

# THE ASSASSINATION.

## THE TRIAL ON FRIDAY.

### THE WITNESSES NORTON AND THOMAS.

#### Examination of Dr. Mudd's Sister.

#### ASSISTANT SECRETARY DANA RECALLED.

#### Jeff. Davis Acting Like a Madman

### THE EVIDENCE NEARLY CLOSED.

Special Dispatch to The N. Y. Tribune.

WASHINGTON, Friday, June 9, 1865.

Davis raves and tears about his cell at Fortress Monroe, in a state of semi-insanity—real or assumed.

Was the Associated Press.

WASHINGTON, Friday, June 9, 1865.

It is believed that only one or two more witnesses remain to be examined in the conspiracy trial.

The reading of the previous day's record occupied until about 12 o'clock, when the examination of Judge Abram B. Olin was made by Mr. Doster.

#### TESTIMONY OF A. B. OLIN.

I have resided in Troy about twenty years; I know Marcus P. Norton, a lawyer, who resided there, and know his reputation for veracity to be bad, if his prejudices or passions were excited; I would not believe him on oath.

*Cross-examined by Judge-Advocate Holt*—I never had any private relations with Mr. Norton; in stating my opinion of his character for veracity I am also giving expression to the opinion of the people of Troy; I knew him to be engaged in controversies concerning patents; have known instances in which much feeling has been shown in such controversies; I know Henry Burden, a citizen of Troy; Mr. Burden has had several suits and controversies with respect to inventions, in which suits Mr. Norton was interested as counsel. The conversations of a man of Mr. Burden's influence and position, with those of his friends continued, as they were, through a series of years, under the excitement of legal controversies, may to some extent afford an explanation of the repute in which Mr. Norton is held among those who know him, though his reputation was questionable before; so far as the witness was aware, he never had any controversy with Mr. Burden.

#### EXAMINATION OF MISS MARY MUDD.

*By Mr. Ewing*.—I am a sister of the prisoner Samuel A. Mudd; during the month of March last I saw him on the 2d, 3d, 4th, 5th, 6th and 7th; I remember the fact, because on the 1st I was taken sick; on each of those days he was at the house where I resided; about this time a colored woman in the neighborhood was taken sick and he attended her up to the 23d of March; he frequently called at our house to inquire after my mother; on the 3d of March he came twice; I know that he came twice, from the fact that the first time he came, he had no medicine with him and went to get it; my father is very feeble and not able to travel; he is confined to his bed; on the 23d of March the prisoner, my brother, came to Washington in company with Mr. Lewellyn Gardiner; during January he went to a party at Mr. Henry Gardiner's, an evening party; he did not own a buggy of any description; never knew him to wear a black hat; he usually wore a drab colored slouched hat; have not known of Andrew Gwynn being about my brother's house since 1861; heard since that he was in the Confederate service; know nothing of Confederate officers or soldiers having ever stopped at my brother's house; saw Booth at the church in that neighborhood on one occasion, at which time he purchased a horse from Mr. Gardiner's; Booth was in Dr. Queen's pew at church when I saw him; never saw him

but once; in 1849, '50 and '51 my brother was at college; he was not at home on holidays; knew nothing of Booth's having ever lodged at my brother's house.

#### EXAMINATION OF JOHN L. TURNER.

*By Mr. Ewing*.—I live in the lower part of Prince George County; am acquainted with Daniel J. Thomas; his general reputation in the community in which he lives is not as good as it ought to be; the people do not think him a truthful man; do not think I could believe him under oath; the reputation of Dr. George Mudd as to loyalty has been very good during the whole war; I have always been loyal to the Government; I voted for McClellan at the last election, because he said he was as good a Union man as Mr. Lincoln; otherwise I always supported the Administration; I have been acquainted with the prisoner Mudd ever since he was a boy; always considered him a loyal man, and never knew or heard of his doing anything in support of the Rebellion.

#### EXAMINATION OF POLK DEAKINS.

*By Mr. Ewing*.—I live in Charles County, Maryland; I have known Daniel J. Thomas, a witness for the prosecution, as long as I can remember; his reputation in the community is very bad; from my knowledge of his veracity I would not believe him under oath if he had any inducement to swear falsely; in 1861, I think it was, he told me he was going over to Virginia to join the Rebellion and asked me to go.

*Cross-examined by Assistant Judge-Advocate Bingham*.—I was persuaded to go to Virginia, but did not go.

Several other witnesses were called, whose testimony coincided with that already taken in impeaching the veracity of the witness Daniel J. Thomas, who had been called for the prosecution. The witnesses also testified to the loyalty of Dr. George Mudd.

#### RECESS.

The usual recess of an hour was then taken, after which the following witnesses were called:

#### RE-EXAMINATION OF MISS NORA FITZPATRICK.

*By Mr. Aiken*.—Was present when Payne was arrested at Mrs. Surratt's house, but did not recognize him at the time, nor until the shirt sleeve was removed from his head at Gen. Augur's office; when Payne came to Mrs. Surratt's before the assassination he passed by the name of Wood; have often threaded a needle in the daytime for Mrs. Surratt; have known her eyesight to be poor.

*By Mr. Ewing*.—Know Judson Jarboe; never saw him at Mrs. Surratt's, nor heard of his being there; never knew of the prisoner, Dr. Mudd, being there.

*By Judge-Advocate Burnett*.—Mrs. Surratt, her daughter and myself were in the room with Payne at Gen. Augur's office; Mrs. Surratt, in speaking of Payne, said that was not John Surratt; but I never heard her say she had never seen Payne; did not hear what passed when Mrs. Surratt was called out into the hall of her house to see Payne on the night of her arrest; only heard Mrs. Surratt say that he was not John Surratt, and that whoever called that ugly man her brother was no gentleman.

#### EXAMINATION OF MRS NELSON.

I am the sister of the prisoner Harrold; never heard him speak of the accused, Dr. Samuel Mudd; never heard the name of Mudd mentioned in the family.

#### EXAMINATION OF WILLIAM J. WATSON.

*By Mr. Ewing*.—I live in Prince George County; am not very intimately acquainted with Daniel J. Thomas; I saw him on the 1st of June, when he said that if Dr. Mudd was convicted on his testimony it would be conclusive evidence that he (Thomas) had given information which led to the arrest of one of the conspirators; he asked me to give him a certificate that he was entitled to a reward of \$10,000.

*By Assistant Judge-Advocate Bingham*.—I told Thomas I would not give him the certificate, and asked him whether in his conscience he believed himself entitled to the reward; I would believe Thomas on oath, though his reputation is not so good as that of others; his general reputation for truth is not good, but I think he lies more in self-praise than in any other manner.

*By Mr. Ewing*.—Mr. Thomas was represented not to be a loyal man in the beginning of the war; at the last Presidential election he elected for George B. McClellan.

#### RE-EXAMINATION OF JOHN F. FORD.

*By Mr. Ewing*.—Have known the accused, Edward Spanier, nearly four years; his character for peace and kindness was well known, though he was disposed to drink at times, which would not make him vicious, but would unfit him for work; I never knew him to be involved in more than one quarrel while he was in my employ, and that was through drink; he was not a man who was likely to be entrusted with the confidence of others, not having much self-respect; never heard him express a political sentiment.

A number of witnesses were then called on the part of the prosecution in regard to the character for veracity and integrity of Mr. L. F. Bates, a witness for the Government, who had testified that on the 19th of April last, Jefferson Davis stopped at his house in Charlotte, N. C.; that he there made a speech during which he received a telegram from John C. Breckenridge announcing the death of President Lincoln, when he made the remark: "If it were to be done, 'twere better it were well done" &c. All of the witnesses testified that they had known Mr. Bates for years and never knew or heard of his character being questioned.

#### EXAMINATION OF WM. WHEELER.

*By Judge-Advocate Holt*.—Have been intimately acquainted with Marcus P. Norton from twelve to fifteen years; know him first at school in Vermont; subsequently at Troy, N. Y., where he now resides; when at home, Lansingburg, three miles above Troy, was my former residence; from my personal knowledge his reputation for truth and integrity is good; I would have no hesitation in believing Mr. Norton under oath.

*Cross-examination by Mr. Doster*.—I have been living in Washington since the 15th of April last; have heard of cases of attempted impeachment of Mr. Norton, but know nothing about them, except by general remark, that they were failures; one or two such cases I have understood have essentially failed; when at school, which was from 1850 to 1853, Mr. Norton was an active, persevering scholar; my relations with him have never been of a particularly friendly character; he is engaged by first-class houses in Troy; I have not lived in Troy for fifteen or twenty years.

*By Judge-Advocate Burnett*.—Mr. Norton has frequently visited the county in which I live; I have also frequently met him in Troy; am well acquainted with the people there; about two years ago I was called on to give testimony in a case in which Mr. Norton was employed as counsel by a very reputable and wealthy firm.

#### EXAMINATION OF SILAS H. HODGES.

Reside at present in Washington; hold the position of Examiner-in-Chief of the Patent Office; have resided in Rutland, Vt., for over twenty years; have been intimately acquainted with Marcus P. Norton for eleven years; he is well known in the vicinity of Rutland; never heard anything said against his reputation until within the last two or three years; anything that I have ever heard against his reputation has grown out of previous litigations in which he was connected; outside of these cases, in which much angry feeling was exhibited, I never heard Mr. Norton's reputation questioned; never heard of any attempt to impeach him before that litigation.

#### A PROPOSITION.

Mr. Ewing stated to the Court that as a means of saving time the following proposition had been agreed to by the Judge-Advocate. The three witnesses named had been sent for, but had not arrived, and the counsel had not seen them. The proposition was as follows: It is admitted by the prosecution that John F. Watson, John R. Richardson and Thomas B. Smith, loyal citizens will testify that they are acquainted with the reputation of Daniel J. Thomas where he lives, and that it is bad, and that from their knowledge of it, they would not believe it under oath; and further that John B. Richardson, above named, will testify that Daniel J. Thomas, a witness for the prosecution, made the statement on the 1st of June last, as sworn to by William Watson, before the Court this day, and the prosecution agree that this statement be put upon record and weighed by the Court, as though said witness had actually testified before it.

#### TESTIMONY IN FAVOR OF DR. MUDD.

After some time spent in consultation with the counsel for the prisoner, Dr. Mudd, Judge-Advocate Holt, stated that being disposed to allow the accused at the bar the benefit of all the evidence that could be adduced in their favor, he had consented that the declarations of Mudd concerning the presence of two suspicious men at his house, previously ruled out by the Court, should be taken for what they were worth.

Benjamin Gardiner and Dr. George A. Mudd being then recalled for the defense, testified that the prisoner, Dr. Mudd, stated on the Sunday morning after the assassination, that one ought immediately to raise a Home-guard, and hunt up all suspicious persons passing through our section of country, and arrest them, unless they show they are traveling under proper authority, for there were two suspicious persons at my house yesterday morning. To Dr. George D. Mudd, the prisoner said on Sunday morning that he regretted the assassination, and that (to use his own expression) it was a most damnable act; he also related the particulars of the visit of two suspicious looking men to his house on the morning of the previous day, stating that they seemed to be laboring under some degree of excitement—more so than would be supposed to accompany the breaking of the leg of one of the men; that they stated they had come from Bryantown, and inquired the way to Parson Wilmer's; that while one of them called for a razor and shaved off either his whiskers or mustache, that he, in company with the smaller of the two, went down the road toward Bryantown in search of a vehicle to take them away from his house, and that they finally left his house on horseback, going in that direction of Parson Wilmer's; when about parting with each other the prisoner requested the witness, Dr. Geo. B. Mudd, to communicate the fact of the presence of these suspicious men to the military authorities at Bryantown, and that if called upon he would give every information in his power relative to the matter, but he did not desire it to be publicly known that he had divulged the visit of these men for fear of being assassinated.

**O. A. DANA RECALLED.**

Hon. C. A. Dana was then recalled for the prosecution, and identified certain letters as having been received by him when Assistant-Secretary of War from Major Gen. Dix. One of the letters, bearing date November 17, 1864, was signed by Gen. Dix, and was explanatory of the other, which has already been published, being the one found in a Third-ave. railroad car in New-York City, and commencing as follows: "St. Louis, Oct. 21, 1864. Dearest Husband: Why do you not come home? You left me for two days only, and you now have been from home more than two weeks; in that long time you only wrote me one short note—a few cold words—with a check for money, which I did not require," &c. The witness stated further that upon receipt of the letters in question, he took them to President Lincoln, who looked at them without making any particular remark, as this was only one instance among many in which such communications had been received. The President, however, attached more importance to these communications than to others, as the witness subsequently found them in an envelope which was marked in the President's handwriting—"Assassination."

**EVIDENCE ADMITTED.**

Mr. Ewing then stated to the Court that the Judge-Advocate-General had agreed to admit that D. E. Monroe, a witness for the defense, who was still absent, would testify that he heard at the church which Dr. Mudd, the prisoner, attended on Sunday, April 16, from Mrs. Moore, who had just come from Bryantown, that it was Edwin Booth who was implicated in the assassination.

**A DISCUSSION.**

A discussion arose among the members of the Court as to the propriety of entering upon the record anything which was not sworn to as evidence.

**WITNESSES SENT FOR.**

After some time the Court directed Gen. Hartranft, Provost-Marshal, to send for and compel the attendance of D. E. Monroe, the absent witness. The Court then adjourned.

**Resume of Friday's Evidence.**

WASHINGTON, Friday, June 9, 1865.

Miss Mary Mudd, sister of Dr. Mudd, was called, and contradicted much of the testimony heretofore given against him.

Several witnesses for the defense testified against the character for truthfulness of some of those who had been examined for the Government.

The testimony this afternoon was mainly with regard to the character of the witnesses on both sides.

Benjamin Gardner, for the accused, testified that on Sunday after the assassination he met Dr. Mudd at church, and asked if the assassination was a fact. Mudd replied that it was so said, and that the people ought to raise a home guard, and arrest all suspicious persons in the county.