

5-11-1896

Deputy United States Marshals, Indian Territory

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IN THE SENATE OF THE UNITED STATES.

MAY 11, 1896.—Ordered to be printed.

Mr. TELLER, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany S. 3050.]

The Committee on the Judiciary, to whom was referred the bill (S. 3050) to validate the appointments, acts, and services of certain deputy United States marshals in the Indian Territory, and for other purposes, have had the same under consideration and respectfully report:

That the legislation proposed in this bill is suggested by the Attorney-General, whose letter setting forth the necessity of such an act is attached hereto and made a part of this report.

Your committee are of opinion that the bill ought to pass, and so recommend.

The letter is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., May 1, 1896.

SIR: The accounting officer of the Department of Justice in an examination of the accounts of the United States deputy marshals who have been appointed since and under the act of Congress approved March 1, 1895, relating to United States courts in the Indian Territory, has discovered that the appointments and oaths of office of a great number of the deputy marshals so appointed were irregular.

Section 782 of the Revised Statutes of the United States provides that United States deputy marshals shall take a certain oath before the district judge. It provides further that in case a person who is appointed deputy marshal resides and is more than 20 miles from the place where the district judge resides and is, he may take the oath before certain officials therein named, and that such oath shall be valid only when certified to the district judge by the official who administered it.

It appears that quite a number of oaths were administered to deputy marshals by officers named in the section referred to when it does not appear that the judge was away from the place where the appointment was made, and such oaths have not been certified to the district judge. In many cases it is impossible to remedy this defect at this late date. It appears that a large number of oaths were administered to deputy marshals by the clerk of the court, who is not named in the section referred to as being authorized to administer oaths to deputy marshals when the judge is away.

The irregularities found all relate to the manner in which the oaths were administered to the deputy marshals. Oaths were administered in every case, and the duties of these marshals have been performed in good faith, and their appointments, oaths, acts, and services should be ratified and validated so that they can receive their pay.

The marshals in the Indian Territory have been unable to pay current expenses of the courts as they accrued, by reason of the fact that they can give bond in the sum of only \$10,000, and this amount is continually tied up in their accounts, making it impossible for them to keep funds on hand to pay the expenses as they accrue. By authorizing them to give a larger bond, they can have on hand funds sufficient to pay the current expenses.

