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

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

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**Voucher, to Marion Crane, of Fort Smith, Arkansas, for assisting G.W. McIntosh, deputy U.S. marshal, in U.S. v. James McKean, One Taylor, and One Belt, larceny, U.S. v. John Williams, larceny, U.S. v. Nate Hammen, assault with intent to kill, U.S. v. Neddie Knick, larceny, and U.S. v. Joshua Smith and Alfred Williams, introducing spirituous liquor; Stephen Wheeler, U.S. clerk of court**

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Voucher 62  
To  
Abstract 6

The United States of America,

1876 For 45 days' services as posse comitatus, from April 12 to May 26<sup>o</sup> & May 26 to June 7, 1876  
both days inclusive, at \$3.00 per day. \$ 135

To Marion Crowl Dr.

UNITED STATES OF AMERICA,

Western District of Arkansas.

I, Marion Crowl of Fort Smith in the county of Sebastian and district aforesaid, being duly sworn, depose and say, that on the 12<sup>o</sup> of April 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1858, by

J. H. M. Intorb, 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:

James M. Kears, One Taylor and One Belt charged with Larceny, John Williams, charged with Larceny, Nate Newman charged with Assault with intent to kill issued by Stephen Wheeler Esq. U. S. Comm'r. and Noddie Knick, charged with Larceny, Joshua Smith and Alfred Williams, charged introducing Spirituous Liquors into the Indian Country.

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 Fort Smith in Sebastian County, Ark.

for which I was paid 1876; and that as such posse comitatus, I immediately proceeded in company with said Marshal to Fort Hill, P. O. by way of Cardo, Ark., where on the 26<sup>o</sup> day of April I assisted in arresting said James M. Kears. On the 27<sup>o</sup> said Deputy proceeded to Wichita, Ark. and returned on the 28<sup>o</sup> from that time to the 2<sup>o</sup> day of May we were occupied in endeavoring to make a arrest of One Belt whom we arrested on the 2<sup>o</sup> day of May, 1876.

From thence returned to Cherokee Town, S. W. near where on the 10<sup>th</sup> day of May the Deputy summoned other witnesses in said case. Both said towns were occupied in endeavoring to make the arrest of. On the same day was the same place indicated herein in making the arrest of John Williams. From that town until the 15<sup>th</sup> day of May we were occupied in endeavoring to make the arrest of Neddie Lewis whom we apprehended on said day. From thence we proceeded to Gen. Overton, C. W. for the purpose of serving subpoenas. From thence we returned to Dickinson, where we awaited the return of Dr. M. Kavanaugh Det. Mar. From Fort Sill, who joined us on the 5<sup>th</sup> day of June. From thence we returned to

to Fort Sill 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

*Defendants*

to wit: Chickasaw Nation and Fort Sill I. C.

..., than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 800 miles, and in the transportation of said defendants, and was actually and necessarily employed 40 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 One Hundred and Thirty five 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 40 days' services, from any other person or persons, or sources whatever: So help me God.

Subscribed and sworn to before me this 26 day of June, 1876, by the above named Marion Crain who personally appeared before me and was by me known to be the identical person he represents himself.

*Marion Crain*

*Stephen Wheeler*  
Clerk U. S. Dist. Court West. Dist. of Ark.  
*W. M. Williams*

**UNITED STATES OF AMERICA,** } ss.  
**Western District of Arkansas,**  
S. M. McIntosh

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.

Sworn to and subscribed before me this 24 day of June, A. D. 1876, by the above named S. M. McIntosh, who personally appeared and was by me known to be the identical person he represents himself.

*S. M. McIntosh*  
Deputy U. S. Marshal.

*Stephen Wheeler*  
Clerk U. S. Dist. Court, West. Dist. of Ark.  
*W. M. Williams*

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 One Hundred and Thirty five dollars in full of the within account.

*Marion Crain*

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