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

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

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**1894 February 08: Voucher, U.S. v. James Burk and Benny Frazier, illicit distilling; includes costs of service of warrant, mileage on writ, feeding prisoners; Mel Powers, F.M. Hocks, Robert L. McClure, witnesses; John Cantrell, posse comitatus; William Steward, guard; B.F. Gibson, deputy marshal; Stephen Wheeler, commissioner**

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Western District of Arkansas,

*at Smith ark Feb 6* ..... 189*4* }

I hereby certify that I have been employed and have acted ..... *6* ..... days guard over

*James Burk + others* ..... a United States prisoner, in charge of

*B. G. Simpson* ..... Deputy Marshal, from *near Eagle Town Ark*

to *at Smith ark* ..... being a distance of *150* ..... miles.

*William Steward*

Postoffice address ..... *Eagle Town Ark*

Witness .....

Postoffice address .....

UNITED STATES

vs.

In the Western District of Arkansas before U. S. District Court

*James Burk*  
*Benny Frazier*

Commissioner *Stephen Wheeler* Esq.  
*Fort Smith, Ark*

CHARGE *Illicit Distilling* In the Indian Country.

	DOLLARS.	CTS.
Warrant Dated <i>July 22 1894</i> Served by Deputy Marshal <i>B. T. Gibson</i>		
By arresting the defendant <i>James Burk &amp; Benny Frazier</i>		
at <i>16 mi NE of Eagletown Ark.</i> <i>July 20 1894</i>	<i>4</i>	<i>00</i>
Mileage on writ <i>146 miles at 6 cents per mile, from Fort Smith Ark to place of arrest</i>	<i>8</i>	<i>76</i>

Expenses Actually Incurred While Employed Endeavoring to Arrest.

DATE.	STATE NATURE OF EXPENSE AND WHERE INCURRED.	No. of Voucher.	Amount.
<i>July 25 1894</i>	<i>Railroad fare to Tahleahua 2.05</i>		
	<i>Hotel fare 1.00 one day</i>		<i>3.05</i>
	<i>Subsistence for self and two of horses 4 days</i>		
	<i>July 26 to 30</i>		<i>8.00</i>
	Maximum allowance for above at \$2 per day <i>5</i> days at \$2 per day		<i>10.00</i>
	Actual expenses <i>9</i> days feeding <i>2</i> prisoners from <i>July 30</i> to <i>Feb 7 1894</i>		<i>13.50</i>
	Arriving at Fort Smith, Ark., <i>Feb 7 1894</i>		
	Mileage returning <i>2</i> prisoners <i>1</i> guards and deputy <i>146</i> miles each <i>584</i> miles at <i>10</i> cents per mile from PLACE OF ARREST to Fort Smith, Ark.,		<i>58.40</i>
	Service of Warrant of Temporary Commitment and Committing to Jail <i>prisoners 189</i>		
	Service of Warrant of Final Commitment and Committing to Jail <i>2</i> prisoners <i>Feb 7 1894</i>		<i>1.00</i>
	Discharging <i>prisoners 189</i>		
	Name of Posse Com. <i>John Cantrell</i> guard <i>William Steward</i>		

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

Date of Subpoena.	Miles to	PLACE OF SERVICE.	Date of Service.	On Whom Served.
<i>July 22 1894</i>	<i>16</i>	<i>Eagletown Ark</i>	<i>July 30 94</i>	<i>Mel Pounce</i>
	<i>8</i>	<i>Baker Ark</i>		<i>F. M. Hooper</i>
				<i>Robt L. McClure</i>

Total <i>24</i> miles to serve the same, at 6 cents per mile,		<i>1.44</i>
Attendance of the above named deputy during examination <i>189</i> before Commissioner,		
Total,		<i>98.60</i>
Disallowed as excessive,		
Brought forward,		
Total carried forward,		