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

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1875 October 08: Voucher, to Joshua C. Irwin, of near Boggy Depot in the Choctaw Nation, for service assisting in the arrest of One Howare, Sim Hurdy, and John Hurdy; Robert J. Topping, deputy marshal; Stephen Wheeler, commissioner; R.D. Wells, D.C.

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Sept 7
Abstract No 6

Cash

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FILED
AUG 14 1875
H. H. HICKS
CLERK

The United States of America,

To *Joshua C Inow* Dr.

1875 For 18 days' services as posse comitatus, from Sept 21st to Oct 8th 1875
both days inclusive, at \$3.00 per day. \$ 54.00

UNITED STATES OF AMERICA, }

Western District of Arkansas.

I, *Joshua C Inow* of *Peggy Depot Choctaw Nation* in the county of _____ and district aforesaid, being duly sworn, depose and say, that on the 21st of Sept

1875, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by *Robert J Sapping*, 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: *One Howard Lem Hurly*

and John Hurly charged with larceny in the Indian Country

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* in *Sebastian* County, Ark., *Forthville* 1875; and that as such posse comitatus, I immediately proceeded in company with said Marshal to *Smith Pauls Valley Chickasaw Nation* where on the 22nd day of September I assisted in arresting the said *Howard Lem Hurly* and *John Hurly* and on the 23rd and 24th summoned witnesses and on the 25th

left for the mouth of the Washita River for the purpose of summoning W. A. Moore, he having removed beyond the jurisdiction of this Court, on the 27th left the mouth of the Washita River direct for Fort Smith arriving at said latter place on Friday Oct 8th 1875 bringing said prisoners

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 Our Howard Sim Hurley and John Hurley

to wit:

than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 320 miles, and in the transportation of said defendants, and was actually and necessarily employed 18 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 Fifty Four 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 18 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 16 day of October 1875, by the above named J. C. Swain 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. of Ark.

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

I, Robert J. Zopping 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 Biggy Depot Choctaw Nation 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 16 day of October, A. D. 1875, by the above named Robt. Zopping, who personally appeared and was by me known to be the identical person he represents himself.

Robert J. Zopping
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.

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

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

J. C. Swain