

Arkansas State Archives

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

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**1882 May 11: Voucher, U.S. v. John E. Smith; U.S. v. Thomas Johnson; paid to B.J. Walls for service as posse comitatus; Thomas Walls, U.S. marshal; issued by Stephen Wheeler, U.S. commissioner and clerk; G.S. Williams, clerk; Thomas Boles, U.S. marshal**

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The United States of America,

1882

To,

B. H. Walls

Dr.

For 7 days' services as posse comitatus, from April 11 to April 17 1882

both days inclusive, at \$3.00 per day,

Disallowed as Excessive 5 days

\$ 21.00

15

\$ 6.00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS.

I, B. H. Walls, of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 11th of April, 1882, I was employed under and by virtue of the third section of the Act of Congress of June 14th, 1858, by Thomas J. Walls, 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 John E. Smith
U.S. vs Thomas Johnson

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, Arkansas, Northwest, 1882; and that as such

posse comitatus, I immediately proceeded in company with said Marshal to Black Rock in the Choctaw Nation 45 miles from Ft Smith where I arrested in company with the Marshal Thomas Johnson on the 15th April '82, then to Paddle Prairie 23 miles from Fort Smith and arrested John E. Smith on the 16 April '82, 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 where he expected to find the said

Thomas Johnson and John E. Smith

to-wit:

Black Rock and Paddle Prairie in 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 130 miles, and in the transportation of said defendants, was actually and necessarily employed 7 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 what ever for said expenses and 7 days' services, from any other person or persons, or sources whatever: so help me God.

Subscribed and sworn to before me this 11th day of May 1882, by the above-named B. H. Walls who personally appeared before me Stephen Wheeler Clerk and was by me known to be the identical person he represents himself.

B. H. Walls

Stephen Wheeler

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

By J. Williams sc

I, Thomas J. Walls, 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 Westbourne 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.

Thos J. Walls  
Deputy U. S. Marshal.

Sworn to and subscribed before me this 21 day of April, A. D. 1882, by the above-named Thomas J. Walls, who personally appeared and was by me known to be the identical person he represents himself.

Wm. W. Wheeler  
Clerk U. S. Dist. Court, West. Dist. Ark.

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.

*for release*  
*It has been approved for \$6.00*

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.

B. J. Wall

Voucher No. /  
Abstract No. /  
Account Current D No. /  
May Term, 1882

Refer to Voucher No. 3, Abstract No. /  
Account Current E No. /

**FILLED**

MAY 19 1882

Wheeler  
CLERK.

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

*Duplicate*

RECEIVED  
MAY 19 1882  
DISPATCHED