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Arkansas records, 1839-1908

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1884 June 24: Voucher, to Wyatt T. Kirby, of Choctaw Nation, for assisting John G. Farr, U.S. deputy marshal, in U.S. v. Sam McCoy, U.S. v. Ed Foukes, U.S. v. Alex Jackson, U.S. v. Bane Butler, and others; includes cost of services as posse comitatus; Isaac Butler, Mollie Speck; Stephen Wheeler, U.S. commissioner; Thomas B. Larham, deputy clerk; O.K. Clayton, John G. Gass, witness of signatures

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The United States of America,

To

Wyatt J. Kirby

Dr.

1884

For 37 days' service as posse comitatus, from May 5th to June 10th 1884
both days inclusive, at \$2.00 per day.

Disallowed as excessive 6 days

\$ 111.00
18
\$ 93.00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS.

I, Wyatt J. Kirby, of the Choctaw Nation, County of ~~Mad River~~ and District aforesaid, being duly sworn, depose and say that on the 5th of May 1884, I was employed under and by virtue of the third section of the Act of Congress of June 14th, 1858, by John G. Hawn, U. S. Deputy Marshal for said District, at Fort Smith, as one of his posse comitatus, to assist in executing the following copias writs, to-wit:

- W. S. Sam W. Coy
- Ed Hobbs
- Alf Jackson
- Isaac Butler

issued by Stephen Wheeler and others, U. S. Commissioner for the Western District of Arkansas, within the jurisdiction of said District, returnable to the office of said Commissioner at Fort Smith, Arkansas, 1884; and that as such posse comitatus I immediately proceeded in company with said Marshal to

Mar Rake west of Choctaw Nation and assisted in the arrest of Samuel W. Coy May 13th; thence to near Shawmestown and arrested Ed Hobbs May 17th; thence to near Harris Ferry and arrested Alfabau Jackson May 24th; and at Harris Ferry arrested Isaac Butler May 26th; thence to 10 miles South West of Wilson Choctaw Nation and arrested Mallie Speck June 4th; thence direct

detained by reason of high water on Howard Creek May 19th 20th 21st 22nd 23rd and on Clear Creek June 1st

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 where he expected to find the said Sam W. Coy; Isaac Butler and others

to-wit: Choctaw Nation

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purpose aforesaid about 775 miles, and in the transportation of said defendants, was actually and necessarily employed 37 day, 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; 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 37 days' services, from any other person or persons, or sources whatever: so help me God.

Subscribed and sworn to before me this 24 day of June 1884, by the above named Wyatt J. Kirby, who personally appeared before me Stephen Wheeler clerk and was by me known to be the identical person he represents himself.

Stephen Wheeler

Clerk U. S. Dist. Court, West. Dist. Ark.

O. K. Clayton by Sawbrains sc

I, John G. Hurr, 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 North 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.

John G. Hurr
Deputy U. S. Marshal.

Sworn to and subscribed before me this 24 day of June, A. D. 1884, by the above-named John G. Hurr, who personally appeared and was by me known to be the identical person he represents himself.

Stephen Wheeler
Clerk U. S. Djs. Court, West. Dist. Ark.

I, THOMAS BOLES, 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 for the period of 31 days; and that a posse comitatus could not have been obtained any nearer than the place said posse comitatus was employed, and this account is approved for \$ 93⁰⁰.

Thomas Boles
United States Marshal Western District Arkansas,

Received payment of THOMAS BOLES, United States Marshal for the Western District of Arkansas, in the sum of Thirty three dollars, in full of the within account.

Wyatt S Kirby

Voucher No. 2426-
Abstract No. 1
Account Current D No. 17
May Term, 1884

Refer to Voucher No. 3, Abstract No. 1, Account Current E No. 17

FILED
AUG 12 1884

Wheeler
CLERK
THOMAS BOLES,
U. S. Marshal, W. D. Ark.

Duplicate