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Arkansas records, 1839-1908

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1878 November 04: Voucher, to Frank Belmout, of Arkansas, for assisting G.H. Kyle, U.S. deputy marshal, in U.S. v. James Anderson, U.S. v. Aaron McMill, U.S. v. Sam Fivekiller, U.S. v. Thomas Raper, U.S. v. Stephen Blanchin, and U.S. v. Wesley House; Stephen Wheeler, commissioner; D.P. Upham, U.S. marshal

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The United States of America,

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To *Frank Belmont* Dr.

For *24* days' services as posse comitatus, from *October 2nd* to *October 28th* 1878, both days inclusive, at \$3.00 per day, *4 days Disallowed as Excessive* \$ *81.00*
12.00
\$69.00

UNITED STATES OF AMERICA,
Western District of Arkansas.

I, *Frank Belmont*, of the State of *Arkansas* in the County of *Sebastian* and District aforesaid, being duly sworn, depose and say, that on the *2nd* day of *October*, 1878, I was employed under and by virtue of the third section of the Act of Congress of June 14, 1858, by *W. H. Kyle*, 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:

- W 5 vs James and Andrew Latty*
- W 5 " Aaron Merrill*
- " " Sam Surr Kilder*
- " " Thomas Raper*
- " " Stephen B. Moschbin*
- " " Wesley Houser*

issued by *Stephen Wheeler & James B. [unclear]* Commissioners for the Western District of Arkansas, within the jurisdiction of the said District, returnable to the office of said Commissioner at *St. Smith Creek* in *Sebastian* County, Arkansas, *Northwith*, 1878; and that as such posse

comitatus, I immediately proceeded in company with said Marshal to *18 miles N.W. of Tahlequah* in the *Indian Nation* to arrest *James & Andrew Latty*, thence near *Pardner* in *Humboldt* in the *Cherokee Nation* where I assisted in arresting *Aaron Merrill*, thence near *Enfala, CN* where I assisted in the arrest of *Thomas Raper* thence to *Webber's Place* where I assisted in the arrest of *Sam Surr Kilder* after which we immediately returned,

to *St Smith* 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 *James and Andrew Latty Aaron Merrill Sam Surr Kilder Thomas Raper and others*

to wit: *In the Indian Country*, than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid *278* miles, and in the transportation of said defendants, and was actually and necessarily employed *27* 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 *Eighty 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 *27* days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this *7th* day of *November* 1878, by the above named *Frank Belmont* who personally appeared *before me Stephen Wheeler* and was by me known to be the identical person he represents himself.

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

I, J. N. Kyle 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 J. E. Smith's land, 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 4th day of November, A. D. 1878, by the above named J. N. Kyle, who personally appeared and was by me known to be the identical person he represents himself.

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

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. *and this aff is approved for \$69.00*

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 Seventy Nine dollars, in full of the within account.

F. A. B. Edmunds

VOUCHER NO. 17

—TO—
ABSTRACT NO. 6.
August Term, 1878

Refer to Voucher No. 223 Abstract 4.

FILLED
NOV 16 1878
Stephen Wheeler
CLERK

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

Upham