

THE ASSASSINATION TRIAL.

More of the Suppressed Testimony

CONCLUSION OF MONDAY'S PROCEEDINGS.

Mr. Conover's Testimony Continued.

The following portion of Mr. Conover's testimony did not reach us in time for insertion in yesterday's paper:

Q. Since you learned of the assassination to whom did you communicate your previous knowledge of it?
A. To THE TRIBUNE people.

Q. Did you go in Canada by the name of Sanford Conover? A. No, sir.

Q. What name did you go by there? A. James Watson Wallace.

Q. Fix the precise date, if you can, when you met Mr. Surratt at Mr. Thompson's rooms? A. I could not say within two or three days; I think it might have been the 7th or 8th or 9th of April.

Q. On or about that time? A. Yes, sir; it was near that time.

Q. Did you learn anything while in Canada of the attempt to fire the city of New-York? A. Yes, sir; I heard the matter discussed.

Q. Did you communicate that intelligence to any one? A. I knew nothing of it until after the attempt had been made.

Q. In representing yourself to those parties as being a good Rebel, and being in confidence, were you ever charged with the execution of any plot or project of theirs? A. No, sir.

Q. Of any description? A. Yes, I was expected to.

Q. You never received any pay from our Government or the so-called Confederate Government since you have been in Canada? A. No, sir; from no one except THE NEW-YORK TRIBUNE.

Q. Did you sign your name to your articles in THE TRIBUNE that were published? A. No, sir.

Q. Gave no signature? A. No, sir, none at all; it was not desirable to the publishers.

Cross-examined by Mr. Cox—Q. Did you hear discussed among those individuals the project of the capture of the President and the carrying him to Richmond? A. Yes, I think I heard that talked of in February.

Q. Did you ever attend a meeting of all these persons, Thompson, Clay and others? A. I have been with Mr. Thompson, Sanders, Tucker, Cleary and General Carroll, at the same time.

Q. Have you ever attended a meeting for the purpose of considering any plans, or hearing among themselves any advices from Richmond? A. Not for the purpose of considering any plans.

Q. Were you present at any meeting in which a letter from Mr. Davis was read? A. No, not when it was read; those letters were all in cypher, and I merely heard the substance of them repeated.

Q. You spoke of Mr. Thompson's laying his hand upon some letters and saying that made it all right? A. That referred to the dispatches from Richmond brought by Surratt.

Q. That was in April, was it not? A. Yes, sir, it was in April; I had previously asked Mr. Thompson when he first suggested that I should participate in the affair, if it would meet the approbation of the Government at Richmond; he said he thought it would, but he would know in a few days; that was early in February.

Q. I thought I understood you to state that he said the authority was given in February? A. No, sir; in April, in Surratt's presence.

Q. And he then referred to those papers as having furnished the assent? A. Yes, sir.

Q. The first statement in February was that he was expecting dispatches from Richmond, and expected them in a few days? A. Yes, to know whether the offer would receive the approbation of the Government or not.

Q. Did you understand that that communication in April was the first official approval that they had received from Richmond of this plan to assassinate the President? A. I understood that it was not said that it was the first, but I knew of others.

Q. You understood that that was the first? A. Yes, sir; I inferred that.

By Mr. Aiken—Q. In all your conferences and familiar interviews with these Rebels in Canada, did you ever hear the name of Mary E. Surratt mentioned as a friend of theirs? A. I never did.

By Assistant Judge-Advocate Bingham—Q. Did you state, in answer to one of the questions put to you on the examination, anything about a remark of Mr. Jacob Thompson's, that it was not murder to kill a tyrant? A. Yes, sir; he said that killing a tyrant in such a case was no murder, and he asked me at the same time if I had ever read the work entitled "Killing no Murder,"—a letter addressed by Col. Titus to Oliver Cromwell.

Q. In what conversation was it that Jacob Thompson made use of that expression? A. That was in the conversation in February.

Q. Was it in that conversation he named the Cabinet officers and others that were to be the victims of this conspiracy? A. Yes, sir, it was at that time; Mr. Hamlin was also to have been included had the scheme been carried out before the 4th of March.

Q. Was he named especially? A. Yes, sir, with the rest.

Q. Were the other parties that you have enumerated named also in February? A. Yes, sir.

Q. What members of the Cabinet? A. The Secretary of War, the Secretary of State, Gen. Grant, Judge Chase, the Vice-President, and President Lincoln.

Q. In April who else were named? A. The same persons, with the exception that Mr. Hamlin was omitted and Vice-President Johnson put in his place.

By the Court—Q. You have stated that you are a conscript in the Rebel service; in what State was you conscripted? A. South Carolina.

By Assistant Judge-Advocate Bingham—Q. Of what State are you a native? A. New-York.

Q. Where were you residing when you were conscripted? A. Near Columbia, S. C.

By the Court—Q. How did you come from Richmond? A. I ran the blockade; I walked it most of the way; I rode in the cars to Hanover Junction, and from there walked.

Q. By way of the Potomac? A. I came up through Snickersville to Charlestown, Va., and from there to Harper's Ferry, and so on.

Q. As I understand you, you said you saw those blank commissions that were signed by Seddon, Secretary of War, to be given to the persons that were to engage in the assassination of the President and Cabinet? A. I saw commissions after they had been filled.

Q. In Canada? A. Yes, sir.

Q. Did you see how much of them was blank when they came back from Richmond? A. They were all blank but the signatures.

Q. Was there no grades of rank on them? No, sir; that was put in by the Agents themselves; they conferred these commissions at pleasure.

Q. Did you understand that these commissions were to be given upon their engaging in this affair as a sort of cover in this case? They were to be given upon their engaging in this affair as a sort of cover in case they were taken, as they were to go in the army following it? A. It was a cover, so that in case they were detected they could claim that they were Rebel soldiers, and would therefore claim to be treated as prisoners of war; and it was understood that they would be protected as such.

Q. These commissions you say were to be given to them as soon as they engaged in this enterprise; was that engagement to be given by an oath or by the obligation of a contract? Did you understand that? A. That I do not know, but they took the oath of office, I suppose, or whatever it might be called.

By Mr. Stone—Q. Were these commissions to be conferred principally as a reward for carrying out this assassination project, or for any of those enterprises that were prosecuted on the border? A. It was to enable the parties upon whom they were conferred, to act officially and act as a Rebel soldier, and be protected as such in case they were detected.

Q. Could that apply to anything but raids on the border; they could not expect an assassin to be protected by a commission, I suppose? A. It was no murder, Mr. Thompson said, mere killing.

Q. Did the giving of these commissions have reference to the assassination project or embrace all enterprises on the border? A. It embraced the whole of them, but I think Booth was especially commissioned for this purpose.

Q. How early was it that you saw these commissions? A. I saw some commissions as early as December.

Q. They, of course, did not indicate what they were; they were all blank? A. No, sir, they did not; they were all in blank; the commission of B. H. Young was a commission of the same sort, and was filled up and conferred by Mr. Clay; he never was in Richmond at all.

By Assistant Judge-Advocate Bingham—Q. I forgot to ask you what time it was that you saw John Wilkes Booth in Canada? A. I saw him in the latter part of October last, I think.

Q. With whom was he? A. I saw him with Sanders; I saw him at Mr. Thompson's; I saw him more about the St. Lawrence Hotel; he was strutting about the hotel dissipating, playing billiards, &c., &c.

By Mr. Cox—Q. Was it in February that Mr. Thompson said he had conferred one commission on Booth? A. It was in February.

Q. Can you tell what part of February? A. It was in the early part of February, or it might have been the latter part of January; but I think it was the early part of February.

By the Court—Q. Did the same party that planned the assassination plan the burning of New-York and other cities? A. I do not know; I do not know anything further than that I have an opinion on the subject; I presume they did.

Q. Is it your belief that they did? A. Yes, sir.

Q. This same party? A. I have heard them talk of some other enterprise of the same character; some they have under consideration now.

Q. You have a knowledge of the St. Albans raiders? A. Yes, sir.

Q. Did they plan it? A. The same men planned it.

Q. Were the commissions issued by the Government to army officers, or have you seen them by the Government to army officers, or were they signed by the President as well as the Secretary of War? A. I have never seen them.

By Assistant Judge-Advocate Burnett—Q. When you say you never seen them, which commissions do you refer to? A. United States army commissions; States army commissions were similar to United States army commissions.

By Mr. Aiken—Q. You referred to the same party in speaking of the St. Albans raid—what party do you mean? A. Mr. Thompson and Sanders.

Q. You do not mean Surratt and Booth? A. No, sir.

Q. Were those commissions signed by Jeff. Davis in New-York? A. No, sir, by James A. Seddon, Secretary of War.

Q. Is it not the custom for the President to sign them also? A. Yes, sir.

Assistant Judge-Advocate Bingham—Q. They have not lived long enough to have a custom. A. On the trial of the St. Alban raiders, General Carroll and a number of other officers of the Confederate army testified that the custom was that the Rebel officers had their commissions signed only by the Secretary of War.

By the Court—Q. Are you familiar with the cypher which they had in the Rebel War Department? A. No, sir, I am not.

Q. You could not tell one if you see it? A. I could not.

By Assistant Judge-Advocate Bingham—Q. I am instructed to make an inquiry of you in consequence of a question asked you by the Court; what conversation, if any, did you hear among these Rebel refugees in Canada about the burning of New-York City and other Northern cities? A. There was a proposition before their council, their junta, to destroy the Croton Dam, by which the city of New-York is supplied with water, and it was supposed it would not only damage the manufactories, but distress the people generally everywhere, but Mr. Thompson remarked that they would have plenty of force, and the whole city would soon be destroyed by a general conflagration, and without sending any Kennedy or anybody else there, and if they had thought of this some time before, they might have saved some necks.

Q. When did he say that? A. That was a few weeks ago.

Q. Who was present when he said that? A. Mr. Thompson, Michael, Mr. Sanders, Mr. Castleman and Gen. Carroll.

Q. Do you know of anything being said between those parties or any others of the same men you have named in regard to the description from Chicago last year? A. I heard a very great deal of talk about it, and know they had arms concealed there, and that they had a large number of men concealed away at Chicago; some 800 men there.

Q. Did Thompson and the others state for what purpose? A. Releasing the prisoners it was understood.

Q. What prisoners? A. At Camp Douglas I think they called it, or Camp Chase, or whatever camp it may be in which they were confined.

Q. You mean Rebel prisoners? A. Yes, sir; I think they called it Camp Douglas.

[The Commission then adjourned until Monday morning at 10 o'clock.]

EXAMINATION OF SANDFORD CONOVER RESUMED FOR THE PROSECUTION.

By the Judge-Advocate—Q. You have probably observed that in some judicial proceedings that have recently taken place at Washington, it has been made to appear that a certain Dr. Blackburn packed a number of trunks with clothes infected with the yellow fever, for the purpose, through them, of introducing the pestilence into the City of New-York. I wish you to state whether or not the Dr. Blackburn referred to in these proceedings is or is not the same person to whom you referred in your testimony on Saturday as being in intimate association with Jacob Thompson, Clay, and others? A. It is the same person, but I never saw him with Clay.

Q. Will you state the persons whom you saw associating with this Dr. Blackburn in Canada? A. Jacob Thompson, George N. Sanders, Lewis Sanders, son of George N. Sanders; Gov. Westcott of Florida, Lewis Castleman, William O. Cleary.

Q. Was Clay among them? A. No, sir, I never saw Clay with him; also Mr. Porterfield, Capt. Magruder and a number of Rebels of lesser note.

Q. State whether or not this Dr. Blackburn was recognized there and known as an agent of the so-called Confederate States? A. Yes, sir; he was said to be an agent and represented himself as an agent.

Q. Just as Jacob Thompson was an agent? A. Yes, sir.

Q. Will you state whether or not you had any consultations among these men upon the subject of introducing the pestilence into the cities of the United States, and what was said and when? A. In January last I knew of Dr. Blackburn employing a person to accompany him for that purpose.

Q. Name the person? A. Mr. John Cameron for the purpose of taking charge of goods and bringing them to the cities of New-York, Philadelphia and Washington, as I understood.

Q. You mean goods infected with yellow fever? A. Yes, sir, I heard Dr. Blackburn say that about a year before that time he had endeavored to introduce the yellow fever in New-York, but for reasons which I do not remember, failed; he went from Montreal, about a year ago last January, to Bermuda or some of the West India Islands, for the express purpose of attending cases of yellow fever, collecting infected clothing and so on, and forwarding it to New-York, but for some reason the scheme failed.

Q. Did you learn on his return, in the course of these consultations, what he had done and what had interfered, if anything had, to lead to a failure of the enterprise? A. I have seen him, but not to speak to him, since his return.

Q. Was Jacob Thompson present at those consultations? A. On one occasion I remember Jacob Thompson and Mr. Cleary, and I think also Lewis Sanders.

Q. Will you state whether or not they were concerned in the enterprise of Dr. Blackburn introducing the pestilence in the manner mentioned? A. Yes, sir, they all favored it and were all very much interested in this until it was proposed to destroy the Croton Dam and Dr. Blackburn proposed to poison the Reservoir and made a calculation of the amount of the poisonous matter it would take to impregnate the water so far as to render an ordinary draught poisonous and deadly.

Q. Had he taken the measure of the Aqueduct so as to ascertain what amount would be required? A. He had the capacity of the Reservoirs and the amount of water that was generally kept in them.

Q. Was the kind of poison which he proposed to use mentioned. A. Strychnine, arsenic and acids, prussic acid and a number of others which I do not remember.

Q. Did he or not regard the scheme as a feasible one? A. Yes; Mr. Thompson, however, feared it would be impossible to collect so large a quantity of poisons without exciting suspicion and leading to the detection of parties; but whether the scheme has been abandoned or not I do not know; so far as the blowing up of the dam is concerned it has not been.

Q. Will you state whether or not Jacob Thompson fully approved the enterprise if practicable? A. Yes, sir.

Q. Discussed it fully? A. Yes, sir.

Q. Did the other persons whom you have named also discuss it and approve it? A. Mr. Lewis Sanders and Mr. Cleary I remember very well did.

Q. When was this matter discussed? A. In January last; I have heard it spoken of since.

Q. Among the same persons? A. With the exception of Dr. Blackburn, it was spoken of by a Mr. Montross A. Patton, a Mississippian, also a Rebel, who had been a medical purveyor in the Rebel army.

Q. Where does the agent John Cameron, of whom you speak as having been employed by Dr. Blackburn for this purpose, live? A. He has lived in Montreal; he declined to go, being fearful of taking the yellow fever and dying himself.

Q. Do you know whether a large compensation was offered him? A. Yes, sir, to the extent of several thousand dollars he told me.

Q. Did you understand whether this was to be paid by Jacob Thompson? A. I understood by Dr. Blackburn or by the agents, I think, Mr. Thompson was the moneyed agent for all other agents; I think they all drew on him for what money they required; I know that some of them did.

Q. You say that up to the hour when you left Canada, or at the assassination of the President, you did not know whether this enterprise for poisoning the people of the City of New-York had been abandoned or not by these conspirators? A. No, sir; I did not know whether it had been abandoned; so far as the destruction of the dam is concerned, that part of the scheme had not been abandoned.

Q. The only difficulty which Jacob Thompson suggested, I understood you, was that the collection of so large an amount of poison might attract attention to the operation? A. Yes, sir; Mr. Thompson made a suggestion of that kind; but Mr. Patton and others thought it could be managed in Europe.

Q. Patten himself is a physician, is he not? A. Yes, sir.

Q. State whether in connection with this enterprise for introducing pestilence to our cities you have heard mentioned the name of Harris as an agent in any way? A. I do not distinctly remember that I have; I think I have heard him mentioned, but I have never seen the person.

Q. Have you any recollection as to where he probably resided at that time? A. Toronto, I think.

Q. You have no knowledge of any part that he actually performed or undertook to perform? A. No, sir; there were other parties in Montreal that Dr. Blackburn has also employed, or endeavored to employ, but I do not remember their names at the present time; I know the parties very well by sight when I see them; there were two medical students.

Q. Do you know whether any of those persons accompanied him when he went to Bermuda for the purpose of carrying out his plan? A. I do not know; I think one of them did; I have seen him since, however; I saw him with Dr. Blackburn two or three days before I left for New-York.

Q. Did you not, while in Canada, make the acquaintance of a Dr. Stuart Robinson, a Doctor of Divinity, who was a refugee from Kentucky? A. Yes, sir; residing at Toronto; he had been editor of a paper in Kentucky, which I think has recently been suppressed.

Q. Did you see this doctor of Divinity in association with these men of whom you have spoken? A. I have seen him with Thompson and with Blackburn.

Q. Was he or not present at any of these conversations of which you have spoken? He has been present when some of these schemes were being discussed; I do not remember whether he was present when the project for introducing yellow fever was discussed or not; or whether it was proposed to poison the Croton water; but on one or the other of these occasions he was present.

Q. Will you state whether on that occasion he approved the scheme? A. He approved of it; he approved anything that could be done under Heaven that would be justifiable under the circumstances—that was his expression.

Q. He pronounced that as an exponent of divinity? A. Yes, sir; he is related to the Breckinridges of Kentucky, I think.

Q. Is he not regarded as one of the most intense of all the traitors who have taken refuge in Canada? A. Yes, sir.

Q. You speak of having seen Dr. Robinson with Dr. Blackburn and Jacob Thompson; I ask you to state whether his association with them did not seem to be of the same intimate and confidential character which was made by these men with each other? A. They appeared to be on very intimate terms.

Q. Have you seen John H. Surratt in Canada since the assassination of the President? A. Yes, sir.

Q. On what day did you see him; do you remember? A. I think it was three or four days after the assassination.

Q. Where at? A. I saw him in the street with Mr. Porterfield.

Q. Who is Mr. Porterfield? A. Mr. Porterfield is a Southern gentleman—now a British subject, I believe, by special act of the Canadian Parliament.

Q. He is from the South? A. Yes, sir; he has been for some time a broker or a banker there; he is the gentleman who took charge of the St. Albans plunder for the Ontario Bank when prematurely given up by Judge Coursol.

Q. He is one of the intimate associates of the Southern traitors, of whom you have spoken? A. Very intimate; on the most intimate terms with Thompson and Sanders.

Q. You think it was three or four days after the assassination that you saw Surratt there? A. Yes, sir; it might have been three days; it was very soon after.

Q. Did you learn from any source there when he arrived in Canada? A. I did not; but I learned immediately after that he was suspected, and that officers were on his track, and that he had decamped.

By Mr. Aiken—Q. At what time did you say you saw Mr. Surratt in Canada after the assassination? A. I think it might have been three or four days; it might have been a day more or less either way.

By the Court—Q. The witness has mentioned in his testimony Capt. Magruder's name two or three times; is that the Capt. Magruder who was formerly in the United States Navy? A. Yes, sir; a brother of Gen. Magruder of the Rebel army.

Q. Can you state the full name of this Dr. Blackburn you referred to, and what State he is from? A. I do not know; I think he is from Mississippi, but I am not sure; I do not remember his full name; I do not think I ever heard it.

Q. Was there only one Dr. Blackburn about there? A. That is all; it is the same party who was connected with the yellow fever project; there is no doubt about its being the one and same person.

By the Judge-Advocate—Q. Will you state your age, and where you were born and educated? A. I am 28 years old; born in New-York and educated there.

Q. I understood you to state the other day that you were conscripted and forced into the Rebel service? A. Yes, sir.

Q. And you escaped the first moment you had an opportunity? A. Yes, sir, after being detailed as clerk in the War Department.

Q. Will you state whether or not throughout you have not been in your convictions and feelings loyal to the Government of the United States? A. I have always been so.

Q. Have you or not personal knowledge that Jefferson Davis was the head of the so-called Confederate States, and was called its President, and acted as such, controlling its armies and civil administration? A. It was a matter of public notoriety in the offices controlled by him, and I saw him act as such.

Q. In the War Department, where you were detailed as an officer, he was fully recognized as such? A. Yes, sir.

Q. I am not sure whether you have stated precisely (if you have not done it I wish you would now) who were present at the conversation which you had with Jacob Thompson early in April, when he laid his hand on the dispatches? A. Mr. Surratt, Gen. Carroll I think, myself and I think Mr. Castleman, and I believe there were one or two others in the room, sitting further back.

Q. Can you state whether any of those persons participated in the conversation? A. Gen. Carroll of Tennessee did; he was more anxious that Mr. Johnson should be killed than anybody else.

Q. Did he so express himself? A. He did; he said if the damned prick-louse was not killed by somebody, he would kill him himself.

Q. Did he refer by that expression to the then Vice-President Johnson? A. Yes, sir; that was his expression.

Q. What did that expression mean? A. A word of contempt for a tailor; it is a tailor's louse, a word of contempt for a tailor; I always understood it so; so Webster defines it, I believe.

Q. Was it or not the sense of those present as you gathered it from the conversation that they regarded the enterprise of assassinating the President fully confirmed by the Rebel authorities at Richmond? A. That was distinctly said.

Q. Will you state whether or not you saw J. Wilkes Booth associating at any time with George N. Sanders? A. I never saw Booth except on one day and evening, then he was strutting about the St. Lawrence Hall, as I have already said, and he was in conversation with Sanders and Thompson; I saw him talking with them, but I was not present at any conversation with either.

Q. State whether or not J. Wilkes Booth had in Canada in connection with these men, any nickname, and if so what was it? A. I have heard him called Pot.

Q. By whom? A. I do not distinctly remember; by Surratt I think; by Thompson; by Cleary I am sure.

Q. In that circle of men you have mentioned you found him so called? A. Yes, sir; I can speak positively as to Cleary, and I think also Mr. Thompson.

Q. This Stuart Robinson, Doctor of Divinity, of whom you have spoken, is he not the editor of the journal called *The True Presbyterian* in Kentucky? A. He was an editor, but the paper has been suppressed by order of the Commanding General in that department I believe.

Q. You have heard so? A. I was told so.

Q. Were you in Canada at the time Kennedy was executed in New-York for having fired the city? A. I was.

Q. Was his execution the subject of conversation among the men of whom you have spoken? A. Oh, yes, sir; a great deal.

Q. Will you state whether or not in those conversations the crime for which he was executed, firing the City of New-York, was recognized as having been performed by the authority of the Rebel Government? A. It was by the direction of Mr. Thompson.

Q. Did you learn that much from Mr. Thompson himself? A. Yes; I think I may say I learned it from Mr. Thompson, or at least by conversation in his presence.

Q. Kennedy was spoken of and recognized as an agent of the Rebel Government? A. Yes, sir; Thompson said Kennedy deserved to be hanged and he was devilish glad he had been hanged, because he was a stupid fellow, and had managed things very badly.

Q. On the ground of his being a bungler? A. Yes, sir.

By Mr. Aiken—Q. Did you ever meet more than one Surratt in Canada? A. No, sir.

Q. Was Surratt introduced to you as coming from Mississippi? A. No, sir.

Q. Was the place mentioned where he came from? A. I do not remember that it was, but I was left with that impression; I knew that Surratt was from Baltimore; I never heard that, and do not know how I gained the impression, but I had an impression of that kind.

Q. Did you ever hear of any Surratt from Mississippi while you were there? A. No.

Q. Did you have a regular weekly salary from THE TRIBUNE, or were you paid by the letter? A. Paid by the letter.

Q. Where did you board in Montreal? A. I boarded in two or three places; I boarded in Craig-st. and in Monica-st.

Q. You did not board at the St. Lawrence Hotel? A. No, sir; all these parties I have named did not board there; some did; Mr. Sanders did not; Mr. Tucker only part of the time.

Q. Where did Jacob Thompson board. A. At the St. Lawrence Hotel.

[The following was omitted in first part of proceedings, and was afterward supplied by Judge-Advocate Holt. It forms part of Montgomery's testimony.]

Q. Which one of them? A. Each of them made mention of that; Tucker and Cleary both said they were destroying papers.

Q. Have you stated what Tucker said to you; you had an interview with him after you returned? A. Yes, sir; he said it was too bad they had not been allowed to act when they wanted to.

Q. (Submitting to the witness a paper containing a secret cipher) Will you look at that paper and state if you are familiar with the cipher used by the Confederate authorities? A. I am familiar with two of them.

Q. Is that one of them, or not? A. Yes, sir. [The paper containing the cipher was here offered in evidence.]

Q. Do you recognize that as one of the ciphers in use among the Confederates? A. Yes, sir.

Q. During your stay in Canada, were you, or not, in the service of the Government, and seeking to acquire for its use information in regard to the plans and purposes of the Rebels who were known to be assembled there? A. I was.

Q. To enable you to do this, did you, or not, deem it proper and necessary that you should assume a different name from your real name, and that under which you now appear before this Court? A. Yes, sir, I did.

Conclusion of Monday's Testimony.

TESTIMONY OF MISS FANNIE MUDD.

Miss Fannie Mudd, examined by Mr. Ewing.—The prisoner is my brother; I am familiar with the whereabouts of the prisoner during a portion of the time from the 1st to the 5th of March last; on the 1st, which was Ash-Wednesday, my sister was taken sick; on the 2d the accused, my brother, called at the house and took breakfast; with us; on the 3d of March he came to the house from his barn, where he had been stripping tobacco, at 11 or 12 o'clock in the morning; he took dinner and stayed until 2 o'clock, when he went away, but returned about 4 o'clock with some medicine for my sister; on the 4th of March he came to dinner; on the 5th he visited us in the evening in company with Dr. Blandford; I am enabled to recollect these dates from the fact that the 1st of March was Ash-Wednesday, which among Catholics is a day of obligation to attend Divine service; I am confident that the accused was not absent from home during the 1st and 5th of March; I have been in the habit during the last four years of visiting my brother's house frequently; I never heard of John H. Surratt being there; I heard of Booth being at the house once; that was about the 1st of last November, in 1861 there were three gentlemen who stopped in the pines around my brother's house: Mr. Jerry Dyer, Andrew Gwynn and Ben. Gwynn; at that time Andrew Gwynn, being an intimate friend, spent several evenings with us; I believe he left that year; I have not seen anything of him since; never saw or heard of any parties of Confederate officers or soldiers being at my brother's house.

The cross-examination of this witness was very brief and elicited no new points.

TESTIMONY OF MRS. EMMA MUDD.

Mrs. Emma Mudd, examined by Mr. Ewing.

Q. Where do you live? A. In Charles County, Md., at the house of the father of the prisoner, Dr. Mudd.

Q. State what you know as to the whereabouts of Dr. Mudd between the 1st and 5th of March last? A. The 1st of March was Ash Wednesday and we went down to church; on the 2d of March Dr. Mudd was summoned to his father's house, reached there before breakfast and remained to see his sister; on Friday, the 3d, he came over to dinner about 12 o'clock, and finding his sister much worse, he came over again in the evening to bring her some medicine; he came over again on Saturday to dinner, and I think he was there to dinner on Sunday also.

Q. Do you know Andrew Gwynn? A. I do; I have not seen him since the fall of 1863; he was in the habit of visiting at Dr. Mudd's father's before that; I have not heard of his being at Dr. Mudd's house since 1861.

Q. Have you heard of Capt. Perry, Lieut. Perry and John H. Surratt being there? A. I have not.

Q. Have you ever known Confederate officers or soldiers to be about Dr. Mudd's house? A. No, sir, I have not; I have been there myself very frequently since 1861.

Q. State whether you saw Dr. Mudd, the prisoner, on his way home from Bryantown the day after the assassination of the President? A. Yes, sir; I was standing at the window and saw him pass; there was no one with him.

Cross-examined by Judge Bingham.—Q. Where did you first see him on Saturday? A. He rode by the house towards Bryantown, I think between 1 and 2 o'clock, and when he came back I expect it was 4 o'clock.

Q. Do you know of your own knowledge that Dr. Samuel Mudd was at home on the 1st of March? A. I do not.

Q. And of your own knowledge you do not know that he was at home until he came to see your sister the next day at noon? A. I do not.

EXAMINATION OF CHARLES DUELL.

Testimony of Charles Duell for the Government, examined by Judge Holt.

Q. Where do you reside? A. In Washington.

Q. Have you recently been in North Carolina? A. Yes; in Morehead City.

Q. State whether you picked up a letter written in cipher? A. I did pick up the letter that I know see before me; I found it on the 2d of May at the Government wharf at Morehead City floating in the water, and I subsequently deciphered it; it is addressed to John W. Wise, and is as follows:

WASHINGTON, April 15, 1865.

DEAR JOHN: I am happy to inform you that Pat has done his work well. He is safe, and Old Abe is in hell. Now, sir, all eyes are on you. You must bring Sherman. Grant is in the hands of old Gray ere this. Red Shoes showed lack of nerve in Seward's case, but fell back in good order. Johnson must come. Old Crook has him in charge. Mind well that brother's oath and you will have no difficulty. All will be safe and enjoy the fruits of labors. We had a large meeting last night. All were bent on carrying out the programme to the letter. The rails are laid for safe exit. Old Lee always behind, lost the pass at City Point. Now I say again, the lives of our brothers of force and the life of the South depend upon the carrying this programme into effect. No. two will give you this. It is ordered that no more letters shall be sent by mail. When you write sign no real name and send by some of our friends who are coming home. We want you to write us how the news was received there. We receive great encouragement from all quarters. I hope there will be no getting weak in the knees. I was in Baltimore yesterday. Pat had not got there. Your folks are well and have heard from you. Don't lose your nerve.

Q. In what business were you engaged in at the time? A. In driving piles; I found this letter when I was at work.

Q. Do you know anything of the person the letter is addressed to? A. No; I know nothing about him and could hear nothing of him.

Cross-examined by Mr. Aiken.—Q. You stated that you deciphered the letter; did you know anything of the key to the cipher? A. A gentleman then told me he had seen it before; it was dated at Washington; taking that as a key we tried the letter but found it did not come out; we then took the date as at Washington, and with that commenced proceeding to make it out; I had no acquaintance with the cipher myself until I came to Washington.

Q. You state that you found the letter in the river, was it a good deal blurred? A. It did not seem to have been in the water a long time and was very little blurred.

Q. Was anybody with you at the time you picked the letter up? A. Yes, sir, a Mr. Ferguson.

TESTIMONY OF JAMES FERGUSON.

By Judge Holt.—Q. State whether you have recently been at Morehead City, N. C.? A. I left there a week ago last Wednesday; I was there in company with Mr. Duell.

Q. State whether you were present when a cipher letter was picked up floating in the water. A. Yes; I was the one who discovered the letter and called the attention of Mr. Duell to it; he picked it out; this was either on the 1st or 2d of May last.

TESTIMONY OF JOHN L. BORN FOR THE DEFENSE.

By Mr. Doster.—Q. Look at the prisoner, Atzerodt, and see if you know him? A. I do; all I know about him is that he came to my shop one evening at the Navy-Yard and I went to Pope's Restaurant with him; we had several drinks together; and after a while I proposed that he should take supper with me, and he did so; we then came back to the restaurant and had several more drinks; after which he took his horse out of Pope's stable and rode away. This was between the 10th and 13th of April.

Q. Do you not remember that it was on the 12th of April? A. It was somewhere about that time; I had some work done that day which I have charged on my book here as on the 12th of April.

TESTIMONY OF BETTY WASHINGTON (COLORED).

Examined by Mr. Ewing.—Q. State if you know where Dr. Mudd was on the 1st of March last. A. He was down at the tobacco-bed, preparing it ready to sow; that was on Ash-Wednesday; he stayed there until about dinner-time, when Mr. Blandford came and they went to dinner; it was raining that evening, and he stayed in; did not see him go out any more that evening.

Q. Where was he the next day? A. The next day, Thursday, he was cutting brush; I saw him in the morning at breakfast-time, and after he went out to work I went out too and was loading the cart with brush; I was not a regular field hand, but he asked Mrs. Mudd to let me go out that day; he was there all day.

Q. Did you see anything of him on Friday, the 3d of March? A. On Friday he was stripping tobacco; it rained; in the afternoon he went over to his father's and took dinner; he came back about night.

Q. Did you see him on Saturday, the 4th of March? A. I did; he took breakfast at home; in the afternoon he went to the post-office at Bryantown, and came back about night.

Q. Did you see him on Sunday? A. He went to church; his sister wanted to go with him, but he told her she could not go; he was home at night.

Q. Do you know where he was on the last day of February? A. Yes; he was at work at the brush that day.

Q. While you were at work at Dr. Mudd's did you ever hear of or see John H. Surratt. A. Not there.

Q. Would you have noticed him if he had been there? A. If he had been there I would have known the name.

Q. Do you know Mary Simmes who lived at Dr. Mudd's, and if so say what the colored people about there think of her as a truth teller? A. They all give her a bad name as a story teller.

Q. What kind of a master was Dr. Samuel Mudd? A. A pretty good one, I think; I have no fault to find with him at all.

Cross-examined by Judge Holt.—Q. On the 2d of March Dr. Mudd took breakfast at home, did he? A. Yes; he took his breakfast at home, and he took his dinner and supper at home too that day.

By Mr. Ewing.—Q. Are you certain he took breakfast at his house the day after Ash-Wednesday?

Question objected to by Judge Bingham and objection sustained.

TESTIMONY OF WM. F. WOOD.

By Mr. Clappitt.—Q. State your official position? A. I am superintendent of the Old Capitol Prison.

Q. State whether you are acquainted with J. Z. Jenkins, who has been a witness in this case? A. I have known J. Z. Jenkins five or six years rather intimately.

Q. Can you speak confidently of his reputation for loyalty? A. He has always been an opponent of the Democracy in this country; he was with the Know Nothing party, and also with the Union party when it was formed in 1861; he was considered one of the most reliable men in the District in 1862; I called upon him to get him to go for Holland for Congress; he refused to vote for him on the ground that he was under obligations to go for Calvert, who owned that section of the county, and he said he believed him to be a good Union man.

Q. State whether he did not labor and urge his friends to labor, and expend his money freely to keep Maryland in the Union up to 1862? A. Yes.

Q. You say he went for Calvert in the election you speak of; did he not go against Harris? A. Yes, he did; Calvert was considered by some a Union man; Harris was considered a Democrat of the secession school.

Q. Did Mr. Jenkins remark that if Calvert did not run he would support Holland? A. He agreed to do that.

Can you speak of your own knowledge as to whether

or not after the first battle of Bull Run, Mr. Jenkins did not hold a United States flag, and with some other Union men stand by it all night, to prevent Rebel sympathizers from hauling it down? A. That was understood to be the fact.

Q. Are you acquainted with men of the name of Robey and Smooth, and if so state what is their reputation. A. The people of Prince George County are rather dissatisfied with the Administration on account of the Slavery question. Mr. Roby is a friend of the Administration, and they do not like him; I do not know anything about Mr. Smooth.

Q. Did you not receive certain information from Mr. Jenkins which you submitted to the War Department, and which finally resulted in the capture of Booth? A. I received some information from Jenkins which I forwarded to Judge Turner.

Q. Did you consider that as a loyal act? A. I was satisfied that he would give me the information when I started out.

Q. Do you believe Mr. Jenkins to be a consistent loyal man? A. I do; I do not believe he is a friend of the Administration on account of the negro question, but outside of that he is a loyal man.

Q. Have you ever heard him express a desire that the South should succeed? A. I have always heard him express the contrary wish; he is now under arrest at the Old Capitol Prison.

Cross-examined by Judge Holt.—Q. Has not Mr. Jenkins, to whom you refer, been for some time past, bitterly hostile to the Government, and if that is so, do you not consider that as disloyalty? A. I have had but little to do with him lately, and have not regarded him as sound as I did formerly; in the last election he voted for Harris, I believe, and associated with that sort of men.

FRANK WASHINGTON (COLORED)

Was recalled, and testified that the prisoner, Dr. Mudd, was at home each day from the 1st to the 5th of March, inclusive.

In response to a question by Judge Bingham, witness stated that Dr. Mudd ate his breakfast home on Wednesday, the 1st of March.

JOHN ACTON

Testified that he lived about a mile and a quarter from Bryantown, in the direction of Dr. Mudd's house; that on the day after the assassination of the President he saw Dr. Mudd going toward Bryantown riding a gray horse; there was no one with him at the

time he first saw him; but another man who was riding behind overtook him and they rode on together; in about three quarters of an hour he saw that person riding back by himself.

Witness stated on cross-examination that he could not identify him (Harrod) certainly, as the person he saw on that occasion; he looked very like him; but he did not notice particularly the man as much as he did the horse, which was a bay; when he saw the person coming back he was going in the same way up the road he had come down. This was about three miles from Bryantown.

MASON L. MACPHERSON,

A witness called by Mr. Ewing, testified that he lived about three quarters of a mile from Bryantown; that he was at Bryantown the day after the assassination of the President, from about 2 o'clock till 8 in the evening; while there, he heard that a man by the name of Boyle, who had killed Capt. Watkins, had murdered the Secretary of State; he did not learn who had assassinated the President, although he made inquiries of citizens and soldiers; while there, was in Bean's store and heard the matter talked over; saw Lieut. Dana there, and on Monday saw him sitting outside with Dr. George Mudd, with whom he was speaking; knows the reputation of Dr. George Mudd to be as good as a Union man as any man's in the United States; the reputation of Dr. Thomas Mudd for veracity is not good.

JOHN M'PHERSON

Having been called by Mr. Ewing, testified that he was at Bryantown the day after the assassination of the President from two until seven o'clock; heard a good deal of general conversation about the assassination, but did not hear until Monday that Booth was the assassin; saw Lieut. Dana on Monday morning in company with Dr. George Mudd; did not hear the conversation; knows the reputation of D. J. Thomas to be not that of a truth-telling man; knows the reputation of the prisoner, Dr. Mudd, to be that of a peaceable man and a good citizen.

Cross-examined—Never heard Thomas charged with having sworn falsely, and would not say that he would not believe him under the sanctity of an oath.

JOHN T. LANGDON,

Called by Mr. Ewing, testified that he was in Bryantown the day after the assassination of the President; had a good deal of conversation on the subject; but did not hear until Monday morning who was the person charged with the murder.

TESTIMONY OF PETER TROTTER.

By Mr. Ewing—Q. Where do you live? A. In the village of Bryantown.

Q. Were you there on the day after the assassination of the President? A. I was; I heard the assassination of the President talked of, and inquired of some soldiers present who did it; they did not know, but mentioned the name of one Boyle, who had murdered Capt. Watkins.

Q. Are you acquainted with Daniel J. Thomas, and if so state what you know of his reputation for veracity in the neighborhood? A. I have known him for seven or eight years; his reputation for veracity is bad.

Q. Would you believe him under oath? A. It would depend very much on what he was saying; I do not believe I would believe him under oath.

Cross-examined by Judge Holt—Q. Have you been loyal to the Government during the Rebellion? A. Yes, sir.

Q. Have you constantly desired the Government to succeed in putting down the Rebellion? A. Latterly I have.

Q. Before that time did you prefer that the Rebellion should succeed? A. Not much.

Q. Are the people in the neighborhood pretty much of the same way of thinking? A. Yes, pretty much.

Q. Mr. Thomas is very unpopular in that neighborhood isn't he? A. Yes he is.

Q. He has been rather noisy and outspoken in his loyalty, has n't he? A. I heard him speak the other way some times.

Q. Do you mean that you ever heard him speak in favor of the Rebellion? A. No.

Q. Would n't you have thought a good deal better of Thomas if he had been of the same opinion as yourself in the early part of the Rebellion? A. I don't know.

Q. Have you ever taken the oath of allegiance? A. No; about three weeks ago I called upon a captain to take it, but he had no blanks; I took the oath in Baltimore once to get my goods.

Q. That was during the time your sympathies were with the Rebellion? A. Yes, I suppose so.

Q. Have you ever been engaged in blockade-running at all? A. No.

Q. You say whether you would believe Thomas under oath would depend a great deal on what he said. If he was speaking in a Court of Justice, against the Rebellion, you would believe him—would you? A. I do not know.

By Mr. Ewing—Q. State if you know what was the reputation of Thomas for veracity before the war? A. It was about the same thing as now.

Q. State whether he was loyal in the early part of the war? A. I have seen him run on just as much as some of the Rebels; he had not the reputation of being a loyal man in the first of the war.

By the Court—Q. Are you a native of this country? A. No, I am a native of Scotland.

Q. Have you been naturalized here? A. No, I have not.

Q. Are you a British subject? A. No.

Q. What country do you belong to? A. Scotland.

Q. Have you ever voted in this country? A. Yes; I voted about three times, I think; I have not voted for the last two years, as far as I remember; I believe the first time I voted was in a Presidential election, and the other times for local officers.

Q. Did you vote upon the question of the adoption of the amendment to the Constitution of Maryland? A. I don't think I did.

Q. Why didn't you vote then? A. I don't know.

TESTIMONY OF BENJAMIN GARDNER.

Q. State to the Court whether you saw Dr. Mudd at church on the morning after the assassination? A. I did, sir.

Q. State whether you saw him in conversation with his neighbors? A. Yes, sir.

Q. What time in the morning was it? A. About 10 o'clock.

Q. State whether he mentioned anything about two Lees? (Objected to, and objection sustained.)

TESTIMONY OF THOMAS DAVIS.

Q. State how long you have been living at Dr. Mudd's house? A. Since the 9th of January.

Q. Do you recollect where Dr. Mudd was on the 1st of March last? A. Yes, sir; he was at home; I was sick, and he came to see me; it was Ash-Wednesday, and he said he could give me no meat; he was to see me on the 1st, 2d, 3d, 4th and 5th day of March, twice a day; he came every day while I was sick.

Q. In the daytime? A. Yes, sir.

Mr. Ewing then offered in evidence the following telegram:

"MONTREAL, June 2, 1865.

"I left Washington on Monday evening, March 26, and have not been there since. You can have my testimony before the American Consul here if required. JOHN McCULLOUGH."

TESTIMONY OF JOHN DAVIS.

Q. State where you live. A. Prince George County.

Q. State to the Court whether you know of the whereabouts of Dr. Mudd on the 3d of March last? A. He was at home at 10 o'clock in the morning; my son was with him; I heard my son was sick; I went to see him.

Q. Did you see Dr. Mudd then? A. Yes, I saw him about 10 o'clock on the morning of Friday, 3d March.

The Court then went into secret session, and finally adjourned until 11 o'clock to-morrow morning.