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

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1879 December 23: Voucher, to William Fields, of Fort Smith, Arkansas, for assisting Dwight H. Wheeler, U.S. deputy marshal, in U.S. v. Frank Albright, U.S. v. Ben Joseph, U.S. v. John Freeland, and U.S. c. Creek John and others; Stephen Wheeler, commissioner; G.S. Williams, clerk; D.P. Upham, U.S. marshal

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VOUCHER NO. 13

ABSTRACT NO. 6.

November Term, 1879

Account Amount \$2002

Refer to Voucher No. 4 Abstract 4.

90 Cr Oct 2

FILED

JAN 15 1880

Arthur Clerk

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

Duplicate

The United States of America,

1879 To Wm Field Dr.

For 19 days' services as posse comitatus, from Nov 27 to Dec 15 1879, both days inclusive, at \$3.00 per day,

Residence at Grissie 3 days

\$ 57.00
9.00
48.00

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, Wm Field, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 26 of November 1879, I was employed under and by virtue of the third section of the Act of Congress, of June 14, 1858, by Dwight Wheeler, 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:

- US vs Frank Albright
- US vs Ben Jacobs
- US vs John Fryland
- US vs James John and others

issued by Stephen Wheeler, 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 the Sebastian County, Arkansas, for the year 1879; and that as such posse comitatus, I immediately proceeded in company with said Marshal to the Indian country.

When I assisted the said Deputy in executing the writ of Frank Albright at Canadias with Cherokee Nation - Dec 2nd Ben Jacobs at 4 mile north west

of Englewood Dec 4 John Fredland at 8 miles
north west of Muscogee Dec 10th an cross John
at Muscogee Dec 12 We then returned

He was waterbombed at Dawson one day Nov 29th

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

albright & others

to wit: Albetow a cross nation

than my place of residence aforesaid; that I actually traveled from my
said residence to said place of arrest for the purpose aforesaid 250 miles, and in the transportation of
said defendants, and was actually and necessarily employed 19 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 19 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 23rd day of December 1879, by
the above named William Field who personally
appeared before me and was by me
known to be the identical person he represents himself.

William Field

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

I, Dwight Wheeler 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.

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

Sworn to and subscribed before me this 23rd day of December, A. D. 1879, by
the above named Dwight Wheeler, who personally appeared and was by me known to be the
identical person he represents himself.

Dwight Wheeler
Deputy U. S. Marshal

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 1880*

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

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
Forty Eight dollars, in full of the within account.

William Field