

## IMPEACHMENT OF THE PRESIDENT.

NOVEMBER 25, 1867.—Ordered that the report, with the testimony, be printed, (the report of the majority and the views of the minorities be printed together,) and the further consideration postponed until Wednesday, the 4th day of December next.

Mr. BOUTWELL, from the Committee on the Judiciary, submitted the following report, stated by him to have been prepared by Mr. Williams, of Pennsylvania, with the exception of the specifications at the conclusion thereof :

*The Committee on the Judiciary, to whom was referred the resolution of the 7th of March last, authorizing them "to inquire into the official conduct of Andrew Johnson, Vice-President of the United States, discharging the present duties of the office of President of the United States, and to report to this House whether, in their opinion, the said Andrew Johnson, while in said office, has been guilty of acts which were designed or calculated to overthrow or corrupt the government of the United States, or any department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes and misdemeanors, requiring the interposition of the constitutional powers of this House," respectfully report :*

That in the performance of the important task assigned to them, they have spared no pains to make their investigations as complete as possible, not only in the exploration of the public archives, but in following every indication that seemed to promise any additional light upon the great subjects of inquiry; and they submit herewith the result of that portion of their labors in the voluminous exhibit that accompanies this report.

In order, however, to direct the attention of the House to such portions of the somewhat heterogeneous mass of testimony which they have been compelled to present without the order or arrangement that might have facilitated its examination, as are regarded by them as most material to the issue, they will now proceed to state as briefly as possible the leading facts which they suppose the inquiry to have developed beyond dispute, along with their own conclusions therefrom, and the reasons by which they have been influenced in reaching them. In so doing they must be allowed the indulgence which a comprehensive scrutiny, running over a two years' administration of the affairs of a great government, through an unexampled crisis of the State, and involving the very highest matters that can engage the attention of a free people, would seem to necessitate, and must, at all events, excuse.

The charges made, and to which the investigations of the committee have been especially directed, are usurpation of power, and violation of law, in the corrupt abuse of the appointing, pardoning, and veto powers; in the corrupt interference in elections, and generally in the commission of acts amounting to high crimes and misdemeanors under the Constitution; and upon this recital they were charged with the more general duty of inquiring into the official conduct of the President of the United States, and of reporting "whether he had been guilty of any acts which were designed or calculated to overthrow, subvert, or corrupt the govern-

seats the authority of the Executive to deal with these questions on the same footing as Congress or the law, in the following conclusion :

"The policy decided upon in relation thereto is that it should be taken to New York and sold, the proceeds to be held for such ultimate decision as might be made in the premises, either by the action of the Court of Claims, or Congress, or by order of the President."

The Secretary is under the impression that the like course was pursued in regard to others of the rebel States, and admits that no accounts have ever been rendered by or required from any of the provisional governments, of the property rightfully belonging to the United States, appropriated by them under this authority.

The special order of the President above referred to shows that even a larger measure of liberality was extended to the most criminal of all the revolting members, in the surrender to the provisional government of South Carolina of "the State works," located at Greenville, and consisting of buildings erected during the rebellion for the manufacture of arms, on lands donated for that purpose. On application made therefor, the case was referred by him not to the Attorney General for the law, but to the Secretary of State, as a sort of chancellor, for his opinion "whether (without waiving the right of the government, or admitting the legal claim to it asserted by the State authorities,) it would be *equitable and advisable* to allow them to retain the property in question on account of the expenses of the provisional government, in the same manner that the provisional government of North Carolina was allowed to take and retain possession of certain property for the same purpose." The Secretary responds, of course, that "the State of South Carolina, from the time when its provisional government was authorized, is to be considered not as an insurgent, or seditious, or hostile State, but as a State loyal to the Union;" that the State thus loyal "is impoverished, and needs and is entitled not only to forbearance, but to *magnanimity and favor*;" that it was obvious that much of the captured property would produce no considerable accessions to the treasury, and that if the net avails resulting from a sale would not exceed \$60,000, it might be properly relinquished after appraisement, "with the reservation, however, that after peace shall have been proclaimed, and the State of South Carolina shall have been fully restored to her federal relations, the subject shall be referred to the consideration of Congress." The President thereupon directed an appraisement of the property, with instructions for its relinquishment to the State in case it did not exceed in value the amount suggested, but without providing for any future reference to the supreme authority. It was appraised accordingly at \$33,928 79, and surrendered to the provisional government without any reservation whatever.

But the munificence of the President to his own governments did not stop with the *debris*, either of the dead confederacy or of the living Union. True to the paradoxical theory of his minister of state, "that from the time the provisional governments were authorized by him," and while holding and constraining them only by the power of the sword, "they were to be considered as States loyal to the Union, and entitled not only to forbearance, but to magnanimity and favor," he not only manifests his settled purpose of forcing these outlawed communities into their old relations, in defiance of Congress and the people, by the impotent device of reporting their votes on the constitutional amendment in regard to slavery, but presumes to endow them from the national domain by the issue to them, as members of the Union, of patents or certificates for their pretended shares of college scrip, covering a large amount of public land, under the provisions of an act of Congress, (July 5, 1862,) passed while they were in actual rebellion against the government, and authorizing the distribution thereof among the States for agricultural purposes. The testimony of the honorable James Harlan, then Secretary of the Interior, shows that upon the submission by him to the President, at a cabinet meeting, of a demand made by a gentle-

man representing himself to be the agent of the State of North Carolina, he was directed by that officer, with the assent of a majority of his cabinet, and in conformity, as he says, with "his settled policy, to permit each of the rebel States to receive and enjoy all the rights and privileges of any other State in the Union, on the ground that they had been fully restored," to cause the scrip to be issued accordingly. And the fact that it did issue, and that other scrip was in the course of preparation for the States of Georgia, Virginia, and Mississippi, is verified of record by the recitals of an act of the present Congress, approved by the President himself, in which the whole proceeding is solemnly declared to be unauthorized and illegal, and all further steps in that direction expressly prohibited. Enough, however, was done to show the utter contempt with which the opinion of Congress has been ever regarded, and the determined purpose of the Executive to bend the whole government to his own will.

The committee have not, in their remarks upon the restoration of rebel property, undertaken to inquire into the wisdom or humanity of either the principles of public law, or the enactments of Congress, which divested the titles of the owners, or appropriated it to the uses of the government. On that subject there are differences of opinion among the undersigned, while none of them would have favored a rigorous, universal, or indiscriminating enforcement, since the return of peace, of the penalties prescribed in order to the suppression of the revolt. That, however, is a question which has been already passed upon by the highest authority in this nation, and is not re-examinable here. If it were, it would be an easy task to show at least that the legislation of Congress has been distinguished by a spirit of moderation, forbearance, and magnanimity, that has no example in history. But even if it were otherwise, they are all agreed that it was no business of the Executive. His duty was only to execute the law as he found it, and carry out the policy recognized and established by it, so long as it was the law. The task of mitigating its severity, if it were even rigorous, belonged only to the Congress of the United States, and could be safely trusted with them only, to be exercised, if wisely exercised, with a judicious economy that would husband their resources of mercy, and dispense it at such times, and upon such conditions, as would enable them to conciliate the disaffected, and take security for the future good behavior of those who had offended unto death. That they would have so dealt is not to be questioned. But the assumption of the right of the mere executive officer of the nation to inaugurate a policy of his own, in contradiction of the will of the people, as already declared or hereafter to be declared by their representatives, and to force that policy upon the nation, by turning loose and reinstating all the offenders against its laws, in the possessions and power which they had legally forfeited, was a high crime against it, that deserves not only its censure and condemnation, but a measure of redress so large as not only to correct the evil, but to serve as an example and warning for all future time.

Akin to the subject just discussed is that of the abuse of the pardoning power, another of the articles of charge against the President, which the undersigned will now proceed to examine.

It is not disputed that this power is lodged with the Executive, under the Constitution, without any apparent limitation upon its exercise. It would be a false logic, and a poor statesmanship, however, to infer that it is without reasonable limitations altogether, and may be exercised without discrimination, to the great damage, and possibly to the entire destruction of the government. Every power granted by the Constitution is subject to such a qualification, and if susceptible of abuse, is only to be checked and controlled by the remedy of impeachment. It will scarcely be contended that in a state of war, such as that through which this nation has just passed, the Executive might turn loose the prisoners who were the captives of our spears, as fast as the fortunes of war delivered them into our hands, by according to them an absolute pardon of their

crime, although it is clear that he might do it without violating the letter of the law—or that he would not be impeachable and removable for the abuse, either upon considerations connected with the public safety, or on the footing of the traitorous purpose—the *animus*, in more technical language—which it might disclose.

And yet the exercise of the pardoning power by the present incumbent, as will be shown, if not resulting in the discharge of prisoners, *flagrante bello*, has been such in its effects as to turn loose, *nondum cessante bello*, with all their rights and powers of mischief fully restored, and place beyond the reach of punishment, either in person or estate, the very excepted classes who had been justly singled out in the proclamation of amnesty as the ruling spirits of the rebellion, and the most formidable of its agents; and this with the undoubted purpose of enlisting their means and influence, using them as auxiliaries against the government which had just subdued them, in carrying out his policy of reorganizing the rebel communities, and forcing those communities into the Union in defiance of the will of Congress, and of the people of the loyal States. It was with this process that the system of special pardon was first inaugurated, and it was precisely to this class of men that it seemed intended that the work should be especially intrusted. They were the known favorites of the still unsubmissive South. Their merits and popularity rested upon their services in the rebellion, and their known hostility to the government. To make treason honorable, they were elected to the conventions, and although disqualified by the proclamation, were invited to take their seats and participate in the work that was to restore them to their original power in the nation, by the offer, without regard to the merits of the case, of a free pardon, which they had not, perhaps, even condescended to ask. For this purpose the provisional governors were made the almoners of the Executive bounty, and the keepers of the Executive conscience. "Send hither list of members elected to the convention, in order that pardons may be issued," is the language of the State Department to Provisional Governor Johnson, of Georgia, in a telegram of October 27, 1865. "All those who are aspirants to seats in the convention will be pardoned upon your recommendation, and a submission of their names by telegraph," is the language of the President himself in another, of the 21st of September, to Holden, of North Carolina. In this exercise of the high prerogative conferred on him by the Constitution, the committee think he delegated a trust that was purely personal, and abused the power that the Constitution had given him.

If other evidence were wanted, however, to show how far this power was abused as an instrument to subserve the purposes of the President in forcing his policy upon the nation, it may be found in the case of the one hundred and ninety-three deserters from a West Virginia regiment, who were released from all pains and penalties, and restored to their forfeited pay and allowances, to the amount of some \$75,000, at the instance of a particular friend of the President, without knowledge of the facts, and upon no other argument, so far as the undersigned can ascertain, than the statement of a pardon-broker, and a letter purporting to have been written by a democratic candidate for Congress, to the effect that it would be doing him a great service by enabling them to vote at the approaching election, because he was well assured that their restoration would result in his election, provided it could be effected immediately. It was effected immediately. The letter of the pardon-broker, Mr. McEwen, of the 22d October, 1866, suggesting the fact that "these men were registered, and wanted to vote, but would be debarred, unless the disability was removed," was placed in the hand of the Hon. T. B. Florence, along with that purporting to be written by Mr. Andrews, the candidate referred to, on the following day, and a peremptory order was at once indorsed by the President, without so much as a reference for any other purpose than its execution. It is testified, however, by the Secretary of War, that no investigation was made by him, but that within a day or two after the order

had been sent to the Adjutant General for execution, he was advised by that officer that "he thought the President had been deceived, for he found that one or more of the persons ordered to be relieved had deserted to the enemy;" that he immediately went to the President, and asked him whether he was aware of the fact, and whether he desired to have such persons released; that the President replied in the negative, and directed him to have an investigation made as to how many of them belonged to that class; and that only one was found who belonged to it; but what investigation was made as to the others, he was unable to say.

From this subject the transition is an easy one, to that not only of the failure of the President to execute the laws, but to his absolute obstruction of public justice, in sheltering the violators of the law from the just punishment which it awarded to their crimes.

The Constitution makes it the duty of the President "to take care that the laws are faithfully executed," and there is no way in which he can evade this duty, except by the exercise of the pardoning power, in cases of offence against the United States. There is no intermediate course by which he can lawfully relieve the offender without incurring the responsibility that might attach to an act of pardon, but yet it is shown by the evidence that he has not only refused on system to enforce the laws enacted for the purpose of punishing treason against the state, but has interposed, through his subordinates, to prevent not only the exaction of forfeitures, but the prosecution of crimes connected with the rebellion. Mr. Chandler, the district attorney for the State of Virginia, testifies that on no less than nineteen indictments found and depending for treason, in that district, proceedings have been indefinitely stayed. In Kentucky, Alabama, and other States, according to the testimony of Attorney General Stanbery, prosecutions of this sort were numerous, and the same is stated by him more specifically as to Kentucky, Missouri, and Maryland. And yet, so far as the undersigned are informed, they have been invariably arrested or dismissed, upon such reasons as will be found in the following passage from his testimony: "I considered that no one certainly was expecting that these trials should go on. If it was our duty to try parties indicted for treason, who had taken part in the rebellion, then it was not only our duty to try them, but to prosecute every one else who had been guilty of the same offence. We could not make fish of one and fowl of the other." And again, in answer to the question whether the duty to prosecute would not be determined by the fact of information made, he says: "That is a mode of proceeding. But if there was a public policy to prosecute persons for treason who were engaged in the rebellion; if it was thought necessary to vindicate the laws by such prosecution; and if it was our duty to go on and prosecute, we should be involved in more cases than we were involved in, and these were more than we could manage. I have distinct views on that subject as to the policy of going on with these trials for treason. They were general in Kentucky, Missouri, and Maryland. My own opinion was that the war had settled all the issues of the war. I did not myself think it necessary that the question whether secession is treason should be left to any twelve men anywhere." In his opinion, then, it was only a speculative question of casuistry or metaphysics that was involved, and none of the vindication of the law. He had "distinct views as to the policy of punishment." Both he and the President had a policy, which was, unfortunately, not that of the law, and that was to punish nobody. They had "more cases already than they could manage," and therefore they managed none even of those they had, except in the way of dismissing all of them. They could not discriminate, although the President had already discriminated in his first proclamation of amnesty. There were no great criminals to be made examples of, although, in a better hour, and in the same instrument, he had already singled them out, and reserved them to be dealt with by the law. The right to pardon even the ex-

cepted classes was still open to him, if he did not choose to prosecute, but he had no right to accomplish the same object by indirection, where he may have shrunk from the responsibility of the act, by striding into the courts and using the law officer of the government to strike down their process by the mailed hand of executive authority; and yet this is precisely what he has done in all these cases.

But it is not in the matter of proceedings strictly criminal alone, that the course of public justice has been thus obstructed. The same policy exactly has prevailed in relation to proceedings *in rem* under the confiscation acts of 1861 and 1862. For a few months after the accession of Mr. Johnson, the district attorneys were advised, by circulars from the office here, that they would be expected diligently to enforce these laws; and they proceeded accordingly to file their informations in the courts against all such property as they considered to be obnoxious to this proceeding. This process was, of course, not palatable to the South. The zeal and fidelity of the officer were made the subject of complaint at Washington. The rigor of the rule was relaxed. Attorneys, as shown by the testimony of Mr. Starbuck, who made reports of property that was liable to seizure, even in cases where it had belonged to the dead confederacy, were discouraged by the refusal of the government to prosecute. When they seized the cotton or other property of rebel corporations, accumulated in the service of the confederate government, to which all their resources had been devoted, they were instructed that the directors could not bind the stockholders, on the hypothesis that some of them might *possibly* be loyal, and the very curious argument, that, if the law were otherwise, the individual property of every *town* or *city* whose officers might have appropriated any portion of the public funds in aid of the rebellion, would be liable to confiscation! If permitted to proceed, however, the prerogative stepped in under Order No. 15, in the shape of a pardon, with the royal sign manual attached, to wrest the confiscated property from the hands of the government. And the whole mockery was ended, after the briefest life, by the order of October 19, 1865, conforming to that issued to the Freedmen's Bureau, and instructing them to make no more seizures under the confiscation act of July 17, 1862, until further orders from the department. Nor from that time forward have the inducements to official fidelity been any more flattering. The fate of James Q. Smith, the district attorney for Alabama, and apparently one of the most intelligent and faithful of these officers, who is admitted to have been driven from that State for his adherence to the Union, and his property sequestered, is evidence of this. Offending in the same way as General Saxton, his head fell, like that of Saxton, upon the remonstrance of certain members of the bar of middle Alabama—most of them, no doubt, consenting to his expatriation and the seizure of his property—on charges of ignorance and incapacity, oppression in office, and the exaction of illegal fees. His correspondence with the department shows that the first was grossly libellous. The second is just the complaint that was likely to be made against a faithful officer. And if dismissed on the third, for aught that appears, it was without a hearing and without evidence.

That this, however, has been, and is to the present day, the settled policy of the government, is a point not open to dispute. It is admitted by Attorney General Stanbery, in answer to a question put to him by the committee, that he has neither instituted nor directed any proceedings whatever in the courts, either criminal or civil, *in personam* or *in rem*, for the enforcement of the laws passed for the suppression of the rebellion. His reasons for arresting prosecutions for treason have been already detailed. In regard to the confiscation acts, he says that he found this policy prevailing when he came into office, and his own reasons for not enforcing them are that they were, in his judgment, only *war* measures, which had served their purpose, and run their course; and that it would, moreover, be an erroneous policy to confiscate property after the return of peace.

Mr. Speed agrees that this was the policy in his time, and that it had the approbation of the President. It is to be remarked, however, that it was the opinion of that gentleman, as communicated to the Senate by the President, so late as January 5, 1866, (Ex. Doc. No. 7,) that though active hostilities had ceased, a state of war still existed over the territory in rebellion; and we have the admissions of the President himself in his proclamations of April 2 and August 20, 1866, that until the last mentioned day, the peace of the Union was not re-established. It is to be remembered, moreover, that until the restoration of the judicial authority by the re-introduction of the courts into the conquered territory, it was impossible to execute these laws so far as they regarded lands. There was no apology, therefore, for refusing to enforce them, even supposing them to have been war measures only, at least until the return of universal peace was so solemnly proclaimed by the President. By the construction of these Attorneys General, they became absolutely inoperative with the first practicable opportunity of enforcing them. The main objection seems to have been, however, that the policy of the *law* was not in accord with that of the *President*. That any Attorney General holding his place by the tenure of the executive will, should agree with his principal, and think him wiser than the Congress of the United States, is perhaps entirely natural; but that he should allow himself to be betrayed into the opinion that the laws were not to be enforced because he or the President could possibly have made better ones, is a striking commentary on the effect of cabinet conclaves, in the long interregna of Congress, upon great affairs of state, on the part of men, who are, under the theory of our Constitution, but the ministers and not the supervisors of the legislative will. Nothing but the habit of *making* law, or *dispensing* with it, could have led to such a result.

The indisposition of the government, however, to bring to justice even the guiltiest of the rebel leaders is best exemplified in its treatment of two of their number—one the border agent, who was commissioned to organize invasions from the territory of a neutral state, and the other the head of the rebel confederacy.

It will be remembered that amongst the individuals charged by the President with the crime of complicity in the assassination of Mr. Lincoln, was Clement C. Clay, who, in addition to this offence, was held for the crime of setting on foot piratical expeditions to plunder and burn our cities. Though not arrested at the time, the fact of his confederation with the murderers of Mr. Lincoln was found by the sentence of a military commission, which received the approval of the President. Upon his surrender, after a short imprisonment, though laboring under so grave an imputation, he was released on his parole on the 19th of April, 1866. On an information lodged against him, subsequently, by the district attorney for the State of Alabama—the same who was removed, as already shown, for his superserviceable zeal—he was indicted for treason and conspiracy, and his property duly seized for confiscation under the act of 1862. On application, however, to the President, the proceedings for confiscation were dismissed, and his property restored on the 14th of February, 1867. On the 21st of the same month an order was issued to the district attorney of that State, suspending proceedings on the indictment, and, on the 26th of March, the same attorney was directed again to suspend proceedings *indefinitely*, and instructed, specially, not even to make the arrest.

In regard to the case of the leader of the rebellion himself, the committee are not agreed upon the propriety or necessity of indulging at present in any special commentary.

Next to the obstruction of the course of public justice, and the flat disobedience of the mandates of the law therein, is the abuse of the *appointing* power, and with it the power of *removal*, which, although not conferred on the President by the Constitution, has been generally conceded to him in practice since the foundation of the government, as an incident to the power to appoint, and only conceded,

Private Benjamin R. Wister, company C, 3d West Virginia cavalry.  
 Private Robert Morgan, company C, 3d West Virginia cavalry.  
 Private George H. Birch, company C, 3d West Virginia cavalry.  
 Private Charles W. Woodward, company C, 3d West Virginia cavalry.  
 Private George Long, company C, 3d West Virginia cavalry.  
 Private Solomon L. Bennett, company C, 3d West Virginia cavalry.  
 Private Jonathan F. Tate, company E, 3d West Virginia cavalry.  
 Private Charles Sinclair, company F, 3d West Virginia cavalry.  
 Private Samuel Norwood, company F, 3d West Virginia cavalry.  
 Private James T. Wallace, company E, 3d West Virginia cavalry.

Private Emze  
 Private James  
 Private John  
 Private Ephra  
 Private Andre  
 Private Samu  
 Private Silas  
 Private Bazil  
 Private Hugh  
 Private James  
 Private Allen

**Testimony of Hon. E M Stanton**  
**Impeachment Investigation**  
**Washington, D.C.**  
**April 1, 1867**

Private Robert J. Bennett, company H, 3d West Virginia cavalry.  
 Private Henry Farley, company H, 3d West Virginia cavalry.  
 Private Cyrus E. Hunter, company H, 3d West Virginia cavalry.  
 Private James L. Bowers, company I, 3d West Virginia cavalry.  
 Private Peyton J. Boggs, company I, 3d West Virginia cavalry.  
 Private Travers T. Adkinson, company I, 3d West Virginia cavalry.  
 Private William Anderson, company K, 3d West Virginia cavalry.  
 Private John Connor, company K, 3d West Virginia cavalry.  
 Private Martin Triplet, company K, 3d West Virginia cavalry.  
 Private Emanuel McDowell, company K, 3d West Virginia cavalry.  
 Private George L. Storey, company K, 3d West Virginia cavalry.  
 Private Joseph Scarbury, company M, 3d West Virginia cavalry.  
 Private Marshal Osborn, company M, 3d West Virginia cavalry.  
 Private William V. Blair, company M, 4th West Virginia cavalry.  
 Private Jacob Grandstaff, company M, 4th West Virginia cavalry.  
 Private Lewis C. Mullens, company M, 4th West Virginia cavalry.  
 Private Owen Clark, company G, 6th West Virginia cavalry.  
 Private Jacob Carr, company A, 7th West Virginia cavalry.  
 Private David Lewis, company A, 7th West Virginia cavalry.  
 Private John J. Pinkey, company B, 7th West Virginia cavalry.  
 Private William J. Cook, company I, 7th West Virginia cavalry.  
 Private Morris F. Elkin, company K, 7th West Virginia cavalry.  
 Private William McCroskey, company C, 9th West Virginia infantry.  
 Private John Stampen, company B, 11th West Virginia infantry.  
 Private Ephraim Nicholas, company E, 11th West Virginia infantry.  
 Private Elijah Tucket, company E, 11th West Virginia infantry.  
 Private Frank Holland, company A, 17th West Virginia infantry.  
 Private Abijah Moiers, company A, 17th West Virginia infantry.  
 Private A. R. M. Browning, company C, 17th West Virginia infantry.  
 Private John F. Hood, company C, 17th West Virginia infantry.  
 Private Clark Gidley, company G, 1st West Virginia cavalry.  
 Private Garritt L. McConley, company G, 1st West Virginia cavalry.  
 Private Levi McMullen, company E, 2d West Virginia cavalry.  
 Private John Gardener, company E, 2d West Virginia cavalry.  
 Private Isaac Winslow, company K, 7th West Virginia cavalry.  
 Private Hiram Halstern, company K, 7th West Virginia cavalry.

By order of the Secretary of War:

E. D. TOWNSEND,  
*Assistant Adjutant General.*

Official:

R. WILLIAMS,  
*Assistant Adjutant General.*

Q. Have you seen the diary said to have been taken from the body of J. Wilkes Booth after his death?

A. I have; I saw it the day on which it was brought to town by the officers who captured Booth. I examined it carefully at that time, and directed it to

be delivered to the Judge Advocate General, in whose possession I think it has been from that time until it was produced here before the Committee on a former occasion, and returned by the Committee to Judge Holt, in the committee-room. I have not seen it since.

Q. From whom did you receive the diary?

A. It was brought to my house by provost marshal Baker and some other person with him, whose name I do not now remember. General Eckert, assistant Secretary of War, either came with them, or was sent for, and came a few minutes after they did. They—Baker and the officer—came together, according to my present recollection, and brought the diary wrapped in an envelope or newspaper, with other things taken from the body of Booth.

Q. Was the diary left with you at that time, or did Baker take it away?

A. It was not retained in my possession. It was either taken away by Baker or by General Eckert at the time, to be delivered to the Judge Advocate General, with the other matters found on the person of Booth.

Q. Can you state more definitely the day on which you first saw this diary?

A. I cannot fix the date, except by the fact that it was the first time I had seen Baker after the capture of Booth. I understood at the time that he—Baker—had just reached town; had gone to the War Department, found me absent, and then came to my house. This was about the 26th of April, 1865.

Q. Was the diary at any other time in your possession?

A. Never. It may have been in my presence at the time the Judge Advocate General and Mr. Bingham, and other officers were consulting in regard to the case. I have no recollection, however, of that fact.

Q. When you saw the diary in the room of the Committee on the Judiciary, was your attention called to the circumstance that certain leaves had been cut or torn from it?

A. My attention was called to it at that time. I had observed the fact at the time on which I first saw the diary. I examined it then with great care; read over all the entries in it, and noticed that leaves had been cut or torn from it at the time.

Q. According to your recollection, was the diary, when you saw it in the committee-room, in the same condition it was when you first saw it?

A. It was precisely in the same condition, so far as I could judge—not an entry added or abstracted from it. On both occasions I examined it very carefully. The impression on my mind at the time I examined it was, that it was a book which had been carried in the pocket of Booth, from which he had cut or torn out leaves as he desired to use them, or wanted to destroy something written on them. I saw no evidence that it contained or had contained anything in relation to the assassination of Mr. Lincoln except what was in it the last time it was before the Committee. I had no suspicion at the time that it had, and I examined with great care for the purpose of ascertaining whether there could be any trace of other persons connected with Booth in the assassination conspiracy. There were in the book, as the chairman of the Committee will remember, certain photographs of ladies, which were replaced in it at the time it was delivered to the Judge Advocate General in the committee-room.

Q. Do you know whether there is in the War Department a report made by General Baker to General Fry or the Secretary of War, in reference to pardons of persons who had been convicted by courts or military commissions?

A. There may be, but I have no recollection of seeing any such report.

Q. Will you cause an examination to be made, and, if such a report exists, furnish the Committee with it?

A. I will.

Q. Have you any recollection of a paper which purported to be a copy of portions of letters examined in Canada by General Baker, and said to relate to the assassination of Lincoln?

A. I remember a paper, containing what purported to be extracts from several letters said to have been written by Mr. Davis, being shown to me either by Baker or Judge Holt. My best recollection is that they were shown to me by Judge Holt, who consulted with me as to the means of getting possession of the letters. The matter was left entirely to his judgment and action, and I think that the paper was taken away by him. It was taken by whoever showed it to me. I did not retain it in my possession, and never saw it but once.

Q. Have you any definite recollection of the contents of that paper?

A. I have not. I could not now repeat a word it contained.

Q. What was the report made to you, if any, as to the probability of obtaining these letters, and at what cost?

A. The report made to me was, that such letters were in existence, and could be procured for a large sum of money. The precise sum I do not recollect, but I think it was about \$10,000. I declined to authorize that or any sum to be paid for the letters unless the originals were produced to Judge Holt, and he was satisfied that they were genuine letters, and that they contained evidence of sufficient importance to the government to warrant the payment of the money demanded, or for which they could be procured. I required him to be satisfied of these facts, and to make an official report to me in regard to it before I would determine to make any advance of money.

Q. Did you inform the President of the fact, as made known to you at any time, that these letters were supposed to be in existence?

A. I did not. I never communicated with the President on the subject. The investigation of the subject-matter was in charge of the Judge Advocate General as the proper officer of the War Department. He made his application to me when he wanted either an advance of money or authority, and it was given or withheld by me on my own responsibility, according as my judgment of the interests of the government and of truth and justice required.

Q. Did the President at any time give you any direction or advice, or make any suggestion as to what should or should not be done in reference to the investigation of the subject of the assassination?

A. He never did. I think the subject was never mentioned between him and me. I believed that in the hands of the Judge Advocate General everything would be done that was proper to be done to discover the facts, and procure all the testimony in existence upon the subject. I conceived my own powers to be ample. I had no disposition to stint the exercise of those powers, and no occasion to apply to the President for any authority upon the subject, and I never consulted him in regard to it, so far as I have any recollection.

The following papers, called for by the Committee, were subsequently handed in by the witness:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
Washington, April 2, 1867.

SIR: By direction of the Secretary of War, I have the honor to enclose herewith certified copies of letter dated October 22, 1866, from Dr. M. McEwen to the President, with two enclosures and endorsements of the President and Secretary of War, in relation to removing penalties of desertion from certain West Virginia soldiers.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,  
Assistant Adjutant General.

HON. GEO. S. BOUTWELL,  
Chairman Judiciary Committee, pro tem.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
Washington, April 1, 1867.

It appears from the records of this office that the annexed documents are true copies of the originals on file.

E. D. TOWNSEND,  
Assistant Adjutant General.

Be it known that E. D. Townsend, who has signed the foregoing certificate, is an assistant adjutant general of the army of the United States, and that to his attestation as such, full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed on this first day of April, one thousand, eight hundred and sixty-seven.

EDWIN M. STANTON,  
Secretary of War.

[SEAL]

WASHINGTON CITY, D. C., October 22, 1866.

SIR: The soldiers whose names will be found in the accompanying list were nearly all marked absent without leave in the year 1864, during that terrible campaign to Lynchburg, under command of Major General Hunter. In the cavalry those so marked had their horses killed, and were obliged like the disabled infantry to make their way back within our lines or hide in the mountains until the command returned. If a soldier is absent at three roll calls, and the officers do not know where he is, he is marked a deserter. When that record is made, a trial by court-martial is necessary to remove the charge. This opportunity these men never had. They rejoined their respective commands and served nobly to the end of the war; when mustered out of service they were unable to draw the pay due them.

You will perceive there has been a selection made of the deserving men from each regiment; the small number taken from each is proof of that fact. I do not consider these men deserters; they certainly never intended or thought of deserting, and justice requires that the charge should be removed, and thus restore them to all the rights and privileges of soldiers and citizens. These men are registered and want to vote, but will be debarred unless the disability is removed.

I have the honor to be, most respectfully, yours,

M. MCEWEN, M. D.

Late Surgeon-in-Chief 2d Cav. Div., and Br't Col. U. S. A.  
His Excellency ANDREW JOHNSON,  
President of the United States.

The communication of which the foregoing is a copy, bears the following endorsements: "Referred to the honorable the Secretary of War. All pains and penalties attaching to these men on account of the charge of desertion are remitted, and the charge will be removed from the rolls.

"ANDREW JOHNSON.

"OCTOBER 23, 1866."

"Referred to the Adjutant General to issue order in conformity with above by the President.

"E. M. STANTON,  
"Secretary of War."

WASHINGTON, D. C., October 24, 1866.

DEAR SIR: On examining the list furnished me by the Adjutant General, I discovered a very great error, which I wish you to have corrected in the morning. The following named men are marked cavalry, when it should read infantry:

Aaron Ankron, company C, 7th West Virginia infantry.  
James Cleland, company A, 9th West Virginia infantry.  
Arthur H. Dennis, company A, 9th West Virginia infantry.  
Robert S. Harris, company A, 9th West Virginia infantry.  
Wm. R. Goldsmith, company B, 9th West Virginia infantry.  
Jacob Short, company B, 9th West Virginia infantry.  
John F. Hood, company C, 9th West Virginia infantry.  
George Lowery, company C, 9th West Virginia infantry.  
Jacob Miller, company C, 9th West Virginia infantry.  
Wm. McCroskey, company C, 9th West Virginia infantry.  
Alfred Berry, company D, 9th West Virginia infantry.  
Geo. Hardee, company D, 9th West Virginia infantry.  
John L. Johnston, company D, 9th West Virginia infantry.  
John W. Berry, company H, 9th West Virginia infantry.  
Robert Huggins, company H, 9th West Virginia infantry.  
Samuel F. Brown, company F, 9th West Virginia infantry.  
John A. Baker, company A, 11th West Virginia infantry.

George Duncan, company A, 11th West Virginia infantry.  
 Noah Snyder, company A, 11th West Virginia infantry.  
 Alfred O. White, company A, 11th West Virginia infantry.  
 James Myers, company A, 11th West Virginia infantry.  
 John Stamper, company B, 11th West Virginia infantry.  
 Ephraim Nicholas, company E, 11th West Virginia infantry.  
 Elijah Tucket, company E, 11th West Virginia infantry.  
 Wm. E. Goddard, company I, 12th West Virginia infantry.  
 W. T. Nicholas, company B, 13th West Virginia infantry.  
 Frank Holland, company A, 17th West Virginia infantry.  
 Abijah Moier, company A, 17th West Virginia infantry.  
 A. K. M. Broning, company C, 17th West Virginia infantry.  
 John F. Hood, company C, 17th West Virginia infantry.

These thirty men all belong to the infantry, and they are marked down in my memorandum or order, cavalry. This is a great error, which needs correction. Please see to it first thing in the morning, and oblige,

Yours, very truly,

M. McEWEN, M. D.

Hon. T. B. FLORENCE.

WASHINGTON, D. C., November 6, 1866.

DEAR SIR: The following is a list of names marked cavalry, erroneously:

Aaron Ankron, company C, 7th regiment West Virginia infantry.  
 James Cleland, company A, 9th regiment West Virginia infantry.  
 Arthur H. Dennis, company A, 9th regiment West Virginia infantry.  
 Robert S. Harris, company A, 9th regiment West Virginia infantry.  
 William R. Goldsmith, company B, 9th regiment West Virginia infantry.  
 Jacob Short, company B, 9th regiment West Virginia infantry.  
 John F. Hood, company C, 9th regiment West Virginia infantry.  
 George Lowery, company C, 9th regiment West Virginia infantry.  
 Jacob Miller, company C, 9th regiment West Virginia infantry.  
 William McCroskey, company C, 9th regiment West Virginia infantry.  
 Alfred Berry, company D, 9th regiment West Virginia infantry.  
 George Hardee, company D, 9th regiment West Virginia infantry.  
 John S. Johnston, company D, 9th regiment West Virginia infantry.  
 John W. Berry, company H, 9th regiment West Virginia infantry.  
 Robert Huggins, company H, 9th regiment West Virginia infantry.  
 Samuel F. Brown, company F, 9th regiment West Virginia infantry.  
 John A. Baker, company A, 11th regiment West Virginia infantry.  
 George Duncan, company A, 11th regiment West Virginia infantry.  
 Noah Snyder, company A, 11th regiment West Virginia infantry.  
 Alpha O. White, company A, 11th regiment West Virginia infantry.  
 James Myers, company A, 11th regiment West Virginia infantry.  
 John Stamper, company B, 11th regiment West Virginia infantry.  
 Ephraim Nicholas, company E, 11th regiment West Virginia infantry.  
 Elijah Tucket, company E, 11th regiment West Virginia infantry.  
 William E. Goddard, company I, 12th regiment West Virginia infantry.  
 W. T. Nichols, company B, 13th regiment West Virginia infantry.  
 Isaac Shoemaker, company E, 14th regiment West Virginia infantry.  
 Frank Holland, company A, 17th regiment West Virginia infantry.  
 Abijah Moiers, company A, 17th regiment West Virginia infantry.  
 A. K. M. Broning, company C, 17th regiment West Virginia infantry.  
 John F. Hood, company C, 17th regiment West Virginia infantry.

Please make the correction and oblige,  
 Yours, very respectfully,

M. McEWEN, M. D.  
 P. O. Box 929.

General BRECK,  
 Assistant Adjutant General.

Official copy:

E. D. TOWNSEND,  
 Assistant Adjutant General.

WASHINGTON, D. C., April 2, 1867.

Hon. JOSEPH HOLT sworn and examined.

By Mr. BOUTWELL:

Q. You were examined before the Judiciary Committee of the 39th Congress?  
 A. Yes, sir.

Q. Have you in your possession a book, understood to be the diary taken from the body of J. Wilkes Booth, after his death?  
 A. I have, and now present it to the Committee.

Q. When and from whom did you receive it?

Q. I stated, I think, in my former examination that I could not say positively from whose hands I received it. It came to me through the War Department or from some one of the officers connected with the pursuit and capture of Booth. The precise person who gave it into my hands I cannot now designate; nor can I state the precise time. It was, I think, during the trial of the assassins. I remember having it in my possession during that trial, and to have examined a witness relative to the following passage which occurs in it: "This night, before the deed, I wrote a long article and left it for one of the editors of the National Intelligencer, in which I fully set forth our reasons for our proceedings." Having seen that, I sent for Mr. Coyle, the principal publisher of the Intelligencer, as was understood, and examined him before the military commission, as was understood, and examined him before the military commission, as to whether any such article had been received, or whether he had any knowledge whatever of its existence. He stated that he had no knowledge whatever of any such article. There was nothing in the diary which I could conceive would be testimony against any human being, or for any one except Booth himself, and he being dead, I did not offer it to the Commission. I will state that it has been in my possession ever since, and kept locked up at my residence almost invariably. It is now in precisely the same condition that it was when it came into my hands.

Q. How long after the death of Booth was it, according to your recollection, when you first saw the diary?  
 A. As I stated, I think it was during the trial, and very soon after the body of Booth was brought here. I do not remember the date. The diary was in the possession of other officers of the Department—probably with the Secretary of War, or assistant Secretary—before it came to me.

Q. General Eckert was assistant Secretary?  
 A. Yes, sir.

Q. When you first saw the diary, did you observe that leaves were missing?  
 A. Oh, yes, sir; just as it is now. There is one leaf as you observe in there, on which a note was written to Dr. Stewart, I think, some one who had denied him hospitality on the way, which seems to have been torn from the diary.

Q. Are you in possession of any fact which furnishes an explanation of the absence of these leaves?  
 A. I am not. I have only my conjectures about it. I have nothing on which to base them. You observe this is an old diary, one which had evidently been a good deal used by him. I think it not unlikely that the missing leaves contained current entries in regard to his personal matters which he did not choose to have exposed, and that he had torn them out himself; or, there is another theory which may possibly have been the correct one; they may have contained entries which compromised his friends and co-conspirators, and he for that reason tore them out. I am rather inclined to the other opinion, because the entry begins with April 13, 1865, the day before and the day of the assassination. Probably it contains all that was in the diary on that subject. It was evidently written after the events, because the language is a recitation or narrative of what had occurred, and was evidently (I think there can be no doubt about that, if

you examine it carefully,) written for publication, in view of the possibility, as I suppose, of his capture; it being a somewhat dramatic, passionate vindication of himself and exultation over his crime. The entries continue down to the 21st of April. They are not continued up to his capture. It does not appear even that he had crossed the river when they ceased.

Q. Have you an opinion as to whether the leaves were torn or cut out?

A. I should suppose the leaves were cut out.

Q. At one time, or at different times?

A. I do not think it would be possible to form an opinion as to that?

Q. Do you know whether or not any copy of what is written in the diary has ever been taken?

A. No, sir; not to my knowledge.

Q. Will you read the entries in the diary?

The entries are in pencil, and read as follows:

"April 13 and 14; Friday, the 15th. Until to-day, nothing was ever thought of sacrificing to our country's wrongs. For six months we had worked to capture, but our cause being almost lost, something decisive and great must be done. But its failure was owing to others who did not strike for their country with a heart. I struck boldly, and not as the papers say. I walked with a firm step through a thousand of his friends, was stopped, but pushed on; a Colonel was at his side; I shouted '*sic semper*' before I fired; in jumping broke my leg; I passed all his pickets; rode sixty miles that night, with the bone of my leg tearing the flesh at every jump. I can never repent it, though we hated to fail. Our country owed all her troubles to him, and God simply made me the instrument of his punishment. The country is not what it was. This forced Union is not what I have loved. I care not what becomes of me. I have no desire to outlive my country. This night, before the deed, I wrote a long article, and left it for one of the editors of the National Intelligencer, in which I fully set forth our reasons for our proceedings. (There is here a sentence not finished—something about the government.)

"Friday, 21. After being hunted like a dog, through swamps, woods, and last night being chased by gunboats, until we were forced to return, wet, cold, and starving, with every man's hand against me, I am here in despair, and why? For doing what Brutus was honored for, what made Tell a hero; and yet, I, for striking down a greater tyrant than they ever knew, am looked upon as a common cut-throat. My action was purer than either of theirs. One hoped to be great; the other had not only his country's but his own wrongs to revenge. I hoped for no greatness. I knew no friend's wrong; I struck for my country, and that alone—a country that groaned beneath this tyranny, and prayed for this end; and yet, now, behold the cold hand they extend to me. God cannot pardon me, if I have done wrong; yet, I cannot see my wrong, except in seeing a degenerate people. The little, the very little I left behind to clear my name, the government will not allow to be printed.

"So ends all. For my country I have given up all that makes life sweet and holy, brought misery upon my family, but am sure there is no pardon in the heavens for me, since man condemns me so. I have only heard of what was done, except what I did myself, and it fills me with horror. God try and forgive me and bless my mother.

"To-night I will once more try the river with the intent to cross, though I have a greater desire, and almost a mind, to return to Washington, and in a measure clear my name, which I feel I can do. I do not repent the blow I struck. I may before my God, but not to man. I think I have done well, though I am branded with the curse of Cain upon me, when if the world knew my heart, that one blow would have made me great, though I did desire no greatness.

"To-night, I try to escape these bloodhounds once more. Who, who, can

read his fate? God's will be done. I have too great a soul to die like a criminal. Oh! may He, may He, spare me that, and let me die bravely. I bless the entire world. I have never hated or wronged any one. This last, was not a wrong, unless God deems it so, and it is with him to condemn or bless me. And, for this brave boy, who often prays, yes, before and since, with a true and sincere heart, was it a crime in him? If so, why can he pray the same? I do not wish to shed a drop of blood, 'but I must fight the course,' it is all that is left me."

This is all that is written in the diary, except some figures and letters, unintelligible to me, though it is probable they were memoranda intended to indicate where he was in his flight on certain days of the week and month.

WASHINGTON, May 6, 1867.

GEORGE A. TRENHOLM sworn and examined.

By Mr. BOUTWELL:

Q. Give your name and occupation.

A. Charleston, South Carolina; no occupation at present. I was a merchant previous to November, 1864.

Q. Were you secretary of the treasury of the confederate States, so called, during the rebellion?

A. Yes, sir.

Q. For what period of time?

A. From July, 1864, until the 1st of April, 1865.

Q. Had you been connected with the operations of the confederate government in any way previous to the time you were in the treasury; if so, in what way?

A. No. I was not connected with their operations in any way. The house of John Fraser & Co., of which I was a partner previous to this, frequently sold the confederate government goods, but they had no connection, properly speaking, with them; that is, no different relations with them than would any other citizen of the so called confederacy. Perhaps I should add that we did sometimes transact business required to be done by them in Charleston, such as purchasing bills of exchange, &c., but we were not their agents, nor had we any official connection with them.

Q. Had you a house or a branch house in Liverpool or elsewhere abroad?

A. Yes, sir; we had a house in Liverpool, of which some of the members of the house in Charleston were partners, and some members of the Liverpool house were partners in the Charleston house.

Q. Were you a partner in the Liverpool house?

A. I was.

Q. Was the Liverpool house in any way the agent of the confederacy?

A. Yes, sir; the Liverpool house was their financial agent, or rather their depository in Liverpool—not, properly speaking, their financial agent, because they had other financial agents in Europe—in Liverpool and elsewhere.

Q. As a depository, what services did your house perform?

A. They received and sold cotton shipped to their address by the confederate government, and paid the drafts drawn against the same. They negotiated no loans, and made no negotiations of any kind for, or in behalf of, the confederate government.

Q. Did they at any time purchase or contract for building vessels?

A. They did, but not directly as the agent of the confederate government.

Q. Was your house in Charleston engaged during the war in bringing any goods from England and elsewhere?



Q. What is the relative proportion to that you had at the commencement?

A. I cannot tell; more than double; perhaps, more than quadruple. Our losses, of course, were very heavy upon this country property, which we always purchased with the negroes upon it.

Q. Was this restoration of the property held by the Freedmen's Bureau made before or after the pardon of the members of the firm?

A. I think my own pardon had not then been received. I did not receive possession of my dwelling-house until sometime afterwards. The property in the hands of the Freedmen's Bureau, which was restored at that time, required a large expenditure of money to place it in repair. It consisted, to a great extent, of wharf property, large storehouses, and property of that sort.

By Mr. ELDRIDGE:

Q. Did your firm abandon that property when it was seized by the government?

A. No, sir; it did not.

Q. Was there always some one of the firm there?

A. No; not always some one of the firm, but there was always a representative of the firm. I was in the army; my father withdrew from the firm on accepting office in Richmond during the war, and the only other member of the firm resident in Charleston, Mr. Wagner, went out of Charleston just before the evacuation; but a representative of the firm was left there with power of attorney and full authority to act in their name. This gentleman was required by General Hatch, who commanded the city after its evacuation by the confederate troops, to give a schedule of what property was held by the firm. He gave a schedule of their property, signed as agent of John Fraser & Co. It was received by General Hatch, who then took military possession of the property.

Q. Was any of your property individually abandoned by you at the time it was seized?

A. Nothing was abandoned. We were very careful to abandon nothing. We had not a piece of property of our own on which there was not a person holding possession under our authority, as agent or otherwise.

Q. After this property was taken possession of by the Freedmen's Bureau, what became of the tenants?

A. They suffered them to remain and collected the rents from them. The occupants holding under our leases were required to take out new leases, and to pay to the officers of the bureau the rent, and as they had their leases at a mere nominal rent during the whole war, they were of course glad to retain possession of the property.

Q. Was this done in every instance, or were the tenants in some instances dispossessed?

A. That I cannot tell, not to my knowledge; I think it very likely there were such cases. I do not see why there should not have been, but I do not know. As I said before, I was in the North in the summer of 1865. The property was first taken possession of by military authority, and the tenants were required to pay rents to an officer designated as treasurer under our leases. This property was subsequently turned over to the Treasury Department, and an officer of the Treasury Department designated to receive it. The rents were then paid to the Treasury Department, as I understood. The Freedmen's Bureau next took possession and required new leases to be made.

Q. Was this while General Saxton was in command?

A. Yes, sir; it was from him I received the order for the restoration of my property.

Q. Do you know of any instances in which officers of the Freedmen's Bureau turned people out of possession in order to seize the lands?

A. I do not know of any such instances. I know of instances in which officers of the Freedmen's Bureau had possession of the houses of persons and declined to vacate them.

Q. Do you know how these officers came into possession?

A. I think the houses were not tenanted when they came into possession. A very large portion of the lower part of Charleston, perhaps three-fourths of the city in superficial extent, was empty during the bombardment in the summer.

By Mr. MARSHALL:

Q. You spoke of the value of the real estate held by the firm as to what it would be worth at the commencement of the war, and stated you thought it would be worth a million. What was that property worth at the close of the war, or in the fall of 1865?

A. It had no market value at the close of the war, and you could not sell it at any price; nor can you sell it now at any price. The piece of property on which I have stated I expended \$25,000 in repairs, I would be glad now to take \$60,000 for. After it was repaired I rented it at \$6,000 a year. The lessee soon became bankrupt and gave it up. I suppose before the war it was worth \$100,000 in gold.

Q. If put up at forced sale, how much would the property have brought?

A. It would not have brought anything at all. There was no money in the country; all that our people had was property. During the spring of 1866 there was a sort of feverish speculation in some things, but it did not extend to real estate; that has never revived; there has been no building, though a large portion of the city has been burned down. Many of the wharves have been suffered to go to pieces, and no effort has been made to repair them. All the building and repairing done in Charleston has been done by our firm, and we have done very little building; we have done a great deal of repairing.

By Mr. BOUTWELL:

Q. Have the rents collected by the Freedmen's Bureau and military officers been repaid to you by the government?

A. No, sir; in fact we were required to sign an agreement never to come back on the government for it; that was required by the bureau, under a printed form, in every instance, before the property was restored.

WASHINGTON, May 13, 1867.

Lieutenant Colonel E. J. CONGER, sworn and examined.

By the CHAIRMAN:

Q. Were you engaged in the military service of the United States in the year 1865?

A. Yes, sir.

Q. Did you have anything to do with the capture of J. Wilkes Booth?

A. Yes, sir.

Q. Were you present at the time he was shot?

A. I was.

Q. Who was the first person to examine his body after he was shot?

A. I was.

Q. What articles did you find upon his person?

A. I found a diary, bills of exchange, greenbacks, a compass, key, &c.

Q. Did you take possession of these articles?

A. Yes, sir.

- Q. To whom did you deliver them ?  
 A. To Mr. Stanton.  
 Q. Did he retain possession of the diary ?  
 A. Yes, sir.  
 Q. Do you know who has it now ?  
 A. Judge Holt.  
 Q. Do you know when he received it ?  
 A. I do not.  
 Q. Who was present when you delivered the diary to Mr. Stanton ?  
 A. Colonel L. C. Baker.  
 Q. Have you seen that diary since ?  
 A. Yes, sir ; I saw it to-day.  
 Q. State whether it is in the same condition as when you delivered it to Mr. Stanton ?  
 A. I think it is.  
 Q. Have you examined it closely ?  
 A. I have.  
 Q. Are there any leaves cut or torn out ?  
 A. Yes, sir.  
 Q. Were they torn out when you first had possession of it ?  
 A. There were some out and I think the same.

By Mr. WILLIAMS :

- Q. Did you make any memorandum of the contents of the diary in writing at the time ?  
 A. Yes, sir.  
 Q. Have you that memorandum ?  
 A. No, sir.  
 Q. What did you do with it ?  
 A. I gave it to Colonel L. C. Baker.  
 Q. When did you give it to Colonel Baker ?  
 A. I cannot say ; some weeks after—perhaps not more than a week, and perhaps five or six, I am not able to say.  
 Q. Was that memorandum an abstract or a transcript of the contents of the diary ?  
 A. So far as it went, it was a transcript of the diary. I am not certain whether it was all of it or not.

By the CHAIRMAN :

- Q. Did you examine what was written in the diary, this morning ?  
 A. Yes, sir.  
 Q. Did you remark anything different from your memorandum in the diary now ?  
 A. I cannot remember. I do not know. I may say this : I had nothing in my transcript except what was in the diary.

WASHINGTON, *May 14, 1867.*

Lieutenant Colonel E. J. CONGER appeared, and his examination was continued as follows :

By the CHAIRMAN :

- Q. Will you examine the article I now hand you, and state when and where you first saw it ?

- A. I took it from the body of J. Wilkes Booth, on the morning of the 26th of April, 1865, I believe.  
 Q. Is that what is known as J. Wilkes Booth's diary ?  
 A. Yes, sir.  
 Q. Will you examine it carefully and state whether it is in the same condition it was when you took it from the body of Booth ?  
 A. It is in the same condition, with the exception that there are some shavings in it which were taken out of his pocket. I have read it carefully over.  
 Q. State whether all that was written in the book when you first took it from Booth's body, is in it at this time ?  
 A. I think it is.  
 Q. Do you remember having noticed the absence of the leaves that seem to have been out of the book when you first examined it ?  
 A. There were some cut when I got it.  
 Q. Was the entry dated November 13th and 14th, commencing "Friday the ides. Until to-day nothing was ever thought of sacrificing to our country's wrongs," &c., the first that was written in the book when you saw it.  
 A. I think it was the first, but I may be mistaken in my impression in regard to it. Before having seen it my impression was that that which was written as of April 14th was dated at a later day.  
 Q. Did any writing precede that when you first examined the book after taking it from the body of Booth ?  
 A. I should say not.  
 Q. How much of that entry did you embrace in the transcript you made ?  
 A. I am unable to say. It may be that I copied all of it ; I cannot tell now, I have forgotten. I have an indistinct recollection that I did not finish it for some reason, but I am not certain.  
 Q. Did it remain in your hands from the time you took it from the body of Booth until you delivered it to the Secretary of War ?  
 A. Yes, sir.  
 Q. Was it examined by any other person in the meantime ?  
 A. No, sir.

By Mr. WOODBRIDGE :

- Q. You say you took a copy of the writing in the diary sometime after you took it from Booth's person. Was there anything in the book then, so far as you can recollect—any writing or memorandum—that is not in the book now ?  
 A. Allow me to make an explanation before I answer. My ideas in regard to it are not exactly what the writings are now, still my belief is that there is no change in the book now. I did think it read a little differently, but it is so long since, I may have forgotten.

By Mr. ELDRIDGE :

- Q. Where were you when Booth was shot ?  
 A. I was on the farm of a man named Garrett, about three miles from Port Royal, on the road to Bowling Green, Virginia.  
 Q. Did you see Booth shot ?  
 A. I did not.  
 Q. Did you see him before he died ?  
 A. Yes, sir.  
 Q. Where were you when he was shot ?  
 A. I do not know the points of the compass ; I was by the side of the tobacco house. The man who shot him was on the next side around the corner of the house. They called it a barn ; it was built for a tobacco house.  
 Q. Did you hear the report of the gun ?  
 A. I did.

- Q. How soon after that did you see Booth?  
 A. Just as soon as I could get in.  
 Q. Who went in with you?  
 A. Lieutenant L. B. Baker, usually known as Byron Baker.  
 Q. Were you the first that went up to the body of Booth after he was shot?  
 A. Lieutenant Baker went through the door before I did.  
 Q. Where was the man who shot him?  
 A. He was outside the barn.  
 Q. He did not go in?  
 A. Not that I know of, at all.  
 Q. Then Baker was the first there, and you next?  
 A. Yes, sir.  
 Q. What did you do when you first went in?  
 A. I stooped down and lifted up Booth's head.  
 Q. What did Baker do?  
 A. He looked at him.  
 Q. Did he do anything of the kind?  
 A. No, sir.  
 Q. What next did you see?  
 A. I called in a soldier; and he, with myself and Baker, carried Booth out on the grass.  
 Q. Who was the soldier?  
 A. I do not know his name. They were all strangers to me at the time. I never saw them before I went on that expedition.  
 Q. What did you next do?  
 A. I went back to the barn and tried to put out the fire.  
 Q. How long did you remain at the fire?  
 A. About a minute, perhaps—not more than that.  
 Q. Did you make any effort to put out the fire?  
 A. Yes, sir; I tried to put the straw out; I tried to lay a big table upon it to put it out.  
 Q. Was there anybody to help you?  
 A. Yes, sir; the soldiers. We did not succeed in putting it out; it only scattered it and made it burn faster. I remained there just long enough to satisfy myself that I could not do any good. There was no water there, and the fire was burning very rapidly. There was a pile of straw and loose rubbish, about three feet deep, thrown up from the bottom in the corner; the fire was in that.  
 Q. What did you do next?  
 A. I went back and had Booth taken up to the porch in front of the house.  
 Q. Who was in charge of him while you were inside the barn?  
 A. I do not know that anybody was; nobody directly. I just carried him out, and had him laid on the grass. I thought he was dead.  
 Q. What was Baker doing at the time?  
 A. I do not know; he may have been with Booth's body, and he may have been in the barn.  
 Q. Was Booth dead when you carried him out?  
 A. He was not in fact; he appeared so.  
 Q. Was Baker with him when you got back from the barn?  
 A. That I do not know. I suppose some one was with him, but I do not remember who.  
 Q. How long did Booth live?  
 A. He was shot about four o'clock, or a quarter after, and died at seven o'clock and fifteen minutes the same morning.  
 Q. Who helped carry Booth up on the porch?  
 A. The soldiers; and I presume Baker and myself assisted.  
 Q. Did you remain at the house until he died?

- A. Yes, sir.  
 Q. Did you remain with him until he died?  
 A. Yes, sir.  
 Q. You did not leave after you came back from trying to put out the fire?  
 A. No, sir; I did not. I may not have staid directly by his side all the time until he died; but I did not leave the porch, so far as I remember.  
 Q. Did he remain on the porch all the time until he died?  
 A. Yes, sir; he was not moved.  
 Q. Did you do anything for him?  
 A. Yes, sir; I gave him water and whiskey.  
 Q. Did you have any physician for him?  
 A. Yes, sir; I do not remember the man's name. I sent a soldier to Port Royal for a doctor.  
 Q. Were you in command of the men who were there?  
 A. I was.  
 Q. What position had Byron Baker?  
 A. He had been a lieutenant and quartermaster of the regiment of which I had command in the cavalry service, Colonel Baker's force.  
 Q. Was Colonel Baker's force under your command?  
 A. They were under my command. I was an officer detailed by the War Department to report to Colonel Baker for duty.  
 Q. Did you obey Colonel Baker's commands?  
 A. Yes, sir.  
 Q. Did you put Baker in charge of Booth, and give directions what was to be done?  
 A. Yes; I directed him what to do and how to do.  
 Q. Are you certain you remained in sight of him all the time after he was carried on the porch?  
 A. Yes, sir.  
 Q. Did Baker take particular charge of him, waiting upon him, holding his head, standing by him, &c.?  
 A. Yes, sir.  
 Q. When did you first examine his pockets?  
 A. When I determined to leave and go to Washington myself. I am not able to say the hour; it was before he died. My recollection is very uncertain as to the particular time.  
 Q. State as near as possible.  
 A. I should say it was about six o'clock, or half-past—perhaps a couple of hours after he was shot. I fix that time, because I remember I thought he was conscious; that he looked up, and knew what was being done. I think after that time he was still alive, but did not know anything. I watched to see whether he would get better or worse. I remained there until he died. The doctor came before I got away, and I waited to see what would be the result.  
 Q. Who was present when you examined his pockets?  
 A. Lieutenant Baker and the soldiers.  
 Q. Did you personally take these things from his pockets or did Baker do it?  
 A. I did it myself.  
 Q. Did Baker examine his pockets?  
 A. I should say not.  
 Q. Did you hand the things to Baker when you took them out of his pockets?  
 A. I did not. I laid them on the handkerchief by the side of him.  
 Q. Did Baker examine them?  
 A. I should say no more than to see them as I took them out and laid them down by my side.  
 Q. Did you find the things in more than one pocket?  
 A. Yes, sir.

Q. Are you certain where you found the memorandum book?

A. I do not remember which pocket.

Q. Did not Baker, in fact, hand to you the memorandum?

A. It is barely possible that he did. My impression is that I took all the things out myself.

Q. Did not Baker examine that memorandum book in your presence, take what was in it out, and look it through?

A. I should say not.

Q. Did you open it at the time?

A. I think not.

Q. Was it opened by any one there?

A. I should think not.

Q. Do you mean by that that you have a distinct recollection of the circumstance?

A. I mean that to the best of my recollection such is the case. It is barely possible I may be mistaken.

Q. Did Booth have anything to say after he was shot?

A. He said, "Tell my mother I die for my country." That was the first thing he said after his consciousness began to return.

Q. When was that?

A. It was while he was on the grass. I was not certain whether I understood him; he talked by gasps. I repeated it to him and asked him if that was what he said. He said yes. He said afterwards, "Tell my mother I did what I thought was for the best." This was while he was on the grass, before he was taken to the porch.

Q. After you took him to the porch did he say anything?

A. He asked me if "Jett" betrayed him.

Q. Who did he mean by "Jett?"

A. He was one of the three rebel soldiers who took him across the river; a man I captured at Bowling Green. Jett was his surname; I do not know his other name.

Q. Did you hear him say anything else?

A. I heard him say something about his hands, either to hold them up or have them washed. Lieutenant Baker was washing his face, and he said something about his hands, to hold them up, or wash them, or something of that sort, and then he said it was useless. I think that is all I heard him say.

Q. Did you hear him converse with Byron Baker?

A. Only what I have said.

Q. Did you see him and Baker in conversation?

A. I did not.

Q. Did Baker hold his head all the time he was on the porch until he died?

A. Nobody held his head; he was on a straw bed, and his head was supported by pillows or something.

Q. Did not Baker hold him up against his breast with his arm around him part of the time?

A. I think, perhaps, he did hold him up.

Q. Did he not hold him up with his head laying against his breast?

A. I rather think he did.

Q. Did not Booth die while he was holding him in that way?

A. No, sir; after he was brought to the porch a straw bed was brought out from the house, and after that I do not think he was raised at all, unless for the purpose of giving him water or whiskey. I remember now that he once asked to be turned over on his back.

Q. Did he send any other message to his mother, or to any friend?

A. No, sir.

Q. Did he say anything about any person having been engaged with him?

A. No, sir.

Q. Did he speak of any person except Jett?

A. No, sir.

Q. Did he say anything of his mother having knowledge of what he was doing?

A. No, sir.

Q. Did he not tell Baker, in your hearing, that he had no idea of assassination until a day or two before it was done?

A. No, sir.

Q. Did you hear him say there was no design of killing Lincoln by anybody but himself?

A. I did not. I did not hear him say anything with regard to that or any thing at all except what I have stated.

Q. Did you hear him say he did not intend to do anything wrong or hurt anybody until a day or two before?

A. I did not.

Q. Can you say whether he talked with Baker when you did not hear him?

A. I cannot say.

Q. You stated in answer to a question by the Chairman, that your impression was that this memorandum book read differently from what it does now. State your impression as to how it read.

A. My impression with regard to its commencement was, that what was written on the first page was dated at a later period.

Q. The Chairman read to you the first sentence, and it was in answer to that that you said you thought it did not read in that way.

A. I had no reference to the first sentence read by the Chairman, except as to the date. My impression, however, was that it read something like this, "Here I am waiting cold and hungry, hunted like a dog, with every man's hand turned against me."

Q. Is not that in it now?

A. There is nothing exactly like that in so many words.

Q. Is that the only difference you find between your impression and the reading of it now?

A. I see no material difference from what I expected to find. It is not worded exactly as I thought it was.

Q. Where were you when you copied what was written in the book?

A. On the steamer coming from Belle Plain to Washington.

Q. Did you copy everything that was written in it?

A. I am not certain. I have an indistinct recollection that I did not, but what prevented me I don't now remember.

Q. I understood you to state, yesterday, that if you did not copy it all that it was a mistake, that you intended to copy it?

A. I intended to copy it all when I started, but I have an impression that for some reason I did not quite get through.

Q. What part of it did you not copy?

A. The last part of it. I commenced at the beginning.

Q. Did you copy the first page?

A. Yes, I think so; but am unable to say where I left off.

Q. Did you copy what was written on the loose sheet?

A. No, sir; I saw the sheet at the time.

Q. Do you remember that distinctly?

A. I had read it, but I do not think I copied it.

Q. Were these photographs in the book?

A. Yes, sir.

Q. How many were there?

A. I am unable to say.

- Q. Could you remember if any were taken away ?  
 A. I could not. I can remember that some were there.
- Q. Was there anything in this memorandum book at the time you took it from Booth that is not in it now ?  
 A. Not that I know of.
- Q. Did he have a wallet besides this, in which there was money ?  
 A. That I do not remember ; I do not remember whether the greenbacks were taken from this or not.
- Q. How much money did he have ?  
 A. I could not say.
- Q. Do you remember the number of bills or their denominations ?  
 A. I do not ; I paid very little attention to the money.
- Q. Did you carry the book immediately to Mr. Stanton ?  
 A. I went to Colonel Baker's office first, and from there to Mr. Stanton.
- Q. Did you not give the book to Colonel Baker ?  
 A. No, sir.
- Q. Are you sure about that ?  
 A. Yes, sir.
- Q. Did Baker have it in his possession before Stanton had it ?  
 A. No, sir.
- Q. Did he examine it in your presence before you delivered it to Mr. Stanton ?  
 A. No, sir ; the things were tied together in a handkerchief, and the handkerchief was not opened after I went to Colonel Baker's office until it was given to Mr. Stanton.
- Q. Did Baker know you had the book ?  
 A. He knew I had some things that were taken from Booth's body ; that was all.
- Q. When you carried it to Stanton did you undo it or did you hand it to him folded up ?  
 A. I am not certain about that.
- Q. You untied it on the boat and examined the articles ?  
 A. Yes.
- Q. Did you examine it with any one ?  
 A. No, sir.
- Q. Can you undertake to swear with any definiteness that all these leaves were out when you handed it to Mr. Stanton ?  
 A. My impression is that it is in the same condition now that it was then.
- Q. Can you undertake, from the examination you have made, to swear that it is ?  
 A. I say that, to the best of my knowledge, it is.
- Q. Did you count the number of leaves cut out ?  
 A. I did not.
- Q. Did you see it examined in Mr. Stanton's presence ?  
 A. I did. He looked at it and passed it over to General Baker.
- Q. Did he ask you anything about these leaves ?  
 A. No, sir.
- Q. Did Baker take it away with him ?  
 A. I should think not. Stanton looked at it ; handed it to him ; they looked over the figures together, and Mr. Stanton retained it in his possession.
- Q. You did not express any opinion as to how these leaves came to be out ?  
 A. I did not. I have no opinion upon that subject at all.
- Q. Did you see that memorandum book after you gave it to Stanton, until you saw it yesterday ?  
 A. No, sir.
- Q. Who gave it to you yesterday ?  
 A. General Holt.

- Q. Did you examine it carefully with him ?  
 A. Yes, sir. He gave it to me and I looked it through carefully.
- Q. And since you looked at it your opinion is, that it is in the same condition as when you gave it to Stanton ?  
 A. My impression after reading it was that, to the best of my recollection, it was in the same condition.
- Q. Were you sworn before the military commission that tried Mrs. Surratt ?  
 A. Yes, sir.
- By Mr. BOUTWELL :
- Q. Have you any knowledge or information that Booth had this diary at Dr. Mudd's house during his flight ?  
 A. No, sir ; I have no information about it.
- By Mr. ELDRIDGE :
- Q. Have you mentioned all the things you took from the person of Booth ?  
 A. I believe I have.
- Q. What was the amount of the bill of exchange ?  
 A. I think £50 ; I have forgotten. They were drawn in favor of J. Wilkes Booth on some bank in Canada. There were three of them, but marked 1st, 2d, and 3d, all for the same amount.
- Q. Did you find any gold on him ?  
 A. No, sir.
- Q. Have you any better recollection now as to the amount of money you took from him ?  
 A. I am unable to say. It was not very much. I know we thought he had not got rich if that was all he had.
- Q. Did you deliver that to Mr. Stanton ?  
 A. Yes, sir.
- Q. Was there anything else you took from Booth which you have not mentioned ?  
 A. I hardly know what I did mention. I took his diary, these bills of exchange, money, keys, compass, shavings, tobacco, and a little knife.
- Q. Were there any papers upon his person ?  
 A. Only the papers in this book ; no others that I remember.
- By Mr. CHURCHILL :
- Q. How long was this diary in your possession ?  
 A. From the time I took it from Booth until about 4 o'clock the same afternoon.
- Q. You observe in the entry now the printed page, headed December, 1864, and that on the next leaf is the entry commencing April 13th and 14th. Do you remember whether these pages were opposite each other when you first saw the diary ?  
 A. I have no remembrance about that.
- Q. Was it in your mind in looking over the diary to discover whether it might give any clue to Booth's movements before the assassination, or of persons who were acting with him ?  
 A. Yes, sir ; that was in my mind.
- Q. Was there anything in the book giving any clue to his movements before the assassination, or to the persons who acted with him ?  
 A. Nothing that gave me any idea or any information whatever on these subjects. I took this copy because of what seemed to me its peculiar character. I thought it was something I would like to keep.
- By Mr. ELDRIDGE :
- Q. Do you know what became of the copy you took ?  
 A. I do not.

Q. When did you give it to General Baker?

A. It was some time afterwards, I do not know how long. It may have been five or six weeks. I do not think I kept it very long.

Q. Why did you give it to General Baker?

A. After having it in my possession I felt as if I had no right to retain it without permission. I told General Baker of it, and asked him to ascertain from Mr. Stanton if I might retain it. Subsequently he said that Mr. Stanton did not want that I should have it, and I gave it to him. I do not know what he did with it.

Q. Did you ever say anything to Mr. Stanton about it?

A. I did not.

Q. And you do not know whether he knew that you had it, except what General Baker told you?

A. No, sir.

Q. Did you read that copy over after you had surrendered the book to Mr. Stanton?

A. I presume I did, although I do not remember any definite time when I read it.

Q. Did you read it to any one?

A. I read it to one man.

Q. To whom?

A. To George Emerson.

Q. Where is he?

A. He is dead. I do not think I read it to any one else, and I have no recollection of any particular time of reading it all, although I have no doubt I read it over, and I presume I read it several times.

Q. At the time you handed it to General Baker, did he read it?

A. I do not think I saw him read it. I just handed it to him and he put it away.

By the CHAIRMAN:

Q. You stated that the diary was not in Baker's possession at all until after you handed it to the Secretary of War, and that the Secretary examined it himself at that time.

A. Yes, sir.

Q. Did Baker have it in his hand and examine it at that time?

A. Yes.

Q. How long did he have it in his possession?

A. Long enough to read it. He looked it over while Mr. Stanton was looking at some other things.

Q. Do you think Baker read all the entries in the book at that time?

A. I do not know.

Q. You are positive you delivered the book yourself to the Secretary of War?

A. Yes, sir.

Q. Do you remember any pencil sketch of a house in the book at that time?

A. I do not.

Q. Did you have any conversation with General Baker about a pencil sketch of a house upon a piece of paper, in order to determine whether it was the house in which Mrs. Surratt lived?

A. No, sir.

Q. Do you remember seeing a sketch which seemed to mark roads, &c., now in the book?

A. Yes, sir; that was in it.

Q. Did you ever talk with Baker about that?

A. No; General Baker has since stated it was his recollection that there was a sketch of a house in the book.

Q. When did he state that, and where?

A. I think, in Philadelphia, about three weeks ago. I went there to see General Baker.

Q. At whose request?

A. At my own instance, in reference to a purely business transaction.

Q. Had you command of all the troops that were engaged in the search of Booth's party on the line of his escape?

A. I had only command of the men that were with me, twenty-six or twenty-seven in number.

By Mr. ELDRIDGE:

Q. Did you go, after returning to Washington, directly to Mr. Stanton with Colonel Baker?

A. Yes, sir.

Q. Were any orders or directions given to you about the book or of the other things by Mr. Stanton?

A. He said, "Baker, you take care of these things," referring to the money and bills of exchange.

Q. Did he give them into his possession?

A. Yes, sir; but he retained the memorandum book himself. The money and bills of exchange were lying on the table, and Colonel Baker gathered them up and took them away with him.

Q. Was there any direction given to Colonel Baker to give the book to Judge Holt?

A. No, sir.

Q. Where did you and Baker go from Mr. Stanton's office?

A. Back to Baker's office.

By the CHAIRMAN:

Q. Do you know General Eckert?

A. Yes, sir.

Q. Was he present at the Secretary's house?

A. No, sir.

Q. Did he come in while you were there?

A. No, sir.

Q. Did you go immediately to Mr. Stanton's house from Baker's office?

A. We went first to the War Department and then to the Secretary's dwelling house.

Q. Did you ever have any conversation with Baker about the pencil sketch of a house, except the one you mentioned in Philadelphia about three weeks ago?

A. I do not remember that I did.

Q. Are you one of the persons whose services were recognized in the capture of Booth in the distribution of rewards?

A. Yes, sir.

Q. What amount was awarded to you?

A. Fifteen thousand dollars.

WASHINGTON, D. C., May 13, 1867.

HON. ALEXANDER W. RANDALL sworn and examined.

By Mr. WILLIAMS:

Q. In your answer to the House resolution calling for information in regard to appointments to office, you designated as causes in a great many cases, thirteen or fourteen hundred in all, "political reasons." The term is a very vague one, and I will be obliged to you to state more distinctly what you mean by it.

A. I do not remember that any provisional Governor held a military office, except Mr. Johnson.

Q. By what mode was the amount of salary fixed?

A. I have a general recollection that in the beginning, if I am correct in saying that Tennessee was the first case where we appointed a provisional governor, I made an enquiry of the Secretary of War, and that the amount was based upon that allowed by the constitution and laws of Tennessee to the Governor of that State. If I am right in that recollection, the amount was fixed in that way on the analogy of the duties of the office corresponding in some measure to those of Governor, the compensation was regulated by that allowed to the Governor. That was believed to be a reasonable sum, and not extravagant.

Q. Was not the salary of Governor Johnson, of Tennessee, fixed by the amount he was entitled to receive by virtue of his holding the office of Brigadier General?

A. That may have been so. At the same time I remember to have inquired what the Governor of that State was entitled to receive under the constitution and laws. We made an enquiry of the Secretary of War. It was thought he was entitled to receive the same as the Governor of Tennessee, and very likely that pertaining to the office of Governor.

Q. Was not Governor Johnson appointed to the office of Brigadier General?

A. I believe so. He was in the Senate; he was appointed to the office of Brigadier General, and proceeded to the office of Brigadier General, and he finally determined that it was necessary, if he was to go to Tennessee, to have some military power or prestige in order to be able to enforce his authority.

Q. These other provisional Governors, however, had not military authority?

A. There was a provisional Governor in North Carolina, Mr. Stanley, who had not, I think. Since the administration of Mr. Johnson, none of them, I think, have been officers of the army.

By Mr. ELDRIDGE:

Q. How many of these provisional Governors did Mr. Lincoln appoint?

A. He appointed, I think, a provisional Governor in Louisiana, and one in North Carolina. It seems to me that during the administration of Mr. Lincoln, Hamilton was appointed over Texas, though I do not think he succeeded in getting into the State at that time. He was again sent there after Mr. Johnson became President.

Q. How many of these Governors were clothed with any military offices other than such as this appointment of Governor would confer?

A. I do not remember that any other was, except Governor Johnson. Military Governors were appointed during the war and provisional Governors after that.

Q. In respect to taking the test oath, I ask you whether it was not notorious that Governor Parsons, of Alabama, had been a member of the rebel legislature?

A. I cannot answer that. I do not remember the history of Governor Parsons; at least I don't remember what was then known of it.

By Mr. BOUTWELL:

Q. Did you have any consultation with President Johnson with regard to the appointment of Holden, of North Carolina, or Parsons, of Alabama, previous to their appointment?

A. I cannot answer that question with precision. Some of these provisional Governors I did have conversation with him about and recommended; others

Seward

were designated by him, and I was directed to appoint them before having any such consultation. With regard to Governor Holden and Governor Parsons, I am not clear whether I knew beforehand either was to be appointed or not. It was a matter of accident whether I would or would not be consulted.

Q. Do you recollect whether at any time the loyalty of Holden and Parsons, or the course they had pursued during the rebellion, was a subject of conversation between you and the President?

A. No, sir; I only remember that they were understood at the time they were appointed to be loyal men, and earnestly desirous of the restoration of the government. I do not recollect any conversation with the President upon that subject.

Q. Had the President, within your knowledge, any policy as to whether the previous conduct of persons during the rebellion should be considered in making appointments, or whether reference should be had solely to what was then understood to be their state of mind in reference to the restoration of the Union?

A. All that I can say about that is, that when a provisional Governor was to be appointed we endeavored to get a loyal man, in favor of the restoration of the government upon the principles we proposed, and, if practicable, one who had been consistent in his loyalty to the Union throughout. That was our endeavor, whether we succeeded or not.

Q. Is it within your knowledge whether the President, in the case of Holden and Parsons, instituted any inquiry as to the conduct of these men during the rebellion?

A. No; I have no knowledge that any such inquiry was instituted. The record or history of these prominent men in the South was public, and I suppose each person, in relation to them, acted upon what he understood himself to be their course of action.

Q. Is it within your knowledge or not that the fact that a man had been engaged in the rebellion was, in the judgment of the President, a bar to his appointment to office, if it was understood at the time when the appointment was made that the person under consideration professed to be loyal?

A. It was not a bar in the President's judgment if he was then loyal and qualified to perform the duties of his office.

Q. If his participation in the rebellion was known to have extended so far as to render him unable to take the test oath, was he thereby disqualified in the judgment of the President for appointment to office?

A. I do not think I ever heard that question discussed, or ever heard him express an opinion thereon.

Q. State whether, other than the arrest of Surratt, in reference to which you have testified heretofore, any steps have been taken by the State Department, or persons acting under its authority, since the execution of Payne and his associates, for the purpose of discovering who the persons were that contrived the plan which resulted in the assassination of President Lincoln. If so, what steps?

A. Colonel Sharp, who was provost marshal of the army of Virginia, Grant's army, was sent to London to see whether he could there procure any evidence from persons connected with the rebellion, or sympathizing with it, that would affect any persons other than those who were tried and convicted. He went to London last winter, and has been there since, and is now, as I learn, in Rome, thus far having succeeded in obtaining no material information. Mr. John A. Bingham was by me, upon consultation with Judge Holt, invited to assist the district attorney in the trial of Surratt. He conferred with me, and told me of a paper which he thought threw some light upon the subject, and which he represented as having been published in the Baltimore Sun during the time of the trial of the conspirators, I think. At his instance I sent a confidential person to Baltimore, obtaining the paper referred to, no file of it having been found in

this city, and communicated it to him or to the district attorney. At his suggestion Mr. Riddle, of this city, was requested to assist in the trial. I know of no other proceedings that have been taken by the State Department in the direction you speak of beyond what I have heretofore communicated to Congress or the Committee on the Judiciary.

Q. When did Colonel Sharp go abroad for that purpose?

A. I think about the time I was last before the Committee. I think I mentioned, informally, the last time I was before you, that an agent had been sent or would be sent.

Q. Was he sent upon your own suggestion, or upon the suggestion of any other person?

A. My own.

Q. Since the time of the execution of Payne and his associates, have you received from the President any advice or suggestion in reference to the discovery of persons who originated the plot for the assassination of the President, Mr. Lincoln?

A. I do not think I have had any conversation with the President on the subject, other than what occurred when I reported to him what proceedings I was taking, and to which he assented. I have never had any advice or direction, or suggestion from him.

By Mr. LAWRENCE:

Q. Were any of the appointments by President Lincoln of military Governors, who held military offices, made after the passage of the Act of Congress of February 9, 1863?

A. That is a historical or chronological fact easily ascertained from the records; I cannot answer from memory.

Q. Can you state whether either of these provisional Governors, who held no military office, was paid any salary?

A. I cannot say affirmatively that they were, because, if I remember right, they were not paid by me. I have no doubt that they were paid by the War Department. I have no doubt that all military Governors were paid.

Q. Can you state why the correspondence with the provisional Governors appointed by President Johnson was entrusted to the State Department rather than to the War Department?

A. I do not know that I can state the reason. I can state a reason why it was or why it might have been done. The theory of the State Department, as I have always understood it to be, is, that it is charged specially with correspondence and the conduct of the political affairs between the United States and foreign nations, and between the United States and the several States of the Union. That is the theory upon which we have proceeded. By illustration: the Governor of a Territory is a political officer; the Secretary of a Territory is a political officer. The appointment of these officers and the conduct of these affairs are vested in the Department of State upon the ground that they are political officers in inchoate States, so the correspondence with Governors of States is legitimately through the Department of State. I do not know that this is the reason, but is a reason why that might have been so.

Q. Was there any reason why all this business of reorganization under President Johnson was regarded as the exercise of a civil power rather than a military power; and if it were military power, would not the charge of it properly belong to the War Department?

A. I cannot answer what was thought by anybody on that subject. I can say that, in my own judgment, the proper direction in that regard was taken. When the State of Tennessee was first organized the matter fell within my province—it being the reorganization of the State of Tennessee, at least provisionally—but we had no money in the State Department, and we required the

strong arm of the military for the purpose of carrying out efficiently the organization. Therefore the supervision of that organization was in the Department of State, although the military support and the payment of the Governor's salary was in the War Department.

Q. Did not your department regard this matter of reorganization after the surrender of the rebel Joe Johnston as the exercise of a civil power?

A. I regarded it as the exercise of the civil power in co-operation with the military power.

Q. And the military subordinate to the civil?

A. In co-operation. I cannot say that I regarded it as subordinate; I do not now.

Q. The reorganization of Tennessee commenced, did it not, in a movement of the people themselves?

A. I cannot answer as to that fact. I should think not. You may be more familiar with the subject than I am. All that I remember is that I was anxious to have a Governor appointed, and that he should be invested with military power sufficiently to enable him to enforce his acts.

Q. Have you examined the report of the Reconstruction Committee in regard to the State of Tennessee?

A. No, sir; I have not examined the report of the Reconstruction Committee at all, upon any subject.

By Mr. ELDRIDGE:

Q. Were all these appointments made substantially in the same form both by President Lincoln and President Johnson?

A. They were all intended to be; I cannot say whether they were or not. I think no appointment was ever made without my drawing it or causing or directing it to be drawn; and so far as I remember, there was no departure from the policy or principle originally decided upon in regard to their functions, power, responsibility, or anything else. I thought I was doing the same thing, but I am not very much a slave to forms, and very likely one case may differ in phraseology from another. I may say this: that there was no one of these Governors ever commissioned that I did not write or dictate the terms of the commission, and that not one word was altered or changed by the President or any one.

Q. And in principle you followed the Tennessee appointment?

A. In principle I thought I did.

By the CHAIRMAN:

Q. Is the plan of reconstruction applied by the President to the rebel States a system of his own creation, or how was it agreed upon?

A. I think it grew during the administration of Mr. Lincoln and the administration of Mr. Johnson, and it was modified from time to time by the circumstances as they occurred. The first act of reorganization, as I have mentioned, was in the case of Tennessee. I think I am the author of that. I think, so far as I know, that plan of reconstruction was pursued, at least until the time I was taken sick and went to my bed, in the month of April, 1865. When I came out of the sick room, the first day I went to the Cabinet, I think the draught of the President's proclamation, or a plan of proclamation, was submitted to me. I found that it substantially accorded with what I had understood to be my own plan, and I accepted it as being the same.

Q. Do you refer to the proclamation now in the case of North Carolina?

A. I refer now to the general proclamation of amnesty and reconstruction of Mr. Johnson. How far it differed from other plans submitted I do not remember. When this question came up before the President and in Cabinet, it was discussed and adopted during my sickness, and was understood and stated, I



indication on the part of the President to prevent a trial. On the contrary every time the question has been raised in his presence, within my knowledge he has always been anxious for the trial of Jefferson Davis by a civil tribunal after it was decided that he should not be tried by a military tribunal—and that decision was reached very early in Cabinet—in which I was overruled.

Q. Was that decision ever made public?

A. No, sir; it was not necessary to make it public. It was the opinion of the Attorney General, and upon his recommendation the decision was made.

Q. Was the question made at that time as to his complicity in the assassination?

A. There was a talk at that time as to his complicity, but they failed to procure evidence of it. I remember at one time one or two witnesses were examined before the President and myself upon that subject, and that I examined one or both of these witnesses, or heard what they said. Some time after that, as I supposed, the testimony of these witnesses was discredited and destroyed by transactions in which Sanford Conover appeared, and the evidence of the alleged complicity of Jefferson Davis thereupon failed.

By Mr. LAWRENCE:

Q. Do you know what directions were given to the District Attorney in Richmond, recently, in regard to the question as to whether Mr. Davis should be allowed his liberty upon bail?

A. I do not know that any directions were given to him. I have no knowledge or information that any were given whatever, or what they were if there were any. The matter fell within the province of the Attorney General as the judiciary officer of the government, and it was never discussed in my presence, in the Cabinet or elsewhere, with him or anybody else.

By Mr. ELDRIDGE:

Q. You spoke of putting him on trial before a military commission, and for alleged complicity in the assassination of the President. I wish to know if you can state any other reason why that was not done?

A. I do not know. I only know that it was not done, that we were inquiring about these witnesses, and that was the last I remember to have heard of it in connection with any officer of the government. I afterwards heard of proceedings in connection with Sanford Conover, which, as I understood, destroyed the testimony of the witnesses examined by me.

Q. It was destroyed then because the evidence was insufficient?

A. You require me to draw an inference. I do not know anything about it.

Q. Was not that the reason you dismissed the subject?

A. The reason why I dismissed the subject was that my attention was never drawn to it again. It would be only accidental that my attention would ever be called to that subject. It would be only fair to imagine that, having been myself a sufferer in that business, the subject would be a delicate one for me to pursue without seeming to be over zealous or demonstrative.

By Mr. WILLIAMS:

Q. Have you any knowledge of a confession made by Payne before his execution in regard to his attempt to take your own life?

A. Yes, sir; I have.

Q. There was such a confession made?

A. I will tell you what I know of that. Major Eckert, Assistant Secretary of War, at the time of these prosecutions, was a very kind friend of mine and a frequent visitor at my house. He told me that Payne made some statements of confession to him before his conviction, I think it was; whether before his trial or not I do not remember; that he took it down in short-hand, if I recollect

right, (I think he wrote short-hand) He told me the substance of it, or at least so much as I then supposed to be material or pertinent to the subject. Some question, as I understood, arose, whether that confession of Payne could be put in evidence on the trial, or whether, after the trial, it should be given to the world as justifying the punishment. I think that Major Eckert told me it was not made use of chiefly because there was proof enough without to satisfy the minds of all persons, and that it might seem to weaken the power of the conviction or judgment to make use of a confession made by one of the parties convicted. Major Eckert told me after that time that he meant to draw out Payne's statements for my own use and satisfaction. I told him I would be pleased to have it. When I have seen him since I have asked him, and he said he was going to do it. The last time I saw him he repeated that he would draw it out and give it to me, but I have never seen it.

Q. Did you understand whether that confession in any way implicated any of the rebel authorities?

A. If I am correct, and it is a pretty important question to speak to, it did not. I think I understood that Payne utterly and absolutely refused to implicate even the parties that the proof implicated. He declined to give any information even as to his known confederates. At least that is the impression left upon my mind, that he was obstinately determined to go to the grave without breaking the confidence he was supposed to have held.

By Mr. ELDRIDGE:

Q. In any consultation with President Johnson did he ever advise against, or in any other way attempt to prevent the prosecution of Jefferson Davis for complicity in the assassination?

A. He never advised against his prosecution for anything. He was most strenuous in insisting upon the prosecution and trial of Jefferson Davis for whatever could be laid to his charge.

By Mr. MARSHALL:

Q. Has that been so at all times?

A. Always, when it has been the subject of discussion or debate. With the lapse of time this got to be an old affair, and is not often referred to.

Q. Did I understand you that his trial by a military commission was abandoned upon the advice of Attorney General Speed?

A. It was not abandoned because it was never determined on. I urged it, or at least I was willing to see it done, but in that I was not sustained by the advice of the Attorney General. Three counsel were chosen to prosecute, and we reported our proceedings from time to time. We then held conversations from time to time about the selection of counsel. Mr. Clifford, of Massachusetts; Mr. Evarts, of New York, and Mr. Rousseau, of Kentucky, were appointed, and I always supposed they were going on to prosecute the case, until after awhile I saw that Governor Clifford had dropped out; and Mr. Rousseau, I do not know how he got out, or whether he is yet out. Mr. Evarts is still retained.

By Mr. CHURCHILL:

Q. How recently have you heard the President express an opinion that Jefferson Davis should be tried?

A. I cannot say how recently, because I cannot remember that it has been the subject of conversation in that connection for some time. At various times I have heard it discussed, and while it remained as a practical or living subject of debate, that was the expression of the President.

Q. Have you heard him express any opinion since this question of *habeas corpus* has been before the country?

A. I have not. The Cabinet meets twice a week, but I do not remember to have heard any conversation on that subject since the *habeas corpus* was issued,

Testimony of Hon Wm H Seward  
 Impeachment Investigation  
 Washington, D.C.  
 May 16, 1867

them come in," and he would go through the same performance of shaking hands and answering their foolish questions.

Q. I ask you if, during the time you were there, you ever saw any impropriety of any kind whatever on the part of the President?

A. I never did.

Q. And you also state that you never saw him intoxicated or under the influence of liquor?

A. I never did. I never saw any liquor in the house, nor anything approaching to intoxication. He always treated me very kindly. He took me down once to see a new carriage that he had just purchased. I never saw anything on his part that was not gentlemanly and proper.

WASHINGTON, D. C., May 17, 1867.

JOHN B. HUBBARD sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. My home is in Connecticut.

Q. Were you in this city in the spring of 1865, about the time of the assassination of the President?

A. At the time of the assassination of the President I was in Chicago, having just come there from Springfield, Illinois. I left that afternoon for Washington.

Q. Were you in the city during the time of the trial of the assassins?

A. I was.

Q. What was your business at that time?

A. I was with General Baker.

Q. Were you on duty at the arsenal during the trial?

A. I was there, I think, from the 29th of April until about the 12th or 13th of July, when I was discharged from there.

Q. What was your business there?

A. There were four of us on duty, which was to watch. We were each on six hours every day.

Q. Do you know whether any of these prisoners made confessions?

A. I do not know that any of them made a confession. I do know that Atzerodt, after the sentence or death warrant was read to them the day before they were to be hung, made a confession or a part of a confession. Colonel Fredericks, who was in command, under General Hartranft, was writing down what I supposed to be a confession, but a priest came in and it was broken off before it was finished.

Q. How do you know that?

A. I only know that Colonel Fredericks was there writing, and that it was broken off. I should suppose it was a confession. I have no means of knowing other than that.

Q. You do not know that it was a confession?

A. No, sir; I never saw it afterwards.

Q. Do you know whether Payne made a confession?

A. I do not know that he did. I rather think that he did not.

Q. Do you know where Colonel Fredericks is?

A. He lives in Gettysburg, Pennsylvania, or did at that time.

Q. Did any of the other prisoners make a confession?

A. I never saw or heard of any confession being made by any one except the one I have mentioned.

By Mr. ELDRIDGE:

Q. How long had you been in Colonel Baker's employ?

A. From the 25th of March until his force was disbanded.

Q. What pay did you receive?

A. One hundred and fifty dollars a month.

Q. Were you in the army?

A. No, sir.

WASHINGTON, D. C., May 18, 1867.

Hon. E. M. STANTON sworn and examined.

By Mr. LAWRENCE:

Q. In executive document No. 26, first session Thirty-ninth Congress, page 3, it appears that payments were made to provisional Governors Perry, Holden, Parsons, and Johnson; will you state by whose direction these payments were made?

A. The payments specified in my letter of January 8, which forms part of that document, were made by my order.

Q. On page 11, from the same document, is a letter from the Secretary of State to provisional Governor Holden, notifying him of his appointment, fixing his salary at \$3,000. I desire you to state how that amount was fixed—whether it was in pursuance of that letter, by direction of the President, or otherwise.

A. I cannot state from recollection. I remember that some claim of some Governor was referred to me by Mr. Seward. I could not tell, without looking at the papers in my office, whether I fixed it myself as a reasonable compensation for the service which he rendered, or whether it was fixed with any reference to this paper or not. I had no order from the President in regard to it that I now remember. My recollection is that the bills came to me, and either were presented by the Governors individually, or transmitted by mail, or transferred to me from the State Department. Some of them, I think, were presented individually. Governor Parsons presented his bill in person. I think Governor Perry also presented his in person, and I think Governor Johnson did. I recollect I had some conversation with them in regard to their bills. Whatever may have taken place in regard to them, if there was any improper payment out of army contingencies, I am the proper party to be held to account, because I would not pay a claim out of army contingencies at the request of Mr. Seward or anybody else if I did not think it was right—at least, without the order of the President.

Q. Do you mean to say if Mr. Seward, by direction of the President, fixed the amount of their compensation, and notified them that it should be paid, that if you, in pursuance of that notification made by the President, had afterwards paid it, you alone would be responsible?

A. I did not mean to express an opinion on that subject. That would be a matter of law as to who would be responsible. I mean that I would not exonerate myself by saying that I paid it out of my department at the request of anybody else.

Q. In executive document No. 81, first session Thirty-ninth Congress, page 2, there is a letter from the Secretary of the Treasury to the President, in which he says, in speaking of the condition of the country, that as the country was passing from a state of war to a state of peace, and the emergency seemed to be too pressing to admit of delay until the meeting of Congress, it was thought that the test oath might, in view of the great objects to be attained, in some cases be dispensed with, or rather that persons might be permitted to hold revenue offices

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who could take it only in a qualified form; and it is stated that no one could have regretted more than the President and members of the Cabinet the necessity which existed for this course. Were you present at the Cabinet meeting when that subject was discussed?

A. He did not say that it was discussed in Cabinet meeting.

Q. Were you present at any Cabinet meeting when the subject of dispensing with the test oath was discussed?

A. I was present at several Cabinet meetings when that subject was discussed.

Q. State, if you will, what directions were given by the President in relation to it.

A. I do not know of any directions that were given by the President. I do not recollect that I ever heard him give any directions in regard to it.

Q. Did you hear him express any opinions or sentiments in regard to it?

A. I do not think I did; I do not recollect having heard him express any opinion upon the subject. It was discussed by members of the Cabinet.

By the CHAIRMAN:

Q. Have you any recollection as to who first proposed a modification of the oath so as to permit parties who could not take it literally to enter upon the discharge of official duties?

A. I have not.

By Mr. WILLIAMS:

Q. Be good enough to state whether any orders passed through your department in reference to the release of Jeff. Davis on the return of the writ of habeas corpus by the officer who held him in custody?

A. Yes, sir; an order was issued from the War Department to General Burton upon that subject.

Q. What was the tenor of that order?

A. The papers will show the tenor of the order and all the facts within my knowledge in regard to it. I will state that application was made to me by the District Attorney, Mr. Chandler, for an order directing the officer commanding at Fortress Monroe to turn over Mr. Davis upon any process that might be issued by the Federal court. I referred that to the President for his instructions. He sent it back to me with directions to issue the order to General Burton to turn over Mr. Davis upon such process. I directed the Adjutant General to issue the order and to transmit a copy of it to the District Attorney and to General Burton. That was done. I know nothing more of any other order; but I will furnish copies of these papers to the Committee and they will show what they contain.

Q. Is that all the official knowledge you have in relation to his discharge?

A. That is all. Since that time General Burton has made a report of the order, as I understood, to the Adjutant General. I have not seen it.

Q. There were no instructions as to the form of return?

A. None at all.

Q. Was it for his absolute delivery?

A. It was, as requested by the District Attorney.

Q. Were you present at any consultation of the President with his Cabinet in reference to the disposition to be made of Mr. Davis?

A. Yes, sir. It was, I think, a few days before that the subject was mentioned. My impression is that I had seen a notice of an application for a writ of habeas corpus, or that the habeas corpus had been granted. The question was mentioned in Cabinet. The President asked for the opinion of the members of the Cabinet as to what should be done. Without stating the opinions of other members of the Cabinet I advised compliance with the writ.

Q. Was there anything said about the effect of his being held in military custody by virtue of his arrest under the proclamation of the President?

A. There was nothing said about it. The only question discussed was what should be done with the process if the writ of habeas corpus should be granted.

Q. There was nothing said about the alleged complicity of Mr. Davis in the assassination of Mr. Lincoln?

A. The only question discussed, as I recollect, was what should be done with the process if the writ of habeas corpus was granted, and I think I advised that he should be turned over to the civil authorities. The whole history of the case, so far as I know anything about it, if the Committee desire it, is this: At the time of the capture of Mr. Davis those immediately engaged in the assassination of Mr. Lincoln were either on trial or about to be put on trial before a military commission. It was thought expedient by me to withhold any proceedings against Mr. Davis until developments should be made on that trial. After the trial the question of the disposition of Mr. Davis was the subject of frequent consultation in the Cabinet. There was a great diversity of opinion in the matter as to whether Davis should be tried first for the crime of high treason. That subject, as I said, was discussed frequently in the Cabinet as to what was proper to be done in regard to it. After several consultations it was referred to the Attorney General, Mr. Speed, by the President, for an opinion, as to how, when, and where Davis should be tried. Mr. Speed mentioned that the case was one in which he thought he ought to have assistant counsel. We all agreed that he should have any assistance he wanted. Several counsel were mentioned. I recommended the employment of Governor Clifford, of Massachusetts, who had been a distinguished criminal lawyer. Mr. Seward recommended Mr. Evarts. Mr. Speed himself expressed a desire to retain for his assistance General Rousseau, and he was authorized to employ those three or any others as counsel that he chose, and consult with them upon the subject, and report to the President and Cabinet upon these questions. Considerable time elapsed before any report was made. My impression is that I was informed that there was a consultation in New York between these counsel upon the subject. At all events, Mr. Speed made a report, in which he gave it as the opinion of himself and his associates that Davis ought to be tried by a civil tribunal. There had been discussions, and different places were named, as to where he was to be tried with best prospect of a fair trial—whether it should be in Virginia, in East Tennessee, in the District of Columbia, or elsewhere. Mr. Speed, I recollect, was of opinion himself that he could get a fair trial in Kentucky. On his report coming in and being considered by the Cabinet, a vote was taken as to what tribunal he should be tried before. I voted for the report, believing that Davis ought not to be tried before any tribunal whose jurisdiction was seriously questioned or disputed, but that he should be tried in such a manner as should be most satisfactory to the national sense of justice. I voted for his trial before a civil tribunal, if a fair trial could be had. The matter was then, according to my recollection, referred back to Mr. Speed for such action as he might think proper for the purpose of bringing on the trial. The subject was occasionally mentioned in Cabinet, but no action was taken or reported by Mr. Speed, that I have any recollection of, during his continuance in office. In answer to calls from Congress I made two reports, I think, to the President, or two to Congress, which were transmitted to Congress, as to the circumstances under which Mr. Davis was held. They will probably be found among the public documents. Some time last fall, I should think it was, the subject was again brought up, and some correspondence was had between the President and the Chief Justice, which appeared in the public papers at the time, in regard to the holding court in Virginia, or the trial of Mr. Davis. I think, but I am not certain, that this correspondence was transmitted to Congress. From the period that it was determined Davis should be brought to trial before a civil tribunal, I was anxious to be relieved from his military custody. My recollection is that there was some correspondence with the Attorney General and District Attorney, in which the District Attorney

thought Mr. Davis could be more comfortably provided for at Fortress Monroe than he possibly could be by being taken to Richmond. That is the only reason, I think, why he was suffered to remain at Fortress Monroe. The matter continued undisposed of until the recent action of Judge Underwood in granting the writ of habeas corpus.

Q. Did the consultation to which you refer have any reference to a trial for any other crime than that of treason—or, in other words, to his alleged complicity in the assassination of President Lincoln?

A. The conversations and reference to Mr. Speed related to the whole subject of Mr. Davis's liability to the laws of the United States for any crime. It was left him to determine for what crimes he should be arraigned and brought to trial.

Q. Do you know whether, after the report of the Attorney General, any direction was given to him or his subordinates, upon the part of the Executive, for the purpose of bringing him to trial?

A. I do not know anything that passed between him and the Executive.

Q. Have you a recollection of a despatch of General Baird, of New Orleans, on the 28th of July, 1866?

A. I recollect that despatch; I cannot now recollect the date. It will appear in the report of the committee on the New Orleans riot.

Q. Referring to the despatch of the 28th of July, by General Baird, I ask you whether that despatch, on its receipt, was communicated?

A. I received that despatch on Sunday forenoon. I examined it carefully and considered the question presented. I did not see that I could give any instructions different from the line of action which General Baird proposed, and made no answer to the despatch.

Q. I see it is stated that this was received at 10.20 p.m. Was that the hour at which it was received by you?

A. That is the date of its reception in the telegraph office, Saturday night. I received it on Sunday forenoon, at my residence. A copy of the despatch was furnished to the President several days afterwards, along with all the other despatches and communications on that subject, but it was not furnished by me before that time. I suppose it may have been ten or fifteen days afterwards.

Q. The President himself being in correspondence with those parties upon the same subject, would it not have been proper to have advised him of the reception of that despatch?

A. I know nothing about his correspondence, and know nothing about any correspondence except this one despatch. We had intelligence of the riot on Thursday morning. The riot had taken place on Monday. The despatch to which you refer is in these words:

NEW ORLEANS, LA., July 28, 1865.

To Hon. Edwin M. Stanton, Secretary of War:

"A convention has been called with the sanction of Governor Wells, to meet here on Monday. The Lieutenant Governor and city authorities think it unlawful, and propose to break it up by arresting the delegates. I have given no orders on the subject, but have warned the parties that I could not countenance or permit such action without instructions to that effect from the President.

Please instruct me at once by telegraph.

A. BAIRD, Brevet Major General.

Q. You recollect, I suppose, that there was complaint made by General Sheridan that a part of one of those despatches was suppressed. Do you recollect what despatch that was?

A. I think the despatch of August 1, found on page 9 of this report.

Q. Did you mark, or can you recollect now, what part was suppressed?

A. I cannot now with certainty say. I only remember to have read the despatch, and to have seen a discrepancy in it, as first published and as published afterwards.

Q. Do you recollect how it got to the public?

A. I have no knowledge upon that subject. The despatch was given by me to the President as it was received from General Sheridan. As to how or by whose authority the newspaper despatch was published I have no knowledge. I know it was not by me, or by my sanction or knowledge.

By Mr. LAWRENCE:

Q. Recurring to the subject of these appointments, do you remember that in one of the Cabinet consultations in relation to appointments, and in relation to the test oath, Mr. McCulloch expressed a purpose to the President or any of his advisers to appoint revenue officers who could not take the test oath, unless in a modified form?

A. I cannot; I could not undertake to recall what any member of the Cabinet said about it.

Q. If you remember any dissent expressed by the President, you may state it.

A. I do not recollect whether he expressed any dissent or not. I do not recollect about it.

By the CHAIRMAN:

Q. Was that the course agreed in by the Cabinet?

A. I cannot say anything about that. I do not know whether it was or was not. I have no recollection of any Cabinet vote on the question. I expressed no dissent, that I recollect. I was called on by a letter from the Chairman of the Judiciary Committee to furnish to the Committee certified copies of all military orders setting aside rebel State governments or prohibiting officers from discharging their duties. In answer, I have to state that all the rebel authorities were overthrown, as I understood it, by the war and by the capture of their States. I do not know of any military orders other than those relating to the prosecution of the war, from time to time, setting them aside. There were one or two instances of orders, perhaps more, after the President's proclamation for reconstruction, prohibiting certain individuals from exercising functions under the reconstructed government. One of these cases, I think, was at Richmond—I have not been able to recall the name of the party or the circumstances—in which General Terry gave such an order. One was in the case of Raphael Semmes, who, being an unpardoned rebel on parole, was elected probate judge at Mobile, and the inquiry was made by the military commander of the department, or district—which I cannot tell certainly now—as to whether he should be permitted to exercise the functions of that office. I instructed him that Semmes should not be permitted to exercise that function while he was an unpardoned rebel. These papers we have, and will furnish them to the Committee. I cannot now remember any other questions. It is possible there may have been others.

The Committee also desire copies of papers and all correspondence relative to what was called the Johnston-Sherman arrangement and treaty, and a copy of the arrangement itself. I have these papers now here, but not entirely complete, and will, as soon as copies have been made of all of them, furnish them entire to the Committee.

I am also requested to furnish to the Committee copies of all despatches sent by the President relative to the action of the Tennessee legislature in regard to the Constitutional amendment, and to the members of that body, relative to the same. I have no knowledge of any such despatches, and have never seen any. Indeed, I do not know who the members of the legislature of Tennessee were, and, unless I had some clue to their names, I could not tell whether despatches were sent to them or not. I have no knowledge of any despatches sent by the President on that subject.

By Mr. WILLIAMS:

Q. I have an impression that there were some cases in which Governors elect, under the President's plan, were prohibited from entering upon the duties of

their office; and  
convened in pursu  
States. Have you

Washington, D.C.  
May 18, 1867

latures  
those

A. None that I know. ~~Business is~~ managed through the State Department. There was never any such order made through my department at all, of which I have any knowledge.

By Mr. LAWRENCE:

Q. From publications made during the progress of the war, and subsequently to the surrender of the rebel armies, there appear to have been orders as follows: On May 21, 1865, an order by Major General Canby to Major General Warren, commanding the district of Mississippi, directing and warning him not to recognize any officer of the confederate or a State government within the limits of his command; and a similar order of May 14, 1865, by General Gilmore, annulling the proclamation of Governor Brown, of Georgia, calling an extra meeting of the legislature; and a similar order from Major General Gilmore, of May 14, 1865, annulling the acts of Governor Magrath, of South Carolina; also, an order sent by President Lincoln, April 12, 1865, to General Weitzel, commanding at Richmond, prohibiting the meeting of the rebel legislature. Will you furnish to the Committee these and similar orders, if any?

A. I do not know whether these orders are on file at the War Department; but, if they cannot be obtained there, I will endeavor to procure them from the respective headquarters from whence they were issued. The order of Mr. Lincoln, of April 12, is on file in the War Department, and was the last order he ever made, of which I have any knowledge. It was made the last time he was in the War Department. The circumstances relating to that order, and which probably led to the other orders, were these: Immediately after the capture of Richmond, Mr. Lincoln went to that city, and some intercourse took place between him and Judge Campbell, formerly of the Supreme Court of the United States, and General Weitzel, which resulted in the call of the rebel legislature to Richmond. Mr. Lincoln, on his return from Richmond to Washington, reconsidered that matter. The policy of undertaking to restore the government through the medium of rebel organizations was very much opposed by many persons, and very strongly and vehemently opposed by me. I had several very earnest conversations with Mr. Lincoln upon the subject, and advised that any effort to reorganize the government should be under the federal authority solely, and to treat the rebel organizations and governments as absolutely null and void. On the day preceding his death a conversation took place between him, the Attorney General, and myself, upon the subject at the Executive mansion. An hour or two afterwards, and about the middle of the afternoon, Mr. Lincoln came over to the War Department and renewed the conversation. After I had repeated my reasons against allowing the rebel legislatures to assemble, or the rebel authorities to have any participation whatever in the business of reorganization, he sat down at my desk, took a piece of paper and wrote a telegram to General Weitzel, and handed it to me. "There," said he, "I think that will suit you." I told him no, it did not go quite far enough; that the members of the rebel legislature would probably come to Richmond; that General Weitzel ought to be directed to prohibit their assembling. He took up his pen again and made that addition to his telegram, and signed it. He handed it to me. I said that, I thought, was exactly right. It was transmitted immediately to General Weitzel, and was the last act that was ever performed by Mr. Lincoln in the War Department. Some of the other rebel States, after the surrender of the armies of the rebel government, called together their legislatures, and, either pursuant to instructions from the War Department, or pursuing, on their own motion, the policy which was indicated by the order of the President to General Weitzel, the commandants prohibited the assembling of those bodies.

By Mr. THOMAS:

Q. Was there any conference or consultation to your knowledge between President Johnson and any member of his Cabinet as to the policy of convening Congress after the surrender of Lee's armies?

A. I do not recollect of any; I cannot affirm that there was or was not. I do not remember any conversation upon that subject.

Q. Did any one of the Cabinet express a doubt of the power of the executive branch of the government to reorganize state governments which had been in rebellion without the aid of Congress?

A. None whatever. I had myself entertained no doubt of the authority of the President to take measures for the organization of the rebel States on the plan proposed during the vacation of Congress, and agreed in the plan specified in the proclamation in the case of North Carolina. It may be proper to add, in regard to the history of this subject, that on the day succeeding the date of the telegram to General Weitzel, and on the last day of Mr. Lincoln's life, there was a Cabinet meeting, at which General Grant and all the members of the Cabinet except Mr. Seward were present. General Grant at that time made a report of the condition of the country as he conceived it to be, and as it would be on the surrender of Johnston's army, which was regarded as absolutely certain. The subject of reconstruction was talked of at considerable length. Shortly previous to that time I had myself, with a view of putting in a practicable form the means of overcoming what seemed to be a difficulty in the mind of Mr. Lincoln as to the mode of reconstruction, prepared a rough draft of a form or mode by which the authority and laws of the United States should be re-established and governments reorganized in the rebel States under the federal authority, without any necessity whatever for the intervention of rebel organizations or rebel aid. In the course of that consultation Mr. Lincoln alluded to the paper, went into his room, brought it out, and asked me to read it, which I did, and explained my ideas in regard to it. There was one point which I had left open; that was as to who should constitute the electors in the respective States. That I supposed to be the only important point upon which a difference of opinion could arise—whether the blacks should have suffrage in the States, or whether it should be confined for the purposes of reorganization to those who had exercised it under the former State laws. I left a blank upon that subject to be considered. There was at that time nothing adopted about it and no opinions expressed; it was only a *project*. I was requested by the other members of the Cabinet, and by Mr. Lincoln, to have a copy printed for each member for subsequent consideration. My object was simply to bring to the attention of the President and Cabinet, in a practical form, what I thought might be possible means of organization without rebel intervention. Mr. Lincoln seemed to be laboring under the impression that there must be some starting point in the reorganization, and that it could only be through the agency of the rebel organizations then existing, but which I did not deem to be at all necessary. That night Mr. Lincoln was murdered. Subsequently, at an early day, the subject came under consideration, after the surrender of Johnston's army, in the Cabinet of Mr. Johnson. The *project* I had prepared was printed, and a copy in the hands of each member of the Cabinet and the President. It was somewhat altered in some particulars, and came under discussion in the Cabinet, the principal point of discussion being as to who should exercise the elective franchise. I think there was a difference of opinion in the Cabinet upon that subject. The President expressed his views very clearly and distinctly. I expressed my views, and other members of the Cabinet expressed their views. The objections of the President to throwing the franchise open to the colored people appeared to be fixed, and I think every member of the Cabinet assented to the arrangement as it was specified in the proclamation relative to North Carolina. After

taken and sent down to the Adjutant General at the time. There is no reason why it should have been withdrawn at all.

B.

Q. Will you give the testimony of Hon E M Stanton  
all the papers he sent to you, does he send  
Washington, D.C. what papers I  
A. I can tell you what papers I  
received.

Q. What is the general custom in that respect when the President refers a case to the department for action?

A. I should consider that he only desired my action upon the papers he sent to me. I should never think of inquiring whether he had other papers in the case or not.

By Mr. ELDRIDGE :

Q. You were also inquired of at that time in reference to a memorandum book found upon the body of Booth. How long did you retain that book in your hands after it was presented to you?

A. I should suppose half or three-quarters of an hour.

Q. Did you retain it sufficiently long to examine it carefully?

A. I did examine it carefully, and read every word that was written in every page in it.

Q. Was your attention called at the time to leaves being torn from the book?

A. I noticed the fact that leaves had been torn from the book?

Q. Did you count the number of them?

A. I think I did.

Q. Do you recollect what number was absent?

A. I do not now recollect the number. I should say somewhere from fifteen to twenty.

Q. Do you recollect distinctly who presented to you that book?

A. Two persons came together—Baker and an officer, who I think now was Lieutenant Colonel Conger. I do not remember whether the book was given to me by Colonel Conger or General Baker. I know they came together to my house, and that the book was handed to me by one of them.

Q. Have you conversed with Colonel Conger since your examination?

A. I have not seen him.

Q. Have you been informed what he testified to?

A. No, sir; though I have heard through Judge Holt or somebody else that Conger had stated that he brought them here and handed them to me. I think I may have heard that fact, and that, probably, it was as stated.

Q. Do you know anything of an article spoken of by Booth in that memorandum book as having been left for publication in the *Intelligencer*?

A. I know nothing about such an article.

Q. Has no such article been presented to you?

A. None. I never heard of the article except the mention of it that is made in the memorandum book.

Q. Did you see Booth's body after his death?

A. I do not know that I ever saw him, alive or dead.

Q. Have you any reason to believe that Booth is not dead?

A. None whatever. I had a board to inspect and examine his body when it was on the iron-clad, consisting of the Surgeon General and some officers whose names I cannot now mention. Dr. May, who knew Booth personally, was also with the board. They reported that it was the body of J. Wilkes Booth.

Q. Was Dr. May a member of the board?

A. Dr. May was not on the board, but he was examined by the board. I believe that that was the body of Booth, upon the testimony as given at the time, as certainly as I believe I am now in existence.

Q. What was done with the body of Booth?

A. I did not see him interred. I gave directions that he should be interred on the premises of the Ordnance Department; and the officer to whom I gave the directions reported that he was so interred.

Q. Did you give directions as to the particular manner in which he should be interred?

A. I gave directions that he should be interred in that place, and that the place should be kept under lock and key.

Q. What was the occasion of mystery about his burial?

A. I do not know that there was any mystery about it other than this: I thought the body should be interred, so that if there was any disposition to do so, the body might not be made the subject of glorification by disloyal persons and those sympathizing with the rebellion. I thought it would be a source of irritation to the loyal people of the country if his body was permitted to be made the instrument of rejoicing at the sacrifice of Mr. Lincoln; and that it would help to keep up the feeling of excitement and animosity on the part of those who sympathized, if they did not participate, with him in the act of Mr. Lincoln's murder.

Q. There was nothing about the identity of Booth that entered into your consideration in making the burial a secret?

A. Nothing whatever. It was done simply and solely for the purpose of preventing him from being made the subject of rebel rejoicing.

Q. Who were the officers that buried him?

A. The officer in charge, to whom I gave my directions, was Colonel Benton, of the Ordnance Bureau.

Q. Did he report to you?

A. He reported that he had buried him.

Q. Do you know who else besides Colonel Benton were employed?

A. He employed some persons in his department. I was not present, and do not know who was present. He reported that he had acted in accordance with my orders.

Q. Was there anything buried with the body of Booth?

A. Nothing whatever, so far as I have any knowledge. Colonel Benton can tell.

Q. Was there any purpose in so burying the body of Booth that no history could ever give an account of the spot where he was buried?

A. None whatever. The only object was to place his body where it could not be made an improper use of until the excitement had passed away, and then, I supposed, at the proper time, it would be given to his friends.

Q. There was a rumor published in the papers that he was dropped into the sea.

A. That was a story gotten up for sensation. There was not a particle of truth in it.

Q. You did not cause it to be given out?

A. Certainly not. I was disgusted with it.

Q. Is there any record in the department of the place where he was buried which could remain as a historical record of the place?

A. I do not know whether there is or not. I know, verbally, that the place of burial is in a vault which is under lock and key ever since.

Q. Is there anything which would preserve an evidence of the place in the department?

A. I think very likely there is; I cannot tell positively whether there is or not. I do not remember what reports were made on the subject.

Q. Were the remains applied for by his relatives?

A. I do not think his remains have been applied for. The remains of Mrs.

Surratt have been applied for, and I think the remains of one or two of the others have been.

Q. Did not Edwin Booth apply for the remains of his brother?

A. I do not know; it is very possible he may have done so; if he did, it is very probable that he received the assurance that at the proper time it would be delivered to him.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,  
Washington, May 21, 1867.

I hereby certify that the annexed documents are true copies of the originals on file in the War Department.

E. D. TOWNSEND,  
Assistant Adjutant General.

Be it known that Edward D. Townsend, who has signed the foregoing certificate, is an assistant Adjutant General of the army of the United States, and that to his attestations as such full faith and credit are and ought to be given.

In testimony whereof, I, Edwin M. Stanton, Secretary of War, have hereunto set my hand and caused the seal of the Department of War of the United States of America to be hereunto affixed, on this twenty-first day of May, one thousand eight hundred and sixty-seven.

EDWIN M. STANTON,  
Secretary of War.

[SEAL.]

GENERAL ORDERS No. 63.

HEADQUARTERS DEPARTMENT OF THE SOUTH,  
Hilton Head, South Carolina, May 15, 1865.

I. The proclamation of A. G. Magrath, styling himself Governor of South Carolina, dated at headquarters, Columbia, South Carolina, May 2, 1865, declaring that all subsistence stores and the property of the Confederate States within the limits of the State should be turned over and accounted for by the agents of the State appointed for that purpose, and directing that the subsistence and other stores shall be used for the relief of the people of the State; and the proclamation of Joseph E. Brown, styling himself Governor of Georgia, dated at the capital of the State, on the 3d day of May, 1865, requiring the officers and members of the general assembly to meet in extraordinary session at the capitol, in Milledgeville, on Monday, the 22d day of May, 1865; and the proclamation of A. K. Allison, styling himself acting Governor of Florida, dated at Tallahassee, on the 8th day of April, 1865, giving notice and direction that an election will be held on Wednesday, the 7th day of June, 1865, for Governor of the State of Florida, are, each and all of them, declared null and void, it having become known to me, from trustworthy information, that the aforesaid A. G. Magrath, Joseph E. Brown, and A. K. Allison are disloyal to the United States, having committed sundry and divers acts of treason against the same, in adhering to their enemies, giving them aid and comfort.

The persons and peoples to whom the proclamations herein above referred to have been respectively addressed are, therefore, enjoined and commanded to give no heed whatever thereto, or to any orders, proclamations, commissions, or commands emanating from persons claiming the right to exercise the functions and authority of Governor in either of the States of South Carolina, Georgia, or Florida, unless the same shall have been promulgated by the advice or consent of the United States authorities.

II. The policy and wishes of the general government towards the people of these States, and the method which should be pursued by them in resuming or assuming the exercise of their political rights, will doubtless be made known at an early day.

It is deemed sufficient, meanwhile, to announce that the people of the black race are free citizens of the United States; that it is the fixed intention of a wise and beneficent government to protect them in the enjoyment of their freedom and the fruits of their industry, and that it is the manifest and binding duty of all citizens, whites as well as blacks, to make such arrangements among themselves, for compensated labor, as shall be mutually advantageous to all parties. Neither idleness nor vagrancy will be tolerated, and the government will not extend pecuniary aid to any persons, whether white or black, who are unwilling to help themselves.

III. District and post commanders throughout this department will at once cause this order to be circulated far and wide by special couriers or otherwise, and will take such steps to secure its enforcement as may by them be deemed necessary.

Q. A. GILLMORE,  
Major General Commanding.

Official copy:

E. D. TOWNSEND,  
Assistant Adjutant General.

HEADQUARTERS ARMY AND DIVISION OF WEST MISSISSIPPI,  
Mobile, Alabama, May 20, 1865.

By direction of the President you will not recognize any officer of the confederate or State governments within the limits of your command as authorized to exercise in any manner whatever the functions of their late offices. You will prevent by force, if necessary, any attempt on the part of the legislature of any of the States in insurrection to assemble for legislative purposes, and you will arrest and imprison any member or other person who may attempt to exercise these functions in opposition to your orders, reporting your action through these headquarters for the information of the President. The civil officers of the confederate and State governments are not included in the capitulation of the military forces, but in notifying them that military commanders have no authority to entertain any question touching political relations of the seceded States to the general government or the status of citizens, I have advised them to return to their posts, taking with them the archives and other property in their charge, and to report to the military authorities to await the action of the government in their cases. When this is done in good faith, you can allow them to remain at their houses without molestation by the military authorities, so long as they conduct themselves with propriety, and there is no attempt to evade the legal responsibilities they have incurred. This, of course, does not include the high officers of the confederate or State governments. It is of great importance to the government and to the people that all judicial, law and other records affecting the title to property and other private interests should be secured and preserved, and you will spare no exertions to get possession of them.

E. R. S. CANBY, Major General Commanding.

Major General WARREN,  
Commanding Department of Mississippi, Vicksburg, Mississippi.  
Major General A. J. SMITH,  
Commanding Army Northern Alabama, &c., Montgomery, Alabama.  
Major General GORDON GRANGER,  
Commanding Thirteenth Army Corps, Mobile, Alabama.  
Brigadier General E. D. OSBAND,  
Commanding United States Forces, Jackson, Mississippi.

Official copy:

E. D. TOWNSEND, Assistant Adjutant General.

[Special Orders No. 63.]

HEADQUARTERS DEPARTMENT OF LOUISIANA,  
New Orleans, Louisiana, March 18, 1866.

It appearing that John T. Monroe and James O. Nixon, who received, respectively, at the late municipal election a majority of votes for the offices of mayor and alderman, may come within the classes of exceptions mentioned in the President's proclamation of amnesty, neither having received a special pardon, they are suspended from the exercise of any of the functions of those offices until their cases can be investigated, and the pleasure of the President be made known; but they will be allowed to take the oath of office, and the mayor elect will be allowed to administer the usual oath to the persons elected.

The remaining persons elected will, upon complying with the requirements of the constitution and laws of the State, be inducted into office, and the municipal government of the city as thus constituted, and with the two exceptions above mentioned, is declared to be organized and in full force and vigor.

By order of Major General E. R. S. Canby:

WICKHAM HOFFMAN,  
Assistant Adjutant General.

Official:

NATHANIEL BURBANK,  
First Lieutenant, Acting Assistant Adjutant General.

Official copy:

E. D. TOWNSEND, Assistant Adjutant General.



A. I do not.

Q. Have you any reason to believe you could obtain them?

A. Yes, sir, I have.

Q. Have you any other reason than you had when you were examined before this Committee on a previous occasion?

A. I have no reason other than that stated in my previous examination.

Q. Have you made any effort since that time to obtain possession of them?

A. I have.

Q. What effort have you made?

A. I wrote to Nashville, Tennessee, to the party who originally had the letters.

Q. Who was that party?

A. J. W. Adamson.

Q. Did you receive any reply?

A. I did not receive any written reply. Some two weeks after I was examined here, I suppose in reply to that letter, a lady came to my house in Philadelphia, purporting to represent the parties who had these letters. I tried to persuade her to come before this Committee, but she declined to come.

Q. Did you learn her name?

A. She gave her name as Mrs. Sallie Harris. I never saw her before.

Q. Did she inform you of the place where she resides?

A. She did.

Q. Where was it?

A. She said she lived in Nashville.

Q. Did she give you the street and number of residence?

A. No, sir, she did not. I asked her that question and tried to find out, but she would not give me her address.

Q. What other efforts have you made to obtain possession of these letters?

A. I have made no efforts except through this person.

Q. Have you in your possession a copy of the entries in the diary of J. Wilkes Booth?

A. I have not.

Q. Was there a copy of these entries given to you by any person?

A. I do not recollect distinctly that there was. I have, however, an indistinct recollection that Colonel Conger handed me an envelope that he said contained extracts from J. Wilkes Booth's diary. He asked me if I would ask the Secretary of War to give him permission to retain it. I did ask that permission. My communications of that kind at that time were had generally with General Eckert, who was then assistant Secretary of War, and I do not recollect whether I applied to General Eckert or Mr. Stanton, but I understood that Mr. Stanton refused to allow any copy of the diary, or any extract from it to be retained.

Q. Did you so inform Colonel Conger?

A. I think I did.

Q. What was the result?

A. I suppose the result was he didn't get it.

Q. Did he then deliver to you what he said were extracts from Booth's diary?

A. I think he did. My recollection of the matter is very indistinct, as it is also in reference to many other matters that occurred at that time. A little explanation will perhaps be necessary here. At the time Booth was captured, and immediately after, I was intrusted by the Secretary of War with serving the subpoenas on the trial of the assassins. I suppose I served through my office 150 or 200 subpoenas on witnesses to appear before that commission. My time was taken up entirely, night and day, with that and other matters pertaining to that investigation. There are many things that occurred about that time of which my recollection is very indistinct. I never carefully read the diary, and I could not tell a single entry in it, except what I have heard some of my men say in

reference to his crossing the river, and things of that kind. It was a matter of general conversation about my office.

Q. Have you seen Colonel Conger recently?

A. I saw him within the last two hours.

Q. How long since has it been that you met Colonel Conger prior to to-day?

A. I have not seen Colonel Conger but twice since, for, I think it has been, six months. Some five or six weeks ago I was going west, and telegraphed from Philadelphia to Mansfield, Ohio, where Colonel Conger resides, that I wanted him to meet me there. He did meet me there. My business was entirely with reference to some pecuniary business matters between us. The matter of the diary and this investigation was scarcely referred to in our conversation.

Q. Have you seen him at any other place within the past six months?

A. On his way here, in obedience to a summons from this Committee, he came by way of Philadelphia, and came to my house.

Q. Have you seen him at any other point?

A. No, sir; I do not recollect that I have.

Q. When did you first get possession of the diary of Booth?

A. When Colonel Conger came up on the day of the capture from below, he came directly to my office, opposite Willard's. My recollection is that he came into the back office, and said to me he had got Booth, and that he had some things tied up in a handkerchief. I hesitated for a moment, and asked him some questions about it, when he showed me what he had—the effects taken from the body—and then gave me a very brief statement of the capture of Booth and Herold. I then went directly with Colonel Conger to the War Department, about five o'clock in the afternoon, as near as I can recollect. Mr. Stanton had gone home; we therefore went directly to Mr. Stanton's house. I jumped out of the buggy and went into Mr. Stanton's room. He was lying on the lounge. Mrs. Stanton was in the room at the time. I stated to him that we had got Booth. He got up from the sofa and came over to the centre table. Either I or Colonel Conger, I do not recollect which, handed him this little package, and he looked at the diary. He was at the side table, I was standing opposite; and after looking at it for some time, he handed it to me. I took the diary and looked at it. He took up a little pocket compass and some other things taken from Booth and examined them, and then gave me some instructions as to what I should do with the body.

Q. Did you examine the diary?

A. I did.

Q. Was that the first examination you had given of it?

A. No, sir; I think not. I think I looked at it at the office.

Q. Did you have it in your possession from that time until you handed it to Mr. Stanton?

A. I think I carried it out of the office. I was driving the buggy, and my impression is I handed it to Colonel Conger, who was sitting in the buggy with me, though I am not certain about it.

Q. State, to the best of your recollection, what were the entries in the diary of Booth when you first examined it.

A. I would not undertake to state positively anything. There was an entry in the diary about his being crippled, his leg being broken; and there was on a piece of loose paper something about his having been to Dr. Stewart's.

Q. Did you examine the loose leaf that was in the diary referred to when you were examined by this Committee before?

A. Yes, sir; I saw it. That, I think, referred to Dr. Stewart. I referred to it as one of the memoranda that I recollect.

Q. Do you remember any entries contained in it?

A. I do not recollect anything distinctly. My great anxiety at that time was to get hold of something that might in some way lead to the detection of other

parties who might be implicated. Mr. Stanton was very exacting; he was very particular. Every little thing that was brought to me I was directed to take to his office. General Eckert was the custodian of the articles taken from Booth's body. There was an opera glass, a diamond pin, and a great variety of little things. I recollect I spoke to the Secretary and asked him if I might retain some one of these articles as a relic. He said not a thing should go out of the office.

Q. Have you recently published a book?

A. I have.

Q. A work called "The History of the United States Secret Service?"

A. I am the author and publisher of that book.

Q. Did you make any statements in that book as to what entries were taken in the diary of Booth?

A. I think reference is made there to an entry. I do not now recollect what it is. I could not tell unless I saw it. The material of that book was furnished to a man who compiled it, and he made just such use of the matter, subject to my revision, as he thought proper. I did revise the whole matter, and am responsible for everything that is there.

Q. How long since you gave directions as to that part purporting to contain extracts from Booth's diary?

A. I do not recollect the time. It was understood between the Secretary and myself that I was to have permission to incorporate the contents of the diary in my book. Mr. Derby, who at that time was to publish the book, was constantly applying to me to get the diary, and Mr. Headley came from New York for that purpose, and I went with him to the War Department. I think I introduced him to Mr. Stanton, and said to Mr. Stanton that I would like now to get the diary. He said that I could not have any part of it. I reminded him of his prior promise to me. He said that matters had changed somewhat now; that he was not disposed to let the diary or any papers go out of his possession. The parties who were to publish the book were very much dissatisfied at not obtaining these papers.

Q. Have you examined this book since it was published?

A. I never read it through, though I think I know what it contains.

Q. Will you please state what it contains in reference to entries in Booth's diary?

A. I cannot recollect the language.

Q. State the substance.

A. I think there is some reference made there to Booth's diary, obtained probably from the statements of the men. You see, Colonel Conger, who took a copy of this diary, was talking to the men about the office a great deal. It was a matter of conversation there at the time, and if there are any extracts, or what purport to be extracts, from it, they come from that source, for I positively swear that I never examined that diary sufficient to recollect anything in it.

Q. And you could not give the substance of any of the entries in the diary?

A. I do not think I could be positive of any.

Q. I see it stated in this book that the Secretary of War, without instructions of any kind, committed to Colonel Lafayette C. Baker, of the secret service, the stark corpse of J. Wilkes Booth; that the secret service never fulfilled its service more secretly than on that occasion. When asked to whom it was known where the body was, he answered, "To only one man living except myself." Were the instructions of the Secretary of War, concerning the body of Booth, given directly to you or some other person?

A. They were given to me. I do not know whether they came directly from the Secretary of War or from General Eckert. Many orders I got during that time came from General Eckert, and when I speak of orders from the Secretary

of War, I include one or the other of them, because I was just as much bound to respect the orders of General Eckert as I was those of the Secretary of War. You notice that the paragraph to which you refer is an extract from the correspondence published in the New York World, giving an account of the capture of the assassins. If you will read the entire article, I think you will see that the statement of facts is over the signature of George Alfred Townsend. It was inserted in that book because it was thought to be a very correct and graphic description of the capture.

Q. Is that statement of Townsend, as published, correct?

A. I think it is. The statement mainly refers to what occurred at the capture and burning of the barn.

Q. Then no one but you and he knew anything as to what was done with the body of Booth?

A. I took the body of Booth from the gunboat and carried it to the arsenal grounds. Colonel Benton had had some instructions from the Secretary of War as to where the body should be placed, I suppose, as he was there with General Eckert and myself during the evening. It was about four or five o'clock in the afternoon when the body was brought up there. During that evening we went back from the arsenal. The Secretary of War wanted to know where the key to the cell was. I had not brought up the key with me. I got a carriage and went back to the arsenal, got the key, and carried it and delivered it to the Secretary.

Q. Key to what?

A. Key to the cell of the prison where he was buried.

Q. The body was buried there in one of the cells?

A. Buried in the grounds of the arsenal.

Q. In the open grounds?

A. No, sir; inside of the arsenal walls.

Q. Inside—in a room?

A. Yes, sir. I do not now recollect the number of the room. I think it is given in that book. That is a correct report of it as I understand it.

By Mr. LAWRENCE:

Q. Was the body put in a box?

A. Yes, sir, it was put in a box.

By Mr. CHURCHILL:

Q. Was it in the arsenal building, or in the penitentiary?

A. I call it the arsenal building, because it was used for arsenal stores. It was properly the old penitentiary, though it had not been used for a penitentiary for some time. It was occupied at that time for arsenal stores for fixed ammunition.

By Mr. ELDRIDGE:

Q. You have been sworn once or twice before this Committee?

A. Once before.

Q. Did you ever represent to anybody that you or some of your assistants took the body of Booth out into the ocean, tied stones to it, and sunk it?

A. I do not know that I ever did directly. I have been questioned a great deal in reference to that matter, and used to reply to the reporters somewhat at random. Very likely I did make such a statement. I do not recollect.

Q. Why do you say very likely you did?

A. I say that because, at the time the body was disposed of, I was beset by correspondents and others who wanted to ascertain where it was buried. The Secretary did not want anybody to know.

Q. Is it a fact that the body was taken out into the ocean and sunk?

A. No, sir.

- Q. Did you tell any lies about it?  
 A. No. I do not think that I made that representation. I might have done it.
- Q. Then you say you did not lie about it?  
 A. I am not here before this Committee to be accused of lying. I know what my position is before the Committee.
- Q. Do you say that you did not make any such statement?  
 A. I said I might have made the statement, and I have explained to you how the statement came to be made, if it ever was made.
- Q. Did you ever represent that you alone, with one other man, disposed of the body, and that no other persons on earth knew where it was?  
 A. My previous answer applies to this question.
- Q. You will answer this question if you please.  
 A. I might have made that representation.
- Q. Is it true?  
 A. No, sir, it is not true. I have stated my reasons for making it.
- Q. Did you represent to any one that the head of Booth was taken off and the body buried without the head?  
 A. Never in my life.
- Q. Is it a fact or not?  
 A. It is not, so far as I know.
- Q. Was the head buried with the body?  
 A. The last I saw of the body it was whole, excepting a section of the spinal bone where the bullet entered, taken by Doctor Barnes, Surgeon General, and which, I believe, is now in the Medical Museum.
- Q. Did you represent that the heart was taken out, and in the possession of some one in Washington?  
 A. Never in my life. I will swear to that positively.
- Q. Is it a fact, as far as you know, that the heart was buried with the body?  
 A. It was.
- Q. You believe Booth's head and heart were buried with the body?  
 A. I believe they were.
- Q. Did you see the body buried?  
 A. No, sir; I did not.
- Q. Did you see the body carried into what is called the old penitentiary?  
 A. I did.
- Q. Did you help do it?  
 A. I did not actually lift the body. I saw it taken.
- Q. Who did carry it?  
 A. I think there were two soldiers there at the time, who carried it.
- Q. Do you recollect who they were?  
 A. I do not.
- Q. Were they under your command?  
 A. They were not.
- Q. Were they under command of Colonel Benton?  
 A. I suppose they were.
- Q. Was not the body, in fact, buried by Colonel Benton, or under his and not under your orders?  
 A. I did not consider that it was. Mr. Stanton gave me instructions what to do with the body, and I followed these instructions.
- Q. The orders were given to you?  
 A. They were.
- Q. From Mr. Stanton?  
 A. From Mr. Stanton directly, or from General Eckert.
- Q. Did you, in fact, direct where the body was to be buried?  
 A. I considered that it was buried under my directions.

- Q. Where were you when the body was actually put into the ground?  
 A. I do not know precisely where I stood at the time.
- Q. In general, where were you?  
 A. I do not recollect where I was. I was there, about the arsenal.
- Q. Did you superintend the digging of the grave?  
 A. Personally I did not.
- Q. Who did superintend it?  
 A. I suppose the men who dug the grave were under the personal superintendence of Colonel Benton.
- Q. Did Mr. Stanton tell you where the body was to be buried?  
 A. He gave me general instructions to take the body to the arsenal. He had a piece of paper containing the plan of the inside of the prison, which I furnished him, and he designated where the body should be put.
- Q. That order was given to you?  
 A. That order was given to me.
- Q. Who was present?  
 A. I do not recollect.
- Q. Was Colonel Benton present?  
 A. No, sir; I do not think he was. He was there in the War Department, in the Secretary's office, the night previous to this.
- Q. But not at the time the order was given?  
 A. No, sir.
- Q. Did you point to those who dug the grave where it was to be dug?  
 A. No, sir.
- Q. Who did that?  
 A. I suppose Colonel Benton got his orders also from the Secretary.
- Q. Were the men who dug the grave under your command or under Colonel Benton's?  
 A. Under Colonel Benton's, I suppose. They were soldiers at the arsenal.
- Q. Was the body buried in a cell?  
 A. I do not know whether it was properly a cell. It had a gate and a lock to it.
- Q. How large was the room?  
 A. It was a large room.
- Q. Was there a floor to it?  
 A. I think there was—of stone or cement. I am not certain about that.
- Q. Was it taken up?  
 A. I suppose it was.
- Q. Did you see it done?  
 A. I did not.
- Q. Do you know it was done?  
 A. I only know what I understood at the time.
- Q. Then you had no actual knowledge where the body was buried?  
 A. It was buried in the arsenal grounds.
- Q. Do you know that from seeing the body buried, or otherwise?  
 A. I have stated that I was not present when the body was actually put into the ground.
- Q. Were you present when the grave was dug?  
 A. No, sir.
- Q. Did you see it after it was dug?  
 A. No; not at the time it was dug. I had it pointed out to me.
- Q. Did you see it before the body was put in?  
 A. No, sir.
- Q. Will you, then, undertake to swear, from your knowledge, where the body was buried?

A. I have already sworn that I saw the body carried within the walls of the penitentiary grounds. I have visited the place where the body was buried.

Q. Then you only know that fact from what you understood. Do you mean to say that you have any other knowledge or information than that?

A. I have said that I did not see the grave dug, and that I did not see the body dropped into the grave.

Q. Did you see the body carried into the room where it was buried?

A. I saw the body carried into the grounds.

Q. Did you see it carried into the penitentiary building?

A. I saw what I supposed to be the body carried inside the walls—not the building proper. The building is surrounded by a wall.

Q. Is not that body buried in a room with a lock on it?

A. It is not properly a room.

Q. Is not there a door to it with a lock and key?

A. There is; I carried the key to the Secretary myself.

Q. Why do you say it is not properly a room?

A. I did not say it was not a room. I saw the body carried through the walls that surround the penitentiary building, inside of which the body was buried.

Q. Was it buried inside of the room or not?

A. It was buried inside the prison walls.

Q. Are there rooms in that prison?

A. Oh, yes, sir.

Q. Was this body buried in one of these rooms?

A. I think it was.

Q. Then it was buried in exactly a room?

A. You and I might differ as to what would be considered a room.

Q. Well, I am trying to find out the fact.

A. I have answered the question, I believe.

Q. Was it buried in a room or not?

A. I say it was buried in a room; I call any enclosure in the penitentiary building a room.

Q. What is the reason you have any doubt about it? Describe the place where it was buried.

A. I will tell you the reason. I have stated to you, in the first place, that I did not see the body put into the grave; that I did not dig the grave myself. In the second place, the exact circumstances of the digging and the burying I have understood from other sources, and in that way have learned all the facts.

Q. Now, I want you to tell me why you do not call it a room—where the body was buried?

A. I do not call it a room because you and I might differ, or I and any member of the Committee might differ, as to whether it was a room or not. I say that the body was buried inside of the penitentiary walls; I saw it carried in there.

Q. How many rooms are there inside of the penitentiary walls?

A. I do not know; I never examined particularly. There are a good many, perhaps thirty or forty cells or rooms. The walls of the penitentiary building on the south side and on the west side come up to within about ten feet of the building. There is a temporary shed on the west side, which is enclosed, and may be called a room. On the south side the wall is further off, but with a shed adjoining.

Q. Was he buried in one of those sheds?

A. No, sir; I have no further answer to make, except that he was buried inside of the walls of the penitentiary.

Q. Do you mean by that that you will not tell whether it was buried inside of one of the rooms?

A. I have answered that question, and have no further answer to make.

Q. Then all you know about it is that you saw the body go into the building?

A. I have told you all I know. I believe I know where the body was buried, and I have tried to tell you.

Q. Where was the body put into the box?

A. I think it was put into the box or coffin inside of the prison.

Q. Did not you say it was carried into the building in a box?

A. I think I did not. I stated that I saw it carried inside of the walls.

Q. Where were you at the time?

A. I was standing at the entrance of the arsenal grounds.

Q. How far was that from the door where you supposed it went in?

A. It was a good ways—four or five hundred feet perhaps.

Q. Then you do not undertake to say that the body went into the building at all?

A. I stated that I saw it carried inside of the walls.

Q. Then all you know about it is that it went inside of the walls. You know nothing beyond that except what was told you by others?

A. I did not say that was all I knew. I say I saw it carried inside of the walls.

Q. Is that the last you saw of it?

A. Yes, sir.

Q. How far is the gate where it went in from the building?

A. Perhaps from twenty-five to fifty feet at that place.

Q. Did you ever tell anybody that the body was taken down on the bank of the Potomac, and the ground so covered over that no one could tell where it was?

A. I never told any one that in my life.

Q. Did you ever tell any one that the face of the ground was so smooth there that no living soul could tell where it was?

A. I do not recollect ever making any such statement.

Q. Did you deliver this memorandum book to the Secretary of War?

A. I do not recollect whether I or Colonel Conger carried it.

Q. You have talked this matter over recently with Colonel Conger, have you not?

A. Very little.

Q. Since Colonel Conger was sworn here?

A. I had some general conversation with him.

Q. Did you talk over the matter about the memorandum book with Colonel Conger since he has been sworn here?

A. I did. He referred to it within the last hour or two.

Q. Did he tell you that you did not carry it up, but that he did?

A. No, sir.

Q. Did not you swear, when you were before the Committee on a previous occasion, that you carried it yourself?

A. Oh, well, I drove the buggy and considered that I carried it. We were both sitting in the buggy together. Whether I actually had it in my hand, or whether I passed it to Colonel Conger and he had it in his hand while I drove up, or whether it lay in the seat or in the buggy, I cannot now swear.

Q. I ask you whether you did not swear that you carried it up?

A. Yes, sir.

Q. And now do you say that you carried it?

A. I swore that I did carry it in my buggy.

Q. Do you swear that you handed it to the Secretary of War?

A. Yes, sir.

Q. Then Colonel Conger is mistaken about that, is he?

A. Very likely. I do not know whether I handed it to the Secretary the

first time, or whether Colonel Conger did. The Secretary looked at it, read it over, and handed it back to me. I examined it myself and handed it back to the Secretary.

Q. Did you open the little package containing these things?

A. That I do not recollect. I do not recollect whether Colonel Conger undid the bundle or whether I undid it.

Q. In your previous examination did you swear there was not as much in the book as when you gave it to the Secretary?

A. I did.

Q. How is the fact now?

A. I still believe that that is the case. I do not desire to change my testimony in any particular at all.

Q. Did you talk that matter over with Conger about the leaves being gone?

A. I think it was referred to in our conversation.

Q. Did you talk with the Secretary of War about it?

A. No, sir.

Q. Did you talk with Judge Holt about it?

A. No, sir. I have not seen Judge Holt for several months.

Q. You are still of the opinion that the book is not now in the condition it was when you first saw it?

A. That is my opinion.

Q. Did you see the Secretary of War count the leaves at the time you and Conger were together at his house?

A. No, I think not.

Q. Did you count the absent leaves, or stubs?

A. No, sir; I never saw any stubs until I saw them here.

Q. Do you mean to say that at the time you gave the book to the Secretary of War there were no leaves gone?

A. I do.

Q. That is still your opinion?

A. That is still my opinion.

Q. Did you examine it pretty carefully?

A. I examined the book, and I am very sure that if any leaves had been gone I should have noticed it.

Q. Did you examine it carefully?

A. It did not require careful examination to discover the absence of so many leaves.

Q. I ask you whether you examined it carefully?

A. I ran it through and looked over it.

Q. Where did you examine it first?

A. I examined it at Mr. Stanton's house. My impression is I looked at the book at my office before I left, but I am not altogether clear upon that point. My impression is I did examine it at Mr. Stanton's house, and I am satisfied in my own mind that there were no leaves missing at the time.

Q. Were there any observations or remarks made on that subject when you and Mr. Stanton looked it over?

A. No, sir; that is the reason I think the leaves were not gone. I think Mr. Stanton would have asked me what had become of the missing leaves, if any had been missing.

Q. Did you take the book out of the package before Mr. Stanton made his appearance?

A. Mr. Stanton was there in the room when we entered it.

Q. Then unless you examined it at your office before going up, the first you saw of it was in his presence?

A. It was.

Q. Did you leave the book at Mr. Stanton's office?

A. I did.

Q. Did you leave the other things taken up in the bundles?

A. All except the bills of exchange and some money. I think Mr. Stanton handed me these.

Q. How much money was there?

A. I do not recollect how much—something over \$100. There is an entry in my book of the amount.

Q. Was the money in greenbacks?

A. Yes, sir.

Q. How many bills of exchange?

A. There were some duplicates—first and second. I do not recollect what the amount was. My book will show exactly.

Q. Where is your book?

A. It is in Philadelphia. A little memorandum book kept by me as a cash book at the time. I think it was for £50 or £60.

Q. Do you know who it was drawn by?

A. That I do not recollect.

Q. Do you know who it was drawn upon?

A. Upon one of the banks of Montreal. I do not recollect which. It was produced at the trial of the assassins.

Q. Were you sworn on the trial of Mrs. Surratt?

A. I was not. I was not called as a witness.

Q. Were you present when Booth was shot?

A. No, sir.

Q. Was a brother of yours present?

A. A cousin of mine, L. B. Baker, sometimes called Byron Baker, was present.

Q. Where is he?

A. In Lansing, Michigan.

Q. What position had he at the time?

A. He was attached to my force. He had just been mustered out of the service as brigade quartermaster, some three weeks previously.

Q. Was he of the party you sent out to capture Booth?

A. Yes, sir.

Q. Did he return with the body of Booth?

A. Yes, sir.

Q. Did Conger come with the body also?

A. Conger came before—earlier in the afternoon. The body arrived about 12 o'clock at night, I think.

Q. The burial of Booth was intended to be kept a secret was it?

A. I inferred from Mr. Stanton's conversation that he did not wish it known.

Q. Were you ordered not to tell where it was buried?

A. Never; I took it for granted.

Q. What was your object in keeping it secret?

A. I do not know of any object, except I supposed the Secretary of War did not want it known. I did not know what his motives were.

Q. Was it talked over between you?

A. No, sir.

Q. You spoke about some letters in your previous examination, and also in your examination just now, written by Mr. Johnson, which you were desired to obtain, if possible. Can you repeat anything that was in those letters?

A. I do not recollect the contents.

Q. Can you repeat a sentence from any one of them?

A. I do not recollect anything that was in them. I did not attach much importance to them at the time.

Q. On your previous examination this question was put by some one: "State whether you have ever seen any letters showing the complicity of Jefferson

dent, that it was found very inconvenient to send to the Commissioner's office for the papers, and much more convenient to have them where the Secretary could see them immediately when called for.

Q. Do you recollect that it was found that errors had occurred from the inconvenience of having the record kept out of the Treasury building?

A. I do not recollect—Mr. Creecy, the appointment clerk, would know, and if he stated the fact I would believe it; but I am very confident the reason why the transfer was made was because of the accumulation of business caused by the great number of removals and appointments.

By Mr. WILLIAMS:

Q. You referred to two appointments of rebels made during the recess and embraced in this list. State, if you please, whether they had been commissioned and entered upon the performance of their duties before the commencement of the session?

A. Mr. Leitch, the surveyor of Charleston, entered upon his duties; whether the others did or not, I cannot state; but it is a matter of history that many officers who could not take the oath did enter upon the discharge of their duties, and receive their commissions, without taking the oath.

Q. Was there no oath administered in these cases?

A. When appointments were made, the printed form of oath required by law was sent to the appointee, and he returned it, having subscribed to and taken as much of it as he could. In no case, I think, was any officer allowed to perform his duties without taking the oath of allegiance.

Q. How long did these persons remain in office?

A. I have a general recollection of the course that was taken with the office-holders at the South who could not take the oath. I am unable to state in reference to the three mentioned, except as to Mr. Leitch, who remained in office till some time after the meeting of the Senate, when it was determined to put out all such men and appoint officers who could take the oath.

Q. Were there any appointments made in these cases during the session after the removals?

A. I think in nearly every case new nominations were sent to the Senate.

Q. Do you know of any officers in the confederate army, or known rebels, who are now in the Treasury Department.

A. I do not. The only possible qualification to my answer might arise from the fact that, in addition to the appointment of men who could not take the test oath, and which are on record, the agents of the department engaged in the collection of cotton at the South may have employed, temporarily, men who were rebels to assist them; but I am not aware of any such employment which resulted in what might be called an appointment.

Q. There was no such appointments by the Treasury Department in Washington?

A. I remember no case where any confederate officer or known rebel was so employed. The case of D. Tullar is fully stated in a report to Congress. I remember no other questionable case.

By Mr. CHURCHILL:

Q. Do you know of any case where parties who had been arrested and convicted of offence against the government, during the war, were appointed to places in the Treasury Department, at Washington or elsewhere?

A. It is an immense department, and it is impossible to say what may have been done accidentally. I remember no such case.

Q. I will ask you in regard to one Devlin, who was sentenced to imprisonment ten years, and to pay a fine of \$10,000, who was for some time confined in the Old Capitol prison, here in Washington, whether he has been appointed inspector of customs in the city of New York?

A. I know of John Devlin as having been guilty of bounty frauds; of his being connected with internal revenue frauds in New York, and of his being a great rascal. I do not know of his holding any office under government since his conviction.

Q. If he had held the position of inspector of customs in New York, would it have come to your knowledge?

A. It might not. There may have been very bad men there in office without my knowing it.

Q. Would the fact of such an appointment as that of inspector of customs in New York have been reported to your department?

A. Any appointment of inspector would have been reported to the Treasury Department by the collector, and would have been approved by the Secretary.

Q. Please ascertain whether he has held such an office.

A. I will do so.

By Mr. ELDRIDGE:

Q. Should it have been approved before he entered upon his duties?

A. It should have been before he entered on his duties. These appointments in the custom-house are entrusted to the collector, who reports lists of names, which are generally approved, as a matter of course. The appointment of John Devlin might have been approved without its being noticed that he was the man in question. I will ascertain whether such was the fact.

WASHINGTON, D. C., *Wednesday, May 22, 1867.*

L. B. BAKER sworn and examined.

By Mr. ELDRIDGE:

Q. Where do you reside?

A. In Lansing, Michigan.

Q. Were you in the employment of the government during the war?

A. I was.

Q. In what capacity?

A. For the first two years of the war I was with General Baker, in this city, in the secret service as a detective. I then enlisted in the first District of Columbia cavalry.

Q. Were you one of the party in pursuit of Booth?

A. I was.

Q. Were you present at the time he was shot?

A. I was. I had charge of the party until we arrived at Belle Plain.

Q. How far is that from where you found Booth?

A. We found Booth three miles from Port Royal, which is twenty-five or thirty miles from Belle Plain.

Q. Who had command then?

A. Colonel Conger. When we arrived at Belle Plain, in the night, I told him—he being an experienced cavalry officer, and being acquainted with the country—that he had better take charge of the party, and I gave up the command to him.

Q. Are you the man known as Lieutenant Baker?

A. Yes.

Q. Where did you first come across Booth?

A. At Garrett's farm, three miles beyond Port Royal, in Anne Arundel county, I believe. I do not know the name of the town.

Q. Did you see Booth shot?

A. I saw him fall. I was at the door of the barn, and had the lock in my hand. The moment the fire was lit in the barn I opened the door in order to

give him an opportunity to come out. Colonel Conger lit the fire from the side of the barn. I had charge of the door all the time we were there, and had all the conversation with Booth before he was shot.

Q. State the conversation that you had with him.

A. The cavalry surrounded the barn, and I had one of the Garrett boys in charge, whom I supposed to be an accomplice of Booth's. He told me he had locked them in, for he supposed they were desperate cases, and did not know what crimes they had been guilty of. I told him he must go into the barn and demand their surrender and the surrender of their arms. He protested that he knew nothing of them, and that he was afraid to go in. I told him he must go in, and I shoved him in. Then I heard a low conversation in the barn, and heard some one, whom I supposed to be Booth, say: "Damn you, for you have betrayed me." Then he said, "Get out of here." Garrett came back to the door and said, "Let me out, he is going to shoot me." I said, "You cannot come out till you bring out the arms." He said, "He will not let me have them; let me out quick." I opened the door, and he dodged out as though he was afraid Booth was going to shoot him. I shut the door very quickly, fearing that Booth might make a break from the door. Then young Garrett said, "Captain, I will do anything for you, except to go in there again. He is desperate, and will shoot me." Colonel Conger came up, and we decided to dismount our men. We had decided to fire the barn, and therefore we had to dismount the men, because the horses would not stand the fire. That occupied half an hour, for we had to dismount the men two by two, so as not to leave the line unguarded. I remarked to Conger that I would make the proposition for Booth to surrender. That being agreed upon, I addressed those who were in the barn—told them that we had fifty men around the barn, all armed, and demanded their surrender.

Q. Was it a fact that you had fifty men?

A. We had but twenty-five, but I made the number larger in order to intimidate them. The first that I heard said was, "Well, Captain, that is damned hard. This man is an innocent man, and it is hard to burn his barn. Give a lame man a chance. Draw up your men before the door, and I will come out and fight the whole command." I told him we did not come there to fight him, but to take him prisoner—that we had him, and that he had better surrender like a man. He then said, "Give me five minutes to consider." I said, "Very well." I waited for what I thought was five minutes. Then I said I could wait no longer, and that the time for action had come. Then he said, "Captain, there is a man here who wants very much to surrender." I said, "Very well, let him hand out his arms that he brought across the river." (I had ascertained that Herold had carried a carbine.) I then unlocked the door—keeping the lock in the hasp—and told Booth that the man could come out, provided he brought a carbine and one pistol. Then I heard a conversation between the parties inside, and heard Booth cursing Herold, telling him to go, that he did not want him to remain, and calling him a damned coward. Then Herold came to the door and rapped, and said, "Let me out, quick; I do not know anything about this man, he is a desperate character, and is going to shoot me." I said, "You cannot come out until you bring your arms." He said, "He will not let me." Then Booth said, "Captain, the arms are mine, and I shall keep them. This man is guilty of no crime." Conger came up and said I had better let him out, that he would be one less to fight. I opened the door and Herold came out. Captain Doherty, who had charge of the cavalry, soon came up and took him in charge. I put my back against the door again, and put the lock on. Then Conger said, "Let us fire the barn immediately." Then I addressed the person in the barn, and told him we should fire the barn in two minutes if he did not come out. He again made the proposition to come out and fight the whole command, and said, "Captain, I consider you to be a brave and honorable man; I have had half a dozen opportunities to shoot you, but I did not do it."

Q. Did he know you?

A. No; but he called me "Captain," supposing I had charge of the party. There were no names mentioned at all. I repeated that we did not come to fight him, but to take him, and that we should take him. I had been holding a candle in my hand until after Herold came out, when Conger said it was presumptuous in me to hold the candle, as Booth might shoot me. I set the candle down about twenty feet from the door. We failed to make any soldiers stand in the light of the candle; but Garrett and I were there all the time. I knew that Booth intended to shoot any one who made any approach to the barn to fire it, but we did not expect to do it there. Finally, I told him we should wait no longer. Then he said, "Well, my brave boys, you can prepare a stretcher for me." Conger came to me and said, "We will fire the barn." I said, "Yes, the quicker the better." When Conger was firing the barn, the last words that Booth said were, "One more stain on the old banner." I opened the door quickly, and the first I saw of Booth he was leaning against a hay mow, with a crutch under each arm, and a carbine resting in this way at his hip. He was in the act of getting up from the hay. He did get up, and dropped one crutch, and started towards the fire. He got within six or eight feet of the side of the barn, and peered all about as though he should like to see who fired the barn, having the carbine poised. Then he seemed to give it up. It was an old tobacco house, and there was a table lying there bottom side up. He turned to throw the table on the fire, but he dropped it, and turned to look around the barn. The fire was rolling over the roof. He saw the door open, and he turned and dropped the other crutch and started towards the door.

Q. How started?

A. With a kind of limping, halting jump. He used his leg, instead of the crutch. The last two or three steps he took were on his leg. He came within twelve feet of the door, when I heard the report of a shot. I was then standing outside of the door, waiting for him to come out.

Q. Were you nearer him than any one else?

A. Yes, sir.

Q. Who shot him?

A. I learned afterwards it was Sergeant Corbett. He shot him through a crevice in the barn. Booth was just between Corbett and me; and it was remarked afterwards that if he had missed Booth, he might have shot me. There were strict orders given against shooting at all. Colonel Conger had given every man the order, a number of times, not to shoot, under any circumstances.

Q. What was Booth doing at the time he was shot?

A. Booth was in the act of coming towards the door, with a carbine in one hand and a pistol in the other.

Q. Where was he shot?

A. Through the neck. The bullet perforated both sides of his collar. He gave a spring when he was shot, and fell down. I jumped in, and while I was getting to him he partly turned over and appeared as though he was going to get up again. I caught him by his arms and went down on him. I did not know that he was mortally wounded, and I thought I would secure him, but I soon saw he was powerless. Conger came in; I turned up the wounded man's head and said, "It is Booth, certainly." I supposed, at the time, that Conger shot him, and I said, "What on earth did you shoot him for?" Said he, "I did not shoot him." Then the idea flashed on my mind that if he did, it had better not be known. I turned again and said, "All right." Said he, "I did not shoot him." "Well," said I, "the man who did goes back under arrest." All this took place very quickly. I picked up the carbine which Booth had dropped. The pistol he grasped in one hand so tightly that I had to twist to get it out. I took the pistol. Captain Doherty came in and took the carbine

and a knife out of Booth's belt. At that time Garrett rushed in, and said, "Boys, let us extinguish this fire." The soldiers ran and threw furniture and stuff on the fire, but it was too late. Then Colonel Conger, myself, and two soldiers carried Booth out of the barn and laid him by a tree. I had a cup in my pocket, and I took it out and called for some water. I took Booth's head upon my knee and threw some water in his face. His mouth being open I poured some in his mouth. He blew it out and opened his eyes. I gave him some more water, and he made his lips go as though he would say something. Conger was there and put his ear to Booth's lips. He said, "Tell mother," and then he swooned away again. Conger left, and Booth shortly came to again. I was washing his face all the time. He said, in a whisper, "Tell mother I die for my country." Then I saw his wound. That was the first time I saw it. I saw that he was shot in the neck. The wound did not bleed, and I did not know the nature of it. The fire was then burning rapidly, and it became so warm that we had to take him away. We carried him to the piazza of the house.

Q. You were the first person with Booth after he fell?

A. Yes.

Q. Did he speak before any one else came up?

A. No, sir; he made no audible sounds at all till he was taken out of the barn.

Q. Was there any necessity for shooting him in the manner he was shot?

A. No, sir.

Q. Could you have taken him without that?

A. Yes. It was all arranged. I was sure of taking him.

Q. While he was under the tree, did you sit down by him and hold him against your breast?

A. I did.

Q. Did he say anything to you there?

A. Only what I have stated in regard to telling his mother. Conger detected before I did that he wanted to speak. He put his ear to Booth's mouth, and Booth said, "Tell mother." After that he said the same, with this addition, that he died for his country.

Q. Did he repeat it more than once?

A. He said it after he got to the piazza.

Q. Who carried him to the piazza?

A. Colonel Conger and myself, assisted by one or two soldiers.

Q. After he was carried to the piazza what did you do with him?

A. I called for some water. The Garrett girls got some water and ice in a cup, and some cloths. Colonel Conger tore open Booth's collar and took a diamond pin out of his undershirt, and fixed him so that I could wash him. I then saw that the ball had passed through his neck. I washed the wound, and washed his face. He opened his eyes and seemed to realize what was going on. The first words he uttered were, "Kill me, oh kill me." I said, "No, Booth." When I said "Booth," he seemed surprised, opened his eyes, and looked about. It had begun to be daylight then. The sun was rising. I said, "No, Booth, we do not wish to kill you;" that we hoped his wound was not mortal, and that he might yet live. He repeated the request that I should kill him. Then Conger came. He was kneeling down on one side of him and I on the other side. I spoke to Conger in reference to Captain Jett, from whom we got the information at Bowling Green, fifteen miles beyond, that he had piloted Booth and Herold over the river. When I mentioned Jett's name Booth opened his eyes and said, "Did Jett betray me?" Then I saw that I was making unnecessary developments, and I said, "Oh, never mind anything about Jett." He seemed to be paralyzed below the wound. His hands lay by his sides. He said, "My hands." I took up one of his hands and washed it in ice-water.

He looked at it and said, "Useless, useless," and he dropped it. The first thing he said after we got him on the piazza was to repeat the request that we should tell his mother he died for his country, and that he had done what he thought was for the best. This he said in a low whisper.

Q. Did he say anything about not having designed to assassinate Mr. Lincoln?

A. Nothing of the kind that I heard.

Q. Did he not, during the time he lay there, say to you that he had not contemplated assassination till the night it was done?

A. No, sir; nothing of the kind.

Q. Have you not said that he did say to you something of the kind?

A. No, sir.

Q. Did he say anything in addition to what you have stated?

A. Nothing, except that he wished his mother should know he did what he thought was for the best, and what he said in reference to Herold—that he was guilty of no crime. That is the nearest he came to admitting that there was any crime about it.

Q. Did he repeat that more than once?

A. No, sir.

Q. Did he speak of any one else as having committed no crime?

A. No, sir.

Q. State all that you heard him say.

A. I have stated it in substance, as near as I can recollect it. I gave my statement to Judge Holt, on the gunboat, before I gave up charge of the body.

Q. Were you sworn on the trial of Mrs. Surratt?

A. I was not. My testimony has never been taken, except before Judge Holt, and that has been disposed of.

Q. What do you mean by that?

A. It cannot be found. I was the first who gave any evidence in the case. General Baker took me down into the cabin of the gunboat, and I gave my evidence to Judge Holt. Colonel Conger was present and assented to its truth.

Q. Was it a sworn statement?

A. It was.

Q. When was it taken?

A. The morning I came up with the body.

Q. Did Judge Holt keep your testimony?

A. He did. I supposed it went on the files, but when the subject was up before the Committee of Claims in relation to the distribution of the reward, it could not be found.

Q. Do you know any reason why you were not called as a witness on the conspiracy trial?

A. I do not. I expected to be. I was summoned as a witness, but was informed, after I got here, that I was not wanted.

Q. Was there any reason assigned?

A. None; and I was very much surprised at it.

Q. You remained with Booth until he died?

A. I did; and I had charge of his body for the next twenty-four hours.

Q. Did he die in your arms or leaning against you?

A. He died leaning against a mattress which the girls at the Garrett house got and laid on the piazza. We doubled it up and laid his head upon it.

Q. Have you stated all that you remember he said during that time?

A. I have, substantially. I may not have stated all that he said, or the order in which he said it.

Q. And he did not say anything about not intending to do it until the day before it was done?

A. He never made any such remark. While we were getting the diary out



of his pocket, and turning him over so as to get at it—Conger being anxious to get to Washington as soon as possible—Booth groaned and said: "Oh, kill me." He saw what we were doing.

Q. Who took the memorandum book from his pocket?

A. Colonel Conger. He looked at it and handed it to me. I looked at it, and then we put it in a handkerchief with other things.

Q. Did you open the book?

A. Yes.

Q. Did you make any examination of its contents?

A. Nothing, except to run the leaves over.

Q. What did you find in it?

A. I did not examine it, only to see that it was a diary.

Q. Were there any loose papers or pictures in it?

A. I did not see any.

Q. Did you open the back part of it, where the pocket was?

A. I did not.

Q. Did you discover any leaves torn out of it?

A. Yes; I thought there were some leaves gone.

Q. How many leaves should you judge were gone?

A. I could not say.

Q. Have you seen the account of the diary published in this morning's Chronicle?

A. Yes, sir. In regard to one leaf that was absent, I found it in Virginia about ten days after the capture. I was sent back by the Secretary of War to get information and to procure witnesses. A darkey, named Lucas, told me that Booth came to his house on a Sunday night and demanded that he should hitch up his team and take him to Port Conway, on the Rappahannock. He told the darkey that if he did not do so he would shoot him; and he put back his coat and showed that he was armed with two pistols and a bowie knife, while Herold had a carbine. While there, Booth sat down rather moodily, took out a little book and wrote in it on one of the leaves. He tore out the leaf, enclosed some money in it, and told Lucas to take it to Dr. Stewart in the morning. Having heard this, I was anxious to get hold of the note, and I went to Stewart and told him who I was, and what I wanted, at the same time assuring him that perhaps the note might clear him of any complicity with the conspirators. He said he thought it would, for it was a very saucy note, and he said I could have it. He went up stairs after the note, and came down with it in his hand. His wife came up and inquired what was the matter. He said there was nothing the matter, except that he was going to let Lieutenant Baker have the note which Booth sent him. She took it out of his hand and said there was no use in my having it, that it would be only getting his name in the paper, and that I could get a copy of it. I sat down to copy it, she reading it to me, but I got an opportunity of taking the note, and I took it out of her hand, at which she was very much exasperated.

Q. Is that the note which has been published, as addressed to Dr. Stewart?

A. Yes, sir. She either tore off or scratched out the address, saying she did not want to get his name in the paper.

Q. What did you do with that note?

A. I brought it to General Baker's office. He or some one else went with me to the War Department, and I saw the leaf compared with the diary, so that I am positive the leaf came from the diary.

Q. What did you do with it?

A. I left it with General Baker.

Q. Would you know that leaf if you were to see it now?

A. I might not, but I think I should. I recognized it in a moment as a piece from the diary.

Q. You saw it compared with the diary?

A. Yes, sir.

Q. Did you find the stump from which it was torn?

A. I did not make the examination myself, but I stood by while Major Eckert and one of General Baker's men, or himself, I cannot be positive which, examined it, and said: "Yes, there is where it was torn out."

Q. Did you then examine the book to see that it was in the condition in which you saw it first?

A. No, sir; I did not make an examination of the book.

Q. Did you examine the book at all, so that you can swear whether there were two, three, four, or a dozen leaves torn out?

A. No, sir. My impression was, when I first saw the book, that there had been one or more leaves torn out.

Q. Did you have that impression before you saw and read what was published in the newspapers?

A. Yes; I had it over the body of Booth when I looked at the book. My impression was that some leaves had been torn out. Before Booth died we sent for a physician, who lived in the neighborhood, and asked him whether he would live for an hour or an hour and a half, as, if he would die within that time, we would wait, but if not, we should take him on alive. He commenced to probe the wound, not being aware that the bullet had gone through. I told him, and he finally gave it as his opinion that Booth would not live an hour. Then Conger left.

Q. How long did Booth live?

A. Not half an hour after the physician pronounced his case hopeless. Lieutenant Doherty and I sewed the body up in my blanket, and got an old market wagon owned by a darkey in the neighborhood, with an old horse, placed the body on a board, and put it in the wagon. I started away in charge of the body; Lieutenant Doherty remaining behind to have the horses fed. Lieutenant Doherty came down to the ferry with Herold, who did not seem to be hand-cuffed or bound at all. I told Lieutenant Doherty he must be aware that his prisoner was a very important one, and should be bound. He said he would have it done. He allowed Herold to get into the boat with me, sitting down on the edge of the ferry-boat. I conversed with him while crossing the river. When we got over he was bound.

Q. Did you have any conversation with Herold at the time Booth was shot, except what you have stated?

A. No, sir. He only said that he was innocent, and knew nothing of Booth, except that he had fallen in with him as a traveling companion. That was the only excuse he made for being with him.

Q. Did he pretend not to know what Booth had done?

A. He did not admit that he knew anything about it. I assumed that he did, and told him that he need not talk to me anything about it, as I knew all. After we crossed the river I started out with a corporal and my orderly. The command followed us a couple of miles and then took another road. I sent back the corporal, but I did not see anything more of him; and then I sent back my orderly, but I did not see anything more of him either. I traveled all the day, with the darkey and Booth's body, and struck the river about three miles above where the steamboat was lying at Belle Plain. I left the body concealed in the bushes, with the darkey to watch it, and came up with a small boat, in which I took the body to the steamer. On the way up the river, General Baker and Major Eckert met us, with a gunboat.

Q. At what place?

A. About half way, I think, between Belle Plain and Washington.

Q. What is the distance from Washington to Belle Plain?

A. I should think about sixty miles.

Q. What was done with the body?

A. The body was deposited on the deck of the boat, and I called for a guard to take charge of it, as I was so fatigued that I could not keep awake. I had not slept any for three nights. While waiting for the guard I stood by the smokestack, and I sunk down and went asleep there, although the captain had prepared some tea and a berth for me below. The next thing that I knew was General Baker pulling me to get me up. That was before we got down to the navy yard.

Q. Before you got on board the gunboat?

A. We did not get on board the gunboat; we remained on the tug till we got to the navy yard. Then the body was transferred to the gunboat, and left in charge of the officers of the boat. I then went with Judge Holt and General Baker and gave my testimony.

Q. You do not know what has become of that testimony?

A. My opinion is that there has been some foul play about it.

Q. What do you mean?

A. I think it has been destroyed. My impression is that it was destroyed in order to suppress the facts which it proved as to my having charge of the party, so that my claim to the chief share of the reward would not be so good.

Q. How much of the reward did you get?

A. Three thousand dollars.

Q. How much did Conger get?

A. Fifteen thousand dollars. I left the city and went to Michigan, and did not attend to the matter as closely as he did.

Q. It is with reference to the distribution of the reward that you think there was foul play?

A. Yes.

Q. Did you have anything to do with burying the body?

A. General Baker told me to come with him, that he had orders to dispose of the body. We took the body from the gunboat into a rowboat, and rowed down the Eastern Branch to a little wharf attached to the arsenal. The body was then taken out and put in an arbor.

Q. Who went with you in the rowboat, beside General Baker?

A. Two sailors from the gunboat, who rowed. General Baker left me in charge of the body, went up to the arsenal, and came back with the major who was in command—Major Benton, I believe. They looked at the body and talked the matter over. General Baker had orders, as he told me, to put the body where it would not be disturbed till Gabriel blew his last trump. The body was taken into the arsenal ground, and that is the last I saw of it.

Q. Was it put in a box or coffin before that?

A. No, sir. After the Surgeon General had examined it, it was sewed up again in the blanket.

Q. Where did the Surgeon General examine it?

A. On the gunboat. The officers of the boat were present, and Judge Holt, General Baker, and myself.

Q. Do you know Dr. May, of this city?

A. I do not; but I know he was present.

Q. Did you ever hear General Baker say that he had dropped the body in the ocean, with weights attached to it?

A. I did not. I heard that he made such a statement.

Q. Did you ever hear him say that he buried the body on the bank of the Potomac, and covered it in such a way that nobody would ever find it till Gabriel blew his last trump?

A. No, sir; nothing of that sort.

Q. Did he ever tell you where he did put the body?

A. No, sir, he never told me. I cannot say how I knew, but I was satisfied

as to where it was put. I think that some of his officers told me where he had told them it was put. I never asked him any questions about it. I guess we never exchanged a word from that time to this about it.

Q. Had you known Booth before he was shot?

A. No, sir. I had his likeness, and identified him by it.

Q. Did you know Booth before?

A. I did not.

Q. You were not sworn on the trial of the conspirators?

A. No, sir. I was subpoenaed, but there was a little pulling and hauling somewhere. I think it was agreed to swear Colonel Conger and Captain Doherty, and leave me out. After Booth was laid on the piazza of the house, I asked Colonel Conger if he had found the man who shot him. He said, "No, but I will." He went away and came back, and I said, "Where is the man?" He answered, in a laughing way, "I guess we had better let Providence and the Secretary of War take care of him." After that I learned from Lieutenant Doherty that Conger had found the man, and had asked him what in hell he shot for, without orders, and that Sergeant Corbett took the position of a soldier, saluted the Colonel, and said: "Colonel, Providence directed me." That rather nonplussed the Colonel, and he had nothing more to say.

Q. Were not the handcuffs put on Herold when he first came out of the barn?

A. No, sir; he was tied to a tree by Colonel Conger's order. He was tied to a big locust tree in front of Garrett's house. He whined and complained that the rope was cutting his hands, and Lieutenant Doherty released him. When Conger came along and found that Herold was released, he swore tremendously at Doherty, and told him to tie Herold up again. His hands were then tied behind him, I believe, and so he remained till he came to the ferry, then his hands were at liberty. I told Lieutenant Doherty that if he did not tie and secure the man, I would do it. He said he would, and I saw him tie the man and put him in charge of a corporal.

Q. What time did Booth die?

A. About sunrise—between five and six o'clock, I think.

Q. What time was he shot?

A. About an hour and a quarter before that.

Q. Did Colonel Conger leave before Booth died?

A. Yes; he left for Washington with Booth's effects tied in a handkerchief. I assisted him in taking the things out of Booth's pockets. The pockets that were on my side I cleared, and he those on his side. He spread his handkerchief and put them all in, ordered his horse and left. That was about ten or fifteen minutes before Booth died. Conger says, however, that he did not get away from the grounds for about ten or fifteen minutes after that, but I did not see him any more.

Q. What sort of a fellow was Corbett?

A. He attended to his duties as a soldier very strictly, and seemed to have a good deal of dignity among the men; but I noticed from the first that he had an odd expression, and a very earnest way in managing his men—nothing further.

Q. Did you know then of his being a spiritualist?

A. I did not.

Q. Had you any suspicion that he was not entirely of sound mind?

A. No, sir; not at all. If I had I should have objected to his having charge of the men. He was first sergeant.

By Mr. BOUTWELL:

Q. How were the soldiers detailed?

A. They were picked up in camp. General Baker came down from the War Department and said: "Lieutenant, we have got a sure thing. I think Booth

has crossed the river, and I want you to go right out." I had been out on two trips. I said, "There are no men to go with me." He said, "We will have some soldiers detailed." He set down and immediately wrote a letter to General Hancock. Then he said, "Is there no one in the office who can go with you?" I said, "No one but Colonel Conger." Colonel Conger was lame, and had not been out. Said he, "Can he ride?" I said, "I think he can." I found Colonel Conger, and he said he would go. Twenty mounted men came. Conger says the men were picked up around the camp. They were "dead-beats" from two or three different companies, and were in charge of Lieutenant Doherty.

Q. What did you understand by "dead-beats"?

A. Those who have all sorts of excuses for remaining in camp while others are out; men who are either sick or pretending to be.

By Mr. ELDRIDGE:

Q. Who did make the selection of them?

A. It was made under the direction of General Hancock. They reported soon, and we got off in about three quarters of an hour from the time the information was received.

Q. Was Booth, at the time he was shot, making any attempt to shoot any one?

A. Not at all. When he first came to the fire he raised his carbine a little and looked all about, but he did not bring it to his shoulder, or did not appear to want to shoot any one.

Q. I suppose he had plenty of chances to shoot you if he had been so disposed?

A. Yes. One time he came close to the door where I was. We made a feint of piling up some brush and straw outside the barn, wanting to mislead him. There was one place where there was a board off, and we told Garrett to get some straw and brush and pile it up there. I heard Booth say, "See here, young man, I advise you, for your good, to keep away from here." Garrett dropped the straw, and came back and said: "Captain, I will do almost anything, but I will not expose my life any longer in that way." Then Booth, or some one, came along and tried the door. One time when he spoke he said he had had half a dozen opportunities to shoot me. I do not think Booth wanted to kill anybody, except in open, fair fight. I think he would have come out and fought the whole command till he died.

Q. If you had accepted that proposition you think he would have come out?

A. Yes, sir; I have no doubt of it. I think he would have sold his life as dearly and bravely as possible. From the tone of his voice, and his theatrical style, every word seemed to be studied. His last remark in the barn was in reference to the stain on the old flag.

Q. What articles were taken from Booth's body?

A. I took a pocket compass which had candle-drops all around it outside. It was a common pocket compass, and appeared to have been used in the night with a candle. I took a meerschaum pipe, a bunch of matches, and quite a handful of shavings, which seemed to have been whittled up at leisure to start a fire with some time, and a handkerchief rather soiled. Conger took the diary, a pin from his undershirt, (it seemed to be a diamond pin, with some initials on it,) and, I think, a pocket knife.

Q. Had Booth any small pistols?

A. He had two pistols in his belt, a bowie-knife, and a carbine. These Conger took to Washington.

Q. Do you know of any money being taken from his person?

A. Yes; Conger took some money. I did not see it. Conger displayed some greenbacks and some drafts which he said were on Canada.

Q. How much money was there?

A. I think he said about \$75. I did not count it. He said, when putting up the drafts, "See, I will mark them," and he put some mark on them. I was so much fatigued at the time, and was laboring under so much excitement, that the testimony I gave before Judge Holt would be, I think, the nearest correct. I gave it when everything was fresh on my mind.

Q. How many days after that was it when you took this leaf to General Baker?

A. About ten days.

Q. Did you find anything else in your back track?

A. I did. About two weeks after that the young Garretts came down with a statement of the articles destroyed in the barn, and an application for damages. They wished me to sign it. I had been trying to find the opera glass which Mrs. Surratt was said to have given to Booth, but I could get no clue whatever to it. I told Garrett that I could not sign the paper until he had given me all the things belonging to Booth that were in their possession. He said he would do so with pleasure. I then said I would go up in a week or ten days, when I expected to get everything which Booth left. I went to the Garrett place, and young Garrett brought me a piece of Booth's crutch and a haversack, and said that was all. Just before dark I went out to where the barn was burned, thinking I might find some remains of the glass. I poked around in the ashes and found some melted lead, (it seemed he had some cartridges with him,) and pieces of the blanket that Herold had; but I found nothing that looked like the opera glass. There was a little boy, about five or six years old, playing around, and on questioning him I learned that Booth gave the opera glass to his sister, Joanna Garrett, and that she had put it in her father's writing desk. Next morning I told the old gentleman what I knew about the opera glass, and that it must be produced. He was much surprised that I should know what had transpired. I called in the daughter, Joanna, and told her she should do one of two things—either produce the opera glass or come with me to Washington. She began to cry, and was very much affected. The father took her aside, and came back and said the opera glass was about nine miles off, with a sister of hers. We rode over there and found it hid in a clothes chest in the garret. I brought it to Washington and turned it over to General Baker, with a request that I might have it, and telling him how I got it. It was a peculiar glass, having three sets of small lenses, with three screws to turn, marked "opera," "marine," and "field." It was a very valuable glass.

Q. Were there any marks on it?

A. None that I observed.

Q. Where is it now?

A. I do not know. I have never seen it since.

By Mr. CHURCHILL:

Q. Do you recognize the beginning of the diary published in the newspapers as the same with what you read in the book?

A. I do not recognize anything except the note to Dr. Stewart. That I had time to read. The other I did not stop to read.

Q. Do you recollect whether these missing leaves came just before the page on which the writing begins?

A. I do not.

Q. Were you present during the whole trial of the assassins?

A. I was there every day.

Q. You say that your not being called as a witness was the result of consultation?

A. I was told it was. During this time some misunderstanding occurred between Colonel Conger, Lieutenant Doherty, and myself. Doherty, in view of the reward, went in to prove that he had charge of the party.

Q. You think that your not being called had some reference to the division of the reward?

A. I do.

Q. How much did Doherty receive?

A. Five thousand dollars.

Q. What was his rank at that time?

A. Lieutenant.

Q. And you were also lieutenant?

A. I was not in the service at the time. I had been mustered out two weeks before. I started out in command of the party. Colonel Conger is a good officer and a peculiar man. I saw that his pride was hurt, and that he did not seem to have any interest in the matter. I knew he was experienced, and was familiar with the country about Belle Plain, and as we came up on the bluff, it being then very dark, I said, "Colonel Conger, you take charge of the cavalry; you have been over the ground. I do not want you to consider me in command; we are together." That seemed to relieve him, and everything went on pleasantly.

By Mr. ELDRIDGE:

Q. What is your relationship to General Baker?

A. I am his cousin.

WASHINGTON, May 22, 1867.

WILLIAM P. WOOD sworn and examined.

By Mr. ELDRIDGE:

Q. What is your position?

A. I am chief of the secret service division in the department of the Solicitor of the Treasury. I have been engaged there since 1865. Previously I was superintendent of the Old Capitol prison during the war.

Q. Did you know J. Wilkes Booth?

A. Not personally; only as a public character. I never had any conversation with him.

Q. What was your business before you became superintendent of the Old Capitol prison?

A. I am a pattern-maker and model-maker. I took charge of the prison under Mr. Cameron, but received my regular commission or authority from Mr. Stanton.

Q. Do you know anything of an article or letter purporting to have been written by J. Wilkes Booth for publication in the *Intelligencer*?

A. I learned that such a letter was written by him while he was a fugitive in Maryland. I never saw it. I think it has been destroyed. I think a man named Thomas Mathews had it. He is a resident of Maryland, and was a prisoner in the Old Capitol prison.

Q. Tell the Committee what you know about the letter.

A. Nothing further than that there was a rumor that he had such a letter and had destroyed it. I have no personal knowledge of it. I believe that Mr. Ford, who keeps the Holliday street theatre, in Baltimore, can tell you more about it. Mr. Ford told me that this man Mathews had the letter and had destroyed it, and that he had told some priest about it. That is all I know of it.

By Mr. BOUTWELL:

Q. Did Mr. Ford say that he had seen the letter?

A. I am not positive about that.

Q. Did he make any statement as to its contents?

A. I believe he did, in general terms. I think it was that Booth was desirous of giving himself up, or something to that effect.

By the CHAIRMAN:

Q. Did you learn the reason for the destruction of the letter by Mathews?

A. I did not. I made no such inquiry.

Q. Did you hear how long Mathews had it in his possession?

A. No, sir.

By Mr. ELDRIDGE:

Q. Was not the letter to be published in the *Intelligencer*?

A. I understood it was intended for publication in the *Intelligencer*.

Q. Do you know whether it was ever presented to the *Intelligencer*?

A. I am sure that if ever any such letter was written it was never presented to the parties in the *Intelligencer* office. It never went further than the Old Capitol.

Q. Was it in the Old Capitol?

A. I think it was brought there by this man Mathews.

Q. Then he must have had it on his person when he was brought there as a prisoner?

A. If it was on his person in the Old Capitol, it went in with him as a prisoner.

Q. Did you search his person?

A. It was the rule to search all prisoners, and I am confident that he was searched when he went in; but it was an easy thing to secrete it.

By the CHAIRMAN:

Q. When did you first hear of the existence of this letter?

A. I think it was about the time that Mathews and thirty or forty other persons from Maryland, who were suspected of having aided Booth, were in the prison.

Q. On receiving the information did you search Mathews again in order to discover the letter?

A. We never searched prisoners more than once.

Q. Why did you not search him again?

A. I did not think it of any importance, or that it amounted to anything. I was informed that he had destroyed it.

Q. Did you make any inquiry as to whether he had destroyed it?

A. I did not.

Q. Did you believe he had destroyed it?

A. I think my attention was only called to the destruction of the letter some time subsequent to the release of all the parties.

By Mr. ELDRIDGE:

Q. Have you given the Committee all the knowledge or information you have on the subject?

A. I have done so as far as I recollect.

Q. Have you given out that you had such a letter in your possession?

A. Never.

Q. Have you said to any one that you knew all about it?

A. I said I knew all about the letter—that it was really there. My knowledge consists of what I have stated.

Q. Do you consider from that that you know all about it?

A. Yes, sir. The matter was fixed on my mind that there really was such a letter by the impression made on me by Mr. Ford.

Q. And on that you stated that you knew all about the letter?

A. I may have said so to some one, not intending it as a positive matter, but in connection with something else. I intended to convey no such meaning. I believe that the only time I ever made use of that declaration was in the presence of a man named Howell, from Maryland, who had been in the Old Capitol prison. I met this Howell in a restaurant in this city, and said I thought he ought to be hung; and it was in connection with that that this matter of the letter came up.

Q. Have you made the same statement to others?

A. I am not positive about that. Perhaps I did. I considered it no secret.

Q. Do you pretend to say now that you do know all about this letter?

A. I do not think I used that expression. I only mean to say that I know such a letter was written.

Q. And yet you have never seen it?

A. I have never seen it.

Q. Nor read a word of it?

A. Nor read a word of it.

Q. Nor heard anybody else read it?

A. Nor heard anybody else read it.

By Mr. CHURCHILL:

Q. Was Mr. Mathews one of the persons at whose house Booth was supposed to have been after the assassination?

A. That I cannot say.

Q. Was it before or after the trial of the assassins that Ford told you Mathews said there was such a letter in existence?

A. After the trial.

Q. And after the execution?

A. After the execution.

Q. Who were the persons whom you heard refer to the letter before that time?

A. I do not recollect. I did not believe it at the time, until Mr. Ford subsequently impressed it upon me that it was so. From his conversation I became positive there had been such a letter in existence at the time.

WASHINGTON, D. C., *Thursday, May 23, 1867.*

ROBERT JOHNSON sworn and examined.

By the CHAIRMAN:

Q. Where do you reside?

A. In the city of Washington. My home is in Greenville, Tennessee.

Q. You are private secretary to the President?

A. I am.

Q. How long have you been acting in that capacity?

A. I first commenced acting as private secretary on the 14th or 15th of November, 1865. I acted as such until February, 1866. I resumed the duties of the office on the first of September, 1866.

Q. Were you an inmate of the Executive mansion during the entire month of November, 1865?

A. I was.

Q. State whether you have any knowledge of a pardon having been granted to a person named Clarence J. Howell.

A. I think there was such a pardon signed by the President.

Q. State all that you know about it.

A. There was an application made for his pardon. It came through the office

in the regular manner. I think I took the pardon out of the President's room into the office to have it recorded there before its being sent to the State Department to be sealed. That is about all that I remember about the pardon.

Q. You say it went to the President through the usual channel?

A. Yes.

Q. State what that is.

A. Sometimes a person brings an application for a pardon, and files it in the Secretary's office. Colonel Long has had charge of that department for a long while.

Q. Had he charge of it at that time?

A. He had.

Q. Did this pardon pass from that office to the President?

A. I think that is the way it got to the President's office. I do not know anything to the contrary. That is the usual course. I have had nothing to do with pardons. Colonel Long has entire control of that business, and keeps the records. I only remember something about this pardon from the difficulty which arose about it between Mrs. Cobb and General Baker.

Q. State all the facts of which you have any knowledge connected with that pardon.

A. Baker came up there with the pardon the same evening, I think. Father sent for me, and asked me if I knew anything about it. I told him that all I knew about it was that the application was there, and that he had signed the pardon that day. He and General Baker were talking about it. I did not stay to hear the conversation, but I heard some part of it while I was there. Baker was explaining how it was a made-up case on his part as a detective of the War Department. He thought it implicated Mrs. Cobb in some way or other in obtaining money for getting pardons. The President, I think, retained the pardon.

Q. Do you know whether that paper can be obtained?

A. I do not.

Q. Was it complete?

A. I do not think it was. I do not think it had the seal of the State Department; but it may have been complete for aught I know.

Q. Do you know into whose hands it passed after it was signed by the President?

A. I do not. I have no idea whether it went to the State Department by one of the regular messengers, who took the pardons over, or by some one else.

Q. You say you suppose this went to the President through the usual channel?

A. Yes, sir.

Q. Have you any knowledge of any fact to the contrary?

A. No, sir; I have not, but rather as confirmatory of the statement. The application for that pardon had been lying on the table, I think, for some days.

Q. Did you receive a present of any kind from Mrs. Cobb?

A. No, sir, not in any manner, shape, or form, nor was such ever intimated or offered to me in any manner, shape, or form.

Q. Did you ever receive from her, or through any other person, as a present, a pair of kid gloves?

A. Never.

Q. Did you ever receive from her, directly or indirectly, any money?

A. Never in my life, not to the value of a copper, and never was offered any.

Q. Are you acquainted with Thomas B. Florence, of this city?

A. Yes; I have known him for several years.

Q. State whether he ever presented to you, to be carried to the President, any papers relative to the pardon of certain deserters in West Virginia.

A. I think he did.

Q. State all you know about it.

you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the radical Congress—[cheers and cries of "Bully,"]—you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucuses you will understand that they there knew [cheers] that a convention was to be called, which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans [confusion] you ought to understand what you are talking about. When you read the speeches that were made and take up the facts on the Friday and Saturday before that convention sat, you will there find that speeches were there made incendiary in their character, exciting that portion of the population, the black population, to arm themselves and prepare for the shedding of blood. [A voice—"That's so," and cheers.] You will also find that that convention did assemble in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the government of the United States, and every man engaged in that rebellion, in that convention, with the intention of superseding and upturning the civil government which had been recognized by the government of the United States, I say that he was a traitor to the Constitution of the United States, [cheers,] and hence you find that another rebellion was commenced, having its origin in the radical Congress. These men were to go there, a government was to be organized, and the one in existence in Louisiana was to be superseded, set aside, and overthrown. You talk to me about New Orleans; and there the question was to come up, when they had established their government, a question of political powers, which of the two governments was to be recognized, a new government, inaugurated under this defunct convention, set up in violation of law and without the will of the people. Then when they had established their government and extended universal and impartial franchise, as they called it, to the colored population, then this radical Congress was to determine that a government established on negro votes was to be the government of Louisiana. [Voices—"Never," cheers, and cries of "Hurrah for Andy!"]

So much for the New Orleans riot; and there was the cause and the origin of the blood that was shed, and every drop of blood that was shed is upon their skirts and they are responsible for it.

I might ask you a question, why don't you hang Thad. Stevens and Wendell Phillips? [Great cheering.] A traitor at one end of the line is as bad as a traitor at the other.

Let me say to you, in concluding, that what I have said I intended to say. I was provoked into this, and I care not for their menaces, the taunts and the jeers. I care not for threats; I do not intend to be bullied by my enemies, nor overawed by my friends. But, God willing, with your help, I will veto their measures whenever any of them come to me. I place myself upon the ramparts of the Constitution when I see the enemy approaching; so long as I have eyes to see, or ears to hear, or a tongue to sound the alarm, so help me God, I will do it, and call on the people to be my judges. [Cheers.]

WASHINGTON, D. C., Saturday, May 25, 1867.

JOHN T. FORD sworn and examined.

By the CHAIRMAN:

Q. Are you acquainted with William P. Wood?

A. Yes, sir.

Q. State whether you ever had a conversation with him about a letter or article written by John Wilkes Booth, intended for publication.

A. I heard something with reference to a letter written by Booth for publication; whether or not I held a conversation with Mr. Wood about it I cannot say.

Q. State what knowledge you have of that letter.

A. About the first of June, a few days after I was released from Carroll prison, I met a member of my company, named John Mathews, in Seventh street, near the Intelligencer office, and had a conversation with him. He had been very intimate with John Wilkes Booth. In the course of the conversation I made an allusion to what surprised me very much—the fact of one of the editors of the Intelligencer having been called as a witness in the conspiracy trial, and of Judge Holt telling him that Booth stated before he died that he had left

an article for publication in that paper, and wishing to know whether he knew anything about it; to which the editor replied that he did not. After some further conversation, Mathews said to me, "I will tell you something about that letter. On the afternoon of the day of the assassination, at about four o'clock, I was going up Pennsylvania avenue; John Wilkes Booth came riding down on horseback, and we met between Seventh and Eighth streets. He was very much excited. He drew a packet from his pocket and handed it to me, saying, 'I wish you, no matter what occurs, to deliver this at the office of the Intelligencer to-morrow morning.'" Mathews went on to say, "He was very excited in his manner, and was apparently somewhat under the influence of liquor. He seemed to impress upon me, very seriously, the importance of keeping it a profound secret, and to be sure to deliver the letter faithfully." He said, "I took it reluctantly, and put it in my side pocket, and kept it until late that night." He said the assassination so frightened and bewildered him that when he went home he remembered that Booth had given him this letter or package. He put his hand in his pocket and drew it out. In view of the great excitement prevailing he resolved to break it open and read its contents. He did break it open, and read it. It contained a justification of Booth's intended act. Mathews thought it was written on the day he received it. It went on something in the style of Booth's diary, claiming that he was called upon to do this murder, and that he would do it, and for no other purpose than to serve his country, or something of that kind, quoting all the famous assassinations of history to justify the deed. Mathews said that after reading it he made up his mind to destroy it, fearing that, if found upon his person, it might cost him imprisonment, or probably his life. He therefore put it in the fire, and he said that, feeling worried about it, and being a Catholic, he went next day to his confessor. I believe he was told there that, under the circumstances, he had done right; that the paper could be of no service to the government or any one else, and that it had better be suppressed.

Q. Do you know where Mathews is at this time?

A. I last heard of him at Rochester, New York, some months ago, when he wrote to me for an engagement. Mathews knew Wood very well. He came to visit me in prison, when I found that Wood and he were old friends. Mathews was never a prisoner there to my knowledge.

Q. Did Mathews tell you on what kind of paper the letter was written?

A. No, sir; he merely described it, so far as my memory serves me, as being in a large envelope, something like an official envelope, sealed and directed, I think, to Mr. Coyle, of the Intelligencer, or at all events to one of the editors of the Intelligencer.

Q. Is that all the knowledge you have of it?

A. That is all the knowledge I have of it except some indistinct recollection of what he told me the contents of the paper were.

By Mr. ELDRIDGE:

Q. State all you know of what he said was in the paper.

A. I cannot describe it better than by comparing it with the diary that has been published. He had resolved at the last moment, failing in all his other plans, to commit this deed, and he wished to justify himself before the world.

Q. What did you understand him to mean by "failing in all his other plans?"

A. I presume, from hearing something of the conspiracy, that he meant failing to kidnap the President, and then that he had resolved on assassination.

By Mr. BOUTWELL:

Q. Did Mathews represent to you that that letter mentioned the name of any person as being at all connected with the conspiracy?

A. No, sir; it mentioned no names whatever. Knowing the young man as

you will find out who was responsible for the blood that was shed there. If you will take up the riot at New Orleans and trace it back to the radical Congress—[cheers and cries of "Bully,"]—you will find that the riot at New Orleans was substantially planned. If you will take up the proceedings in their caucuses you will understand that they there knew [cheers] that a convention was to be called, which was extinct by its power having expired; that it was said that the intention was that a new government was to be organized, and on the organization of that government the intention was to enfranchise one portion of the population called the colored population, who had just been emancipated, and at the same time disfranchise white men. When you design to talk about New Orleans [confusion] you ought to understand what you are talking about. When you read the speeches that were made and take up the facts on the Friday and Saturday before that convention sat, you will there find that speeches were there made incendiary in their character, exciting that portion of the population, the black population, to arm themselves and prepare for the shedding of blood. [A voice—"That's so," and cheers.] You will also find that that convention did assemble in violation of law, and the intention of that convention was to supersede the reorganized authorities in the State government of Louisiana, which had been recognized by the government of the United States, and every man engaged in that rebellion, in that convention, with the intention of superseding and overturning the civil government which had been recognized by the government of the United States, I say that he was a traitor to the Constitution of the United States, [cheers,] and hence you find that another rebellion was commenced, having its origin in the radical Congress. These men were to go there, a government was to be organized, and the one in existence in Louisiana was to be superseded, set aside, and overthrown. You talk to me about New Orleans; and there the question was to come up, when they had established their government, a question of political powers, which of the two governments was to be recognized, a new government, inaugurated under this defunct convention, set up in violation of law and without the will of the people. Then when they had established their government and extended universal and impartial franchise, as they called it, to the colored population, then this radical Congress was to determine that a government established on negro votes was to be the government of Louisiana. [Voices—"Never," cheers, and cries of "Hurrah for Andy!"]

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A. I presume, from hearing something of the conspiracy, that he meant failing to kidnap the President, and then that he had resolved on assassination.

By Mr. BOUTWELL:

Q. Did Mathews represent to you that that letter mentioned the name of any person as being at all connected with the conspiracy?

A. No, sir; it mentioned no names whatever. Knowing the young man as

being vain-glorious, very ambitious, and very daring, it seemed to me to be very characteristic of him. He was called vividly to my mind by the diary. I think that in this letter the same allusions were made as in the diary, to Brutus, and Tell, and others.

By Mr. ELDRIDGE :

Q. Did Mathews inform you of anything in the letter from which it appeared that Booth had others in the plot of assassination ?

A. Nothing of that kind. So far as I recollect, it seemed to relate entirely to himself.

Q. You understood from him that the plan of abduction having failed, he then resolved on assassination ?

A. That is what I inferred from what I had heard of the plan.

Q. What did Mathews say was in the letter on that subject ?

A. That he had at the last moment (his other plan failing) resolved on assassination, and he seemed desirous of vindicating himself.

By Mr. BOUTWELL :

Q. Had you had, about the time of the assassination, any knowledge of the plan for the abduction of President Lincoln ?

A. Not the slightest in the world until after the assassination had taken place. I had applied to the War Department and procured permission to go to Richmond directly after the fall of that city, for the purpose of visiting a very old man, the oldest brother of my mother. We had no particulars of the fire there, and my family was very anxious about his condition. I took some money with me, and went down to seek him. I arrived in Richmond on the day of the assassination. It was on Monday morning that I had the first positive information of the assassination. I went to the boat at six o'clock in the morning, to leave for Baltimore, and saw the Richmond Whig in heavy mourning; and I met Mr. Spaulding, a theatrical manager, who told me that the assassination occurred at my theatre. At Old Point Comfort I heard more of it, and heard of the arrest of Daniel Arnold, whose father and brother I knew in Baltimore. I got home at seven o'clock in the morning, and a few minutes afterwards a couple of detectives came to my house, and told me they had orders to carry me to Washington. I was taken down to the Provost Marshal's office, and there I met Arnold, who made his statement to me of how he was connected with Booth in the abduction plan. Some portions of his statement came out as evidence in the conspiracy trial. It seems that he had several meetings with Booth and others for the purpose of arranging the abduction of the President.

By Mr. ELDRIDGE :

Q. Did he say anything about the higher crime of assassination ?

A. No, sir; but protested his entire innocence of any knowledge of it in any way, although he seemed very free to acknowledge his full connection with the former plan, which had failed.

Q. Was there anything in his confession about Mrs. Surratt ?

A. I think not. He made no allusion to her, but spoke of her son, John Surratt, and of his having met him. He had been a school-boy with Booth at St. Timothy's Hall, a school near Baltimore.

Q. You were the manager of Ford's theatre at the time the assassination took place ?

A. Yes, sir.

Q. You say you had no knowledge whatever, either of the assassination plot or of the abduction plot, until after the assassination ?

A. Not the slightest. Some peculiar things transpired between Booth and myself, which made me wonder since that I was not more suspicious. He was

exceedingly desirous at one time that I should engage an actor by the name of Samuel P. Chester, who was then engaged in performing minor parts at the Winter Garden. I told him I could not, in honor, take a man from a theatre where I thought he was bound to remain, and bring him to my theatre, although he would be a very desirable acquisition to my company. He proposed, afterwards, to exchange him for another man, saying that Chester had once saved his life in Montgomery, and that he would do anything in the world to make him content, and offering, if I would bring him, to pay his salary. It afterwards turned out that Chester was a party to the conspiracy to abduct the President. He is a bold, resolute fellow, and one whom Booth could have relied on. I believe he was the party who was to extinguish the lights and allow the abduction to occur in darkness. Chester testified at the conspiracy trial, and confessed to a knowledge of a conspiracy to abduct.

Q. You have stated, I suppose, all that you recollect of what Mathews told you as to the contents of that letter ?

A. About all. It impressed me as an article fresh from Booth's brain, scrawled somewhat in haste, folded up, delivered to Mathews, read by him that night and destroyed, containing in substance, but at greater length, the contents of the diary.

Q. How long after its destruction was it that Mathews mentioned it to you ?

A. It was destroyed, according to his statement to me, on the night of the assassination. His statement was made to me about the first part of June.

By the CHAIRMAN :

Q. When did you first hear of the assassination of Mr. Lincoln ?

A. I did not hear it until Sunday afternoon, and then I did not credit it. It was not publicly announced in Richmond until Monday morning. I did meet Colonel Forney at the Spottswood House on Sunday, but he said nothing to me about it, although he knew it. Talking to a relative of mine on Sunday afternoon, I heard that President Lincoln had been killed in Washington by Edwin Booth. I laughed, turned round, and said, "Edwin Booth is in Boston." It never occurred to me at all that John Wilkes Booth had been in Washington. I treated the matter with not the slightest credence. It was only on Monday morning, before the boat leaving the wharf, that I got a newspaper and learned the actual fact.

WASHINGTON, D. C., *Saturday, May 25, 1867.*

WILLIAM W. WARDEN sworn and examined :

By Mr. BOUTWELL :

Q. What is your occupation, and how are you at present employed ?

A. I am a newspaper correspondent, and I practice law in this city.

Q. Are you in any other way engaged in business ?

A. I am engaged at the Executive mansion in examining and reading the newspapers. The leading journals of the country come there for the President, and I impart the substance of them to him.

Q. You give him information as to what they contain ?

A. Yes, sir; the substance of the editorial comments and matters of general news.

Q. Are there any other duties performed by you at the Executive mansion ?

A. That is the principal thing I do; there are some other duties required of me. I am engaged there mostly at night. I am not considered as regularly on



Q. Suppose there was an indictment for murder, would you have felt authorized to arrest the proceedings indefinitely?

A. Certainly not. I must have some foundation to go on.

Q. Would you have felt yourself authorized to lay down a policy yourself—would you not like, as a matter of course, to have the approval of the head of the executive department for your policy in that connection?

A. I would not feel myself authorized to lay down a policy for myself. But when a policy presents itself, when the circumstances of the country present it, I must not shut my eyes to the condition of things. I should have very much reprehended myself if, in reference to those confiscation cases that have been brought to my notice, (and I cannot give the Committee any idea of the costs and sacrifices attending them,) I did not stop those rapacious proceedings.

Q. You have said that you did understand that to be the policy of the President?

A. I did; but if I had never talked with the President I should not have hesitated to take the course I did. The President has never dictated to me what I should do; but in cases that came under my office he has left me free to decide.

Q. You stated in the course of your examination to-day that you regarded enemies' property captured by our army as not falling within the purview of the confiscation law?

A. I said, that as to property which belonged to the confederate government, whether it was munitions of war, real estate, or any other property, such as foundries, &c., we fell heir to all that, and that our title was perfect.

Q. What would be the law in reference to the railroads used by the confederate government, and captured by our armies—I mean railroads belonging to the States?

A. I have not seen any confiscation law that aimed at the property of any of those States. Confiscation is aimed at individuals.

Q. How would you regard those railroads; would you not treat the title to them as being vested in the United States?

A. No more than I would the court-houses or jails, or any other property of the States. All the property of the confederate government belongs to us; but all the property of the States does not, in my judgment, belong to us; nor have I, in reading those confiscation laws, seen any provision by which any authority is given to commence proceedings against a State for its property, or to take its court-houses, jails, public lands, revenues, &c.

Q. Suppose those railroads were in the possession of the confederate government with the consent of their proprietors, being owned by corporations other than States, and were captured by our armies, would they not come under that rule?

A. The rule laid down in my office by my predecessor was this, that in regard to any property in the southern States owned by a corporation which was used in aid of the rebellion, such part of that property as belonged to corporations who were not rebels, but loyal citizens in other States, could not be confiscated; that you must there distinguish between corporations and individuals. His opinion was that you could not confiscate it as the property of the corporation, but must descend to an inquiry as to the status of the corporators.

Q. So far as title can pass under the law of war, was it your judgment that in that case it was vested by capture in the government of the United States, or that it required further proceedings to perfect title?

A. If it fell under the law as to captured or abandoned property, that would be one thing; to treat such case as that under the confiscation act would be quite another thing. I do not know that any proceedings were ever instituted under my predecessor to go on and complete confiscation against the railroads of the South.

Q. Is it your opinion that the property vests in the government by virtue of public law or the law of war?

A. That depends on the circumstances of the capture, and of the intentions with which it was made. Our armies may be said to have captured everything in the South as they went along—court-houses, and jails, and every sort of property. I know there were negotiations between Governor Jenkins and the War Department, not merely in regard to the roads that belonged to the State, but to the rolling stock placed on them by the government, and I think that the State of Georgia has purchased that property from the government at a price which was satisfactory to the War Department.

Q. Were you consulted by the President in reference to the right or power to transfer property of that description to the parties in the rebel States owning it before the war, or to sell it to them?

A. I do not know whether any such question came to me from the President, but I have an impression that Governor Jenkins was here in reference to some negotiations with the War Department as to one or more of these railroads, and as to the purchase by the State of Georgia of stocks belonging to the government on those roads. I rather think that my opinion was asked in reference to the form of the bond to be given, and the sort of security which the government should have for the repayment of the money.

Q. You were not consulted formally as to the authority to sell or surrender this property?

A. No, sir; that had been decided before I came into office. It was simply as to preparing the papers to make the government safe.

By Mr. LAWRENCE:

Q. You have expressed the opinion that the government was in fault in holding Jefferson Davis in military custody after pacification?

A. I said we were in a false position.

Q. Does not that necessarily include the idea that it was not competent for a military commission to try Davis for the crime of treason, or as being the head of a conspiracy or rebellion?

A. Yes, sir; after pacification, I think that a military commission had no power to try any one. In reference to the trial of Jefferson Davis by military authority, my predecessor, as early as 1866, gave to the President the opinion that that was not a fit case for trial by a military commission.

Q. You concur in that opinion?

A. I do.

Q. Touching the question of bail in those treason cases, have you examined the opinion of Judge Field, delivered by him in the case of the United States against Chapman, tried in the northern district of California in October, 1863?

A. I do not recollect ever having seen it. I had supposed that this indictment of Davis was under the Act of 1862. I see difficulties in sustaining that indictment under the act of 1789, arising from the time the crime was committed. The limitation for the prosecution for treason under the act of 1789 was three years after the act of the offence. This indictment was found in March, 1866. If, then, we had only the act of 1789 to convict under, the question of the bar of the statute would come up. There was, however, an act passed by Congress during the rebellion in reference to the statutes of limitation, and providing for the withdrawal of the bar in reference to persons engaged in rebellion, and who could not be reached by the processes of the court. I say that very grave questions would arise in the construction of that act in cases where the former act of limitation had had its full force and effect, and the party, under the existing statute, had been protected by the bar. There is a very serious question there. I would have avoided that.

Q. Do you recollect that during the progress of the rebellion a notice was

published in one of the Alabama papers offering a million of dollars for the assassination of President Lincoln?

A. Yes, sir.

(A copy of the notice referred to was put in evidence, as follows :

[Copy.]

A million dollars wanted, to have peace by the 1st of March.

If the citizens of the southern confederacy will furnish me with the cash or good securities for the sum of \$1,000,000, I will cause the lives of Abraham Lincoln, William H. Seward, and Andrew Johnson to be taken by the 1st of March next. This will give us peace, and satisfy the world that cruel tyrants cannot live in a land of liberty. If this is not accomplished nothing will be claimed beyond the sum of \$50,000 in advance, which is supposed to be necessary to reach and slaughter the three villains. I will give, myself, \$1,000 towards this patriotic purpose. Every one wishing to contribute will address +. Cahaba, Alabama, December 1, 1864.)

Q. That is said to have been published by a man named Gayle, a lawyer?

A. Yes.

Q. Can you state whether he has been pardoned?

A. He has been.

Q. When?

A. I cannot tell. There were papers on file in that case to show that that was a sort of *canard*. The man who offered it was not worth a hundred dollars. It was considered a mere squib. He was recommended to pardon by a great many persons, among others by our own military officers stationed in the neighborhood. You will observe that Mr. Johnson himself is one of the persons for whose assassination the reward was offered. He seemed to look upon it as nothing but a squib.

By Mr. WILLIAMS :

Q. What was the nature of that pardon? Was it for the offence of treason, or for the particular offence arising out of the publication of that notice?

A. I do not know. He was pardoned generally. I do not know what sort of an offence the publication of that paper would be.

(The witness was requested to furnish the Committee with copies of the papers in that case.)

By Mr. LAWRENCE :

Q. Can you state the number of applications for pardon for offences growing out of the rebellion that have not been granted?

A. No, sir; there have been a good many not granted. Wherever the party has been charged with anything other than what is purely a military offence—wherever he has been charged with anything contrary to the usages of war, like the case of Dr. Blackburn, for instance, who was charged with sending infected clothing into the North, I do not know that pardons have been granted.

Q. Would the number of applications refused amount to some hundreds?

A. I really cannot say. I can state, generally, that the President has been frequently asked to grant privileges of return to such men as Blackburn and others, who have fled from the country, but I know he has always refused, and said that they must take their chances when they come back; that has been his uniform answer to persons who have fled the country.

By Mr. ELDRIDGE :

Q. It is the rule that they must place themselves within the jurisdiction of the United States before any pardon is granted?

A. Yes, sir; and that he will not give them safe conduct to come here.

ATTORNEY GENERAL'S OFFICE,  
Washington, D. C., June 3, 1867.

Hon. JAMES F. WILSON,

Chairman of the Judiciary Committee, House of Representatives :

SIR: I am directed by the Attorney General to transmit to you the accompanying copies of all the papers on file in this office in the case of George W. Gayle, of Dallas county, Alabama, indicted for conspiracy, and pardoned by the President April 27, 1867, and hereby certify to the correctness of said copies.

Very respectfully, your obedient servant,

F. U. STITT, *Pardon Clerk.*

[Copy.]

Oath to support the Constitution and Union, sworn to by George W. Gayle, before William Q. Smith, Commissioner, United States district court, at Selma, Alabama, 22d day of November, 1865.

[Copy.]

To his Excellency ANDREW JOHNSON, *President of the United States :*

Your petitioner, George W. Gayle, respectfully sheweth that he is a resident citizen of Dallas county, in the State of Alabama, and is by profession a lawyer; that he resided a large part of his life in said county, and is now about fifty-nine years of age. Petitioner has a wife and three daughters, and he has no means for their support except the proceeds of his labor.

Your petitioner further sheweth unto your excellency that, in the late war, petitioner took part against the United States by encouraging enlistments in the confederate army, and, to the extent of his means, by contributions and by aiding and assisting confederate soldiers and their families. Your petitioner is old and feeble, and did not go into the army for that reason.

Your petitioner is advised that he is excluded from the benefits of the proclamation issued by your excellency on the 29th day of May, 1865, because he was in custody of the military authorities. There is no other cause or reason to except him from the benefits of said proclamation.

Your petitioner has in good faith taken the oath required in said proclamation, a copy of which is hereto annexed, and he intends in good faith to abide by and keep the promises therein made.

Your petitioner, therefore, most respectfully prays that he may have the benefits of said proclamation extended to him, and that he may receive full pardon and amnesty. And, as in duty bound, your petitioner will ever pray, &c.

G. W. GAYLE.

THE STATE OF ALABAMA, *Dallas County :*

Personally came George W. Gayle, who, being duly sworn, deposes and says that the facts stated in the foregoing petition are true.

G. W. GAYLE.

Sworn to and subscribed before me, this the 17th day of September, 1866.

J. B. JOYNER, *J. P.*

[Endorsed on bundle.]

APRIL 27, 1867.

I recommend a pardon in this case.

HENRY STANBERY.

[Copy.]

DALLAS COUNTY, ALABAMA, *December 17, 1866.*

To his Excellency ANDREW JOHNSON,  
*as President of the United States of America :*

We, the undersigned, officers and soldiers late of the federal army, and now temporary citizens of Dallas county, Alabama, respectfully show unto your excellency that George W. Gayle, esq., of said county, is indicted in the United States district court at Montgomery, with the two late editors of the Selma Dispatch, for a conspiracy to take the lives of "Lincoln, Seward, and Johnson," and as a rebel generally.

From what we know of Mr. Gayle, and can learn of his character and standing in society, we cannot believe him guilty of the charge of conspiracy.

He is, doubtless, guilty as a rebel in aiding and assisting the confederacy of the South, so-called, as hundreds of thousands of the southern people are who are not indicted.

In view of the premises, therefore, we respectfully ask your excellency to grant Mr. Gayle a special pardon, that he may be released from the annoyance of the prosecution against him. We ask this that justice may be done.

Very respectfully, your obedient servants,

J. McARTHUR,  
Late Brevet Major General U. S. Volunteers.  
GEORGE P. REX,  
Late Surgeon 33d Illinois Regiment Volunteers.  
GEO. W. COLBY,  
Late Captain 72d Reg't Illinois Volunteer Infantry.  
C. A. COLBY,  
Late Captain 19th Reg't Illinois Volunteer Infantry.  
HENRY COCHRAN,  
Late Captain Co. E, 33d Missouri Vol. Infantry.  
M. J. GIBSON,  
Late Lieutenant Co. G, 2d New York Vet. Cavalry.  
H. H. F. RANDALL,  
Late Assistant Adjutant General.  
JNO. F. BURCH,  
Late First Lieutenant 2d New York Vet. Cavalry.

[Copy.]

HARTWELL CHAPTER No. 58,  
Cahaba, Alabama.

To his Excellency ANDREW JOHNSON,  
President of the United States of America :

We, the high priest, king, and scribe, and companions of Hartwell Chapter No. 58, (working under the jurisdiction of the grand chapter of said State,) respectfully and fraternally show unto your excellency that Companion George W. Gayle, who is a member of this chapter, is indicted in the district court of the United States at Montgomery, Alabama, for a conspiracy, with the two late editors of the Selma Dispatch, to assassinate "Lincoln, Seward, and Johnson," as well as for aiding and assisting the southern confederacy, so-called, in the late American war.

We have known Companion Gayle for many years as a citizen and a Mason, and believe the charge of *conspiracy* against him to be false and unfounded, and that the advertisement published in said newspaper was a mere *canard*, and on his part intended more to excite amusement than for any other purpose; and we have reason to believe that there are now on file in the office of the Attorney General of the United States the affidavits of Companions Robert J. Travers, Isaiah Quartermus, John F. Morgan, James L. Evans, and A. D. Brazeale to establish that fact. Companion Gayle, like a large majority of the people of the southern States, no doubt aided his section to the extent of his ability; but we can see no sufficient reason in this fact why he should be made an exception to a general or special exercise of Executive clemency.

In consideration of the premises, Hartwell Chapter No. 58, as aforesaid, most respectfully and fraternally asks your excellency to grant to Companion Gayle a general and special pardon, that he may be released from the annoyance and great expense of a trial in said district court. And, as in duty bound, &c.

HARTWELL CHAPTER No. 58,  
Cahaba, Alabama, January 28, 1867.

The undersigned, officers of Hartwell Chapter No. 58, do hereby certify that at a convention of said chapter, held at Masonic Hall, Cahaba, Alabama, on the 26th day of January, 1867, the foregoing petition and memorial was unanimously adopted, and a copy thereof, properly certified under the seal of the chapter, ordered to be forwarded to his excellency Andrew Johnson, President of the United States.

Given under our hands and the seal of the chapter this 28th day of January, A. [SEAL.] D. 1867.

(Signed)

J. W. KELLEY, H. P.  
W. A. BRANTLEY, King.  
J. L. EVANS, Scribe.

R. J. TRAVERS, Secretary.

MONTGOMERY, ALABAMA, January, 1867.

To his Excellency ANDREW JOHNSON,  
as President of the United States of America :

We, the undersigned, Governor of the State of Alabama, and members of the senate and house of representatives of said State, now in general assembly convened, respectfully show unto your excellency that George W. Gayle, esq., of Dallas county, in said State, is indicted, in the United States district court for the middle district of said State, with the two late editors of the Selma Dispatch, for a conspiracy to take the lives of "Lincoln, Seward, and Johnson," and as a rebel generally.

Several of us have known Mr. Gayle for many years, and most of us have been for a long time acquainted with his reputation and standing in his profession and in society, and cannot believe him guilty of the charge of conspiracy. He is doubtless guilty of being a rebel generally, in aiding and assisting the confederacy of the South, so-called, as hundreds and thousands of the southern people are, who have not been indicted.

In view of the premises, therefore, we respectfully ask your excellency to grant Mr. Gayle a special pardon, that he may be relieved from the annoyance of the prosecution against him. We ask this that justice may be done one who has already suffered nearly six months' imprisonment, under military arrest, on account of said charge.

With distinguished consideration, we are your obedient servants,

(Signed) R. M. PATTON, Governor of Alabama.  
WALTER H. CRANSHAW, Pres't of the Senate.  
THOS. B. COOPER, Speaker of House of Reps.

Senators.

1. A. C. Felder, Montgomery, &c.
2. A. L. Woodleff, Cherokee.
3. W. H. Edwards, Blount, &c.
4. R. H. Powell, Macon.
5. M. J. Bulger, Tallapoosa.
6. A. B. Cooper, Dallas, &c.
7. W. Garrett, Coosa.
8. E. P. Jones, Fayette, &c.
9. John H. Gonroot, Jackson.
10. John Y. Kilpatrick, Clarke, &c.
11. Wm. O. Winston, Marshall, &c.
12. John W. Drake, Madison.
13. E. A. Powell, Tuscaloosa.
14. John F. Foster, Choctaw.
15. Thos. Montgomery, Talladega.
16. J. M. Jackson, Morgan, &c.
17. Wm. H. Wood, Dale, &c.
18. Robt. B. Lindsay, Franklin.
19. Wm. A. Ashley, Covington, &c.
20. C. P. Gayer, Mobile.
21. Th. W. Sykes, Norman.
22. James Jackson, Lauderdale.
23. C. C. Huckabee, Greene, &c.
24. W. H. Barnes, Chambers.
25. Wm. H. Forney, Calhoun.

Representatives.

- |                                  |                                  |
|----------------------------------|----------------------------------|
| Alexander W. McKinstry, Mobile.  | Alexander Frazier, Macon county. |
| A. G. Mahony, Dallas.            | John Manasco, Walker.            |
| Wm. Craig, Dallas.               | N. S. Brookes, Lowndes.          |
| N. L. Whitfield, Tuscaloosa.     | J. H. Bankhead, Marion.          |
| John R. Tompkins, Mobile.        | George P. Phinman, Talladega.    |
| A. M. Gibson, Blount.            | Jos. D. McCann, Talladega.       |
| James W. Davis, Bibb.            | George N. Culver, Henry county.  |
| F. M. Walker, Jackson.           | Thomas B. Savage, Clarke county. |
| W. J. B. Pardgott, Jackson.      | Walter Echols, Macon.            |
| J. W. Brandon, Cherokee county.  | J. C. Hand, Shelby county.       |
| James Williams, Jackson.         | Samuel Leeper, Shelby county.    |
| George W. Ash, St. Clair.        | John Lawrence, Cherokee county.  |
| S. Palmer, Blount.               | Joshua Morse, Choctaw county.    |
| John M. Clark, Lawrence.         | R. Henry, Pickens.               |
| C. G. Baislee, Limestone county. | J. G. Moore, Coffee.             |
| E. W. Lawrence, Fayette.         | J. L. Williams, Randolph.        |
| Geo. F. Smith, Choctaw.          | G. C. Ellis, Calhoun.            |
| J. D. Chapman, Covington.        | B. E. Rowland, Lauderdale.       |
| Geo. S. Cox, Lawmatic.           | H. A. Woolf, Marengo.            |
| William B. Humphrey, Madison.    | J. J. Seawell, Perry.            |
| J. W. Ledbetter, Madison county. | P. M. Callaway, Perry.           |
| H. McBee, Calhoun.               | C. T. Cotton, Dale.              |
| P. M. Bush, Marshall.            | N. B. Mullen, Greene.            |
| John G. Pierce, Greene.          | W. Baisler, Limestone.           |
| John Grant, Mobile.              | David H. Thrasher, Tallapoosa.   |
| H. Pipkin, Barbour.              | F. LeB. Goodmull, Lawrence.      |
| Thomas C. Lanier, Pickens.       | James M. Warren, Lawrence.       |
| John C. Tunneadon, Chambers.     | Joseph Lindney, Tallapoosa.      |

Henry Faulk, Barber.  
James S. Robinson, Chambers.  
T. R. N. Tothinger, Ehman.  
H. R. McCary, Tallapoosa.  
James Vansant, Coosa.  
J. R. Hawthorn, Wilcox county.  
Thorn, of Franklin county.  
J. B. Benth, Montgomery.  
H. McCaffry, Montgomery.  
S. F. Gaffard, Butler.  
T. C. Grimshaw, Butler.  
F. S. Ferguson, Macon county.

A. M. Wuthy, Pike.  
W. C. Menefer, Pike.  
J. R. Goldthwaite, Pike.  
G. S. G. Doster, Autauga.  
F. B. Clame, Mobile.  
G. W. Robinson, Baldwin.  
B. G. Ornum, Russell.  
J. L. Sheffield, Marshall.  
John Potter, Cherokee.  
George C. C. Youge, Washington.  
H. F. Smith, Jackson.  
Wm. J. Borden, Calhoun.

[Copy.]

MONTGOMERY, ALABAMA, *January, 1867.*

To his Excellency ANDREW JOHNSON,  
*President of the United States:*

The undersigned, members of the supreme court and the bar of Alabama, respectfully petition your excellency to grant pardon and amnesty to George W. Gayle, of Dallas county, Alabama, for offences committed by reason of participation in the late rebellion against the United States. He is indicted, with others, for a conspiracy to overthrow the government of the United States; and an anonymous communication, published in the Selma Dispatch, a newspaper, during the war, offering a reward to any one who would take the lives of "Lincoln, Seward, and Johnson," is the special matter charged against him.

Most of us have known Mr. Gayle for many years, and are well acquainted with his character. He is a man of remarkable kindness of heart, full of generous impulses, and governed in all things much more by impulse than by settled conviction, and with a want of prudence which verges on insanity. We are satisfied that the publication in the Selma Dispatch was the result of a sudden idea that entered his mind, to put to the test the statements of his more wealthy neighbors, to the effect that they would devote their last dollar to any means which would secure the independence of the confederacy. From our knowledge of his character we feel satisfied that he had no other intention. For many years he has been insolvent, with no means except a precarious professional income, which barely sufficed for the support of his family; and we are convinced that he could not possibly have raised one hundred dollars (\$100) of the million which was to be raised for the purpose indicated.

He is quite old, and has a large family dependent upon him; and of all the people of Alabama who participated in the late war, there is not, in our opinion, one who is now more harmless and inoffensive towards yourself and the government of the United States. He has suffered much from imprisonment, is quite feeble, and, in our opinion, is a proper object for Executive clemency.

J. R. C. CLINTON,  
H. C. BULLOCK,  
J. K. BARTON,  
M. D. GRAHAM,  
T. M. ARRINGTON,  
A. J. WALKER,  
M. M. BRYAN,  
THOMAS J. JUDGE,  
JOHN D. PHELAN,  
GEO. GOLDTHWAITE,  
A. MARTIN,

ALEXANDER WHITE,  
W. P. CHITTEN,  
JACK THORINGTON,  
W. P. CHITTEN, JR.,  
DAVID CLOPTON,  
SAMUEL F. PRICE,  
A. C. FELDER,  
ALEX. B. CLITHERALL,  
J. O. CHENWORTH,  
D. H. WORKMAN,  
V. H. VAUGHAN.

[Copy.]

WETUMPKA, ALABAMA, *February 19, 1867.*

DEAR SIR: Colonel George W. Gayle, of Dallas county, in this State, stands indicted, I understand, for proposing to raise a large sum of money to procure the assassination of President Lincoln; and, although I reside in Alabama, I have never seen the article as published in the newspapers. I heard the article spoken of shortly after the publication, and it did then, as it has ever since, received my most unqualified condemnation.

I have known Colonel Gayle since he was quite young, and have ever found him a most estimable citizen, and an amiable, kind, benevolent man. I was therefore astonished that a proposition of such a nature should have emanated from him, and conjectured that some

unusual excitement must have prompted it. I have since learned that he was under the influence of intoxicating liquors when the reward was offered, and deeply regretted its publication when fully restored to himself. Few men have more of the milk of human kindness in their nature than Colonel Gayle; and I feel assured, had Mr. Lincoln been in his power, Colonel Gayle would never even have attempted to carry into execution the proposition contained in the article. If your excellency could, consistently with your sense of public duty, extend to Colonel Gayle the clemency desired, I should feel gratified.

Very respectfully, your obedient servant,

(Signed) BEN. FITZPATRICK.

To his Excellency ANDREW JOHNSON,  
*President of the United States.*

[Copy.]

NASHVILLE, TENNESSEE, *March 4, 1867.*

MY DEAR FRIEND: Mrs. G. W. Gayle, wife of Colonel Gayle, of Cahaba, Alabama, visits you to secure a pardon for her husband. Mrs. Gayle is the aunt of my brother-in-law, Major Clare. Colonel Gayle, I am informed, is an inveterate joker, like the late Major Wm. A. Polk, of this State. He is said to be a man of great amiability of character, and of a genial, social nature; and, in making the publication for which he was arrested, he was quizzing some very wealthy men on account of their extravagant professions of devotion to the South, and that he had no criminal intentions whatever, and never supposed the publication would amount to anything. He is said to be incapable of bearing malice towards any one. Mrs. Gayle bears deep traces of sorrow and suffering on her face, and clemency on your part would bring joy and gladness to the hearts of the entire family and friends. I hope you will regard this as an appropriate occasion for the exercise of those God-like qualities of mercy and justice which have so pre-eminently distinguished your administration. She will present to you the strongest recommendations on behalf of her husband.

May the All-seeing Eye that directed the great and good Washington direct and bless all your efforts for the good of our common country and people is the earnest prayer of your sincere friend,

R. W. BROWN.

To his Excellency ANDREW JOHNSON,  
*President of the United States.*

[Copy.]

President JOHNSON:

The accompanying letter I received in envelope to me yesterday, from my friend Robert Brown, of Nashville. I hope it may be favorably received by your excellency in my husband's behalf. The Attorney General is to give me a decided answer at two o'clock *to-morrow*. I think he will, with *your* approbation, let me return home rejoicing.

May God ever watch over and defend you while sailing on life's troubled sea is the earnest prayer of yours, respectfully,

J. M. GAYLE.

[Original on card; no date.]

[Copy.]

CAHABA, ALABAMA, *March 11, 1867.*

To the ATTORNEY GENERAL of the *United States:*

DEAR SIR: Ex-Governor Parsons, of Alabama, three or four months ago, filed in your office the affidavits of several gentlemen of veracity, and some of distinction, to show my innocence of the charge of *conspiracy* to take the life of Messrs. *Lincoln, Seward and Johnson*, with a view to the dismissal of the prosecution against me for that alleged offence, now pending against me in the United States district court, at Montgomery. No action has yet been had in your branch of the executive department, for reasons which may be good under the terrible state of affairs now prevailing.

A few days ago I sent on a number of petitions to the President for a pardon, to get rid of the ruinous prosecution—one from the Governor of Alabama and the legislature, just adjourned; one from the *federal* military officers of this vicinity, headed by Brevet Major General McArthur; one from the judges of the supreme court of the State, and the members of

that bar, living in and about Montgomery; and one from the *Masonic Chapter* of this place, to which I belong—all truly protesting against my guilt, and praying pardon to relieve me from the annoyance and expenses of a trial.

Not being aware of the act of Congress of August 2, 1861, (United States Statutes at Large, pages 285 and 286,) until a moment ago, I did not know your powers over the district attorneys. Knowing them now, I most respectfully pray that you may examine all the papers in your office and now before the President, and instruct the district attorney at Montgomery to dismiss the prosecution against me, or continue it indefinitely, as may be most *wise*, just, and equitable.

My wife, who has carried on my petition to the President, has, likely, ere this, been honored with your acquaintance; if not, and it is agreeable to you, you will find her at W. H. Claggett's, H street, 530, I think; or Governor Parsons will be kind enough to introduce her to you.

Most respectfully,

G. W. GAYLE.

Hon. Mr. STANBERY,

*Attorney General United States, Washington City.*

ATTORNEY GENERAL'S OFFICE,  
*Washington, June 3, 1867.*

SIR: I am directed by the Attorney General to transmit to you the accompanying list of applications for pardon from persons in the late rebel service, now on file in this office.

It is, perhaps, proper to remark that petitions from petty civil officers, and those under what is known as the twenty thousand dollar clause, are acted upon immediately in this office, and the warrants of pardon laid before the President for his disposal, which will account for the absence of any list of those classes of persons.

Very respectfully, your obedient servant,

F. U. STITT, *Pardon Clerk.*

Hon. JAMES F. WILSON,

*Chairman of Judiciary Committee, House of Representatives.*

*Rebel General Officers.*

Adams, Daniel W., Louisiana, brigadier general.  
Adams, Wirt, Mississippi, brigadier general.  
Bragg, Braxton, Louisiana, resigned from United States army in 1856, rebel general.  
Boe, H. P., Texas, brigadier general.  
Brandon, W. L., Mississippi, brigadier general.  
Brantley, W. F., Mississippi, brigadier general.  
Bell, Tyree H., Tennessee, brigadier general.  
Corse, M. D., Virginia, brigadier general.  
Chestnut, James, jr., South Carolina, brigadier general.  
Cobb, Howell, Georgia, major general.  
Carroll, Wm. H., Tennessee, brigadier general.  
Churchill, T. J., Arkansas, major general.  
Caball, W. L., Virginia, brigadier general.  
Canter, James, Alabama, brigadier general.  
Cook, Phillip, Georgia, brigadier general.  
Chambliss, N. R., Alabama, graduate of West Point, and major in rebel army.  
Colston, R. E., Virginia, brigadier general.  
Chalmers, J. K., Mississippi, brigadier general.  
Cheatham, B. F., Tennessee, major general.  
Duke, Basil W., Kentucky, brigadier general.  
Du Bose, D. M., Georgia, brigadier general.  
Ewell, R. S., Virginia, major general.  
Evans, C. A., Georgia, brigadier general.  
Forrest, N. B., Mississippi, lieutenant general.  
French, Samuel G., Mississippi, major general.  
Frazer, J. W., Tennessee, brigadier general.  
Featherston, W. S., Mississippi, brigadier general.  
Govan, D. C., Arkansas, brigadier general.  
Gordon, John B., Georgia, major general.  
Gholson, Samuel J., Mississippi, brigadier general.  
Greer, E., Texas, brigadier general.  
Hindman, T. C., Arkansas, major general.  
Hill, B. J., Tennessee, brigadier general.  
Humes, Wm. Y. C., Tennessee, brigadier general.  
Hodge, George B., Mississippi, brigadier general, and left Kentucky to enter rebel army.

Hoke, R. F., North Carolina, major general.  
Hunton, Eppa, Virginia, brigadier general.  
Hood, J. B., Texas, lieutenant general.  
Heth, Henry, Virginia, major general.  
Higgins, Edward, Louisiana, brigadier general.  
Jackson, A. E., Tennessee, brigadier general.  
Johnson, A. R., Texas, brigadier general.  
Jackson, Thomas K., Alabama, ex U. S. A.; strongly recommended by General Grant.  
Jones, Samuel, Virginia, major general.  
Jones, J. R., Virginia, brigadier general.  
Jackson, Wm. L., Virginia, brigadier general.  
Jackson, John K., Georgia, brigadier general.  
Kennedy, John D., South Carolina, brigadier general.  
Kershaw, J. B., South Carolina, major general.  
Kirkland, W. W., Georgia, brigadier general.  
King, W. H., Georgia, brigadier general.  
Lee, W. H. F., Virginia, general.  
Lane, James H., North Carolina, brigadier general.  
Lee, Stephen D., Mississippi, lieutenant general.  
Lane, Walter P., Texas, brigadier general.  
Liddell, St. John R., Louisiana, brigadier general.  
Lilley, R. D., Virginia, brigadier general.  
Logan, T. M., Virginia, brigadier general.  
Lowrey, M. P., Mississippi, brigadier general.  
Lewis, W. G., North Carolina, brigadier general.  
Mahone, William, Virginia, major general.  
Mcems, G. S., Virginia, brigadier general.  
McGowan, Samuel, South Carolina, brigadier general.  
Maury, Dabney H., Virginia, major general.  
McCulloch, Henry E., Texas, brigadier general.  
Mackall, W. W., Maryland, brigadier general.  
Manigault, A. M., South Carolina, brigadier general.  
Maxey, S. B., Texas, major general.  
McComb, William, Tennessee, brigadier general.  
Pemberton, J. C., Virginia, lieutenant general.  
Price, Sterling, Missouri, major general.  
Preston, William, Kentucky, major general.  
Perry, W. F., Alabama, brigadier general.  
Ruggles, Daniel, Louisiana, brigadier general.  
Robertson, J. B., Texas, brigadier general.  
Randolph, G. W., Virginia, brigadier general and rebel secretary of war.  
Rains, J. S., Texas, brigadier general.  
Simms, J. P., Georgia, brigadier general.  
Shelby, C. M., Alabama, brigadier general.  
Sharp, J. H., Mississippi, brigadier general.  
Starke, Peter B., Mississippi, brigadier general.  
Scott, Thomas M., Louisiana, brigadier general.  
Steele, William, Texas, brigadier general.  
Smith, Gustavus W., Georgia, major general.  
Storall, M. A., Georgia, brigadier general.  
Smith, T. B., Tennessee, brigadier general.  
Sorrel, G. M., Georgia, brigadier general.  
Taliaferro, W. B., Virginia, major general.  
Thomas, Edward L., Georgia, brigadier general.  
Thomas, B. M., Georgia, brigadier general.  
Tucker, William F., Mississippi, brigadier general.  
Thompson, M. Jeff., Arkansas, brigadier general.  
Tochman, G., Virginia, brigadier general.  
Vaughn, J. C., Tennessee, brigadier general.  
Vaughan, Alfred J., Mississippi, brigadier general.  
Wharton, G. C., Virginia, brigadier general.  
Walthall, E. C., Mississippi, major general.  
Walker, R. T., Virginia, brigadier general.  
Waul, T. N., Texas, brigadier general.  
Whitfield, John W., Texas, brigadier general.  
Wright, A. R., Georgia, major general.  
Walker, W. S., South Carolina, brigadier general.  
Weisiger, D. A., Virginia, brigadier general.  
Wallace, W. H., South Carolina, brigadier general.  
Young, W. H., Texas, brigadier general.

- Q. What name did he go by there?  
 A. I do not remember the name.
- Q. Was it Kelly?  
 A. No; I do not think that was the name.
- Q. How long afterwards was it before you obtained the pardon?  
 A. The petition was brought to us Saturday afternoon, second visit, and the pardon was granted the next Wednesday afternoon, uncompleted.
- Q. Did your wife go voluntarily to Baker's headquarters at the time he told you he knew you?  
 A. No, indeed; he said we had got to put on our duds and go with him, and that he would give us all the notoriety we wanted. He said he arrested us both.
- Q. Who was with him then?  
 A. A man by the name of Speer.
- Q. Did Speer have anything to say about it?  
 A. No. He was very quiet. He did not open his mouth. For a man of that kind he behaved very decently.
- Q. How long did Baker keep you and your wife separate at his headquarters?  
 A. He arrested us between five and six o'clock, just as we were going to tea. I was nearly sick abed. He kept us until about ten or fifteen minutes to twelve that night.
- Q. Did Speer remain in the reception room with you while your wife was with Baker up in his private office?  
 A. He was in and out. There was a guard placed over me. I was quite sick and became very nervous. I asked if I could not go to a restaurant. I was told that I could not go. I then said I was very sick, and asked to be taken to a restaurant, and Speer took me to one.
- Q. Did not Speer invite you to go over to the restaurant?  
 A. No, sir; I went as a prisoner.
- Q. He did not treat you?  
 A. No, sir; he went up and drank, and one or two others went up and drank at my expense.
- Q. Did he not ask you to drink?  
 A. No, sir; I merely asked as a sick man to be taken out, and I went as a prisoner. I am not in the habit of drinking.
- Q. After you took a drink, where then did you go?  
 A. We returned immediately to Baker's headquarters.
- Q. Where was your wife in the mean time?  
 A. Up stairs, a prisoner.
- Q. Who was up stairs with her?  
 A. Baker and a man who remained on guard over her when he was absent. Baker went out to the White House, I suppose, and staid an hour and a half each time.
- Q. Who was the man left in charge of your wife while he was away?  
 A. I do not know, and my wife did not know. She knew he was a detective.
- Q. While you were there did Baker get back this money Howell had given your wife?  
 A. Yes, sir; he took it from her by force.
- Q. Did you see it taken away?  
 A. No, sir; but it appeared in evidence on the trial, and Baker did not deny it.
- Q. While you were there was this pardon produced?  
 A. Yes, sir; it was obtained through a fraud practiced upon me by Speer. He came down from up stairs and stated that my wife requested me to go to the hotel and get the pardon. It was obtained through falsehood on his part.
- Q. Why do you say it is falsehood?

- A. Because she took an oath on the stand that she made no such request, and they did not refute it. We went then back to the Avenue House, unlocked my door and took the pardon out of a bureau drawer.
- Q. Did not Speer tell you where the pardon was?  
 A. No, sir, he did not; and he did not know. I placed it in the bureau drawer myself. I do not think my wife knew where it was.
- Q. Was this man Speer sworn on your trial?  
 A. I suppose so; I saw his evidence reported in the paper. I was lying sick and out of my mind at the time the trial took place.
- Q. What else did you get besides the pardon?  
 A. The petition, I think.
- Q. Did you get a letter addressed to the Secretary of State?  
 A. Yes, sir; that refreshes my mind. This man Howell, in my presence and at my request, sat down and wrote an acknowledgment that he had received the pardon, although he had not then received it, and was not to receive it until he had taken an oath of allegiance, and this letter I also took up that night with the pardon.
- Q. Was the letter written by Howell?  
 A. Yes, sir; and very well written, in a beautiful hand.
- Q. Did they take that from you?  
 A. Yes, sir.
- Q. Did you voluntarily give these things up?  
 A. No, indeed; I was a prisoner, and came for them under the false assumption that my wife had sent for them.
- Q. Where is General Slough now?  
 A. He is chief justice of the supreme court of New Mexico.
- Q. Did you bring suit against Baker?  
 A. Yes, sir; and got a verdict against him from the jury, but the court did not seem to think it very important. Tom Ford offered to compromise the matter on Baker's part, and he has since told me I was a great fool for not doing it, that I could have made \$20,000. The verdict of the jury was guilty of false arrest and guilty of false imprisonment. The suit brought by myself has not yet been tried. The verdict to which I refer was in the criminal trial.
- By Mr. WILLIAMS:
- Q. Were you summoned here by the Committee, or did you come at your own instance?  
 A. I came at my own request.
- Q. For the purpose of making explanations relative to the charges against your wife?  
 A. Yes, sir.
- Q. Did you hold any office in the regiment raised by you?  
 A. Yes, sir; lieutenant and quartermaster, at my request. Baker's statement of his tearing the straps from my shoulders must have been purely from his imagination, for I never wore shoulder straps.
- Q. What other statement is there in his book that is untrue?  
 A. The whole conversation that he purports to give as taking place in my room is transposed; and a refutation of such a print would add to its importance.
- WASHINGTON, D. C., May 30, 1867.
- THOMAS T. ECKERT, late assistant Secretary of War, sworn and examined.
- By Mr. BOUTWELL:
- Q. Were you in the service of the government during the years 1864 and 1865; and if so, in what capacity?

A. In 1864 I was a major, and in charge of the military telegraph office. I was subsequently brevetted brigadier general, but continued substantially with the rank of major, as acting assistant Secretary of War up to the time I left the department.

Q. What duties did you perform in the capacity of acting assistant Secretary of War?

A. The general business assigned to that officer. I had charge of many important papers coming into the department.

Q. Did you have any knowledge of the diary said to have been taken from the body of J. Wilkes Booth after his death?

A. I did.

Q. When did you first see it, and in whose hands was it?

A. I saw it the day the body of Booth was brought to Washington. From my own recollection—I do not remember the date—my impression is that it was the 26th of April, 1865. It was brought to the Secretary of War by either Conger or Baker. They reached the Secretary's house before I did, and I do not know in whose hands the diary was up to that time. The diary was then turned over to me. I sealed it up and put it away in my safe, and there it remained until turned over to Judge Holt. Once I made an examination of the register at the National Hotel, to see if I could get some trace of Booth's movements in this city. I found three or four entries of his name. I went to the court room at the arsenal and gave Judge Holt the dates. Judge Bingham asked me if I had examined the diary to see if there was any entry there that would correspond. I told him I had not. I came back, opened the package, but found nothing at all that would compare with these dates. Once it was opened and shown to Judge Bingham and Judge Holt, before it passed into the hands of Judge Holt from me. With these two exceptions it was never from under seal or out of the safe after it came into my hands until it was turned over to Judge Holt.

Q. How long did you retain it in your possession?

A. I do not remember how long. I had so many of these things in my charge, with pretty hard work at that time, that I did not charge my memory with dates. I turned it over on an order from Judge Holt. I looked for that order or receipt yesterday, but did not find it. I may have it in New York among my private papers.

Q. When you received the diary did you make a careful examination of it or not?

A. I made a careful examination of it, I think.

Q. Did you read what was written in it?

A. I did.

Q. Did you then observe whether any leaves had been cut from the diary or not.

A. I did.

Q. Did you notice how many had been cut out?

A. I did not.

Q. When did you last see the diary?

A. This morning.

Q. Did you make an examination of it this morning?

A. Yes, sir; not of the contents, however; simply of the diary itself, with reference to the cutting of the leaves. I did not read anything in it.

Q. State whether the diary is in the same condition it was when you received it, and how otherwise, if not.

A. I believe it is in the same condition it was when I received it. I did not see any change.

Q. Do you know anything of a diamond pin taken from Booth's body?

A. I do.

Q. What of it do you know?

A. I saw it yesterday.

Q. In whose possession?

A. General Townsend's; I hold his receipt for it. It is in exactly the same condition it was when I received it and when I turned it over to General Townsend. That pin was not given to me at the time I received the diary.

Q. From whom did you receive it?

A. I received it from General Baker.

Q. Did you have knowledge of the telegraph lines at or about the time of the assassination of President Lincoln?

A. I did.

Q. Was there any interruption of the lines that night?

A. Yes, sir.

Q. What was it?

A. It was my impression at the time they were cut, but we got circuit again very early the next morning. The manager of the Commercial office reported the cause to have been crossing of wires in main batteries. Throwing a ground wire over the main wires would have caused the same trouble, and taking it off would have put it in ordinary working condition.

Q. Was there an investigation into what was the real cause of the difficulty?

A. No, sir. It did not at the time seem to be sufficiently important, as the interruption only continued about two hours. I was so full of business of almost every character that I could not give it my personal attention. The interruption was only of a portion of the lines between Washington and Baltimore. We worked our City Point line all the time.

Q. Do you know whether the Commercial lines were interrupted at that time?

A. Yes, sir. It was only the Commercial lines that were interrupted; it was in the Commercial office and not in the War Department office. I could not ascertain with certainty what the facts were without making a personal investigation, and I had not the time to do that.

Q. Were you acquainted with the persons who were tried and executed for participation in the assassination?

A. I knew them, but not until after their arrest.

Q. Did you receive statements from any of them?

A. I did from Payne; yes, sir.

Q. Did you from any of the others?

A. No, sir.

Q. Was his statement reduced to writing?

A. No, sir; it was not. I have a memorandum some place. I supposed it was in the War Department, but it may be in New York. It was simply for the purpose of writing out, when I should have the leisure to do so, for Mr. Seward, what Payne said about him, what his intentions and motives were, &c. Mr. Seward asked me to remember what I could of it, and some day when I got time write it out. That is why I made a memorandum. It is not full. It is only of points, and was made for the purpose of recalling them to memory when I came to write it out, but I have never been able to do it.

Q. Did he make any statement as to his knowledge of Booth's designs, or as to the designs of any person connected or concerned with Booth?

A. He told me he knew but little about the details; that he was not very inquisitive, and Booth did not seem disposed to make him a confidant. His statements were particularly with reference to himself and his own movements. I tried very hard to get something else from him, but did not succeed. He told me he was induced to do what he did by Booth; that he met Booth the first time in Richmond—I forget the year. It was during the war. It is my impression it was in 1863, but I am not positive. He saw him there for perhaps

a week almost every day; then did not see him again until after the battle of Gettysburg, and then he saw him in Baltimore.

Q. Did he speak of the associates of Booth in Richmond?

A. He did not. I could not get him to make any statement upon that subject. He was very particular when I put a question not to allow any information affecting others to be drawn out of him.

Q. In what capacity did Payne claim to act?

A. He claimed to be acting as a soldier under Booth.

Q. Did he state that Booth was his superior officer?

A. He did recognize him as his superior officer.

By Mr. WILLIAMS:

Q. Did he hold any grade or commission himself in the confederate army?

A. He did not claim to hold any.

Q. Did he state what commission was held by Booth?

A. He called him captain. I asked him if Booth held a commission. He replied he did not know.

Q. Did he state any reason for attempting to assassinate Mr. Seward?

A. No, sir; he said he knew nothing at all about that; that he was sworn to perform the duty allotted to him, and that was his portion of the work.

Q. Did he state whether or not he knew anything of the designs or attempts upon other persons?

A. I asked him about that. He told me he could not give particulars, but that it was his impression that arrangements had been made with others for the same disposition as he was to make of Mr. Seward. He was very careful about speaking of any one else. He did once speak of Herold, and his remark was that he was a "little blab." Said he: "I never was satisfied with him myself, and so expressed myself to Booth." I tried very hard to get from him how he was drawn into the matter, who he received his money from, and how much he was to get for the job; but although I put a great many questions to him from time to time, there is nothing at all that I obtained from him giving any clue to anybody else. I did not consider it of sufficient importance at the time to make a written statement, and made none. The conversation was at his own instance. I kept him off for four or five days after he expressed a desire for an interview with me. Finally, he became so much distressed that I listened to him; but it was simply a statement of his own action the night of the assassination, of his feelings while in the room and after he left the room, and where he went, up to the time of his arrest.

By the CHAIRMAN:

Q. Did he make any statement as to what other persons were implicated in the plot for assassination?

A. The reply he made to me in answer to that question, (which I put a great many times,) besides implicating John Surratt, was: "All I can say about that is, that you have not got the one-half of them."

Q. Did he make any statement with regard to what other persons were to be assassinated?

A. No, sir, nothing, except as to the President and Mr. Seward. He knew in reference to the intention to assassinate the President, because Booth tried to get him to shoot the President the night of the celebration after the fall of Richmond. The President made a speech that night from one of the windows of the White House, and he and Booth were in the grounds in front. Booth tried to persuade him to shoot the President while in the window, but he told Booth he would take no such risk; that he left then and walked around the square, and that Booth remarked: "That is the last speech he will ever make."

By Mr. BOUTWELL:

Q. Did he make any statement as to his having received money for his services?

A. He told me he received his expenses and his clothing only. I asked him from whom he received it. He said, from Booth.

Q. How long did he represent himself to have been in the service of Booth in that way?

A. He did not give me any data in respect to that. He was wounded at the battle of Gettysburg, and remained in hospital for some time, he thought perhaps for two weeks. While there he tried to make himself generally useful; that he managed to get out, and finally escaped to Baltimore. I asked him if he left Gettysburg with a view to go to Baltimore to meet Booth. He said he did not. I questioned him very strongly on that, and he laughingly replied that I must believe him; that his meeting with Booth in Baltimore was accidental.

Q. Was it at that interview that he went into the service of Booth?

A. Not at that interview. He met him again the next day, when the time and place was appointed to take the oath and enter service.

Q. It must have been in 1863, then?

A. I asked him what the oath was, but he would not tell me. He said he did not remember all of it—said it was very strong.

Q. Did you have a knowledge of the cipher despatch used at Richmond during the war?

A. Yes, sir.

Q. Was there a cipher despatch found upon the body of Booth?

A. I think not. A cipher key was found among his papers, but whether it was obtained at the time of his death, or from his baggage which was shipped from Canada, I do not remember.

Q. Do you know whether that was the same as that used at Richmond?

A. It is my recollection that it was substantially the same.

Q. Was there a key found at Richmond?

A. Yes, sir.

Q. Was it brought here.

A. Yes, sir.

Q. Where was that found?

A. It was found, I believe, in the desk of the Secretary of State. I think Mr. Dana found it. It was delivered to me by him.

Q. Do you know whether the key so found corresponded with the key Booth had?

A. I think it did. It was a key we had worked out pretty well previously, so as to enable us to translate telegrams with accuracy before we got hold of this key.

Q. Have you yourself ever invented or prepared a key to a cipher despatch?

A. I have assisted in it. It was our custom to work at that more or less all the time, and to make frequent changes so as to guard ourselves against any exposure that might be made.

Q. That was at the War Department?

A. It was for the War Department and for the service generally.

Q. Have you ever assisted in making any such cipher that was not to be used in the War Department?

A. Not during my connection with the War Department. Since I have been in my present position as superintendent of the commercial lines, I have caused ciphers to be made for my own use, but for no other purpose whatever; they are not the same as used by the government.



By Mr. WOODBRIDGE:

Q. Did the Executive department have a cipher independent of the War Department?

A. Not that I am aware of. Nothing passed through my hands except in the military cipher, in use at the War Department. Business of the Executive department, while I was at the War Department, so far as my knowledge goes, was entrusted to my care, and it was put in our own cipher. We had a great many ciphers on the same general principle, capable of being so varied that the different armies had different ciphers.

By Mr. ELDRIDGE:

Q. Do you remember what papers there were in the memorandum book taken from the body of Booth?

A. I do not. It contained photographs and papers, but what they were I could not now describe.

Q. Did you examine the papers this morning?

A. I did not examine the papers. I examined the book with reference to the leaves being cut out more particularly than anything else. I remember yesterday seeing a paper taken from Dr. Stewart when he was arrested, and I wanted to see whether it was written on a leaf taken from that book. I examined it, and I believe it was. I have the paper here, and I believe it is the original which accompanied the \$2 50 sent by Booth to Dr. Stewart.

Q. Did you examine the papers at the time as carefully as you did the book?

A. I did; but it was with a view to find out what his movements were, not thoroughly in regard to the contents. If it did not point to some circumstance connected with Booth's movements, I did not pay much attention to it. I looked carefully with a view of getting something of that kind.

Q. Were you able to recognize the papers now in the book as those you saw in it at the time the diary was first delivered to you?

A. I did not examine the papers this morning. I simply looked at the book with a view to ascertain in reference to the leaves being cut out.

Q. In any manner can you say, generally, whether they were the same?

A. They seemed to be the same, and to the best of my belief they are.

Q. Were they given to you at the same time the book was?

A. Yes, sir; they were in the book, all of them.

Q. You recollect about this letter written to Dr. Stewart?

A. Yes, sir; I remember to have read in Dr. Stewart's statement that he had received from Booth this paper.

Q. Was that in the book at the time you first received it?

A. Not the original paper to which I refer, and which I have in this package of papers, which I found in the War Department in the same condition as I left it.

Q. Did you compare it with the one in the book?

A. No, sir; but they are substantially the same as I saw published, except the sum of money stated as sent was \$5, while in this it was \$2 50; and my theory is, that the one in the book was written first, but as Booth did not have a great deal of money about him he concluded to reduce the amount sent.

Q. Did you compare this Dr. Stewart letter in the book to see whether that was torn from the book also?

A. My impression is that it was.

Q. And you compared this also to see whether it was torn from the book?

A. Yes, sir.

Q. Did they agree as to date?

A. Yes, sir.

Q. Wherein did they differ?

A. In the amount of money stated. You will see that a part of the writing on the paper found in the book is torn off. This, you will see, is complete. Dr. Stewart's statement is that this paper came to his house sealed up. It was pinned, and bears the marks of the pin used in fastening it. It had no envelope. The address is on the paper itself, and the money was rolled up in it. ("A," previous page in the book.)

Q. When was this paper presented to you?

A. I do not know the date. It was delivered to us at the War Department by General Baker, or Lieutenant Baker. I do not recollect distinctly about it.

Q. Do you recollect Lieutenant Baker?

A. Yes, sir.

Q. Did he deliver it to you?

A. I do not think he did. It is my recollection that General Baker delivered it to me. It was his custom to deliver such papers in person.

Q. How long after the memorandum book was delivered to you?

A. I do not remember. I was at the time of the arrest and examination of Dr. Stewart. He speaks of it in his examination, and of having turned it over to Baker. I received it from Baker.

Q. Please read the paper.

A. It reads as follows:

DEAR SIR: Forgive me, but I have some little pride. I hate to blame you for your want of hospitality; you know your own affairs. I was sick and tired, with a broken leg, in need of medical advice. I would not have turned a dog from my door in such a condition. However, you were kind enough to give me something to eat, for which I not only thank you, but on account of the reluctant manner in which it was bestowed, I feel bound to pay for it. It is not the substance, but the manner in which a kindness is extended, that makes one happy in the acceptance thereof. The sauce in meat is ceremony; meeting were bare without it. Be kind enough to accept the enclosed two dollars and a half (though hard to spare) for what we have received.

Yours, respectfully,

APRIL 24, 1865.

STRANGER.

To Dr. STEWART.

Q. Do you know whether the letter addressed to Dr. Stewart, and which is now in the book, was in the book at the time it was delivered to you?

A. I think it was.

Q. Do you recollect of reading it?

A. I recollect of reading it; but whether my recollection is of reading that or this, or both, I am not certain. It is my impression that I read it at the time I received the book.

Q. Do you recollect of sending this Lieutenant Baker back on the track of the party that pursued Booth, some days after, to see what discoveries he could make?

A. I do not remember, but think I did not give any such order.

Q. What articles were delivered to you as taken from the body of Booth?

A. I cannot, from memory, enumerate all. I have a receipt covering everything, taken from General Townsend. General Baker holds my receipt for all he turned over to me.

Q. Name them as far as you can.

A. There was a breastpin, an opera-glass, and I do not remember whether anything else. There were more articles brought into the War Department, but they were turned over to Colonel Burnet.

Q. Was there any money or drafts turned over to General Townsend?

A. I do not remember that there was.

Q. A pipe?

A. The pipe was turned over to Colonel Burnet, according to a memorandum which I have here.

Q. Are you able to state any other articles that were found on the body of Booth?

A. No, sir. I had articles found upon Booth, upon Payne, and upon many others; and did not pay particular attention to them, other than to see that they were placed in separate boxes, labeled, and the boxes locked.

Q. You stated that you had charge during the war of the military telegraph office; did all the war and Executive telegrams go through you from the department?

A. I could not state that. Executive telegrams may have been sent through the Commercial office. It is presumed, however, that they would go through the War Department.

Q. When they went through the War Department, was any record of the originals kept in the department?

A. The intention was to preserve the originals, always.

Q. Are they still preserved?

A. It is my impression that they are. They were, up to the time of my leaving. There may have been instances where the originals were taken, but were returned to the files again.

Q. When did you leave the War Department?

A. In August, 1866.

Q. Did you have a personal supervision of sending the telegrams? Were you an operator at the time?

A. A personal supervision was given to all business that passed through the office. I did not act in the capacity of an operator.

Q. Did you examine the telegrams before they were sent?

A. Sometimes; not always.

Q. Mr. Baker states in his testimony that there were telegrams sent to Nashville, in cipher, from the office at the War Department, that Parson Brownlow was at the time very ill, and Mr. Johnson hoped he would be taken away as soon as possible; that it was the only salvation for the State of Tennessee, and a great many other things Baker could not remember, as he could not get possession of the telegrams, but the operators all regarded it as a conspiracy against the loyal State government of Tennessee. Can you give us any information upon that subject?

A. I cannot.

Q. Do you know of any time when all the operators of the office in the War Department regarded the despatches sent by President Johnson as a conspiracy against the loyal government of Tennessee?

A. I do not. If they had any such impressions, they were not given to me. I did not permit my men to advance opinions in regard to telegrams sent, and particularly to those outside. I never heard of any such opinions on the part of the operators, myself.

Q. You are not aware of any such idea growing out of telegrams sent by the Executive department through the War Office?

A. I do not recollect any, and I do not recollect the telegrams he refers to. I could not answer the question whether any such telegrams were sent without making an examination. I can tell by examination whether the records remain in the same condition they were in when I left the office.

Q. Have you a recollection whether any despatches were sent by the Executive department to Tennessee concerning Governor Brownlow?

A. I do not now recollect.

Q. Did the President, at any time, send despatches through your office, in cipher, to Tennessee?

A. I think he did. All important despatches went in cipher.

Q. In what cipher?

A. Our own. We had no other.

Q. Did you ever know of his sending by any other cipher?

A. I did not. If they were sent by any other cipher, they were not sent through the War Department. If any such telegram as you mention was sent, it must have gone through the Commercial office. It was not, to my knowledge, sent through the War Department.

Q. The same witness speaks of a statement that the President applied to Eckert to arrange a cipher that nobody but himself and one operator in Nashville had a key to; was there any such cipher as that arranged by you?

A. There was not.

Q. Did General Baker ever speak to you about the President sending cipher despatches to Tennessee?

A. He may have done so. I do not now recollect any such conversation.

Q. Were you applied to to arrange a cipher different from that in use in the War Department at any time?

A. I do not think I was.

Q. Did you ever state to Baker that the President had applied to you to arrange a cipher for him?

A. No, sir. I do not remember to have made any such statement.

Q. Can you not be positive about that?

A. I am very positive I did not.

By Mr. MARSHALL:

Q. If you had made such a statement, do you not think you would certainly remember it?

A. I think I should.

Q. Who was the operator at Nashville at that time?

A. J. J. Wickham.

Q. Can you state, positively, whether you, as chief operator, arranged a cipher that nobody had the key to except parties in the office here, and one operator at Nashville?

A. I know there never was such a cipher, and if there was ever any such application, I do not now remember it. I never arranged any. That was a branch of the business I did not talk to people about.

Q. Who gave the order with reference to the burial of Booth's body?

A. The Secretary of War.

Q. Did you?

A. No, sir; or, if I gave any order, it was an order given me by the Secretary of War; and such an order would of necessity be in writing.

Q. Did you give a verbal order to Baker to take the body and dispose of it, and how?

A. I did not.

Q. Do you recollect to whom the charge of that matter was given?

A. It is my impression the order was given to Colonel Benton—whatever order was given. I may, by direction of the Secretary of War, have instructed Baker to take the body to Colonel Benton. I do not recollect that distinctly.

Q. Were you present at the burial of Booth?

A. I was not present when the body was put into the grave.

Q. Did you see the grave?

A. I did.

Q. In what room was the burial to take place?

A. In a large room in the arsenal building.

Q. Please describe that room.

A. The only description I can give of it is, that it is the largest room in the building. It is a room perhaps thirty feet square, and possibly more. I never was in it but twice. It is in the old penitentiary building.

Q. Which side of the building is it on?

A. In going in at the main entrance, it is on the left; what side that is in respect to the points of the compass I cannot give a guess. It was in the night when I went in, and very dark.

Q. Who directed the room in which the body should be buried?

A. It is my impression that Colonel Benton suggested it.

Q. Is that room enclosed completely?

A. Yes, sir. I think it was used as a room in which to walk and give exercise to the prisoners, and, perhaps, for invalids who might be there. That was an impression I got from its size.

Q. What is the height of the room?

A. I do not remember. I could not have judged of the height if I had looked; there was not light sufficient. I have always been under the impression that Colonel Benton had whatever order there was on the subject.

By Mr. THOMAS:

Q. If you had the memorandum, to which you refer, of your conversation with Payne, do you think you could add to the information you have already given?

A. I do not think I could.

By Mr. ELDRIDGE:

Q. When was that statement made by Payne to you?

A. It was the first Sunday night after the prisoners were taken to the old penitentiary.

Q. After the trial?

A. Before the trial.

Q. Were you sworn on the trial?

A. I was sworn on the trial, but not in reference to any point against Payne. What I had would have been of no service in aiding to convict any but those on trial.

Q. Where was the statement made by Payne received by you?

A. In the cell.

Q. Who was present?

A. No one but ourselves. I never wrote a word in his presence, nor he in mine.

By the CHAIRMAN:

Q. Do you know anything of statements made by other of the conspirators?

A. No, sir.

Q. It has been stated that statements were made by Mrs. Surratt, and by Atzerodt. Do you know whether any such statements were made?

A. I think Atzerodt made a statement to one of McPhail's men, by the name of Smith, a cousin of Atzerodt. What that statement was I do not now remember. It was put in writing, I think, by Smith.

Q. Do you know where it is now?

A. I presume it is in the War Department. I talked with Atzerodt, and with all except Mrs. Surratt, but was not able to get anything from them. I never spoke to Mrs. Surratt.

WASHINGTON, D. C., Friday, May 31, 1867.

HUGH McCULLOCH, Secretary of the Treasury, recalled.

By Mr. LAWRENCE:

Q. In Senate Executive Document No. 26, first session Thirty-ninth Congress, page 17, is a letter from the Secretary of State to provisional Governor Holden,

of North Carolina, in which it is said: "It is understood here that besides cotton, which has been taken by the Secretary of the Treasury under act of Congress, there were quantities of rosin and other articles, as well as funds, lying about in different places in the State, and elsewhere, not reduced into possession by United States officers as insurgent property. The President is of opinion that you can appropriate these for the inevitable and indispensable expenses of the civil government of the State during the continuance of the provisional government." State what amount of cotton belonging to the government of the United States was taken by the provisional government of North Carolina for the purposes indicated in that letter; also, what other property, if any, of the United States was so used.

A. No cotton that I am aware of was ever delivered to the State of North Carolina for the purposes mentioned in Mr. Seward's communication. In order that the whole matter may be understood, it will be best for me to refer to the correspondence between the Treasury Department and the State officers of North Carolina on this subject, and with the permission of the Committee I will run briefly through the correspondence, which I think will clearly indicate our position on the subject and be more satisfactory to the Committee than anything I can say without such reference. The first thing I find in the records of the department on the subject is a telegram from David Heaton, special agent of the Treasury Department, of which the following is a copy:

[Telegram.]

RALEIGH, NORTH CAROLINA, June 14, 1865.

Hon. H. McCULLOCH, Secretary of the Treasury, Washington, D. C.:

Governor Holden informs me he has sent a telegram to the President in relation to certain cotton, called State cotton. The military authorities took possession of this property several weeks ago and notified me it was captured. Considerable expense has been incurred in getting it ready for market. It was procured to exchange for clothing to aid rebel soldiers in waging the war. What shall be done in the case?

D. HEATON,

Special Agent Treasury Department.

In reply I sent to him a telegram as follows:

[Telegram.]

TREASURY DEPARTMENT, June 15, 1865.

DAVID HEATON, Supervising Treasury Agent, Raleigh, North Carolina:

Retain custody of State cotton, and keep it in its present position until further instructed by me.

HUGH McCULLOCH, Secretary of the Treasury.

On June 16 I instructed him as follows:

[Telegram.]

TREASURY DEPARTMENT, June 16, 1867.

DAVID HEATON, Treasury Agent, Raleigh N. C.:

Ship the so-called State cotton to New York as captured property without regard to State claims. Use utmost economy and despatch.

H. McCULLOCH, Secretary of the Treasury.

On the 8th of July a letter was received from Governor Worth, dated June 21, of which the following is a copy:

TREASURY DEPARTMENT OF NORTH CAROLINA,  
Raleigh, June 21, 1865.

DEAR SIR: The undersigned, under the appointment of Governor Holden, is public treasurer of North Carolina, with the duty assigned, among other things, of securing the property belonging to the State.

This property consists, so far as I have ascertained, of some 600 bales of cotton at Graham, on the North Carolina railroad; another considerable lot, say 500 bales, at Clarksville Junction, on the Raleigh and Gaston railroad; another considerable lot in Georgia; a small lot of rosin in this State, precise locality not known to me; a quantity of goods (of which I have no invoice) in the West Indies, and an unknown amount of money in England arising from the sale of cotton exported by running through the blockade; a lot of teams, some of which belonged to the State quartermaster's department and some to the State salt commissioner; and

## Lands in southern States—Continued.

Owner.	Description of property.	Location.	How held.	By whom restored.	When restored.	Remarks.
Orr, John M.	House and lot.	London co., (Leesburg).	Confiscated.	Special Ord. No. 13, par. 4.	Oct. 9, 1865	
Do.	75 acres.	do.	do.	do.	do.	
Rust, George.	300 acres.	London county.	do.	Special Ord. No. 12, par. 3.	Oct. 4, 1865	
Do.	250 acres.	do.	do.	do.	do.	
Schriber, Daniel.	House and lot.	do.	do.	Special Ord. No. 12, par. 13.	Oct. 9, 1865	
Tibbs, Charles T.	do.	do.	do.	Special Ord. No. 19, par. 2.	Oct. 4, 1865	
Tibbs, Thomas F.	do.	do.	do.	Special Ord. No. 32, par. 1.	Nov. 3, 1865	
Thompson & McPaxson.	150 acres.	London co., (Waterford)	do.	Special Ord. No. 12, par. 1.	April 23, 1865	
Thurt, Sanderson.	do.	do.	do.	Special Ord. No. 12, par. 2.	Oct. 4, 1865	
White, Joshua and Thomas.	300 acres.	do.	do.	Special Ord. No. 28, par. 1.	Dec. 25, 1865	
Cook, James M.	40 acres.	Fairfax county.	do.	Special Ord. No. 12, par. 1.	Oct. 4, 1865	
Do.	100 acres.	do.	do.	Special Ord. No. 62.	Aug. 16, 1866	
LOUISIANA.						
Burthe, Leonce.	Blacksmith shop.	New Orleans.	Confiscated.	Assistant Comm'r Fullerton.	No date.	Libelled, condemned, and sold by U. S. marshal, La.
Bosworth, A. W.	House and lots.	do.	do.	Commissioner Howard.	Oct. 26, 1865	Condemned by U. S. court; special pardon.
Do.	Personal.	do.	do.	do.	do.	Condemned by U. S. court; special pardon.
Goodrich & Co.	Buildings and lots.	do.	do.	Assistant Comm'r Fullerton.	Oct. 25, 1865	Libelled, condemned, and sold.
Merriman, A. W.	House and lot.	do.	do.	Assistant Comm'r Conway.	No date.	Do.
Rossman, L.	do.	do.	do.	Assistant Comm'r Baird.	Aug. 14, 1866	Libelled and condemned.
Grivot, Maurice.	Houses and lots.	do.	do.	do.	Nov. 24, 1865	Libelled.
Holmes, C. E. and N.	do.	do.	do.	Assistant Comm'r Fullerton.	Oct. 21, 1865	Libelled.
Parham, John G.	do.	do.	do.	Commissioner Howard.	Oct. 21, 1865	Libelled; special pardon.
St. Paul, Henry.	Vacant.	do.	do.	Assistant Comm'r	No date.	Libelled.

WASHINGTON, D. C., Friday, June 28, 1867.

Miss ANNA SURRATT sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?  
 A. In Massachusetts avenue, between 6th and 7th streets.  
 Q. State whether at any time the officers of the government have had in their possession letters written, or purporting to have been written, by J. Wilkes Booth, and which had been at any time in your possession.

A. No, sir.  
 Q. Have officers in the War Department had in their possession letters which were afterwards delivered to you?

A. Yes; they had some of our business letters, which were taken from the house, and they gave these back to me.

Q. How many of those letters were there?

A. Indeed, I do not know. We had quantities of business letters there.

Q. When were they returned to you?

A. I cannot recollect. I cannot swear when I got them or who gave them to me. I do not know a soul by name up there.

Q. To whom did you apply for the purpose of getting those letters?

A. I do not recollect making any application for them. I think it was Mr. John Holahan, who was in the house with us, that went up for them.

Q. Do we understand that he obtained them from the War Department?

A. I do not know. They were brought to the house. I may have applied for them myself, or I may not. I do not recollect at all.

Q. Did you take any interest in obtaining the restoration of those letters?

A. Yes. There was some paper signed by Lloyd, who had our place in the country, which it was necessary to get, and I think I went to the department one day to get it, and while there I think they delivered other letters to me in a satchel—some business letters.

Q. Were there not among those letters some written by J. Wilkes Booth?

A. No, indeed, sir.

Q. Or letters written by your mother to him?

A. No, sir. Every one of those letters was overlooked by Mr. Brophy and myself, and they were afterwards delivered to Mr. Belt, the State's attorney. I never saw in my life a letter written by J. Wilkes Booth.

Q. Did you know an officer in the War Department named Burnett?

A. I did.

Q. Do you not remember that he delivered those letters to you?

A. He was up there in the office. I think I went into his office first, and he sent me to another room where those things were.

Q. Did you know Mr. Burnett previously to the time when you applied for the letters?

A. Never to speak to him. He came to me one day in the court-room, and said that if I came to Secretary Stanton's office I could get the key of the house. Next day either he or Secretary Stanton said that if I came to the house the soldiers would deliver it up to me. Perhaps Mr. Brophy did it for me. I think Mr. Burnett's name was on the paper giving us permission to receive the key.

Q. Do you know whether Mr. Holahan made application to the President or any other person for the restoration of those letters?

A. No, indeed, I cannot say that. I can scarcely remember how the application was made, or anything about it; but I just remember getting the papers.

Q. You yourself never went to the President about them?

A. No, indeed; I never went to the President's house but once.

Q. Do you remember whether you gave a receipt for those letters?

A. I do not recollect. I remember giving General Hartranft a receipt for things belonging to mamma, which were sent to me from the penitentiary.

By Mr. ELDRIDGE :

Q. Do you recollect how many of those letters there were that were delivered to you?

A. No, sir; there were a great many of them. There were some old letters of my own among them.

Q. Had you any difficulty in getting those letters?

A. I do not recollect. I do not think I had much difficulty. I think they gave them to me the day I went up there. They were contained in a satchel.

Q. Was that a satchel that had been taken away from the house?

A. Yes, sir; the same satchel.

Q. Did anybody assort over those letters in your presence before giving them to you?

A. No, sir; I think not. There was a trunk belonging to Mr. Holahan which, I think, had some things in it.

Q. Were there any family letters taken away which they declined to deliver?

A. I cannot recollect what letters were in the house.

Q. Did you miss any?

A. I do not recollect. The business letters were left. Old letters that I may have received may have been gone, and I not notice them. It was only business papers that I was anxious to get.

Q. At the time the letters were delivered to you was Mr. Holahan with you?

A. It seems to me that there was a lady with me and a boy. Somebody brought the satchel for me in the car—a little boy, I think. I do not know who he was.

Q. Do you recollect what time these letters were delivered back to you?

A. No, indeed; I cannot tell what time it was.

Q. Was it any considerable length of time after the trial you have spoken of?

A. No, sir; it was after the trial. I did not leave the house till the fall. I think it was not long after mother's execution.

Q. Did you ever see the President to have any conversation with him?

A. President Johnson? No, indeed; I do not want to see him, either. They had some pieces of silver up there, too, which, I think, they gave up to me. I think Mr. Holahan brought some of the silver pieces home to me. They may have been in the trunk.

Q. Did the officers take a trunk away from the house?

A. They must have done so. This trunk belonged to Mr. Holahan, but it had some of my things in it.

Q. Was Mr. Holahan a resident in your family?

A. Yes. After I got the house back I did not know what to do with it. Mrs. Holahan came to me and said if she could do anything for me she would. They cleaned up the house and staid with me. This was the wife of Mr. Holahan.

Q. Do you recollect anything else in the satchel that was brought back?

A. Indeed I cannot swear to what was in the satchel.

WASHINGTON, D. C., *Monday, July 1, 1867.*

HORACE GREELEY sworn and examined.

By Mr. BOUTWELL :

Q. Have you at any time had a conversation or communication with the President or with any member of the Cabinet in reference to the trial or release of Jefferson Davis?

A. No, sir; not directly. I once talked with or rather heard a conversation with Mr. Speed about the case, but with no other member of the Cabinet.

Q. When did that conversation take place?

A. In the spring of 1866. I do not recollect the date. It was the day before you (Mr. Boutwell) offered a resolution about the case of Jefferson Davis in the House of Representatives.

Q. Who else was present at that conversation?

A. Mr. George Shea was the only third person present. He was counsel for Jefferson Davis.

Q. What was the nature of the conversation, so far as Mr. Speed took any part in it?

A. The object of Mr. Shea was to ascertain whether, if an application were made for bail, the government would resist it.

Q. What views on that subject did Mr. Speed present on that occasion?

A. None at all. He was very non-committal. I could not make out anything from his conversation. He did not know, or did not wish to say, what the views of the government were on the subject at all. I came away with no impression about what he would do. He said nothing that indicated whether he would or would not object.

Q. Did you ever have any communication with or information from the President in reference to the matter?

A. None in the world.

Q. Or with any other member of the Cabinet?

A. No, sir. Mr. Speed is the only member of the Cabinet by whom I remember having heard the name of Jefferson Davis mentioned.

Q. At the time of the release of Davis on bail in May last did you have any conversation with any member of the Cabinet?

A. No, sir. On my way to Richmond and back I did not stop at Washington.

Q. At the time you went to Richmond, had you any previous information as to what the policy of the government would be in reference to the releasing of Mr. Davis?

A. I had none. I had no information until we came into court as to what the government would do. I did not know whether the government was going to resist the application for bail or not.

By Mr. ELDRIDGE :

Q. At whose suggestion or solicitation did you become bail for Jefferson Davis?

A. Mr. George Shea's. He was a very old and intimate acquaintance and friend of mine.

Q. Had you no communication with any government officer soliciting you to become bail for Jefferson Davis?

A. No, sir; nor any intimation that it would be desirable.

Q. You had no communication upon the subject with the President or any of his officers?

A. No, sir.

Q. Were you after you came here, or after you went to Richmond, solicited by any officer of the government to go bail for Jefferson Davis?

A. No, sir.

Q. Was Mr. Shea present at the time you signed the bond?

A. Yes.

Q. At Richmond?

A. Yes, sir.

Q. Had you any communication with Jefferson Davis about going bail for him?

A. I was in the habit of meeting him often, officially and personally, in Nashville.

Q. Did the conversation with Mr. Johnson, in Cincinnati, change your opinion as to his political views?

A. It did not change my opinion of Mr. Johnson in any respect.

Q. After his statement to you at the Burnett House, you entertained the same opinion as to his political views that you did before?

A. I did.

By Mr. BOUTWELL:

Q. What grounds had you previously had for reaching the conclusion which his conversation then communicated to you?

A. Simply my opinion of his past history and of his personal views in relation to himself—his desire for the Presidency, and my supposition as to the means which he expected to employ to succeed in his ambition.

Q. What facts had you knowledge of which led you to suppose that he was ambitious of the Presidency?

A. Nothing more than is furnished by his public history.

By Mr. ELDRIDGE:

Q. Did you vote the Lincoln and Johnson ticket?

A. I was one of the electors who met at Columbus and voted that ticket.

Q. How long was that after your first acquaintance with Mr. Johnson?

A. My personal acquaintance with him commenced at Nashville, in February, 1862.

Q. Was your entire acquaintance with him limited to the time you were in Nashville?

A. My entire personal acquaintance with him was limited to that period.

Q. You use the word "personal" as distinguished from the historical knowledge you had of him?

A. Yes, sir.

By Mr. WILLIAMS:

Q. State what was his deportment or demeanor towards the disaffected rebel portion of the population of that district while he was military Governor of Tennessee. Did he show any partiality for that class of men, or did he seem to hold any of them in his confidence?

A. I think not, to my personal knowledge. On the contrary, in some instances, his conduct was what I considered severe and harsh.

WASHINGTON, D. C., Monday, July 1, 1867.

JOHN MATHEWS sworn and examined.

By Mr. BOUTWELL:

Q. Where do you reside?

A. I am residing at present in Rochester, New York.

Q. Did you know John Wilkes Booth?

A. I did.

Q. When did you last see him?

A. I saw him last on the night of the assassination of Mr. Lincoln, a few minutes before the occurrence; I saw him on the stage of the theatre; I was engaged that night in playing a part in the piece that was performed.

Q. When had you last seen him previously to that?

A. The same day, about three o'clock in the afternoon, on Pennsylvania avenue, near Willard's.

Q. Did you have any conversation with him at the last interview that night?

A. No, sir.

Q. Did you at the afternoon interview?

A. I did.

Q. What was the nature of the conversation?

A. I met him coming down the avenue on horseback; he stopped, and we spoke of the prisoners—Lee's officers, who had been brought in prisoners in a body, and had just passed by. Said I, "John, have you seen the prisoners?" "Yes, Johnny," said he, "I have." Then said he, placing his hand on his forehead, "Great God! I have no longer a country!" He then said to me—holding the reins of his horse in his left hand, and with his right crossed, holding mine—"Johnny, I wish to ask you a favor; will you do it for me?" I said, "Of course." Said he, "I have a letter which I wish you to deliver to the publishers of the National Intelligencer to-morrow morning, unless I see you in the mean time. I may leave town to-night, and it will not be much trouble for you to deliver that letter." I said, "Certainly, I will." At that moment General Grant passed by in an open carriage. Said I, "John, there goes General Grant; I understood he was coming to the theatre to-night with the President." He turned around hurriedly—looked very anxious—grasped my hand in a very nervous and excited manner, squeezed it, and said, "Good-bye; perhaps I will see you again." He galloped down the street, and that was the last I saw of him except to see him at a distance on the stage that night. It was nothing unusual for him to be on the stage, for he kept his horse or horses in a stable near the theatre, and he would often come in to get one of the boys to take care of his horse. That was the last time I saw him.

Q. Did you deliver the letter to the National Intelligencer?

A. No, sir.

Q. Have you it in your possession?

A. No, sir.

Q. What did you do with it?

A. After the assassination, we all retired to the dressing rooms to disrobe ourselves of our professional apparel, and to attire for the street. Some persons going out at the side door were stopped, and it was said that nobody could leave the house—that we were all under arrest. The excitement was great. I had a lot of clothing there which I wanted to take home, not knowing what the consequences might be. There had been shouts of "burn," and "hang," and "lynch," and people came in and said that a party had been formed in Willard's to come down and burn the house; and I verily believe that, but for the presence of Mr. Lincoln across the street, the house would have been burned. I took out my apparel, and got some of the colored people to carry it to my room. When taking off my coat the letter which Booth had given me dropped out of the pocket. I had forgotten all about it. I said, "Great God! there is the letter John gave me in the afternoon." It was in an envelope, sealed and stamped for the post office. I opened it, and glanced hastily over the letter. I saw it was a statement of what he was going to do. I read it over very hurriedly. It was written in a sort of patriotic strain, and was to this effect: That he had for a long time devoted his money, his time, and his energies to the accomplishment of an end; that a short time ago he was worth so much money—twenty or thirty thousand dollars, I think—all of which had been spent in furthering this enterprise; but that he had been baffled. It then went on: "The moment has at length arrived when my plans must be changed. The world may censure me for what I am about to do; but I am sure that posterity will justify me." Signed, "Men who love their country better than gold or life: J. W. Booth, — Payne, — Atzerodt, and — Herold." Those are the only names I can recollect. I have studied myself often to discover if the name of Surratt was not on it. The names were impressed on my memory by circumstances

and coincidences. I had been in Alexandria a week or so before, and being very anxious to know what the great actor, poet, dramatist, and statesman, John Howard Payne, looked like, (the author of "Home, Sweet Home,") I there, for the first time in my life, saw a photograph of him, and bought it, and had it in my possession. I remembered Payne's name on that account. I remembered Atzerodt's name because it was written hurriedly, and I did not know whether the "z" was a "y" or "z." Herold's name I remembered because he spoke to me on the street that afternoon; he said, "How do you do, sir; this is Mr. Mathews, is it not?" I said, "Yes, sir; have I the pleasure of your acquaintance? If I ever had I forget you." Said he, "Do you recollect, a few weeks ago, a gentleman calling to see Mr. Booth the last night he played at the theatre? You were passing in at the same time by the side door, and he asked you to see if Mr. Booth was there, and to tell him that a gentleman wished to see him about a horse." Said I, "Yes." Said he, "I am the gentleman, and am a friend of Mr. Booth's." There was a little pause. Said I, "Can I do anything for you? Are you living in the city?" "No," said he, "not exactly; I have lived here, but I am not living here at present." Said I, "Are you in business?" He said, "No; I am a druggist." Said I, "Can I be of any service to you? If you want a situation I will assist you among my acquaintances in that business to get you a situation." He said, "O, no, thank you; good afternoon." I remembered his name because he told me it.

Q. Did you make a copy of the letter?

A. No, sir. I am sorry I did not.

Q. What did you do with it?

A. I burned it up.

Q. How many times did you read it over?

A. Perhaps a couple of times. It was written on two sides of a sheet of letter paper. I thought to myself, "What shall I do with this letter? It could only convict him, and that has been done already, because the people in the house have recognized him. If this paper be found on me I will be compromised—no doubt lynched on the spot. If I take it to the newspaper office it will be known and I will be associated with the letter, and suspicions will grow out of it that can never be explained away, and I will be ruined." I therefore burned it. At the time of the trial at the Arsenal I saw that one of the editors of the National Intelligencer had been questioned regarding the letter, as Booth had stated in his diary that he left a letter for publication. I thought it my duty to go to that gentleman and excuse myself for not delivering the letter. I did so; told him how it came into my possession, and why I had not delivered it.

Q. State the name of the gentleman.

A. Mr. Coyle, the gentleman who was interrogated on the trial. I told him that the letter had been handed to me, and that I had been asked, as a favor, to deliver it, by John Wilkes Booth, who said it was not necessary to deliver it that night, but the next day; that I looked upon it as having reference to some business matter, some gold fluctuations, or oil speculation, or something of that kind, and that when I found out what it was I destroyed it. "And now," said I, "I have come to tell you that I have done so. I am very sorry for it, but how could I have acted differently?"

Q. In reference to the names that were signed, were they all in the same handwriting?

A. They were all in the same handwriting.

Q. Do you know Booth's handwriting?

A. I never saw him write, but I have seen his name on photographs of his own; and I am satisfied that was his handwriting, and have since seen an entire letter written by him; and am satisfied it was his handwriting.

Q. And that all the names appended to the letter were in his handwriting?

A. They were in the same handwriting.

By Mr. WILSON:

Q. When did you make the communication to Mr. Coyle?

A. After he was interrogated on the subject at the conspiracy trial.

Q. Was the trial still going on at the time?

A. I cannot say, indeed.

Q. How soon was it after he was examined as a witness?

A. I think it was some considerable time—perhaps after the trial, perhaps after the execution.

Q. Were you called as a witness on that trial?

A. No, sir.

Q. What did Mr. Coyle say when you made this communication to him?

A. He was as much astonished as I was. He said he was very sorry the letter had not been delivered. I told him that I was sorry myself.

Q. Did you communicate the fact at that time to anybody else?

A. No, sir. After a while I consulted some acquaintances and asked them what they thought—whether I had acted wisely in the matter. They said that under the circumstances they did not see how I could have done otherwise. I am only sorry now that the letter was not delivered.

By Mr. LAWRENCE:

Q. You say you do not recollect whether Surratt's name was to the paper or not?

A. No, sir. The only names impressed on my memory were those I have mentioned. Don't think it was.

Q. Were there other names to the paper besides those impressed in your memory?

A. I think not. At least I do not recollect any. If Surratt's name had been to it I think I would have recollected it, because it is an odd name.

By Mr. WILLIAMS:

Q. Do you know Surratt?

A. I never saw him in my life.

By Mr. BOUTWELL:

Q. You have stated the contents of that letter. Do you mean to be understood as having stated fully and exactly what was written in that letter?

A. Yes, sir; the substance, without the exact words, but nearly those. The letter made an impression on my memory at the time.

Q. What is your profession?

A. I am an actor.

Q. You are accustomed to commit words to memory?

A. Yes, sir; I have to do so to a very inordinate degree, sometimes.

Q. Since the destruction of the letter, have you ever written out, from your memory, the contents of that letter?

A. I have frequently striven to do so. I have set down to do so, but I could not get the commencement of the letter—the starting of it.

Q. Have you ever repeated to other persons the contents of the letter, as your memory enabled you?

A. No, sir; unless I may have given some idea of its purport to Mr. Coyle.

Q. Do you recollect stating the contents of the letter to Mr. Ford, the manager of the theatre?

A. No, sir. It may be possible that Mr. Ford was present when I spoke of it to Mr. Coyle. On reflection I recollect I did speak of the contents to Mr. Ford.

Q. Did you, before the destruction of the letter, make known the fact that you had such a letter?

A. No, sir.

Q. You did not consult anybody as to the expediency of destroying it?

A. No, sir.

By Mr. ELDRIDGE :

Q. Where did you first read the letter?

A. In my own room, as soon as I got to the house with my arms full of clothing.

Q. Immediately after you left the theatre?

A. Yes, sir. I was taking off my frock coat, which I had worn that afternoon, and the letter fell out.

Q. After you read it over what did you do with it?

A. I burned it up.

Q. At once?

A. At once.

Q. How many times did you say you read it?

A. I believe I read it twice; but being in a different handwriting from my own, of course I could not understand it so quickly.

Q. You were a little nervous at the time, I suppose?

A. Oh yes; it was a dreadful occasion.

Q. The reason was that you were afraid its being found upon you might implicate you?

A. Yes, sir; that was my only reason. For a few moments everybody in the back part of the theatre was virtually under arrest.

Q. Were you finally permitted to leave the theatre unmolested?

A. I saw in a few moments afterwards that the people were going out by the front door, and I went out that way.

Q. Was the declaration that you were all under arrest made by any person whom you knew?

A. No, sir.

Q. It was an exclamation of the crowd?

A. Some parties attempted to go out by the side door, and were stopped. They came back and said, "you are all under arrest, and cannot go out that way."

Q. Did you see Booth jump on the stage?

A. No, sir.

Q. You spoke of seeing him that afternoon; was it before the assassination?

A. Yes, sir, perhaps some ten or fifteen minutes.

Q. Where was he then?

A. He was at the back of the stage.

Q. Was he taking part in the play?

A. No, sir; he just dropped in, as he was accustomed to do.

Q. How did he get from there to the box where Mr. Lincoln was?

A. He must have gone out to the front. There was no other way of getting to the boxes from the stage.

Q. He must have gone by the way that Mr. Lincoln himself went to the box?

A. Yes; there was no other possible way for his getting there.

By Mr. BOUTWELL :

Q. Did you hear any person in or about the theatre call out the time, or "ten o'clock," that night?

A. No, sir. I was on the stage.

By Mr. ELDRIDGE :

Q. Where were you at the time that Booth jumped on the stage?

A. I was on the stage, but not in view of the audience. I was immediately in the rear of the scene, which hid me from the view of the audience. I was

playing the part of a lawyer who had been made drunk for the purpose of robbing him of certain papers, and was sitting behind the scene waiting to be discovered. I heard the pistol fired, and I waited a second or two. I recollected that I had never heard a pistol-shot used in the piece before; but as they were continually adding to that comedy jokes at the expense of Lord Dundreary, perpetrated by Asa Trenchard, I thought, "that is done for the purpose of frightening Dundreary." I waited for perhaps a quarter of a minute, which appears a long time on the stage, but there was no response. I did not hear Lord Dundreary shout "Murder," or anything of that kind. I waited a second or two more, when it occurred to me that somebody should be on the stage. At that moment I saw somebody pass by towards the back door. I walked down to the prompter's place, at the front entrance of the stage, and on looking out I saw a commotion among the audience. At that moment Mrs. Lincoln called, "some water—bring some water." And then somebody said, "the President is shot."

Q. You had no suspicion of what was to take place that night?

A. No, sir; no, sir.

Q. You had heard nothing of it?

A. No, sir.

Q. Did you mean to be understood that you did not tell Mr. Ford what was on the paper, or that you did not recollect?

A. It occurs to me that perhaps he was with Mr. Coyle at the time I spoke to him about the matter.

Q. Did you visit Mr. Ford at the Old Capitol prison?

A. Yes; but the subject was never mentioned there. I was acquainted with Colonel Wood, the keeper, and used to go to see him while Mr. Ford was there.

Q. Are you certain the subject was never mentioned there?

A. I am pretty certain. But it is possible that it may have been.

Q. To whom did you first disclose the fact of this letter; to a confidential friend?

A. To Mr. Coyle; and the more I think of the matter the more I think that Mr. Ford was present. I may have spoken to him of it at the Old Capitol. That is a question which has never occurred to me since, and which I have never thought of.

By Mr. BOUTWELL :

Q. Were you acquainted intimately with Booth previous to that time?

A. Socially, I was.

Q. Do you recollect what sort of a horse Booth rode that afternoon?

A. It was not the horse that I was accustomed to see him ride. It was smaller than the one I used to see him ride.

Q. What was the color of the horse he rode that day?

A. It did not strike me that it was either black or white. It must have been some color between, either bay or gray, but I do not know.

By Mr. ELDRIDGE :

Q. Did you know Booth's horses?

A. Only one, which he was accustomed to ride, a large sorrel or bay horse. He had often promised me to let me ride one of his horses whenever I had time to go out, but I never availed myself of the offer.

Q. In repeating what was in the letter, you have given all of it, so far as you recollect?

A. Yes, sir.

Q. Have you ever been sworn before in reference to the subject?

A. I have been several times before military gentlemen at the War Department, but I have not been examined on any trial, either civil or military. I



believe it was before Colonel Burnett that I was examined. It was merely to inquire if I had known Booth, and if he had ever said anything to me about this matter.

Q. Did Colonel Burnett write down what you said?

A. I do not know. He was sitting at his desk. The matter of the letter was never alluded to.

Q. Were you ever examined with reference to this matter before?

A. No, sir; never; and I was not aware that anybody except Mr Coyle, Mr. Ford, a lawyer whose opinion I asked in the matter, and a confidential friend, knew anything about it. I had never spoken of it to anybody else, because it would acquire me a sort of cheap notoriety which I was not at all anxious to have.

Q. The examination to which you refer had relation to Booth and not to this matter?

A. Precisely so.

Q. Booth made no other communication to you than that which you have related?

A. No, sir.

Q. Have you related all he said to you at the time he gave you the letter?

A. Yes, sir, everything; all that was said.

By Mr. BOUTWELL:

Q. Did his appearance at that time excite your surprise?

A. No, sir. He was nervous. Said I, "John, you are nervous; what is the matter?" Said he, "Nothing, Johnny, nothing, nothing." Then I asked him if he had seen the rebel prisoners, and the conversation continued as I have given it.

WASHINGTON, *Monday, July 1, 1867.*

JULIUS EDMOND DOETSH sworn and examined.

By Mr. BOUTWELL:

Q. What is your residence and occupation?

A. I reside at Danville, Virginia. By profession I am a physician. I am at present general inspector under the internal revenue law.

Q. Have your duties as inspector given you knowledge of the distilling business in your district?

A. Yes; very much so. My commission is dated 9th April, 1867. Since that time I have made careful analysis of the distilling business in my district, and I am convinced that since the surrender there has been illegal distillation carried on to a very large extent—amounting in Patrick and Henry counties to several hundred thousand gallons. There never has been an officer there whose sole duty it was to counteract these frauds. Certainly there never was a charge brought against the perpetrators. The first time they were made public was when I seized a few distilleries some months ago. It would not be very safe for me to go farther, as they have already threatened to kill me; but I do not mind such threats. It took me a long time before I could get a guide. At length I got a very respectable man for a guide. Sometimes I had to lie in a house for a day or a day and a half, to find out where the liquor was stored. They sent several messages to this young man, and finally he will have to leave the country. There was a sort of conspiracy against myself, by those whose property was seized, to do me and my guide some harm. Some merchants at Cascade, 14 or 15 miles from Danville, whose contraband liquor had been seized,

intended, I believe, to get me into a cellar containing some feet of water, and to leave me there. I am promised evidence as to that. One man, who was supposed by these parties to have given some information as to the whereabouts of liquor, was very badly beaten a short time after my departure.

Q. Have there been objections made by the people to pay the tax on distilled liquor?

A. That objection seems almost universal.

Q. Did the people give any reason why they should not pay the tax on distilled spirits?

A. Yes.

Q. What reasons did they give?

(Question objected to by Mr. Eldridge, on the ground that it had no bearing on the subject of the Committee's investigation. Objection overruled.)

A. It struck me that the universal remark made by people whose property was seized, and by others, was, that Virginia being a Territory, it was great impudence for any officer of the government to come there to collect tax, and that President Johnson had counselled the people of the South not to pay taxes—partly in his proclamations, and partly by speaking. In some instances I questioned them as to why they did not come to take distillers' licenses and have proper assessments made; and the reply was, that they did not think, so long as Virginia was a Territory, that they had anything of the kind to do. But when I told them that the people in the Territories had to do the same thing, they certainly at once saw the fallacy of their philosophy. I believe that the press may or would disseminate similar views in that district.

By Mr. ELDRIDGE:

Q. You say that the people there object to paying taxes because Virginia was not a State, but a Territory?

A. I do not say they object. I asked them to give me the sense of their not having come in and taken out licenses, and paid taxes on the distilled spirits, and the reply was, that as the State was a Territory, they believed they should not pay any taxes, and that even the President had counselled them not to do so.

Q. Did they tell you that the President called their State a Territory?

A. Yes. One young man, who could express himself very well, wanted to draw me out in my opinions, and he expressed these views. I told the man who acted as guide for me to pay particular attention to the matter, because it seemed to me like a fixed doctrine.

Q. Did they find out from the President's public speeches that he considered Virginia a Territory?

A. I should think so. I do not know where they derived their knowledge from.

Q. Did they say they got it from the President's speeches?

A. In the common parlance, yes. The people did not express themselves like lawyers.

Q. But, in common parlance, they said they got it from the President's speeches?

A. Yes; and they understood that to be the President's opinion.

Q. Who told you to come before this Committee as a witness?

A. I received a telegraphic despatch from the Committee directing me to come.

Q. The persons who made those threats against you were connected with distilleries, were they not?

A. Not all of them. Some of them were. They were all concerned indirectly in being able to buy liquor cheap.

Q. They were the liquor men?

A. Yes; they were almost all interested. But it is impossible to get information there from white persons. They would all willingly help to injure the government by cheating the revenue, and not paying taxes.

A. I think at their uncle's. I think so merely from Watson's boarding there at that time.

Q. Is there any other person whom you believe or suspect was consulted at that time?

A. No, sir.

Q. Can you give the date when you asked him for the letter?

A. It was the day Major Alberger was there, (consulting memorandum;) it was the 19th of October, 1867.

Q. Have you any memorandum there of what occurred at that time?

A. I have simply this memorandum: "General Butler's private secretary here talking with me all day;" that is all the memorandum I have of it. This is a daily record of my business. I do not know that Alberger said he was General Butler's private secretary; I had that impression.

Q. You have now given the committee all you know in reference to this matter?

A. I have, and very much against my will.

By Mr. ELDRIDGE:

Q. Have you consulted Mr. Ashley about giving your testimony here?

A. I have not spoken with Mr. Ashley since I came to the city, until a few minutes ago in this committee room.

Q. Did you ask his advice as to whether you should disclose this man's name?

A. Yes; he advised me to tell all I knew in regard to the matter.

By the CHAIRMAN:

Q. Do you know whether this Andrews was acquainted with the clerk at the Mansion House in Marietta?

A. My brother has been clerk at the Mansion House until very recently—until, I think, within four weeks; he is now in Baltimore; he knew the Andrewses by sight, as they have boarded there; I do not think he was acquainted with them.

Q. Do you know, or have you any reason to believe, your brother or either of the Andrewses had been using the name of Lockwood in corresponding in regard to this matter?

A. I do not know anything about it; I should hardly suppose my brother would be connected with such a practice; he is a mere boy, scarcely eighteen, and not at all mature; I do not know anything at all about it.

Q. Did you hear either of the Andrewses speak of a man by the name of Lockwood?

A. No.

Q. Can you give the name of the present clerk of the Mansion House?

A. I think he is one of the Andrewses; I have not been there for some time; I do not know whether it is Sam. or Watson, if either.

By Mr. ELDRIDGE:

Q. Did you know anything of a letter, signed by H. Lockwood, having been written to the private secretary of the President relative to this matter?

A. No; I was only told that negotiations were going forward with Colonel Moore.

Q. Did he say he had received any letter from Colonel Moore?

A. I do not think he did; but I scarcely passed a word with him on the subject, except to advise him not to do anything of the kind.

Q. Did you know any negotiations were going on with a man of the name of Lockwood?

A. No; I never heard the name in any such connection until since I came here.

Q. Have you any belief as to who wrote that letter?

A. I have only the same means of belief that you have—that it came from some of these parties; I know nothing more in regard to it than any of the committee. Whatever impression about it I have is derived from the facts I have disclosed.

Q. Did either of these parties know you were coming here to testify?

A. No; I presume they do now, and that everybody knows; I do not think they have any means of information on the subject that the public generally have not. The only persons I communicated with were my wife and the cashier of a bank with whom I was obliged to have some communication about money matters.

The letters shown to witness, and identified by him in the above testimony, are as follows:

MARIETTA, OHIO, September 10, 1867.

DEAR SIR: During the last session of Congress you will remember that an investigation was called in relation to the payment of one hundred and seventy-five thousand dollars to one hundred and ninety-three deserters, who were pardoned by direction of the President, for alleged political purposes. During the investigation by the Judiciary Committee the adjutant general of the President, Mr. Moore, testified that no letter had ever been received by the President from any political party in relation to the pardoning of these deserters. There was a letter written by Moore himself, by direction of the President, acknowledging the receipt of an application for their pardon, accompanied by the list of names of said deserters, from a candidate of the democratic party. This letter of acknowledgment also gives the order from the President for the release and payment of these deserters. Parties can be produced who will testify, if necessary, to the contents of the letter of application to the President. The party holding this letter of the President is negotiating with others for its possession, but I am satisfied that I can secure it, for a consideration, if immediate steps are taken. I have no interest in this, only so far as my interest in the welfare of the country and party goes. If you wish any information in reference to my character or standing, I can refer you to my friend Colonel S. H. Stafford, of this place, who was formerly a member of your staff. Please let me hear from you, if you consider it of importance.

I remain, yours, in haste,

Hon. B. F. BUTLER.

J. E. GILMAN.

MARIETTA, November 6, 1867.

DEAR SIR: Mr. Boutwell can make up his mind in relation to the letter and value of the evidence, giving me some idea of what action the committee will take in the matter, before the committee meet again. Will you please to send this to him, and request him to write me in reference to it. Anything to keep my hold on it good.

I remain, yours, in haste,

M. H. ALBERGER.

J. E. GILMAN.

TESTIMONY OF GENERAL L. C. BAKER.

WASHINGTON, November 22, 1867.

L. C. BAKER recalled and examined.

By the CHAIRMAN:

Q. Did you ever state to any one that this Mrs. Harris was in this city and stopping at Willards' Hotel?

A. No; I stated to some one (I do not recollect who it was) that she was coming over in the cars. I had made an arrangement with her to come here, and I expected her over.

Q. Do you remember having any conversation with Mr. Smith, the reporter, with regard to this woman?

A. I do not recollect that I ever did; I might have had a conversation.

Q. Don't you remember telling him that you had brought the woman over here; that she was stopping at Willards' Hotel; and that you were anxious to see Mr. Ordway, in order to have her subpoenaed at once?

A. I think at their uncle's. I think so merely from Watson's boarding there at that time.

Q. Is there any other person whom you believe or suspect was consulted at that time?

A. No, sir.

Q. Can you give the date when you asked him for the letter?

A. It was the day Major Alberger was there, (consulting memorandum;) it was the 19th of October, 1867.

Q. Have you any memorandum there of what occurred at that time?

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Q. Did either of these parties know you were coming here to testify?

A. No; I presume they do now, and that everybody knows; I do not think they have any means of information on the subject that the public generally have not. The only persons I communicated with were my wife and the cashier of a bank with whom I was obliged to have some communication about money matters.

The letters shown to witness, and identified by him in the above testimony, are as follows:

MARIETTA, OHIO, September 10, 1867.

DEAR SIR: During the last session of Congress you will remember that an investigation was called in relation to the payment of one hundred and seventy-five thousand dollars to one hundred and ninety-three deserters, who were pardoned by direction of the President, for alleged political purposes. During the investigation by the Judiciary Committee the adjutant general of the President, Mr. Moore, testified that no letter had ever been received by the President from any political party in relation to the pardoning of these deserters. There was a letter written by Moore himself, by direction of the President, acknowledging the receipt of an application for their pardon, accompanied by the list of names of said deserters, from a candidate of the democratic party. This letter of acknowledgment also gives the order from the President for the release and payment of these deserters. Parties can be produced who will testify, if necessary, to the contents of the letter of application to the President. The party holding this letter of the President is negotiating with others for its possession, but I am satisfied that I can secure it, for a consideration, if immediate steps are taken. I have no interest in this, only so far as my interest in the welfare of the country and party goes. If you wish any information in reference to my character or standing, I can refer you to my friend Colonel S. H. Stafford, of this place, who was formerly a member of your staff. Please let me hear from you, if you consider it of importance.

I remain, yours, in haste,

Hon. B. F. BUTLER.

J. E. GILMAN.

MARIETTA, November 6, 1867.

DEAR SIR: Mr. Boutwell can make up his mind in relation to the letter and value of the evidence, giving me some idea of what action the committee will take in the matter, before the committee meet again. Will you please to send this to him, and request him to write me in reference to it. Anything to keep my hold on it good.

I remain, yours, in haste,

M. H. ALBERGER.

J. E. GILMAN.

#### TESTIMONY OF GENERAL L. C. BAKER.

WASHINGTON, November 22, 1867.

L. C. BAKER recalled and examined.

By the CHAIRMAN:

Q. Did you ever state to any one that this Mrs. Harris was in this city and stopping at Willards' Hotel?

A. No; I stated to some one (I do not recollect who it was) that she was coming over in the cars. I had made an arrangement with her to come here, and I expected her over.

Q. Do you remember having any conversation with Mr. Smith, the reporter, with regard to this woman?

A. I do not recollect that I ever did; I might have had a conversation.

Q. Don't you remember telling him that you had brought the woman over here; that she was stopping at Willards' Hotel; and that you were anxious to see Mr. Ordway, in order to have her subpoenaed at once?

A. I recollect now I stated to Mr. Smith that I had made an arrangement for the woman to come here and be at Willards' Hotel, and that I wanted Mr. Ordway to go with me and subpoena her and take her right before the committee.

Q. When was that?

A. I have no idea; it was at the time I was meeting her in Philadelphia.

Q. Was it before or after the subpoena, which you say was served on her the 2d of July?

A. Before.

Q. Where did you make that arrangement?

A. At the Girard House. She had a man with her, who was cautioning her against coming to Washington all the time, I had been trying to get her here. I saw her on Sunday night, and gave her fourteen dollars to pay her expenses on here. I think it was on Monday that I met Mr. Smith. I did not want to be seen with her, because I thought it would embarrass me in making my arrangements to get the letters. I finally persuaded her to come on here; she was to have come that morning, and I recollect saying to Mr. Smith either that I have, or will have, that woman at Willards' this morning, and that I will go to Mr. Ordway and get a subpoena; but she did not come, and I do not believe she was ever in the city in her life.

Q. Was this conversation with Mr. Smith the same day you left with the Sergeant-at-arms for Philadelphia?

A. No; I guess it was long before that.

Q. Didn't you leave the same day for Philadelphia?

A. I was over there two or three times, and I do not know which time you mean.

Q. When the Sergeant-at-arms went over with you?

A. The Sergeant-at-arms never went over with me to Philadelphia that I know of.

By Mr. MARSHALL:

Q. By what train did you come from Philadelphia?

A. By the morning train.

Q. By what train was she to come?

A. She was to come in the same train, or the train after.

Q. Do you, or not, know whether she was on the same train?

A. No, I do not think she was on the same train, because when I got up to the depot I waited there; when I saw her on Sunday night, she did not know that she would have time to go to Fifteenth street and Girard avenue, where she was stopping, and get her things ready, and if she did not she was to come in the next train. I was down at the depot waiting for her, and I went there on the arrival of three or four trains for her, but she did not come. I recollect now the statement I made to Mr. Smith very well.

By Mr. ELDRIDGE:

Q. Did you not tell him she was at Willards'?

A. I might have said she was there, or that she was to be here; I know I thought I had done a pretty smart thing to get her over here.

Q. Did she come on the same train with you?

A. No; she said she had some clothes to get ready before she could get away.

Q. Why did you leave without being certain that she would be here?

A. If she would not come I could not compel her to come; I had then been talking with her for some two or three weeks; others were cautioning her against coming to Washington.

Q. Could you not ascertain at the depot in Philadelphia whether she was deceiving you, or whether she was coming through with you?

A. I was coming through to Washington myself.

By Mr. THOMAS:

Q. Can you name any person who was ever present and saw you conversing with this woman?

A. No; she would never have any interview with me in the presence of others.

Q. Can you name anybody who ever saw her enter a house in which you were?

A. I never met her at any place except the Girard House in Philadelphia, and the Belvidere House in New York.

Q. Can you name anybody who saw her enter either of these houses at the time you mention?

A. No, sir; I cannot.

Q. How could she have had any interview with you without coming in contact with somebody in the hotel?

A. I met her in the parlor of the Girard House; I knew nothing about this woman at all; I had pretty much abandoned the idea of getting these letters.

Q. Can you name anybody who will come and testify that there is such a woman in existence?

A. No, I do not know that I can; I explained when I was before the committee, on a former occasion, all I knew about the woman, and when and where I first saw her.

By Mr. ELDRIDGE:

Q. You never explained about your arrangement to come on here?

A. That was after I had been examined the first and second time. I think it was since I was examined the last time.

Q. Do you remember Mr. Smith telling you where you would find the chairman of the committee?

A. I do not recollect that he did; I do not know that I asked him.

Q. Did you not tell him you would take a carriage and go at once to see the chairman about it?

A. No; I do not think I told him I would go to the chairman. I think I told him I would go to Mr. Ordway.

Q. You do not remember his telling you where Mr. Wilson was, and your saying you would go and see him?

A. I might have told him that; I cannot tell.

By Mr. MARSHALL:

Q. Why did you not state the arrangement you had made with this woman to be here that morning in the account you gave to the committee to-day?

A. It never occurred to me; I had made so many arrangements with her.

Q. Had you ever made any arrangement more important and definite with her than this?

A. Yes; I made an arrangement with her at the Belvidere House. She had no idea of coming before the committee at all; she wanted money for the letters; my idea was to have her here, so that she could negotiate with Mr. Ashley, or somebody else, for the letters. I thought if she would come to Washington she could be taken before the committee and forced to give up the letters.

By the CHAIRMAN:

Q. Did you ever tell Mr. Matchett you had not been treated well by Congress in the distribution of the award for the capture of Booth, and that you intended to make yourself whole out of the proceedings of this committee?

A. I never made any such statement in my life; I deny making any such statement. I have always stated that I believed I never got what was justly my due in the matter of the award; but that I was going to make it out of the committee, or retaliate, I never stated to anybody.

By Mr. ELDRIDGE :

Q. Did you tell Ashley you had arranged with this woman to come to Willards' ?

A. I do not think I have seen Ashley since that time.

Q. Did you tell anybody else besides Mr. Smith about it ?

A. I presume so; I do not recollect who I talked to about it. If the committee would understand for one moment the position in which I was placed with this woman, that I had no means of bringing her here, and my anxiety to get hold on the letters, they would appreciate what I endeavored to do.

Q. What became of that copy of Booth's diary said to have been made by Colonel Conger ?

A. I do not know; I think I gave it to General Eckert. I either gave it to Eckert or Stanton; I certainly did not retain it in my possession; I did not think I had any right to retain it.

Q. How do you explain the fact that neither General Eckert nor Mr. Stanton could produce it ?

A. I swear positively that I delivered it either to Stanton or Eckert.

Q. Where did you get the copy of the diary which you published in your book ?

A. I only published a small portion of it.

Q. Where did you get that ?

A. It was cut out of the newspapers; the newspapers published it before I did. A part of it was published within three months after the capture of the assassins.

Q. Do you know where Charles H. Caruthers now is ?

A. He was here in Washington. I never knew him till he came to me, and I have seen him three or four times since. I rode in the cars with him from Baltimore once; the last time I saw him was about the time Surratt was tried. I was in Washington, and met him.

Q. Do you know C. G. Watkins ?

A. Yes; he was with this man Adamson two or three times, and lives somewhere about Leonardtown, I believe, in lower Maryland; there are plenty of people who know him.

Q. What is he ?

A. I don't know; he was a blockade runner. I have heard of the name very frequently. I have not seen him since 1865, when I saw him with this man Adamson. He had known Adamson before.

Q. Do you know a man by the name of Matchett ?

A. I know him.

Q. What is his first name, and what is his profession ?

A. W. B.; he is a minister of the gospel, I believe.

Q. Have you met him frequently ?

A. Yes; I arrested him in 1862, and put him in the Old Capitol prison.

Q. Have you seen him recently ?

A. Yes, I saw him this morning.

Q. Did he go to Philadelphia to help you get Mrs. Harris ?

A. Yes. He said Ashley sent him over; he had a blank subpoena which he filled up for Mrs. Harris.

Q. Did he come alone to you, or with somebody else ?

A. I think he was alone.

Q. Did you telegraph to him to come ?

A. I do not recollect whether I telegraphed to him, or to Ashley. He came on, and went with me to New York.

Q. Did he subpoena this woman ?

A. He called it subpoenaing her; he handed her a paper. I was not standing by the carriage at the time. I pointed out the carriage to him. I did not want

her to see me with the sergeant-at arms. I was afraid she would not go. I put her into the carriage, pointed it out to Matchett, and he handed her the paper. I suppose it was a subpoena. I saw him have a subpoena with Ordway's name on it; and he says he handed it to her.

Q. How did you find her in a carriage ?

A. I put her in a carriage to go to the Astor House, to see some parties there; she did not tell me who they were. I do not know whether she went there or not. After Matchett handed the paper to her I did not follow her.

Q. Where did you find her ?

A. At the Belvidere House, on Fourth avenue and Thirteenth street.

Q. Is that all you and Matchett have had to do together about furnishing witnesses before this committee ?

A. Oh, no. I don't know where I first fell in with Matchett in connection with this matter. I know I met him with Ashley, I think, when I came on from the west, the first time I was before the committee; I had not seen him for some time. I think it was in Ashley's committee room. Matchett followed me out of the room, and from the conversation we had I understood he had something to do with Ashley in hunting testimony; he afterwards came to my house in Philadelphia, and had a conversation with me about these letters. He appeared to be very anxious to have the letters obtained. He said that Ashley sent him. I do not know that I ever went with him to hunt any witnesses except this woman. He has talked a great deal about witnesses, and had subpoenas for them which he showed me. I cannot recollect any names, but he pretended to have a big pile of subpoenas and to be looking after witnesses.

Q. In the employment of Ashley ?

A. In the employment of the committee; but he said Ashley gave him his instructions; at least that was the inference I got from his conversation.

Q. In your former examination you spoke of having \$1,000 placed in your hands to get these letters with; if you had the opportunity, why did you not get them ?

A. Because I did not have money enough.

Q. Was not \$1,000 enough ?

A. No, sir; not by a great deal.

Q. How much was wanting ?

A. \$25,000.

Q. Who made that proposition ?

A. This woman made it.

Q. I understand that after this money was placed in your hand, you made no effort at all; why was that ?

A. I found that I could not do anything at all towards getting these letters with that, and that it was no use to make any efforts.

Q. Who furnished you \$1,000 ?

A. I received it from Whitney Jones, postmaster at Lansing, Michigan; I don't know where he got it. I do not think he stated.

Q. Were you expecting that money ?

A. I was expecting more than that.

Q. Who had promised it to you ?

A. Ashley. I do not know that there was any given amount fixed. I expected money in the first place sufficient to enable me to investigate whether these letters were genuine.

Q. How much did you expect ?

A. I do not know. I did not know what I would have to do. I suppose a couple of thousand dollars.

Q. Did Ashley agree to furnish that ?

A. Yes, three or four times in the committee room, in his room at the Metropolitan, in Philadelphia, and at various places.

- Q. Has he been to see you on this business in Philadelphia?
- A. Yes; two or three times.
- Q. Where did you see Matchett this morning?
- A. On Maryland avenue.
- Q. Did you see him in Ashley's room to-day?
- A. No; I have not seen Ashley since I came here.
- Q. Have you spent no money that has been furnished you in getting these letters or subpoenaing these witnesses?
- A. Not a dollar; I spent my own money.
- Q. In your former examination you stated you knew these parties demanded money for the letters, but that before you had a chance to do anything the money was demanded, and you paid it back. Who made that demand?
- A. Colonel Jones, the man from whom I had it; he said there had been nothing done, and the parties might be dissatisfied. I paid the money back to him and took his receipt. I didn't want anything to do with it in the first place.
- Q. You said in your former examination that Matchett had seen the letters this woman had. Where did he see them?
- A. In my office on 18th street, in Washington.
- Q. You have said that you had an understanding with Mr. Jones as to how you were to get these letters. What was that understanding?
- A. The only understanding was, that if the letters, after being submitted to the committee, proved to be genuine, the parties were to be paid; that was my understanding with Jones and the others.
- Q. Who were the others?
- A. This woman for one.
- Q. Did you have any understanding with this committee, or any member of this committee, that they would pay you any money at any time?
- A. No; and I never had any conversation with any member of this committee in reference to procuring witnesses.
- Q. Don't you know that this man Matchett has been in the business of manufacturing evidence?
- A. I never heard anything, except what I heard in the Conover case.
- Q. Don't you know the fact from him, or from your communications with him, that he was ready to do it?
- A. No, sir.
- Q. Do you know Conover?
- A. I never spoke to Conover in my life, or saw him but once; they wanted me to go and see him at the jail, but I would not go.
- Q. Who wanted you to go?
- A. Matchett; I don't think anybody else spoke to me about it.

## TESTIMONY OF HON. JAMES M. ASHLEY.

WASHINGTON, D. C., Saturday, November 23, 1867.

JAMES M. ASHLEY sworn and examined.

By Mr. ELDRIDGE:

- Q. You are the member of Congress who preferred the charges in the House of Representatives against the President for impeachment?
- A. I am.
- Q. Have you produced to this committee all the testimony of which you have any knowledge to sustain these charges?
- A. All that I can present to the committee at this time.
- Q. Have you produced to the committee all the evidence on which you made the charges?

- A. Substantially all.
- Q. Do you know a man by the name of Matchett?
- A. I do.
- Q. What is his first name?
- A. I think it is William.
- Q. Where is he now?
- A. I think he is in the city. I saw him yesterday or the day before.
- Q. Have you been engaged a considerable time during the sessions of the committee in endeavoring to procure testimony for the purpose of sustaining these charges?
- A. I have.
- Q. Have you ever employed Matchett to obtain testimony?
- A. No. I have employed him to go to points for me where I could not very well go myself.
- Q. Did you take him with you to Philadelphia to see Lafayette C. Baker?
- A. No. I did not take him with me, but he may have been there at one of the times I was in Philadelphia.
- Q. Did he go with you?
- A. No.
- Q. Did you send this man Matchett with a subpoena for Mrs. Harris?
- A. I gave him a blank subpoena and told him to summon her, or the person pointed out by Baker.
- Q. From whom did you procure the subpoena?
- A. I do not recollect. I had half a dozen of them. I think I got them at the office of the Sergeant-at-arms, but I don't recollect.
- Q. Did you send him with a subpoena to subpoena Mrs. Harris?
- A. To subpoena a woman who, Baker said, was in Philadelphia with a letter which I wanted. I think Harris is the name.
- Q. Did you write this letter?

FORTIETH CONGRESS, U. S. HOUSE OF REPRESENTATIVES,

Washington, D. C., July 22, 1867.

GENTLEMEN: I suggest that a petition something like the enclosed be prepared and signed by you for the pardon of Mr. Dunham. I think he is clearly entitled to it, and I hope you will aid him all you can.

J. M. ASHLEY.

HON. J. HOLT, HON. A. G. RIDDLE.

- A. I presume I did. I do not recollect the exact wording of the letter, but that is substantially my recollection of it. I did write such a letter and give it to Dunham's wife, who called upon me.
- Q. Did you enclose in that letter a petition such as is suggested by the letter itself?
- A. No, sir. I think she had one drawn up by her husband.
- Q. Did you enclose a petition like that in the letter?
- A. I wrote the letter and handed it to her, and I think she put it in the envelope which contained the petition from her husband which she had shown me.
- Q. Who is the man Dunham referred to?
- A. He is a man with whom I became acquainted through some gentlemen calling on me one day to sign a petition for his reprieve or pardon. I think Mr. Radford, of New York, first introduced me to Dunham's wife and wanted me to sign a paper to the President for his pardon.
- Q. Was that the first acquaintance you had with Dunham?
- A. Yes, I believe so. I do not think I knew of his existence before that.
- Q. Has he an alias?
- A. I believe so. I understood one of his aliases to be "Conover." I did not know he had anything to do with the assassination trials. I was on the Pacific

coast during the progress of the assassination trials and lost all the history of that matter. I did not know that he was in jail until I read the petition and had it explained to me. This petition was signed by Mr. Rogers, a member of the Judiciary Committee, and other members of this house. I did not sign the petition.

Q. When did you become acquainted with Dunham or Conover?

A. Perhaps it was a month after that, or it may have been less.

Q. Did you have any intercourse with Conover in reference to furnishing testimony on this impeachment examination?

A. I had several interviews with him—four, five, or six—(I do not recollect the number)—in which he promised to give me information that would lead to the obtaining of two or three letters purporting to have come from President Johnson and from Jefferson Davis.

Q. At what date did you get acquainted with him?

A. I do not recollect the date. It was shortly after this petition was presented to me—within two or three weeks, I should think. I declined to sign the petition because I did not know anything of the case.

Q. When was your introduction to Mrs. Dunham?

A. I think it was in the winter—in January or February last. I am pretty confident that my first introduction to Conover was after the introduction of my impeachment resolution in the House, which was in January, 1867. I have that petition, I think, among my papers—the original petition that she presented to me.

Q. Do you mean the petition of Charles Dunham?

A. The petition for his pardon by the President. The first introduction I had to his wife was in the ladies' reception room in the House.

Q. Did you write this letter?

THURSDAY MORNING, April 18, 1867.

DEAR SIR: A telegram calls me to Philadelphia, and I go on the 11 o'clock a. m. train. I therefore send you an envelope in which you can send me by mail your statement. I hope you will be able to put it in the office this evening, so that I can get it by next Monday. Wishing you every success, I am truly yours.

J. M. ASHLEY.

A. I wrote him a note substantially like it.

Q. What statement did you refer to in that letter?

A. I required him to tell me in writing, as nearly as he could recollect, the contents of the letters which he professed to give me an account of, and the names and residences of those who then had them in possession, giving me such facts as would enable me to get them.

Q. Do you know a man named Dawson?

A. No, sir; I think not.

Q. Did you talk with Conover or Dunham of a man named Dawson, or a man named Allen?

A. I do not recollect of his ever saying anything to me about either Allen or Dawson.

Q. Did you suggest to have, in the statement that was to be furnished by him, for the names of Dawson and Allen blanks left, to be filled by such persons as he knew would take their places?

A. No, sir. I never made any such suggestion to him, nor he to me.

Q. Did you ever talk with him about Dawson or Allen?

A. No, sir; I think not.

Q. Did you know such parties.

A. I did not.

Q. Where did you hold your intercourse with Dunham?

A. In the reception room in the jail.

Q. Did you ever meet him at Willards' Hotel?

A. No, sir. I never saw him except in the jail where he was confined.  
Q. Did you write this letter?

TOLEDO, OHIO, April 28, 1867.

MY DEAR SIR: On my return home to-day I found your favor and the promised statement enclosed. I expect to be in Washington on Thursday, and will see you that day or the next morning.

Truly your friend,

J. M. ASHLEY.

C. A. DUNHAM, Esq., Washington, D. C.

A. I wrote a note of that import, I presume.

Q. Have you that statement?

A. I have not. I sent it to Matchett, but I think I can get it.

Q. Did that relate to a charge against the President of having had to do with the assassination of President Lincoln?

A. I think there is a declaration in that statement that he (Dunham) is cognizant of the existence of a letter which would implicate the President in a guilty knowledge of the assassination. He made that statement in his letter to me. But the greater part of the paper referred to knowledge which he professed to have of other matters. There was nothing in the paper which was of any value to me, and I did not bring it to the notice, I think, of a single member of the committee.

Q. Did you not bring it to the notice of General Butler, and did not he and you have consideration of it?

A. No sir; I think I never showed it to him. I did not think there was enough in it to induce me to do so. The statements were so exaggerated that I did not spend much time over it after I got it. I finally said to Dunham: "If you get me the letters, then whatever aid I can give you I will."

Q. Did that statement refer to letters?

A. Yes, sir; I think so.

Q. Are you certain of it?

A. I think I can get the paper itself. I will not be positive about its contents. I sent the paper to Matchett after some publications came out in this city, and he told me the other day that he never got it until some days ago. I sent it by express. He said it was misdirected.

Q. In whose handwriting was that statement?

A. In Dunham's, as I have every reason to believe.

Q. You say that the statement was so exaggerated that you did not believe its contents?

A. I thought from numerous other statements which had been made to me that there might be such letters in existence; but the statement was so indefinite and so vague that I never sent a man to look into it, or "to work the case up," as detectives call it. I believe I never showed the statement to any one.

Q. Did you ever show it to Mr. Butler?

A. I think not. I don't believe I ever showed it to a single man.

Q. Did you not make a statement of it to this committee?

A. I think I have said that I had such a statement from this man, but I believe I never read it to a single member of the committee.

Q. Did that paper relate to evidence which it was supposed would implicate Mr. Johnson in the assassination of Mr. Lincoln?

A. Yes, sir. There were paragraphs in the paper which related to Johnson's supposed guilty knowledge of the assassination.

Q. Was there a suggestion in that paper that certain proofs would be necessary in order to fasten that on Mr. Johnson?

A. No, sir; I think not.

Q. There was no such intimation in the paper?

A. I think not.

Q. Did this appear in the paper: "For the names of Dawson and Allen, used by them, leave blanks, or substitute the names of such persons as you know will take their place?"

A. No, sir. I am very clear that there was nothing like that in the statement.

Q. Why did you send that statement away after this talk about it in the papers?

A. I was at home in Toledo, and sent it here to Mr. Matchett because he wrote for any paper I might have from Dunham.

Q. Why did you not keep it for your own protection?

A. I did not need protection of that kind.

Q. Why did you not keep it for this committee?

A. I think I can get it for the committee now, if they want it.

Q. Did you think it of any use?

A. I did not think it of any use.

Q. Did you consider that, from its exaggerated or from its frivolous and unconnected statements, it was not truthful, so that you did not care anything about it on that account?

A. The statement was so indefinite that I did not think any detective would undertake to hunt up evidence upon it. It might have been true, for all I knew, but I certainly would not undertake to look it up.

Q. Have you not stated to members of the House of Representatives that you had evidence in your possession which would implicate Mr. Johnson in the assassination of Mr. Lincoln?

A. No; not evidence in my possession. I may have said that I had statements made, in writing and otherwise, by this man and that, which induced me to believe it. I may have said that.

Q. Have you ever brought that evidence on which you believe it before this committee?

A. No, sir.

Q. Why did you not?

A. I have spoken to members of this committee about it. I have had no evidence which I regarded as valid; it was only an isolated statement of parties here and there, and not sufficiently strong to warrant me in presenting it.

Q. Then do you say before this committee that you had no evidence against Mr. Johnson which you considered as valid?

A. Yes. I had no evidence which I regarded as sufficient for the conviction of a criminal before a jury, and hence I never presented it.

Q. You had no evidence in your possession which you considered of sufficient importance to be considered by this committee?

A. No; I had not. If I had I should have presented it.

Q. I repeat the question whether you have not told members of the House of Representatives that you had evidence in your possession which satisfied you that Mr. Johnson had taken part or was implicated in the assassination of Mr. Lincoln?

A. I have said that I believed, from all that I had been able to gather during this investigation, that Mr. Johnson had a guilty knowledge of the assassination.

Q. You have said that before. I repeat the question as I put it before, and I want an answer to it specifically.

WITNESS. Have I not answered it?

Mr. ELDRIDGE. No, sir; I think not. I repeat the question:

Q. Have you stated to members of the House of Representatives that you had evidence which satisfied you that Mr. Johnson was connected with or implicated in the assassination of Mr. Lincoln?

A. Yes, certainly I have.

Q. Then I ask you why did you not produce this evidence to the committee?

A. Because it was not of that legal character which would have justified me in presenting it. It satisfied me from my stand-point, and that is what I meant.

Q. Then what do you mean by saying that you had no evidence in your possession which you considered valid?

A. It was not that kind of evidence which would satisfy the great mass of men, especially the men who do not concur with me in my theory about this matter. I have had a theory about it. I have always believed that President Harrison and President Taylor and President Buchanan were poisoned, and poisoned for the express purpose of putting the Vice Presidents in the presidential office. In the first two instances it was successful. It was attempted with Mr. Buchanan, and failed. It succeeded with Mr. Taylor and Mr. Harrison. Then Mr. Lincoln was assassinated, and from my stand-point I could come to a conclusion which impartial men, holding different views, could not come. It would not amount to legal evidence.

Q. Do you mean to say you have formed an opinion and expressed it to members of Congress that there was evidence to implicate Mr. Johnson which was not legal evidence?

A. Yes, sir; it satisfied me, just as a man will say that he is satisfied a person is guilty of murder even when he escapes in a trial before a jury.

Q. Then you stated to these men, when you did make this statement, a conclusion which was founded on evidence which you did not consider legal?

A. It was founded on isolated statements which, standing alone, would have been of no legal value, and I think the majority of men would not have come to the conclusion I did on reading or hearing the statements made to me; hence I did not care to present it or come before the committee with it.

By Mr. MARSHALL:

Q. Do you not think that if you had any evidence tending in the slightest degree in that direction, it would have been proper for this committee to see for itself whether the evidence was important or not?

A. I had made no charge of that kind in the specifications for the impeachment of the President, and I did not think that this committee was specially charged with its investigation after the close of the thirty-ninth Congress. I therefore did not care to waste my time in looking up matters which were so indefinite as many of these statements which had been made to me were. It is difficult at all times to ferret out a great crime, and I had neither the time nor the means with which to do it.

Q. That is not an answer to my question. Would it not have been proper to inform this committee, so that it might have resorted to means within its power to investigate the matter?

A. I have presented all the facts that I knew anything of in reference to this matter to General Butler, since his committee was formed, especially charged with this matter; and I have talked to him and given him whatever information I had, and my convictions—suspicions if you will—as to Mr. Johnson's complicity in the assassination.

Q. Were you not investigating this matter and holding consultations with Conover long before General Butler's committee was formed?

A. Yes.

Q. And was not that for the purpose of getting evidence to use before the Judiciary Committee?

A. I intended to use it either before this committee, or before the House, or before the Senate, in case of trial, if I ever obtained it. I was led to believe, by the statements of Baker and other men, that there were in existence letters tending to show Johnson's guilty knowledge. There seemed to be a uniformity of statement in reference to the existence of certain letters, coming from parties



who, so far as I knew, were not in collusion with each other; and I was impressed with the fact that such letters did exist, and I certainly expected to get them if they did exist. So far as this committee was concerned, as I made no specific charge against the President on that head, I did not care to say anything to the committee about it, because the more publicity given to such a thing the greater difficulty there would be in obtaining the evidence.

By Mr. ELDRIDGE:

Q. Did you not examine a witness before this committee yourself on that very question?

A. I may have asked one or more witnesses some questions on that subject during the life of the thirty-ninth Congress.

Q. Would you make so grave a charge as that against the President of the United States on bare suspicion?

A. No, sir; not on bare suspicion.

Q. Would you make such a charge as that against the President of the United States on illegal or invalid evidence?

A. I say I never made such a charge.

Q. I understood you to say that you had done so to members of Congress?

A. I said I had that kind of evidence which satisfied me of it.

Q. But you say now that it only raised a suspicion in your mind that it was so?

A. From the first I had a suspicion, and these statements, which came to me from a variety of sources, tended to confirm it and to bring me to believe that Johnson had a guilty knowledge either before or after the fact.

Q. Have you ever offered this committee a particle of evidence tending to prove any one of the charges, which the committee has not received?

A. No, sir.

Q. Have you ever proposed to produce any testimony to this committee tending to prove either of the charges you made against the President, where the committee has not been willing to receive it?

A. I have not.

Q. You say that your interviews with Conover were not alone to get evidence that Mr. Johnson was connected with the assassination, but evidence of other charges. Did you seek to get such evidence through Conover?

A. I was anxious to get any evidence to maintain the charges that I had made here, and I hoped that out of any letters of this kind which might come into my possession some such evidence would be elicited. I did not see very well how a general conspiracy could have existed, and a guilty knowledge of the great crime of assassination could have existed, without something else being disclosed also to maintain the charges which were already before the committee for investigation.

Q. How many times did you have interviews with Conover?

A. Five or six times.

Q. No more than that?

A. I think not.

Q. Did you have interviews with him late at night; after 12 o'clock at night?

A. No, sir. I believe I saw him two or three times at night, and the other times in daylight.

SATURDAY, A. M., June 1, 1867.

DEAR SIR: Your note is just received. Let your counsel act as they deem best, taking advantage of every legal point which may be presented. I think the course proposed by them is all that we want.

Truly,

J. M. ASHLEY.

Q. Did you write this letter to Conover?

A. I think so, substantially. I wrote him some such letter.

Q. Did you write this letter?

HOUSE OF REPRESENTATIVES, July 8, 1867.

MY DEAR SIR: I have just seen your wife, and have your letter. You may rest assured that I do not credit the *false* and *stupid* reports made against you. If you had the letters, I know you would never send copies to J——. If you can put the *originals* in my hands, I shall see that no one shall take or destroy them, without your express order *in writing*, except you are released. Will see your wife again this evening.

Respectfully,

C. A. DUNHAM.

J. M. ASHLEY.

A. Yes, I think so; that is substantially as I wrote it.

Q. Who is J——?

A. Johnson.

Q. Did you know of this letter being written?

DUNHAM: It is all right. The matter will rest for the present, or till the thing is argued in May. You will not leave the city *ad interim*. Mr. A. will return next week, when any other matters will be adjusted.

Yours,

APRIL 25, 1867.

W. B. M.

A. No, sir; that was never written by me.

Q. Was it written by Mr. Matchett, under your directions?

A. No, sir. No man ever wrote him a letter by my directions.

Q. Is Matchett's name W. B. Matchett?

A. I think so.

By Mr. ELDRIDGE:

Q. State to the committee any knowledge that you have of Mr. Johnson's complicity in the assassination of Mr. Lincoln, and which you have withheld from this committee.

A. I have not had a living witness that I could present, or I should have come to the committee with him.

By Mr. ELDRIDGE:

Q. Give to the committee any evidence or fact which you know, tending in any degree to fasten the assassination on Mr. Johnson.

A. I never withheld anything from the committee which I regarded as evidence; but I did not look for evidence in that direction, particularly for this committee, after the expiration of the thirty-ninth Congress.

Q. Then you state now, as you did before, that you know of no other evidence tending to show that fact?

A. I know of none at present which I could bring to the knowledge of the committee, or I should bring it. I have given General Butler all the matters that I regarded as of sufficient importance, to let him look them up and see whether there was anything in them or not—such as letters—some of them anonymous, and some of them, doubtless, with fictitious names.

By Mr. MARSHALL:

Q. How long was it after you made these charges before the House against the President of the United States, which led to this investigation on the subject of impeachment, until you first saw this man Conover?

A. I think it was about a month, more or less; not very long.

Q. Under what circumstances did you first have an interview with him, and what led to it?

A. His wife presented me a petition to sign for his pardon. I declined to sign it. Mr. Matchett and she finally came to me and told me that her husband knew of matters of great importance to me and to the country, and that if I would aid him in being released, he would put me in possession of them. After

listening to this statement, I think I asked her to bring me a statement from him in writing, which she did, or which somebody did; I think she did. That statement led to an interview. I thought I would go and see Conover, as he requested it.

Q. That was some time in January or February last?

A. Along in the winter; it may have been in March. I can fix the time better if I look over some of my papers.

Q. That was your first interview with Conover?

A. Yes; the first time I ever saw him was in jail.

Q. And that interview, you say, was sought in the first instance by Mrs. Conover?

A. Yes; that is, she told me what she thought her husband could do.

Q. What was the date of your last interview with Conover?

A. I do not recollect. I think it was along in April.

Q. Was your first interview before he was convicted of the crime of perjury?

A. I think not, but I am not certain.

Q. How many interviews did you have with him before his trial?

A. I do not remember to have seen him before his trial.

Q. To the best of your recollection?

A. I really do not recollect whether I saw him before the trial or not. My impression is that I did not see him during the trial, but I am not clear about it. I really did not get interested enough in the thing until I was promised a written statement from him, which I will produce if I can lay my hand on it.

Q. All the interviews you had with him were in the jail of Washington?

A. Yes.

Q. Did you, in visiting the jail, seek privacy?

A. I was always alone with him.

Q. Did you resort to any means to prevent the fact of your visit being known to the public?

A. No, sir. There were people coming in and out of the jail in daylight and at night, while I was there.

Q. At what hour at night did you visit him?

A. Usually after dinner.

Q. Were you ever there as late as 10 o'clock at night?

A. I may have been. I do not recollect. I am usually in bed by 11 o'clock. I do not think I ever went to the jail after 10. I remember at one time remaining an hour or longer with him, and it may have been after 10 o'clock when I left.

Q. Did you ever more than one time remain as long as an hour?

A. Yes. I think I did twice.

Q. Did you ever suggest to this man Conover any character of evidence that it was important to obtain?

A. No, sir.

Q. Did you ever intimate to him that you desired to get evidence of certain facts against the President which it was important to obtain?

A. No, sir.

Q. Did you ever hold out any inducement to him to furnish information of any kind?

A. I told him that if he furnished those letters which he professed to have knowledge of, I would use whatever influence I had to secure his release.

Q. Did you ever have an interview with either of the judges of the supreme court of the District of Columbia on the subject of the trial of Conover?

A. I asked Judge Fisher, and I think Judge Cartter, to suspend sending him off until I could see what he could get. In the mean time I told his counsel, who came to me, that if I were in their place I would push for a new trial, and would use all the delays incident to the law.

Q. Did you ever suggest to Judge Fisher or Judge Cartter any course that might be taken by the court for the purpose of operating on the mind of Conover?

A. No, sir; I only asked them to suspend sending him to Albany.

Q. Did they take any action on your suggestion?

A. I think they did. I think they did not send him off for two or three weeks, till I could see what could be got.

Q. Did you ever have any conversation with either of those judges in reference to the point on which an effort might be made to arrest judgment or to get a new trial?

A. No, sir.

Q. Was there ever any talk among the members of the court before his sentence in reference to the statute under which the sentence would be passed?

A. I do not know; I never made a suggestion to them about it.

Q. What did you mean in this note to Conover where you suggest that his counsel is taking the right course, and that he had better rely upon them; had you ever intimated to him that you had a talk with the court on the subject?

A. I told him I had asked the court to suspend the execution of his sentence, giving him time to get those papers.

Q. Did you ever tell him that if he would furnish you any important evidence against the President you would secure his release?

A. Yes; I told him I would do what I could to secure his release.

Q. Were you ever at the jail with him as late as eleven o'clock at night?

A. I think not.

Q. How did you come to have such frequent and prolonged interviews with him?

A. I never remember seeing him but twice for any length of time. One of those interviews was to learn something in connection with the Surratt trial. His wife had said to me that he knew of some witnesses who would be important on that trial, and I was anxious to get the facts, and I went and took them in writing and gave them to Mr. Riddle, who was one of the counsel for the government in the Surratt trial.

Q. Did you ever remain in conference with Conover as late as eleven o'clock at night?

A. I think not. It might possibly be so, but I do not think that I was later than twenty or thirty minutes after ten.

Q. Were those protracted interviews with him after he was sentenced?

A. I think they were.

Q. Did you ever have an interview with any other convict in the jail on the subject of procuring testimony?

A. No, not in this case. I had an interview with a man named Cleaver in the jail, of whom this man Conover gave me information. That was altogether in reference to the Surratt matter.

Q. Was Cleaver under sentence for any crime at the time?

A. Yes.

Q. How many interviews did you have with Cleaver?

A. Two, I think.

Q. Did you ever hold out any inducement to him to furnish evidence?

A. Not with reference to anything here. It was in reference to the Surratt trial. I told him that if he was in possession of any facts of importance, I would take them and present them to Mr. Riddle, and if the evidence was of value he would undoubtedly be released.

Q. Have you seen Cleaver since?

A. Yes; he has come to my room two or three times since.

Q. How was his release secured?

A. I do not know whether he was pardoned by the President or not. I

think he was, but I am not certain. I think Mr. Riddle presented the case to Mr. Seward, and that Mr. Seward got him pardoned by the President; but of that I have no personal knowledge.

Q. Did you ever send Matchett to Conover with any instructions?

A. Yes, sir.

Q. How often?

A. May-be half a dozen times.

Q. What were the instructions?

A. Substantially as you see them in those notes, that if he would get the papers and give them to me I would not use them or allow them to be used by anybody unless they should inure to his benefit, and that I should have his consent in writing to their use before I should use them.

Q. Look at this memorandum, marked A, and state whether you ever saw it before.

A. I never saw it in writing. I may have seen it in the newspapers. I did not read it carefully if I did.

The memorandum is as follows:

A—Memorandum.

Shortly before the inauguration of Lincoln and Johnson, the latter, through or in connection with Booth, sent several letters to the confederacy, one of which was intended for Jefferson Davis. These letters were borne by a messenger named Allen, who had been acting as a scout or spy for one of the Union generals. Allen was provided with a safe conduct through our picket lines, and was supposed to have been sent on secret duty in connection with his command. He was also provided with papers from a rebel emissary at the north, to insure him proper treatment when he should enter the confederate lines. After delivering his mail in Richmond, he returned bearing several letters which he received from J. P. Benjamin. These letters were enclosed to Booth. On returning to Washington Allen called on Booth and delivered the package, and Booth, after examining some of the letters, went out, as he said, in search of his messenger. The messenger could not be found, and Booth asked Allen if he was too tired to go as far as the Kirkwood House. Allen replied in the negative, when Booth, drawing forth the package brought from Richmond, selected a letter addressed to "Andrew Johnson, Vice-President elect of the United States," and asked Allen to deliver it. Allen promised to do so, and then accompanied Booth to the bar-room to first take a drink. Here Allen met a friend, who was invited to join them in taking a drink, and afterward accompanied him to the Kirkwood, and heard him inquire if Mr. Johnson was in, and saw him go for his (Johnson's) room. This friend waited until Allen came down stairs, when he asked him, jocularly, what in the devil business he had to do with Johnson; if he was already begging for an office. Allen can be produced, as well as the friend who accompanied him to the Kirkwood from Booth. Allen, before going to Richmond, had been led by Booth to believe that he was a confidential and secret agent for the government, and that the letters borne by him had reference to peace propositions, which would speedily lead to a suspension of hostilities and the restoration of the Union. Add, also, that it can further be proved by two persons, formerly rebel soldiers, that Booth, on the first or second day before his death, fell in with them near Garrett's, and asked their advice and assistance in his efforts to escape. He informed them that he had killed Lincoln, and thereby made a good southern man President. One of the parties, whose name is Dawson, said to him that, if he meant that he had made Andy Johnson President, he had done the worst possible thing for the South, as he was more extreme in his views and a greater enemy to the South than Lincoln. Booth replied that it was a mistake; that Johnson, as a candidate and office-seeker, had to say a great many things, but that as President he could do as he pleased; that he was bound to be a friend of the South; and that if he went back on him (Booth) he would have him hung higher than Haman. These men belong to good families, and bear excellent characters, and can be produced as witnesses.

Q. Do you know of any memorandum of that character having been furnished to any one?

A. No, sir.

Q. Are you acquainted with Matchett's handwriting?

A. Yes, sir; it is a peculiar handwriting, and I think I would know it. I never saw that memorandum in writing; I may have seen it in newspapers, but I never read it carefully before.

Q. You know nothing either of it or of the note, which purports to be appended to it?

A. No, sir.

Q. Were any persons ever brought to this city under the directions or suggestions of Conover, to be examined by you or any other gentleman here, to your knowledge?

A. No, sir.

Q. Did you ever have any witnesses here who professed to know important facts, in reference to this charge against the President, about this conspiracy, whom you examined or had examined by members of Congress or others?

A. No, sir; I have never had any person brought here to be examined by any one except myself.

By Mr. ELDRIDGE:

Q. Has Matchett procured any person for that purpose?

A. Not with my knowledge or approval. He may have sent persons to me, but I do not remember any.

Q. You have not seen any one?

A. I think not—no person except those who have been examined before this committee, who knew any facts of importance.

By Mr. MARSHALL:

Q. Did you, with General Butler or anybody else, examine witnesses to see whether their testimony, as they stated the facts, bore upon this investigation?

A. I have had numbers of men brought to me, or coming to me voluntarily, who thought they knew important matters, and when they made their statement it was worthless. Those who knew nothing I declined to have summoned.

Q. Did you ever know anything of a man named Harrison, in connection with testimony which he was to furnish?

A. I do not recollect any such name.

Q. Did you ever take persons who professed to know important facts, or to have the means of getting at important papers, to General Butler, or any other member of the House, to be examined?

A. I may, and probably have sent to General Butler persons who have come to me since the assassination committee has been formed, professing to give me information on that subject.

Q. Did you ever go to General Butler or Mr. Bingham, or any other member of the House, with persons who professed to know facts?

A. I may have been with Mr. Bingham when Mason was here, but I do not think I was; I know I spoke to Bingham about it, and told him that this man was here, and that I would like to have him examine him.

Q. Who is Mason?

A. He was a professed British subject, who was brought here at the Surratt trial. I do not think, however, that I was ever present when Mr. Bingham examined him; if he did examine him.

By Mr. ELDRIDGE:

Q. You say he is the only one with whom you went to Bingham with reference to this matter?

A. I do not think I even went with him.

Q. You do not think you went with any one?

A. No. I have been present when Bingham has examined one or two parties, but I think it was in connection with the assassination trial.

Q. Do you not recollect two men coming here professing to know Dunham—men whom he suggested—and that you and Matchett had interviews with them?

A. No, sir; no man ever came here at his suggestion whom I ever saw, that I remember. I do not recollect a single living witness suggested by him who ever came in contact with me. It may have been so, but I have no recollection of any such thing.

Q. Do you recollect Mrs. Dunham going off to Ogdensburg after a witness?

A. I do not know where she went; she went off half a dozen times, professing to get evidence.

Q. Did she not go to get witnesses suggested by Conover?

A. I do not think she ever went to get any living witness; I think she went after papers; certainly no witness ever came with her, and she never got any papers relating to the question of impeachment.

Q. Did she not, at the time she went to Ogdensburgh, go there by the direction of Conover, or Dunham?

A. I do not know that she ever went to Ogdensburgh.

Q. Did she not profess to go?

A. I do not know where she went; she went off.

Q. To get some testimony suggested by Dunham?

A. I do not know whether it was suggested by him or not, but I presume it was. All that I was after was the manuscript letters.

Q. Who furnished her the money to go with?

A. I furnished her some once or twice.

Q. How much money did you furnish her?

A. I do not recollect how much; I gave her once \$50, and once \$5; I do not think I ever furnished her with anything but those amounts.

Q. Did you examine two witnesses with reference to their proving the statements in this memorandum, "A?"

A. I never remember examining anybody to prove anything in that memorandum, or any memorandum furnished by Dunham.

Q. Did Dunham tell you, in conversations that you had with him, that he could get witnesses to prove the facts stated in that memorandum?

A. I never had any conversation with him about it, and never saw it in manuscript at all. The evidence I was after was said to be in writing. That was all I cared to get. All I asked for, and all I wanted, was two letters which he professed to have, or was able to get. All his statements about witnesses, whatever they were, I paid no attention to.

Q. Did you tell any member of Congress that there were two witnesses in town who were able to give important testimony on the subject of Mr. Johnson's connection with the assassination of Mr. Lincoln?

A. I do not recollect. I may have done so. If I did, I alluded to this man Mason, and a man he named who resided in or near this city.

Q. But you say his testimony had no relation to Mr. Johnson?

A. He professed in his conversation with me to know things that would tend to implicate Johnson, and, if he told me the truth, he did know.

Q. In the written statement which he has made there is nothing which would implicate Mr. Johnson—is there?

A. No, I think not; at least, that is my recollection of it now.

Q. Was it before or after he made that written statement that you talked with him?

A. It was long after—months after. It was during the Surratt trial. He was here in town two or three weeks, and he came to my room two or three times.

Q. If those letters were the only subject of your conversation with Dunham, what was the necessity of your meeting him so frequently and being with him so long each time?

A. One of the times I was in conversation with him about this man Cleaver, whom I did not know anything about, and after I got out of him all the facts I could, I terminated my interview; but he was disposed to talk, and he would talk a half hour at a stretch if you would listen to him. Some of his conversation when I first knew him was rather entertaining, and I listened to him, hoping to get something of importance from him.

A. You sat there and talked with him merely for the purpose of passing an hour by his entertainment?

A. I wanted to see what I could get out of him. He was rather an extraordinary man in his appearance and conversation, and I felt convinced he knew more about the assassination than he was willing to tell. I was disposed to listen to him, and did listen to him.

Q. Did you ever get any letters in your possession from him?

A. Nothing that was of any value.

Q. What do you refer to in your letter in which you say, "On my return home to-day I found your favor?"

A. That is the statement which he promised to give me in writing in detail.

Q. The one which Matchett now has?

A. Yes; the one I sent to him.

Q. Is that in Conover's handwriting?

A. Yes.

Q. You say you can produce it?

A. I think so.

Q. It is stated in this paper that the word "verbal" is stricken out before the word "statement." Why did you strike that out?

A. I do not know anything about it. I do not see what sense it would make.

By Mr. MARSHALL:

Q. How long have you been acquainted with Matchett?

A. My acquaintance with him commenced after this investigation began.

Q. Under what circumstances were you introduced to him?

A. I think the first time I ever saw him was in connection with this Dunham case. I think he was interested in procuring a pardon for Dunham. He seemed to know Mr. Radford, and whether Mr. Radford introduced him to me or not I cannot say. At all events, he was introduced to me about that time—along last winter.

Q. Dunham had not been tried last winter, had he?

A. He must have been tried and convicted before there was a pardon asked for him. Matchett may have come and introduced himself just as hundreds of other men do.

Q. Did you not have connection with Matchett during nearly all those interviews that you had with Conover?

A. I do not think that he was present at any one of them.

Q. Did you not have interviews with him in reference to your conferences with Conover?

A. I have told him much that Conover said to me.

Q. You stated a while ago that you had sent him frequently to Conover?

A. Yes; I sent him half a dozen times, or more.

Q. Was not that all before this application for pardon?

A. No; I think it was afterwards.

Q. Did you not know anything about the character of Matchett?

A. Nothing, only that he was represented to me to be a clergyman who had been a chaplain in our army during the war.

Q. Who represented him as such?

A. He represented himself, and so did others who came with him to my room. I think he showed me his commission, signed by Governor Morgan, of New York.

Q. Was Matchett frequently at your room?

A. Yes.

Q. You cannot state distinctly the date of your first acquaintance with him?

A. No. It commenced, I know, after this investigation. That is, I think it did; I feel confident it did.

Q. Did Matchett volunteer his services in aiding you in this matter?

A. Yes, I think so.

Q. Did Matchett ever receive any pay for his services?

A. No, sir; not from me. I have paid his expenses whenever I sent him away, but I never have paid him any per diem.

Q. You think he came to you and volunteered his services in the matter?

A. Yes. I do not recollect exactly how I got acquainted with him. He probably came and volunteered his services and then I made inquiries about him. A great many men came and did so and gave me references. I employed Major Alberger for some time. He was recommended to me by General Butler. He had been on his staff, I think.

By Mr. ELDRIDGE:

Q. Did you and Mr. Butler send Matchett for two witnesses or more who came here to Washington and were examined by you and whom you afterwards introduced to members of Congress?

A. No, sir; I do not recollect any such transaction ever occurring. I never examined a single witness with General Butler.

Q. Did General Butler examine persons and then introduce them to you?

A. No, sir.

Q. Did you and General Butler introduce to members of Congress men whom Matchett had procured?

A. I never did. I do not know what General Butler did.

Q. Dunham says in his statement, "These persons were inspected by Ashley and Butler, and were found to possess the requisite qualifications as to intelligence and personal appearance, but, unfortunately for the impeachers, it was deemed necessary to make some changes and modifications and additions to their statements before presenting them." Is there anything true in that?

A. Not a word, as far as I know.

Q. You did not introduce any witness to any member of Congress who had been procured by Matchett through Dunham?

A. No, sir.

JAMES M. ASHLEY.