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

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1876 April 24: Voucher, to Richard Hood, of Fort Smith, for assisting T.E. Lacey, U.S. deputy marshal, in U.S. v. John McKay and Mrs. John McKay, retail liquor dealer and not paying special tax and U.S. v. Willis Laurence, assault with intent to kill in the Indian Country; Stephen Wheeler, clerk; John M. Peck, commissioner; J.O. Daniel, witness of signatures; James F. Fagan, U.S. marshal

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Voucher 12
to
Abstract 6

FILED

SEP
29
1876

W. Wheeler,
CLERK.

The United States of America,

To *Richard Hood* Dr.

1876

For *32* days' services as posse comitatus, from *Feb. 20 to 25 & Feb 27 to Feb 28* 1876
both days inclusive, at \$3.00 per day. \$ *96.*

UNITED STATES OF AMERICA,

Western District of Arkansas,

I, *Richard Hood* of *Fort Smith* in the county of *Sebastian* and district aforesaid, being duly sworn, depose and say, that on the *20th* of *Feb'y* 1876, I was employed under and by virtue of the third section of Act of Congress, of June 14, 1853, by *J. E. Lacey*, 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: *John M. Kay and Mrs John M. Kay charged with being Retail Liquor Dealers and not paying Special Tax, issued by Stephen Wheeler, Clerk of the Dist Court and Willis Lawrence, charged with Assault with intent to Kill in the Indian Country*

issued by *Jos. W. Peck* 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, Muscogee Co. Ark.*

May Term 1876 & forthwith 187 ; and that as such posse comitatus, I immediately proceeded in company with said Marshal to *the Creek Nation where we expected to find said John M. Kay & Mrs John M. Kay, not succeeding in making their arrest in Creek Nation, and being at Muscogee Co. Ark. on the 26th day of Feb'y, said Deputy received a warrant for the arrest of J. B. Russell and David*

blank charged with passing counterfeit U.S. currency, whom we arrested at Muscogee on the same day. On the 27th day of Feb'y we resumed the pursuit of said John McKay and Mrs John McKay and said Willis Lawrence and proceeded immediately to near Barber Springs Kas. in the I. T. and there arrested said Willis Lawrence on the 1st day of Mch 1876. From thence we proceeded to near Wichita Kas in the I. T. and there arrested said John McKay on the 9th day of March. From thence we returned to Muscogee Co. N. where we arrived on the 22nd day of March.

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 *John McKay and Mrs John McKay and Willis Lawrence*

to wit: *Brick, Cherokee and Pottowotami 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 *32* 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 *Ninety 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 *32* days' services, from any other person or persons, or sources whatever: So help me God.

Wilbur D. Williams
Subscribed and sworn to before me this *22nd* day of *April* *1876*, by the above named *Richard Hood* who personally appeared *before me* and was by me known to be the identical person he represents himself.

Richard E. Hood
Clerk U. S. Dist. Court West. Dist. of Ark.
R. D. Williams
De.

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

I, *J. E. Lacey* 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.

Sworn to and subscribed before me this *24th* day of *April* *1876*, by the above named *J. E. Lacey*, who personally appeared and was by me known to be the identical person he represents himself.

J. E. Lacey
Deputy U. S. Marshal.
Stephen Wheeler
Clerk U. S. Dist. Court, West. Dist. of Ark.
R. D. Williams
De.

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 *Ninety six* dollars in full of the within account.

Witness *J. D. Parrill* *Richard X Hood*
his mark