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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 R.A. Donnelly, of Fort Smith, Arkansas, for assisting T.A. Teryman, deputy U.S. marshal, in U.S. v. Henry Love and Joseph L. Guess, larceny and U.S. v. John Amos, murder; John M. Peck and Stephen Wheeler, U.S. commissioner; J.F. Fagan, U.S. marshal

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Voucher No 9  
To  
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FILED  
AUG 14 1876  
W. H. BARKER  
CLERK

J. F. F. F. F.

Return

**The United States of America,**

To *R. A. Donnelly* Dr.

187 <sup>6</sup> For 29 days' services as posse comitatus, from July 25 to March 24 187 <sup>6</sup>  
both days inclusive, at \$3.00 per day. \$ 87.

**UNITED STATES OF AMERICA,**

*Western District of Arkansas.*

I, *R. A. Donnelly* of *Fort Smith* in the county of *Sebastian* and district aforesaid, being duly sworn, depose and say, that on the 25<sup>th</sup> of July 187 <sup>6</sup>,

I was employed under and by virtue of the third section of Act of Congress, of June 14, 1853, by *S. A. Fryman*, 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: *Henry Love and Joseph Guess charged with Larceny and John Amess, charged with Murder in the Indian Country.*

issued by *W. M. Peck* and *Stephen Whiter* U. S. Commissioner, for the Western District of Arkansas, within the jurisdiction

of the said district, returnable to the office of said Commissioner, at *Muskogee* in *Creek Nation* and *Fort Smith* Ark., *Fort Smith* 187 ; and that as such posse comitatus, I immediately proceeded in company

with said Marshal to *Muskogee, C. N.* where on the 28<sup>th</sup> day of Feb. said deputy received a Warrant for the arrest of *one James, charged with Assault with intent to Kill.* From *Chesee* we proceeded to *Caddy, C. N.* where on the 4<sup>th</sup> day of March, we arrested said *James.* From *Chesee* we proceeded to *near Red River in the Chickasaw Nation* where on the 6<sup>th</sup> day of March we arrested said *Henry Love and Joseph Guess.* On the same day said Deputy received a Warrant for the arrest of *Ab. Col., charged with Larceny.* He immediately proceeded to *near Washita River*



and there on the 7<sup>th</sup> day of March arrested said Ab. Cox. From there we proceeded to Caddo, where on the 8<sup>th</sup> day of March said deputy received a warrant for the arrest of Solomon Mackey, charged with being a Retail Liquor dealer not paying special tax. Leaving our prisoners at Caddo in charge of guards we proceeded to Armstrong Academy C.N., where we arrested said Mackey on same day. Returning to Caddo said deputy received a warrant for the arrest of Samuel Bennett, charged with Larceny. We proceeded to Tishomingo and on the 10<sup>th</sup> day of March arrested said Bennett. At Tishomingo we were delayed six days summoning witnesses in the cases of said Ab. Cox and Samuel Bennett. Thence returning to Caddo where we arrived on the 18<sup>th</sup> of March. Thence we proceeded to Atoka, C.N. where said deputy summoned witnesses in the case of said James. Thence we proceeded to near Malister, C.N. and endeavored to make the arrest of said John Ames. Not succeeding we proceeded immediately

to Muskogee <sup>arriving there on the 23<sup>rd</sup> day of March</sup> 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 Henry Love, ~~Henry~~

Joseph Yuses and John Ames.

to wit: Creek and Chickasaw Nations

....., than my place of residence aforesaid; that I actually traveled from my said residence to said places of arrest for the purpose aforesaid 700 miles, and in the transportation of said defendants, and was actually and necessarily employed 29 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 Eighty Seven 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 29 days' services, from any other person or persons, or sources whatever: So help me God.

*R. A. Donnelly*

Subscribed and sworn to before me this 22 day of April 1876, by the above named *R. A. Donnelly* who personally appeared before me and was by me known to be the identical person he represents himself.

*Stephens* Clerk U. S. Dist. Court West. Dist. of Ark.

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

I, *J. A. Fayman* 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 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.

*J. A. Fayman*  
 Deputy U. S. Marshal.

Sworn to and subscribed before me this 22 day of April, A. D. 1876, by the above named *J. A. Fayman*, who personally appeared and was by me known to be the identical person he represents himself.

*Stephens*  
 Clerk U. S. Dist. Court, West. Dist. of Ark.

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.

*J. F. Fagan*  
 U. S. Marshal West. Dist. of Ark.

Received payment of James F. Fagan, U. S. Marshal for the Western District of Arkansas, in the sum of

*Eighty Seven*

dollars in full of the within account.

*R. A. Donnelly*