

Arkansas State Archives

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

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

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**Voucher, to James N. Jones, of Fort Smith, Arkansas, for assisting T.A. Teryman, deputy U.S. marshal, in the arrest of Dick Handy, Henry Baker (alias Dutch Henry), Skip Charter, One Colman (alias Tillman), One Conway, and guarding William Morgan, et al.; Stephen Wheeler, U.S. clerk of court; J.A. Williams, deputy U.S. clerk**

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FILED

SEP 15 1876

W. H. Miller  
CLERK.

Vanhook No 35  
to  
Abstract to

Nov \$51.

correct  
Pastor  
judges

**The United States of America,**

To *James H Jones* Dr.

187  
For *17* days' services as posse comitatus, from *30<sup>th</sup> Oct.* to *Nov. 15<sup>th</sup>* 1875  
both days inclusive, at \$3.00 per day. \$ *51.*

**UNITED STATES OF AMERICA,**

*Western District of Arkansas.*

I, *James H Jones* of *Ft Sill I. T.* in the county of  
and district aforesaid, being duly sworn, depose and say, that on the *30<sup>th</sup>* of

*October* 1875, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by

*T. H. Tuzman*, 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: *Dick Hardly charged*  
*with Intro Spts Lips. Co. to assist in, guarding*  
*Morgan Et al charged with Larceny in the Indian*  
*Country*

issued by *Stephen Whisen* 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* in *Sebastian* County,  
Ark., *forthwith* 1875; and that as such posse comitatus, I immediately proceeded in company

with said Marshal to *Ft Sill I. T. and assisted in*  
*making the arrests of Dick Hardly*  
*and Wm Morgan. Henry Baker, Dick*  
*Henry, Skipp, Charters, One Coleman, G. Tillman*

And our Conway we immediately proceeded to Ft Smith. And were delayed some on the route by high water & storms and summoning witnesses & assisting in making other arrests. On the 8<sup>th</sup> of Nov, we left Calde. C. N. for ~~the~~ by the most direct route

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 Dick Handy  
and Wm Mangaw & al.

to wit: The place of arrest

than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 500 miles, and in the transportation of said defendants, and was actually and necessarily employed 17 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 Fifty One 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 17 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this November day of November 1875, by the above named James N. Jones who personally appeared before the undersigned and was by me known to be the identical person he represents himself.

Stephen Wheeler  
Clerk U. S. Dist. Court West. Dist. of Ark.  
W. Williams

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

I, J. A. Luyman 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 Sill 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 November day of November, A. D. 1875, by the above named J. A. Luyman, who personally appeared and was by me known to be the identical person he represents himself.

J. A. Luyman  
Deputy U. S. Marshal.  
Stephen Wheeler  
Clerk U. S. Dist. Court West. Dist. of Ark.  
W. Williams

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.

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

James N. Jones  
U. S. Marshal West. Dist. of Ark.