

Arkansas State Archives

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United States Western District Court of  
Arkansas records, 1893-1908

United States Western District Court of  
Arkansas records, 1839-1908

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**1893 March 27: Voucher, to Henry Clark, of Fort Smith, Arkansas, for assisting Bynum Colbert, deputy marshal, in U.S. v. William Bunch and Riley Bunch, larceny; includes cost per diem and mileage; Stephen Wheeler, commissioner; J.M. Dodge, deputy clerk**

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UNITED STATES OF AMERICA,

189 3 To Henry Clark Dr.,  
for 1 days' service as posse comitatus, from Feb 20 to Feb 20 1893  
both days inclusive, at \$3.00 per day \$ 3.00

UNITED STATES OF AMERICA,

Western District of Arkansas

I, Henry Clark of St Smith ark in the County  
of \_\_\_\_\_ and District aforesaid being duly sworn, depose and say, that on the  
20 day of Feb 1893 I was employed under and by virtue of the third section of  
the Act of Congress of June 14, 1858, by J Colbert U. S. Deputy Marshal  
for said District, at my usual place of residence, as one of his posse comitatus, to assist in executing the following capias writ, to-wit:

Wm Bunch Etal - Arcney  
issued by J Wheeler U. S. Commissioner, for the Western District of Arkansas, within the  
jurisdiction of the said District, returnable to the office of said commissioner, St Smith  
Arkansas Feb 20 1893 and that as such posse comitatus, I  
immediately proceeded in company with said Marshal to

Near St Smith Ark -  
where we arrested Wm Bunch Feb 20<sup>th</sup> 1893 -  
thence returning to St Smith ark and  
committed him thence to 6 mile south of St  
Smith Ark in the Choctaw Nation I.P. - where  
we arrested Riley Bunch Feb 20<sup>th</sup> 1893 -  
thence returning!

to St Smith Ark Feb 20<sup>th</sup> 1893 before U. S. Commissioner, that no posse comitatus could have  
been employed at a nearer point to the place where the said Deputy informed me where he expected to find the said defendant,  
to-wit:

Choctaw Nation I.P.

than my place of residence aforesaid; that I actually traveled from  
my said residence to said place of arrest, for the purpose aforesaid, 14 miles, and in the transportation of said de-  
fendant was actually and necessarily employed 1 days as set out in the foregoing account, as posse comitatus, solely in  
the execution of said processes and transportation of said defendant as aforesaid; that I furnished the means of or actually paid for  
my own travel or transportation; that I have never received or been paid, or agreed to receive, or expected to be paid for any other  
compensation, remuneration or consideration, whatever, for said expenses of 1 days' service from any other person or  
persons, or sources, whatever; so help me God.

Subscribed and sworn to before me this 27 day of March 1893 by the above-named  
Henry Clark

who personally appeared \_\_\_\_\_ and was by me known to be the identical person  
he represents himself.

Steph Wheeler  
Clerk U. S. District Court, Western District of Arkansas.

Posse Com. \_\_\_\_\_  
Deputy \_\_\_\_\_  
Sub-Voucher \_\_\_\_\_ Voucher \_\_\_\_\_  
By J Macodgese



I, B Colbert do solemnly swear that I am duly and regularly commissioned as a Deputy U. S. Marshal for said district; that the employment of a posse comitatus at Ark under the Act of Congress of June 14, 1858, was actually and indispensibly necessary to enable me to serve the warrants in my possession, and that I could not without great peril have attempted to serve the warrants entrusted to me without the assistance of a posse comitatus; that I have examined the within account and certify that the services were performed and actually rendered as therein stated, and that the amount charged therefor is just, and that I have no interest in the same.

Sworn to and subscribed before me this 29 day of Sept A. D. 1890 by the above-named B Colbert who personally appeared and was by me known to be the identical person he represents himself.

By Wm Dody Deputy U. S. Marshal.  
Steph White Clerk U. S. District Court, Western District of Arkansas.

I, JACOB YOES, U. S. Marshal for the Western District of Arkansas, do certify that I have carefully inquired into the matters as set forth in the foregoing affidavits, and that the matters and things therein set forth are true, and that the services of the posse comitatus employed by my Deputy were absolutely necessary to the due and proper service and execution of said warrants for the period of 1 days; and that a posse comitatus could not have been obtained any nearer than the place said posse comitatus was employed, and this account is approved for \$ 3.00

Received payment of JACOB YOES, United States Marshal for the Western District of Arkansas, in the sum of Three dollars in full of the within account.

Jacob Yoes U. S. Marshal, Western District Arkansas  
Harry Clark