

Arkansas State Archives

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

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**1879 December 30: Voucher, to James Wheeler, of Fort Smith, Arkansas, for assisting Hugh Simpson, U.S. deputy marshal, in U.S. v. Mundy Robert et.al and U.S. v. Richard Glass (alias Richard Bonner and Alex Berryman); Stephen Wheeler, commissioner; Jo Cron, James Wells, John Lucky, Barney Lucky, Joe Primus, Daniel Lucky, Henry Smith (alias Charlie Roberts), Cornista Brunner, and Ben Daker (alias Ben Roberts), also arrested; D.P. Upham, U.S. marshal**

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TRAVEL FOR ARRESTS

*James Wheeler*

VOUCHER NO. *14*

—TO—

ABSTRACT NO. *16*

*November Term, 1879*

*Account Current - Dr<sup>r</sup> 4*

Refer to Voucher No. *37* Abstract 4.

*1/2 Ct & 1/2 Cr*

FILED

JAN 12 1880

*Wheeler*  
CLERK

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

*Wheeler*

The United States of America,

1879

To *James Wheeler*

Dr.

For *11* days' services as posse comitatus, from *Dec 2*, to *12th* 1879, both days inclusive, at \$3.00 per day, *Disburse in Paris 2 days* \$ *33.00*

UNITED STATES OF AMERICA,  
Western District of Arkansas.

I, *James Wheeler*, of *Port Smith*, in the County of *Catahoula* and District aforesaid, being duly sworn, depose and say, that on the *1st* of *December*, 1879, I was employed under and by virtue of the third section of the Act of Congress, of June 14, 1858, by *Hugh Simpson*, 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:

*Ad. vs Mundy Roberts et al*  
*Ad vs Richard Glass alias Richard Bonner alias Alex Perryman*

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 *Port Smith* in *Port Smith* County, Arkansas, *forthwith*, 1879; and that as such posse

comitatus, I immediately proceeded in company with said Marshal to *the neighborhood of Marshal Cove Creek Nation 3 to 5 miles north west of Gipsen Station* where I assisted said deputy in effecting the arrest of *Mundy Roberts*.

*Jo Carr, James Wells, John Lucky, Barney Lucky, Joe Primus, Daniel Lucky, Henry Smith alias Charlie Roberts, Cornelia Bruner, Ben Baker alias Ben Roberts and Richard Glass alias Richard Bruner alias Alex Perryman, on the 6th day of December 1879.*  
*We then returned*

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

*Mundy Roberts, Dick Glass et al*

to wit:

*Creek Station.*

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid *about 200* miles, and in the transportation of said defendants, and was actually and necessarily employed *11* 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 *11* days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this *30th* day of *December* 1879, by the above named *James Wheeler* 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. of Ark.

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

I, *Hugh Simpson* 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* 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 *30* day of *December*, A. D. 1879, by the above named *Hugh Simpson*, who personally appeared and was by me known to be the identical person he represents himself.

*Hugh Simpson*  
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. *Set this up as approved for pd 7c*

*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 \_\_\_\_\_

*Twenty Seven* dollars, in full of the within account.

*James Wheeler*