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

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**1879 May 01: Voucher, to Bynum Colbert, of Fort Smith, Arkansas, for assisting James Williams, U.S. deputy marshal, in U.S. v. Mat Williams, Jim Brooks, Marvin Benton, and One Furgeson; James Brizzolara, commissioner; Stephen Wheeler, clerk; S.A. Williams and C.M. Barnes, witnesses of signatures; D.P. Upham, U.S. marshal**

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The United States of America,

1879

To *Brynum Colbert* Dr.  
*April 23rd* 1879, both  
§ *300*

For *1* days' services as posse comitatus, from  
days inclusive, at \$3.00 per day,

UNITED STATES OF AMERICA,  
Western District of Arkansas.

I, *Brynum Colbert*, of *Fort Smith*, in the County  
of *Saratoga* and District aforesaid, being duly sworn, depose and say, that on the *23d* of  
*April* 1879, I was employed under and by virtue of the third section of the Act of Congress of June  
14, 1858, by *J. Williams*, 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 writs, to-wit:

*W. vs. Mat Williams, Jim Brooks,  
Manus Buxton and Cui Ferguson*

issued by *J. Diggolam Esq.*, U. S. Commissioner for the Western District of Arkansas, within the  
jurisdiction of the said District, returnable to the office of said Commissioner, at *Fort Smith* in  
County, Arkansas, *Southwest*, 1879; and that as such posse

comitatus, I immediately proceeded in company with said Marshal to *the Choctaw Nation where*  
*I assisted said Deputy to arrest defendants*  
*Williams, Ferguson and Buxton on the 23d*  
*whereupon we returned*

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  
*Williams, Brooks & al*

to wit: *Choctaw Nation*

, than my place of residence aforesaid; that I actually traveled from my  
said residence to said place of arrest for the purpose aforesaid *one 7* miles, and in the transportation of  
said defendants, and was actually and necessarily employed *one* days, as set out in the foregoing account as  
posse comitatus, solely in the execution of said processes and transportation of the said defendants 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 \_\_\_\_\_ 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 what-  
ever for said expenses and *one* days' services, from any other person or persons, or sources whatever; So help me God.

*John J. Williams*

Subscribed and sworn to before me this *3<sup>rd</sup>* day of *May* 1879, by  
the above named *Brynum Colbert* who personally  
appeared *by me* and was by me  
known to be the identical person he represents himself.

*Brynum Colbert*  
*Wm*

*Stephen Wheeler*  
Clerk U. S. Dist. Court West. Dist. Ark.  
*J. Williams*  
*52*

I John Williams 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 Fort Smith Ark under the act of Congress of June 14, 1858, was actually and indispensably 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 reasonable and just, and that I have no interest in the same.

John Williams  
Deputy U. S. Marshal.

Sworn to and subscribed before me this 1<sup>st</sup> day of May, A. D. 1879, by the above named John Williams who personally appeared and was by me known to be the identical person he represents himself.

Stephen Wheeler  
Clerk U. S. Dist. Court West. Dist. Ark.

I, D. P. UPHAM, U. S. Marshal for the Western District of Arkansas, do certify that I have carefully inquired into the matters set forth in the foregoing affidavits, and that the matters and things therein set forth are true and the services of the posse comitatus employed by my Deputy were absolutely necessary to the due and proper service and execution of said warrants; and that a posse comitatus could not have been obtained any nearer than the place said posse comitatus was employed.

D. P. Upham  
U. S. Marshal Western District of Arkansas.

Received payment of D. P. UPHAM, U. S. Marshal for the Western District of Arkansas, in the sum of

Three dollars, in full of the within account.

John Williams  
By Bynon Colbert  
W. M. Danvers  
W. M. Danvers  
W. M. Danvers

B COLBERT

VOUCHER NO. 6

— TO —

ABSTRACT NO. 6.

February Term, 1879

Account Current No 26

Refer to Voucher No. 33 Abstract 4.

FILED

MAY 16 1879

Stephen Wheeler  
CLERK

D. P. UPHAM,  
U. S. Marshal Western Dist. Arkansas.

By Bynon Colbert

By Bynon COLBERT sig