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

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

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SEP 23 1876
FILED

Booker No 19
to
Booker No 6

The United States of America,

To *John A. Liberty* Dr.

1876 *31* days' services as posse comitatus, from *May 6th* to *June 5th* 1876
both days inclusive, at \$3.00 per day. \$ *93*

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, *John A. Liberty* of *Spomoth* in the county of *Sebastian* and district aforesaid, being duly sworn, depose and say, that on the *6th* of day *May*

1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by *John F. Cox, 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 charged with Larceny in the Indian Country

issued by *Matthew 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 *Spomoth* in *Sebastian* County, Ark. *Spomoth* 187

; and that as such posse comitatus, I immediately proceeded in company with said Marshal to *near 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 Supprouser witnesses in said case

On the 4th day of May 1876 said Deputy received a warrant for the arrest of Charles James and he left his posse comitatus in charge of the said John Walker and Andrew J. Colbert and proceeded to near mouth of Muscogee Creek endeavoring to arrest the said Charles James. Returning to Colbert Station on the 29th day of May when he assisted him in arresting Dennis McCoy charged with larceny in the Indian Country for whom the Deputy a warrant on same day. He immediately thereafter proceeded

to El Smith 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

John Walker and Andrew J. Colbert

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 Ninety 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 sources whatever: So help me God.

Witnesses: D. Williams

Subscribed and sworn to before me this 9th day of June 1876, by the above named Jobe Alberty 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.

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

I, John P. 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 El 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 P. Cox Jr, 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.

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.

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

Ninety Three dollars in full of the within account.

Witnesses Wesley Lewis Fred G. Hickere

Jobe x Alberty mark