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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 December 20: Voucher, to George Ponds, of Fort Smith, Arkansas, for assisting J.H. Mershon, U.S. deputy marshal, in U.S. v. Neal Scrimpsher, U.S. v. William Calilse, U.S. v. Big Jim (alias Jim Arcive, Jim Ricket), U.S. v. Nathaniel Warford, U.S. v. One West, et.al, and U.S. v. Walt Evans; Stephen Wheeler, commissioner

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VOUCHER NO. 1

—TO—

ABSTRACT NO. 6.

November Term, 1879

Current Account No. 2

Refer to Voucher No. 35 Abstract 4.

McCart 2

FILED

JAN 12 1880

McCart CLERK.

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

The United States of America, 1879 To George Souds Dr. For 28 days' services as posse comitatus, from November 21 to December 18 1879, both days inclusive, at \$3.00 per day, \$ 84.00

UNITED STATES OF AMERICA, Western District of Arkansas.

I, George Souds, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 20 of Nov, 1879, I was employed under and by virtue of the third section of the Act of Congress, of June 14, 1858, by J. M. Menden, 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. New Hampshire. U. S. vs. McCallister U. S. vs. Big Jim alias Jim Spruce and Jim Wicket U. S. vs. Nathaniel Mayford. U. S. vs. Ben West et al U. S. vs. Walt Crand

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 County, Arkansas, forthwith, 1879; and that as such posse comitatus, I immediately proceeded in company with said Marshal to the Indian Territory.

where I assisted said deputy in effecting the arrest of McCallister at near Fox Harris' Chickasaw Nation Nov 28th New Hampshire, Jim Wicket, Thos Ross,

Nathan Whaler, Samuel Riley, alias One Sam
Milton Luxenst ^{alias}, One Jim, One Chas. alias
Clay Collins ^{alias} One Friday at Post Hill, D. D. on
the 4th day of December 1879

Nathan returned at once

to Postville 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

New Hampshire & others

to wit: Indian Territory

than my place of residence aforesaid; that I actually traveled from my
said residence to said place of arrest for the purpose aforesaid 650 miles, and in the transportation of
said defendants, and was actually and necessarily employed 28 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 28 days' services, from any other person or persons or sources whatever. So help me God.

Subscribed and sworn to before me this 20th day of December 1879 by
the above named George Pounds who personally
appeared before me and was by me
known to be the identical person he represents himself.

George Pounds

Nathan Whaler
Clerk U. S. Dist. Court West. Dist. of Ark.

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

I, J. H. Mershon 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 Postville
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 20th day of December, A. D. 1879 by
the above named J. H. Mershon, who personally appeared and was by me known to be the
identical person he represents himself.

J. H. Mershon
Deputy U. S. Marshal

Nathan Whaler
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.

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
Eighty four dollars, in full of the within account. George Pounds