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

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

1893 May 08: Voucher, U.S. v. Frank Depew, rape; includes cost per diem and mileage; E.B. Harrison, commissioner; C.E. Copeland, deputy marshal; Robert Hill, posse comitatus; B. Hagor, notary public; Jacob Yoes, U.S. marshal; Stephen Wheeler, clerk

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UNITED STATES OF AMERICA

189³
for 8 days' service as posse comitatus, from April 27 to May 4 189³
both days inclusive, at \$3.00 per day

UNITED STATES OF AMERICA

Western District of Arkansas

I, Robert Hill of Sloam Spring in the County
of _____ and District aforesaid being duly sworn, depose and say, that on the
27 day of April 189³ I was employed under and by virtue of the third section of
the Act of Congress of June 14, 1858, by E. Copeland 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 Frank DeFew - Rape - & Others
issued by W. Huler U. S. Commissioner, for the Western District of Arkansas, within the
jurisdiction of the said District, returnable to the office of said commissioner

Arkansas April 27 189³ and that as such posse comitatus, I
immediately proceeded in company with said Marshal to

Chelsea Id.
30 miles - where we arrested Frank
DeFew April 28 189³ - thence returning
via Bryan Creek Id. - where we arrested
Asa Hulsey April 30 189³ - thence

to Fayetteville, Ark. May 4/93 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:

Cherokee Nation Id.

than my place of residence aforesaid; that I actually traveled from
my said residence to said place of arrest, for the purpose aforesaid, 16 1/2 miles, and in the transportation of said de-
fendant was actually and necessarily employed 8 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 8 days' services from any other person or
persons, or sources, whatever; so help me God.

Subscribed and sworn to before me this 9 day of May 189³ by the above-named

Robert Hill

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

Posse Com.

Deputy

Sub-Voucher Voucher

De. Hager Notary Public
By the order of office Officers January 25 1894

I, B. E. Copeland 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 Albion Spurg 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 8 day of May A. D. 1893 by the above-named B. E. Copeland who personally appeared and was by me known to be the identical person he represents himself.

B. E. Copeland Deputy U. S. Marshal.
Stephen Wheeler 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 8 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 \$ 24.00

Jacob Yoes
U. S. Marshal, Western District Arkansas

Received payment of JACOB YOES, United States Marshal for the Western District of Arkansas, in the sum of

Twenty Four dollars in full of the within account.
Robert Hill

UNITED STATES
VERSUS

In the Western District of Arkansas before U. S. District Court Commissioner *C. B. Harrison* Esq.

Fayetteville, Ark.

Frank Depew

Rape

In the Indian Country.

CHARGE *Commitment*
Warrant Dated *5/4* 189*3* Served by Deputy Marshal *C. E. Copeland*
By arresting the defendant at *189*

DOLLARS. CENTS.

Mileage on writ *miles at 6 cents per mile, from* to place of arrest

Expenses Actually Incurred While Employed Endeavoring to Arrest.

DATE.	STATE NATURE OF EXPENSE AND WHERE INCURRED	No. of Voucher.	Amount.
	Maximum allowance for above at \$2 per day <i>days at \$2 per day</i>		
	Actual expenses / day's feeding / prisoners from <i>May 4 to May 5 1893</i>		<i>75</i>
	Arriving at Fort Smith, Ark., <i>May 5 1893</i>		
	Mileage returning / prisoners <i>guards and deputy 65 miles each 130 miles at</i>		<i>13 00</i>
	10 cents per mile from PLACE OF ARREST to Fort Smith, Ark.,		
	Service of Warrant of Temporary Commitment and Committing to Jail <i>prisoners 189</i>		
	Service of Warrant of Final Commitment and Committing to Jail / prisoners <i>May 5 1893</i>		<i>2 00</i>
	Discharging prisoners <i>189</i>		
	Name of Posse Com. <i>guard</i>		

Subpœnas for Plaintiff's Witnesses by Above-Named Deputy.

Date of Subpœna.	Miles to	PLACE OF SERVICE.	Date of Service.	ON WHOM SERVED.
Total	<i>miles to serve the same, at 6 cents per mile,</i>			
Attendance of the above-named deputy during examination			<i>189</i>	<i>before Commissioner,</i>
Total,				<i>16 25</i>
Disallowed as excessive,				
Brought forward,				<i>50 98</i>
Total carried forward,				<i>66 23</i>

I do solemnly swear that the above account is true and correct; that the services and travel charged for were actually and necessarily performed as therein stated, and that the expenses charged for feeding said prisoners and endeavoring to arrest were actually and necessarily incurred and paid.

C. E. Copeland
Deputy United States Marshal.

Sworn to and subscribed before me this *8* day of *May* 189*3*,

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

SUB-VOUCHER NO.

VOUCHER NO. 19 2

ACCOUNT-CURRENT E. NO.

For Half Year Ending 3/31 1893

B. C. Cepelaud
Deputy Marshal.

Deputy Acc't.	- - -	\$ <u>66</u> <u>33</u>
Posse Acc't	- - -	<u>24</u> <u>00</u>
Total,	- - -	\$ <u>90</u> <u>33</u>

JACOB YOES, U. S. Marshal,
WESTERN DISTRICT OF ARKANSAS.

10-10-93