

Arkansas State Archives

Arkansas Digital Archives

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

Archival collections

1875 November 01: Voucher, to George McIntosh of Muskogee of the Creek Nation, for services assisting to arrest Dick Murrell and Tom Williams; J.S. Vandergriff, deputy marshal; Stephen Wheeler, commissioner

Follow this and additional works at: <https://digitalheritage.arkansas.gov/western-district-court>



Part of the [United States History Commons](#)

Recommended Citation

Item 03_03_040, United States Western District Court of Arkansas records, Arkansas State Archives, Little Rock, Arkansas.

Use and reproduction of images held by the Arkansas State Archives without prior written permission is prohibited. For information on reproducing images held by the Arkansas State Archives, please call 501-682-6900 or email at state.archives@arkansas.gov.

Geo McDaniel
\$36.00
CLERK

Subscribed

AUG 1875

FILLED

Recorder No 4
J
Abner 6

The United States of America,

To George M Dutosh Jr.

1875 12 days' services as posse comitatus, from Oct 21 to Nov 1 1875
both days inclusive, at \$3.00 per day. § 36.00

UNITED STATES OF AMERICA, }

Western District of Arkansas, }

I, George M Dutosh of Muskogee in the county of
Craw Station and district aforesaid, being duly sworn, depose and say, that on the 21st day of
October 1875, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by

J. S. Paudegriff, 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 writs, to wit:

United States vs Dick
Murrell and United States vs Tom Williams
(Murrell charged with Larceny in the Indian
Country) and Williams charged with Violating
the Internal Revenue Law

issued by Stephen Phelan U. S. Commissioner for the Western District of Arkansas, within the jurisdiction
of the said district, returnable to the office of said Commissioner, at Fort Smith in Sebastian County,
Ark., forthwith 1875 ; and that as such posse comitatus, I immediately proceeded in company

with said Marshal to near Eufaula, Creek Nation where on
the 26th day of October I assisted said Deputy
to arrest Tom Williams. we went from Eufaula
to Muskogee, Creek Nation, to arrest Dick Murrell

and Joe Roe, said Marshal having received a Warrant by mail for said Joe Roe, we formed and arrested them both on the 29th day of October, and on the 30th of October we started to Fort Smith and arrived at said place on the 1st day of November 1875

to _____ 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 he expected to find the said Tom Williams Joe Roe and Dick Murrell

to wit: Enfaula Creek Station and near Muskogee, Creek Station

_____ than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 27 1/2 miles, and in the transportation of said defendants, and was actually and necessarily employed 17 days, 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, and that I have received from said Marshal and signed duplicate receipts therefor, the sum of Thirty Six dollars, in lawful currency of the United States, in full satisfaction and payment of my said expenses and services; 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 17 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 11th day of November 1875, by the above named George M. Intosh who personally appeared before this undersigned and was by me known to be the identical person he represents himself.

George M. Intosh
mark
Stephen Wheeler
Clerk U. S. Dist. Court West. Dist. of Ark.
R. A. Williams
Deputy

UNITED STATES OF AMERICA, } ss.
Western District of Arkansas,

I, J. S. Vandegriff 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 Muskogee, Ark. 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.

Sworn to and subscribed before me this 11th day of November, A. D. 1875, by the above named J. S. Vandegriff, who personally appeared and was by me known to be the identical person he represents himself.

J. S. Vandegriff
Deputy U. S. Marshal
Stephen Wheeler
Clerk U. S. Dist. Court, West. Dist. of Ark.
R. A. Williams
Deputy

I, JAMES F. FAGAN, 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; and that a posse comitatus could not have been obtained any nearer than the place said posse comitatus was employed.

Received payment of James F. Fagan, U. S. Marshal for the Western District of Arkansas, in the sum of Thirty Six dollars in full of the within account.

Witness W. D. Allum
George M. Intosh
mark

U. S. Marshal West. Dist. of Ark.