

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 James M. Scoville of Fort Smith, Arkansas, for services in assisting Deputy Marshal J.C. Williamson in the arrests of Henry Effert and John Wheat; James Churchill, late commissioner; Stephen Wheeler, U.S. commissioner

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



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

Recommended Citation

Item 03_02_009, 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.

FILED
AUG 14 1875
H. Wheeler
CLERK.

Seaville

Specimen No 8

To

Abner C

E

ap no 2

Nov 21 1875

See vos ab 4

same case

Nov 19 Stat

49716

The United States of America,

To Jas. Seaville Dr.

1875 15

For days' services as posse comitatus, from Aug 13th to Aug 27th 1875
both days inclusive, at \$3.00 per day. \$45.00

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, Jas M Seaville of Fort Smith in the county of Sebastian and district aforesaid, being duly sworn, depose and say, that on the 13th day of August 187⁵,

I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by J. C. Wilmon, 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:

Henry Effert charged with Assault with intent to kill in the Indian Country, and John Wheat charged with Larceny in the Indian Country.

issued by J. C. Churchill, late 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 Sebastian County, Ark., for them 187⁵; and that as such posse comitatus, I immediately proceeded in company with said Marshal to Near Fort Gibson A. N. where we

were engaged in pursuit of the said Henry Effert until August 23rd 1875 on which day I assisted said Marshal in effecting his arrest.

that we remained in the same neighborhood until August 25th 1875. on which day I assisted said Marshal in arresting John Wheat, charged as aforesaid, and that from there we returned immediately

to Fort Smith, Ark. 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 Henry Effert and John Wheat.

to wit: Wm. Fort Gibson, A. M.

than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 150 miles, and in the transportation of said defendants, and was actually and necessarily employed 15 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 Forty Five 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 whatever for said expenses and 15 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this October 25 1875, day of by the above named J. H. Seville who personally appeared and was by me known to be the identical person he represents himself.

Steph W. Hulett
Clerk U. S. Dist. Court West. Dist. of Ark.

UNITED STATES OF AMERICA, } ss.
Western District of Arkansas,

I, J. C. Wilkinson 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.

Sworn to and subscribed before me this October 25, A. D. 1875, day of by the above named J. C. Wilkinson, who personally appeared and was by me known to be the identical person he represents himself.

J. C. Wilkinson
Deputy U. S. Marshal.
Steph W. Hulett
Clerk U. S. Dist. Court, West. Dist. of Ark.

I, JAMES F. FAGAN, 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.

U. S. Marshal West. Dist. of Ark.

Received payment of James F. Fagan, U. S. Marshal for the Western District of Arkansas, in the sum of Forty Five dollars in full of the within account.

J. H. Seville