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Arkansas records, 1839-1908

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1876 June 03: Voucher, to Thomas Yernell, of the Cherokee Nation, for assisting Albert Neis, U.S. deputy marshal, in U.S. v. Work Langly, Cyras Hurard, One Cook, and Bettie Aren, violating the internal revenue law and assault with intent to kill and larceny; Stephen Wheeler and John Peck, clerk; James F. Fagan, U.S. marshal

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Voucher 47
To
Abstract 6

FILED

SEP 29 1876

W. H. C. CLERK

The United States of America,

To Thomas Linnell Dr.

1876 For 30th days' services as posse comitatus, from April 29 to May 30th 1876
both days inclusive, at \$3.00 per day. \$ 90.00

UNITED STATES OF AMERICA, }

Western District of Arkansas.

I, Thomas Linnell of the Cherokee Nation, in the county of _____ and district aforesaid, being duly sworn, depose and say, that on the 29th of _____

April 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by Albur-Oris, 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: Mark Langly -

Cyrus Hurnd one Cook and Pittie Ann charged with violating the Internal Revenue Law and assault with intent to kill and Garneys in the Indian County

issued by Stephen White ^{the} 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 ^{Missouri} in Sebastian County, Ark. forthwith 187 — and that as such posse comitatus, I immediately proceeded in company

with said Marshal to the Delaware district where we expected to find said Langly when we found he had gone to an other point further out known as the Cherokee Outlet we proceeded and on

arriving at Cherokee outlet - we effected the arrest of Noah Langley on the 10th day May 1876 we next proceeded to the Arkansas river in the Creek nation and effected the arrest of Cyrus Herrod May 17 1876 we next proceeded to the Verdigris river to effect the arrest of one Cook and Bettie Ann - and this effected the the arrest of Bettie Ann on the 23rd May 1876 we immediately returned to Fort Smith arriving there on the 30th day of May 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

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 700 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 \$90 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 3rd day of June 1876, by the above

named Thomas Sernell who personally appeared Thomas Sernell and was by me known to be the identical person he represents himself.

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

I, Albert Davis 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; 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 3rd day of June A. D. 1876, by the above named Albert Davis, who personally appeared and was by me known to be the identical person he represents himself.

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 \$90 dollars in full of the within account.

Witness my hand and seal Thomas Sernell