

# THE ASSASSINATION.

## FED TRIAL ON WEDNESDAY

### More Evidence as to Thomas.

### Attempt to Invalidate the Morehead City Letter.

## THE WITNESS WEICHMAN.

### Effort to Prove Him a Conspirator.

## THE CASE OF DR. MUDD.

Special Dispatch to The N. Y. Tribune.

WASHINGTON, Wednesday, June 7, 1865.

Very little of interest transpired at the conspiracy trials to-day. The crowd continues as large as ever, and unless better progress is made the evidence will not be closed for two or three days.

Mr. Ewing, Dr. Mudd's counsel, indicated a purpose to break down the testimony of Weichman, one of the principal Government witnesses, by showing that he was one of the conspirators; but he met with no considerable success in his effort. A hard fight seems imminent upon his case.

None of the counsel for defense admit having closed the case in behalf of their clients; but not much more evidence will be introduced for any one except Dr. Mudd.

To the Associated Press.

WASHINGTON, Wednesday, June 7, 1865.

The record of the previous day was read. The Commission then went into secret session, and, after a short time, the doors were reopened.

After considerable delay, in consequence of the non-attendance of witnesses, the testimony proceeded as follows:

#### RE-EXAMINATION OF GEORGE BOOSE (COLORED.)

By Mr. Ewing.—The day in regard to which I testified previously as the one on which I met the prisoner, Dr. Samuel A. Mudd, on a by-road near my house, was Easter Saturday—the day after the assassination; from the point where I crossed the main road I could not see the whole of that by-road; if anybody had been traveling along the main road with Dr. Mudd, the person would have been very near me, where I crossed the road.

By Assistant Judge-Advocate Bingham.—Did not say that I saw Dr. Mudd when he turned off the main road, and, not having seen him then, could not say that there was no person with him.

#### EXAMINATION OF RICHARD EDWARD SKINNER (COLORED.)

By Mr. Ewing.—I live in Charles County, Md., and have been the slave of Mrs. Thomas, mother of Daniel J. Thomas, whom I have known for 30 years; his reputation as a truth-teller is bad, but I could not say that I would not believe him on his oath; I have heard gentlemen say that they would not believe him on oath; when the war broke out he was not a loyal man; since then he has been changeable.

By Assistant Judge-Advocate Bingham.—I have not, since the commencement of the present trial, heard any one speak of Thomas as a man not to be believed on oath; I did not hear any gentleman say that he was not to be believed on oath in a court of justice.

There being no further witnesses present, Mr. Ewing stated that there remained to be called in Dr. Mudd's case thirteen witnesses, none of whom lived more than twenty-four miles from Washington. He presumed that the subpoenas of the witnesses had miscarried, as he was informed late last evening that a number of them had stated that they had not been subpoenaed.

Assistant Judge-Advocate Burnett said that the subpoenas in each case had been promptly issued and sent to General Augur's headquarters, with the direction of the Secretary of War that they be served forthwith.

[The commission then took a recess till two o'clock, at which hour the body reassembled.]

#### EXAMINATION OF JOHN W. WHARTON.

By Mr. Ewing.—I live in Baltimore; am engaged at Fort Sumner on the outside of the Fort; the prisoner Samuel Arnold was in my employment as a clerk from the 2d to the 17th of April, the day of his arrest; during that period I was absent only three days; the prisoner performed his duties regularly and faithfully during the time he was employed by me; I received a letter from the prisoner about the latter part of March, before he entered into my employ.

Q. Did he say anything in that letter in regard to his former occupation?

[Assistant Judge-Advocate Bingham objected to the question as irrelevant. The objection was sustained.]

#### THE MOREHEAD CITY LETTER.

Mr. Ewing then moved that the translation of the cipher letter alleged to have been found in the dock of Morehead City, N. C., be stricken from the record, for the twofold reason that it bore upon its face an evidence that it was fictitious, and that upon the plainest rules of evidence it was wholly inadmissible, inasmuch as the letter was in cipher and the handwriting had not been identified, and it had not been shown to have been addressed to, or been in the possession of, anybody connected with, or charged to have been connected with, the conspiracy. The rule in regard to declarations in cases of conspiracy was that they might be admitted where they were the declarations of one or more of the conspirators, and that when they are the declarations of a conspirator they must accompany some act of the conspiracy. Mr. Ewing read from Barry, page 289, and stated further that the contents of the letter had not been shown to be the declaration of any one of the conspirators, but was entirely unconnected with the subject under investigation, and were, therefore, inadmissible. The motion had not been made sooner by the speaker, owing to the fact that he was not in the court room when the letter was presented, and was not informed of its presentation until to-day.

[The letter referred to has already been published.]

Assistant Judge-Advocate Bingham stated that it was alleged in the charge and specifications that this conspiracy was entered into by the parties named and by others unknown. He cited instances in which the declarations of parties, who were neither indicated nor admitted, were admissible, as far as those declarations had a bearing upon cases of conspiracy, and the principle was well settled, that a letter written and never delivered was admissible on a trial of conspiracy. The letter in question would not probably effect the accused at the bar, but it should not be excluded from the Court on that account. The speaker contended that a sufficient foundation had been laid to justify the introduction of the letter, as it had been shown that Booth plotted the assassination of the President with the agents of the Rebellion in Canada, who weighed him out the price of blood; that it fell to the lot of one of the conspirators to go to Washington to strike a murderous blow in aid of the Rebellion; that another was ordered to go to Newbern, N. C., and that this infernal letter was picked up in the vicinity of Newbern, and the fact that it was written by a co-conspirator was patent on its face. Had the letter been found in the pocket of Booth, who would say that it was not admissible in evidence against him and against every one else conspiring with him in his bloody work?

After further argument, the Commission decided not to sustain the motion of Mr. Ewing.

#### EXAMINATION OF MISS MINNIE POLE.

By Mr. Ewing.—I am acquainted with the prisoner Arnold; I saw him on the 26th March in an omnibus, going to Hookstown, and on the 27th at his uncle's, on the occasion of a party there; saw him again on the 28th, at witness's house near Hookstown.

#### Testimony for the Prosecution.

Judge-Advocate Holt stated, that having learned the defense would not call any further witnesses, with a view to impeach the character of the witness for the prosecution, Lewis J. Weichman, he would now call several witnesses for the prosecution.

#### EXAMINATION OF JOHN RYAN.

By Judge-Advocate Holt.—Have been acquainted with Lewis J. Weichman for nearly a year, though not intimately, merely having occasionally conversations with him as I met him on the street; his reputation for

veracity and uprightness has always been good; from my knowledge of his character I would believe him under oath, or if not under oath, I do not believe he would tell a falsehood; recollect a conversation which took place between him and myself about the time of the evacuation of Richmond; my impression is that during that conversation he rejoiced at the prospect of a restoration of the Union; have no recollection that he ever expressed any other than loyal sentiments.

Cross-examined by Mr. Aiken.—Cannot remember any conversation with Mr. Weichman on political subjects prior to the evacuation of Richmond other than that of which I have spoken; do not recollect ever having heard him express any other than Union sentiments; he never represented to me that his relations with the War Department were of a complicated nature; never heard anything said against his character for honesty and veracity.

#### TESTIMONY OF FRANK STITT.

By Judge Holt.—I have known Louis J. Weichman about 16 months; his reputation as an honest, truth-telling man is very good, indeed, as far as I know it; we were both in the public service in the same office; he bore an excellent reputation for loyalty there; he was always outspoken and frank in his friendship for the Government as far as I know; he was connected with a military volunteer organization for the defense of Washington.

Cross-examined by Mr. Aiken.—I made my acquaintance with Mr. Weichman as a clerk in the War Department; my relations with him were not very intimate; I never heard of his being a detective in the War Department; the military organization of which I speak was composed exclusively of clerks in the War Department; it was considered at the time the organization was formed as equivalent to a dismissal from office not to join it.

#### TESTIMONY OF JAMES P. YOUNG.

By Judge Holt.—I am a clerk in Gen. Meig's office; I have known the witness Weichman since 1856; his reputation has been that of an honest, truth-telling man, without any reproach whatever; I was a college class mate with him in the Central High School, Philadelphia, in the Summer of 1853; he remained in that college two or three years; I met him in Washington about eighteen months ago and have since been very intimate with him; I have had many conversations with him on the subject of the country, and I regard him as an entirely loyal man, I may state that he was a member of the Union League; he has at all times been frank and unhesitating in his expression of loyalty.

Cross-examined by Mr. Aiken.—The Central High School of Philadelphia is both a College and a school for boys; we entered division H; G and H correspond with the Freshman class in college; I never heard Weichman declare his intention to become a minister; could not state whether not to join the military organization to which he belonged was equivalent to dismissal from office or not; don't know when he joined the Union League; I am a member, and I know he is by unmistakable signs; Weichman gave me the signs by which members know each other.

Q. What signs did he give you? A. He gave me signs which are peculiar to the Union League.

Q. What are those signs? [Question objected to by Judge Bingham as wholly immaterial.]

General Foster.—I object to counsel's taking up the time of the Court by asking any such questions.

Mr. Aiken.—My object is to show that the witness does not know that he is a member of the Union League, the only competent evidence being his signature to its constitution; but I withdraw the question.

P. T. Rainsford was called, and gave the same evidence as the last two witnesses as to Weichman's loyalty.

#### TESTIMONY OF JOHN T. HOLLOWHAN.

By Col. Burnett.—I have resided in Washington all my life; commenced boarding at Mrs. Surratt's house in H-st., the first week in February, and continued till the Saturday night after the assassination; I saw Atzerott there several times at meals, but did not know him by name; saw Paine there once at breakfast under the name of Wood; Atzerott was with John Surratt and two or three friends, all together at the table; I heard nothing but general conversation; I did not know of Mrs. Surratt's defective eyesight; was always recognized by Mrs. Surratt; have seen Booth there frequently in the parlor with Mrs. Surratt and the young ladies; never saw Harrod at that house; saw Mrs. Slater there; was dressing myself one morning about 7 1/2 and saw Mrs. Slater getting into an open carriage; Mrs. Surratt was on the pavement at the time talking to this lady; I am not positive whether she gave this lady any assistance or not; this was about two weeks previous to the assassination; saw John H. Surratt for the last time on the 3d of April; I didn't know then where he had returned from; learned it after the assassination from Weichman; the last time I saw John H. Surratt was previous to the 3d of April, he was getting into a buggy with this lady; he rapped at my room door about 10 o'clock on the 3d of April, the day the news was received of the evacuation of Richmond; I gave him \$60 in payment of \$40 in gold he exchanged with me; he



said he wanted to go to New-York and could not get it discounted in time for the early train.

*Cross-examined by Mr. Aiken*—I don't know who Atzerodt came there to visit; I don't know anything of the displeasure of the family at Atzerodt's being there, except from what I have heard them speak; they sometimes made fun of him while he was there; I was not at the house after night, and don't know whether Mrs. Surratt was able to read and sew by gaslight or not.

Q. Can you state whether Weichman gave himself up after the assassination, or whether he was arrested and taken to the police office?

[Question objected to by Col. Burnett as not legitimate to cross-examination.]

Q. Did you accompany Weichman to Canada?

[Question objected to by Col. Burnett for the same reason.]

Q. Who were the first parties that entered Mrs. Surratt's house the night after the assassination?

Col. Burnett—You need not state that.

Q. State if you have any knowledge of John H. Surratt being in this city since the 3d of April. A. None.

Q. Did you see Weichman at 3 o'clock Saturday morning, April 15? A. I did.

Q. Where was he?

Col. Burnett—All this is outside a proper examination. Mr. Aiken stated that the counsel for the defense had not objected to any testimony, legal or illegal, sought to be introduced by the Government, and they claimed the same liberality in introducing testimony tending to shield the accused from the crimes with which they were charged.

Col. Burnett replied that the rebutting evidence, as to this point, was commenced by the Government upon the statement of the counsel for Mrs. Surratt that his evidence for impeaching the character of Weichman was closed. Col. Burnett denied that the Government had introduced any evidence not legal or legitimate.

Mr. Ewing said that, with the consent of the Judge-Advocate, he proposed to put some questions to this witness as a witness for the defense.

Col. Burnett assented, and the examination was continued as follows:

*By Mr. Ewing*—I know a Mr. Jarboe; I do not know whether his name is Judson or not; I never saw him at Mrs. Surratt's house or heard of his being there; I never knew the prisoner Dr. Mudd to go there or heard of his being at the house.

Q. State whether Weichman gave himself up after the assassination?

The question was objected to by Col. Burnett. Mr. Aiken had been excluded from asking the question because he had stated that he had closed his evidence upon this point, and he desired now to see whether the Court would allow the same list of questions to be turned over to the counsel of another prisoner in no way affected by the testimony, and put to the witness.

Mr. Ewing declared the reprimand unnecessary and exceedingly out of place. It was not the business of the Court to know where he got his questions, and the Assistant Judge-Advocate had stepped beyond the proprieties of his position when he undertook to get that information. He would, however, state that the questions were written by himself originally, and handed by himself to Mr. Aiken, who was examining the witness. Colonel Burnett said Mr. Ewing was only permitted to make the witness his own by his courtesy, and he now withdrew the consent.

Judge Holt remarked that the witness had been placed in the hands of Mr. Ewing as his own witness, and he doubted the right now to withdraw his consent.

Judge Bingham made the further objection of the incompetency of the testimony till the foundation had been laid by asking the question first of Mr. Weichman himself.

Objection sustained by the Court.

Q. Did you go with Weichman to Canada and back? A. I did; he appeared to be a good deal excited; he was a good deal excited the morning after the murder; the first persons who entered the house of Mrs. Surratt the Saturday after the assassination were McDevitt, Clorvee and others of the Metropolitan Police; it was about 2 o'clock in the morning, I think; Weichman opened the door to let the man in; I did not see whether he was dressed or not; I took Weichman down myself to Superintendent Richards on the morning after; he did not express himself as wishing to be delivered up.

#### TESTIMONY OF JOSEPH M'DEVIITT.

*By Col. Burnett*—I went to Mrs. Surratt's house along with other officers about 2 o'clock on the night after the assassination; a lady put her head out of one of the upper windows and asked who was there; we asked if Mrs. Surratt lived there; she said she did; Weichman then came down and opened the door; he appeared as if he had just got out of bed; he was in his shirt, pants and stocking feet; Weichman went to Canada in my charge for the purpose of identifying John H. Surratt; he had abundant opportunities to escape while in Canada, and in fact I left him in Canada and returned to New-York.

*Cross-examined by Mr. Aiken*—Weichman did not make any confessions in regard to himself; when I left Weichman in Montreal he was in company with officer

Bigley, but he could have escaped, for he went out once with a citizen of Montreal, unaccompanied by an officer, to identify some parties at St. Lawrence Hall.

Judge Bingham objected to the testimony as immaterial. Everybody knew that when Weichman was taken within a foreign jurisdiction he was free.

*Witness*—I did not find John H. Surratt at the St. Lawrence Hall; his name was registered on the 6th of April, and again on the 18th; he left the hotel the day we arrived in Canada, which was on the 20th of April; I got the first information that I would be likely to find Surratt in Montreal, and that is the reason why I took Weichman there; Mrs. Surratt stated to me when I called there that she had received a letter that day from John, dated in Canada; we were inquiring for her son; she said she had not seen him for two weeks, but had received a letter from him that day; I asked her where it was; she said somewhere about the house; I could not find the letter; I did not ask Mrs. Surratt to find it.

#### TESTIMONY OF J. Z. JENKINS.

*By Col. Burnett*—Witness detailed the particulars of assembling a party of Union men in the early part of the war, and watching a flag for a night and a day to prevent Secession sympathizers from hauling it down. Witness was at that time the only man of any means not a Democrat in his district. He made great effort and expended money needed for his family in getting Union votes. He had always been a loyal man; voted for Charles B. Calvert in 1862, but in the past election voted for Harris—the first time in his life he voted the Democratic ticket. He had not lost any property in consequence of the war except his negroes, and never made any complaints about that.

#### TESTIMONY OF ANDREW CALLENBACK.

*By Col. Burnett*—I met J. Z. Jenkins on the night of the 17th of May at Lloyd's Hotel, Surratsville. He said he understood I had been telling some lies on him, and if he found it to be the truth he would give me the d—dest whipping I ever had; after that he said that if I testified against him or any one connected with him he would give me a d—d whipping; that was in the presence of Mr. Cortingham and Mr. Lloyd; he did not mention Mrs. Surratt's name; I have known him about ten years and never heard him express any disloyal sentiment; I did not consider him sober on that occasion, nor very drunk; he had been drinking.

*Cross-examined by Mr. Aiken*—I did not take any son of mine to Alexandria, and put him in the Rebel army; he went there by his own consent, and without mine; I did not place any restrictions in the way of his going; Mrs. Surratt has not given my family very much in the way of food and clothes; she has not been a friend any more than one neighbor would be to another; my son returned from the Rebel army about three weeks ago; I have been a Democrat in politics during the war; I do not recollect that I have often said I wished the South to succeed, or expressed disloyal sentiments.

#### TESTIMONY OF JUDSON JARBOE.

*By Mr. Ewing*—I live in Prince George County; don't know of any other Judson Jarboe living in that county; I never saw the prisoner Dr. Mudd before his arrest, and did not meet him last Winter on the street, or any other time; I saw Mrs. Surratt after her arrest in April; I had not seen her for three years before; I have not seen the Rev. Mr. Evans, who used to live in our neighborhood for several years, until recently; I met him some three weeks ago on the street; I was standing on the corner of G and Seventh-st., and he walked past me; he used to attend the Methodist church in my neighborhood.

*Cross-examined by Judge Bingham*—I know John H. Surratt; I have not seen him very often; I met him on Seventh-st., sometime early in March at a restaurant opposite Odd Fellows' Hall; several persons were with him; I cannot state who; I only just spoke with him; I did not know J. Wilkes Booth; I know Harrold; he was not with Surratt when I met him on Seventh-st.; I do not think I know any of the other prisoners except Mrs. Surratt; I met her at the Carroll prison; I was unfortunately there myself; my daughter was in a room with her, and I went to the room to see my daughter; I did not talk to her about John or about Harrold; I don't know that I got into any particular trouble with the Government; I was arrested on the road on the 15th of April; I do not know why; there is no charge against me that I know of; I would like to know if I am here as a witness or on trial.

*Judge Bingham*—You have the right to decline to answer any question on the ground that the answer would criminate you. I want to know whether you were not accused of offenses against the Government in Maryland? A. I do not think I was; I do not know what I was arrested for; I have not heard of a soldier's being killed lately down in my neighborhood; they asked me something about a man named Boyle—if I knew him and if I had not harbored him; I told them I had not; they said he was charged with the assassination of a man by the name of Watkins; I knew Boyle when he was a boy, but I have not seen him for four years; I do not know when the murder was committed; Capt. Watkins lived a long way from me; I don't

think I have joined in any justification in honor of Rebel victories; I could not expect the success of the Rebellion.

Mr. Ewing said this was a species of inquisition of a witness not often indulged in.

Judge Bingham stated that the witness must answer unless on the ground that the answer would criminate him. The examination was a proper one.

*Witness*—I hardly know what will criminate me here. [Laughter.]

Q. Is it your opinion that these Confederates down here are criminal at all? A. I do not know much about it.

Q. Have you not expressed yourself that the Southern Confederacy was all right? A. I do not think I did.

Q. Do not you think that way? A. I think a good many things.

Q. State whether you made an assault upon a man on election day four years ago, and what you did to him?

*Witness*—Are you going to try me for that? because I have been tried for that twice. [Laughter.]

Q. State whether you attacked a Union man down there about four years ago, and killed him? A. There was a pretty smart attack made on me; I understood the man was killed; I do not know exactly who did it; I have answered those questions before other courts; I do not know whether I ought to answer them again; I could not tell whether somebody else killed him or not.

Q. Did you have a hand in it? No answer.

Q. What was the man's name that was killed? No answer.

*Mr. Ewing to the witness*—If you have any statement you wish to make about the circumstances, you can make it.

*Witness*—I do not know whether the Judge wants to know all the particulars about it or not; I have been tried by our Court and acquitted.

*By Mr. Ewing*—Q. In what court were you tried? A. In our County Court.

Q. Were you, during last Spring, Winter, or Fall, in any house on H-st., in Washington? A. I do not think I was; I do not think I have any acquaintance living on H-st.; I do not know in what part of the city Mrs. Surratt lives; I never saw her house in my life, and do not know anything about her residence at all.

*By Judge Bingham*—Q. You say you were tried in your County Court; what were you tried for? A. I suppose I was tried for what you said a while ago; you said I killed a man.

Q. Were you tried for the murder of a Union man?

A. I do not know whether he was a Union man or not.

Mr. Thompson and Dr. Blandford were called by Mr. Aiken and testified to the loyalty of the witness J. B. Jenkins.

#### RE-EXAMINATION OF MISS ANNA SURREATT.

*By Mr. Aiken*—State whether you recognize that picture—(picture containing the motto, "Thus will it ever be with tyrants, Virginia the mighty, Sic semper tyrannis.") A. Yes; it was given to me by a lady about two and a half years ago; I asked her for it; she at first refused to give it to me, but at last gave it to me; I put it in my portfolio, and it has lain there ever since; I have scarcely seen it.

*By Mr. Ewing*—Q. How long has your family been living in the house they now occupy on H-st., between Sixth and Seventh-st. A. Since the 1st of October last.

Q. Have they occupied any other house in Washington than that? A. No, sir.

Q. Have you ever seen Judson Jarboe at your house? A. No; he never visited there, and I never saw him there; I have seen him pass when I was in the country in a buggy, but have never spoken to him; was not acquainted with him.

Q. Are you the only daughter of Mrs. Surratt? A. Yes; I am her only daughter.

Q. Did you ever see or hear of Dr. Samuel Mudd being at your house? A. No, sir.

The Court then adjourned.

#### Resume of Wednesday's Testimony.

WASHINGTON, Wednesday, June 7, 1865.

Witnesses were examined to impeach the testimony of Johnson who had given evidence strongly against Dr. Mudd.

It was stated by Mr. Ewing that subpoenas had been issued for 13 witnesses in behalf of Mudd.

Witnesses to-day were slow in making their appearance and thus much of the time of the Court was wasted. John W. Wharton testified that Arnold was in his employ at Fortress Monroe, from April 2 to the 17th.

Witnesses were called to establish the good character and loyalty of Lewis Weichman, an important witness for the Government.

John T. Hallahan, who commenced boarding at Mrs. Surratt's on the 15th of February, testified that he saw Payne there once at breakfast, and Atzerodt several times at meals; Payne, at the time, was known by the name of Wood.

Witness saw John Surratt with Payne, and noticed Booth in the parlor frequently.