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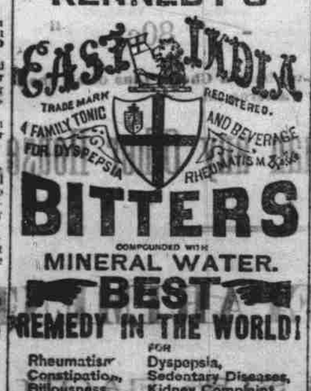

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EVENING NEWS.

Tuesday, - May 6, 1884.

THE MURRAY INVESTIGATION.

TESTIMONY BEFORE THE SPRINGER COMMITTEE.

REPRESENTATIVE WHITE'S APPENDIX.

Washington, D. C., January, 29, 1884.

[CONTINUED.]

The witness. I also made the following note: "Deputies apparently charged separate trips for each prisoner transported, when perhaps several prisoners were transported together. The charge for guards in each voucher seems subject to investigation, as it stands to reason that guards were not needed in every case. The travel charged seems unusually heavy, and is perhaps excessive." I also made the following memorandum: "The deputy marshals sued out warrants of arrest. Many cases dismissed; perhaps the majority of them. Deputies seemed to have taken prisoners for whose arrest they had more than one warrant before several commissioners on the same day. The only object could have been to make fees for commissioners and marshals."

The chairman. Explain that process a little more clearly.

The witness. For instance, where a deputy has three warrants to serve in one day, and there are three commissioners in town, if he takes his three prisoners before the one commissioner the commissioner gets only one per diem. The commissioner's fees for hearing and deciding criminal cases is $5 a day for each day necessarily attending; the deputy marshal's fees $2 a day for each day attending on a commissioner's court; that fee is for attending court and for bringing in and guarding prisoners and witnesses. Now, if a deputy marshal has three prisoners and he takes them before one commissioner, that commissioner gets only $5 and the deputy marshal $2; but if he takes one prisoner before one commissioner he charges his $2 a day, and the commissioner charges $5 a day; then the deputy marshal takes his second prisoner before a second commissioner and repeats the charges, and so with the third prisoner and the third commissioner. In that way often fictitious names are inserted in the accounts, and the accounting officers of the Treasury are deceived.

I also made a note in reference to the McCord case, as follows: "United States *vs.* Matt. McCord, post-office case, costs $26.60. No name is given of officer making arrest and transporting prisoner. Perhaps William Hacket, who appears as a witness summoned to testify in the case, was the party making the service if at all."

I see from the statement Mr. Hacket did transport himself. It also appears that actual expenses are charged at different dates and on different suits, while probably the papers in the hands of the marshal were served on one and the same trip. I also find little slips pinned to the vouchers which show that attendance on the commissioner's court are charged for persons who did not attend.

The Chairman. In whose handwriting are these slips?

The Witness. Mr. Chase's; those making charges on dates wherein the deputy who really attended has charged his per diem for attendance, and where another name was probably inserted to deceive the accounting officer, I also made this note: "Deputy marshal's receipts to marshal's emolument returns were, judging from the different inks used, signed by them in blank."

The Chairman. That is a custom which was frequently found in deputy-marshal's accounts!

The Witness. Yes. I also made the following memorandum: "E. H. Murray's personal fee account shows fictitious charges for attendance of deputies on commissioner's courts in cases wherein warrants were served by the marshal in person."

The Chairman. What do you mean by fictitious charges?

The Witness. I mean the names of men being put in as attending commissioner's court when they did not attend, I also found that from the slips.

The Chairman. As the result of Mr. Chase's investigation?

The Witness. Yes. I also made this note: "It also appears that deputy United States marshals assumed authority to deputize persons to serve process for them (the deputies). Deputy marshals cannot legally do that, and it is a dangerous thing to allow a man who is not commissioned, has given no bonds, and has not taken an oath of office, to arrest, transport, or commit to jail any person charged with a violation of United States laws."

These are the notes I made in running over these papers. I do not know but that the Treasury Department may have suspended parts of these accounts.

By the Chairman:

Q. You do not know whether these accounts have been finally settled or not?

A. I do not. The statement of disallowances on Mr. Murray's accounts will show it.

Q. That will appear by calling on the Treasury Department for a statement of the accounts of Mr. Murray as settled?

A. Yes. You will see from the statement of disallowances what disallowance were made, and for what reasons.

Q. From your knowledge and experience in the investigation of accounts of court officials, and from the casual examination of the papers before you, what would you say as to the necessity of having a careful examination made into the accounts of these officers in Kentucky?

A. I suppose that Mr. Chase would be a better judge of that than I am. He has been on the spot and knows how far he has gone. I do not know what ground he covered in his investigation; his report does not indicate it. For instance, I do not see anything in the papers before me or the report of Mr. Chase on this charge of $880, stationery, in the emolument return. This is a matter which came directly under the marshal's observation, and for which no deputy is responsible. The other matters might, perhaps, be traced to the deputies. This charge may be right; he may have paid that much money for stationery, or it may have been a clerical error in using the word stationery instead of some other word showing the purpose for which he may have paid out this money.

By Mr. Van Alstyne:

Q. From the papers that have been given to you for inspection, and from the report of Mr. Chase, the examining agent of a former attorney general, what do you say as to whether or not there is a disclosure of irregularities in the office of marshal in the State of Kentucky?

A. Undoubtedly.

Q. Is that report, and are the papers submitted in connection with it, of such a character that this committee would be justified, or that you as an examiner, would be justified in recommending a reformatory line of action, or would a further and more specific examination of the fees be required?

A. I suppose that the points raised by Mr. Chase, and the statements of Mr. Diven, show what really has been done there. I have no doubt that the statement of Mr. Diven shows the real state of affairs as they then existed, because Kentucky was not the only State where such things occurred. They had been found in other districts.

By the Chairman:

Q. What is your opinion as to the necessity of making more careful examination into the affairs of that office?

A. The necessity would depend upon the objects of the investigation.

Q. With the same objects in view that you have had in the investigations which you have made into other offices.

A. The investigations made heretofore were made with a view of recovering the money.

Q. Could not the money be recovered in this case if it was found that it was drawn out improperly?

A. If the Treasury Department has not acted on this report of Mr. Chase's, and has not suspended the marshal's accounts, it may be that an examination made on the spot, even at this late day, would result in recovering money for the Government.

Q. If fictitious and fraudulent accounts have been allowed by the Treasury Department, can not the money be recovered?

A. Yes: it is possible that the Treasury Department may have suspended payment on these accounts at the time that Mr. Chase made his report. If that has not been done, I have no doubt that the money can be recovered for the Government paid out on fictitious charges made and presented by the late marshal.

Q. You mean even if they had been allowed and paid?

A. Even if they had been allowed already they would be recharged to him, and recovered on his official bond.

Q. Then it is your opinion that where accounts have been allowed by the Treasury Department of such a character as indicated by these papers the amount can be recovered by the institution of suits against the marshal and his bondsmen?

A. Yes; if the proof is conclusive that the Government has paid out moneys it did not owe they can be recovered on the marshal's official bond by reopening the account and recharging the marshal with them.

Q. Assuming that such proceedings would be instituted, what would you say as to the necessity (having in view the economy of the service) of further inquiry into these accounts?

A. The view of which you speak is that this proceeding be instituted by suit?

Q. Yes, by suit or otherwise?

A. If with a view to proceed by a suit, an examination might be necessary; but whether it affects the economy of the service I can not state, because these abuses may not to-day exist in Kentucky.

Q. You know that they did exist at other places at that time?

A. I know that they have existed in districts which I have investigated.

Q. Up to the time of your recent investigation?

A. Yes.

Q. Do not these papers disclose only a very partial amount of the business which must have been transacted in that office during the term of Marshal Murray?

A. These papers show a very little part of it.

Q. If the office were managed during his incumbency of it in the same way as these papers disclose for the short time that they did cover, would it not be well to have an examination made of the whole of his official term?

A. As I said before, if it is to recover money an examination may be necessary so as to secure the proofs of fraud or of fictitious accounts.

Q. Or of excessive charges?

A. The only difficulty will be that as the charges are very old it will be difficult to find proof of them. The witnesses may not be living, or it might be difficult to find them.

Q. That would be determined upon inquiry?

A. Yes.

Q. How much time would it require for one of the agents of the Department to make what would be regarded as a proper investigation into the affairs of this office for a period of four years?

A. To go through the fee account for four years properly, taking each year as requiring two months, would make eight months; I mean to go through them and to probe them. In making our investigations we have usually examined only one year. The Fitzsimmons accounts covered but one year. I only took the unadjusted accounts, and they showed false statements to the amount of $7,000 in one year. That examination, which also included his emolument return, took me three months, and the Longstreet investigation occupied three officers two months. There is a good deal of time lost in traveling and hunting up witnesses. Take, for instance a case against John Smith. The marshal's account may show that he arrested John Smith at a certain place and tranported him to a certain place. In order to test that item the agent has to find John Smith, and has also to find the man charged as a guard; and finally, he has to get hold of the deputy-marshal and make him own up that he has rendered a false account.

Q. Then you take a year, or a portion of a year, and make a thorough examination as to that time, and make an average as to the rest?

A. I never did that with the marshal's accounts. I have never averaged them. I did that once with Wolfley, clerk of the court in New Orleans.

Q. Then you did not come to conclusion as to the Fitzsimmons accounts?

A. I disallowed about $7,000 on his unadjusted fee accounts for one year. I found from his books that he had kept from his deputies moneys due to them for fees earned, and for which accounts had been presented to the Treasury and allowed to the amount of $11,800. Against that $11,800 there was, I think, $3,500 in the Treasury to Fitzsimmons's credit. That was $11,800 and $7,000, making $18,800, besides $5,000 or $6,000 emolument returns. He had given false receipts claiming credits for money which he had not paid out. In that way I got at the twenty-odd thousand dollars which I spoke of the other day, and which my report shows. The marshal's earnings from civil cases were not touched at all, because that would have been an endless job.

Q. Have you any other statement to make in relation to your examination of the papers before you?

Q. No, sir; I have said about all that occurred to me; and these are only surmises from the face of the papers.

Adjourned until to-morrow.

To be continued.

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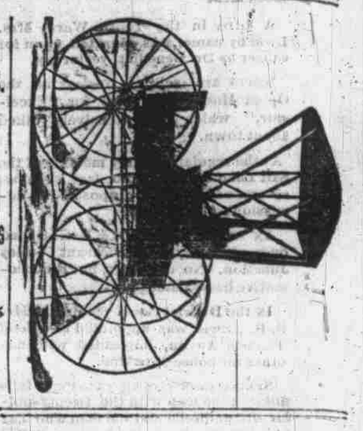

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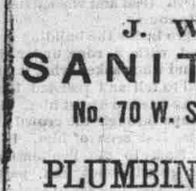

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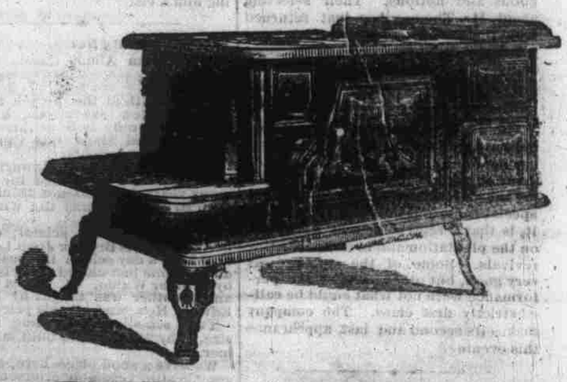

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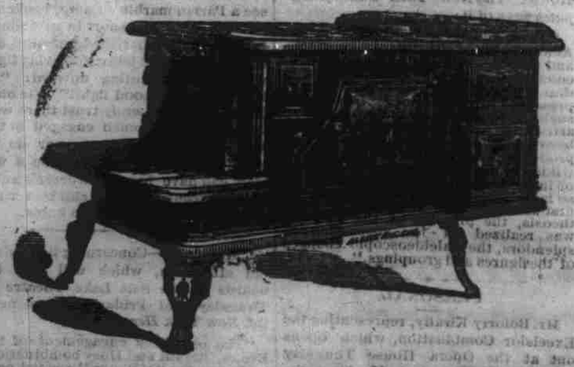

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