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EVENING NEWS.

Thursday, May 8, 1884.

THE MURRAY INVESTIGATION.

TESTIMONY BEFORE THE SPRINGER COMMITTEE.

REPRESENTATIVE WHITE'S APPENDIX.

[CONTINUED.]

WASHINGTON, D. C., Jan. 30, 1884.

John D. White, a Representative from the State of Kentucky, appeared before the committee, and was examined as follows:

By the Chairman:

Q. What district of Kentucky do you represent in this Congress?

A. I represent the tenth district now. It is a part of the district which I represented in the Forty-fourth Congress.

Q. How long have you served in Congress.

A. This is my third term. In my other terms I represented the ninth district.

Q. In what part of the State of Kentucky is that district located?

A. In the southeastern portion of the State.

Q. Is it remote from Louisville??

A. Rather. In the Forty-fourth Congress I had twenty-three counties in my district, I believe, beginning with Montgomery, which is about twenty-five miles (the nearest line of it) from Lexington, Montgomery being a blue-grass county. The rest of the counties in my district were mountainous. At present I represent that blue-grass county and Clark County, which was added the year before last from Mr. Blackburn's district; and five of the mountainous counties were cut off; four of them being attached to Mr. Blackburn's district; and five of the mountainous counties were cut off, four of them being attached to Mr. Thompson's district and one to Mr. Wolford's district.

Q. Since you have been a representative in Congress have you been informed of the existence of any abuses or irregularities in the administration of the office of United States Marshal and of United States deputy marshals?

A. When I was first elected to Congress I was a mere boy. I had never held any public office before, and was not acquainted with the manner of conducting public business. I knew scarcely anyone in Washington. But very soon I began to get letters complaining of the conduct of deputy marshals as they were executing the law in my district.

Q. In what year was that?

A. That was in 1875, I think. These complaints were so numerous, and the offenses seemed to be of such a petty character, but so frequent, that I concluded to take the matter to some of my friends. I do not know but that I went to the President with it first (not knowing that I ought to have gone to the Department of Justice), and told him of the arrests that had been made for such little offenses, as, for instance, selling a few pounds of tobacco which a man had raised on his own farm. They would arrest that man in Pike County, as far as they could get from Louisville, and take him to Louisville, stopping on the way and putting him over night in jail. And that, too, was being done by such drunken deputies as one man of the name of Wyatt, who figured conspicuously in that section of the country. I recommended a general pardon for such petty offenses where, for instance, a man had been arrested on a warrant for an offense that was two or three years old, such as selling a pint of whisky, or a few pounds of tobacco, or small offenses of that character. I thought that if a general pardon could be granted and a new order of things started in Kentucky it would give satisfaction to the people at large. I said that these men were being harassed in a way that was liable to lead to a serious trouble. The President very politely suggested that I should get the names of the parties, and he referred me to the Attorney General. The Attorney General heard me patiently and referred me to the district attorney of Kentucky, who was at that time Mr. Wharton. I had never met Mr. Wharton, but he had written me such a flattering letter when I was elected to Congress that I presumed, perhaps, a little on his anxiety, as well as my own to allay any trouble that might be brewing in Kentucky from these annoyances. So I unbosomed myself to him. I told him that I would like to know the names and residences and offenses of persons charged with these petty offenses, and that I was seeking a general amnesty for them. I said I hoped that he would furnish that information, and if he could do so consistently, recommend such amnesty. I never received any reply to that letter. The thing went on for some time. These letters still came in to me from different parts of my district. For instance, I remember a case of this kind: A man named Adams, living in Letcher county (at the farthest part of it almost from Louisville), was arrested on a warrant in which he was not named at all, but which contained his brother's name. He protested that he was not the person named in the warrant, and that he could identify himself by his neighbors, but he was not allowed to do so. He was taken all the way from his home to the city of Louisville and, of course, as soon as he identified himself there he was dismissed and allowed to go home at his own expense. I suppose that, if you were to look through the accounts of the marshal you would find that the fees were charged for that arrest. A case of that kind was considered a very annoying thing for a Federal official to permit, and of course I had to complain about it. At that time I had never met Mr. Murray nor Mr. Wharton. I did complain to the Attorney General, and asked for an investigation of that whole matter.

Q. Have you a copy of the letter which you sent to the Attorney-General?

A. I do not know that I have: but I suppose it is on file in the Department of Justice. I am quite sure that I wrote to the Attorney-General; or, if not, I talked to him very freely, urging an investigation of the whole business, and saying that doubtless there was something wrong down there. I did not know who was responsible, but I knew that there was something wrong when men could be arrested in Letcher County and taken to Louisville, a distance of over two hundred miles, going right past the office of a commissioner, for there was a commissioner at that time at London, which is about one hundred and fifty miles from Louisville.

Q. And within fifty miles of the place of arrest?

A. It must be two hundred and fifty miles from Louisville to where that man was arrested in Letcher County. He would have to ride on horseback from Letcher County through London, as a rule, in order to get to Louisville. Of course one could go around London, but the ordinary course of travel would be through London. There was a United States commissioner there at that time. The deputies would not stop there to have the preliminary examination of a man, but would take him to Louisville to have him examined there. The commissioner at London could have bound the man over, or, if he were found not guilty, could have discharged him and let the man go back home. The man himself would have the benefit of being able to have his witnesses there and of being able to get bail. Of course the latter these county marshals got a poor fee, allowed from home that [illegible] went to the expense of going to and from or giving bond. The same thing happened if a man was arrested in Floyd County, or Pike County, or Magoffin County. The marshals would take him through Mount Sterling, where there was a commissioner, and would bring him to Louisville, which is perhaps one hundred and twenty-five miles beyond Mount Sterling, and would charge mileage for themselves and guards and prisoner. It seemed to me (and it was so pointed out to me) that the object was to run it up to compliment the [illegible] to the fourth time when I went to the President. He referred me, as I say, to the Attorney-General, and the Attorney-General referred me to Mr. Wharton, to get the list of the names and residences and offenses of persons charged with these petty violations of law. But nothing was done. At the next convention which met at Louisville (which was Mr. Hayes was nominated for the Presidency) I was introduced to Mr. Murray, and I think to Mr. Warton, for the first time. Mr. Murray complained to me particularly about this investigation, saying that it was calculated to do him harm.

Q. What investigation—one which the Attorney-General had instituted in his office?

A. No; the one that I had asked for. He led me to believe that there was nothing to the matter. But the continued complaints that I received, till the last that I had already asked an investigation, led me to send my [illegible] I told him I had nothing against him personally, but that there was something going wrong through his deputies in my district unquestionably, and the I could not ask to have the investigation stopped. I said that I had asked for the investigation, and that, so far as I was concerned, it should go on. A short while after that Mr. George K. Chase, as I understand, was appointed to go to Kentucky and make an investigation. He called upon me and informed me of his mission, saying that he was the man appointed to go, and he asked me to make some suggestions. I told him that all that I knew was what I had heard from my constituents in the form of complaints, but I wrote to him this letter:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 15, 1876.

SIR: In compliance with your request that I should give you the names of some persons in my district who could aid you in discovering what irregularities, if any, have been practiced where parties were charged with infractions of the United States Internal-revenue laws, I have to say that I can only name a few persons, who will give you, as I suppose, all the information desired concerning the object of your mission. You should go to London, Ky., and after consulting with Mr. C. B. Fairs, United States court, call such persons for examination as he may name.

You should see Maj. A. T. Wood, of Mount Sterling, Ky., (who was then a commissioner) and inform him of the result of your investigation of the matter referred to in this letter. He doubtless can name persons whom you should examine.

I suggest that your investigation should cover the following points, as well as others which may possibly suggest themselves to you, namely:

Whether persons arrested have been imprisoned (in jail) before their cases were examined into or tried.

Whether persons arrested have been taken, say, to Louisville or other distant points, when their cases could have been examined into by a United States commissioner who may have resided near to where the arrest was made, who could have held over, admitted to bail, or discharged the party arrested.

Whether persons arrested must be taken before the officer issuing the warrant for examination, regardless of expense, inconvenience, and hardship attending such a course.

This, I understand, is the ruling of the United States district attorney for Kentucky, and I desire to know by what authority he makes such ruling.

Require a statement from the United States district attorney for Kentucky, giving the names, county of residence, by what deputy arrested, by whom warrant was issued, before whom examination was held, disposition made of the person arrested, for what arrested, from —— to July 20th, 1876. In short, have the district attorney and the marshal done no more than their duty?

JOHN D. WHITE,
Member of Congress, Ninth District, Kentucky.

Mr. G. K. Chase,
Department of Justice.

Q. Did you get any reponse to the letter?

A. There was no response necessary. I had been complaining for some months to the Department of Justice, but no action had been taken until along in July, when Mr. Chase was designated to go to Kentucky to make an investigation. As I had asked for the investigation which led to Mr. Chase's appointment, I suppose he thought I could give him some points, so he called upon me, and these were the best I could give him. I had no prejudice in the case, and had no desire to injure the marshal or the district attorney, but simply to stop (if it could be done) sending drunken deputies out with blank warrants to arrest men for no other purpose seemingly than to run up costs against the Government.

Q. You spoke of drunken deputies coming to your district.

A. Yes. This man Wyatt (I never saw him, but I understood that he was the marshal's right hand man for the mountains) was frequently in my district, and I could hear of him being drunk nearly everywhere I heard of him.

Q. You speak of blank warrants. What do you mean by that?

A. I never saw any of the blank warrants; but my understanding of the way that arrests were made was this: They had warrants that were issued in Louisville for the prisoner to be returned to Louisville, and no names were inserted in the warrants until the deputies got where they could arrest a man against whom there was a charge, and could find a witness or two who wanted to go to Louisville at the government expense. Then they would put the man's name in the warrant and arrest him. That is my understanding of the way it has been done for years, and I can assure you that it has not done the executive department of this Government any credit, without regard to any political feeling.

Q. You mean in your locality?

A. I mean in the whole State as far as I am informed. Of course, I heard more complaints from my district than from elsewhere; but my understanding is that that is the rule throughout the whole State. Until after this investigation by Mr. Chase, it was the rule to bring prisoners to Louisville, no matter in what part of the State they were arrested, although there were a good many United States commissioners holding office throughout the State before whom they might have been brought. The cases tried before these other commissioners were very few.

Q. Everything seemed to have gravitated to Louisville?

A. Yes. I might show you that the Commissioner of Internal Revenue recognizes this fact now, even if he did not then. In his report to the Secretary of the Treasury, November 25, 1881, he says:

"The district attorney is made the judge of the propriety of commencing a criminal prosecution against a citizen on account of which he and the marshal will receive pay from the Government whether the party be guilty or innocent. These officers may prefer complaints against citizens, cause United States commissioners to issue warrants, may arrest and examine the parties before the commissioner, and the district attorney, marshal, guard, witnesses, and the commissioner will all get their fees from the government even though the party arrested be discharged."

That is just the way I have mentioned about the man Adams who was arrested in Letcher County, when the warrant called for the arrest of his brother.

The Chairman. And he protested that he was not the person named in the warrant at the time of his arrest?

The Witness. So I am informed. The commissioner of internal revenue further says:

"Instances have been brought to my attention where numerous prosecutions have been instituted for the most trivial violations of law (it was a general amnesty for these trivial violations of law that I was seeking, and, as I understand, it was such an amnesty that President Hayes granted in Georgia and some other Southern States), and the arrested parties taken long distances and subjected to great inconveniences and expense, not in the interest of the Government, but apparently for no other reason than to make fees."

[To be Continued.]

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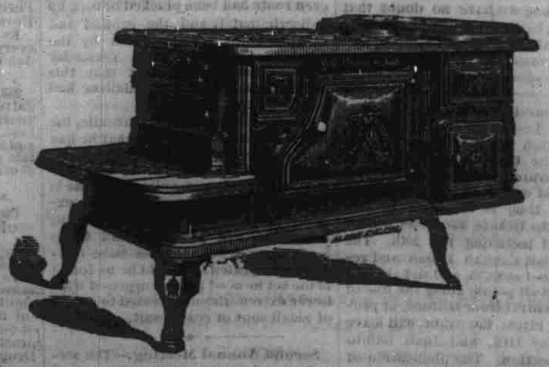

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