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Arkansas records, 1839-1908

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1876 August 02: Voucher, to David Hardwick, of Chickasaw Nation, for assisting Joe Tinker, U.S. deputy marshal, in U.S. v. Jake Sove, contempt or court, U.S. v. One Seals, larceny , and U.S. v. John McLaughlin, et al, murder; Stephen Wheeler, clerk

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No 27
Abstract 6

FILED

SEP 29 1876

W. W. ...
CLERK

B B m

The United States of America,

To David Hardwick Dr.

1876 For 38 days' services as posse comitatus, from June 15th to July 15th 1876 both days inclusive, at \$3.00 per day. \$ 114

UNITED STATES OF AMERICA, }

Western District of Arkansas. }

I, David Hardwick of Chickasaw Nation in the county of Chickasaw and district aforesaid, being duly sworn, depose and say, that on the 15th of June 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by Joe Hunter, 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:

one for Fannie Love charged with contempt of Court and issued by Stephen Wheeler Clerk U. S. Dist Court, W. D. Ark., Dist. of Arkansas, one Seal charged with Vagrancy in the Indian County and John Brinklingham, et al, charged with Murder in the Indian Country

issued by Stephen 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 Fort Smith in Sebastian County, Ark., forthwith 1876 ; and that as such posse comitatus, I immediately proceeded in company with said Marshal to Myrtle Bend on Red River Chickasaw Nation where we arrived on the 3rd of July 1876 after being detained for the period of 6 days viz from June 27th 1876 to July 2nd 1876 at Walnut Bayou by high water. That on the following day July 6th I assisted said Deputy in arresting said Jeff "One Seal" whom said Deputy left in my charge assisted by Guard Ben Stuart while said Deputy in company with his Posse, Com John Porter proceeded to Walnut Bayou and arrested Fannie Love, that we were detained at

Traskila River for the period of 5 days by high water from July 7th to July 11th 1876 inclusive. That on the 12th of July 1876 said Deputy started said Defts Seals and Love in charge of his posse. Cou, John Porter and guards to Fort Smith Ark. I accompanied said Deputy on the 12th July to Red River, C. A. where on the same day I assisted him in arresting John M. Laughlin, Alex Durgan, Charlie Colbert, Almarine Traskins and George Traskins and that said Deputy was occupied until the 15th of July subpoenaing witnesses in said case. That we immediately started for and proceeded by the most direct route to Fort Smith where we arrived on the 25th day of July 1876.

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 One Seals, Jatie Love, John M. Laughlin, Alex Durgan, Charlie Colbert, Almarine Traskins and George Traskins,
to wit: Chickasaw Nation, I. T.

than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 680 miles, and in the transportation of said defendants, and was actually and necessarily employed 38 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 One Hundred and fourteen 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 38 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 2d day of August 1876, by the above named David Hardwick who personally appeared before me, and was by me known to be the identical person he represents himself.

David Hardwick

Stephull Hulse
Clerk U. S. Dist. Court West. Dist. of Ark.

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

I, Joe Trutter, 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, 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 2d day of August 1876, by the above named Joe Trutter, who personally appeared and was by me known to be the identical person he represents himself.

Joe Trutter
Deputy U. S. Marshal.

Stephull Hulse
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 One Hundred and fourteen dollars in full of the within account.

David Hardwick