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Arkansas records, 1839-1908

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1883 July 31: Voucher, U.S. v. Jude Alberty, Daniel Ta-eybby, Sam Williams, Jack Williams and others; to John Phillips for 27 days service as posse comitatus; served by employed by J.W. Searle, U.S. deputy marshal; issued by Stephen Wheeler, commissioner; includes names of arrested, Tuck Simpson, Julius Victor June Ne, Charles Mill; Stephen Wheeler and G.S. Williams, clerks

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The United States of America,

1883

To,

John Phillips

Dr.

For 27 days' services as posse comitatus, from

June 14

to July 15

1883

both days inclusive, at \$3.00 per day,

Disallowed as excessive & unjust

\$ 81.00

15.00

\$ 66.00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS.

I, John Phillips, of York Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say, that on the 14 of June 1883, I was employed under and by virtue of the third section of the Act of Congress of June 14th, 1858, by J. W. Semle, 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 Jude Alberty, Daniel G. Leiby, Sam, & Jack, Williams & others

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 York Smith, Arkansas, 1883; and that as such posse comitatus, I immediately proceeded in company with said Marshal to

Oaksville Choctaw Nation and assisted in the arrest of Jude Alberty June 15; thence to Wheelock La and arrested Daniel G. Leiby June 25th, thence to Newmarket and arrested Sam & Jack Williams. Thence to 5 mile west of Wrights ferry La, and arrested Char Mills June 29; thence to

to York 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

Jude Alberty and others

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 27 day 3, 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 27 days' services, from any other person or persons, or sources whatever: so help me God.

Subscribed and sworn to before me this 31 day of July 1883, by the above-named John Phillips who personally appeared before me Stephen Wheeler clerk and was by me known to be the identical person he represents himself.

John Phillips
Stephen Wheeler
Clerk U. S. Dist. Court, West. Dist. Ark.
J. Williams

I, J. W. Searle, 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 Thos X 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. W. Searle
Deputy U. S. Marshal.

Sworn to and subscribed before me this 31st day of July, A. D. 1883, by the above-named J. W. Searle, who personally appeared and was by me known to be the identical person he represents himself.

Stephens 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.

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 Sixty Six dollars, in full of the within account.

John Phillips

Voucher No. 7
Abstract No. 2
Account Current D No. 12
May Term, 1883

Refer to Voucher No. 7..... Abstract No. 2
..... Account Current E No. 12.....

FILED
SEP 27 1883
Stephens Wheeler
CLERK.

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

Replicated

Boles

UNITED STATES OF AMERICA