

Arkansas State Archives

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United States Western District Court of  
Arkansas records, 1839-1892

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

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**Contract for posse comitatus, J.H. Mershon, in U.S. v. Zachary Colburn; J.A. Summerhill, deputy U.S. marshal; James F. Fagan, U.S. marshal**

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The United States of America

To J. H. Wesson D<sup>r</sup>

1874 For 39 days' services as posse comitatus, from Sep 16 to Oct 26, 1874 both days inclusive, at \$3.00 per day, \$ 117

UNITED STATES OF AMERICA,  
Western District of Arkansas,

I J. H. Wesson of Fort Smith

in the county of Sebastian and district aforesaid, being duly sworn, depose and say, that on the 16 day of Sep, 1874, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1857, by J. A. Sumner, U. S. Deputy Marshal for said district, at my usual place of residence, as one of his posse comitatus, to assist in executing a capias writ, issued by C. T. Burke Esq. U. S. Commissioner for the Western district of Arkansas, dated the 16 day of Jun 1874 against Jachawab Colbert, under an indictment, charged with the killing of a man in Indiana at Chickasaw Nation in the Indian country, within the jurisdiction of the said district, referable to the office of said Commissioner, at Fort Smith in Sebastian county, Ark., Dorchuck, 1874 and that as such posse comitatus I proceeded in company with said Marshal to Chickasaw Nation in the Indian country aforesaid, and there assisted him in making the arrest of said

Jachawab Colbert and immediately thereafter in bringing the said Colbert to Fort Smith before the U. S. Commissioner; that no posse comitatus could have been employed at a nearer point to the place where the said Deputy informed me he expected to find the said Colbert

to wit: Chickasaw Nation, than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid miles, and in the transportation of said

Colbert, and was actually and necessarily employed 30 days, as set out in the foregoing account as posse comitatus, solely in the execution of said process and transportation of the said

Colbert as aforesaid; that I furnished the means of, or actually paid for my own travel or transportation, and that I have received from said Marshal and signed duplicate receipts therefor, the sum of

One Hundred & Seventeen dollars, in lawful currency of the United States, in full satisfaction and payment of my said expenses and services; that I have never received or been paid, or agreed to receive, or expect to be paid, any other compensation, remuneration, or consideration whatever for said expenses and 39 days' services, from any person or persons, or sources whatever: So help me God.

J. H. Wesson

Subscribed and Sworn to before me this 3<sup>d</sup> day of November 1874  
by the above named J. H. Wesson who personally  
appeared  
and was by me known to be the identical person he represents himself

J. H. Wesson  
Clerk U. S. Dist. Court West. Dist. of Ark.

I have examined the within account, and certify that the services were performed as therein stated, and that the amount charged therefor is reasonable and just, and that I have no interest in the same.

all the above names

Subscribed and sworn to before me this 3<sup>d</sup> day of November

1874, by the abovenamed J. A. Emmert U. S. Dep. Marshal, who personally appeared, and was by me known to be the identical person he represents himself.

J. H. Marshon  
Dep. U. S. Marshal, West. Dist. of Ark.

J. H. Marshon  
Clerk U. S. Dist. Court West. Dist. of Ark.

I certify that the foregoing account of J. H. Marshon for services as posse comitatus, is, according to reliable information, correct and just

J. F. Pagan  
U. S. MARSHAL  
Dist. of Ark.

Received of J. F. Pagan, United States Marshal for the Western District of Arkansas, One Hundred & Seventy Dollars, in full of the within.

J. H. Marshon

HERALD PRINT.

J. H. MARSHON - 516

J. Marshon No 61  
Voucher No 61

No 61  
Contract No 6

Emmert

This account was disapproved because the defendant "Laclo" booklet" was disapproved on Examination before the U. S. Commissioner.

The Deputy's fee was approved and has been allowed in full, by the Commissioner.

Nov 3 1874