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Arkansas records, 1839-1908

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1876 June 09: Voucher, to James Kaue, of Fort Smith, Arkansas, for assisting John T. Cox Jr, U.S. deputy marshal, in U.S. v. John Walker and Andrew J. Colbert, larceny; Stephen Wheeler, clerk

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boucher No 18

to

Contract No 6

FILED

SEP 1876

W. H. C. G. S. T. K.

The United States of America,

1876 31 To James Kaus Dr.
For 31 days' services as posse comitatus, from May 6th to Jan 5th 1876.
both days inclusive, at \$3.00 per day. \$ 93.

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, James Kaus of W. Smith in the county of Sebastian and district aforesaid, being duly sworn, depose and say, that on the 6th of

May 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by John B. Coz Jr., 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: John Walker and

Andrew J. Colbert Charge Smith Lacey in the Indian Country

issued by Matthew Whelan U. S. Commissioner for the Western District of Arkansas, within the jurisdiction of the said district, returnable to the office of said Commissioner, at W. Smith in Sebastian County, Ark., Sebastian 187 6; and that as such posse comitatus, I immediately proceeded in company

with said Marshal to Mar. Colberts Ferry Chickasaw Nation where on the 15th day of May I assisted him in arresting said John Walker and Andrew J. Colbert on the following day said Deputy Subpoenaed witnesses

in said case. On the 16th day of May said Deputy received a warrant for the arrest of Charles James and he left his posse comitatus in charge of the said John Harker and Andrew Colbert and proceeded to near the mouth of Mud Creek endeavoring to arrest said James returning to Colbert's station on the 29th day of May where I assisted him in arresting James McLeary charged with larceny in the Indian Country for whom he has received a warrant on same day. He immediately thereafter proceeded

to St. Smith Ark 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

Andrew Colbert

John Harker

to wit: Chickasaw Nation

than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 650 miles, and in the transportation of said defendants, and was actually and necessarily employed 31 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 Three 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 31 days' services, from any other person or persons, or source whatever: So help me God.

Subscribed and sworn to before me this 9th day of June 1876, by the above named James Kane 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

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

I, John S. Cox, Jr 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 St. Smith Ark 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 1876, by the above named John S. Cox, Jr, who personally appeared and was by me known to be the identical person he represents himself.

J. P. Cox, Jr
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 Twenty Three dollars in full of the within account.

Witnesses
Fred G. Hicken
Barbain

James X Kane
mark

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