Johnson of Eufaula with fourteen years; Dave Adams of Muskogee with twelve years; Paden Tolbert of Vinita with twelve years; G.S. White, also of Vinita with ten years; and A.J. "Bud" Trail of Claremore with four years of service.

At the onset of World War I for the United States, there was an interesting article that appeared in **The Tulsa World** on October 2, 1917:

DEPUTY MARSHALS READY

Tender Their Services if Needed in Defense of National Honor
Special to the World.

CLAREMORE, Okla., Feb. 9, – John M. Taylor, president of the organization of ex-deputy United States marshals in the Indian Territory and Fort Smith, Ark., has sent the following telegram to President Wilson at Washington: 'Claremore, Okla., Feb. 6, 1917. President Wilson, Washington, D.C. – The Ex-Deputy United States Marshals' association of the Indian Territory, now Oklahoma, will tender our services, if needed to defend the honor of the American flag. John M. Taylor, president.' Three members of the organization are residents of Claremore, namely A. J. Trail, Hez Bussey and John M. Taylor."

Hopefully, more information will come to light in regards to this taciturn lawman who worked principally in the area now known as "Will Rogers Country," in northeast Oklahoma. Trail should be remembered with all the frontier marshals who did a splendid job in keeping the peace in what is now called the "Old West."