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which I did not believe they could tolerate.

Q. You thought it beyond human endurance?

A. Yes.

Q. For any people to be submitted to such treatment and submit to it peacefully?

A. Yes. In the city of Lexington, partly through the impulse of the majority (or the powerful majority, I should say) and by the aid of the Legislature of Kentucky, there has been a good deal of political tyranny and some bulldozing, but I am not aware that there has been in any other part of the State. There has been none of it in my district. I suppose you allude to that.

Q. What I mean is as to whether the people of Kentucky are disposed to obey the laws of the United States.

A. I think so.

Q. As compared with other parts of the country?

A. I think they are as law-abiding in Kentucky as in any other part of the United States.

Q. The object of my question was to ascertain whether the people of Kentucky were so disposed toward the United States as to make it necessary that such vigorous measures of prosecution should be instituted by the Government in order to enforce the laws of the United States.

A. Oh, certainly not. I may say, as an illustration, that at the first tap of the drum at the outbreak of the rebellion the people in my district, especially in the mountain counties, volunteered more freely than the people in any other part of the country.

By Mr. Van Alstyne:

Q. On the side of the Union?

A. On the side of the Union. It was the same with the other mountainous districts. Kentucky itself was loyal until the war closed. She never seceded until the war was over.

By the Chairman:

Q. What do you say as to the character of the people in regard to their disposition to obey the internal-revenue laws in your part of the State, as compared with the people living in the Paducah district, where there appear to have been so few arrests made?

A. It is notorious that the people of the mountainous region in Kentucky were most loyal. What I mean by loyal is that they were most law-abiding.

Q. Then in your judgment there was no necessity for the prosecution of the people in that remote part of the State any more than in any other part of the State, if the desire was simply to enforce the revenue laws?

A. Certainly not.

Q. Then you say that if the object of the Federal officials was simply to enforce the collection of the revenues of the Government, the people of that part of the State which you represent were as well disposed to obey those laws as the people in any other part of the State of Kentucky, or any other part of the country.

A. I think so, unquestionably, without intending to cast any reflection upon any other part of the State. When I look back for six or eight years I am surprised that they have been so law-abiding as they have been.

Q. Why so?

A. For instance, suppose a man should arrest me, as that man Adams was arrested in Letcher County, I would carry that case to the Supreme Court if it took every dollar I had in the world. I would never suffer it. I would resist it at the point of the bayonet if it were necessary. It is a terrible degradation for a man to submit to a drunken Federal official simply because he is an official, when the man knows that he is entirely innocent, and when he wants to prove by his neighbors that he is not the man called for in the warrant—it is a terrible degradation, I say, for such a man to be dragged off two hundred and fifty miles.

Q. Was that man imprisoned on the way to Louisville?

A. I understood that he was, just as any other prisoner would be.

Q. Do you know whether guards were charged also for conducting him there?

A. I do not; but I expect that you will find such charges among the papers. Two or three years ago there were some forty-odd men arrested in Whitley County, and were taken to Louisville on charges, as I am informed, from three to five years old for some petty violations of the law. Many of them were as innocent of the charges as babes. But when all the fees were got out of the business, then the district attorney recommended a pardon for them, and they were all pardoned. These occurred two or three years ago.

Q. How far is Whitley County from Louisville?

A. I expect it is about two hundred miles.

By Mr. Stewart:

Q. Were these men convicted?

A. I think that none of them were.

Q. Then they could not have been pardoned; you mean that the cases were nolle prosequi.

A. I accept the correction. The cases were nolle prosequi; the men were let go.

By the Chairman:

Q. They came under that clause of the Attorney-General's report, "Nolle prosequi, quashed, or dismissed."

A. Yes; that idea was the one that I had when I tried to find the names, residences, and offenses of persons charged with these petty violations in 1876. I wanted to make a clean slate of the petty offenses.

Q. In 1876 you were of the opinion that offenses had really been committed,

and that these officials were vigorously prosecuting their duties, and therefore you were trying to have amnesty extended to the offenders?

A. Not at all. I was convinced that the charges were for the most part for trifling, petty offenses, like selling a half pound of tobacco, or a pint of whisky. I can give you a case of that kind. We have prohibition in more towns in Kentucky than a man from Maine or Iowa would dream of. In the town of Barbourville prohibition, or local option, was enforced. Some man (I forget his name) had a quart or a gallon of whisky, and was passing before a house and gave some of it to a member of the family for sickness, as it was claimed. The member of the family paid him for it. That was a violation of the local-option law, and the man was punished according to the law of that locality. This was in the town of Barbourville, Knox County, about one hundred and seventy miles from Louisville. These spies and informers looked up this case, and had a warrant issued, and the man was arrested and taken to Louisville, where he was sentenced to imprisonment for sixty days and a fine of \$100. The fine he could not pay, and he ate it out at the expense of the Government.

Mr. Fyan. Did not a good many people violate the internal-revenue law in ignorance of the law in selling tobacco?

The Witness. No; it was not ignorance. A man, for instance, who has fought in the army three years, and has a little piece of ground which is better for tobacco than anything else (a piece twice as large as this room), raises a few pounds of tobacco on it more than he can use himself; he finds he can sell it for ready cash—little twigs of it. He does not think that that is such an offense that anybody will ever notice it. He does it without thinking that it is as serious a matter as it is. He does not think that the Government is going to hound him down like a wild Indian for that little offense, and so he commits it.

Mr. Fyan. Technically it is a violation of the law?

The Witness. Technically it is a violation of the law.

By Mr. Stewart:

Q. And so in the sale of liquor?

A. So the sale of that pint of whisky was a violation of the law; but you can see at once what a feeling of indignation is apt to be aroused from punishing a man twice for the petty offense of selling one pint of whisky.

Q. Would you not suggest, in regard to that, that it would be better to modify the law?

A. Certainly; I have proclaimed that all the time.

Q. It is the fault of the law?

A. Not altogether.

Q. Suppose that the whole community should give itself up to that kind of traffic, would it not be a general violation of a United States statute?

A. Certainly.

Mr. Fyan. The law was that no producer of tobacco had any right to sell it, except the party to whom he sold it had a license. Now, however, the law has been changed so that the producer can sell tobacco to the amount of \$25.

The Witness. Yes; I only speak of that to show you why I asked for a general amnesty where warrants have issued for the arrest of men charged with such petty offenses.

Mr. Stewart. The object of my inquiry was germane to what the chair asked you a little while ago about the general observance of law by the people of Kentucky. I suppose it is probably true that in that community there was more or less retailing of liquor without license, and more or less selling of tobacco without license.

The Witness. I suppose so, in that community as in other communities.

By Mr. Van Alstyne:

Q. Knowing these people and their habits of life, and their general disposition to obey the law, do you consider that these complaints, frivolous and stale, were really instituted and arrests made more for the purpose of putting money in the pockets of the officers than for the purpose of a proper enforcement of the law?

A. Yes; for the purpose of running up costs rather than for the enforcement of the law. You have expressed the idea better than I had done. I indorse every word of that. In answer to the question of the chairman as to whether these officials were endeavoring properly to enforce the law, I say no. They were simply hungering for public pay—looking for fees, in my judgment.

By Mr. Stewart:

Q. Do you think it was their duty to omit prosecuting these offenses at all?

A. No; not at all.

Q. They did not make the law, and they were executive officers. Was it their duty to sit by and see the community disregard generally the laws?

A. I shall have to read to you again what the Commissioner of Internal Revenue says, as embodying my views:

"Instances have been brought to my attention where numerous prosecutions have been instituted for the most trifling violations of law, and the arrested parties taken long distances, and subjected to great inconvenience and expense, not in the interest of the Government, but apparently for no other reason than to make costs."

That is the best answer I can make to your question.

Mr. Fyan. Was not this tobacco law regarded as so obnoxious in those small communities where they grew tobacco that the people did not feel disposed to obey it? Was not that the general feeling until the law was changed?

The Witness. It was always felt that it was a very harsh and unnecessary law.

By the Chairman:

Q. In your speech in last Congress you refer to the fact that those officials in Kentucky—District Attorney Wharton and Marshal Murray—were retained in their positions by "the seductive influence of certain Democrats and the sycophantic class of office-seeking Republicans." Can you state what influences, to your knowledge, were brought to bear by Democrats to keep these gentlemen in their places?

A. My understanding is, as I stated awhile ago, that Mr. Wharton was re-appointed to please Mr. B. H. Bristow. The Senate Judiciary Committee at that time was Republican. As I understand, the committee had the papers from the Department of Justice, or at least some of the facts before it, and it refused to recommend him to the Senate for confirmation. The Senate was Democratic, and did confirm him. So I hold that Mr. Hayes and the Democratic Senate were responsible for Mr. Wharton's subsequent acts.

The Chairman. You must excuse my predicating any questions to you from words spoken by you in debate in the House of Representatives. I have no right to put such a question to you, if you have any objection to it it can be stricken from the record.

The Witness. No, sir; I have no objection.

Q. What are the other influences which were at work? You spoke of some prominent Republicans trying to have these gentlemen retained in office, or one of them.

A. Yes; I think I mentioned that after Mr. Chase's report was made John M. Harlan came to my room and made an appeal to me in behalf of Murray—to intercede for Murray's retention, but I declined to do so.

Q. Why did you decline?

A. Simply because I could not interfere with an execution of my own request. My request was that the Department of Justice should investigate the conduct of the marshal, deputy marshal, and the commissioner and district attorney in Kentucky. An agent of the Department had done so and had recommended after that investigation the removal of these men. I could not consistently ask the Department not to remove men who had been found guilty after investigation.

Q. Did you give any reason to Harlan?

A. That was the reason I gave. I said that I had no prejudice against Mr. Murray, and that I was very sorry if he was implicated in this bad conduct in Kentucky, but that I could not request his being retained; and I did not request his being retained. Neither did I ask to have him removed.

Q. Had you any conversation with Mr. Chase about his investigation, other than that which you have already stated in relation to the investigation by him?

A. Yes.

Q. State what it was.

A. When I was elected to the forty-seventh Congress, I was in the Department of Justice one day trying to get a copy of Mr. Chase's report. I was referred to Mr. Chase. Mr. Chase told me that the papers which he had were private papers, and had never been filed. I wanted the papers on which he had based his judgment, when he told me the case was a good deal worse than what it had been represented to me. He informed me that the papers on which his report was made were his private papers, and had not been filed.

Q. Did you ask to be shown those papers?

A. Yes, sir; he drew out quite a lot of them, and I think, than you have here. They may be the same papers. They may have been afterward filed. I do not know about that. But he showed me a paper where Mr. Murray had arrested a man in his office, or in the building, and had charged mileage, and guards, and meals, and everything else—constructive fees—from the man's remote home to the city of Louisville.

Q. How many miles was that?

A. I do not recollect how many. He showed me the paper. Then I asked the Attorney-General to have Mr. Chase file the papers; but I have never been informed whether that has been done.

By Mr. Fyan:

Q. Do you recollect the name of the man arrested?

A. No, sir; I do not. I think I took a memorandum of it at the time, but I had no idea of being summoned here until yesterday, and I did not look for it. In fact I do not know where to find it. But I think I took a memorandum of the name and the date. Mr. Chase showed me a few other papers of that character and satisfied me that he was correct in his statement that the thing was worse than I had represented, for I had not dreamed of such a case as that when I asked for an investigation.

By the Chairman:

Q. State more in detail the conversation that you had with Mr. Chase in regard to his investigation and why he had not filed the papers.

A. I think he said he had not been requested to file the papers; that as both the men concerning whom he had reported had been removed it was not thought necessary to file the papers, and so he had not done so.

Q. Did he decline to show them to you?

A. No, sir; it was only for lack of time and inclination on my part that I did not go through the whole batch of them. I supposed that as he was still an officer of the Department he would

file them, if the Attorney-General asked him to do so, and so I made a request to the Attorney-General to have those papers filed.

Q. Did you make that request verbally or in writing?

A. I am not certain which, but I think it was in writing. Mr. Ward, a lawyer in Louisville (I forget his initials), asked to be furnished with a copy of those papers, or he wrote to me to know if they were on file, and that is the way I came to look into the matter. I found that they were not on file. My recollection is that I filed Mr. Ward's letter in the Department of Justice, and requested that the evidence taken by Mr. Chase when he was in Kentucky be filed in the Department of Justice. I have never learned that that was done, and I am inclined to think that it was not done.

Q. Do you know where Mr. Chase is now?

A. No, sir. I have not seen him to talk to from that time to this, I believe.

Q. Did Mr. Chase say to you that he had not made a written report in the case?

A. I think he did; and I read this morning the statement of H. Divens, indorsed by G. K. Chase, on August 8, 1876. I had never seen it before; I think that Mr. Chase told me he had not made a thorough report, but had made a statement; that he had given the Department the benefit of his investigation—the conclusion which he had come to—but had never made a written report, nor filed the testimony which he had taken.

Mr. Fyan. Did you understand that he made a personal examination himself?

The Witness. Yes; he went in person to Kentucky. I think Mr. Ward wrote a letter saying that these papers ought not to be lost, but ought to be filed.

By the Chairman:

Q. What was the nature of Mr. Ward's letter?

A. It was saying that there was very important evidence in the papers which Chase had got when he was in Kentucky, and that it ought not to be lost. That letter of Mr. Ward's I am quite certain I filed in the Department of Justice, with the request that the evidence taken by Mr. Chase would be filed in the Department. [After examining papers from the Department:] Here seems to be a memorandum in my handwriting, which I suppose I gave to Mr. Chase. It is simply a statement that I was informed that—

"C. B. Faris, in the spring of 1876, issued a warrant for Joe Broughton. He was arrested by Jim MacStewart, a special bailiff authorized by Deputy Marshal John Wyatt; was taken through London, at which place Broughton demanded to be tried before Commissioner Faris, and Faris proffered to give receipt for prisoner, and said he would try him next day. Monday. The witness objected to going beyond London, but Bailiff Stewart replied that Deputy Marshal Wyatt had instructed him to bring the prisoner to Louisville, and took him on."

The Chairman. Is that a memorandum that was given to Mr. Chase for the purpose of aiding him in the investigation?

The Witness. Yes. [Continuing to read:] "Warrant had issued some months previous; perhaps 1875."

"In the latter part of June, 1876, Gilmore House, of Clay, was taken to Louisville, kept a day in London, but, as warrant issued in Louisville, was taken on to latter city."

Of course I do not claim to know personally any of these things.

The Chairman. If you find among your papers the memorandum which you took in reference to the case to which Chase referred (the arrest made in Marshal Murray's office, and the mileage charged from the prisoner's home), will you furnish it to the committee?

The Witness. I will, if I can find it. I should think that Mr. Chase would have all these papers. He told me that they were his private papers.

Mr. Fyan. Did I understand you to say that the Attorney-General promised you that these papers should be filed?

The Witness. I made the request, but I never received any information that they were filed.

By the Chairman:

Q. From your observation in the State of Kentucky, when you have been traveling through different parts of the State, and from the letters which you have received from your constituents and others in that State, what information have you to give to the committee as to the existence of a system of frivolous arrests and prosecutions under the internal-revenue laws of the United States, during the time covered by the administration of Marshal Murray, and up to the present time?

A. The information which I had, and I think the prevalent belief in the State of Kentucky was, that there was collusion between the district attorney and the commissioner and the marshal for running up fees against the Government, and that, instead of attempting to execute the laws where the Government was losing the most money, they devoted their time to hunting up cases which would bring in the most fees.

Q. And those against what class?

A. Against the poorest and most humble class in the State.

By Mr. Fyan:

Q. And to the neglect of the prosecution of the powerful combinations where there was most likely to be the

greatest incentive to actual fraud against the Government?

A. That was the belief in Kentucky; and I must say, from all the evidence that came to me, that I was inclined to believe that was true.

By the Chairman:

Q. Were those abuses confined to any particular locality?

A. No, sir.

Q. They were general throughout the State?

A. I think so.

Q. But more flagrant, I understand you to say, in the parts most remote from the city of Louisville, where the court was held?

A. It seemed so, taking into consideration the sparsely populated region, the number of arrests and the number of releases, in which no case could be made out. That did not deter them from going right ahead with arrests, because the arrest of an innocent man gave them as much of fees as the arrest of a guilty man, and they had a good deal less trouble with the innocent man.

Q. Do you know when those abuses began?

A. I never heard of them, that I can recollect, until 1872, when I was assistant in canvass for Presidential electors. They may have existed before that time. I was a school boy at that time. I was in Michigan University within ten days after the election. They may have existed more or less up to this time, I suppose, from the accounts that reach me, but in a very much less aggravated form during the last year or two than previously.

Q. You spoke about the citizens of Kentucky exhibiting great forbearance toward deputy marshals, in view of their conduct. To what did you refer?

A. I refer to this: In the city of Louisville, for instance, there is a distillery which makes daily four hundred barrels of high wines. No one can tell within twenty-five gallons how much they make daily. By measuring the whisky after it is made, and weighing the grain before it is distilled, and by mathematical calculations they approximate the quantity, but still they cannot tell exactly how much is made. The belief is that the collectors in the districts where those large distilleries exist are appointed through political influence, without regard to party, and with recommendations of the distillers themselves. I believe that their subordinates, storekeepers and gaugers, in many instances are appointed by the same influences. The fact that the distillers make so much whisky, can ship it out of the country without paying any tax, and that they have so much machinery around them, so much whisky in bonded warehouses, under the guard of certain individuals appointed under those influences which I have named, the fact that there are seldom any arrests for frauds in these distilleries, or that any irregularities are even hinted at, where it is believed there is so much inducement to commit fraud; and the further fact that in the remote localities arrests were so very frequent—and that a class of persons who have no inducement to violate the law for money making, but who sell a pint of whisky, or who take an old tea-kettle and gun-barrel and make a quart or a gallon of whisky—all these facts tend to much suspicion. Every man who can be found who punched a fire, or who carried a bucket of water to drink where any of this stuff is made, is technically a violator of the law, and every one of these fellows is hunted up.

Mr. Van Alstyne. Or if he sells any grain to these illicit distilleries?

The Witness. Yes; or if he sells any grain to them. All these fellows, I say, were hunted up and taken to the remotest part of the State. This has made an immense feeling in many parts of the State—a feeling that on the one hand there is no disposition to ferret out the frauds of the big distilleries, where great frauds may be committed, and to prosecute for petty violations of the law where the Government can not possibly lose anything of account. That has made a good deal of feeling. I have said that I am surprised, when all the facts are considered, that there is no more resistance than there has been. These men, as a rule, yield readily, with the deputy marshal, and frequently go without any deputy marshal accompanying them. They go simply on their honor, and report at Louisville for trial, and submit to the penalty. That is what I allude to. I think they have been remarkably law abiding, when all the facts are considered.

By Mr. Van Alstyne:

Q. Did your observation, or the information which you have derived from complaints, go to the extent of enabling you to say whether these complaints were founded principally upon confessions derived from some of the parties accused, or did the complaints rest upon direct proof—*aliunde* to the parties accused?

A. If I understand you correctly, I would say that many times it was believed that the warrants were issued on the statement of parties wholly irresponsible, of parties who had some personal difficulty with the persons complained against, or who wanted a free ride, at the Government expense, from remote localities to the city of Louisville, as witnesses. Is that any answer to your question?

Mr. Van Alstyne. I accept it as an answer; but I thought it likely enough that there would be espionage, and that these officials might get hold of some simple fellow and get a confession from him on which to base charges.

The Witness. I have heard of such