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United States Western District Court of  
Arkansas records, 1839-1892

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

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**1885 May 22: Voucher, to George Howell, of Fort Smith, Arkansas, for assisting John Williams, deputy marshal, in U.S. v. E.L. Downing, U.S. v. Stephen Cuso, John Gardenhire, and others; Hill Morgan, Lee Peenberton, S. Golstone, Susan Williams, One Chandler, Dr. Caruthers, John McAlister, Thomas Turner, arrested; Stephen Wheeler, James Brizzolara, commissioner; S.A. Williams, deputy clerk; Thomas Boles, U.S. marshal**

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The United States of America,

To

*George Howell*

Dr.

188 *5*

For *43* days' service as posse comitatus, from *March 16<sup>th</sup>* to *April 27<sup>th</sup>* 188 *5*

both days inclusive, at \$3.00 per day.

*Disallowed as excessive 4 days*

\$ *129<sup>00</sup>*

*12*  
\$ *117<sup>00</sup>*

UNITED STATES OF AMERICA, )

WESTERN DISTRICT OF ARKANSAS.

I, *George Howell*, of *Fort Smith*, in the County of *Sebastian* and District aforesaid, being duly sworn, depose and say that on the *16<sup>th</sup>* of *March* 188 *5*, I was employed under and by virtue of the third section of the Act of Congress of June 14th, 1858, by *John Williams*, 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 e-pias writs, to-wit:

*U.S. vs. E. S. Downing*  
*" " Stephen Criss*  
*" " John Gardenhire*  
*and others*

issued by *Miss Wheeler & Puggolara* U. S. Commissioner for the Western District of Arkansas, within the jurisdiction of said District, returnable to the office of said Commissioner at *Fort Smith*

Arkansas, 188 *5*; and that as such posse comitatus I immediately proceeded in company with said Marshal to *Colbert Station, C. N. and arrested in the arrest of E. S. Downing*

*Mar. 23<sup>rd</sup>; thence to 20 miles south west of Fish Springs C. N. and arrested Stephen Criss Mar. 26<sup>th</sup>; thence to near mouth of Mud Creek & arrested John Gardenhire Mar. 30<sup>th</sup>; thence to Watkins P.O. Chickasaw Nation & arrested Hill Morgan April 1<sup>st</sup>; thence to near Spanish Fort C. N. & arrested Lee Pemberton Apr. 2<sup>nd</sup> & J. Golden Apr. 3<sup>rd</sup>; thence to 20 miles north west of Johnsonville, C. N. & arrested Sam Williams Apr. 7<sup>th</sup>; thence to 20 miles south of Howell, C. N. and arrested one *Chandler* Apr. 9<sup>th</sup>; thence to Mt. Washita & arrested Dr. Caruthers & John M. Alistair on Glasson Creek, C. N. arrested Thomas Turner Apr. 13<sup>th</sup> thence direct*

*Detained by high water on the Washita*

*Mar. 19<sup>th</sup> & on Mud Creek Apr. 4 & on Oak Creek 21 & on Mud Creek 22 & on Spanish 23 & 24<sup>th</sup> April*

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

*Downing, Gardenhire and others*

to-wit: *Choctaw & Chickasaw Nations*

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid *about 900* miles, and in the transportation of said defendants, was actually and necessarily employed *43* day *s*, 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

*43* days' services, from any other person or persons, or sources whatever: so help me God.

Witness  
*Fred Schmiedke*

*George Howell*  
his  
mark

Subscribed and sworn to before me this *22<sup>nd</sup>* day of *May* 188 *5*, by the above named *George Howell*, who personally appeared before me *Stephen Wheeler* Clerk and was by me known to be the identical person he represents himself.

*Stephen Wheeler*

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

*D. H. Clayton* by *S. Williams*

I, John Williams, 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.

John Williams  
Deputy U. S. Marshal.

Sworn to and subscribed before me this 22<sup>nd</sup> day of May, A. D. 1885, by the above-named John Williams, who personally appeared and was by me known to be the identical person he represents himself.

Stephen Wheeler  
Clerk U. S. Dis. 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 for the period of 39 days; and that a posse comitatus could not have been obtained any nearer than the place said posse comitatus was employed, and this account is approved for \$ 114.<sup>00</sup>

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 One Hundred, Seventeen dollars, in full of the within account.

Witness  
Fred. Schwelke

George A. Howell  
Clerk

Voucher No. 14  
Abstract No. X  
Account Current D No. 55-  
Term, 1885

Refer to Voucher No. \_\_\_\_\_, Abstract No. \_\_\_\_\_  
✓, Account Current E No. 24

FILED  
AUG 14 1885

Wheeler  
CLERK

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

Duplicate

1 D. M. 1512