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United States Western District Court of
Arkansas records, 1893-1908

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

1894 February 08: Voucher, to John W. Cantrell, of Talihina, Choctaw Nation, for assisting B.F. Gibson, deputy marshal, in U.S. v. Elias Moore and Dover; U.S. v. James Bark and Penny Frazier; Stephen Wheeler, commissioner; George J. Crump, U.S. marshal

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UNITED STATES OF AMERICA,

189... To *John Cantrell* Dr.,
for *13* days' service as posse comitatus, from *Jan 26* to *Feb 7* 1894
both days inclusive, at \$3.00 per day \$ *39.00*

UNITED STATES OF AMERICA,
Western District of Arkansas.

John Cantrell of *Talheena Ind Ter* in the County
of _____ and District aforesaid being duly sworn, depose and say, that on the

26 day of *Jan* 1894 *A* was employed under and by virtue of the third section of
the Act of Congress of June 14, 1858, by *R. T. Gibson* 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 Elias Moor Ed Dook
" James Burk Ed Penny Frazer
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 *Fort Smith*

Arkansas *Fort Smith* 189... and that as such posse comitatus, I

immediately proceeded in company with said Marshal to *a point in Choctaw Nation*
16 mi N.E. of Eagleton D.T. a distance of
81 miles and 146 miles from Fort Smith
arresting the defendants Elias Moor Ed Dick Dook
on the 30th day of Jan 1894 then going to a
point in said Nation 15 mi S.E. of Tusshville Ind Ter
and 24 miles from place of former arrest
arresting the defendants James Burk and
Penny Frazer on the 3rd day of Feb 1894
then returning

to *Fort Smith Ark Feb 7* 1894 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 defendant,
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, *105* miles, and in the transportation of said de-
fendant was actually and necessarily employed *13* day as set out in the foregoing account, as posse comitatus, solely in
the execution of said processes and transportation of said defendant 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 for any other
compensation, remuneration or consideration, whatever, for said expenses and *13* days' services from any other person or
persons, or sources, whatever; so help me God.

Subscribed and sworn to before me this *8* day of *July* 1894 by the above-named

John Cantrell

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

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

Posse Com. _____
Deputy _____
Sub-Voucher _____ Voucher _____

B. F. Gibson

I, 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 under the Act of Congress of June 14, 1858, was actually and indispensibly 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 just, and that I have no interest in the same.

Sworn to and subscribed before me this *8* day of *February* A. D. 189*4* by the above-named *B. F. Gibson* who personally appeared and was by me known to be the identical person he represents himself.

B. F. Gibson

Deputy U. S. Marshal.

Stephen Wheeler

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

GEO. J. GRUMP

I, JACOB NOES, 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 that 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 \$ *29.*

Geo J Grump

U. S. Marshal, Western District Arkansas

GEO. J. GRUMP
Received payment of JACOB NOES, United States Marshal for the Western District of Arkansas, in the sum of *thirty nine* dollars in full of the within account.

J. W. Contrace