

Arkansas State Archives

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

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**1875 October 4: Voucher, to Zack Moody, Fort Smith, for services assisting to arrest Wesley Harris, Henry Hays, Eli Hays, Hardy Perry, and Campbell Frazier; Henry Williams, deputy marshal, James Churchill, commissioner; Stephen Wheeler, clerk**

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Voucher No 31  
etc  
Abstract 6

Zack Moody

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**The United States of America,**

To Zack Moody Dr.

1876-  
For 30 days' services as posse comitatus, from Sept 5 to Oct 1 1876  
both days inclusive, at \$3.00 per day. \$ 90

**UNITED STATES OF AMERICA,**

Western District of Arkansas.

I, Zack Moody of Fort Smith in the county of \_\_\_\_\_ and district aforesaid, being duly sworn, depose and say, that on the 5<sup>th</sup> of \_\_\_\_\_

Sept 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by Jeff Henry 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 capias writs, to wit: Healy Harris, Henry Hays, Eli Hays, Hardy Perry, and Campbell Frazier all charged with Larceny in the Indian Country

issued by J. O. Churchill 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 in Sebastian County, Ark., forthwith 187 ; and that as such posse comitatus, I immediately proceeded in company with said Marshal to near mouth of Boggy on Red River in the Christian Nation and there assisted him in making the arrest of the aforesaid Healy Hays, Hardy Perry and Campbell Frazier and assisted him in bringing

then I then proceed in company with said Deft Williams to Spineer academy in Pursuit of Eli Hays and King Hays and failed to find the same thence to Boggy in Pursuit of Chas McJee Charge with Murder in the Indian Country and failed to find said Chas McJee I then Proceeded by the most Direct Route

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 to find the said Defendants

to wit: the place of arrest Spineer academy  
Aug Boggy Depot Choctaw Nation

than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 500 miles, and in the transportation of said defendants, and was actually and necessarily employed 30 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 Ninety dollars, in lawful currency of the United States, in full satisfaction and payment of my said expenses and services; 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 30 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 29<sup>th</sup> day of November 1870, by the above named Zack Moody who personally appeared before me and was by me known to be the identical person he represents himself.

Zack Moody  
Stephen Wheeler  
Clerk U. S. Dist. Court West. Dist. of Ark.  
J. J. Jewell  
J. C. Coe

**UNITED STATES OF AMERICA,** } ss.  
Western District of Arkansas,

I, Henry 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 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.

Sworn to and subscribed before me this 29<sup>th</sup> day of November A. D. 1870, by the above named Henry Williams, who personally appeared and was by me known to be the identical person he represents himself.

Henry Williams  
Deputy U. S. Marshal.  
Stephen Wheeler  
Clerk U. S. Dist. Court, West. Dist. of Ark.

I, JAMES F. FAGAN, 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.

Received payment of James F. Fagan, U. S. Marshal for the Western District of Arkansas, in the sum of Ninety dollars in full of the within account.

Zack Moody

U. S. Marshal West. Dist. of Ark.