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Appropriation for expenses of judges of Oklahoma. Letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Attorney-General to pay the expenses of the judges of the Territory of Oklahoma when holding court away from their homes.

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APPROPRIATION FOR EXPENSES OF JUDGES OF
OKLAHOMA.

L E T T E R

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate of appropriation submitted by the Attorney-General to pay the expenses of the judges of the Territory of Oklahoma when holding court away from their homes.

JANUARY 24, 1895.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT, *January 23, 1895.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, a communication from the Attorney-General of the 21st instant, and its inclosures, looking to an appropriation to pay the expenses of the judges of the Territory of Oklahoma when holding court at places other than those of their residence, for the current and the ensuing fiscal years.

Respectfully, yours,

C. S. HAMLIN, *Acting Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 21, 1895.

SIR: Inclosed are copies of a letter of Hon. D. T. Flynn, House of Representatives, dated December 20, 1894, addressed to the Attorney-General, and of a letter of December 10, 1894, addressed to Representative Flynn by John H. Buford, associate justice of the supreme court of the Territory of Oklahoma. The papers relate to the expenses of the judges in that Territory in traveling from place of residence to place or places of holding court. Judge Buford refers to the action of Congress in paying the traveling expenses and board of a judge when holding court in Indian Territory at other places than Muscogee, while in Oklahoma Territory the judge is required to reside in his district and hold a court in each county and each offender must be prosecuted in the

county where the offense is committed, while in other jurisdictions the defendant is tried in the district where the offense is committed.

Judge Buford holds court in seven counties and attends one session of the supreme court every six months; travels over land from 60 to 150 miles to the county seats, is compelled to camp out and pay for team, etc., for a number of days at a time; can not travel on railroad passes as other Federal judges who get extra pay. He asks that some specific sum should be allowed to the judge for meeting these expenses.

You are respectfully requested to transmit his application to Congress for action at the present session. The Department would recommend that Congress appropriate a sum sufficient to cover the actual expenses incurred in such travel. Corresponding expenses in the Indian Territory are covered by an annual appropriation of \$600. This sum is recommended for the fiscal year 1895 and the fiscal year 1896.

Very respectfully,

RICHARD OLNEY,
Attorney-General.

The SECRETARY OF THE TREASURY.

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., December 20, 1894.

DEAR SIR: Inclosed please find letter from Judge Burford, of Oklahoma, concerning the expenses of the judges in that Territory. I know personally that the statements made by him are true, and if you would suggest to the Secretary of the Treasury that an appropriation be made, as in your judgment you would deem sufficient, I will take pleasure in seeing that it is added to the appropriation bill.

Very respectfully, yours,

D. S. FLYNN.

Hon. RICHARD OLNEY,
United States Attorney-General, City.

EL RENO, OKLA., *December 10, 1894.*

DEAR SIR: I write to remind you of your promise that you will make an effort to get an extra appropriation made for expenses of judges in Oklahoma. It is just, right, and proper that the Government should bear this expense, and it is an outrage that the judges are compelled to bear it. In the Indian Territory the judge holds court at three places; he gets \$3,500 per year, and his traveling expenses and board when holding court at the places other than his residence. The United States district judges get pay for all expenses incurred when holding court outside of district. The marshals and the United States attorneys get mileage and per diem when attending court away from place of residence, all of whom draw salaries at from \$5,000 to \$6,000 per annum. The poor judge in Oklahoma must reside in his district; he must hold a court in each county; each United States offender must be prosecuted in the county where the offense is committed. In other jurisdictions he is tried in the district where committed.

I hold court in seven counties, and attend one session of supreme court every six months. I travel overland from 60 to 150 miles to the county seats; am compelled to tent out and pay for team, feed, etc., for a number of days at a time. I can not travel on railroad passes as other Federal judges do who get extra pay. My small salary of \$3,000 per year has, after paying necessary expenses away from home, dwindled to about \$2,000, and out of this we must support a family, live, and keep up the dignity of a supreme court. I think Congress will remedy this injustice if properly understood. The last session passed a law providing for change of venue from judges in Oklahoma, and providing that when change is granted the chief justice or supreme court may assign any other judge to try cause in the county where the cause is pending. This always takes a judge out of his district at his own expense, and these changes are being taken frequently, and often without cause; but the parties comply with the statute and are entitled to the change. I am ordered to go out of my district next week for a whole week to hold court in another district. I must quit my district, leave my home, and go at my own expense.

You know something personally of my experiences. If the War Department had not been courteous enough to supply transportation and tents I would have been bankrupt. Now, Mr. Flynn, the measure which ought to be adopted is that which applies to the Federal judges, viz, that whenever holding court outside of the place of residence \$5 per day and 10 cents mileage in traveling to and from the place of holding court should be paid in addition to salary. This would require an additional appropriation of about \$3,500 per year for five judges.

I think this plan better than paying actual expenses, for then it is certain and fixed, and avoids the necessity of supplying vouchers, which are hard to get the way we travel and divide up expenses in this country.

Please present this matter to the committee and urge it, and if necessary I will get the several judges to make statement of fact in their several cases.

Yours, truly,

JNO. H. BUFORD,
Associate Justice Supreme Court.

Hon. DENNIS FLYNN, *Washington, D. C.*

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