

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

4-25-1892

Letter from the Acting Secretary of the Treasury, transmitting additional report and estimates from the Attorney-General upon the claims of persons alleged to have rendered services in Oklahoma as deputy marshals

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Exec. Doc. No. 210, 52nd Cong., 1st Sess. (1892)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

DEPUTY MARSHALS IN OKLAHOMA.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

Additional report and estimates from the Attorney-General upon the claims of persons alleged to have rendered services in Oklahoma as deputy marshals.

APRIL 25, 1892.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
April 21, 1892.

SIR: I have the honor to transmit herewith, for the consideration of Congress, additional report and estimate from the Attorney-General, of the 20th instant, under the requirements of the deficiency act of September 30, 1890 (26 Stat., p. 527), upon the claims of persons alleged to have rendered services in Oklahoma as deputy marshals, and in further connection with claims of a similar nature transmitted to Congress February 19, 1892, and April 13, 1892 (House Ex. Docs. Nos. 144 and 195, present session).

Respectfully yours,

O. L. SPAULDING,
Acting Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, D. C., April 20, 1892.

SIR: Herewith inclosed is a copy of a letter of April 13, 1892, from William Grimes, United States marshal for the Territory of Oklahoma, presenting vouchers of sixty-five deputies appointed by him at the suggestion of this Department and the earnest solicitation of the governor, George W. Steele, for services during the opening of the country which

now comprises counties A and B of that Territory, in September, 1891. The vouchers presented by each claimant are like the voucher of E. L. Drake, and supported by affidavits like the affidavit presented in support of Officer Drake's account, copies of which are herewith inclosed. The amount of each claim is set forth in the copy of the marshal's letter.

The original of each claim and affidavit in support thereof are on file in this Department. Copies of all the originals are not sent, for the purpose of saving the expense in printing, as the copies submitted in the account of Mr. Drake are almost identical in form with the other accounts and affidavits.

The accounts are for the most part at \$5 per day and \$2 per day expenses, and they amount to \$5,343.

These expenses are similar to the expenses presented in House Executive Documents Nos. 144 and 195, Fifty-second Congress, first session.

The Department has further information in letters of March 17, 1892, from W. R. Asher, probate judge at Tecumseh, Okla.; from W. M. Allison, probate judge of County A, March 22, 1892; another letter of Marshal Grimes of March 16, 1892, indorsed March 21, 1892, by George W. Steele, ex-governor of Oklahoma; and letter of March 17, 1892, from A. J. Seay, governor of Oklahoma; copies of which are herewith inclosed.

The services rendered were for preserving the peace at the time of the opening of the lands mentioned.

I would therefore respectfully make application for an appropriation to meet these expenses, in the sum of \$5,343, or so much thereof as shall be deemed proper. I would suggest, however, that the sum of \$1,000, or less, of the appropriation that may be made should be set apart for the use of the Attorney-General in investigating the accounts and ascertaining the amount of labor performed, and other facts that may justify him in the disbursement of such an appropriation as may be made.

You are respectfully requested to transmit this application to the Speaker of the House of Representatives for the consideration of Congress.

Very respectfully,

WM. A. MAURY,
Acting Attorney-General.

The SECRETARY OF THE TREASURY.

UNITED STATES MARSHAL'S OFFICE, TERRITORY OF OKLAHOMA,
Guthrie, Okla., April 13, 1892.

DEAR SIR: Inclosed I hand you the following vouchers:

Thornton Downing.....	\$105	George H. Laing	\$112
E. L. Drake.....	28	G. W. Schlegel.....	119
H. B. Robertson.....	35	John W. Mathews.....	77
Monroe Neal.....	35	A. L. Porter.....	77
L. Swerney.....	35	John A. Gilbert.....	112
W. H. Taylor.....	105	George D. Guthrie.....	56
J. M. Tucker.....	70	D. F. Landes.....	42
C. F. Parker.....	119	T. Lilly.....	105
C. H. De Ford.....	91	A. G. Jones.....	133
Elmer Cox.....	35	J. A. Berryhill.....	35

Clyde Sharp.....	\$49	Martin C. Lawrence.....	\$112
Fred Neil.....	35	William Connolly.....	56
J. W. DeFord.....	91	J. O. Stevens.....	105
Talbert White.....	35	E. F. Cockran.....	84
J. T. Watts.....	105	J. M. Wells.....	49
E. F. Cockran.....	70	I. F. Saunders.....	182
C. F. Parker.....	21	A. C. Briggs.....	105
J. J. Graham.....	105	D. F. Smith.....	100
W. S. Hurt.....	63	Charles Petit.....	70
I. S. Prater.....	21	Mark McBee.....	91
Harry Mounts.....	105	Charles E. Elkins.....	147
J. M. Robbins.....	119	Thomas Griffin.....	105
Ransom Payne.....	14	James B. Robinson.....	56
John McAvoy.....	98	Harry B. DeFord.....	56
S. T. Combs.....	70	W. L. Tounsley.....	35
E. P. Kelly.....	182	Frank G. Kress.....	105
Ike Steele.....	98	Morris Robacker.....	70
W. W. Wilson.....	105	George E. Thornton.....	77
J. A. Masterson.....	98	T. A. Neal.....	84
E. M. Hamlin.....	105	A. J. Spengel.....	182
N. V. Cleaver.....	70	R. E. Brian.....	35
L. G. Ballard.....	56	John P. Jones.....	112
L. H. Graham.....	84		

These are for the services of deputies during the opening of the country which now comprises counties A and B of this Territory.

These services were rendered at your suggestion and at the earnest solicitation of the governor, George W. Steele; there were only a few soldiers on hand at this opening to hold the crowds back, the number not being one-half what it ought to have been, and the main part of the work was assumed by the deputies of this office, and they patrolled the lines and also the town sites and had regular beats which they patrolled ever so often. This work was hard on them, because at that time there was no water to be had, or scarcely any, and supplies of provisions were not to be had at any price and they had to maintain their own camps and haul their water from a distance. If ever there was good service rendered it was at the time of this opening, and I inclose you letters from Governor Seay, ex-Governor George W. Steele, and the two probate judges of counties A and B. I have not deemed it necessary to secure letters from other persons indorsing their work, because these four men and myself are the ones who ought to know what was done.

The papers of the Territory unanimously indorsed the action of the deputies during this opening, and specially made mention of the fact that the deputies had not used their official positions to further their own private interests in securing town lots or claims, and I know this is true, although it is a fact that some of the deputies succeeded in securing some town lots, but those who did secure them made the race the same as other people.

I hope that you will use every effort to have Congress allow these claims, for they are certainly just and reasonable.

In accordance with the instructions contained in yours of October 13, I have been careful in investigating the claims of the different deputies, and there are no accounts submitted here which I do not heartily approve, and there will be no accounts rendered to you subsequently.

The reason that the services of the deputies extended some days after the country was declared open to settlement is because of the fact that the town sites were not opened on the same day that the country was opened, for the reason that the surveyors had not completed their work in laying them out. Another reason why they were continued some days after the country was declared open is because the county organizations could not be perfected for some days, owing to the fact that the officers could not or did not put in an appearance, as they were interested in taking claims for themselves, making filings, etc. As soon as the county organizations were perfected and the sheriff's bonds approved I called in all of the deputies and notified them that their services in that line were at an end.

Very respectfully,

WILLIAM GRIMES,
United States Marshal.

Hon. W. H. H. MILLER,
United States Attorney-General, Washington, D. C.

United States of America to E. L. Drake, Dr.

To services as deputy United States marshal and police officer from September 26 to September 29, 1891, being a total number of 4 days, at \$5 per day. \$20.00
 Actual expenses for 4 days, at \$2 per day 8.00
 Total 28.00

TERRITORY OF OKLAHOMA, *County of Logan, ss:*

E. L. Drake, being first duly sworn, upon his oath deposes and says: My name is E. L. Drake. I am a resident of the Territory of Oklahoma, and have been since September 22, 1889. That I was regularly appointed deputy United States marshal under William Grimes, United States marshal for Oklahoma Territory; that as such deputy United States marshal I was stationed at Chandler County A, and continued to act as such from September 26 to 29, 1891, being a total number of four days; that for such services I have received no compensation, and the above account remains due and unpaid.

E. L. DRAKE.

Sworn and subscribed to before me this 14th day of March, 1892.

[SEAL.]

C. W. GOODRICH,
United States Commissioner.

TERRITORY OF OKLAHOMA, *County of Logan, ss:*

B. C. Hornbeck and R. W. McCombs, after being first duly sworn, upon their oath in due form of law, each for himself and not for the other, says:

I am acquainted personally with E. L. Drake and have been since September 22, 1891; that during that time he was a deputy United States marshal in what is now known as Indian Territory; I have lived in Guthrie, said Territory, since 22d September, 1891, to the present time, and I have known from my own personal knowledge that said E. L. Drake was at the time so engaged a good, reliable, and efficient officer, alert alike to the interests of the people and preservation of good order; by reason of his judgment and care he has restrained the vicious, protected the weak, and aided very materially in keeping peace, and he is entitled to the grateful commendation of the people of this Territory, generally, for his efforts in this regard, and ought to receive ample consideration therefor, because he took his life in his hand, as it were, and to his own personal detriment, from September 26 to 29, 1891, and the only wonder is that the success of the United States deputy marshals in this effort was so complete, when we remember the excited condition of the people generally, and some of the vicious characters that he came in contact with almost continuously.

B. C. HORNBECK.
 R. W. MCCOMBS.

Sworn and subscribed to before me this 14th day of March, 1892.

[SEAL.]

C. W. GOODRICH,
United States Commissioner.

TECUMSEH, OKLA., *March 17, 1892.*

MY DEAR SIR: Just previous to the opening of counties A and B in Oklahoma Territory last September, United States Marshal Grimes appointed quite a number of deputy marshals to look after the interests of law and order at the points affected by said opening, and within said counties immediately thereafter.

I was in B County from the 17th of September in charge of the survey of the county seat. I understand that bills have been prepared asking Congress to appropriate money for the payment of these marshals. It was a necessity that these marshals should have been appointed, and no doubt their presence in the country and on the borders was a wholesome restraint against lawlessness and prevented great loss of life.

The county seat (Tecumseh) was not opened until the 23d of September, the county having been opened on the 22d. The result was the gathering of at least 6,000 people around the borders of the town site. Had these marshals not been present, it is quite certain that many lives would have been lost.

These men were under my direction and control in one sense of the word—that they reported all infractions of the law to me. My observation was that they performed their duty with bravery and diligence. I believe their prompt payment would not only be an act of justice, but a recognition of meritorious service.

Yours respectfully,

WM. R. ASHER,
Probate Judge.

Hon. W. H. H. MILLER,
Attorney-General, Washington, D. C.

CHANDLER, OKLA., *March 22, 1892.*

DEAR SIR: I understand that the United States marshal for this district is about to submit to you the accounts of his deputies for special work at time of opening of the Sac and Fox and Iowa lands to settlement, and I feel it incumbent upon me to tell you what I know of the character and value of their services.

Before the opening some days I was sent to County A by Governor Steele to take charge of and superintend survey of town site of Chandler, and when the President's proclamation fixing county lines, etc, was issued, I was appointed probate judge of A County. When the rush came on September 22 I was necessarily compelled to assume command, as it were, of the vast army of home-seekers who concentrated here, and to take such steps as were needed to protect the honest ones from crooks in general and from each other.

Without the assistance of the deputies sent in by Mr. Grimes I could have done nothing toward preserving order. For nearly a week we were compelled to keep the people off the town site, and there were from five to eight thousand people there thrown together in one vast camp—men, women, and children, the honest and unsophisticated with the professional sharper and crook—in one grand crowd, and though at times things looked a little squally, through prompt and rigid orders fearlessly enforced by these deputies I was able to preserve order and we got through without an accident or loss of a life and the crooks were unable to reap the harvest they anticipated, and I certainly think the deputies, upon whom I had to rely for assistance, deserve liberal pay for their services.

I hope that you will not hesitate to urge upon Congress the justice of paying them for every day put in.

Yours, respectfully,

W. M. ALLISON,
Probate Judge of County A.

The ATTORNEY-GENERAL,
Washington, D. C.

UNITED STATES MARSHAL'S OFFICE, OKLAHOMA,
Guthrie, Okla. T., March 16, 1892.

DEAR SIR: Just previous to the opening of the country on the east, which is now counties A and B, I received instructions from the Attorney-General to appoint deputies to look after the interest of law and order at all points that would be affected by said opening, and in compliance with those instructions I did appoint deputies, and, as you are well aware, they performed their duty faithfully and well in most instances, and are entitled to great commendation for their services.

I have had all their bills prepared, after no little trouble and expense, and they are now ready to submit to Washington to the Attorney-General, who says that he will submit them to this Congress with an earnest appeal that they appropriate money to pay them.

I write you to request that you address a letter to the Attorney-General and send it to me, explaining what you know about the good services done and the necessity of it. I feel that these men ought to be paid, and liberally, and I believe that every other good citizen does, and think that these letters from the leading men of the Territory, especially from the officers, will be of great assistance.

I shall await your early reply.

Respectfully, yours,

WILLIAM GRIMES,
United States Marshal.

HON. GEO. W. STEELE,
Marion, Ind.

[Indorsement.]

MARION, IND., *March 21, 1892.*

Respectfully returned to the Hon. Wm. Grimes, United States marshal for Oklahoma. It gives me real pleasure to say, in behalf of the deputies you appointed to assist in preserving the peace, that they performed said service faithfully and well, both *night* and day, and that their services were necessary. Not to pay them, and promptly, would in my opinion be an outrage.

From a distance it may seem that these men should serve in the dangerous and laborious work for the glory there is in it, but when there was not a bit of that article, even prospectively, the other side may be given, viz, unusual expense and privation, danger, and forfeiting the privilege of taking either lot or land.

The only possible interest I have in making this statement is the hope of seeing well-earned wages paid.

GEO. W. STEELE,
Ex-Governor, Oklahoma.

Services were performed under my instructions.

TERRITORY OF OKLAHOMA, EXECUTIVE DEPARTMENT,
Guthrie, March 17, 1892.

SIR: I am in receipt of yours of the 16th instant, relative to the service of your deputies during the first few days of the opening of the country east of here, being what was known as the Iowa and Sac and Fox Indian lands, and in reply will say that I was, at the time of the opening of said country, in the western part of the Territory, immersed in business of the court, and consequently know but little individually and personally about this matter, except what was known by the whole people, and that was that your deputies did excellent service and were needed to keep the peace and ought to be paid.

Yours, truly,

A. J. SEAT,
Governor.

Hon. WM. GRIMES,
United States Marshal, Guthrie, Okla.