

THE ASSASSINATION.

Official Version of the Suppressed
Testimony.

THE REBEL LEADERS IN CANADA.

They Assume Different Names.

IMPORTANT PAPERS DESTROYED

Geo. Sanders Doing the "Dirty Work."

A LETTER FROM JEFF. DAVIS

HE INDORSES THE ASSASSINATION

COMPLIMENT TO SEC. SEWARD.

THE TRIAL ON MONDAY

Special Dispatch to The N. Y. Tribune.

WASHINGTON, Monday, June 5, 1865.

The attempt to make out that Payne is a victim of "moral insanity" promises to be an utter failure, so far the counsel have only succeeded in establishing clearly his immoral sanity.

The *Republican* of to-night says that in the recent manhandling of Jeff. Davis he declared he would never be ironed alive. After he was safely ironed, on being asked what he thought of the neglect of his generals to make any provision for his safety or for amnesty with the rest of the army, he said he was a prisoner, and it didn't become him to speak of it, but that any man of sense could imagine what he thought.

Almost the entire day of the Commission engaged upon the assassination conspiracy was spent upon Dr. Mudd's case, and a most astonishing amount of downright lying or a wholly unprecedented case of mistaken identity.

The cipher letter brought forward by Government produced something of a sensation. It will be remembered that Gen. Halleck advised Gen. Sherman, on the 16th of April, that the plot included him, and this letter confirms that advice. The letter is written in a mixed cipher of numerals, letters, characters and dots, and does not appear to have laid long in the water.

Suppressed Testimony.

WASHINGTON, Monday, June 5, 1865.

The following testimony in secret session of the Court has been obligingly furnished for publication. That of Sanford Conover has been heretofore surreptitiously printed in a mutilated form, and hence the necessity of now publishing it entire:

Richard Montgomery, a witness called for the prosecution, being duly sworn, testified as follows:

By the Judge-Advocate—Q. Are you a citizen of New-York? A. Yes, sir.

Q. State whether or not you visited Canada in the Summer of 1864? A. I did.

Q. How long did you remain there? A. I remained there, going back and forth, ever since, within about a week and a half or two weeks time.

Q. Did you or not know in Washington City Jacob Thompson, formerly Secretary of the Interior, and Clement C. Clay, formerly of the United States Senate? A. I did.

Q. Will you state whether you met these persons in Canada, and when? A. I met them in Canada at Toronto, at St. Catharines, and at Montreal a number of times, and very frequently since the Summer of 1864, up to this time.

Q. Did you or not meet George N. Sanders? A. I did.

A. And a man by the name of J. P. Holcomb? A. Yes, sir; Prof. Holcomb.

Q. Can you name any other Rebel citizen of the United States in Canada, of note, that you met? A. Yes, sir; I met Beverly Tucker, N. C. Cleary—I think those are the initials—and a great many others under fictitious names; there was another one by the name of Harrington; those are the ones that I principally had communication with; I met another one by the name of Clay, not Clement C. Clay; I met one Hicks up there also.

Q. Under how many different names did Jacob Thompson pass in Canada, do you know? A. It would be impossible for me to tell you; I knew him under three or four, and others knew him under other names; his principal name was Carson.

Q. Do you know under what names Clement C. Clay passed? A. Yes, sir; one of them was Hope, another J. E. Lacey; I have forgotten the initials of his name as Hope; J. E. Lacey was the principal one; another one was Tracy.

Q. State any conversation you may have had with Jacob Thompson in Canada in the Summer of 1864 in regard to putting the President of the United States out of the way or assassinating him? A. During the conversation in 1864 Jacob Thompson said that he had friends (Confederates) all over the Southern States who were ready to go any length for the good of the cause of the South, and he could at any time have the tyrant Lincoln and any others of his advisers that he chose put out of his way; that he would but have to point out the man that he considered in his way, and his friends, as he termed them, would put him out of it, and not let him know any thing about it, if necessary, and that they would not consider it a crime, when done for the cause of the Confederacy.

Q. Did you or not see Thompson some time in the month of January, 1860, and where? A. That was in Canada in Montreal.

Q. Will you state what he then said to you, if anything, in regard to a proposition which had been made to him to rid the world of the tyrant Lincoln? A. He said a proposition had been made to him to rid the world of the tyrant Lincoln, Stanton, Grant, and some others; that he knew the men who had made the proposition were bold, daring men and able to execute anything that they would undertake without regard to the cost; that he himself was in favor of the proposition, but had determined to defer his answer until he had consulted his government at Richmond, and that he was only awaiting their approval. He said that he thought it would be a blessing to the people both North and South, to have those men killed.

Q. This was in January? A. That was in January last.

Q. What time in the month was it? A. It was about the middle of the month, I saw him a number of times; I could not give the exact day of that conversation.

Q. Was it about that time that you saw Clement C. Clay and had a conversation with him? A. No, sir; in the Summer of 1864, immediately after Mr. Thompson had told me what he was able to do, I repeated the conversation to Mr. Clay, and he said, "That's so—we are all devoted to our cause, and ready to go any length," "to do anything under the sun" was his expression, I remember, "to serve their cause."

Q. Look at these prisoners at the bar, and see if you recognize any of them as having been seen by you in Canada, and under what circumstances? A. I have seen that one without his coat there [pointing to Louis Payne, one of the accused]; I do not know his name.

Q. Will you state where and under what circumstances you saw him? A. I have seen him a number of times in Canada; I saw him about the Falls in the

Summer of 1864, and I saw him again—I guess it was the last time that him and I had some words—at the Queen's Hotel, at Toronto City, Canada West.

Q. State all that occurred at that time? A. I had had an interview of some time with Mr. Thompson; several others had sought an interview while I was closed with him, and had been refused admittance; after I was through with Mr. Thompson, and in leaving the room, I saw the man Payne in the passage-way near his door; Mr. Clement C. Clay was talking with him at the time; Mr. Clay stopped me and held my hands, finishing a conversation in an undertone with this man, and when he left me for a moment he said, "Wait for me, I will return;" we then went out and spoke to some other gentleman who was entering Mr. Thompson's door, and he came and bid me good-by, asking me where he could see me in half an hour, and I told him, and made an appointment to meet Mr. Clay; while Mr. Clay was away from me I spoke to his man and asked him who he was; I commenced talking about some of the topics that were the usual topics of conversation among the men there, and he rather hesitated telling who he was. He (Payne) said, "Oh, I am a Canadian;" giving me to understand that I was not to ask any more.

Q. Did you not ask Thompson or Clay who he was? A. Yes, sir; I made some mention in regard to this man to Mr. Clay in an interview I had with him about

half an hour after I saw him standing in the passage-way, and he said, "What did he say?" said I, "he said he was a Canadian," and he said, "That is, he is a Canadian," and laughed.

Q. Did he say he was one of their friends, or make any remark of that sort? A. He said we trust him.

Q. What was the idea conveyed by the term Canadian with his laugh? A. That was a very common expression among the friends of theirs that were in the habit of visiting the States, and gave me to understand that I was not to ask any more questions; that their intercourse was of a very confidential nature, and that their business was of a very confidential nature.

Q. Have you been to Canada since the assassination of the President? A. Yes, sir.

Q. State whether you met any of these men of whom you have spoken on your return to Canada, and if so, what conversation you had with them there in regard to the assassination of the President? A. I met Beverly Tucker a very few days after the assassination, three or four or five times.

Q. Where? A. At Montreal.

Q. What conversation had you? A. He said a great deal in conversation about the wrongs that the South had received from the hands of Mr. Lincoln, and that he desired his death long ago; that it was a pity he did not have it long ago, and it was too bad that the boys had not been allowed to act as they wanted to.

Q. Do you mean by the "boys" the men who were to assassinate him? A. Yes, sir; the Confederate soldiers who were up there who had been engaged in their raids; they used the expression "their boys" in regard to their soldiers and the men in their employ; it is common among them.

Q. Did you not meet with Booth there? A. No, sir; I never saw Mr. Booth in Canada.

Q. Did any of these men of whom you have spoken say that Booth was one of the men referred to by Jacob Thompson who was willing to assassinate the President? A. No, sir; W. H. Cleary told me; I related to him the conversation I had had, or a portion of it, with Mr. Thompson, in January, and he said that Booth was one of the parties to whom Thompson had referred.

Q. Did he say in that connection anything further in regard to him? A. No, sir; he said in regard to the assassination that it was too bad, but the whole work had not been done.

Q. What did you understand by that expression, "the whole work"? A. I inferred that they intended to assassinate a greater number than they succeeded in trying to.

Q. Do you know what relation this man Cleary sustained to Thompson? A. Mr. Holcomb told me I would find Mr. Cleary to be the confidential, a sort of secretary to Mr. Thompson; Mr. Thompson told me he was posted on all his affairs, and that if I sought him at any time that he might be away, I could state my business to Mr. Cleary and it would be all the same; that I could have perfect confidence in him; that he was a very close-mouthed man.

Q. Did Cleary make any remark when speaking of his regret that the whole work had not been done; was any threat made to the effect that it would be yet done? A. Yes, sir; he said "they had better look out—we are not done yet;" and remarked that they never would be conquered—never would give up.

Q. What statement did Cleary make to you, if any, in regard to Booth's having visited Thompson? A. He said that he had been there in the Winter, that he thought the last time was in December; he had also been there in the Summer; he said he had been there before December, he thought that that was the last time.

Q. On your return to Canada did you learn from these parties that they supposed themselves to be suspected of this assassination, and were they taking any steps to conceal the evidence of their guilt? A. Oh yes sir, they knew a very few days after the assassination that they were suspected of it.

Q. What did you learn they were doing, if anything? A. They were destroying a great many papers; they also knew that they were going to be indicted in Canada for violation of the neutrality laws a number of days before they were indicted.

Q. How did you learn they were destroying papers about that time? A. They told me.

Q. Which one of them? A. Each of them made mention of that.

Q. What name did you assume in your intercourse with them? A. I assumed my proper name, James Thompson, and then, leading them to suppose that that was my right name, and that I wished to conceal it there so as not to be identified by Union spies, I adopted other names; at any hotel I might be stopping, I never registered "Thompson" on the book; I led them to suppose that I wished to conceal that name, but James Thompson was the name that they supposed was my proper name.

Q. Your whole object in all that was simply to ascertain their plans against the Government of the United States? A. Yes, sir, that was my whole object.

Q. Will you state how you became acquainted with this cipher which has just been shown you? A. I saw that cipher in Mr. Clay's house, the private house in which he was stopping in St. Catharines.

Q. When was that? A. That was in the Summer of 1864.

Q. Have you not also been the bearer of dispatches for these persons? A. Yes, sir; I was intrusted with dispatches to carry from Canada to Richmond.

Q. Did you carry them? A. I carried some to Gordonsville, with instructions that I was to send them from there.

Q. Did you receive dispatches in reply? A. Once I did.

Q. Were they carried back? A. Yes, sir; they were carried back.

Q. Did you come through Washington? Did you make them known to the Government? A. Yes, sir, each time I delivered the dispatches always to the Government of the United States; I passed nothing that I took except by their permission.

Q. From whom were the dispatches received at Gordonsville? A. A gentleman who represented himself to me as being in their State Department, and sent with the answer by their Secretary of State.

Q. And you bore the dispatches to whom—to Clay or Thompson? A. I bore them back to Mr. Thompson.

Q. All of these men, Thompson, Clay and Cleary, represented themselves as being in the service of the Confederate Government? A. Yes, sir.

Q. When was it that you received that dispatch at Gordonsville? A. It was in the Fall; I believe it was in October.

Q. Did you ever hear the subject of the raids from Canada upon our frontier, of the burning of our cities, spoken of among these conspirators? A. Yes, sir; many times.

Q. By Thompson, Clay, Cleary, Tucker, Sanders, and those men? A. Yes, sir; I know that Mr. Clay was one of the prime movers in the matter before the raids were started.

Q. You understood in your conversation with them that all these men fully approved of these enterprises? A. Yes, sir; they received the direct indorsement of Mr. Clement C. Clay, jr.; he represented himself to me as being a sort of representative of the War Department.

Q. Do you not consider that you enjoyed fully the confidence of those men so as that they freely communicated to you? A. I do; I do not think they would have entrusted those dispatches to me unless they had the fullest confidence in me.

Q. Did they or not, at all times, represent themselves as acting under the sanction of their Government at Richmond? A. They represented themselves as having full power to act without reference to them; they repeatedly told me, both Mr. Clay and Mr. Thompson, that they had full power to act by their Government in anything they deemed expedient, and for the benefit of their cause.

Q. Were you in Canada at the time the attempt was made to fire the City of New-York? A. Yes, sir.

Q. Was that the subject of much conversation among these people? A. I left Canada with the news two days before the attempt was made to bring it to the Department at Washington?

Q. That such a project was contemplated? A. Yes, sir.

Q. You knew that it originated there, and had the full sanction of these men? A. Yes, sir.

Q. Do you mean to say the same in regard to the St. Albans raid? A. Yes, sir; I did not know the point where that raid was to be made, but I told the Government at Washington that they were to set out on a raid of a kind before the St. Albans raid; I also told them of the intended raid on Buffalo and Rochester, and by that means prevented those raids.

Q. Capt. Beall, who was subsequently hanged at New-York, was known there as leading in the enterprise, was he not? A. I did not know him by that name.

Q. Was he spoken of among those men? A. I never heard him spoken of; they were in the habit of using their fictitious names in conversation with each other.

Q. You say you do not know anything about Beall? A. No, sir; I knew that the object of his mission was contemplated; I did not know who were to be the immediate executors of the plot; I knew of the plan at the time and reported it.

Q. Did you hear the subject of the funds by which all these enterprises were carried on spoken of among these conspirators as to who had the funds or the amount they had, or anything of that sort? A. Yes, sir; in regard to the raiding, Mr. Clay had funds.

Q. Did you ever hear the probable amount spoken of by any of them? A. No, sir; he represented to me that he always had plenty of money to pay for anything that was worth paying for; he told me he had money.

Q. Do you know in what bank in Montreal these Rebels kept their money and funds? A. No, sir, I do not.

Q. You knew that there was a Bank of Ontario in Montreal? A. Yes, sir; I know that there is such a bank; I know that they deposited in several different banks; they transacted a good deal of business in what I think is called the Niagara District Bank. It is almost opposite where Mr. Clay's residence was in St. Catharines during last Summer; they transacted a great deal of business at that bank.

Q. What was George N. Sanders's position there, if he had a defined position? A. Mr. Clay told me that I had better not tell him the things that they intrusted to me; that he was a very good man to do their dirty work; that is just what Mr. Clay told me.

Q. He was then doing their work, but it was dirty work? A. Mr. Clay said he associated with men that they could not associate with; that he was very useful to them in that way; that he was a very useful man to them indeed.

Cross-examined by Mr. Aiken—Q. Where are you from? A. New-York City originally.

Q. What time in the year was it that you said Mr. Thompson told you a proposition had been made to him? A. In the early part of the year, in January.

Q. You stated, I think, that immediately after that you saw Mr. Clay? A. No, sir, I did not.

Q. When did you see Mr. Clay? A. Immediately after the conversation in the Summer.

Q. The Summer of 1864? A. Yes, sir, in which he spoke to Mr. Thompson of being able to put the President out of the way whenever he was ready.

Q. Did you ever hear anything in Canada of Mr. Surdatt as being connected with the plot? A. I did not.

Q. Did you receive any pay from the Confederate Government for going to Gordonsville with dispatches? A. I received for the services to defray railroad expenses the equivalent of \$150 in greenbacks.

Q. Was it not \$150 in greenbacks? A. It was; I have forgotten the amount in Canada money; gold was about 260 at the time; I have forgotten what it was that I received but reported the fact of having received it to the War Department at Washington, and applied it on my expense account as having received it from the Government.

Q. On your return with the Gordonsville dispatches for the Rebels in Canada did you leave a copy of those dispatches here? A. I handed the original dispatches over to the authorities, and those of them that they selected to go ahead I carried on, and those they did not they retained.

By the Court—Q. I want to ask an explanation of an answer you made. I understood you in your testimony to say that after the assassination of the President some of those who had been engaged in it returned to Canada, and you said they expressed regret that they had not been allowed to proceed earlier? A. You misunderstood me, I did not say that any of those who had been engaged in the attempt at assassination or in the assassination had returned to Canada.

Q. But those who directed it from Canada expressed regret that they had not been allowed to proceed sooner? A. One of the parties, the one who represented himself as being a commercial agent, Mr. Beverly Tucker, said it was a pity the boys had not been allowed to act when they first wanted to.

Q. Did you understand why they were prevented in not proceeding sooner? A. I did not; I inferred though from what I had heard from Mr. Thompson before, that he had detained them in order that he might choose a fitting opportunity.

Q. Your impression was that they were detained up to that time by Mr. Jacob Thompson? A. I inferred so because when he spoke of the matter to me in his conversation of January, 1865, he said he was in favor of the proposition that had been made to him to put the President, Mr. Stanton, General Grant and others out of the way, but had deferred giving his answer until he had consulted his Government at Richmond, and was then only waiting their approval.

Q. Did you understand that he had received the answer and had given the direction following that? A. I never understood so; I never asked the question or received that reply.

Q. What was your impression? A. My impression was that he had received the answer; I inferred that he had received that approval, and that they had been detained waiting for that, from what Beverly Tucker said.

Q. I understood you to mention the name of Professor Holcomb in connection with that of Sanders, Clay and others; I would like to know how far you can identify him in the movements, plans and operations of these men? A. I made a proposition to Mr. Clay to carry dispatches for them and to do this work as a means of getting into their confidence, and Mr. Cleary told me before Mr. Holcomb that he had authority to sign his (Clay's) name by power of attorney, and his own, both of them being representatives of the Confederate States Government, as they called it.

TESTIMONY OF J. B. MERRITT.
 James B. Merritt, a witness called for the prosecution, being duly sworn, testified as follows:

By the Judge-Advocate.—Q. Of what State are you a native? A. I do not know whether I am a native of New-York or Canada, but have hailed always from New-York.

Q. What is your profession? A. A physician.

Q. Have you been residing or not for some time in Canada, and if so in what part of Canada? A. I have been in Canada about a year, part of the time at Windsor and part of the time at North Dumfries, Waterloo County.

Q. Were you or not in the month of October or November last in Toronto, Canada? A. I was.

Q. State whether you met there a man by the name of Young? A. I met George Young there.

Q. Did Young profess to be from Kentucky? A. I believe that he did; I believe he was formerly of Morgan's Common, Kentucky.

Q. Did you meet a man named Ford of Kentucky, a deserter? A. Yes, sir.

Q. Did you meet a man named Grover, from Louisville? A. Yes, sir.

Q. Did you have any conversation with Young in regard to public affairs at that time? A. Yes, sir, some.

Q. Will you state what he said to you, if anything, in regard to some very important matter being on the table in the interest of the Rebellion? A. He asked me if I had seen Col. Steele before I left Windsor.

Q. Who was Col. Steele? A. Colonel Steele is, I believe, a Kentuckian; what his given name is I don't know.

Q. Was he a Rebel in the Rebel service? A. He had been, as I understood, a Rebel in the service.

Q. Proceed with what Young told you. A. He asked me if Col. Steele had said anything to me in relation to the Presidential election; I told him that he had not; then he said, "We have something on the tapis of much more importance than any raid we have made or can make, or something of that character."

Q. Did he proceed to state what it was? A. I asked him what it was; he said it was determined that Old Abe should never be inaugurated; if I understood it right, that was his expression; I asked him how he knew; he said that he knew he would not be inaugurated; they had plenty of friends, I think he said, in Washington; he spoke in relation to Mr. Lincoln, and used some ungentlemanly terms; called him a damned old tyrant, or something like that.

Q. That was Young? A. Yes, sir.

Q. Did you afterward see Steele and Sanders together? A. Yes, sir.

Q. Do you mean George N. Sanders? A. I do; I was introduced to George N. Sanders by Col. Steele.

Q. Will you state what, if anything, was said in relation to the same matter by either of them on that occasion? A. I asked Col. Steele what was going to be done, or how he liked the prospects of the Presidential election; Col. Steele's expression was, "The damned old tyrant will serve another term if he is elected;" George Sanders said "He would keep himself close if he did serve another term."

Q. Did Sanders say at the same time that Steele said "that damned old tyrant never should serve another term?" A. Yes, sir.

Q. Were you afterward in Montreal in the month of February last? A. I was.

Q. Did you or not hear among the Rebels there the subject of the assassination of the President freely spoke of? A. Yes, sir.

Q. Did you or not hear mentioned the names of the persons who were willing to assassinate him? A. I heard Mr. Sanders name over a number of persons that were ready and willing as he said to engage in the undertaking to remove the President, Vice-President, Cabinet, and some of the leading Generals.

Q. What, if anything, did George N. Sanders say in relation to their having plenty of money to accomplish those assassinations? A. Sanders said there was any amount of money to accomplish the purpose; I think that was the expression used.

Q. That was the assassination? A. Yes, sir; he read a letter which he said he had received from the President of the Confederacy.

Q. Meaning Jeff. Davis? A. Yes, sir; which letter justified him in making any arrangements that he could to accomplish the object.

Q. Was there not a meeting of those Rebels at that time in Montreal where Sanders was, and where you were also? A. Yes, sir.

Q. Was it at this meeting that Sanders read that letter from Jeff. Davis? A. Yes, sir.

Q. Will you state some of the language of that letter, the strong language which he used, if the tyranny of Mr. Lincoln was submitted to? A. I do not know as I can use the exact language.

Q. The substance of it? A. The letter was in substance, that if the people in Canada and the Southerners in the States were willing to submit to be governed by such a tyrant as Lincoln, he did not wish to recognize them as friends or associates, or something like that.

Q. And you say that in that letter he expressed his approbation of whatever measures they might take to accomplish this object? A. Yes, sir.

Q. Was that letter read openly in this meeting by Sanders? A. Yes, sir.

Q. After it was read, was it or was it not handed to the members of the meeting and read by them one after another? A. Col. Steele read it, I think; Capt. Scott read it, and Young and Hill.

Q. These were all known as Rebels, were they not? A. I believe they were.

Q. Did they or not all acquiesce, after reading it, in the correctness with which Sanders had read it openly to the meeting? A. There was no remark made as to any misstatement of the letter by Sanders.

Q. As far as you would judge, did it seem to be the sense of that meeting that it was proper to have this object accomplished? A. I did not hear any objection raised.

Q. You said that was in the month of February; can you say at what time of the month that meeting was held? A. I should think it was somewhere about the middle of February.

Q. By whom were you invited to attend the meeting? A. Capt. Scott invited me to attend the meeting.

Q. Was it on that account or on some other that Sanders named over the persons who were willing to accomplish this assassination? A. At that time.

Q. Will you state whether among the persons named John Wilkes Booth was mentioned? A. Booth's name was mentioned, I do not remember that the name John Wilkes was added to it.

Q. Did you see Booth yourself in Canada? A. Not then, I saw Booth in October, 1864.

Q. Can you recall some other names that were mentioned beside Booth? A. Yes, sir; George Harper was one, Charles Caldwell one, Randall and Harrison.

Q. Did you hear that person (Harrison) spoken of by any other name; did you hear the name Surratt mentioned? A. I heard Surratt's name mentioned.

Q. Do you know whether it was the same person or not? A. I do not think it was.

Q. His name is John Harrison Surratt? A. Surratt's name was mentioned.

Q. Did you see the prisoner Harrold in Canada at that time? A. I say I saw Harrold; I saw the one who was called Harrison in Toronto.

Q. Would you recognize him; look at these prisoners and see if you recognize him? A. After looking at the prisoners, I should think that the third one on the bench there was the man. (Pointing to Harrold.)

Q. He was spoken of as one who was ready to accomplish the assassination? A. I understood Mr. Sanders to say he was ready to accomplish it or assist in it; his name was mentioned in connection with the others; he went there by the name of Harrison.

Q. Look at the remainder of the prisoners, and see if you recognize any of them; do you remember to have seen the prisoner Payne in Canada? A. I do not; I do not see any other that I should recognize as ever having met in Canada except Harrold.

Q. Did I understand you to say that in the conversation occurring between these Rebels and their friends, there was no reserve at all in discussing the question of the assassination of the President and his Cabinet? A. I do not think you understood me correctly, if you understood me that there was no reserve; there was not a great amount of reserve.

Q. It was discussed freely among themselves, then? A. Yes, sir.

Q. Among the persons named was there not one who bore the nickname, probably it was, of Plug Tobacco? A. I never saw him that I know of, but I heard the name.

Q. Was he in this list that Sanders spoke of? A. I am not positive whether Sanders used his name or not, but I think he did.

Q. Do you remember that Sanders in speaking of Booth as one who was willing to assassinate the President and Cabinet, mentioned as among the reasons for it that he was related to Beall who had been recently hanged in New-York? A. He said Booth was heart and soul in the matter and felt as much as any person could for the reason that he was a cousin to Beall who was hanged in New-York; whether he was a cousin or not I do not know.

Q. What did he say if anything, in regard to the assassination of the Vice-President now President of the United States? A. He said that if they could dispose of Mr. Lincoln it would be an easy matter to dispose of Mr. Johnson, as he was such a drunken sot it would be an easy matter to dispose of him in some of his drunken reveries.

Q. Did he say anything in regard to Mr. Seward, the Secretary of State? A. When he read the letter he spoke of Mr. Seward, and I inferred that that was partly the language of the letter; I think it was that if those parties, the President, the Vice-President and Cabinet, or Mr. Seward, could be disposed of, it would satisfy the people of the North that they (the Southerners) had friends in the North, and that a peace could be obtained on better terms than it could otherwise be obtained; that they (the Rebels) had endeavored to bring about a war between the United States and England, and that Mr. Seward, through his energy and sagacity, had thwarted all their efforts.

Q. That was suggested as one of the reasons for getting rid of him? A. Yes, sir; for "removing" him.

Q. At a later period, say early in April, did you meet any of these parties? A. Yes, sir.

Q. State who they were and what conversation occurred between you and them? A. I was in Toronto on Wednesday and Thursday, the 5th and 6th of April last, and on the evening of Wednesday I was on my way going to the theater when I met Harper and Ford, they asked me to go with them and spend the evening, and I declined, as I was going to the theater; the next morning I was around by the Queen's Hotel, and saw Harper, Caldwell, Randall, Ford, and one Charles Holt.

Q. Did you see a man called Texas? A. Yes, Sir.

Q. State the conversation which occurred there between you? A. Harper said they were going to the States and they were going to kick up the damndest row that had ever been heard of yet. There was some other conversation occurred among us, don't now remember what; it was nothing of any importance till in the course of an hour or two I met Harper, and he said if I did not hear of the death of Abe and the Vice-President and Gen. Dix in less than ten days, I might set him down as a d—d fool.

Q. Did Harper speak at the time or not of Booth and Surratt as being at Washington? A. I think that Booth's name was mentioned as being at Washington, but I do not remember hearing Surratt's at that time.

Q. Was anything said in regard to their having friends in Washington? A. They said they had plenty of friends here and that there were some fifteen or twenty going to Washington.

Q. Did you or did you not call afterward and ascertain that Harper had in fact left on the 8th of April? A. On the Saturday afterward I was at Galt; Harper's mother is living some four or five miles from Galt, between that and Paris; I ascertained then that he had been to the place he had been stopping, and Caldwell too, and had started for the States.

Q. After you had ascertained this information, that they had left for Washington, probably for the purpose of assassinating the President, what steps did you take in the matter? A. I went to a Justice of the Peace there for the purpose of giving information to have them stopped; his name was Davison.

Q. State what occurred on your application? A. When I gave him the information he said the thing was too ridiculously absurd or supremely absurd to take any notice of; it would only make me appear very foolish to give such information and cause arrests to be made on such grounds, as it was so inconsistent that no person would believe it.

Q. Therefore did he or not decline issuing any process? A. He declined to issue process.

Q. Do you or not know at what time this man Harper returned from the States to Canada? A. I have no personal knowledge that he returned at all.

Q. What knowledge have you on the subject? A. I was in Galt on Friday again, and I found there from Mr. Ford that he had been home on Thursday, and had started to go back to the States again; that was the Thursday after the assassination.

Q. Did you know while there one Col. Ashley, a Rebel officer? A. I did not know that he was a Rebel officer; I knew that he was a Rebel sympathizer; he was a broker at Windsor, opposite Detroit.

Q. Did you ever see a letter from Jacob Thompson, formerly Secretary of the Interior, to him? A. Some time last Fall, I cannot tell exactly what time, Col. Ashley handed me a letter which he had received from Jacob Thompson asking him for funds for the benefit of the Rebels to carry out their objects in Canada, and he asked me if I could not contribute; he read me the letter.

Q. What did you understand from him and from that letter to be those objects? A. My understanding was that the purpose was to raise means to pay the expenses of those who were unable to pay their own expenses to go to the States and make raids; I so understood the meaning of the letter; I may have misinterpreted it.

Q. Did you have any conversation with Jacob Thompson or Clement C. Clay? A. I had a conversation with Mr. Clay.

Q. At what time? A. In February.

Q. State what it was? A. I spoke to him in Toronto about the letter that Mr. Sanders had exhibited in Montreal—the letter of Jefferson Davis.

Q. Did you state to him what that letter was? A. He seemed to understand the nature and character of the letter perfectly; I asked him what he thought about it, and he said he thought "the end would justify the means;" that was his expression.

Q. Justify the assassination? A. That the end would justify the means.

Q. You say that when you mentioned to him the letter from Jefferson Davis, approving of this plan of assassination, he seemed to understand it perfectly? A. Yes, sir; he seemed to understand it.

Q. You spoke of having heard the name of Surratt? Do you remember that he was at any time pointed out to you while you were in Canada? A. He was pointed out to me once.

Q. At what time was that and where? A. It was in February, and I think in Toronto.

Q. With whom was he there? did you observe? A. I did not observe him with any one; he was walking on the other side of the street, and was pointed out to me as being Surratt, and I am inclined to think it was Scott who pointed him out; when he was pointed out, Scott, Ford and myself were standing on the sidewalk.

Q. How often did you see Booth there? A. I saw Booth there two or three times.

Q. With whom did you generally see him associating? A. I do not know that I could tell; I sat at the table with him once at the St. Lawrence, Sanders was at the same table, and Scott and Steele and myself.

Q. Did you see Sanders and Booth together? A. I do not know that I did any more than at the table; they were conversing with each other; at the table we all drank some wine at Mr. Sanders's expense.

Q. Was not Booth recognized by them all as their friend, and as fully permitted to any enterprise they were engaged in? A. I cannot answer that question for I do not know.

Q. Did you hear what Sanders said of Booth? A. I know what was said in the meeting; outside of that I did not hear any person speak particularly in relation to Booth.

Q. Did you have personal acquaintance with Booth yourself? A. No, sir. I had seen him a good many times on the stage, and knew him very well by sight.

[The photograph of J. Wilkes Booth, exhibit No. 1, was shown to the witness.]

Q. Is that a correct representation of him? A. I should think that was the man.

Q. What is the full name of Harper, of whom you have spoken? A. George Harper.

Cross-examined by Mr. Stone—Q. Did you see the man who was called Harrison and whom you think is Harrold, more than once in Canada? A. I think I saw him two or three times.

Q. At what time did you see him? A. In February.

Q. What time in February? A. About the middle, or somewhere about the 15th or 20th of the month.

Q. Did you make his acquaintance? A. I did not.

Q. Do you remember who pointed him out to you? A. I think that it was a Mr. Brown and Ford and Holt together.

Q. Was it in a street? A. In a saloon.

Q. Night or day? A. In the evening.

Q. Did you notice him more particularly than the generality of persons in the saloon, A. I noticed him a little more particularly on account of his name having been mentioned in connection with others at Montreal.

Q. Was this in Montreal? A. No, this was in Toronto.

Q. Was Booth in the saloon? A. No.

A. After he was pointed out you saw him once or twice and that he went by the name of Harrison, you say? A. It is my impression that he went by that name; I do not remember to have heard the name of Harrold mentioned at all.

Q. Did you see him after that at any time till now? A. No, sir; I did not.

Q. And you saw him to-day for the first time since that? A. Yes, sir.

Q. How was he dressed then, do you remember? A. I do not know that I do.

Q. I mean the general style of the dress; was he well dressed or not? A. I did not see anything about his dress that particularly attracted my attention.

Q. I do not mean the color of his clothes, but was he genteelly dressed? A. I should think he was comfortably dressed; some people's ideas of gentility differ from those of others.

RECESS.

[The hour fixed by the rules for that purpose having arrived, the Commission took a recess till 2 o'clock p. m.]

AFTER RECESS

James J. Murphy, Edward V. Murphy and Robert Cornage were duly sworn by the Judge-Advocate as Reporters to the Commission, in the presence of the accused.

James B. Merritt's cross-examination continued by Mr. Aiken:

Q. Where were you born? A. I was born in Canada. Q. Then you are a native of Canada? A. The first question asked me by the Judge-Advocate was, "what State are you a native of," and my answer was that I could not tell; I can explain that; my people lived in Rome, Oneida County, N. Y.; father and mother were in Canada visiting and taking care of some of their friends at the time I was born; the question was raised the first time I offered my vote, whether I was a native of New-York or Canada, and was undecided.

By the Judge-Advocate.—Q. That was what you meant by your answer? A. Yes, sir.

By Mr. Aiken.—Q. What is your age? A. Nearly 40. Q. How often did you visit Canada last Summer and Fall? A. I have been there all the time since May last pretty much, with the exception of a few days in December, that I occasionally went back and forth to Detroit.

Q. What was your business in Canada? A. Practicing medicine.

Q. When did you first meet any of the parties you have named, in Canada? A. Some of them I met the first day I was there.

Q. You went in May? A. Yes, sir; I went in May.

Q. Where were they? A. Ford was there in May.

Q. By whom were you introduced to these parties? A. Some of them introduced themselves.

Q. Were you introduced to any of them? A. then I was introduced afterward to some; Col. Ashley introduced me to Mr. Clay.

Q. Was that the first introduction you had to those parties? A. That was the first introduction I had to Mr. Clay.

Q. To any of them? A. Oh, no; I think Col. Ashley introduced me to two or three others there; among the rest was Capt. Scott.

Q. How was it that you were on such confidential terms with these gentlemen? A. Because I was a good Southerner; represented myself as such.

Q. Is that the reason why you were asked to contribute? A. Yes, sir.

Q. On account of your known status there as a Southerner? A. They supposed I was a good Southerner, and I presume that was the reason why Mr. Ashley asked me to contribute.

Q. You spoke of drinking wine with Mr. Sanders—was that before or after the meeting at which the letter was read to which you referred? A. That was after the interview we had in October, but before the meeting at which the letter of Davis was read.

Q. Where was that meeting held. A. In Mr. Sanders's room.

Q. Who invited you to be present at that meeting? A. Capt. Scott.

Q. It is possible that a portion of that letter has been misapprehended; I would like to have you state the main points in it again. A. Mr. Sanders read the letter aloud; I did not read the letter myself; I think that I stated that in the commencement the purport of the letter was that Mr. Davis did not wish to recognize any persons as his friends who were willing to submit to be governed by Mr. Lincoln (conveying the sentiment—the language might be varied a good deal), and that if the President and Vice-President, and some of the Cabinet and the leading Generals could be disposed of, it would satisfy the people of the North that they (the Rebels) had friends here.

Q. That was stated in the letter? A. That was stated in the letter I think; that was the meaning of the letter; the phraseology I, perhaps, do not exactly remember.

Q. We want to know what was actually said in the letter? A. I say that that was the substance; I do not say that was the exact phraseology.

Q. Was there anything more in the letter? A. There was considerable; it was quite a lengthy letter.

Q. Did you make any expressions at the time in the meeting? A. No, sir.

Q. Did you see the Justice of the Peace to whom you referred immediately after that meeting? A. No, sir.

Q. How long was it afterward? A. It was over a month.

Q. What time was the letter read? A. The letter was read in February, and I went on the 10th of April to see the Justice of the Peace.

Q. After the Justice of the Peace refused to accede to your request what did you then do? A. I then called upon a judge of the Court of Assizes, made my statement to him, and he said I should have to go to the Grand Jury.

Q. What did you do then? A. I did not do anything; went home.

Q. When did you first communicate to the Government this information that you have detailed here? A. I think it was two weeks ago to-day.

Q. Since the assassination of the President? A. Yes, sir.

Q. What was your object in keeping this information so long to yourself? A. There was no authority to communicate it to.

Q. But as a good citizen you were bound to communicate it, why did you not do it? A. In the first place, I was not here where I could communicate; I am a practicing physician in North Dumfries, Canada; it is some 500 or 600 miles from here.

Q. There is a Post-office at Dumfries? A. Yes, sir, there is one.

Q. There is one at Toronto and one at Montreal? A. Yes, sir.

Q. Is that the only reason that you have? A. No, sir; I cannot assign any particular reasons why I did not communicate it; the Government, though, was in possession of the information without my communicating; I understand.

Q. Was it not owing to the fact that you are a Southerner in your feelings and affiliations? A. No, sir.

Q. Where were you when Mr. Surratt was pointed out to you, as you state? A. In Toronto, I think.

Q. At what time of the year was that? A. That was in February.

Q. In February, 1865? A. Yes, sir; last February.

Q. Did you have a good view of the gentleman? A. I saw him on the street.

Q. Were you on the same side of the street with him or across? A. On the same side; he was pointed out coming toward me, and on the opposite side, he crossed on the same crossing, and passed on down by me.

Q. What sort of a looking man was he? A. I never saw him but once; he is a man, I should think, as tall as I am, nearly five feet six inches, or seven or eight inches, rather slim, and he wore a mustache.

Q. What was the color of that mustache? A. Dark.

Q. What was the color of his hair? A. I did not notice his hair particularly; I noticed that he had a mustache.

Q. What was the color of his eyes? A. I do not know that I noticed.

Q. How was he dressed? A. Dressed in ordinary clothes, like any gentleman would be.

Q. Dark colored clothes? A. I should think they were, but I might be mistaken.

Q. Are you pretty positive that they were dark colored clothes? A. I would not be positive they were; I would not be positive that it was Surratt, either, because I do not know the man.

Q. What day of the month was that, as near as you can recollect? A. I should think it was somewhere in the neighborhood of the 20th, perhaps, it was after the middle, I should judge.

Q. Who was the American Consul at Toronto? A. I do not know; I do not know an American Consul in the province.

Q. Did you ever meet him? A. Not that I know of.

Q. There was one there? A. I do not know that I ever met him.

Q. When you were drinking wine at Sanders's expense and in convivial conversation with him, did he disclose to you freely any of the plans and purposes of the Southern men in Canada? A. Not at the table.

Q. Did he privately, in his room? A. I had no conversation with Mr. Sanders except what I had at those interviews in relation to any conduct of the Southerners in Canada; that was in his room at the time I was introduced by him to Clem. Steele.

Q. Go back again—under what circumstances was the gentleman whom you think was Surratt pointed out to you? A. I do not know that it was under any particular circumstance; a man by the name of Ford, who was present at the meeting held in Montreal, said, "Dr. that's Surratt."

Q. Was Surratt mentioned in the meeting? A. Surratt's name was.

Q. Was you talking with Ford at that time in regard to any of the plans and purposes divulged in that meeting? A. Yes, sir.

Q. Was that the occasion? A. That is how he happened to speak of this man.

Q. You think he was a man about five feet six inches high? A. Five feet six or eight inches, I should judge.

Q. Your impression is that he was dressed in dark clothes? A. I could not say what his clothes were; he might have been dressed in dark clothes, or dark-gray, or gray; I could not tell now, for the life of me, what he was dressed in.

Q. You think he had a dark mustache? A. I think his mustache was dark; it was not red, at least I think it was not.

By the Judge-Advocate.—Q. I understand you to say that the occasion of Surratt's being pointed out to you was because he was one of the men spoken of in this meeting who was willing to accomplish the assassination of the President? A. He was one of the men spoken of by Mr. Sanders; Mr. Ford was present at the time Mr. Sanders mentioned it.

Q. How many were present at that meeting? A. I should think there were 10 or 15.

Q. How many can you name; name as many as you can? A. There were Mr. Sanders, Col. Steele, Capt. Scott, George Harper, Caldwell, Ford, Kirk, Benedict, George Young and Byron Hill.

Q. Do you know whether this Harper was or was not from Richmond, Va.? A. I believe that Harper and Caldwell were both residents of Richmond, Va.; at least they represented themselves as such.

Q. Did they represent themselves to have been in the Rebel service? A. I believe they had been; I think they said they had been in the Rebel service; whether they were commissioned or privates I cannot say.

Q. The Clay of whom you have spoken is Clement C. Clay of Alabama, formerly of the United States Senate, is it not? A. Yes, sir; C. C. Clay, a tall, slim man.

By Mr. Aiken.—Q. From what point did you communicate this information to the Government? A. In the War Department.

Q. Did you come directly here? A. Yes, sir; I have in my pocket a letter from the Provost-Marshal General stating that he had received a letter which proved to have been written by Squire Darisents, giving information of my visit to him when I wished to have Harper and Caldwell arrested, and upon the receipt of that letter they sent to Canada for me; if you wish to see the letter I can produce it.

By the Judge-Advocate.—A. By whom was that letter written? A. By Gen. Fry.

[The Judge-Advocate without objection offered the letter in evidence. It is as follows:

WAR DEPARTMENT,
PROVOST-MARSHAL GENERAL'S BUREAU,
WASHINGTON, D. C., April 20, 1865.]

To Dr. J. B. MERRILL, Agent, Canada West.

Sir: I have been informed that you possess information connected with a plot to assassinate the President of the United States and other prominent heads of the Government—the bearer has been sent to present this letter to you and to accompany you to this city; if you will come, the Secretary of War authorizes me to pledge you protection and security, and to pay all expenses connected with your journey both ways, and in addition, to promise a suitable record of useful information is furnished. Independent of these considerations, it is hoped that the cause of humanity and justice will induce you to act promptly, individualizing anything you may know connected with the recent tragedy in this city, or with any other plots yet in preparation. The bearer is directed to pay all expenses connected with your trip. I am, etc., very respectfully your obedient servant.

JAMES B. FRY, Provost-Marshal General.

[The original of the foregoing is annexed to this record, and marked Exhibit No. 5.]

By the Judge-Advocate.—Q. It was under that letter you came? A. Yes, sir.

By the Court.—Q. The witness, in giving the reason for his admission to the meeting of the conspirators in Canada, said it was because he was a good Southern man, and then in giving a reason for not communicating this information to the Government, he said emphatically he was not a good Southern man; how is that discrepancy explained? A. I said they admitted me, because I was a good Southern man, and I said it in such a way that I thought it would be understood that I had made the impression on their minds that I was a good Southern man; God knows I am not a Southern man in sentiment, because I have taken the oath of allegiance too often.

By Mr. Aiken.—Q. Where were you at the time Mr. Ashley asked you to contribute? A. In Windsor, opposite Detroit.

Q. You stated that you did not contribute anything at that time? A. I did not.

Q. Did you ever contribute anything for that specific purpose? A. No, sir.

Q. Either in money, or services, or advice? A. No, sir.

Q. When did you leave New-York? A. Four or five or six years ago—more than that.

Q. When were you last in New-York City? A. I have not been there, I think, since 1853 or 1859.

Q. Did you know anything of the plot to burn that city? A. I did.

Q. Did you communicate that to any one? A. I did.

Q. To whom? A. To Col. Hill of Detroit.

Q. How did you come to know anything about that? A. I heard it at the talk at Windsor.

Q. Did you communicate your knowledge before or after the attempt to burn that city? A. Before the attempt.

Q. Are you acquainted with Robert Kimball of Toronto? A. No, sir.

Q. Did you ever see him? A. Not that I know of.

Q. He is the counsel there? A. I do not know him.

Q. Who of the Southerners communicated to you this intention to burn New-York City at Windsor? A. Robert Drake, formerly of Morgan's command.

Q. Was he the only one? A. Another of the name of Smith; I do not know Smith's first name; but they were both of Morgan's command, and they had been to Chicago to attend the Presidential Convention there, and went there for the purpose of disturbing the public and releasing the Rebel prisoners at Camp Douglas; at least, they told me that that was their object in going, after they returned.

Q. After you had thus been made aware of the plot to burn the City of New-York, and commit that depre- dation in Chicago, why did you continue your friendly relations with that class of men? A. For the purpose of giving information when I should find it of im- portance; another thing, my practice was mostly among that class of men among Southerners; if you go to Canada, you will find that nine-tenths of the people are rank Rebel sympathizers.

Q. Did you continue your friendly and confidential relations with them after that? A. I did.

Q. By whom were you paid for communicating the information? A. I never have received a dollar from the Government for furnishing any information from Canada.

Q. Have you ever received anything from the Rebels for any services rendered to them? A. No, sir; I say I never received a dollar; the Government did advance me money here the other day to pay my expenses; I have proof in my pocket which I can show if necessary from the Provost-Marshal at Detroit that I furnished valuable information without remuneration.

Q. Why, after this, and after you were continuing your relations with them, should they continue to think you a good Southerner? A. You must ask them; they can give you more information on that point than I can.

Q. Did you intentionally deceive them? A. My in- tention was to get all the information I could from them.

Q. At the same time pretending to be their friends? A. Yes, sir.

TESTIMONY OF SANDFORD CONOVER.

Sandford Conover, a witness called for the prosecu- tion, being duly sworn, testified as follows:

By Assistant-Judge Advocate Bingham—Q. State your full name and your present place of residence? A. Sandford Conover, Montreal, Canada.

Q. How long have you resided in Montreal? A. Since October last.

Q. State where you resided previous to going to Canada? A. I resided a short time in Baltimore.

Q. State whether you resided further South before that? A. Yes, sir; at Richmond.

Q. State what you were doing at Richmond when you were there? A. I was a clerk in the War Department for a time.

Q. How long? A. Upward of six months.

Q. Do you mean the War Department of the Con- federate States Government, as it was called? A. Yes, sir; the Rebel War Department.

Q. Who was at that time Secretary of War for that organization? A. Mr. James A. Seddon.

Q. How did you come to be in the Rebel service? A. I was conscripted and detailed for a clerkship; it was a cheap way of getting clerks.

Q. State to the Court whether, when you were in Canada, you made the acquaintance of any of the per- sons connected with the Confederate organization, as it was called, of Rebels from Southern States? A. I did, and have since been intimately associated with them.

Q. State the names of those with whom you were so acquainted? A. George N. Sanders, Jacob Thompson, Dr. Blackburn, Beverley Tucker, William C. Cleary, Lewis Castleman, the Rev. Mr. Cameron, Mr. Porter- field, Capt. Magruder, and a number of others of less note.

Q. Did you know Mr. Clement C. Clay? A. I knew him; I may also include Gen. Frost of Missouri, and Carroll of Tennessee.

Q. Were you also acquainted with any persons who visited the persons named in Canada from the United States? A. I knew Mr. Surratt; I knew Mr. Booth.

Q. John Wilkes Booth? A. Yes, sir.

Q. State whether you saw either of the persons last named, Booth or Surratt, in Canada more than once? A. I never saw Booth more than once; I saw Surratt on several successive days.

Q. With whom did you see them when they were there? A. I saw Mr. Surratt on a number of days in April last; I saw him in Mr. Jacob Thompson's room, and I also saw him in company with Mr. George N. Sanders, at two or three places.

Q. Did he pass by the name of John H. Surratt? A. Surratt; I am not positive about his first name; I heard him called Jack by some—by Mr. Castleman.

Q. Describe the personal appearance of this Mr. Sur- ratt? A. He is a man of about five feet nine, ten or eleven inches, somewhere in that neighborhood, I should judge; a spare man, light-complexioned, with light hair.

Q. You say you saw him in Montreal in April last? A. Yes, sir.

Q. About what time in April was it? A. It was within a week before the President's assassination; I think about the 6th or 7th of April; somewhere in that vicinity.

Q. In whose company was he at the time you saw him there? A. I saw him in Mr. Thompson's company and in Mr. Sanders's.

Q. You say you saw him in Thompson's room? A. I saw him in Mr. Thompson's room.

Q. State whether he gave any communication to Mr. Thompson in your presence in his room, and what that communication was? A. There was a conversation there at that time, from which it appeared that Mr. Surratt had brought dispatches from Richmond to Mr. Thompson; those dispatches were the subject of the consultation.

Q. From whom in Richmond were the dispatches brought? A. From Mr. Benjamin; and I think there was also a letter in cipher from Mr. Davis; I am not so positive as to the letter, but there was a letter from him, whether in cipher or not.

Q. Do you mean Judah P. Benjamin, Secretary of State of the so-called Confederacy? A. Yes, sir.

Q. You say the dispatches were the subject of con- versation. What did they say was the substance of the dispatches; or what did they purport to be? A. I had some conversation with Mr. Thompson previously on the subject of a plot to assassinate Mr. Lincoln and his Cabinet, of which I had informed the paper for which I was correspondent, and I had been invited to partici- pate in that enterprise.

Q. By whom had you been so invited to participate in that enterprise? A. By Mr. Thompson, and on this occasion, he laid his hand on the papers or dispatches there, and said this makes the thing all right (referring to the assent of the Rebel authorities.)

Q. Did they speak of the person that the Rebel authorities had consented might be the victims of this plot? A. Yes, sir; Mr. Lincoln, Mr. Johnson, the Secretary of war, the Secretary of State and Judge Chase.

Q. Did they say anything about any of the Generals? A. And Grant.

Q. In that connection was anything said, and if so, what was said by Thompson and Surratt, or either of them, touching the effect the assassination of the offi- cers named would have upon the people of the United States, and their power to elect a President? A. Mr. Thompson said on that occasion (I think I am not so positive that it was on that occasion, but he did say on the day before the interview of which I speak,) that it would leave the Government entirely without a head; that there was no provision in the Constitution of the United States by which they could elect another Presi- dent if these men were put out of the way.

Q. State whether any other member of the Cabinet was named in that connection, touching the dispatches, and the approval from Richmond? A. No, sir, no fur- ther than this; Mr. Welles was named, but Mr. Thomp- son said it was not worth while to kill him, he was of no consequence; that was the remark that was made at the time.

Q. You stated that there was a letter in cypher from Davis as well as the dispatch of Secretary Benjamin? A. Yes, sir.

Q. Was the substance of the letter of Davis also spoken of? A. No, only generally.

Q. In connection with the dispatch? A. Yes.

Q. Was any other subject mentioned? A. Yes, if I may be allowed, I will state my first interview on that subject.

Q. When was your first interview with him on that subject? A. In February last.

Q. About what time in February? A. In the early part of February.

Q. That was where? A. That was in Mr. Thomp- son's room in the St. Lawrence Hall Hotel.

Q. State if you please what was said at that time by Mr. Thompson on that subject in your presence? A. I had called on Mr. Thompson to make some inquiry about a raid which had been contemplated on Ogdens- burg, New-York, which had failed because the United States Government had received some intimation of the intentions of the Rebels there and were prepared for it, and I called to hear what was to be done next, seeking items for my newspaper; and being supposed by Mr. Thompson to be a good Rebel, he said "we would have to drop it for a time, but we will catch them asleep yet," and he observed, "There is a better opportunity, a better chance to immortalize yourself and save your country;" I told him I was ready to do anything to save the country, and asked him what was to be done; he said, "Some of our boys are going to play a grand joke on Abe and Andy;" that was his expression; this led to explanations; when he informed me it was to be to kill them, or rather to remove them from office; to use his own expression, he said, "It was only removing them from office; that the killing of a tyrant was no murder."

Q. State whether anything was said at that time on the subject of commissions from the Rebel authorities in his hands in blank? A. He had commissions and conferred one on Booth; I am not so positive whether he had conferred it on Booth then or not; but he told me either then or subsequently that Booth had been commissioned, and that everybody engaged in the enter- prise would be commissioned, and if it succeeded or failed or they escaped to Canada, they could not be successfully claimed under the extradition treaty.

Q. State whether you have any personal knowledge of their holding these commissions in blank from the Confederate States? A. Yes, sir, the commission con- ferred on Bennett H. Young, the St. Albans raider, was given to him in blank.

Q. By whom? A. It was a blank commission filled up and conferred by Mr. Clay.

Q. What name was attached to it as it came into the hands of the men from Richmond, if any? A. James A. Seddon, Secretary of War.

Q. State to the Court whether you saw the commis- sion yourself? A. I did.

Q. At whose instance were you called to see it? A. Mr. Thompson's.

Q. State whether you were asked to testify about the genuineness of Seddon's signature, you having been a clerk in his department? A. I was.

Q. By whom were you asked? A. By Mr. Thompson and Mr. Abbot, the counsel, in the case, and also by Sanders and Young himself.

Q. State whether you did testify on the question of the genuineness of that signature of Seddon's? A. I did.

Q. In that Court? A. I testified before Judge —, the signature was genuine.

Q. State to the Court whether you are acquainted and familiar with the handwriting of James A. Seddon, the Rebel Secretary of War? A. Yes, sir.

Q. State now to the Court, upon your oath here, whether the signature to the blank commission you saw was his genuine signature or not? A. It was his genu- ine signature.

Q. You say you had a subsequent conversation with Thompson after the one you have spoken of as early in February, before the time you met him with Surratt; what time in February was it that you had that subse- quent conversation? A. I had conversations with him from day to day, almost every day during the whole of February, for that month.

Q. State to the Court whether or not on any of these occasions he offered you one of these commissions in this work of the assassination of the President? A. Nothing further than this, that he suggested that I might immortalize myself and save the country, and in that same connection said that Booth had been commissioned, and every man who would engage in the enterprise would be.

Q. In these subsequent conversations state anything that was said about the extent to which this plot was to be carried—what language was used? At another time I had a conversation with Mr. William C. Cleary; what was the day before or the same day of the assas- sination.

Q. Where at? A. At St. Lawrence Hall; we were speaking of the rejoicings in the States over the sur- render of Lee and the capture of Richmond, and so on; and Cleary remarked that they would put the laugh on the other side of their month in a day or two; I think that was the day before the assassination took place.

Q. How did he say they would do it? A. There was nothing further than that said; it was known that I was in the secret of the conspiracy, and it was that he had reference to; it was talked about as commonly as we would speak of the weather.

Q. Did you have any conversation with Sanders about that time about it? A. One time before that I had a conversation with Sanders, and he asked me if I knew Booth very well; he expressed some apprehen- sion that Booth would make a fizzle of it; that he was dissipated and reckless, and was afraid the whole thing would prove a failure.

Q. What business were you engaged in in fact during your stay in Canada while you were ostensibly a Rebel? A. I was a correspondent of THE NEW-YORK TRIBUNE.

Q. State to the Court whether before the assassina- tion of the President you communicated to any person in the United States the information you had received about their intended raid on Ogdensburg or the assassina- tion of the President and his Cabinet. A. I did to THE NEW-YORK TRIBUNE, and they declined to publish it, because they had been accused of publishing sensation stories of that kind before, and they feared there might be nothing in it, and did not wish to be accused of pub- lishing sensation stories.

Q. State whether you mean to be understood as saying that you communicated both the plan to make a raid on Ogdensburg and the other in regard to the assassination of the President, or only one? A. Both.

Q. About how long before the President's assassina- tion did you make the communication? A. I did it in March last, and also in February, I think; I gave them a paragraph on the subject before the 4th of March.

Q. In order that we may be certain about it, I ask you again, without indicating myself the date, about what time was it that you saw this Surratt whom you have described in the room of Thompson in Mon- treal as the bearer of dispatches from Richmond? A. I think it was about the 7th or 8th of April last, some- where in that neighborhood; I could not state it to-day; it might have been the 8th or 9th, but it was within four five days preceding the assassination of the President.

Q. State what was said by Surratt, if anything, in- dicated his connection with the plot? A. There was considerable conversation on the subject; I am unable to render anything Surratt said in particular, but from the whole conversation I inferred that he was to take his part, whatever it might be.

Q. State whether the substance of his conversation was that he was one of the persons in the plot to execute the conspiracy on the President and his Cabinet? A. That was the understanding.

Q. Was that the substance of his conversation or not? A. That was the substance of the conversation.

Q. I should like to know whether anything was said in the several conversations you had with Thompson, Clay and Sanders about the use of money in the business or not? A. I do not think there was, but it was always well understood there was plenty of money where there was anything to be done; I do not think I ever heard anything said about money or compensation at all.

Q. When you say it was always understood, do you mean it was as stated in general terms by these men, or not? A. I do not think there was anything said on the subject; there may have been, but not in my presence; I think there was nothing said on the subject of money.

Q. Did Surratt state at that time at what time he had left Richmond, or not? A. I do not remember that he did but it was a very few days before; I do not know whether he stated it or whether I understood it from Mr. Thompson or how, but the understanding was that it was a very short time before; he was just from Richmond as I understood.

Cross-examined by Mr. Dexter.—Q. Did you ever see the prisoners, Payne or Atzerodt, in Canada? A. No, sir; I do not think I ever saw any of them anywhere.

[The prisoner, George A. Atzerodt, stood up for identification.]

Witness—No, sir; I have no recollection of ever seeing him; I think not.

Q. You state that you had never seen the prisoner Payne in Canada? [The prisoner, Lewis Payne, stood up for identification.] A. I have no recollection of it.

By Mr. Aiken.—Q. When did you leave Richmond to go North? A. In December, 1863.

Q. Did you go immediately to New-York? A. Yes, sir.

Q. Did you in New-York make an arrangement to become the correspondent of THE TRIBUNE? A. No, sir; I contributed articles which were published, and my engagement was made in writing afterward; the first article I contributed was from this city.

Q. Was the arrangement made in New-York? A. No, sir; it was made by letter.

Q. Where was it made? A. It was made in answer to my first communication; I inclosed the letter for publication to the editor of THE NEW-YORK TRIBUNE, which was put out, and I was requested to continue my correspondence, and did so, and received compensation from time to time.

Q. What I want to get at is where you were at the time you were engaged as a correspondent of THE TRIBUNE; were you in Washington at the time you made a regular connection with THE TRIBUNE as a correspondent? A. Yes, sir.

Q. Then how soon did you go to Canada? A. I went to Canada last October.

Q. In addition to being a correspondent of THE TRIBUNE, were you in the service and pay of our Government? A. No, sir.

Q. Have you ever received compensation or pay from our Government for services rendered? A. Not one cent nor promise.

Q. Did you give out while in Canada—was it generally understood—that you were a correspondent of THE TRIBUNE? A. No, sir; it was understood that I was a Rebel.

Q. When you asked these gentlemen whom you have named if they had items that would be fit for publication, what paper did they suppose you were in correspondence with? A. I never asked them for any items; they never supposed I was a correspondent for any paper.

Q. You said something about items for a paper? A. I was seeking items but I did not ask for them; what I learned, however, I learned in conversation from these parties because they supposed that I was a Rebel and I was in their confidence.

Q. Then they never had any means of knowing that you were a correspondent of THE TRIBUNE? A. No, sir.

Q. Were you admitted freely to their meetings? A. Yes, sir; quite so.

Q. And to their confidence too? A. I think so, sir; they may have had secrets that I am not aware of, but I certainly knew of a great many of their matters that they intended to keep secret from the public.

Q. Was the disclosure of the intended raid upon Ogdensburg published in THE TRIBUNE? A. I think it was; I contributed a letter with information of that kind in it.

Q. Did I understand you as stating to the court that you also communicated to THE TRIBUNE something of the plot about the assassinian? A. Yes, sir; I wrote them on that subject.

Q. Did you communicate it to any one else? A. No one but to THE TRIBUNE and my own family.

Q. What was your idea in not communicating that important intelligence at once to the Government, instead of to THE TRIBUNE? A. I supposed that in giving it to THE TRIBUNE that it amounted to the same thing as giving it to the Government; I supposed that the relations between the editor and proprietors of THE TRIBUNE and the Government were such that they would lose no time in giving them information on the subject, and I did not choose to have the information go to the Government directly from me; in regard to

this, as in regard to some other secrets of the Rebels in Canada, that I have exposed, I requested Mr. Gay of THE TRIBUNE to give information to the Government, and I believe he has formerly done so.

Q. You must have been aware, as a newspaper man, that if the fact was published in the newspapers, it would defeat the opportunity of capturing the parties? A. Certainly so, sir.

Q. How many times did you see Surratt in Canada? A. I saw him for three or four times in succession, I think, in April last.

Q. In whose room did you meet him? A. I saw him in Mr. Jacob Thompson's room; I also saw him in Mr. Sanders's room once.

Q. Had you any conversation with him personally? A. I had.

Q. What did he say to you? A. Nothing more than speaking about Richmond, I asking him how it looked, and what changes there were in it.

Q. He never said anything to you personally, himself, about the intended assassination? A. No, sir, only what was said in Mr. Thompson's room; I was introduced to him by Mr. Sanders; that was the first I had seen of him.

The Trial on Monday.

WASHINGTON, Monday, June 5, 1865.

The record of the previous day having been read, the examination of witnesses was continued as follows:

TESTIMONY OF THE REV. W. B. EVANS.

Examination of the Rev. William B. Evans, Pastor of the Fifteenth st. United States Presbyterian Colored Church, by Judge-Advocate Holt.

The testimony of this witness was to the effect that he was well acquainted with J. Leeds Jenkins; knew his general reputation to be that of a disloyal man, though in 1861, and previous to that period, he had pretended to be in favor of the Union; had known him to be open and outspoken in his sympathy with the Rebellion; he was slightly acquainted with the prisoner, Dr. Samuel A. Mudd; about the 1st or 2d of March, while coming to Washington the prisoner passed witness coming in the same direction and entered the city just before the witness; did not see the accused in the city on that occasion; neither saw him return nor knew where he stopped while in the city. On the cross-examination of the witness conducted by Mr. Clappitt the following evidence was adduced: Have been acquainted with Mr. Jenkins about 15 years; he pretended to be a Union man in 1861, but witness believed him a hypocrite; knew from his actions that he was opposed to the Government; those actions consisted in his betting that the South would succeed and that the country would go to ruin; did not hear him use those expressions, but only heard from others that he had made use of them. Did not know that he was a loyal man in 1863, or that he attempted to procure Union votes on the occasion of an election in Maryland; never knew him to attempt to raise a disturbance at the poll in order to keep Union men from voting, in consequence of which he was arrested.

TESTIMONY OF T. B. ROBEY.

Townley B. Robey, examined by Judge Holt testified as follows: Have known J. Leeds Jenkins for several years; from my personal knowledge of his uniform conduct and conversation have known him to be one of the most disloyal men in the country; open and outspoken in his hatred of the Government; heard him curse the President of the United States and say that old Lincoln offered him an office but he would not hold an office under such a damned government.

Cross-examined by Mr. Clappitt.—I have known Mr. Jenkins for four or five years; knew him to be a Union man and a Know-Nothing until he abandoned the Union party, which he did immediately upon losing a negro servant whom he had held as a slave, never heard of any attempt on his part to secure Union votes in Washington by inducing citizens of Maryland to return to their residences, though on one occasion he hoisted a Union flag in 1861; never had any suit against Mr. Jenkins, but he had commenced a suit against Andrew B. Robey, witness's son, in consequence of his arrest for disorderly behavior on the occasion of an election in Maryland; the suit was for an alleged false imprisonment.

TESTIMONY OF J. M. THOMPSON.

John M. Thompson, on being examined by Judge-Advocate Holt, testified that he had known Mr. Jenkins for many years; that four years ago that gentleman was reported to be loyal, but that for the last two years and six months his reputation was the reverse of that, his alleged disloyalty being of an open and outspoken character; witness himself had been loyal to the Government throughout the Rebellion; witness had lived in the family of Mrs. Surratt for two years, and from the conversations of that lady, which were invariably against the Government, he believed her to be disloyal.

Cross-examined by Mr. Clappitt.—In 1861 and 1862 Mr. Jenkins was considered a Union man; in 1863 he was not; witness never knew of his coming to Washington at any time to procure the votes of Union citizens of that State who had moved here but had not lost their residences in Maryland; at one time Jenkins raised a Union flag, but that was in 1861, when he had the reputation of being a loyal man; witness had heard him say that he hated the Government, but had not heard him state any cause for his hate; in regard to the emancipation police in the State of Maryland, Jenkins said was all wrong; never heard him say that he was as good a Union man as there was in the State of Maryland, but that he was opposed to some of the acts of the Administration.

By Assistant Judge-Advocate Burnett.—Q. Which side did he say he would fight for in case he was forced to fight? A. He said he would go with the South.

[At the instance of Mr. Ewing, counsel for the prisoner, Dr. Samuel A. Mudd, who was not present at the opening of the Court, the following witness for the prosecution was recalled and his cross-examination resumed.]

Re-cross-examination of the Rev. William B. Evans, Pastor N. S. Presbyterian Church, Colored, of Washington, by Mr. Ewing.—I am acquainted with the prisoner, Dr. Samuel B. Mudd; I have seen him at the Catholic Church at Bryantown; it was in December, 1850, when I saw him there; was never introduced to the prisoner; saw him at different times after that in Washington City, on the street and about the hotels; think I met him at the National Hotel; think I saw him last Winter at the house of Mrs. Surratt; I could not say what time last Winter I saw him unless I referred to my journal; I never visited Mrs. Surratt's house; the house which I saw the prisoner enter was on H-st. I think between Ninth and Tenth, or Eighth and Ninth-sts.; I suppose it was Mrs. Surratt's house; I asked a policeman I believe at that time and also asked a lady standing on the pavement "whose house was that," indicating the one into which I saw the prisoner enter, and was told it was Mrs. Surratt's house; I could not positively say whether it was or not; I do not recollect exactly between what street the house was situated though I think it was between the Patent Office and the President's house; could not say whether it was a two or three-story house, and do not recollect whether it stood out square on the pavement or stood back; could not say whether there was a portico in front of it; I think the house was on the south side of H-st.; I was riding down the street at the time, going to see the Rev. Mr. Butler of the Lutheran church.

I did not see him on that day, but went to a prayer-meeting at his church; saw Mrs. Ward there; I could not name any others whom I saw there on that day except Mrs. Sophia Brussey and Miss Humphrey; I stopped at the houses of those ladies on other occasions during last Winter, when detained in the city over night I would stop at the house of Mrs. Brussey, who is my wife's aunt; when I saw Dr. Mudd entering Mrs. Surratt's house he was dressed in dark colored clothes and a soft felt hat; I have seen his father within three years on the road, coming to this city; I mentioned the fact of my seeing the prisoner, Dr. Mudd, on the road to Washington, to my wife; only the fact of seeing him going into Mrs. Surratt's house I mentioned to my father-in-law; I hold a secret commission under the Government, and am a detective officer.