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TRUTH AND LIBERTY.

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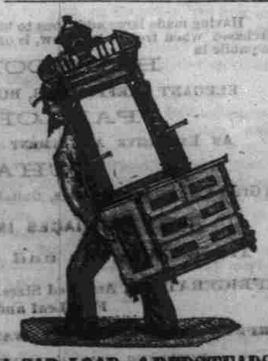

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THE MURRAY INVESTIGATION.

TESTIMONY BEFORE THE SPRINGER COMMITTEE.

REPRESENTATIVE WHITE'S APPENDIX.

[CONTINUED.]

Q. Did he explain why the balance of $82.60 was charged?

A. No, he could not explain it; I had the return in his own handwriting, and it was with these papers all along; 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 indorsement was made by him making this charge for service which was not performed that he corrected the account?

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 connected with the arrest of certain citizens at Lexington, referring to this passage of Mr. Diven's statement:

"In June [or Jan.[the judges of election refused to receive the votes of negroes who had not paid their poll taxes. Gen. James F. 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 some one 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, because when I got the information I got it all together. Mr. Murray's friends made strong efforts to have him retained 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 Then he came up here and the letter was withdrawn, and he resigned; and I was told not to make a report, and I did not make a report.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 Department.

By Mr. Fyan:

Q. Who told you not to make a report?

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, generally, of the irregularities which you found in Marshal Murray's office.

A. Well, I became satisfied there was an arrangement between Henry Divan and the marshal to this effect: That Divan was to get about a case a day against some person for alleged violation 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 marshal'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. Merriwether, the commissioner, who would give Divan a blank warrant, and Divan 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 dismissed.

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 $5, 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 statement 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 account, 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 newspapers, 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 referred?

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 Divenworking 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 statements 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 deputy 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 returns 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 number 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 commissioner resided to the remotest commissioner, for the purpose of making 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 returns of his deputies?

A. Yes, sir; but if anything wrong was found they would say: "Mr. Farley is a reliable man. He belongs to one of the oldest families in the country. If there is anything wrong Farley did it, but he would not do it intentionally. Mr. Farley would not do it if it was wrong."

Q. But they all did it, nevertheless.

A. They all did it, and continue to do it.

Q. The illegal charges are continuously made?

A. I guess so.

Q. And all of them were beneficiaries of that practice?

A. I guess so. Mr. Murray's successor broke it up.

Q. Did Marshal Murray deny the practice of those deputies in making these long trips after prisoners?

A. No, sir; he admitted them. The warrant was issued, and he claimed, of course, that it was his duty to return the warrant to the commissioner who issued it, and if you spoke to him on this subject he would say, "Don't you want the process of the United States executed? It is put in my hands, and I must execute it."

Q. Why didn't they go to the nearest commissioner to make complaint in those cases?

A. They would not get as much mileage then. They would not get the trip to Louisville.

Q. Did you examine one of Mr. Murray's emolument returns?

A. No, sir; I don't think I did.

Q. Please look at the paper I now hand you and state what it is.

A. (Inspecting it.) This is an emolument return of Gen. Eli H. Murray, which purports to be a return of fees and emoluments—E. Murray, marshal United States for the district of Kentucky, from July 1, 1875, to January 1, 1876, and of moneys paid out by him during the same period for the services of his deputies, and for his office expenses.

Q. Is it one of the blanks for that service?

A. Yes, sir.

Q. What ought this paper to contain?

A. It ought to show the marshal's net earnings, and his gross earnings as well.

Q. Is the marshal required to make oath to this return?

A. Yes, sir.

Q. Did he do so?

A. (Inspecting the paper.) It appears that he did.

Q. What is the form of the oath?

A. "I, Eli H. Murray, marshal of the United States?"——

Q. In this statement you find the fees of the various deputies, do you not?

A. Yes, sir.

Q. Do you see any case in which they exceed the amount of $1,500?

A. Yes, sir.

Q. I see that the first item is, "Paid Deputy John Wyatt for services, $1,500."

A. He did the largest business.

Q. Then follow the fees of the other deputies.

A. Yes, sir.

Q. That is the aggregate of the deputies' accounts?

A. Yes, sir.

Q. Now, what is the duty of the marshal in regard to the accounts of those deputies which, as you say, were signed in blank?

A. Those were not the accounts of the deputies. Those were commissioners' warrants. They would not appear here at all.

Q. Look at the paper I now hand you and state what it is.

A. It is General Murray's fee-bill from July 1, 1875, to March 1, 1876.

Q. These are the fees in the aggregate which should have appeared in this or in some of the emolument returns, are they not?

A. Yes, sir.

Q. You have made a number of memoranda on the margin of the bill. I will read one of these bills:

United States of America to Eli H. Murray, Dr.

To executing warrant, per self, issued June 1, by W. A. Merriwether, commissioner, chg. viol. int. rev. laws, $2 00

To ex. spa. on H. Diven, . . . 20

To att. on com'r per R. Brent, . 2 00

To discharging, ... 50

Total, ... 5 00

On the margin of this I find the following memorandum: "Warrants all executed by Henry Diven. No affidavit drawn. No oath. Not true." Please state what you found out in reference to that particular account.

A. Well, as would appear from this memorandum on the margin in my handwriting, which is the only evidence that we got and the only data from which I can speak, for I do not remember a single thing about it, it cost the Government $5, and the man was discharged.

Q. How much of that account do you find to be correct, and how much fictitious?

A. I guess the whole of it was fictitious.

Q. That memorandum is in your handwriting?

A. Yes, sir.

Q. At the time you made that memorandum you knew that all that you set forth there was true?

A. Yes.

Q. And you stated in your memorandum, in your own handriting, that that account was not true?

A. Yes.

Q. Is that a specimen of all the accounts you examined in Marshal Murray's office?

A. Yes, sir.

Q. All through this paper, which emprogea a good many pages, I find similar marginal notes, which you have made in regard to these accounts?

A. Yes, sir.

Q. Those memoranda were designed to point the items in these cases that were fictitious?

A. I suppose so. The arrests might have been made. It was one of those sham cases all the way through.

Q. All the items on this page seem to be of the same kind, mere fictitious prosecutions for the purpose of making fees?

A. Yes, sir.

Q. And the fees were right up to the limit of the law, as if the services had been actually performed?

A. Yes, sir. There is one account that seems to be straight.

Q. Did Marshal Murray deny the truth of the statement that these charges were fictitious when you called his attention to them?

A. I am not sure about calling his attention to those. I called his attention to the statement of Mr. Diven, and showed it to him.

Q. That statement, I presume, is based upon the details which appear in that fee-bill before you?

A. Yes, sir; I called Marshal Murray's attention to the statement of Diven, and he denounced Diven as going back on him, etc.; but I can not remember whether I ever showed this account to him or not.

Q. You are certain, though, that you showed him Diven's statement.

A. Yes, sir.

Q. Did he deny the truth of any of the statements made by Diven, so far as you now remember?

A. He admitted the cases, but he denied that they were gotten up for the express purpose of making fees. He admitted that the charges were made. I am not quite sure who, but I think you will find that he paid back to the Government $700 or $800 of these charges.

Q. In subsequent returns?

A. Yes, sir; in settling up his accounts. I think I furnished the Treasury with such information as to his accounts that he refunded that amount. I am not positive now, but I think so. Results were what I was after in these cases. I made few records.

Q. What was the result generally of the investigation you made into the administration of the marshal's office?

A. Well, I came to the conclusion that he was totally unfit for the place; that there were illegal charges made by his deputies, by himself especially in the McCord case, for which I had the original warrant. He tried to explain it, but his explanation was unsatisfactory. I had his own handwriting, and he could not go back on it.

Q. Did he collect money from the Government for alleged services that were not performed, as shown in these different accounts?

A. I could not say as to that, because I think that before any settlement of his account was made these things were stopped.

Q. Did he file accounts against the Government for services that were not performed?

A. He had filed accounts for services.

Q. Accounts for services which were never performed, charges which were disallowed?

A. Yes, sir.

Q. You said something about his resignation. How was that brought about?

A. Well, he took up that paper, and was disposed to make a fight anyway. He had strong friends, strong backing. He went to see General Grant and used every effort to sustain himself, but failed, and a letter was written by the Attorney-General requesting his resignation, and he came up and resigned. The letter was not recorded and the matter was dropped.

Q. Do you mean that Attorney-General Taft's letter was not placed on file?

A. It was not.

Q. So far as you know it is not now in the files of the Department?

A. I am quite sure it never was filed. The whole thing dropped.

Q. Did you see that letter which the Attorney-General addressed to Marshal Murray?

A. No; I can not say that I did. The Attorney-General told me that he had written him, asking him to resign.

Q. Did he state the reasons for asking Murray to resign?

A. Oh, yes; It was on this account entirely—on account of the statement of Diven.

Q. Do you know whether Mr. Murray responded to the letter in writing or not?

A. I am quite certain that he did not. He came up in person.

Q. He came up and saw the President?

A. No; he had seen the President before that. He told me himself he had been to see the President about the matter.

Q. State whether he at first declined to resign.

A. He declined to resign until that letter of the Attorney-General was written. Then he came up and resigned.

Q. Did he demand an investigation before resigning?

A. No, sir.

Q. Did he file any affidavit of his own in the Department denying Diven's charges?

A. If he did I never saw it.

Q. Did he tell you himself that he was prepared to meet those charges and disprove them?

A. No, sir; not to my recollection.

Q. He knew Diven's statement and its contents, did he not?

A. Certainly. He saw that very paper.

Mr. Fyan. After these charges were made, the case was referred to the United States Attorney, was it not?

The Witness. What is the date of this letter?

Mr. Fyan. July 22, 1876.

A. Yes, sir.

To be continued.

[BY AUTHORITY.]

AN ORDINANCE

IN RELATION TO QUARANTINE.

SECTION 1.—*Be it ordained by the City Council of Salt Lake City*, That said city and all that district of country embraced within twelve miles of the outer limits thereof, be and the same are, hereby declared subject to quarantine regulations.

Sec. 2.—The City Council shall appoint one or more quarantine physicians, each of whom, before entering upon the duties of his office, shall take and subscribe an oath, and give bonds in the penal sum of two thousand dollars, conditioned for the faithful performance thereof, who, associated with the Mayor and the standing committee of the City Council on sanitary regulations and quarantine, shall constitute a board of quarantine, whose duty it shall be to make and enforce quarantine regulations within the above described quarantine limits.

Sec. 3.—If any person or persons shall be found in an unhealthy condition from any contagious disease within the aforesaid quarantine limits, they shall, if in the judgment of said Board of Quarantine, the safety of the person so infected, or the public shall render such action necessary, be required to move forthwith to such place within said limits, as said Board may direct; and if any person shall neglect or refuse to comply therewith, it shall be the duty of said Board to have it done at the expense of said person; and if, in the judgment of said Board, it shall be deemed advisable for the person so infected to remain in his usual place of abode for care and treatment, or such other less stringent means as said Board may, in the particular case, deem adequate for the public safety, compel the strict quarantining of said place of abode by causing to be kept displayed conspicuously upon such premises, during the period of danger, a flag of such color and bearing such words and device as they may direct, as well as by establishing a guard at or near the same; by giving notice in the most public manner practicable that said premises are infected; by regulating and prohibiting ingress and egress to and from said premises, until all danger from infection therein shall shall have ceased, and the most thorough measures for disinfecting said premises shall have been taken; and by prohibiting all public meetings, schools and funerals within the infected district; and by prescribing the time within which persons dying of contagious disease shall be interred and the manner thereof. And if the effects of any person be found in a condition liable to engender contagious disease, the same shall, at the discretion of the quarantine physician, be removed or destroyed at the expense of the owner thereof; and in the event of the removal of any person so infected, the premises from which he is removed, and the effects with him exported, shall be strictly quarantined, until all danger of infection shall have passed; and such measures for the purification of said premises shall be taken as in the judgment of the quarantine physician shall be necessary.

Sec. 4.—The names of all quarantine physicians shall, when deemed necessary by the Board, be published in some newspaper printed in Salt Lake City. All physicians or other persons having any knowledge of the existence of any malignant contagious disease, or having reason to believe any such disease exists, are hereby required to report the same forthwith to a quarantine physician, and all physicians, nurses and all other persons who have been or shall be exposed to such contagious disease, are hereby forbidden to mingle with or be in the presence of others subject to the contagion, without having first changed their outer clothing used where such diseases were and having taken such other precautions against spreading the contagion as may be prescribed by said Board, or to otherwise expose any person to such contagion.

Sec. 5.—Any person neglecting or refusing to comply with any of the requirements of this ordinance, or the requirements of said Board of Quarantine, made in pursuance thereof, or who shall take down or remove any quarantine flag from any infected premises shall, for each and every such offense, upon conviction thereof, be punished by fine not exceeding ninety-nine dollars, or by imprisonment in the city jail not exceeding ninety days, or by both such fine and imprisonment, at the discretion of the court.

Sec. 6.—Chapter XVIII of "The Revised Ordinances and Resolutions of Salt Lake City," adopted July 20th, 1875, in relation to quarantine, is hereby repealed.

Passed April 29th, 1884.

JAMES SHARP, Mayor.

Attest:

[SEAL.] HEBER M. WELLS, Recorder.

Territory of Utah, } ss.
Salt Lake City, }

This is to certify that the foregoing is a full, true and correct copy of an ordinance entitled "An Ordinance in relation to quarantine," passed by the

San Francisco, Cal.—The *Democrat* of this city, the most influential and widely circulated German newspaper west of the Rocky Mountains, states that along the the entire Pacific Slope, people say, that for the cure of bodily pains St. Jacobs Oil has no equal.

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