

BYNUM COLBERT: FORT SMITH SOLDIER LAWMAN

By Art T. Burton



There were many deputy U.S. marshals who worked for the Fort Smith, Arkansas federal court who should be better known and recognized for their contributions. One of these men was Bynum Colbert, a Choctaw Freedman, a black man, who had a lengthy record as a lawman in Arkansas and the Indian Territory, now the state of Oklahoma. The records of black federal lawmen are sketchy and not well researched. This article is part of the effort to rectify this information that is sadly not well known. I would like to thank Bob Ernst and Angela Walton-Raji in assisting with my research for this article.

Bynum was interviewed by the Dawes Commission in Muskogee, I.T., on October 21, 1904 and on January 16, 1905 to be registered on the rolls as a Choctaw Freedman. In the interviews Colbert told about his family and early days in his life. He stated he was born in 1850 in Kiamitia County, Choctaw Nation. Colbert's mother's name was Easter Colbert a slave to Sim

Folsom, she died in 1865. His father's name was Ben Colbert, a slave owned by a widow woman named M. McGilberry and lived in Skullyville County in the Choctaw Nation.

Colbert stated that at the beginning of the Civil War he was a slave and lived with his mother. He said he was supposed to be turned over to the owners once he became big enough to work. Colbert's mother remained a slave during the war and the Colbert family that owned them had married into the Folsom family who were Choctaw and Chickasaw. Bynum Colbert said that in 1863 a gentleman, no name given, took him to Fort Gibson, I.T. and while there he enlisted in the 2nd Arkansas Volunteer Infantry Regiment and he was transferred to Little Rock, Arkansas. The Regiment was later given a new designation as the 54th United States Colored Troops Regiment (U.S.C.T.).

The 2nd Arkansas Infantry Regiment was organized in Arkansas at large on September 4, 1863. The 54th U.S.C.T., not to be confused with the 54th Massachusetts Regiment of Colored Volunteer Infantry, was organized on March 11, 1864, from the 2nd Arkansas Infantry Regiment (African Descent). The regiment during the war was assigned to Helena, Arkansas until May, 1864. They were involved in the repulse of Confederate General Holmes' attack on Helena on July 4, 1863, before they were officially mustered in. The regiment then transferred to Fort Smith, Arkansas and was on duty in that town until January, 1865. The regiment was in action in 1864 at Fort Gibson Cherokee Nation, I.T., September 16, Cabin Creek, Cherokee Nation, I.T., September 19, Cow Creek, Kansas, November 14 and 18, and was ordered to Little Rock, Arkansas in January, 1865. The 54th saw action on the Arkansas River on January 18, 1865, they later saw duty at Little Rock and at various points in the Dept. of Arkansas till December, 1866.

Colbert stated that he enlisted in the U.S. 10th Cavalry Regiment at Fort Arbuckle, Indian Territory, on February 7, 1867. He said he served with the U.S. army up until 1872 when he settled in Skullyville, Choctaw Nation. At this time, Colbert said he started working as a deputy U.S. marshal under Colonel Needles.

The first newspaper citation I found on Colbert acting in the capacity as a deputy U.S. marshal was found in the Fort Smith Elevator. On December 17, 1880, the newspaper reported that Chief Deputy U.S. Marshal Huffington, with Ben Ayers, John Reutzell, George Maledon, Valair Merchand, Bynum Colbert, Deputy Marshal Farr and T. J. Hamnett, as guards, had left on the train last Tuesday morning with twenty-one prisoners. Twenty of the prisoners were destined for the Detroit House of Corrections and one for the Little Rock penitentiary. This transfer of prisoners left the Fort Smith federal jail with fifty-nine prisoners in house.

On April 6, 1882, Colbert married Bettie Brown in Sebastian County, Arkansas.

The popular Deputy U.S. Marshal Addison Beck and his posse Merritt was killed in October of 1883. Bynum Colbert was in a posse of eleven men under the leadership of Special Deputy U.S. Marshal C.C. Ayers to go after the killers of the lawmen. The possemen with Colbert included the famous lawman Bass Reeves. The posse was able to locate and seriously wound one of the desperados who killed Beck and Merritt.

Research shows that Bynum Colbert was a deputy constable for the city of Fort Smith, Arkansas in the early 1880s. This would make him one of the first if not the first African American policeman for Fort Smith. It had previously been thought that the first black policeman in Fort Smith was A. G. Rogers, who was hired in 1926 Colbert was also one of the earliest black deputy U.S. marshals to work for the Western District of Arkansas federal court. He is also the first black deputy U.S. marshal I have found to be a U.S.C.T. and Buffalo Soldier veteran. Although, I am sure there are more in this category.

In May of 1884, Bynum Colbert was a deputy constable in Fort Smith and also serving as a federal posseman. The **Fort Smith New Era** on May 29 reported the story of Colbert arresting a murderer:

Last Sunday afternoon a young colored man named Allen Atkins, employed on the farm of W. H. Arnold, five miles from town on the Skullyville road, killed another young colored man, named John Dukes, likewise employed on the same farm, by striking him on the head with a heavy club. It seems that the murdered man detected Atkins in a foul crime and told on him, when the latter vowed vengeance. Last Sunday Dukes went to town, returning in the middle of the afternoon. A number of hands were in the farm yard and the banter against Atkins was passed freely. When the latter made the assault resulting in the death of Dukes. Drs. DuVal and Eberle were immediately summoned by Mr. Arnold, but nothing could be done and man died soon after.

Mr. Arnold, a very intelligent, enterprising colored man, cultivating a splendid farm of some 7 – 800 acres and employing some twenty hands, paid Atkins off on Monday noon, when the latter came to town and visited his father, who occupies a little shanty on the Reservation, near the National Cemetery. There he prepared to escape into the Cherokee country by crossing the Arkansas, and had procured some provisions and a pistol.

Mr. Arnold had followed him to town and pointed the man out to a colored officer, Mr. Colbert, deputy constable and also a posse to deputy U.S. Marshal Ayers. Colbert secured his man just as he was about to cross the river. When arrested Atkins was very violent, cursing the officer and Mr. Arnold and threatening to kill both in due time. He bears a very hard character. He was lodged in the U.S. Jail and will do to bear watching.

June 5, 1884, page 3 New Era:
A Correction

In our last we spoke of W.H. Arnold, the successful farmer , on whose place the fatal recounter took place between two colored men recently, as being likewise a colored man. This is a mistake, he being the son of a white father and a Creole mother with Indian blood. From the tenor of the article in alluding to Mr. Arnold it will be seen we did not wish to misrepresent him.

It is interesting today that if you visit New Orleans, the term Creole suggest a mixture of African blood and culture.

The **Fort Smith Elevator** reported on March 20, 1885 that Special Deputy Marshal Bynum Colbert had arrested a black man named Charles Drew for murder. Drew had killed another young black man at a dance that took place at Sand Town, Cherokee Nation. A few months later on July 10 the newspaper reported Colbert arresting another black man named Joseph Pierce for assault with pistol and whip. The article again referred to Colbert as a special deputy U.S. marshal.

Records that can be found show that Bynum Colbert received a commission as a deputy U.S. marshal for the Fort Smith federal court on June 10, 1889 and on June 1, 1893. The 1889 papers for commission are interesting in that Colbert signed an x for his signature. This could mean that Colbert was illiterate and couldn't read and write. This would make him similar to another black deputy, Bass Reeves. Judge Isaac C. Parker's signature is on both commissions.

The Elevator newspaper shows that 1889 was a very busy year for Colbert after he received his commission as a lawman in the territory:

- *June 14 – Deputy Bynum Colbert arrested Lewis Wright in the Cherokee country on a charge of larceny.*
- *July 26 – Officer Bynum Colbert brought in Gabe Moore, Tuesday, on a charge of larceny.*
- *August 16 – Sidney Maxwell, larceny, by Bynum Colbert. Gave bond.*
- *August 23 – Tony Caylor, charged with larceny, was turned in by Bynum Colbert on Friday last.*
- *August 23 – Robert Burns, charged with introducing, etc., was registered Friday by Bynum Colbert. He gave bond.*
- *September 27 – R. A. Loftus, charged with larceny, was registered Saturday by Bynum Colbert, who arrested him the day previous in the Choctaw Nation. He gave bond for his appearance.*
- *September 27 – Jack Lefler, introducing and selling liquor in Indian country, was brought in Tuesday by Bynum Colbert, who arrested him in the Choctaw Nation Sunday last. Lefler entered plea of guilty and was sentenced five days in jail and fined \$1.*
- *October 18 – Ben Bowlegs, charged with larceny, was registered Friday by Deputy Bynum Colbert, who arrested him in this city.*
- *November 1 – Deputy Bynum Colbert registered S. G. Cantwell and Joe Justice, alias Sykes, both charged with assault with intent to kill; Charles Gray, introducing, etc., and Ben F. Thompson, charged with larceny. Thompson was discharged on bond.*
- *December 6 – J. F. Fuller, charged with introducing, etc., was registered by Bynum Colbert.*

- *December 13 – Deputy Colbert got in on the 6th with M. C. Vaughn and Anthony Phillips, both charged with assault.*
- *December 20 – Peter Campbell, charged with rape and William Hill, larceny were brought in Tuesday by Deputy Bynum Colbert.*

The newspaper reports on Colbert seem to justify him receiving a commission as a deputy U.S. marshal. The same newspaper picked up on his activity for the year 1890:

- *March 21 – Bob Rose was arrested Wednesday on a charge of larceny and committed by Bynum Colbert. He beat a fellow out of some money by means of a swindling game of some kind.*
- *April 4 – William Gilbert, charged with larceny, was registered by Bynum Colbert.*
- *May 9 – James Williamson, alias Hatfield, (white), charged with introducing, etc., by B. Colbert.*
- *May 9 – John Saddler, alias Simon Crier (negro) larceny by B. Colbert.*
- *May 30 – David James, charged with larceny, was registered by Bynum Colbert.*
- *June 27 – Josh Mathews, charged with larceny, was brought in Wednesday by Deputy Colbert.*
- *July 4 – Peter Campbell and Hardy Colbert, introducing, etc., were brought in by Bynum Colbert.*
- *July 18 – James M. Woods, Charley Harvey, James Bayless and Alfred Shackelford, introducing, etc., were brought in by Bynum Colbert. All of them gave bond.*
- *August 8 – Daniel C. Bailey, introducing, etc., Green Laffore and George Potts, larceny, were registered by Bynum Colbert. Colbert also arrested Wm. Parke on a charge of larceny, but he escaped.*
- *August 15 – Harrison Nicholson and William Gilbert, both charged with larceny were brought in from the Choctaw country by Bynum Colbert. Gilbert was discharged by Commissioner Wheeler. Nicholson gave bond.*
- *August 29 – Fred Huff, charged with adultery, was registered by Bynum Colbert.*
- *September 5 – Charles Clark, charged with horse stealing, and William Maxwell, introducing, etc., were registered by Bynum Colbert.*
- *September 19 – Labe Edwards a negro, charged with adultery, was brought in by Bynum Colbert.*
- *September 19 – Prince Harris, charged with assault was brought in by Bynum Colbert. He was examined and discharged by the commissioner.*
- *October 10 – William Madison, larceny, was brought in by Bynum Colbert.*
- *October 24 – Israel Woods, charged with larceny, was brought in by Bynum Colbert.*
- *November 7 – William Bush, alias Dove, (Indian) charged with larceny. Registered by Bynum Colbert in this city.*
- *November 28 – Simon Seymore, charged with rape, was registered by Bynum Colbert.*
- *December 19 – Charles Younger and Lucy Richardson, adultery, were brought in by Bynum Colbert. They are negroes.*

By the end of 1890 it was apparent that Bynum Colbert was a busy and important deputy to the Fort Smith federal court. The number of times he would be mentioned in the local newspaper would pick up in the new year of 1891. Following are some of the items in the Elevator where he police work was highlighted:

- *January 12 – Abe Bledsoe, larceny, was brought in by Bynum Colbert.*
- *March 13 – James Mackey, charged with adultery, and Franklin Monroe, charged with larceny, were brought in by Deputy Colbert. Both are negroes, Monroe being a small boy who is charged with stealing a gun from some movers.*
- *April 3 – Mary Smith a white woman, charged with assault, was arrested near this city by Bynum Colbert. Mary committed the assault Monday night at a dance in the suburbs near Poteau bridge, just across the line in the Choctaw Nation, her victim being another woman.*
- *April 3 – Masco C. Belton, a negro charged with arson, was brought in from the Creek country by Bynum Colbert.*
- *April 10 – Julius Manuel, a negro boy about 14 years of age, was brought in from Wagner by Bynum Colbert on a charge of murder, for killing his sister one day last week. He claims it was an accident,*

says he was fooling with an old pistol and didn't know it was loaded. He was examined before the commissioner and discharged.

- *May 1 – Jim McCoy, charged with adultery, was registered by Bynum Colbert, who arrested McCoy at Lavaca, in this county.*
- *May 29 – Frank Milam, charged with introducing and selling, brought in by Bynum Colbert from Cherokee Nation, discharged.*
- *July 3 – James Williams and Sam Woodard, introducing and selling liquor in the Indian country, and Jackson Edwards charged with larceny, were registered on the 25th by Bynum Colbert. Edwards was discharged by Commissioner Wheeler.*
- *July 17 – Rosel McKey, introducing and selling, brought in by Colbert from Muskogee.*
- *July 24 – Jas. Clayton, assault, brought in by Bynum Colbert from the Cherokee Nation.*
- *July 31 – Ephram Pirtle, charged with introducing, etc., was brought in by Bynum Colbert. He was discharged on bond.*
- *August 7 – Zach Robinson, introducing, etc., was brought in by Bynum Colbert.*
- *August 14 – Enoch Durant and Joe Barnett, charged with larceny, were brought in by Bynum Colbert. Durant gave bond.*
- *August 14 – John Porter, charged with introducing, etc., was brought in by Bynum Colbert.*
- *August 21 – Ben Graham, a 70 year-old negro was brought in by Bynum Colbert. He is charged with a carnal offense.*
- *August 28 – Henry Beck, white, charged with larceny, was brought in from the Choctaw Nation by Bynum Colbert. He gave bond and was released.*
- *September 25 – Ross Winn, alias, Votan, charged with counterfeiting was committed by Bynum Colbert. He was arrested in this city, and on examination was discharged.*
- *September 25 – Bynum Colbert arrived Wednesday from McAlester with James Reed, charged with introducing, etc. He gave bond for his appearance.*
- *October 2 – Aaron Eubanks, charged with larceny, was arrested in this city and registered by Bynum Colbert. He was discharged by Commissioner Wheeler.*
- *November 6 – Enoch Durant, a negro, charged with larceny, was registered by Bynum Colbert.*
- *November 13 – Bob Rogers, charged with assault, was brought in from the Choctaw Nation by Bynum Colbert.*

This was the first time Bob Rogers, a young white man originally from Arkansas had been arrested by a federal officer. Rogers and his family had settled in the Cherokee Nation, and he had worked as a cowboy in the Vinita area. Colbert arrested Rogers on November 10th for assault with intent to kill. Rogers was released on bond a few days after Colbert brought him in to Fort Smith. Evidently the case was dropped and the circumstances involved are not known. Rogers shortly thereafter put together one of the noted outlaw gangs of the early 1890's in the Indian Territory. The Bob Rogers gang was involved with murder, train robbery, bank robbery, horse theft, cattle theft, and numerous other felonious acts. After members of his gang were killed or sent to prison, Bob Rogers was killed at his father's home in the Cherokee Nation by a posse led by Deputy U.S. Marshal Jim Mayes and members of the Anti-Horse Thief Association on the morning of March 15, 1895.

- *November 27 – Chas. H. Johnston, Fort Smith, by Bynum Colbert.*
- *December 4 – Robert Tobler, introducing and selling, was brought in from the Creek Nation by Bynum Colbert.*
- *December 11 – Andrew Pike and Nancy Boyd, charged with adultery, stand credited to Bynum Colbert.*
- *December 25 – Fred Brown, a negro, charged with assault, was brought in from the Creek Nation by Bynum Colbert.*
- *December 25 – Lucas Brown, who lives in the vicinity of Scullyville, I.T., stole a horse belonging to R.E. Jackson, the attorney, Tuesday afternoon. The animal was hitched on Garrison Avenue, when Brown came along, deliberately mounted and rode away, going into the Territory.*

- *Deputy Marshal Bynum Colbert went in pursuit and succeeded in getting possession of the horse, but the thief escaped.*

The former Buffalo Soldier, now deputy U.S. marshal was very busy during 1892. It appears that Colbert was sent into the Cherokee, Creek and Choctaw Nations primarily for his field work. It is interesting that during this same era there was another Choctaw Freedman named Colbert who worked for the federal office of Fort Smith. I am speaking of Bill Colbert, who was a well known man hunter and gunman. Bill Colbert and Bynum Colbert were not related and I have not found them working together at anytime. That is not to say that they never worked together, it is just my research has not turned up anything as yet to validate this scenario.

The **Fort Smith Elevator** picked up Bynum Colbert's police work in 1892:

- *January 8 – Sara Woodard, introducing and selling, was registered from the Creek Nation by Bynum Colbert.*
- *January 15 – Price Hamilton, charged with rape, was registered from the Cherokee Nation by Bynum Colbert.*
- *March 4 – Boss Straws, introducing and selling, Creek Nation, by Bynum Colbert. March 4 – Dan Snow, assault, Cherokee Nation, by Bynum Colbert.*
- *March 11 – Mary Wheeler and Alfred Shobe, charged with adultery, and Hurdy Colbert and Thomas Mills, larceny, were all brought in from the Creek Nation by Bynum Colbert.*
- *On March 24, 1892, Colbert received a warrant of arrest for a black man named William C. Moore. On March 21, Moore had fired a pistol five times at a black man named R.W. Perry on a street in Muskogee, Creek Nation. This incident was witnessed by Rufus Cannon, a noted lawman in his own right, who unsuccessfully tried to disarm Moore. Colbert went after Moore but didn't locate him.*

The Elevator reported on March 25 – Hardy Steadham, negro, introducing and selling was brought in from the Creek Nation by Bynum Colbert. He gave bond.

- *April 1 – Nessy Island, introducing and selling, was committed by Bynum Colbert, who arrested him in this city.*
- *April 8 – Mack Crofft, larceny, was arrested in the Choctaw Nation by Bynum Colbert.*
- *April 22 – Lizzie Johnson, charged with larceny, was brought in by Bynum Colbert, from the Creek Nation.*
- *April 22 – John Walker, alias Davis, was arrested in this city by Bynum Colbert, charged with larceny.*
- *April 29 – John Childers, introducing, etc., and John McCoy, charged with arson, were registered by Bynum Colbert. Childers at once gave bond.*
- *May 13 – George Paton, charged with larceny, was returned by Bynum Colbert. He was discharged by Commissioner Wheeler.*
- *May 20 – J.C. Seals, charged with forgery, was brought in from Creek Nation by Bynum Colbert.*
- *June 17 – Alfred Chaney was brought in from Creek Nation by Bynum Colbert for assault.*
- *July 1 – Bob Hill was registered from the Creek Nation by Bynum Colbert for introducing and selling.*
- *July 15 – Fred Thomas, introducing, was registered from the Cherokee Nation by Bynum Colbert. He gave bond at once.*
- *July 22 – Jessie Nathan, charged with introducing and selling, was registered from Cherokee Nation by Bynum Colbert.*
- *On August 6, Colbert arrested a white man named Alford Chaney for assault with intent to kill a black man named James Colbert. The arrest was made one mile north of Wagoner in the Creek Nation.*
- *Colbert, on August 17, arrested a black man named Hilliard Russell for assault with attempt to kill at Wybark in the Creek Nation. The assault took place in the home of William Johnson, who was the intended victim in the case.*
- *September 2 – Seaborn Morrison, charged with adultery, was brought in from the Cherokee Nation by Bynum Colbert.*

- *September 9 – Lizzie Johnson, on the charge of adultery, was registered from the Creek Nation by Bynum Colbert. (This could be the wife of William Johnson, who found and ordered Hilliard Russell out of his house and shot at him on August 15.)*
- *October 27 – Benny Mayes, for selling, was registered by Bynum Colbert from the Cherokee Nation.*
- *December 2 – Ben Graham, for introducing, was registered by Bynum Colbert.*

The **Fort Smith Elevator** continues with Bill Colbert's work with the Western District of Arkansas federal court in 1893:

- *May 3 – Henry Clay, negro who formerly lived here was brought in from Muskogee on a charge of larceny, by Bynum Colbert.*
- *May 26 – Will Hatchett and Wesley Johnson, charged with assault, were registered by Bynum Colbert. Mary Clark was also registered by Bynum Colbert on a charge of adultery.*
- *May 26 – Sam Tucker, for introducing and selling, was registered from Fort Gibson by Bynum Colbert.*
- *July 7 – Henry Johnson, charged with larceny, was registered from Eufaula by B. Colbert.*
- *On August 15, Bynum Colbert arrested a black man named Walter Massey in the Choctaw Nation for assault with intent to kill. The intended victims were a white man named Nathaniel Carter and a woman named Alex Massey, who was probably Walter's wife. Massey came home and found Carter in his home and wounded Alex Massey in the shooting that followed.*
- *September 8 – G.W. McElhaney, for introducing and selling, was registered by B. Colbert from Choska.*
- *September 22 – Doug Perryman, a Creek negro, charged with larceny, escaped from custody of Deputy Bynum Colbert near Muldrow last week by jumping from the train. He was afterward recaptured near McKay by Ed Given.*
- *September 22 – Black John alias John Gullett, larceny, returned by B. Colbert. He is a negro.*
- *September 22 – Douglas Perryman, larceny, was registered by B. Colbert. September 22 – Joe Clay, charged with assault, is credited to B. Colbert.*
- *November 3 – Price Hamilton, assault by Bynum Colbert.*
- *November 10 – Annie Perry, larceny; by B. Colbert, discharged on bond.*
- *November 17 – James Coonclar, larceny; by Bynum Colbert. Examined by Commissioner Brizzolara and discharged from custody.*
- *December 1 – Wilson Davis, assault; was registered by Bynum Colbert.*
- *December 8 – Geo. Lawrence, charged with larceny, was registered by B. Colbert from Hartshorne. He was examined by Commissioner Wheeler and discharged from custody.*
- *December 15 – Alex Duncan, charged with assault, was registered by B. Colbert. On December 15, Colbert arrested an Indian named Frank Fotner in Fort Smith shooting at a black blacksmith named Louis Bell in the Cherokee Nation. Bell said in the warrant statement that he had never had any words with Fotner. One day as he was working in his shop, Fotner without provocation with his pistol fired on him from the street while exclaiming, "I will shoot black son of a bitch!" Fotner gave bond and given a bond date of March 24, 1894 to appear before the Commissioner Brixolara.*

The year 1894, would be the last full year of federal service for Bynum Colbert. In the Indian Territory there was much excitement with outlaws such as Cherokee Bill and the Bill Cook gang. Colbert was very active during the year making various arrests of felons who broke the law, both in the territory and in Arkansas. We will pick up Colbert's trail by again looking at entries from the **Fort Smith Elevator** in 1894:

- *February 9 – Sargeant Pettis, mulatto, charged with adultery, is credited to B. Colbert. He was arrested at Harroldton, Ark.*
- *February 9 – Allen Turner, a negro was registered on a charge of assault. He is credited to Bynum Colbert.*
- *April 13 – John Leatherwood, a mulatto, was registered by Bynum Colbert. He was arrested ten miles south of Fort Smith. Upon examination before Commissioner Wheeler he was discharged from custody.*
- *June 22 – James Holt, a mulatto, was registered on a charge of introducing and is credited to Bynum Colbert. He was arrested near Cowlington.*

- June 29 – Ed Douglass, for adultery, was registered by Bynum Colbert. He was arrested near Bragg. Upon examination he was discharged on bond by Commissioner Brizzolara.
- July 6 – Earnest Kline, white, was registered on a charge of counterfeiting. He is credited to Bynum Colbert and was arrested near Fort Smith.
- On August 3rd, Colbert arrested a murderer at Wagoner, Creek Nation. The felon's name was Frank Anderson and he was a black man. On July 28, Anderson shot a man only known as George with a .44 revolver. This incident was witnessed by a Henry Berry near Cherokee Station.
- August 24 – Cady Adams, charged with introducing was brought in by Bynum Colbert from Sequoyah. He is a negro.
- November 2 – Charles Smith was registered on a charge of murder by Bynum Colbert.

The above case was very interesting for several reasons. Charles Smith, a Cherokee Freedman with many cases documented at the Fort Smith federal court killed Robert Marshall. Marshall was perhaps the most famous black Indian policeman in the Indian Territory. Marshall had served as a member of the Creek Lighthouse Police and the United States Indian Police (U.S.I.P.) which were headquartered at Muskogee, Creek Nation. Marshall is the only black person I have found for sure that served with the U.S.I.P.

According to Smith, he got into an altercation with a person named John Welch in Muskogee. Welch during the fight had his hand behind his back saying while approaching Smith said that he was going to cut him bad. Smith therefore pulled his pistol and shot at Welch twice, one bullet taken affect that killed Welch. While this was going on Marshall on horseback pulled his pistol and fired on Smith. In his statement, Smith said his back was to Marshall when he was fired upon. Smith then turned and returned fire with one shot, Marshall was struck and killed. Smith claimed self-defense in both shootings. On the writ application to U.S. Marshal Crump for Smith's arrest, Colbert listed himself as one of the witnesses to the shooting. Although Smith was apprehended a little over a month later in the Indian Territory, Colbert did not make the arrest of Smith. That was done by Deputy U.S. Marshal J.J. McAllister who turned him over to Colbert. In the famous book, "Hell on the Border" by S.W. Harmon, the date was recorded wrong; it stated the following on this case:

"Charles Smith killed John Welch and Robert Marshal {sic}, at Muskogee, on the morning of September 10, 1894. Smith was a negro, as black as night. He had once before been tried in Judge Parker's court, for killing a man, and sentenced to ten years imprisonment and manslaughter. He was of a particular vicious nature and while engaged in cutting the harness from some horses, the property of one Newlin, he was discovered by Welch, who was running a booth in the vicinity, because of the latter remonstrating with him, he became angered and killed him, with a bullet. Robert Marshal was an Indian policeman and in attempting to arrest Smith, he in turn was killed. At the trial, Smith set up the claim that he killed Marshal in self defense. Marshal having shot at him first. The jury was out only two hours. On reversal by the Supreme Court, Smith was given a new trial and he was sentenced to ten years imprisonment for manslaughter."

On November 15, Colbert arrested a white farmer named Frank Taylor for cutting a black man with a knife five times at Oak Lodge, Indian Territory. According to testimony Taylor got in an argument with a black man named Johnson. Johnson did not die from his injuries but was badly wounded. Taylor's son said that Johnson had been drinking and went into his pocket as if he was going to pull out a knife and attack his father. Seeing this movement Taylor pulled out his knife and cut Johnson. Colbert arrested Taylor the next day and he was held over on \$500 bond. The outcome of the case is not in the file.

The year of 1895 would bring an end to the law enforcement career of Bynum Colbert. We pick the story up with again with newspaper items from the **Fort Smith Elevator**:

- *February 22 – W.C. Brock, charged with assault, was registered from Caneville, I.T., by Deputy Bynum Colbert.*
- *February 22 – Considerable surprise was created Wednesday by the arraignment of Bynum Colbert on a charge of perjury and presenting false claims against the government. He plead not guilty. The charge made by the government is that Colbert made out an account amounting to \$75.29 for the arrest of Edwin Brock, up near Canay. Kans. Naming W.R. Cowden as guard. The district attorney would not allow the account, and Colbert went before the clerk, made affidavit to the services and was paid a portion of it by the United States Marshal, who failed to notice the rejection of the district attorney and was misled by the seal of the court. Colbert is one of the best known deputies on the force.*
- *March 22 – The case of Bynum Colbert, charged with presenting false claims, was continued to May 25th.*
- *June 14 – Bynum Colbert, the well known negro deputy marshal, was convicted of perjury last Tuesday. There were two charges against him, one for presenting false claims, the other for perjury. With the consent of the prosecuting attorney the jury returned a verdict of not guilty as to the first charge. A plea of guilty was entered as to the charge of perjury. Colbert's offense was swearing to an over charge of mileage. Last February a man named Brock was arrested by W. R. Cowden (Colbert's posse) near Chaney, Kansas, and turned over to Colbert at Cherokee. When he presented his account for fees Colbert charged for traveling 189 miles to make the arrest and also for returning the same distance with his prisoner and a guard, and swore to it. This is what got him into trouble. Colbert has been connected with the marshal's force at different times for nearly twenty years. He has also served as policeman of the city and as deputy constable. He has had the reputation of being a good officer.*
- *July 12 – Bynum Colbert the well known colored deputy marshal, who was convicted of swearing to a false account, was sentenced Tuesday afternoon. He goes to the penitentiary at Leavenworth for one year.*
- *July 19 – Capt. W.J. Fleming, chief deputy of the marshal's office, left Wednesday for Leavenworth with thirty-two prisoners, who will be placed in the penitentiary at that place. Capt. Fleming was assisted by Bob Jackson, J.R. Stephens, Con. Berry, John T. Davis, Will Fleming, Autry Ferguson, Chas. Adams and Frank Dunlap as guards.*
 - *...M.A. Pulse, perjury; one year, Bynum Colbert, perjury; one year.*
 - *...One of the most noticeable characters in this crowd was Bynum Colbert. Bynum has lived in Fort Smith a long time and has rendered good service both as a state and federal officer. In a moment of weakness he took a wrong step. His friends regret his misfortune and many shook hands with him before he left the jail.*

It is interesting to note that when Bynum Colbert was discharged from the Leavenworth Prison he listed his occupation as "Soldier." He was discharged on May 8, 1896.

The 1910 Census shows Bynum Colbert living with his wife Bettie in Wagoner County, Oklahoma with two adopted children. The 1920 Census shows Colbert's wife living as a widow in Wagoner County. When Bynum Colbert died is not known and where he is buried is not known. But one thing we do know is that at one time Bynum Colbert was an outstanding lawman for Fort Smith and Indian Territory.