

THE MURRAY INVESTIGATION.

TESTIMONY BEFORE THE SPRINGER

COMMITTEE ON THE INVESTIGATION

OF THE ALLEGED VIOLATIONS OF THE

REPRESENTATIVE WHITE'S APPENDIX.

[CONCLUDED.]

A. No, sir; he admitted some of them

and amended one, the McCord warrant.

Q. What did he say in regard to that?

A. He admitted that, Diven's state-

ment was true, and amended his

charge against the Government in that

case accordingly. I had the original

McCord warrant with these papers,

and there was another paper with the

newspaper charges which I do not see

here.

Q. The statement with regard to Mc-

Cord is this: "On December 1, 1876, Mr. McCord

was brought to this city (Louisville)

from Livermore, charged with having

deposited in the post office for the pur-

pose of being carried by mail certain

circulars concerning illegal lotteries.

In relation to that case I would state

that the prisoner, McCord, was brought

here by a private citizen from Liver-

more without any warrant, and with-

out the marshal's knowledge. The

marshal charged for going for him and

bringing him with a guard. The mar-

shal himself returns on the back of the

warrant fees to the amount of \$2.60."

Did you call Marshal Murray's at-

tention to that statement?

A. I did. I showed him the original

warrant in his own handwriting all the

way through, and he admitted that

there was no guard, but he said that

that was the only way he could pay Hack-

ett, who brought the prisoner down.

Q. Hackett was not a deputy mar-

shal, was he?

A. No, but he was the man who

brought the prisoner down. That mat-

ter comes to my mind from reading a

letter of Mr. Wharton's here.

Q. Who was Hackett?

A. I do not remember.

Q. He was not an officer of the Gov-

ernment?

A. No, sir; I think he was a post-

master.

Q. Did the marshal say that he had

paid Hackett any money for bringing

the man down?

A. He claimed that he had.

Q. Did he present any vouchers from

Hackett?

A. No, sir; but he claimed that he

had paid him \$30.

Q. That would not cover the charge

of \$32 that he made against the Gov-

ernment in that case?

A. No, sir; but he amended the charge

and charged only \$26.

Q. He amended it after you had called

his attention to it?

A. No; he had amended it before.

Q. The fact had been made public in

advance of your going?

A. Yes, sir; through the newspapers.

Q. Did he present this charge of \$32

in his emolument returns?

A. I think not. He withdrew it.

Q. You say the marshal justified the

charge on the ground that he had to

pay Hackett?

A. Yes, sir; on the ground that he

had to pay Hackett \$30 for bringing the

prisoner in.

Q. Did he explain why the balance of

\$32.60 was charged?

A. No, he could not explain it. I had

the return in his own handwriting, and

it was with these papers, and I do

not know where it is now.

Q. Did you return that original paper

in his handwriting to the Department

of Justice?

A. Yes, sir; it was with these other

papers; it ought to be here.

Q. Is it not now among them?

A. It is not among them.

Q. That return, you say, was in the

handwriting of Marshal Murray?

A. Yes, sir; the indorsement on the

back was.

Q. How long was it after the in-

dorsement was made by him making

this charge for service which was not

performed, that he corrected the ac-

count?

A. I am unable to state, but I think

the change in the account was the result

of the newspaper article.

Q. A publication in the Louisville

Courier-Journal.

A. No; in the Argus, I think.

Q. Do you remember the facts con-

nected with the arrest of certain citi-

zens at Lexington, referring to this

passage of Mr. Diven's statement:

"In June (or July) the judges of elec-

tion refused to receive the votes of ne-

groes who had not paid their poll-taxes.

Gen. James H. Robinson, Dr. Chipley,

J. H. Cochran, John C. Young, M.

Fourchee, John Mars, John Snyder,

Rees and others were arrested by M. T.

Athey, a deputy marshal, and all came

down together to Louisville without

guard. The marshal charged for guards

with most of them."

Do you remember that case?

A. Yes, sir; Mr. Diven brought me

someone who testified in relation to

that. I sent up for some one to that

place, who came and satisfied me that

the statement was correct. I think the

district attorney states in his report

that there were no guards. I did not

charge my mind with this matter, be-

cause when I got the information I got

it all together. Mr. Murray's friends

made strong efforts to have him retain-

ed and a settlement made. He was

asked to resign. Then he came up here

and the letter was withdrawn, and he

resigned; and I was told not to make a

report, and I did not make a report.

Q. You simply filed those papers?

A. I did not file them; I just left

them there in my desk in the Depart-

ment.

By Mr. Ryan:

Q. Who told you not to make a re-

port?

A. Well, sir, the Attorney General.

By the Chairman:

Q. Who was the Attorney General at

that time?

A. Judge Taft.

Q. State what was the nature, gener-

ally, of the irregularities which you

found in Marshal Murray's office.

A. Well, I became satisfied there was

an arrangement between Henry Diven

and the marshal to this effect: That

Diven was to get about a case a day

against some person for alleged viola-

tion of the internal revenue law, and as

he stated it to me, he would go into a

place even where he knew the man had a

license, and would look about and say,

"Well, you have not any license." The

man would say, "Yes, I have; I have

got it here in my case." "Well," the

deputy would say, "you ought to have

it in a prominent place. You have

been reported about it up at the mar-

shal's office," and then he would tell

the man to come down to the office at

1 o'clock, or 2 o'clock, or whatever the

hour might be, and he would go to

Mr. Merriweather, the commissioner,

who would give Diven a blank war-

rant, and Diven would fill it up, and

that would cost the Government \$10,

\$15, or \$20. There would be really no

case, and it would, of course, be dis-

missed.

Q. They intended, you think, to have

about one case a day, so as to keep

business going?

A. Yes, to keep it going and to keep

grinding it out. The commissioner

would get his fee, and the witness would

get his fees. Some person would put

in a fictitious name, if the attendance

was before the commissioner, and the

marshal would get the fee, and they

would use certain names frequently.

"Brent" was one name that they used,

and they would use different other

names as the names of the persons

who attended before the commissioner,

and would charge \$2 for each of them.

I went to those people and got a state-

ment from them that they had never

been before the commissioner at all.

Q. Who got the benefit of that fee?

A. It went into Mr. Murray's ac-

count, or that of his deputy, whoever

made the service.

Q. What interest did Murray himself

have in that fee?

A. I think he had 50 per cent. of the

deputy's earnings, but toward the last

it came about that he cut Diven down.

He was not satisfied to let Diven make

his fee by serving the warrant himself,

but he wanted to fix him on a regular

salary, and then they broke, and Diven

gave the information to the newspa-

pers, which was given to Mr. White,

and Mr. White brought it to the notice

of the Department.

Q. To what extent was that practice

carried on to which you have just re-

ferred?

A. My impression is that it had run

for two or three years—two years, at

least.

Q. Were there any other persons in a

similar business to that of Diven work-

ing up cases in other parts of the State?

A. I think the deputy marshals in

other parts of the State, and all over

the State, were engaged in the same

business.

Q. What was the tenor of the state-

ments made by those deputy marshals

as to the kind of business that they had

been carrying on?

A. They thought it was perfectly

right, if a man violated the internal

revenue laws, even technically to make

complaint against him, and there was

no other way the marshal could make

his fee, and that it was purely to make

money. That is the truth about the

matter.

Q. I see the following statement in

Mr. Diven's affidavit: "A deputy

marshal is allowed to make

\$3,000 a year, which would

be \$1,500 for six months. When

they came to make up the fee-bill for

six months, if it is found that the de-

puty has made \$2,000, for instance,

instead of \$1,500, during the six months,

the extra \$500 is transferred 'nominally

to some deputy who has not made up

the allowance. That deputy never gets

the extra amount allowed him, as

shown by the rolls. The emolument

return ought to show exactly what the

deputy makes for each six months, but

the deputy has been required to sign

the emolument return in blank."

What did you ascertain about that?

A. That statement I found to be

true.

Q. Suppose the extra amount was

\$500, who would get the benefit of it?

A. The marshal would get the benefit

of all the money there was in it; the

marshal himself.

Q. So the return would show that

the deputy had earned only \$1,500 for

the six months?

A. Yes, sir; the marshal required all

his deputies to sign the emolument re-

turns in blank.

Q. Would any deputy not having earned

the \$1,500 get the benefit of it as if he

had earned it?

A. No, sir.

Q. Who would get it?

A. I think the marshal would get

it.

Q. How extensively was that practice

carried on?

A. I don't remember; I saw a num-

ber of deputies, and they told me that

they had signed in blank. I never went

into it though otherwise I would have

done. The moment this information

came, and it was decided that the man

had to go, it was dropped.

Q. In making your information what

did you learn in regard to the alleged

practice of arresting persons in remote

parts of the state and taking them past

the place where the United States com-

missioner resided to the remotest

commissioner, for the purpose of mak-

ing mileage?

A. I have no doubt that that was

done.

Q. Was that an extensive practice.

A. I think so. It was done for the

purpose of making fees.

Q. Did that practice inure to the

benefit of the marshal in making his

emolument return? But he claimed

to have no knowledge of these things.

A. Everything was put on his chief

deputy, Farley. That is what they will

claim; that they do not know anything

about it themselves; but they took the

fees all the same.

Q. Did not the marshal make up his

emolument returns based on the re-

turns of his deputies?

A. Yes, sir; but if anything wrong

was found they would say: "Mr. Far-

ley is a reliable man. He belongs to

one of the oldest families in the coun-

try. If there is anything wrong Far-

ley did it, but he would not do it in-

tentionally. Mr. Farley would not do

it if it was wrong."

Q. But they all did it, nevertheless.