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Arkansas records, 1839-1908

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1876 April 17: Voucher, to James Doyle, of Fort Smith, Arkansas, for assisting Ed F. Stowell, U.S. deputy marshal, in U.S. v. Stephen Bluejacket, William Hedrick, Ellen Thornton, and Steve Foreman; Stephen Wheeler, clerk; James F. Fagan, U.S. marshal

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Voucher 46
To
Abstract 6

FILED
SEP 20
1876
Clerk

The United States of America,

To *James Doyle - Dr.*

1876. *36* - days' services as posse comitatus, from *March 5* to *April 9th* 1876
both days inclusive, at \$3.00 per day. \$ *108⁰⁰*

UNITED STATES OF AMERICA,
Western District of Arkansas.

I, *James Doyle* of *Fort Smith* in the county of *Sebastian* and district aforesaid, being duly sworn, depose and say, that on the *5th* of *March*

1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by *Ed. F. Stowell*, 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 ~~cases~~ ^{*Case*} writs, to wit: *Stephus Bluyacket, William Hedrick, Allen Thornton - Steve Foreman*

issued by _____ 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., at the *May Term* 1876; and that as such posse comitatus, I immediately proceeded in company with said Marshal to *Cheauteau Creek on our way to Vinita where we were detained for four days by high water the creek being unpassable on account of back water from Fraud River - After crossing Cheauteau*

we proceeded to Viita where we effected the arrest of Stephen Bluejacket on March 14th. We proceeded to a point near Coffeyville where we expected to find ^{Mr} Hedrick and upon reaching Cabin Creek we were again waterbound and were obliged to remain there seven days before we were able to cross. We were also detained one day on Bull Creek and one day at McWilliams Ferry on account of high water. We next proceeded to Fountain mile creek to effect the arrest of Ellen Thornton but failing to find her we proceeded to Sandtown where we arrested Steve Foreman on Apr 5th when we immediately proceeded to Fort Smith.

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

Stephen Bluejacket, William Hedrick, Ellen Thornton, Steve Foreman

to wit: at Viita and points above mentioned

_____ than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 515 miles, and in the transportation of said defendants, and was actually and necessarily employed 36 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 eight 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 36 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 17th day of April 1876 by the above named James Doyle who personally appeared _____ and was by me known to be the identical person he represents himself.

James Doyle
 April 17th 1876
 Stephen Hulis
 Clerk U. S. Dist. Court West. Dist. of Ark.

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

I, Ed. J. Howell 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 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 17th day of April, A. D. 1876, by the above named Ed. J. Howell, who personally appeared and was by me known to be the identical person he represents himself.

Ed. J. Howell
 Deputy U. S. Marshal.
 Stephen Hulis
 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.

J. F. Fagan
 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 eight dollars in full of the within account.

James Doyle