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United States Western District Court of
Arkansas records, 1839-1892

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

Voucher, to Edward Burns, of Fort Smith, Arkansas, for assisting J.C. Wilkinson, deputy U.S. marshal, in U.S. v. Lovely Rogers, Thomas Ratling, Colsey Baldrige, Ross Deerdrick, Candy Cummings, Creek Sampson, and Red Bird Pig, murder; Stephen Wheeler, U.S. clerk of court

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~~40~~
Voucher 57
To
Abstract 6

FILED
SEP 29 1876
Hurlbut
CLERK

The United States of America,

To Edward Burns Jr.

1876
For 9 days' services as posse comitatus, from May 17 to May 25 1876
both days inclusive, at \$3.00 per day.

UNITED STATES OF AMERICA,

Western District of Arkansas.

I Edward Burns of Fort Smith in the county of Sebastian and district aforesaid, being duly sworn, depose and say, that on the 17 of May

1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by J. C. Wilkinson, 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: Lovelaj Rogers,

Thomas Rattling gourd Colsey Baldridge, Wm. Ross
Deestrack Candy Cummings County Sampson and
Red Bird Cig. for Murder in the Indian Country

issued by Stephen Wheeler Esq. ~~S. Commissioner~~ Dist. Court for the Western District of Arkansas, within the jurisdiction of the said district, returnable to ~~the office of said Commissioner~~ ^{Said Dist. Court} at Fort Smith in Sebastian County, Ark., at May Term A. D. 1876; and that as such posse comitatus, I immediately proceeded in company with said Marshal to near Fort Gibson where on the 21st day of

May I assisted said Marshal in making the arrest of Lovelaj Rogers; that being unable to make the arrest of any of the other parties named in the writ

we returned by the nearest direct route

to *Fort Smith* before *the U.S. Dist Court* 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

Lowly Rogers et. al.

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 *160* miles, and in the transportation of said defendants, and was actually and necessarily employed *9* 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 *Twenty Seven* 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 *9* days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this *9th* day of *June* 1876, by the above named *Edward Burns* who personally appeared *before me* and was by me known to be the identical person he represents himself.

Edward Burns
Clerk U. S. Dist. Court West. Dist. of Ark.
J. C. Wilkinson
Deputy U. S. Marshal

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

I, *J. C. Wilkinson* 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 *9th* day of *June*, A. D. 1876, by the above named *J. C. Wilkinson*, who personally appeared and was by me known to be the identical person he represents himself.

J. C. Wilkinson
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 *Twenty Seven* dollars in full of the within account.

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