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

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

Voucher, to J. Wallace, of Fort Smith, Arkansas, for assisting J. Tinker, U.S. marshal, in U.S. v. Sam Booker, assault with intent to kill, U.S. v. John Williams, larceny, and U.S. v. Bill Perry, larceny; Stephen Wheeler and J.B. Laham, U.S. commissioners; Charles Burns, witness of signatures; D.P. Upham, U.S. marshal

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The United States of America,

1879

To

J. Wallace

Dr.

For 36 days' services as posse comitatus, from July 19th to August 23rd, 1879, both days inclusive, at \$3.00 per day, \$108.00

UNITED STATES OF AMERICA, }
Western District of Arkansas.

I, J. Wallace, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 19th day of July, 1879, I was employed under and by virtue of the third section of the Act of Congress of June 14, 1858, by J. T. Tucker, 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:

Sam. Boster Assault with intent to kill in the Indian Country
John Williams Larceny " " "
Bill Perry " " "

issued by Stephen Wheeler J. B. Latham, 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, Arkansas, Fort Smith, 1879; and that as such posse

comitatus, I immediately proceeded in company with said Marshal to Canadian District Chickasaw Nation where on the 19th day of August 1879 I assisted in arresting Bill Perry from thence to a place on the North Fork of the Canadian River Choctaw saw Nation 20 miles south east of Fort Reno where I assisted in arresting Sam Boster and John Williams from thence to Fort Reno to serve subpoena on Ed Artimus France to his miles west of Fort Arbuckle C. T. to serve subpoena on Dick Stewart and Levi Shell thence to Delaware River, Price's Bend and Amuc's Crossing on Washita River to serve Const subpo on Johnson Keel Neary Pratt, and Jehry Brown thence to a place in Chickasaw Co. to serve Const subps on Johnson Kay Frank Mc-Chib then by the most direct route

to Fort Smith before the Grand Jury 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 Sam Boster, John Williams and Bill Perry to wit: Chickasaw Nation

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid 850 miles, and in the transportation of said defendants, and was actually and necessarily employed 36 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 _____ 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 what ever for said expenses and _____ days' services, from any other person or persons, or sources whatever: So help me God.

Witness Charles Burns
Subscribed and sworn to before me this 17th day of September 1879, by the above named J. Wallace who personally appeared J. Wallace and was by me known to be the identical person he represents himself.

Stephen Wheeler
Clerk U. S. Dist. Court West. Dist. Ark.

Handwritten initials or marks at the bottom of the page.

I, Jo Finster 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 Foot Smith Lake 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 29th day of August, A. D. 1877, by the above named Jo Finster, who personally appeared and was by me known to be the identical person he represents himself.

Jo Finster
Deputy U. S. Marshal.

Stephen Wheeler
Clerk U. S. Dist. Court West. Dist. Ark.,
J. M. Williams

I, D. P. UPHAM, 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.

D. P. Upham
U. S. Marshal Western District of Arkansas.

Received payment of D. P. UPHAM, U. S. Marshal for the Western District of Arkansas, in the sum of one hundred and eight dollars, in full of the within account.

Wm. J. Waller
Wm. J. Waller
Wm. J. Waller
Wm. J. Waller

VOUCHER NO. 6

—TO—

ABSTRACT NO. 6.

Term, 187

Refer to Voucher No. 274 Abstract 4.

FILED
SEP 12 1877

Wheeler
CLERK

D. P. UPHAM,
U. S. Marshal Western Dist. Arkansas.