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

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1890 April 09: Voucher, to Robert Cox, of Fort Smith, Arkansas, Floyd Wilson, deputy marshal in U.S. v. Dan Tehee, introducing spiritous liquors; Stephen Wheeler, commissioner; W.S. Carter, George Wilson, Stand Weaty, William Pallen , One Judee, Coon Payne, arrested; J.M. Dodge, deputy clerk; Jacob Yoes, U.S. marshal

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The United States of America,

for ¹⁸⁹⁰ 103 days, service as posse comitatus, from ^{To} Robt Cox Mch 24th to ^{Dr.} April 5th 1890 both days inclusive at \$3 per day \$ 39 00

UNITED STATES OF AMERICA,

WESTERN DISTRICT OF ARKANSAS.

I, Robt Cox of Ft Smith Ark in the County of _____ and District aforesaid, being duly sworn, depose and say, that on the 24 day of March 1890 I was employed under and by virtue of the third section of the act of Congress of June 14th, 1858, by Floyd Wilcox 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 writ to-wit :

U.S. vs Dan Phee & W.D. Carter - bit &c & others

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 Ft Smith Arkansas March 6 1890 and that as such posse comitatus, I immediately proceeded in company with said Marshal to

10 miles South of Clarendon Ark 127 miles - where we arrested W.D. Carter Mch 26 1890 - thence to Sapulpa Ark 45 miles where we arrested Pappell Mch 28 1890 - thence 15 miles West of Tulsa Ark - 70 miles - where we arrested Stand Mch 29 1890 - thence returning via Tulsa Ark - where we arrested W.D. Pappell & One Judge Mch 30 1890 - thence near Tulsa Ark - where we arrested Wm Payne April 3 1890 - thence

to Ft Smith Ark April 5 1890 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

Defendants

to-wit :

Cherokee Nation & Creek Nation &c

than my place of residence aforesaid; that I actually traveled from my said residence to said place of arrest for the purposes aforesaid 364 miles, and in the transportation of said defendants, was actually and necessarily employed 103 days as set out in the foregoing account as posse comitatus, solely in the execution of said processes and transportation of said defenlaris 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 expected to be paid any other compensation, remuneration or consideration whatever for said expenses and 103 day's service from any other person or persons, or sources whatever, so help me God.

Subscribed and sworn to before me this 9 day of Apr 1890 by the above named

Robt Cox who personally appeared and was by me known to be the identical person he represents himself.

CLERK U. S. DISTRICT COURT, WESTERN DISTRICT ARKANSAS.

Stephen Wheeler
per J. M. Dodge

I Floyd Wilson 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 Ark under the Act of Congress of June 14, 1853, 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.

Floyd Wilson
DEPUTY U. S. MARSHAL.

Sworn to and subscribed before me this 9 day of Apr A. D. 1899 by the above named Floyd Wilson who personally appeared and was by me known to be the identical person he represents himself.

H. H. White
CLERK U. S. DISTRICT COURT, WESTERN DISTRICT OF ARKANSAS.

I, JACOB YOES, U. S. Marshal for the Western District of Arkansas, do certify that I have carefully inquired into the matters as 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 13 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 \$ 39.00

Jacob Yoes
UNITED STATES MARSHAL FOR WESTERN DISTRICT OF ARKANSAS.

Received payment of JACOB YOES, United States Marshal for the Western District of Arkansas, in the sum of Thirty Nine Dollars, in full of the within account.
Robt Cox

Voucher No. 79
Account Current E. No. 2
Robert Cox \$39.00

Refer to Voucher No. 10
Account Current E. No. 2

JACOB YOES,
U. S. Marshal, Western District of Arkansas

BY H. H. WHITE
CLERK U. S. DISTRICT COURT, WESTERN DISTRICT OF ARKANSAS.

DUPLICATE.