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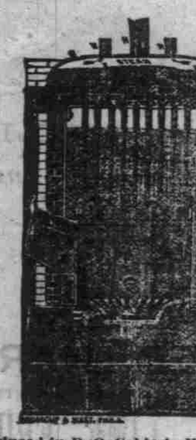

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EVENING NEWS.

Saturday, May 17, 1884.

THE MURRAY INVESTIGATION.

TESTIMONY BEFORE THE SPRINGER COMMITTEE.

REPRESENTATIVE WHITE'S APPENDIX.

[CONCLUDED.]

Q. Previous to 1876 what was his character for truth and veracity in the neighborhood in which he lived?

A. In the neighborhood in which he lived?

Q. Yes; in Louisville.

A. I knew him only in a general way as a deputy marshal, and I don't know that I ever heard any discussion about it one way or the other until those differences arose there at Louisville in connection with the marshal.

Q. Had you previous to that ever heard anything to his discredit?

A. I think not.

Q. You knew he was a deputy marshal there?

A. Yes.

Q. You saw him frequently about the courts?

A. Yes; I saw him about the court building very often, and knew of no change in his position there until he was discharged by General Murray.

Q. Do you know whether he enjoyed the confidence of the bar, and of the court during his connection with it?

A. I can only say that up to this disturbance I never heard anything one way or the other about him in that regard: and probably it is a fair answer to your question to say that after that he did not enjoy the confidence of all. To what extent I do not know; my intercourse with him was purely official; I only know that after Mr. O'Neill was appointed marshal I was in the court one day when the judge of the court made an order, which was announced, reciting that Diven was not a proper person to be a marshal, and removed him.

Q. that was on the motion of Marshal Murray?

A. I do not know.

Mr. Stewart. Is that a question or statement.

The Chairman. I am asking the question.

The Witness. I do not know anything on the subject. The first that I knew of it was the announcement in court. If it would be proper for me to state it, I can tell you the estimate in which the district judge, Judge Ballard, held him.

Q. You may state that. I do not know what estimate anybody had of him; I am asking for information.

A. Frequently after the troubles commenced, I heard Judge Ballard say that he had entirely lost confidence in him as an officer and a man. But I ought to say that I have no personal knowledge of Mr. Diven's habits and ways other than as I would see him backwards and forwards about the building.

By Mr. Van Alstyne.

Q. Did Judge Ballard make any explanation in connection with his statements about Diven?

A. I can answer generally that he did. I can tell you what he said if you desire it, as far as I remember it.

Q. I suppose that would illustrate his view more definitely.

A. Well, Judge Ballard came to the conclusion, at least I heard him so say, that Diven's conduct in and about these charges against General Murray was influenced by very bad motives on his part; that he had become enraged because of his discharge from his position as deputy, and that he set out for the purpose of seeking his revenge upon the marshal. Judge Ballard had the highest confidence, perhaps I should say in that connection, in the integrity of General Murray and perhaps did not regard with patience the assaults made upon him. I never heard Judge Ballard say anything in reference to Mr. Diven except in connection with his conduct arising out of these charges.

By the Chairman:

Q. You never heard anything to his discredit except as you have stated?

A. No; I never heard anything about him one way or the other, except in connection with this matter.

Q. Are you acquainted with Representative John D. White, of Kentucky?

A. Yes, sir.

Q. What is his reputation in that State for truth and veracity?

Mr. Stewart. I don't know that I ought to object to that question, but I do not think it is proper.

The Chairman. He has been charged with having lied here, and I think it would be well to protect him, as he is a member of the House.

Mr. Van Alstyne. I think as a member of the House his reputation ought to carry the presumption that it is above suspicion. It has been assailed only incidentally by Governor Murray. If Mr. White wishes to defend himself against that assault, let him seek the opportunity. I do not think the committee need to follow it down.

Mr. Stewart. I think it is quite improper. It is charge against charge. Mr. White has charged Governor Murray with certain acts of malfeasance in office, and Governor Murray repels the charge and says it is false. I don't think that lays a foundation for such a question.

The Chairman. I have no objection to that view. Mr. White has not been apprised, so far as I know, of these charges of Governor Murray, unless he has seen them in the papers.

Mr. Stewart. Well, they make a fair offset against each other; Mr. White charged Governor Murray openly with being a scoundrel.

Mr. Wilson. It was announced yesterday morning that Mr. White would be here, and I expressed a desire that he should be here.

Mr. Hemphill. I do not think we can go into details as to the character of all our witnesses, or we shall never get through.

By Mr. Van Alstyne:

Q. Did you understand from the conversation you had with the Attorney-General that a political necessity did exist for the retirement, of General Murray from the office of marshal of Kentucky?

A. He did not say so.

Q. Did you draw it as a legitimate inference from what he did say that that was his view?

Mr. Stewart. I rather object to that form of inquiry. Judge Harlan can state whatever the Attorney-General said. That is proper.

The Witness. I have not the slightest objection to answering the question.

Mr. Van Alstyne. He has stated in substance that he informed the Attorney-General that if a political necessity did exist, then marshal Murray would tender his resignation.

By Mr. Van Alstyne:

Q. Did you draw the inference from your conversation with the Attorney-General that that was the purpose or desire of the Attorney-General?

A. I recall at this time very distinctly the conclusion that I reached upon my visit to Washington on that occasion. From what occurred here, added to what I had heard and believed before I came here, my conclusion was that there was a purpose, on political grounds, to get rid not only of General Murray but of Mr. Wharton, the late district attorney. I am entirely willing to state why I thought so, if the committee desire it.

Q. Civil service had not obtained to any extent at that time. But that office does not fall within the line of the civil-service rules?

A. No.

By Mr. Wilson:

Q. You have been asked whether Henry Diven associated with the members of the bar. I will ask you whether he was of the social standing which made him an inmate familiar associate in any way of the members of the bar, or whether he was simply a bailiff?

A. I have not meant to say that he associated with the members of the bar in any other way than as an ordinary deputy sheriff or deputy marshal would be brought in contact with the members of the bar in and about a court of justice.

Q. He was not a social acquaintance of any member of the bar, so far as you know?

A. No; not that I know of.

Q. When you talked with Judge Ballard did you find that he knew the facts of the Livermore case and McCord case that you have been asked about?

A. Yes; I will say generally that he seemed to be informed of the facts connected with all the charges that were made. I do not recall one more than another; I preserved no papers in connection with the matter, and dismissed it from my mind long ago.

By the Chairman:

Q. I see in Mr. George K. Chace's statement that he says a letter was written to Marshal Murray by Attorney-General Taft, requesting his resignation; and he further says it was on account of these charges in the Diven statement. Did you ever learn of a letter of that kind having been addressed to Marshal Murray; and, if so, was it shown to you?

A. The question recalls to my mind some facts which I had omitted in the opening statement. I am quite sure that I saw that letter requesting his resignation. My recollection is that it said in substance to General Murray that his resignation would be accepted; which I interpreted, as any one would interpret it as a request to resign, whether I saw that letter at Louisville or here I do not now recall, but in the course of conversation with the Attorney-General, after he had expressly disclaimed any purpose to reflect upon the official or personal integrity of General Murray, I said to him in substance that "one difficulty in the way of his sending a resignation was the fact that you have suggested to him that you desired his resignation." "I take it for granted," I said to him, "that this letter is on the files of your Department, and that hereafter, when you have retired from office, your successor and others will find there such a letter, and it will be unexplained; and I see difficulty in the way of General Murray sending a letter of resignation so long as that letter is unrecalled." The Attorney-General said, very promptly, "Well, just consider it withdrawn." "But there it is on the files of your Department," said I. He replied, "Well, I will meet that difficulty; I will tear it out, or have it torn out." I said that would be satisfactory.

Q. It does not appear in the papers anywhere that the Attorney-General did so, but I suppose he did withdraw it from the files?

A. Yes; I never saw it in the letter-books or files office, but I do not doubt that I saw the letter which was sent to General Murray.

Q. Did it state the reason for asking his resignation or saying that they would accept his resignation?

A. No, sir; my recollection is that there was no reason assigned at all.

Q. And that letter the Attorney-General stated that he would withdraw or tear from the files?

A. Yes, sir. Of course General Murray, and I naturally as his counsel, attached some consequence to the letter, even in that form, in view of that fact that an agent of the Department had been to Louisville; and that is why I came here as General Murray's counsel to know what the charges were, and to meet them.

There is a matter that escaped my mind I suppose it is proper I should state. I do not know what bearing it may have one way or the other. When General Murray's name was sent to the Senate as governor of Utah (the date I do not now recall), it was published in the papers that somebody had filed some charges before one of the committees of the Senate in reference to his conduct while he was marshal of the State of Kentucky, and I received a telegram from him requesting me to go to the Department of Justice—that was the substance of it—and inquire whether any charges had been made there against him as marshal, or any report had been filed affecting him in any way. I did call at the Department of Justice to inquire whether any agent or officer of the Department had filed any report affecting General Murray's conduct as marshal for the State of Kentucky, and the response was that there was no such report on file.

By the Chairman:

Q. Who was the Attorney-General then?

A. General Devens.

Q. What time was this?

A. I do not remember the date, but it was toward the close of Mr. Hayes's administration.

Q. That was Governor Murray's second nomination?

A. No; it was his first. I believe his name was first sent to the Senate for Governor of Utah by President Hayes.

Q. Was not that in the early part of his administration?

A. I think not.

The Chairman (to Governor Murray). In what year were you nominated as governor of Utah?

Governor Murray. In 1880.

That was the time. It was when his name was sent to the Senate that I made that inquiry for him. That is the only other fact I recall that seems to bear upon the matter in any way.

Hon. John G. Carlisle, the Speaker of the House of Representatives, appeared and was examined.

By Mr. Wilson;

Q. You were a member of the Kentucky bar, and residing in Covington during the administration of General Murray as marshal of that State?

A. Yes, sir; during the whole time.

Q. Are you acquainted with his reputation in Kentucky as an officer and as a gentleman of integrity? If so, please state what it is and what it was in 1876.

Mr. Van Alstyne. Before the Speaker answers that question I wish to say, Mr. Chairman, that it strikes me that we are going a little outside of the record.

The Chairman remarked that Governor Murray had put his character in issue.

Mr. Wilson said the reason he offered this evidence as to character was that, although these charges had gone out to the country, there was really no evidence of fact in the record to be answered, no testimony at first hand from any witness who knew of any improper act of Governor Murray while he was marshal of Kentucky—nothing but hearsay and hearsay in the third degree.

After a brief discussion it was decided to hear the testimony.

A. I think I know what General Murray's reputation was in in Kentucky at that time and what it is now. I think he stands as high as almost anybody in the State as a gentleman of integrity and veracity, officially and otherwise. When I say almost as high I mean that perhaps he is not at the very highest in the estimation of some, but his reputation is as good as anybody's. Every man has some enemies, some people who will disparage him, of course.

By the Chairman:

Q. Have you practiced law much in Louisville?

A. I am not able to say that I have practiced there very much though I have practiced there frequently in the courts during the time Governor Murray was marshal and since.

Q. Are you acquainted with Henry Diven, who was one of the deputies in that court for nine years?

A. If I ever saw Mr. Diven more than once, to know him, I have forgotten it. I may have seen him, and probably did see him frequently about the court, but did not know who he was. On one occasion, I remember, a gentleman that I took to be Mr Diven—and who perhaps told me his name at the time—came to talk to me about some charges that he had against General Murray; but this was after General Murray had resigned the office and while Mr. O'Neill was marshal.

Q. And you are not acquainted with him?

A. I am not acquainted with him at all, sir

House of Representatives,
Washington, D. C., April 7, 1884.

Sir: Having learned that Mr. Justice Harlan and Mr. Speaker Carlisle have testified before your committee in behalf of Governor Murray, and that with their testimony, in connection with Governor Murray's own statement, your committee proposes to close the investigation concerning the expenditures in Kentucky during Governor Murray's stewardship for that State; and, furthermore, having learned from yourself that the testimony of Governor Murray in his own behalf controverted statements made by me when summoned before your committee, therefore I respectfully suggest, if there remains any doubt in the minds of the members of the committee on expenditures in the Department of Justice as to the fact that there was collusion between G. C. Wharton and Eli H. Murray, late United States district Attorney and marshal for the State of Kentucky, through a corrupt and oppressive system of their own choosing, by which numerous prosecutions were instituted for the most trivial violations of law, the arrested parties being taken unnecessarily long distances and subjected to great inconvenience and expense, in order to make costs against the United States and increase the fees of the officers, that you summon the following named persons to testify before your committee:

1. Mr. Samuel Crall, Louisville, Ky., who, being clerk of the United States court, should be able to exhibit the records of the court during Murray's and Wharton's term of office.

2. Hon. H. F. Finley, Williamsburg, Ky., who is judge of the fifteenth Kentucky judicial district.

3. Hon. C. B. Faris, United States commissioner, London, Ky.

4. Maj. T. T. Wood, United States commissioner, Mount Sterling, Ky.

5. Col. W. A. Bullitt, Louisville, Ky., late assistant United States district attorney, under G. C. Wharton, for Kentucky.

6. Hon. Alphonso Taft, ex-United States Attorney-General, through whom Wharton was removed and Murray permitted to resign on account of the investigation of their official conduct by G. K. Chace, general agent for the Department of Justice.

7. Mr. A. J. Auxier, Louisville, Ky., United States marshal for Kentucky, who could show the records of his office.

8. Col. John H. Ward, attorney at law, Louisville, Ky.

9. Hon. Samuel McKee, attorney at law, Louisville, Ky.

10. Hon. Walter Evans, attorney at law, Louisville, Ky., prior to his appointment as commissioner of Internal Revenue.

I have the honor to subscribe myself, very respectfully,

JOHN D. WHITE.

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