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

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**1876 April 21: Voucher, to Charles McCoy, of Choctaw Nation, for assisting Edmond Burgrin, U.S. deputy marshal, in U.S. v. Squire Allen, violating the internal revenue law; Stephen Wheeler, commissioner**

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Voucher 69

To

Abstract 6

FILED

SEP 29 1876

Abstract 6

The United States of America,

To Charles McCoy

Dr.

1876

For 3 days' services as posse comitatus, from Mch 5 to Mch 7 1876  
both days inclusive, at \$3.00 per day. \$ 9.00

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, Charles McCoy of Choctaw Station in the county of  
and district aforesaid, being duly sworn, depose and say, that on the 5<sup>th</sup> day of

March 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by  
E. Burgevin, U. S Deputy Marshal for said district, at my usual place of residence, near Fort Smith

posse comitatus, to assist in executing the following capias writs, to wit: The United States  
U.S. Squire Allen charged with violating the  
Internal Revenue Law

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 6 miles west of Scudysville Choctaw  
Station and then assisted him to arrest said  
Squire Allen and from there we returned direct  
to Fort Smith Ark.

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

*Squire Allen*

to wit: *near Sulphur C.M.*

\_\_\_\_\_, than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid *50* miles, and in the transportation of said defendants, and was actually and necessarily employed *3* 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 *Nine* 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 *3* days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this *6* day of *May* 1876, by the above

named \_\_\_\_\_ who personally appeared

known to be the identical person he represents himself.

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

*Charles McCoy*

*Stephen Wheeler*  
Clerk U. S. Dist. Court West. Dist. of Ark.  
*W. A. Williams*  
*Secy.*

I, *E. Burgein* 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 *Christaw Nation* 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.

*Edmund Burgein*  
Deputy U. S. Marshal.

Sworn to and subscribed before me this *21* day of *April*, A. D. 1876, by the

above named *E. Burgein*, 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 *Nine* dollars in full of the within account.

*Charles McCoy*