

Arkansas State Archives

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

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**1879 November 01: Voucher, to Claude Cox, of Fort Smith, Arkansas, for assisting J.C. Wilkinson, U.S. deputy marshal, in U.S. v. Powa Logan, Richard Hansley, Johnson Baldrige, and One Sking, larceny, and U.S. v. One Woodleg, Albert Curleyhead, Joshua Wilson, George Minney, John Teehee, and Catche Teehee, violation of internal revenue laws; Stephen Wheeler, commissioner; D.P. Upham, U.S. marshal**

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*James  
Jordan*

VOUCHER NO. 6

—TO—

ABSTRACT NO. 6.

November Term, 1879

*Account Current - 1879*

Refer to Voucher No. 29 Abstract 4.

*4c Co. 2*

FILED

JAN 13 1880

*Arthur  
CLEAR*

D. F. VFFHALL,  
U. S. Marshal Western Dist. Arkansas.

*Refuse*

The United States of America,

1879 To *Clarendon Co. Va* Dr.  
For *40* days' services as posse comitatus, from *Sept. 1* to *Oct 10* 1879, both days inclusive, at \$3.00 per day, *Disallowed as Excess 2 days* \$ *120.00*

UNITED STATES OF AMERICA,  
Western District of Arkansas.

I, *Clarendon Co. Va*, of *Fort Smith*, in the County of *Sebastian* and District aforesaid, being duly sworn, depose and say, that on the *10* of *August*, 1879, I was employed under and by virtue of the third section of the Act of Congress, of June 14, 1868, by *J. L. Wilkinson*, 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: *Powa Logan et al Richard Harmsley Johnson Baldrige One King charged with Larceny One Woodley Albert Colley heart Joshua Wilson George Minney Jim Deesher and Gatches Deesher charged with violation of Internal Revenue Laws*

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, Arkansas, *forthwith*, 1879; and that as such posse comitatus, I immediately proceeded in company with said Marshal to *Clall Creek Grange*

*where on the 14th of September we arrested Powa Logan et al we then went to Big Caney Grange where on the 21st we arrested Richard Harmsley and on the 21st we arrested*

line, Standley on White Oak Cherokee Nation, and on the same day at Bradley P.O., we arrested Albert Courtney, we then went to Cotton Creek, Va. where on the 13<sup>th</sup> we arrested Tom Baker and on the 24<sup>th</sup> at Verdigrass River, L. V. near Parker Kansas we arrested Charles Williams we then went to Necha River where on the 29<sup>th</sup> we arrested George Mummy then to Cross Ferry where on the 3<sup>rd</sup> of Feb we arrested John Mark then to the Mouth of Rock Creek where on the 1<sup>st</sup> we arrested Johnson Baldye then to Gibson Station where on the 5<sup>th</sup> we arrested one Adams and J. Robinson we then went to Piney where on the 7<sup>th</sup> we arrested John Baker. We then returned

to Fort 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 parties above named

to wit: Bozage and Cherokee Nation

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid 800 miles, and in the transportation of said defendants, and was actually and necessarily employed 40 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 \_\_\_\_\_ 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 40 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 1<sup>st</sup> day of November 1879, by the above named Claud Cox who personally appeared Claud Cox and was by me known to be the identical person he represents himself.

Claud Cox  
Stephens Wheeler  
Clerk U. S. Dist. Court West. Dist. of Ark.

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

I, J. C. Wilkinson 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 1<sup>st</sup> day of November, A. D. 1879, by the above named J. C. Wilkinson, who personally appeared and was by me known to be the identical person he represents himself.

J. C. Wilkinson  
Deputy U. S. Marshal.  
Stephens Wheeler  
Clerk U. S. Dist. Court West. Dist. of Ark.

I, D. P. UPHAM, 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. This is approved for 91145

D. P. Upham  
U. S. Marshal Western District of Arkansas.

Received payment of D. P. UPHAM, U. S. Marshal for the Western District of Arkansas, in the sum of One hundred & fourteen dollars, in full of the within account.

Claud Cox

e-p