

THE ASSASSINATION.

THE TRIAL ON TUESDAY.

Inquiry into Payne's Alleged Insanity

No Conclusion Reached.

Further Investigations to be Made.

Testimony for the other Prisoners all in.

WASHINGTON, Tuesday, June 13, 1865.

Mr. Cox called the attention of the Court to the following, which appeared in *The Evening Star* yesterday, copied from a Maryland newspaper:

A Mysterious Letter.—On the 4th inst. two men named French and McAleer, of South Branch, Virginia, were arrested by Major Meyers and brought to this city and lodged in the guard-house on the charge of writing a mysterious letter to J. Wilkes Booth, and which was submitted in evidence before the Assassination Court at Washington. It turns out now that the letter was a fraud perpetrated by a person by the name of Purdy, who is said to be a Government detective, and who, entertaining a bitter hatred toward the parties arrested, availed himself of this mode to wreak revenge. French and McAleer have been released and Purdy arrested and placed in close confinement on the charge of committing the alleged fraud.—*Cumberland (Maryland) Union.*

Mr. Cox said if this letter was a fraud, the defense ought to have the benefit of it. He had not been able to find the letter in question, but supposed it was the letter addressed to John Wilkes Booth at the National Hotel.

Mr. Bingham, Asst. Judge-Advocate, said it bore date the 6th April. The matter should not go on record. If the parties want Purdy, let him be brought here; but he objected to introducing newspaper paragraphs, for which nobody was responsible. The letter referred to as a fraud bears evidence upon the face of it having been written by one concerned in the murder of the President. Though it never reached the person to whom it was addressed, the writer was none the less guilty.

Judge-Advocate-General Holt said the matter was now undergoing investigation, and there would certainly be no concealment made of the result. It should not go on the record.

Mr. Ewing said a great deal looser papers than this had been placed on the record, and he instanced the letter found floating in the dock at Morehead City, North Carolina.

RECESS.

The Court took a recess till 2 o'clock, in order for a medical inquiry as to Payne's alleged insanity. At 2 o'clock the Commission reassembled.

EXAMINATION OF DR. JAMES C. HALL.

By Mr. Dexter.—Witness testified that he had examined the prisoner Payne in regard to his physical condition; his eye had a perfectly natural look, except that it had no intellectual expression, though capable of evincing a great deal of passion and feeling; the shape of his head was not symmetrical, the left side being much better developed than the right; his pulse was about thirty strokes above the natural average. In other respects, with the exception of a matter in regard to which the Court had been informed, his health seemed to be good. Upon questioning him in regard to his memory, the prisoner answered all questions put to him willingly, but his mind appeared to be very inert. His intellect was of a very low order, and dull and feeble. Witness described to the prisoner a supposed case in which a person had committed the crime of which he was charged, and asked him whether he thought a person who committed such an act would be justified, and he said he thought they would. Upon inquiring his reason for that opinion, his answer amounted to this: that he thought in war a person was entitled to take life.

Q. From your whole examination of the prisoner, are you of the opinion that there are reasonable grounds for believing that he is insane? A. I should say there were; it seems to me that no man who was perfectly sane could exhibit the same utter insensibility which

the prisoner manifests; there was no attempt at deception; he answered my questions as far as his mind would permit him, without any apparent intent to deceive or mislead; I could not give a positive opinion as to whether he was laboring under either moral or mental insanity.

By Judge Advocate Holt.—Q. I understand you to say that what you have discovered as peculiar in the condition of Payne is not insanity, but extreme insensibility? A. I cannot discover any positive signs of mental insanity, but of a very feeble, inert mind—a deficiency rather than a derangement of mind—a very low order of intellect.

Q. From the whole examination you have made do you regard the prisoner Payne as sufficiently sane to be responsible for his acts? A. I have not altogether made up my mind as to that; I do not think the single examination I have made would suffice to decide the question, but I believe there is enough to warrant the suspicion that he may not be a perfectly sane and responsible man; I cannot give any positive opinion upon that point.

Q. The substance, then, of your opinion is that there are grounds for suspicion, but you do not express any positive opinion? A. Yes, sir; I do not express any positive opinion that he is either mentally or morally insane, but there are sufficient grounds to justify a suspicion of his insanity; I attached some importance to his physical condition; it is generally known that persons insane have, with few exceptions, an unusual frequency of pulse; the prisoner's pulse was 30 odd strokes above the ordinary standard.

Q. Was he laboring under any excitement. A. Not the least, he was perfectly calm; his memory was very slow, and at times it appeared very difficult for him to answer a simple question; he could not remember the maiden name of his mother.

Q. Do you think that was sincere or affectation. A. I think it was sincere; his memory is very deficient.

Q. Did you ever before meet with a man who was known in the community as a sane and responsible man, who did not know the name of his mother? A. Yes, sir; I have known of persons who forget their own names.

Q. Then you do not consider the forgetfulness of names an evidence of insanity. A. No, sir.

Mr. Dexter asked that the witness be allowed to continue his examination into the alleged insanity of the prisoner. The request was acceded to, and Dr. Stevens, Surgeon-General Barnes and Surgeon Norris were appointed by the Court to assist Dr. Hall in the examination.

EXAMINATION OF JOHN T. HOLTEN.

By Mr. Aiken.—Reside in Prince George's County; have resided there about 40 years, in Surrattsville; have known Mrs. Surratt for many years; her reputation among those who know her, as a truthful, kind and good Christian lady, is very good; have frequently met her since the commencement of the war, but never had any conversation with her on political subjects; am acquainted with J. Z. Jenkins; my impression is that he is a good Union man; am acquainted with the Rev. William A. Evans; know that he kept school in the neighborhood in which I live, some ten years ago; know nothing of his present reputation for truth and veracity.

By Mr. Clappit.—Cannot say that Mr. Jenkins is now a consistently Union man; he was two years ago; the report in the neighborhood now is that he is not a loyal man; never knew him to commit any disloyal act.

EXAMINATION OF WILLIAM W. HOFFMAN.

By Mr. Aiken.—Reside near Surrattsville; have known Mrs. Surratt for about twelve years; she has always been looked upon in our neighborhood as a very kind Christian lady, and a church-going woman; have met her frequently of late years; never heard her utter a disloyal sentiment; know Mr. J. Z. Jenkins; at the commencement of the war he was known as a very strong Union man, and bore that reputation until he lost his negroes; I never knew of his expressing any sentiments opposed to the Government.

EXAMINATION OF HENRY HAWKINS (COLORED.)

By Mr. Aiken.—Have lived at Surrattsville about 11 years; was formerly a slave of Mrs. Surratt; she always treated me kindly; remember once some Government horses broke away from Giesborough, and came to Mrs. Surratt's stables, and were fed and taken care of at her residence at her expense; never heard any political expressions from Mrs. Surratt; she frequently fed Union soldiers passing her house, and gave them the best she had; do not think she took any pay for it; sometimes heard that Mrs. Surratt could not see very well, and have seen her wear spectacles.

EXAMINATION OF RACHEL SEMES, (COLORED.)

Lived with Mrs. Surratt for six years; was hired by her; never had any reason to complain of harsh treatment while with her; she frequently fed Union soldiers and always tried to do the best she could for them, giving them the best in the house, and very often giving them all in the house; recollect that one time she cut up the last ham for a party of Union soldiers; never knew her to take pay from the soldiers; have seen them come there and get refreshments and not pay; never knew her to say anything in favor of the South; knew her straight to be falling and have frequently threatened

her for her.

RE-CROSS-EXAMINATION OF JOHN M. LLOYD.

By Mr. Aiken.—When the carbines were first brought to my house they were taken up stairs by John H. Surratt and myself, and put between the joists, where they remained until the day Mrs. Surratt called to give directions in regard to them, which was Friday, the 14th of April; in accordance with her directions, I took them out from where they had been secreted, and kept them ready for whoever might call for them that night; I also prepared that night two bottles of whisky.

[A bottle was shown to the witness which he stated to be like those used in the parlor, but was not one of the two of which he had spoken.] It was Harrold, not Booth who said to me on the night of the assassination: "Lloyd, make haste, and get those things."

RE-EXAMINATION OF MRS. OFFUTT.

By Mr. Aiken.—Saw Mr. Lloyd on the evening of April 14; he was very much in liquor, more so than I had ever seen him; for some time past, four or five months, he has been in the habit of drinking freely; did not hear the full confession of Mr. Lloyd to Capt. Cottingham, but heard some remarks; did not hear him say: "That vile woman, she has ruined me."

Mr. Aiken stated to the Court that when on the stand before, this witness had not recovered from a spell of sickness, and having previously taken laudanum, her mind was confused in giving her testimony, and that she now desired to correct part of that testimony.

After some consultation between the counsel for Mrs. Surratt and Judge Bingham, the witness was directed to make any statement she desired.

She then said: When previously on the stand I was asked if Mrs. Surratt handed me a package; I said "No;" but she did hand me a package and said she was requested to leave it there; that was between 5 and 6 o'clock.

The re-examination of the witness was then resumed as follows: Witness had no knowledge of the contents of the package; saw something in Mr. Lloyd's hands after he came in the house when Mrs. Surratt left; but could not say that it was the package; saw him have the package after he came into the house, but not while he was coming in; never heard Mrs. Surratt utter any disloyal expression; remember instances of defective eyesight on the part of Mrs. Surratt; on one occasion she told witness that her eyesight was failing very fast.

By Judge Bingham.—Witness had stated before that Mrs. Surratt and John M. Lloyd had a conversation outside the house on the afternoon of Mrs. Surratt's visit; did not see the package after it was brought into the house; do not know whether Mrs. Surratt did or did not hand a package to Mr. Lloyd.

RE-EXAMINATION OF MAJOR BUTLER.

By Judge Bingham.—Witness stated that the day on which Gen. B. F. Butler was ordered to leave New-York after the last Presidential election, was the 11th of November, and that Gen. Butler made application to be allowed to remain until the following Monday, the 14th, which application was granted.

RE-EXAMINATION OF RICHARD MONTGOMERY.

By Judge Bingham.—Witness stated that the hour for the departure of the train which left Montreal, Canada, to connect with the through trains for Washington, was 3 o'clock p. m.; that the distance between Montreal and Washington was usually traversed in from 36 to 38 hours; that a person leaving Montreal at 3 o'clock on the afternoon of the 12th of April, could reach Washington before daylight on the morning of the 14th.

Cross-examined by Mr. Aiken.—I presume leaving Montreal on the afternoon of the 12th, one would arrive in the City of New-York at the farthest at 11 o'clock on the forenoon of the 14th, and leaving New-York at 6 or 7 in the evening, one would arrive at Washington in ten or eleven hours.

RE-CROSS-EXAMINATION OF J. S. DEVENNY.

By Mr. Ewing.—At the time the pistol was fired on the evening of the assassination, witness was on the stage of Ford's Theater leaning against the corner of a scene on the left hand side; when I first saw the prisoner Spangler after the escape of Booth, he was shutting the scene back so as to allow the people to get upon the stage; that was about a minute and a half after Booth ran across the stage followed by Mr. Stewart; Spangler then ran to the green-room to get some water for the persons in the President's box; saw Spangler go to the door when Booth called him previous to the assassination; did not hear any conversation between Spangler and Booth; witness was on the pavement in front of the theater about five minutes before the assassination; did not see Spangler there at any time; never knew Spangler to wear a heavy mustache.

John T. and Andrew Callenback were then called for the defense; the former sustaining the character of Mr. Jenkins and the latter testifying in regard to the remark of Lloyd that he had been innocently persuaded into the matter of the carbines by Mrs. Surratt or Mrs. Surratt's family.

The counsel for the prisoners (except in the case of Payne, whose alleged insanity is yet to be reported upon) severally stated that their defense had closed.

There being no further witnesses present, the Commission adjourned until 12 to-morrow noon.