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

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

1879 November 08: Voucher, to James Wheeler, of Fort Smith, Arkansas, for assisting J.W. Searle, U.S. deputy marshal, in U.S. v. John Stafford and U.S. v. Loraine Davis and One McAlister; Stephen Wheeler and Z.L. Cotton, commissioners; One Ledbetter, Henry Colbert, Julius Williams, and Joe Freeman, also arrested; D.P. Upham, U.S. marshal

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VOUCHER NO. 2

—TO—

ABSTRACT NO. 6.

Number Term, 1879

Account Current 5022

Refer to Voucher No. 31 Abstract 4.

W. A. E. H. R.

FILED

JAN 12 1880

Arthurley CLERK.

D. F. UFFLAND, U. S. Marshal Western Dist. Arkansas.

Myself

The United States of America,

1879 To James Wheeler Dr. For 45 days' services as posse comitatus, from September 3 to Oct 17 1879, both days inclusive, at \$3.00 per day, \$135.00

UNITED STATES OF AMERICA, Western District of Arkansas.

I, James Wheeler, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 3rd of September, 1879, I was employed under and by virtue of the third section of the Act of Congress, of June 14, 1858, by J. W. Beards, 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:

U.S. vs John Stafford
U.S. vs Lorraine Davis & one M. A. ...
and others

issued by Stephen Wheeler Esq., 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 Springtown Ark where we arrested John Stafford Sept 10th and one Ledbetter Oct 15th then to Boggy River Ark about 20 miles west of Goodland where we arrested Lorraine Davis and

One McAlister on the 24th Sept. I then remained in camp with prisoners which Deputy Searle went to Rocky Comfort to procure warrants from Sept 25 to 28th, and upon his return arrested said Deputy in effecting the arrest of Henry Gilbert Sept 29 near Goodland and Julius Williams Oct 1 & Joe Freeman Oct 2, at Mouth of Minidita. We then proceeded to Rocky Comfort before Commissioner Cotton who issued Special Commitments for Gilbert Williams and Freeman directing their removal to Ft Smith. We then returned at once

to Fort 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

Stafford Davis McAlister & others

to wit:

Choctaw Nation

..... than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid 500 miles, and in the transportation of said defendants, and was actually and necessarily employed 45 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 whatever for said expenses and 45 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 8 day of November 1879, by the above named James Wheeler who personally appeared before me and was by me known to be the identical person he represents himself.

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

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

I, J. W. Searle 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 _____ 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 8 day of November, A. D. 1879, by the above named J. W. Searle, who personally appeared and was by me known to be the identical person he represents himself.

J. W. Searle
 Deputy U. S. Marshal.
Stephen Wheeler
 Clerk U. S. Dist. Court West. Dist. of 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. *(This acct is approved for \$1000)*

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.

James Wheeler