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

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1879 December 29: Voucher, to William Bell, of Fort Smith, Arkansas, for assisting G.H. Kyle, U.S. deputy marshal, in U.S. v. Alex Benson, U.S. v. M.A. Sorrells, U.S. v. Charles Smith, and U.S. v. Gus James and others; James Brizzolara, commissioner; G.S. Williams, clerk; D.P. Upham, U.S. marshal; Stephen Wheeler, clerk

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VOUCHER NO. 13

—TO—

ABSTRACT NO. 6.

November Term, 1879

Amount Amount \$762

Refer to Voucher No. 39 Abstract 4.

96 Oct 1879

FILED

JAN 12 1880

W. H. HARRIS CLERK

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

Duplicate

The United States of America,

To Wm Bell Dr.

1879 For 25 days' services as posse comitatus, from Nov 25th to Dec 19th 1879, both days inclusive, at \$3.00 per day, \$ 75.00

Disallowed as excessive 3 days \$ 9.00 \$ 66.00

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, Wm Bell, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 24th of November, 1879, I was employed under and by virtue of the third section of the Act of Congress, of June 14, 1858, by J. 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:

- U.S. v Alex Beumore
- U.S. v W A Donells
- U.S. v Chas Smith
- U.S. v Jas Isaac Fotheris

issued by Jas Bruzzolara 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 Alex Beumore at Creek Nation 55 miles north west of Okmulgee Dec 2nd; Robert Link at Cherokee Nation

18 Miles South of Coffeyville Ky Dec 7th; M. A. Sorrell
at Smiths Mt Dec 9th ^{by} Chap Smith & Ins Sney at
Marionge I.T. Dec 14th 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 said
Burnow, Sorrells, and 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 about 400 miles, and in the transportation of
said defendants, and was actually and necessarily employed 75 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 75 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 29 day of December 1879, by
the above named Wm Bell who personally
appeared before me Stephen Wheeler Clerk and was by me
known to be the identical person he represents himself.

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

I, J. S. 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 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 24 day of December, A. D. 1879 by
the above named J. S. Kyle, who personally appeared and was by me known to be the
identical person he represents himself.

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. The tax of is approved for \$66.00

Received payment of D. P. UPHAM, U. S. Marshal for the Western District of Arkansas, in the sum of
Sixty Six dollars, in full of the within account.

Wm Bell
Clerk U. S. Dist. Court West. Dist. of Ark.
Stephen Wheeler
Deputy U. S. Marshal
J. S. Kyle
Deputy U. S. Marshal
Stephen Wheeler
Clerk U. S. Dist. Court West. Dist. of Ark.
D. P. Upham
U. S. Marshal Western District of Arkansas.