

Arkansas State Archives

Arkansas Digital Archives

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

Archival collections

1876 June 24: Voucher, to C.C. Ayers, of Fort Smith, Arkansas, for assisting W.R. Ayers, U.S. deputy marshal, in U.S. v. Daniel Stewart, murder , U.S. v. Cap Hicks, violation International Revenue Service; Stephen Wheeler, clerk; J.F. Fagan U.S. marshal

Follow this and additional works at: <https://digitalheritage.arkansas.gov/western-district-court>



Part of the [United States History Commons](#)

Recommended Citation

Item 03_04_001, United States Western District Court of Arkansas records, Arkansas State Archives, Little Rock, Arkansas.

Use and reproduction of images held by the Arkansas State Archives without prior written permission is prohibited. For information on reproducing images held by the Arkansas State Archives, please call 501-682-6900 or email at state.archives@arkansas.gov.

Voucher to
To
Abstract of

JAGAN

FILED

SEP 29 1876

W. H. Clark
CLERK

This account examined and
found correct

Wm. H. H. Clayton
U. S. Atty.

The United States of America,

To C. C. Ayers Dr.

1876 For Twenty Seven days' services as posse comitatus, from May 8th to June 3rd 1876
both days inclusive, at \$3.00 per day. \$ 91⁰⁰

UNITED STATES OF AMERICA, }

Western District of Arkansas.

I, C. C. Ayers of Hort Smith in the county of
Hebston and district aforesaid, being duly sworn, depose and say, that on the Eighth of May
1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by
W. R. Ayers, 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: U. States vs Daniel

Stewart, charged with Murder in the Indian
Country and U. States vs Cap. Hicks, charged
with Violation Internal Revenue Law 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 Hort Smith in Hebston County,
Ark., forth Smith 187 ; and that as such posse comitatus, I immediately proceeded in company
with said Marshal to Hebston Station Creek where

we were necessarily detained 2 days whilst
the Deputy made Service on same Writs
in cases U. States vs William Pitters and an

the 10 day of May 1876, proceeded direct to
 Venita Cherokee Nation where on the 13th day
 of May I assisted said Deputy Marshal in
 making the arrest of Cap Hicks who were detained
 at Venita one day to wit the 16th of May. Whilst
 said Deputy Marshal as he informed me to serve subpoenas in
 Case U. States vs. Wesley Wilson we afterwards on the 17th
 14 day of May proceeded to a point in Cherokee Nation
 (near) Parker Kansas and were actually engaged 6 days
 from the 14 day of May to 20th in going to and arriving at
 returned to Daniel Stewart on which day we did arrest Wesley Wilson
 to Wesley Wilson 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 Cap Hicks
 and Daniel Stewart

to wit: at Venita Cherokee Nation and near
Parker Kansas Cherokee Nation

than my place of residence aforesaid; that I actually traveled from my said
 residence to said places of arrest for the purpose aforesaid 570 miles, and in the transportation of said defendants,
 and was actually and necessarily employed 27 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
Eighty One 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 27 days' services, from any other person or
 persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 27th day of June C. C. Ayers 1876, by the above
 named C. C. Ayers who personally appeared
before me and was by me
 known to be the identical person he represents himself.

Stephen Wheeler
 Clerk U. S. Dist. Court West. Dist. of Ark.
J. P. Williams
 Secy

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

I, W. R. Ayers 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 _____ 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; and 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 27th day of June W. R. Ayers Deputy U. S. Marshal. A. D. 1876, by the
 above named W. R. Ayers, 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.
J. P. Williams
 Secy

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.

J. F. Fagan
 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
Eighty One dollars in full of the within account.

C. C. Ayers