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

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1891 June 30: Voucher, to Howe Rogers, of Fort Smith, Arkansas, for assisting J.P. McKinney, deputy marshal, in U.S. v. John Byrd et al., introducing spirituous liquors; Red Byrd, arrested; James Brizzolara, commissioner; Jacob Yoes, U.S. marshal; Stephen Wheeler, clerk

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THE UNITED STATES OF AMERICA,

1891 To *Howe Rogers* Dr.
for *4* days service as posse comitatus, from *June 26* to *June 29* 1891
both days inclusive, at \$3 per day, - - - - - \$*12 00*

UNITED STATES OF AMERICA, }

WESTERN DISTRICT OF ARKANSAS.

I, *Howe Rogers* of *Admitted Ark* in the County
of _____ and District aforesaid, being duly sworn, depose and say, that on the
26 day of *June* 1891 was employed under and by virtue of the third section of
the act of Congress of June 14, 1858, by *J. P. McKinney* 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:

Wors John Byrd et al - extra

issued by *James Bizzolara* U. S. Commissioner for the Western District of Arkansas, within
the jurisdiction of the said District, returnable to the office of said Commissioner at *Admitted*
Arkansas *May 14* 1891 and that as such posse comitatus, I
immediately proceeded in company with said Marshal to

8 miles N.E. Map
29 - 48 miles - where we arrested
John Byrd & Red Byrd June 26
1891 - thence returning

to *Admitted Ark June 29/91* before 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 et al

than my place of residence aforesaid; that I actually traveled from
my said residence to said place of arrest, for the purposes aforesaid, *96* miles, and in the transportation of said
defendants was actually and necessarily employed *4* day as set out in the foregoing account as posse
comitatus, solely in the execution of said processes and transportation of said defendants as aforesaid; that I furn-
ished 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 *4* day's services from any other person or persons, or sources, whatever; so help me God.

Subscribed and sworn to before me this *30* day of *June* 1891 by the above-named
Howe Rogers

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

Apphus Wheeler
Clerk U. S. District Court, Western District of Arkansas.

I J. O. McKinney 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 W 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 therefore is just, and that I have no interest in the same.

J. O. McKinney Deputy U. S. Marshal.

Sworn to and subscribed before me this 30 day of June A. D. 1891 by the above-named J. O. McKinney who personally appeared and was by me known to be the identical person he represents himself.

Alfred W. Smith
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 4 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 \$12.00

Jacob Yoes
U. S. Marshal, Western District of Arkansas.

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

Howe Rogers