

A Correspondent Who Can't Reconcile the Testimony and the Verdict in Judge Cole's Case.

(Special Correspondence of The Times.)

Maysville, Ky., May 24.—It is known of all that the officers in command of the State militia sent by Govs. Knott and Buckner to keep the peace and aid in the enforcement of the law in the county of Rowan, came back from the discharge of that duty with opinions very strongly adverse to the judicial officers charged with the administration of justice in that devoted county. Whether or not their criticisms upon the conduct and bearing of the Judge of the Circuit Court in this Judicial District were justified by the facts, certain it is that they were the results of their own personal observation, and were not based upon misinformation derived from others; nor were they in any degree biased by personal or political prejudices, since these officers had no previous acquaintance with Judge Cole and belonged to the same political party with him. Their reports to the Adjutant General of the State, combined with results of the personal investigations of that officer, "constrained" him to "suggest," in his report to the Governor, the "propriety of a legislative investigation into the conduct of Judge Cole." And the honest man and able and upright magistrate who now occupies the Executive Mansion at Frankfort, and who has brought to bear upon the discharge of the high functions of his office such rare powers of discrimination and the best attributes of a disciplined and vigorous intellect, was so impressed with the gravity of the statements made in these several reports, that he "earnestly recommended a thorough investigation of the whole subject, with the view of taking such action as," in the judgment of the General Assembly, might "be best adapted to enforce the laws and to maintain the dignity and impartiality of the judiciary."

A Democrat among Democrats, his devotion to his party, not less than his own elevated character as man and gentleman, forbids the supposition that in this recommendation the Governor was influenced by any consideration other than that of the public weal. Thus urged to its duty, the General Assembly ordered the investigation to be made, and a committee of eight men was accordingly appointed for the purpose by the Democratic Lieutenant Governor and the Democratic Speaker of the House of Representatives. This committee proceeded to Rowan, and there entered upon the examination of witnesses, which was concluded at Frankfort, and whose testimony occupies a report of 551 printed pages. Those who read it will be struck with the evident reserve and reticence with which the witnesses testified to any circumstances injurious to Judge Cole, or affecting the character or conduct of the men by whom he has been surrounded, and by whom he was represented to have been influenced in his official relations—a prudence easily to be accounted for by all who comprehend the natural hesitation of men to speak evil of a dignitary who sits in judgment upon questions involving the security of their property and persons, and the extremely precarious tenure upon life in Rowan. The merest justice to the presiding officers of the two branches of the General Assembly requires the statement that the Committee of Investigation seems to have been impartially selected, as far removed from the suspicion that it was chosen to whitewash a guilty, as that it was organized to convict an innocent, man. Pursuing its researches under such surroundings, seven out of the eight members of the committee reached the conclusion, from the sworn evidence before them:

First—That the grand juries in Rowan, since 1884, "not only failed to discharge their duties in investigating and ferreting out the parties guilty of the most horrible crimes, when it was generally known and suspected who had been guilty of those crimes, but used their functions to instigate and set on foot prosecutions founded on the most worthless evidence, and in several instances failed to indict officers of the law when the knowledge was brought home to them of crimes and misdemeanors committed by said officers."

Second—That the county officers of Rowan were "not wholly inefficient, but most of them in the warmest sympathy with crime and criminals;" that these "county officials, excepting a very few, are not only inefficient, but are totally corrupt and depraved."

Third—That the testimony does not disclose that Judge Cole "has been guilty of corruption in office," and the committee can not say, from the testimony, "that he has been guilty of official misconduct, in a legal or criminal sense;" but the committee "feel constrained to say" that Judge Cole did, "unwittingly," they charitably assume, "allow himself in some measure to be influenced by partisans of one faction, and allowed officers of his court, without apparent censure from him, to remain in discharge of their

official duties, after misconduct on the part of said officials of a highly criminal character, which the court knew, or by the exercise of reasonable diligence might have known, and ought to have brought down the severest condemnation from the Judge in his charge to the grand jury and otherwise; but which, so far as the proof shows, received no official notice or attention from the court."

After making this statement of the facts established by the sworn evidence before them, the majority proceeded "to let him down easy" by expressing their own opinion, which is not at all sustained by the proof, that this conduct and failure on the part of the subject of their criticism "is due more to his kindness of heart and unsuspecting devotion to his personal and political friends, than from any disposition to side with either faction, or to shield the criminals that were around him."

Now, divested of the sweetness with which this nauseous and bitter morsel was coated, and put broadly in the honest vernacular, which the average plain Kentuckian can comprehend, this means, and can mean only, that in the judgment of seven out of the eight men who heard the testimony, the facts proven show that Judge Cole, in the administration of the law, had been biased and partial, influenced thereto by his personal and political friends, who were the partisans of men guilty of the most horrible crimes, and that to this extent the Judge upon the bench had aided in the defeat of justice; that the judge had permitted the thoroughly corrupt and depraved officers of his court, after they had been guilty of conduct of a highly criminal character in direct connection with the operations of the court over which he presided, "which the Court knew," and this before his eyes and under his very nose, without one word or look or sign of rebuke or protest from him, to continue in the discharge of their official duties without censure and without remonstrance on his part.

They say there is no evidence to show that in this he was guilty of corruption in office, by which they probably meant that it was not shown that the Judge had been bought up with money, like a steer in the cattle-pen; nothing to show that he had been guilty of such derelict official violation of the criminal laws as would justify his impeachment and removal from office; but they seek to palliate their censure by attributing his dereliction to a weakness which, if their opinion as to his motives volunteered to soften their censure based upon the proven facts be correct, utterly disqualifies him for the even-handed and upright discharge of the judicial function. It is an open secret that several of the clearest-headed of the committee were favorable to a much more severe report than this, to which they gave assent as a compromise verdict, to secure as nearly as possible a unanimous report. This, then, was the softened verdict of seven out of the eight men who heard the evidence and examined the witnesses. The dissenting voice was that of Mr. Claude Thomas, of Bourbon, who was of the opinion that the testimony established that the official conduct of Judge Cole has been impartial and above reproach. The reports were printed, but Mr. Reed, the talented member from Marshall, was safe in saying in the House that outside of the committee not half a dozen members of either branch had ever read the testimony, or knew what it was. No statement of the evidence was ever made to the House.

Nothing can be less profitable than to dwell upon the appliances and motives which induced the House, which was ignorant of the evidence, to reject the judgment of seven of its members, who had heard the testimony, and to accept that of the solitary dissenter from their conclusions, who is in no respect the superior of any of his associates. The opinion of Mr. Thomas was adopted by a vote of 44 to 38, a meagre majority of six; and at least twenty-five of those who refused to say, in the face of the report of the seven, that the conduct of Judge Cole had been above reproach, were of the same political party with Judge Cole. This verdict of a divided jury, which had not heard the proof, rendered against the report of seven out of the eight men who had heard it, and so obtained by lobbying, has been most gratefully received by Judge Cole and his friends as a sorely-needed "vindication." But the fair and honorable of all parties, who love truth for its own sake, who value justice, who prize all that is left of the high reputation of the judiciary of the Commonwealth, will neither acquit Judge Cole because of this action of the meagre majority of the members of the House, who had neither heard nor read the testimony, nor condemn him wholly upon the judgment of seven out of the eight members, who both heard and read the testimony and saw and examined the witnesses. With such men he must stand or fall upon the proof and the facts themselves. In isolated instances only can these men have the opportunity of reading the report. For the knowledge of the truth they must rely upon an independent press, with no interest in its suppression and fearless in its expression. Before analyzing the evidence, it may not be improper in the writer to say that he does not believe and never has believed that Judge Cole was "corruptly" influenced in his official action by any gift, or promise, or expectation of money. Whether he has been impartial and above reproach is another and a widely different question, upon which the unprejudiced public can form its own conclusions upon the facts.

KEITH.

Killed By a Cable Car.

St. Paul, May 25.—A Mr. Gardner, from Wisconsin, in attempting to board a cable car in motion, to-day, at the intersection of Summit and Zelby avenues, received injuries from which he soon died.