

Arkansas State Archives

## Arkansas Digital Archives

---

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

Archival collections

---

**1882 May 12: Voucher, to Edward Burns for the costs of 2 days of service as posse comitatus; U.S. v. Joe Price and Tom Triplett; J. C. Wilkinson, U.S. deputy marshal; issued by Stephen Wheeler and G.S. Williams, clerks; Thomas Boles, U.S. marshal**

Follow this and additional works at: <https://digitalheritage.arkansas.gov/western-district-court>



Part of the [United States History Commons](#)

---

### Recommended Citation

Item 10\_02\_001, United States Western District Court of Arkansas records, Arkansas State Archives, Little Rock, Arkansas.

Use and reproduction of images held by the Arkansas State Archives without prior written permission is prohibited. For information on reproducing images held by the Arkansas State Archives, please call 501-682-6900 or email at [state.archives@arkansas.gov](mailto:state.archives@arkansas.gov).

The United States of America,

1882

To, Edward Burns Dr.

For 2 days' services as posse comitatus, from March 23 to 24 1882

both days inclusive, at \$3.00 per day,

\$6.00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS.

I, Edward Burns, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 23 of March, 1882, I was employed under and by virtue of the third section of the Act of Congress of June 14th, 1858, by Jas C Wilkinson, 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:

Writs vs Joe Pierce and John Suplett

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, Arkansas, Northwith 1882; and that as such posse comitatus, I immediately proceeded in company with said Marshal to

New Fort Coffee in Choctaw Nation and arrested Joe Pierce and John Suplett on the 24th March AD 1882 then returned

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 where he expected to find the said

Pierce & Suplett

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 36 miles, and in the transportation of said defendants, was actually and necessarily employed 2 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; 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 2 days' services, from any other person or persons, or sources whatever: so help me God.

Edward Burns

Subscribed and sworn to before me this 12th day of May 1882, by the above-named Edward Burns who personally appeared before me Stephen Wheeler and was by me known to be the identical person he represents himself.

Stephen Wheeler

Clerk U. S. Dist. Court, West. Dist. Ark.

By J. Williams

I, Jas C Wilkinson, 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.

J. C. Wilkinson  
Deputy U. S. Marshal.

Sworn to and subscribed before me this 12<sup>th</sup> day of May, A. D. 1882, by the above-named Jas C Wilkinson, 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. Ark.  
by J. S. Williams &c

I, THOMAS BOLES, 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.

Thomas Boles  
United States Marshal Western District Arkansas.

Received payment of THOMAS BOLES, United States Marshal for the Western District of Arkansas, in the sum of Six dollars, in full of the within account.

Edward Burns

Voucher No. 6  
Abstract No. 1  
Account Current ID No. 1  
May Term, 1882

Refer to Voucher No. 14, Abstract No. 1  
Account Current E No. 1

**FILED**  
MAY 15 1882  
Arthur C. Baker  
CLERK.

THOMAS BOLES,  
U. S. Marshal W. D. Ark.

Duphine