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United States Western District Court of
Arkansas records, 1839-1892

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

Voucher, to Charles A. Rivers, of Fort Smith, Arkansas, for assisting Joseph Payne, deputy U.S. marshal, in U.S. v. One Kee Kun, U.S. v. Mack Coats, U.S. v. Arch Backbone, U.S. v. William Christie and others; Stephen Wheeler, U.S. commissioner; G.S. Williams, deputy clerk; Thomas Boles, U.S. marshal

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The United States of America,

To

Charles A. Rivers

Dr.

1885

For 24 days' service as posse comitatus, from April 21st to May 15th 1885 both days inclusive, at \$3.00 per day.

Disallowed as excessive 9 days

\$ 72.00
217
\$ 45.00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS.

I, Charles A. Rivers of Fort Smith, in the County of Sebastian and District aforesaid, being duly sworn, depose and say that on the 21st of April 1885, I was employed under and by virtue of the third section of the Act of Congress of June 14th, 1858, by Joseph Payne, 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 copias writs, to-wit:

U.S. vs One Muckum
" " Mack Coats
" " Arch Backbous
" " William Christie
and others

issued by Stephen Wheeler Esq. 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, 1885; and that as such posse comitatus I immediately proceeded in company with said Marshal to Tahlequah Cherokee Nation and assisted in arresting

James Brady April 24th, and at near Tahlequah Ark. One Muckum April 28th, thence to 20 miles west of Tahlequah, Ark. & arrested Mack Coats May 2nd, thence to Fort Gibson and arrested Arch Backbous May 11th, thence to near Tahlequah, Ark. & arrested Wm Christie May 13th; thence direct

Detained by high water on the Illinois River & Barrage Fort R. April 25, 26 & 27.

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

Muckum, Coats and others

to-wit:

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 about 34 1/2 miles, and in the transportation of said defendants, was actually and necessarily employed 24 day's, 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 24 days' services, from any other person or persons, or sources whatever: so help me God.

Subscribed and sworn to before me this 21st day of May 1885, by the above-named Charles A. Rivers, 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.

by Saw Williamson

I, Joseph Payne, 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.

Joseph Payne
Deputy U. S. Marshal.

Sworn to and subscribed before me this 21 day of May, A. D. 1888, by the above-named Joseph Payne, who personally appeared and was by me known to be the identical person he represents himself.

Stephen Wheeler
Clerk U. S. Dis. 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 15 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 \$ 45.00

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 Forty five dollars, in full of the within account.

Charles A. Rivers

Voucher No. 16
Abstract No. 1
Account Current D No. 25
Term, 188

Refer to Voucher No. 14, Abstract No. 25, Account Current E No. 25.

FILED
AUG 14 1888

Wheeler
CLERK.

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

Duplicate