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Arkansas records, 1839-1908

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1876 June 7: Voucher, to Rufus Vaughn, of Fort Smith, Arkansas, for assisting Kidden Kidd, U.S. deputy marshal, in U.S. v. James Goddard, One Listes, John Smith, Jack Jones, Steve Cox, Dick Brock, James White, Albert Morris, and Dennis Hildebrand, assault with intent to kill, U.S. v. William Means and One Mitcham, counterfeiting, U.S. v. One Whitmore, assault with intent to kill; Stephen Wheeler, clerk

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Voucher - 20

to Abstract = 6

FILED

SEP 1876

W. H. ... CLERK

The United States of America,

To Rufus Vaughn, Dr.

1876 For 33 days' services as posse comitatus, from April 13 to May 15, 1876 both days inclusive, at \$3.00 per day. \$ 99.00

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, Rufus Vaughn of Fort Smith in the county of Sebastian and district aforesaid, being duly sworn, depose and say, that on the 13 of April

1876 I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by Kiddes Kidd - 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: James Goddard, (see field),

John Smith Jack Jones Mike Cox Vick Pock James White Albert Morris & Annie Kildebrand charged with assault with intent to kill Indented Mac Green D. F. & Commed with for Nathaniel Means & one Mitcham for counterfeiting and with for one Whitmore charged with assault with intent to kill and a number of Court Subpoenas -

issued by 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., abt the May Term 1876; and that as such posse comitatus, I immediately proceeded in company

with said Marshal to Mike Lake where we had to serve numerous subpoenas and send the witnesses immediately to Fort Smith to give evidence before Mr. S. Kemmer Wheeler from there we went to Murita to serve subpoenas in the case of Mrs. W. Stephen Chesapeake from there we went to a point North West of Jordan Voss about 45 miles from Timpa where we expected to find Albert Morris. Upon our arrival we learned that he was on the boat and after two days endeavoring to capture him

we went to a point about 15 miles south west of Chitopa where we learned that James
 Hildbrand was stopping and upon the 20th day of April we succeeded in making his
 arrest. From there we proceeded to a point within 20 miles of Parker, Kansas where
 we expected to find John Cox and succeeded in making his arrest upon Apr 27. The
 three proceeded to a point on the Kansas River where we expected to find one Whelton
 and after making a long inquiry regarding the case as requested by J. F. Clayton
 U.S. Dist. Atty. we ascertained that they were not sufficient evidence to catch, and as
 we had been instructed by the Dist Atty not to make the arrest if you could
 not succeed in catching the party at his home and made direct report to the
 Dist Atty and upon our arrival at Fort Smith the wife was returned to her
 home and proceeded to go pass on the Kansas River where we expected to find William
 Morris and J. M. Mitcham, but upon our arrival there we found that they had
 left the country in the direction of Nevada, &c. as a matter of fact we had
 started for a point on Spring River where we learned James White was stopping
 temporarily but upon our arrival there we found him upon the
 Scout and after endeavoring for three days to make the arrest
 we concluded we could accomplish nothing and sailed for Fort Smith where
 we arrived May 15, 1876

to _____ 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 Stephen Wheeler
Morris Whitmore Means Mitcham James White

to wit: 15 miles from Chitopa 20 miles from Parker Lightening
Creek, Georgia Nation Spring River near base of Ma

_____ than my place of residence aforesaid; that I actually traveled from my said
 residence to said places of arrest for the purpose aforesaid 700 miles, and in the transportation of said defendants,
 and was actually and necessarily employed 33 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 Nine 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 33 days' services, from any other person or
 persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 7th day of June 1876, by the above
 named Refuse Vaughan who personally appeared
before me and was identified and was by me
~~known~~ to be the identical person he represents himself.

Refuse Vaughan
 Deputy U. S. Marshal
Stephen Wheeler
 Clerk U. S. Dist. Court West. Dist. of Ark.
J. P. Williams

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

I, Stephen Wheeler 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 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 7th day of June, A. D. 1876, by the
 above named Stephen Wheeler, who personally appeared and was by me known to be the identical person
 he represents himself.

Robert R. Do
 Deputy U. S. Marshal.
Stephen Wheeler
 Clerk U. S. Dist. Court, West. Dist. of Ark.
J. P. Williams

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 _____
 dollars in full of the within account.

Witness: James R. Reed Refuse Vaughan