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

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1891 October 12: Voucher, to James Stephens, of Fort Smith, Arkansas, for assisting Robert J. Topping, deputy marshal, in U.S. v. Ed Browne, assault; Dave Smedley, arrested; Stephen Wheeler, commissioner; Jacob Yoes, U.S. marshal

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THE UNITED STATES OF AMERICA,

1891 To James Stephens Dr. for 4 days service as posse comitatus, from Oct 9 to Oct 12 1891 both days inclusive, at \$3 per day, \$12 00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS

I James Stephens of Abmitan in the County of Abmitan and District aforesaid, being duly sworn, depose and say, that on the 9 day of Oct 1891 I was employed under and by virtue of the third section of the act of Congress of June 14, 1858, by Rott Lopping 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:

US vs Ed Browne assault & 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 Abmitan Arkansas Oct 7 1891 and that as such posse comitatus, I immediately proceeded in company with said Marshal to

Det. - 42 miles - 7 miles S. Bogie - where we arrested Ed Browne Oct 11 1891 - there remain in the near Oakfodge 10 miles - where we arrested Barr Swedley Oct 11 1891 - thence

to Abmitan Oct 12/91 before 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:

Choctaw Nation I.?

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest, for the purposes aforesaid, 94 miles, and in the transportation of said defendants was actually and necessarily employed 4 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 4 day's services from any other person or persons, or sources, whatever; so help me God.

attest Rott Lopping James Stephens Subscribed and sworn to before me this 13 day of Oct 1891 by the above-named James Stephens

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 of Arkansas.

I, Rott Jopping 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 A Smith Ark under the Act of Congress of June 14, 1858, was actually and indispensibly 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 therefore is just, and that I have no interest in the same.

Rott Jopping
Deputy U. S. Marshal.

Sworn to and subscribed before me this 3 day of Dec A. D. 1897 by the above-named Rott Jopping who, personally appeared and was by me known to be the identical person he represents himself.

William Wheeler
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 14 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 \$ 12.00

Jacob Yoes
U. S. Marshal, Western District of Arkansas.

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

Attest Rott Jopping James Stephens
his
mark