

Arkansas State Archives

Arkansas Digital Archives

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

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

Voucher, to Nathan Colbert, of Fort Smith, Arkansas, for assisting Ben F. Ayers, deputy U.S. marshal, in U.S. v. A.G. Rupe, Tom Cook, Noble Ayers, Simon Noble, Harry Island, introducing spirituous liquor; includes costs of service as posse comitatus; Stephen Wheeler, U.S. commissioner; J.M. Dodge, deputy clerk; Jacob Yoes, U.S. marshal

Follow this and additional works at: <https://digitalheritage.arkansas.gov/western-district-court>



Part of the [United States History Commons](#)

Recommended Citation

Item 26_02_011, United States Western District Court of Arkansas records, Arkansas State Archives, Little Rock, Arkansas.

Use and reproduction of images held by the Arkansas State Archives without prior written permission is prohibited. For information on reproducing images held by the Arkansas State Archives, please call 501-682-6900 or email at state.archives@arkansas.gov.

UNITED STATES OF AMERICA

189 2 To Nathan Colbert Dr: for 20 days service as posse comitatus, from July 25 to Aug 14 189 2 both days inclusive, at \$3 per day \$ 60 00

UNITED STATES OF AMERICA, Western District of Arkansas.

I, Nathan Colbert of Ft Smith Ark in the County and District aforesaid, being duly sworn, depose and say, that on the 25 day of July 189 2 I was employd under and by virtue of the third section of the act of Congress of June 14, 1858, by Ben F Myers 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:

U.S. vs A G Rupe - Subj & Others issued by A Wheeler U. S. Commissioner for the Western District of Arkansas within the jurisdiction of the said District, returnable to the office of said Commissioner at Ft Smith Arkansas Feby 11 189 2 and that as such posse comitatus, I immediately proceeded in company with said Marshal to

Econtuchka Id, 200 miles - where we arrested A G Rupe August 4th 189 2 - thence returning to Wewoka Id - where we arrested Tom Cook August 8th 189 2 - thence near Wewoka Id - where we arrested Noble Ayers, Jim Noble & Harry Island August 11th 189 2 - thence returning

to Ft Smith Ark Aug 19/9 2 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:

Sevinole Creek Nations Id, than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest, for the purpose aforesaid, 41 1/2 miles, and in the transportation of said defendant was actually and necessarily employed 20 day 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 and 20 day's services from any other person or persons, or sources, whatever; so help me God.

Witness Ben F. Ayers

Nathan Colbert 31 day of Aug 189 2 by the above-named

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

A Wheeler

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

Posse Com Deputy Sub-voucher Voucher

By J. M. Dodge & Co

I, Ben F. Myers 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 Almuth 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 just, and that I have no interest in the same.

Sworn to and subscribed before me this 31 day of Aug, A. D. 1892 by the above-named Ben F. Myers who personally appeared and was by me known to be the identical person he represents himself.

Ben. F. Myers
Deputy U. S. Marshal.
Stephens
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 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 20 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 \$60 00

Jacob Yoes
U. S. Marshal, Western District of Arkansas.

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

Witness
Ben. F. Myers

Nathin + Colbert