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United States Western District Court of
Arkansas records, 1893-1908

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

1881 February 19: Voucher, to Charles M. Spencer for posse comitatus in cases U.S. v. Samuel Muns; U.S. v. Peter Robinson; U.S. Jarvis Anderson; U.S. v. Dudley Wilson; U.S. v. Frank Alexander; Charles Spencer, posse comitatus; Stephen Wheeler, commissioner; Allen Housky, witness; B.F. Ayers, U.S. deputy marshal

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The United States of America,

To Charles M. Spencer, D.

94 For Thirty Five days' services as Posse Comitatus, from September 8th 80 to October 12th 1880 both days inclusive at \$3 per day \$ 105.00 Disallowed by Court 100.00 3.00

UNITED STATES OF AMERICA,

SS. \$102.00

Western District of Arkansas.

I, Charles M. Spencer of Fort Smith in the County of Sebastian Co. and District aforesaid, being duly sworn, depose and say that on the 8th day of September 1880, I was employed under, and by virtue of the Third Section of the Act of Congress of June 14, 1858, by W. F. August, 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. Samuel Muns
U. S. vs. Peter Robinson
U. S. vs. Jarvis Anderson et al

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, Sebastian County, Arkansas, forthwith, 188 ; and that as such Posse Comitatus, I immediately proceeded in company with said Marshal

To Fort Washita Chickisaw Nation where we arrested Samuel Muns from thence we proceeded to Fort Reno where we arrested Peter Robinson from thence to Denison Texas to subpoena Allen Housley Oct 4 from thence to 10 miles north east of McAlester where we served sci. fal. in case of U. S. vs. Dudley Wilson Oct 9 80 from thence to Sugar Loaf Co. Choctaw Nation to serve sci. fal. in case of U. S. vs. Frank Alexander Oct 10 from thence

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 the said Samuel Muns Peter Robinson et al

The Chickisaw Nation than my place of residence; that I actually travelled from my said residence to the said place of arrest for the purpose aforesaid 8.0 miles, and in the transportation of said defendants and was actually and necessarily employed 3.5 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 102.00 dollars in lawful currency of the United States, in full satisfaction and payment of my said expenses; that I have never received or been paid, or agreed to receive, or expect to be paid any compensation, remuneration or consideration whatever for said expenses and 3.5 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 22 day of October 1880, by the above named

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. Arkansas.

I, B. H. Ayers 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.

B. H. Ayers
Deputy U. S. Marshal.

Subscribed and sworn to before me this 22^d day of October 1880, by the above named B. H. Ayers who personally appeared and was by me known to be the identical person he represents himself.

W. H. Phillips
Clerk U. S. Dist. Court. West. Dist. Arkansas.

I, V. Dell, 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.

V. Dell
U. S. Marshal, Western Dist. Arkansas.

Received payment of V. Dell, U. S. Marshal for the Western District of Arkansas, in the sum of 102.50 dollars, in full of the within account.

Charles M. Spence

Voucher No. 20

ABSTRACT No. 6.

November Term 1880.

REFER TO

Voucher 22 Abstract 4.

V. DELL,
U. S. Marshal, West. Dist. Ark.

FILED

FEB 19 1881

Phillips
CLERK.

UNITED STATES OF AMERICA

The United States of America