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

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1890 April 09: Voucher, to J.H. Cawdell, of Fort Smith, Arkansas, Heck Thomas, deputy marshal in U.S. v. Joe Welch, introducing spiritous liquours; Stephen Wheeler, commissioner; William Thompson, John Martin, arrested; J.M. Dodge, deputy clerk; Jacob Yoes, U.S. marshal

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The United States of America,

1890 To J H Cawdell Dr.
for 8 days, service as posse comitatus, from March 28 to April 5 1890
both days inclusive at \$3 per day \$ 24 00

UNITED STATES OF AMERICA,
WESTERN DISTRICT OF ARKANSAS.

I J H Cawdell of Ft Smith Ark in the County
of _____ and District aforesaid, being duly sworn, depose and say, that on the
28 day of March 1890 I was employed under and by virtue of the third section of
the act of Congress of June 14th, 1858, by Hugh Thompson 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 writ to-wit :

U. S. vs Joe Welch Int &c
& others

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 Ark
Arkansas March 28 1890 and that as such posse comitatus, I
immediately proceeded in company with said Marshal to

Muscogee It
10 1/2 miles where we arrested Joe Welch
March 30 1890 thence after
endeavouring from March 30 1890 to
April 4 1890 we arrested Wm Thompson
April 4 at Muscogee It
and at same place we arrested
John Martin April 5 1890
thence returning

to Fort Smith Ark April 5 1890 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

Defendants

to-wit :

Arch Nation It

than my place of residence aforesaid; that I actually traveled
from my said residence to said place of arrest for the purposes aforesaid 20 1/2 miles, and in the transportation of said
defendants, was actually and necessarily employed 8 days as set out in the foregoing account as posse comitatus,
solely in the execution of said processes and transportation of 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 expected to be
paid any other compensation, remuneration or consideration whatever for said expenses and 8 day's service from any
other person or persons, or sources whatever, so help me God.

Subscribed and sworn to before me this 9 day of Apr 1890 by the above named
J H Cawdell who personally appeared and was by me known to be
the identical person he represents himself.

Stephen Wheeler
CLERK U. S. DISTRICT COURT, WESTERN DISTRICT ARKANSAS.

By M Dwyer

Heck Thomas 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 *Mountain Ark* 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.

Heck Thomas
DEPUTY U. S. MARSHAL.

Sworn to and subscribed before me this *9* day of *Apr* A. D. 189*0* by the above named *Heck Thomas* who personally appeared and was by me known to be the identical person he represents himself.

Stephen White
CLERK U. S. DISTRICT COURT, WESTERN DISTRICT OF ARKANSAS.

I, JACOB YOES, U. S. Marshal for the Western District of Arkansas do certify that I have carefully inquired into the matters as 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 *8* 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 \$ *24.00*

Jacob Yoes
UNITED STATES MARSHAL FOR WESTERN DISTRICT OF ARKANSAS.

Received payment of JACOB YOES, United States Marshal for the Western District of Arkansas, in the sum of *Twenty Four* Dollars, in full of the within account.

J. H. Cawdell

Voucher No. *77*
Account Current E. No. *7*
J. H. Cawdell
\$24.00

Refer to Voucher No. *17*
Account Current E. No. *5*

JACOB YOES,
U. S. Marshal, Western District of Arkansas
A. H. MAYERS & CO., PRINTERS, AND BINDERS, FORT SMITH, ARK.

DUPLICATE

HECK THOMAS