

Thursday Morning, 10 o'clock Nov 5 A. D. 1886.

Court met pursuant to adjournment. Present, the Honorable Isaac C. Parker, Judge of the District Court of the United States for the Western District of Arkansas.

UNITED STATES, VERSUS

No. 1604

Indictment for being Retriever in the Indian Country.

Chas Ellison

On motion of M. H. SANDELS, Esq., Attorney for the Western District of Arkansas, the said defendant

Chas Ellison

was brought to

the bar of the Court, in custody of the Marshal of said District, and it being demanded of him what he has to or can say why the sentence of the law upon his plea of guilty heretofore Entered by

his plea

Entered by

him by the Jury in this cause on the 4th day of November

4th

November

A. D. 1886, shall not now be pronounced against him, he says he has nothing further or other to say than he has heretofore said:

Whereupon, the premises being seen, and by the Court well and sufficiently understood, it is considered by the Court that the said Chas Ellison for his Misdemeanor

Chas Ellison

for his Misdemeanor

aforesaid, be imprisoned in the United States Jail, situated at Fort Smith, in the Western District of Arkansas for the term and period of Thirty days and that he

Thirty days

pay to the United States of America a fine of One hundred Dollars, together with all their costs in and about this prosecution laid out and expended, and that they have execution therefor.

One hundred

undergo upon No.

It is further considered that the Marshal of the Western District of Arkansas, to whose custody the said

Chas Ellison

is now here committed, is hereby required to receive

and safely keep and convey the body of the said Chas Ellison hence

Chas Ellison

to said United States Jail, without delay, and deliver him to the custody of the Keeper of said Jail, who is hereby required to receive and safely keep the said Chas Ellison in Jail in execution of the

Chas Ellison

sentence aforesaid, and in conformity with the same, for the full period of the time aforesaid. And it is further ordered that the Clerk of this Court is hereby required to furnish the Marshal of this District with two duly certified copies of this judgment, sentence and order, one of which shall be delivered to the Keeper of said Jail; and the other returned by the Marshal to this Court, with a full and true account of the execution of the same.

I, STEPHEN WHEELER, Clerk of the District Court of the United States, in and for the Western District of Arkansas, hereby certify that the foregoing is a true and correct copy of the Judgment, Sentence and Order in the above entitled cause, as the same appears of record.

IN TESTIMONY WHEREOF, I have hereunto set my hand and

affixed the seal of said Court, at Fort Smith, in said District,

this 4th day of Nov A.D. 1886.

4th

Nov

Stephen Wheeler

CLERK.

W. A. Williams

Examined Defendant said he could
get the whiskey from a man
down the road.

Jas Daugherty ^{test} ^{mark}
Jas Daugherty being duly sworn
on his oath deposes and
says I live in Santa Ind. T.
and know Defendant in
this cause. About the 20th
of Sept I gave Defendant
one dollar and bought
one pint of whiskey from
Defendant ~~it~~ and paid
him a dollar ~~from~~ for
it. J. P. Phyllis

Jno Rogers being duly sworn
on his oath deposes and
says, I live in Santa Ind. T. and
know Defendant in this cause
About the 20th of Sept last I
saw Defendant bring some
whiskey which to the place where

UNITED STATES OF AMERICA,

WESTERN DIST. OF ARKANSAS.

BEFORE JOHN Q. TUFTS, UNITED STATES COMMISSIONER.

~~UNITED STATES,~~

Introducer

VERSUS

Chas B Ellison

SEE COMPLAINT AND ENDORSEMENT THEREON FILED HEREWITH.

On this *20* day of *Oct* 188*8* came the United States of

America, the Plaintiff in this cause, by....., U. S. Attorney, and

the defendant in..... own proper person, in custody of the Marshal and by.....

Attorney *Ridge Paschal* when the following testimony was

heard and proceedings had to-wit:

Jas Daugherty being duly sworn, deposes and says: I reside at *Kunta Ind.* and know the

defendant.. in this cause. *About 4 weeks ago*

myself and Bluejacket made up a two dollars and bought one quart of whiskey from Defendant. It was back of the M.K.T. & P.R. Depot and Defendant asked us if we wanted some whiskey and I said "yes" and made up the money with Bluejacket and bought it of him, the Defendant.

United States of America,
Western District of Arkansas.

IN THE DISTRICT COURT, November TERM, A. D. 188 C.

UNITED STATES
VERSUS

Charles Ellison

INTRODUCING SPIRITUOUS LIQUORS
INTO THE INDIAN COUNTRY.

*The Grand Jurors of the United States of America, duly selected, empaneled, sworn and charged, to inquire in and for the
body of the Western District of Arkansas, aforesaid, upon their oath present:*

THAT

Charles Ellison

on the 20th day of September A.D. 188 6, at the Cherokee Nation, in the
Indian Country within the Western District of Arkansas, aforesaid, did unlawfully introduce into the Indian Country in said
District, spirituous liquors, to-wit: one gallon of whisky; contrary to the form of the Statute in such case
made and provided, and against the peace and dignity of the United States of America.

~~M. N. SANDELS,~~

~~U. S. District Attorney, Western District of Arkansas.~~

United States of America,
Western District of Arkansas.

IN THE DISTRICT COURT,

TERM, A. D. 188

UNITED STATES
VERSUS

INTRODUCING SPIRITUOUS LIQUORS
INTO THE INDIAN COUNTRY

2^d count:

The Grand Jurors of the United States of America, duly selected, empaneled, sworn and charged, to inquire in and for the
body of the Western District of Arkansas, aforesaid, upon their oath ~~present~~ *and further present:*

THAT

Charles Ellison

on the *20th* day of *September* A.D. 188*6*, at the *Cherokee* Nation, in the

Indian Country within the Western District of Arkansas, aforesaid, did unlawfully introduce into the Indian Country in said
District, spirituous liquors, to-wit: *one* gallon of *alcohol* ~~whisky~~ contrary to the form of the Statute in such case
made and provided, and against the peace and dignity of the United States of America.

M. H. SANDELS,

U. S. District Attorney, Western District of Arkansas.

United States of America,

Western District of Arkansas.

IN THE DISTRICT COURT

November

TERM, A. D. 188

6

UNITED STATES

VERSUS

Charles Ellison

RETAIL LIQUOR DEALER.

The Grand Jurors of the United States of America, duly selected, empaneled, sworn and charged, to inquire in and for the body of the Western District of Arkansas, aforesaid, upon their oath present:

THAT

Charles Ellison

on the *20th* day of *September* A. D. 188*6*, at the *Cherokee* Nation, in the

Indian Country within the Western District of Arkansas, aforesaid, did unlawfully engage in and carry on the business of a retail liquor dealer without having first paid the special tax required and provided by law; contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the United States of America.

M. H. SANDELS,

U. S. District Attorney, Western District of Arkansas.

It appearing from the foregoing evidence to the satisfaction of the Commissioner that the offence with which the said Chas Ellison is charged has been committed, and that there is a probable cause to believe him guilty thereof, it is ordered that he find sufficient bail in the sum of three Hundred Dollars, for his appearance at a District Court of the United States, for the Western District of Arkansas to be holden on the first day of November 1886, at the United States Court Room at Fort Smith, in said District, to answer said charge, and that, in default of finding such bail, he stand committed.

J. M. 2 Tufts
U. S. Commissioner.

I, JOHN Q. TUFTS, United States Commissioner for the Western District of Arkansas, do hereby certify that the foregoing is a true transcript of the evidence taken before me, and the proceeding had in the above entitled cause, and that the costs in said case are as follows:

Commissioners Fees,	\$ <u>11.60</u>
Witnesses Fees,	\$ <u>38.00</u>
Attendance of U. S. Attorney,	\$

J. M. 2 Tufts
U. S. Commissioner.

82

Comr's No. 3 G. J. No. 3

UNITED STATES,

vs.

Chas Ellison

6 first

Proceedings before Commissioner.

Filed.....188.....

Clerk.

Deputy Marshal.

FILED

Chas Ellison
CLERK

UNITED STATES OF AMERICA, }
WESTERN DISTRICT OF ARKANSAS,

KNOW ALL MEN BY THESE PRESENTS:

THAT WE

William T. Bluejacket
and James Dougherty

acknowledge ourselves severally to owe and be indebted unto the United States of America, in the sum of four hundred dollars each, to be levied of our goods and chattels, lands and tenements, to the use and benefit of the said United States of America, if default shall be made in the condition following, to-wit:

WHEREAS,

Chas Ellison

has been brought before JOHN Q. TUFTS, a United States Commissioner for the Western District of Arkansas, to answer the charge of *introducing and selling etc.*

and upon examination had, it appearing to said Commissioner that the offense with which *he was* charged had been committed; and there was probable cause to believe *him* guilty thereof,

and whereas said

William T. Bluejacket

and James Dougherty

are material witnesses in said cause on the part of the United States of America, the said Commissioner ordered said witnesses

William T. Bluejacket and James Dougherty

to give bond in the sum of four hundred dollars each for *their* appearance at a District Court of the United States for the Western District of Arkansas, to be holden on the *first* day of *November* *1886* A. D., 188*6*, at the U. S. Court room at Fort Smith, in said District, to testify in said cause,

and that in default of giving such bond *they* stand committed.

NOW, THEREFORE, the condition of this bond is such, that if the said

William T. Bluejacket and James Dougherty

shall personally appear at the said Court on the first day of the next *November* term thereof, at the U. S. Court room at Fort Smith, in said District, at 10 o'clock A. M., and then and there testify in said cause, and abide the orders of the Court, and not depart the said Court without leave, then this bond to be void, otherwise to be in full force and virtue.

Witness to sign
E. B. [unclear]

William T. Bluejacket
and James Dougherty

Acknowledged and subscribed before me, this

20 day of *oct* 188*6*

John Q. Tufts

United States Commissioner.

374 James, Minnie

UNITED STATES OF AMERICA }
: Western District of Arkansas }

I, STEPHEN WHEELER, Commissioner of the Circuit Court of the United States, in and for the District aforesaid, do hereby certify that the within and foregoing is a true copy, together with the endorsements thereon, of a complaint on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, at Fort Smith, in said District
this day of 189.....

.....
UNITED STATES COMMISSIONER

UNITED STATES

VS.

Minie James

Information filed, Capias and Subpoena

Issued 189.....

STEPHEN WHEELER
U. S. Commissioner

Approved

Stephen Wheeler
U. S. Commissioner

189.....

U. S. Attorney

WHEELER PRINTING CO. FORT SMITH, ARK.

HON. S. F. STAHL,

U. S. Marshal, Fort Smith, Ark.

August 3 de 1897

DEAR SIR: Please forward Writs to Silvan Springs, Ark. in the following case:

Name of Defendants.

Missie James

Charge.

Selling Beer without License and to Indians

When Committed on the 30 of June 1897

Where Committed Silvan Springs Ark

White Man, Indian or Negro (White Man)

Statement of Case.

Defendant, Sold Beer without License & sold 2 Fullbladed Cherokee Indians on and about the 30 of June 1897 in Silvan Springs Ark.

What Each Witness Will State.

By Emmet Guines says I saw that Missie James did sell her 2 Batches of Beer and says it was Beer and that her Reserve are stiller for the Service

By Ghy. Griffiths says he Bought 4 Batches of Beer from Missie James and Paid her \$2.00 for it and says it was em and a Bunt the 24 of June and says he is a Cherokee Indian.

By George Halend says he Bought 1 em Batch of Beer from Missie James and paid her \$2.00 for it and he says he is a Indian

Character of Witness:

Good So Said

J. L. Stahl

Deputy Marshal

Information as to what witnesses will state should be procured from personal interview with the witnesses, and not from hearsay.

UNITED STATES OF AMERICA }
WESTERN DISTRICT OF ARKANSAS

I DO SOLEMNLY SWEAR AND BELIEVE From reliable information in my possession, that

Minnie Jones

did, in the ~~Indian Territory~~, within the *Fort Smith Division*

Western District of Arkansas, on or about the *30* day of *June* 189*7*

She sell to Robert Flatt two bottles of beer and saw Robert Flatt pay the said Minnie Jones the sum of one dollar for said two bottles of beer. The affiant ^{personally that} knows it was beer that was sold for the reason that he saw Minnie Jones put the bottles on ice and get them again, the bottles were labeled "beer" and they called it beer and the said Minnie Jones threatened to kill the affiant if he told that she sold it.

against the peace and dignity of the United States, and I pray a writ.

Emmit Guynes

Subscribed and sworn to before me this *16* day of *July* 189*7*

Charles Epperson
Notary Public for Benton County
UNITED STATES COMMISSIONER

WITNESSES:

- Emmit Guynes*
- Robert Flatt*
- Edye Gritts*
- George Fuller*

UNITED STATES

VERSUS

Chas Ellison

BOND FOR WITNESSES

TO November TERM, 188 6

FILED 188.....

CLERK.

05
1888

W. H. ...
CLERK.

Holl 7/7/83

UNIVERSITY OF MICHIGAN LIBRARY

NO. 11145

UNITED STATES

Versus Int. No.

Charles Ellison.

A TRUE BILL

W. R. Backdon
FOREMAN

WITNESSES

James Dougherty
Wm. T. Blue Jacket

Filed

Mar 3 6

W. R. Backdon

CLERK

by J. S. Williams

239-68

JOURNAL STEAM PRINT, MUSKOGEE.

Office of U. S. MARSHAL,
Western District of Arkansas.

UNITED STATES

Introduces

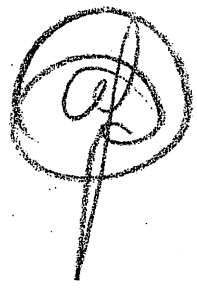
Chas Ellison

I certify that I served the within Writ of
Arrest on the *8* day of *October*
188*6*, at the *Vinita*
Cherokee Nation

CAPIAS.

Issued *Sept 1* 188*6*,
Returnable Forthwith.

by then and there taking into my custody the
within named *Charly Ellison*



whose body *by* I now have before JOHN Q.
TUFTS, Esq., U. S. Commissioner.

John Carroll U. S. MARSHAL.
By *J. P. Shell* Deputy.

Marshal's Fees, - - - - \$

J. P. Shell
CLERK

myself and Pete Toovey were sitting
and Toovey tasted the whiskey
and said it was not good and
Defendant gave him over the
dollar - which he had paid
him - John Rogers.

S. S. Smith being duly sworn
on his oath deposes and says
I live in Santa Fe, and
know Defendant in this
cause. Defendant gave
me a drink of whiskey
from a pint bottle.
S. S. Smith

UNITED STATES,

VERSUS

Chas. Ellison
int's

FINAL MITTIMUS.

RETURN.

Received this Mittimus with the
within named prisoner . on the
20 day of *October*
A. D. 188 ,
and on the same day I committed the
said prisoner to the custody of the
within named Jail Keeper, with whom
I left at the same time a certified copy
of this Mittimus.

JOHN CARROLL,

Magistrate, West Dist. Arkansas.

By *G. P. Shell*
Deputy.

Journal Print, Muskogee, I. T.

Q

W. H. Miller
USDA

OFFICE OF U. S. MARSHAL,
WESTERN DIST. OF ARKANSAS.

Fort Smith, Ark., Oct 23 = 188 6

I certify that I served the within Writ of
Subpoena on the 24 day of October
by then and there reading the same in the pres-
ence and hearing of the within named

Ross Blewacket

S. Smith James

Gauberts John Ross

1 John Carroll U. S. MARSHAL.

By G P Bell Deputy.

Marshal's Fees, - - - - \$

UNITED STATES,

VERSUS

Introd E

Chas Ellison

SUBPCENA.

Issued Oct 1 188 6

Returnable Forthwith.

60

Ellison, Charles

UNITED STATES,

vs. { INTRODUCING, ETC.

Chas Ellison

Information filed and Capias and Supæna issued. *Chas Ellison* 1886

JOHN Q. TUFTS,
U. S. Commissioner.

Approved *Sept 29* 1886

M. S. Sandels

U. S. Attorney.

The defendant.....herein having been brought before me this.....day of..... 188..... and the cause not being ready for trial a temporary commitment was issued.

JOHN Q. TUFTS,
U. S. Commissioner.

Journal Print, Muskogee.

Recorded Sept 30 1886
W. H. Sandels

The defendant.....herein having been brought before me this.....day of..... 188....., and the cause not being ready for trial bond was taken for appearance from day to day with.....sureties.

JOHN Q. TUFTS,
U. S. Commissioner.

The defendant.....herein having been brought before me this.....day of..... 188....., and the nature of the charge having been fully explained in presence of..... attorney..... Esq., a plea of guilty thereto was entered and commitment issued.

U. S. Commissioner.

Winds Gently 11/4/86

MAYERS & CO PRINTERS FT SMITH

NO. *11704*

UNITED STATES

c Versus Retail Liquor Dealer.

Charles Ellison

A TRUE BILL.

W. W. Bachelor
FOREMAN.

WITNESSES:

James Dougherty
W. T. Blue Jacket

Filed

Mar 3 188 *6*

A. Wheeler

CLERK.

W. S. Williams

UNITED STATES OF AMERICA, }
WESTERN DISTRICT OF ARKANSAS. }

THE PRESIDENT OF THE UNITED STATES,
TO THE MARSHAL OF THE WESTERN DISTRICT OF ARKANSAS--GREETING

WHEREAS, Complaint on oath has been made before me, charging that Charles
Ellison
did, on or about the 20 day Sept A. D. 1886, in the Indian Country, Western District
of Arkansas introduce and sell spir
itous liquors
contrary to the form of the statue in such cases made and provided, and against the peace and dignity of the United States.

NOW, THEREFORE, YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America,
to apprehend the said Charles Ellison

and bring his body forthwith before me,
JOHN Q. TUFTS, Commissioner appointed by the United States District Court for said District, whenever he may be
found that he may be then and there dealt with according to law for said offence.

GIVEN UNDER MY HAND this 1st day of Oct, 1886, in the one hundred
and Eleventh year of our Independence.

John Q. Tufts
Commissioner U. S. Court, West Dist. Ark.

Received, At the United States Jail, at Fort Smith, State of Arkansas,

this day of A. D. 188.....

from Marshal

of the United States for the Western District of Arkansas, the

body of the within named.....

....., together with a copy of this Writ.

I Certify, That I have served the within Writ, by delivering the body of the within named.....

Chas Ellison

..... together with a copy of this Writ, into the custody and

hands of the United States Jailer at Fort Smith, in the State of Arkansas, on the day of

..... 88....., and have his receipt therefor endorsed hereon, as within I am commanded.

John Carroll
.....
United States Marshal, Western District of Arkansas.

W. Brown

Deputy

1604

UNITED STATES,

VERSUS

Chas Ellison

MITTIMUS.

J. H. Mayers & Co. Printers and Binders, Ft Smith.

RECEIVED

1888

Chas Ellison

UNITED STATES OF AMERICA, }
WESTERN DISTRICT OF ARKANSAS.

THE PRESIDENT OF THE UNITED STATES,

TO THE MARSHAL FOR THE WESTERN DISTRICT OF ARKANSAS, AND TO THE KEEPER OF THE UNITED STATES JAIL---GREETING

WHEREAS, Chas Ellison

has been arrested and this day brought before JOHN Q. TUFTS, a Commissioner appointed by the District Court of the United States, in and for the Western District of Arkansas, under the laws of the United States, charged on the oath of

J Cunningham with

introducing & selling intoxicating liquors into the Indian country.

and having inquired into the truth and probability of the charge exhibited against him, and upon consideration of the facts and circumstances proved, the said Commissioner did adjudge the said Chas

Ellison to be guilty of having committed the said violation of law, and him required to find bail in the sum of Three Hundred Dollars, which requisition has not been complied with.

WE THEREFORE COMMAND YOU, the said Marshal, forthwith to convey the said

Chas. Ellison to the United States Jail at Fort Smith, Arkansas, and

him deliver to the keeper thereof. And you, the said Keeper, are hereby required to receive the said

Chas Ellison

into your custody in the said jail, and him there safely keep until he shall be discharged by

due course of law.

GIVEN under my hand this 20 day of Oct

A. D. 1886 in the 11th year of our Independence.

John Q Tufts

United States Commissioner, Western District of Arkansas.

No.

THE PRESIDENT OF THE UNITED STATES,

TO

Boss & Blue jacket
Smith

Jim Daugherty & ~~Wm~~ Carter
and Sam Rogers.

GREETING:

WE COMMAND YOU, That all and singular business and excuses being laid aside, you and each of you appear and attend before the Commissioner of the United States of America for the Western District of Arkansas, at an examination to be held at his office in Muskogee, Indian Territory, forthwith, to testify and give evidence in a certain cause pending, and then and there to be tried, between the United States of America and

[U. S. SUB.]

Chas Ellison
defendant

on the part of the United States.

And this you, or any of you, are not to omit, upon the penalty upon you, and every one of you, of two hundred and fifty dollars.

WITNESS MY HAND at Muskogee, the 1 day of Oct
in the year of our Lord, one thousand eight hundred and eighty-five.

M L Zupis
Commissioner U. S. Court, West. Dist. Ark.

UNITED STATES OF AMERICA,
WESTERN DISTRICT OF ARKANSAS.

I DO SOLEMNLY SWEAR and believe, from reliable information in my possession, that.....

Charles Ellison

did, within the Western District of Arkansas, on or about the *20* day of *September* 188*6* and at

various other times within three years last passed, unlawfully introduce into the Indian Country a large quantity of spiritous

liquors, to-wit: *2* gallons of whisky, and did also, at or about the same time, violate the Internal Reve-

nue laws of the United States by engaging in and carrying on the business of a Retail Liquor Dealer without first having paid

the special tax provided for and required by law, against the peace and dignity of the United States of America; and I pray a

warrant for his apprehension.

J. J. Cunningham

Subscribed and sworn to before me this *28* day *Sept* 188*6*

Wm L. Deffen
United States Commissioner.

WITNESS:

Bob Bluejacket

J Smith

Wm McCarty

UNITED STATES OF AMERICA
WESTERN DISTRICT OF ARKANSAS.

I DO SOLEMNLY SWEAR and believe, from

Charles Ellis

did, within the Western District of Arkansas, on or about
various other times within three years last passed, unlawfully
sell, distribute, or give away, in violation of the
liquors, to-wit: 2 gallons of whisky
in violation of the laws of the United States by engaging in and carrying on
the special tax provided for and required by law, against the
warrant for his apprehension.

He has bought whisky
into the area & sold
it to customers.
He has gone
off more &
will be back
for the fair.

Subscribed and sworn to before me this 28 day Sept 1886

Geo L Zupis
United States Commissioner.

WITNESS:

Bob Bluejacket

D Smith

Wm McCarty