

THE ASSASSINATION.

THE TRIAL ON TUESDAY.

THE CASE OF DR. MUDD.

Attempt to Invalidate the Evidence of Thomas.

DIRECTIONS AS TO THE SUMMING UP.

THE SUPPRESSED TESTIMONY.

The Character of the Witnesses.

THE EVIDENCE YET TO BE GIVEN.

Special Dispatch to The N. Y. Tribune.

WASHINGTON, Tuesday, June 6, 1865.

The suppressed testimony causes a very profound sensation here, while its publication takes the War Department and the Court by surprise. It was furnished to *The Cincinnati Commercial* by Mr. Ben. Pitman, one of the reporters of the Court, and a brother of the inventor of Phonography, and was published at the peril of the lives of the witnesses, some of whom are, it is believed, still in Canada.

Montgomery is an intelligent and educated man, formerly a resident of New-York, and remembered here as having taken out several valuable patents at the Patent Office.

Your correspondent became acquainted with J. B. Merritt, while he was here offering the testimony which has been withheld. He is a cultivated and well-read gentleman, of excellent manners, a physician by profession, and evidently entirely truthful—indeed, after he concluded his testimony before the court, Gen. Grant, being present, rose and stated that he knew the witness and desired to vouch for his credibility. Dr. Merritt was besought not to return to Canada, both by his friends here and his wife there; but he persisted in going to settle up his business, intending to return here immediately. He has not been heard from.

Nothing was done before the conspirator's Court to-day except with the case of Dr. Mudd; and if testimony can prove anything, it is clearly established that he was not here during the first week of March.

Counsel appeared to indicate this evening that there is little or no more evidence to bring forward in behalf of Atzerodt, Spangler, O'Laughlin, Harrold and Arnold.

Two or three witnesses will be called for Mrs. Surratt, and at least half a dozen for Dr. Mudd. Four witnesses are summoned for Payne.

Hopes are expressed that the taking of testimony will close on Thursday.

To the Associated Press.

WASHINGTON, June 6, 1865.

The reading of the previous day's record occupied the Commission until 1 o'clock, when the body took a recess until 2 o'clock; at which hour they re-assembled.

TESTIMONY OF D. J. MIDDLETON.

D. J. Middleton, Clerk of the United States Supreme Court, being examined by Mr. Ewing, testified: That Marcus P. Norton, a witness who had been before the Court, argued a motion before the Supreme Court of the United States on the 3d day of March last. The object in calling this witness is to fix a certain day in regard to which Norton, a witness, had previously testified.

A REQUEST IN BEHALF OF DR. MUDD.

Mr. Ewing, counsel for the prisoner, Dr. Samuel A. Mudd, then addressed the Court as follows: "By reason of information which I have received since the witness Daniel J. Thomas was last upon the stand, I ask the privilege of the Court to recall this witness for the purpose of further cross-examination in regard to a single point. I wish to show that this witness, whose testimony is of vital importance in the case, gave that testimony from corrupt motives. I expect to show, through five or six of his neighbors, that by his own declaration, made since he appeared upon the stand for the prosecution, that he did it from the hope and expectation of a large reward. To be more precise, I expect to prove that he stated to Eli J. Watson, on the 1st of June, that he had testified here, and that Dr. Mudd would surely be convicted; that he asked Watson for a certificate of the fact that he was the first person who gave information which led to the arrest of the accused; and he then stated to Watson, if he could get such certificate from him and others, he would get a reward of \$25,000, because of the information leading to the arrest, and because of the fact of a conviction. I expect to show further that subsequently, on the same day, in conversation at William Watson's house, near Horsehead, with J. R. Richards, Benjamin J. Naylor, George Lynch, Lemuel Watson and William Watson, he stated to them that he wished them to give him certificates as being the first person who gave information which led to the arrest of Dr. Mudd; that he had been present here and testified, and that Dr. Mudd would shortly be convicted; and that if they would give him the certificates he desired he would receive a reward of \$10,000 by reason of his efforts in the cause. I wish to show further, that subsequently, upon a magistrate of the neighborhood, Mr. James W. Richards, riding up, Thomas, in the presence of these last-named gentlemen, submitted to that gentleman the question as to whether, upon his getting these certificates he would not be entitled to the reward of \$10,000 in case Dr. Mudd should be convicted; it seems to me that if the witness stood before this Court fair on all the testimony which has preceded, this evidence should justly go to diminish the weight of his testimony in the minds of the Court by showing that he was testifying under the hope of a large reward, and in the light of the evidence that he has given, that he manufactured a lie to procure the arrest and conviction of Dr. Mudd, being actuated by a mercenary motive.

[As Assistant Judge-Advocate Burnett stated that the prosecution would interpose no objection to the evidence, the following witness was called.]

RE-CROSS-EXAMINATION OF DANIEL J. THOMAS.

By Mr. Ewing—Was at Mr. Watson's, near Horsehead, on Thanksgiving day, the 1st of the present month, with John R. Richards, Benjamin J. Naylor, George Lynch, Lemuel Watson and William Watson, when James W. Richards, a magistrate, rode up; did not say to James W. Richards that I had been asking the gentlemen for a certificate as proof of the fact that I was the first person who gave information leading to the arrest of Dr. Samuel A. Mudd; neither did I say I had stated to them that Dr. Mudd would be convicted, and that if they gave such a certificate and Dr. Mudd should be convicted, I would secure a reward of \$10,000; did not say to any of the persons in whose company I then was that I have just denied saying to Mr. Richards; I never expected a cent for what I might do in this case as a witness. I did not tell Richards that I was the person who gave the notice which led to the arrest of Dr. Mudd; I never told any one that I told the gentlemen referred to that the expression in Washington City in regard to Mudd was that he would "go up"; I also asked their opinion as to whether I would be entitled to any portion of the reward in the event of Dr. Sam. Mudd being convicted, but never asked them for a certificate of the fact that I was the first to give them information concerning Mudd; the other day I was telling John D. Moran and Daniel B. Moran about the conversation between Dr. Mudd and myself previous to Dr. Mudd's arrest, when John D. Moran said that I had told him about that before; I had forgotten having told him that before the assassination of the President, but I have no recollection of it; I never said

to Eli J. Watson that I wanted him to certify that I gave the information which led to Dr. Mudd's arrest, nor that I was entitled to a reward of \$25,000 for giving that information.

TESTIMONY OF JOSEPH H. RICHARDS.

By Mr. Ewing—Am acquainted with the witness, D. J. Thomas; was with him and others in the dooryard of William Watson, at Horsehead, Prince George County, on the 1st of this present month; he stated that he had called on William Watson and B. J. Naylor for a certificate that he was entitled to a portion of the rewards offered for the arrest of Booth and his accomplices; that he had informed the officers of Dr. Mudd's arrest, and that if they would certify to that fact he would be entitled to the reward; that if Dr. Mudd was convicted he would receive \$10,000; the certificate he wanted was that he informed them concerning Dr. Mudd's arrest, or of his having been arrested; he did not certify to having led to the arrest; the reputation of D. J. Thomas in the community in which he lives is very bad, if I believed he had any prejudice or any money at stake I would not believe him under oath; his reputation for veracity before the war was pretty much the same as it is now.

Cross-examined by Judge Bingham—The day this conversation took place at William Watson's was Thursday, when I rode up, Lemuel Watson remarked to me, "I am glad you are come; you are a justice of the peace; and I want you to say whether he is entitled to it;" I do not recollect what I said at the time; Thomas said he applied to Watson for a certificate that he had informed them of Dr. Mudd's arrest; that if he could get this certificate he could get a portion of the reward, or words equivalent; if he had said "If you give a certificate that I informed you of Dr. Mudd's arrest, he would be entitled to a reward that would have been words equivalent," we told him we thought he was entitled to \$30,000; we meant it as a joke and told him so afterward, but did not at the time; he replied that he did not want a certificate of me, or words to that effect; he told me he did not want me to swear to a lie for him to get \$30,000.

Q. Didn't you swear a little while ago that you had told him that he had better take \$30,000? A. If I did I recall it; what I intended to say was that I told him and Watson told him he was entitled to \$30,000; but that was a joke; I did not know he was entitled to anything; I have had no connection at all with the Rebellion, and have not sympathized with it; I have been all the time during the Rebellion in Charles and Prince George Counties, teaching school; I have been a hearty supporter of all the measures of the Government to suppress the Rebellion; Mr. Thomas was not a hearty supporter of the Government in 1861; I met him on the way from school during that year, and he stated he was going down to join the Southern army, and when Beauregard came over he was going to come back and hang a man named Thomas P. Smith; Thomas was not a loyal man at the beginning of the war.

[Mr. Ewing at this point introduced in evidence the general order of the War Department of April 20, 1865, offering \$100,000 reward for the arrest of Booth and his accomplices and liberal rewards for information leading to the arrest of any of the parties.]

TESTIMONY OF JOHN F. DAVIS.

By Mr. Ewing—I was at the house of Dr. Mudd, the prisoner, on the Tuesday following the assassination of the President; I went to the field and informed him of the fact that Lieut. Lovett and a party of soldiers had come there to arrest him; I came up with him to the house and there met Mr. George Mudd; he met Dr. Samuel Mudd just at the end of the kitchen.

Q. State what Dr. George Mudd said to Dr. Samuel Mudd?

Judge Bingham—I object to that question. [Mr. Ewing—The witness having retired from the room, stated that his object was to meet the testimony brought forward by the prosecution that Dr. Mudd denied that there had been any persons at his house on that morning; the defense had already proved in a round-about way that the prisoner had informed Dr. George Mudd that two suspicious persons had been at his house on Saturday morning and requested him to communicate the fact to the military authorities, which he had done; and he proposed to show by this witness that Dr. George Mudd now informed him that, he having given information as he requested, the detectives had come for the purpose of questioning him on this subject; and Dr. Sam. Mudd knowing the fact that information had already been communicated from Dr. George Mudd of the visit to his house of two suspicious persons, it was unnatural to suppose the prisoner would then, as stated by one of the witnesses for the prosecution, have denied that any persons had been at his house.]

Judge Bingham said the purpose was to bring in the declaration of the third person to the accused, which was utterly incompetent.

[Objection sustained by the Court, and witness recalled.]

Q. State whether Dr. Samuel Mudd betrayed any alarm when you informed him that the detectives had come to his house. A. None that I know of; he manifested no unwillingness to go to the house, and came right up there with me.

TESTIMONY OF L. S. ORME.

By Mr. Ewing.—I am acquainted with the witness D. J. Thomas; I know his reputation in the community in which he lives for veracity; I never heard him tell any story in my life of any length that he did not tell a good many things not true; I don't know any man down there who would believe him in anything he would undertake to tell; I have known him since before he was grown, in any matter in which he was prejudiced I would not believe him under oath, and would hardly believe him any how.

Cross-examined by Judge Holt.—I am loyal to the Government to the best of my belief; I have always wished that the Union might be sustained; I never wanted to see two governments; I always thought the North would succeed if either.

By Mr. Ewing.—Thomas was not a loyal man when the war commenced; he begged me once, in the Fall of 1861, to go South with him, in the first of the war; he was looked upon as a great friend of the South and a great help to them, as far as his ability would go, which was not much.

TESTIMONY OF HENRY L. MUDD, JR.

By Mr. Ewing.—I did not see my brother, Dr. Samuel Mudd, on the 1st day of March, but I think he stayed at home; on the 2d of March I think he came to my father's house to see a sick sister; on the 3d of March he was sent for, about 10 o'clock, to go to my father's, and he took dinner with us about 2 o'clock; he came back again the same day and brought some medicine; I went to his house again the same night and brought some medicine over; on the 4th of March I also saw him; the distance from my father's house to the Navy-Yard bridge, Washington, is between 27 and 30 miles; I do not know that my brother, Dr. Mudd, ever owned a carriage of any description, and if he had I would have known it; my father does not own a buggy or a rockaway of any description; he owns a large, double carriage, as large as any of the hacks you see in the city.

TESTIMONY OF DR. J. H. BLANDFORD.

By Mr. Ewing.—I saw Dr. Mudd at home on the 1st and on the 5th of March; on the 1st at his home making a tobacco bed, and on the 5th at church; Dr. Mudd does not own a buggy, neither does his father a buggy or a rockaway, but owns a large family carriage.

TESTIMONY OF DR. ALLEN.

By Mr. Ewing.—Dr. Mudd was at my house on the evening of the 23d of March last; he came in with Mr. H. A. Clark and a Mr. Gardiner (I do not know his first name), who lives in Dr. Mudd's neighborhood; they came near 8 o'clock in the evening and stayed till between 12 and 1 o'clock that night; there were several persons in there, I fixed the date as the 23d of March because I remembered that on that day a tornado swept over the city and a negro boy was killed; I had seen Dr. Mudd once before that time; I was introduced to him by Mr. Clark, I think, in the early part of 1864; I had not seen him since that time, and these are the only two occasions I think I saw him.

TESTIMONY OF DR. CLARK.

By Mr. Ewing.—I saw Dr. Mudd, the prisoner, with Mr. Gardner and others, at my house the latter part of March; they came to my store between 6 and 7 o'clock; went to my house to tea, and after tea, went round to Dr. Allen's office and remained till between 12 and 1 o'clock; there were some ten or twelve persons there; Dr. Mudd went home with me; remained at my house that night, and left the next morning after breakfast; he and Gardner went off together; he and Gardner roomed together at my house that night; I have not seen him since till yesterday; I do not know J. Wilkes Booth, Jno. H. Surratt or Mr. Weichman, and did not see any of them at my house, or at Dr. Allen's that night; Dr. Mudd was not out of my sight from the time he came to my store that afternoon until he went to bed at my house that night; the only way I fix the date is by a storm that day, in which a negro boy was killed; we were playing cards that evening at Dr. Allen's.

Two witnesses were called relative to the confession of the prisoner, Arnold, while on the way from Fortress Monroe to Baltimore, but their examination was not continued further than putting preliminary questions.

Mr. Ewing stated that several important witnesses had been subpoenaed, and would without doubt be present to-morrow; but that no more witnesses on behalf of the defense were now present.

Mr. Aiken remarked that there were two or three witnesses he desired to examine still in defense of Mrs. Surratt, but that if they did not appear before the witnesses for the other prisoners had all been examined, he would not ask for any delay, but would be ready at any time to sum up in her defense.

THE RULES FOR SUMMING UP.

The President of the Court notified the counsel that in accordance with the uniform practice of courts-martial, they would be required to present their arguments in writing.

The Judge-Advocate General also stated an order to guard counsel against unnecessary delay, that following the usual course in courts-martial no opening would be made on the part of the Government; arguments on behalf of the accused would be made, to which a reply would be made on behalf of the Government, and no further arguments allowed.

Mr. Aiken and Mr. Ewing remarked that they would prefer that the Government should in advance indicate its own theory in respect to the accused.

The Judge-Advocate replied that their general course of examination would indicate that.

HOUE OF MEETING.

Gen. Hunter stated that hereafter the hour of meeting of the Court would be 11 o'clock, instead of 10 o'clock. The Court then adjourned.

Resume of Tuesday's Evidence.

WASHINGTON, Tuesday, June 6, 1865.

No witnesses were examined up to 2 o'clock this afternoon.

Mr. Ewing asked for the recall of Daniel J. Thomas for the purpose of re-examining him. He wished to show that the witness testified against Dr. Mudd from corrupt motives, expecting a large reward in case the Doctor should be convicted.

The Court accordingly recalled Mr. Thomas, who was closely cross-questioned by Mr. Ewing.

Witness stated that he had said to certain gentlemen that in giving evidence against Dr. Mudd he did not expect any reward, but if any reward should be given he would be glad to receive it. He had not claimed that he gave the first information which led to Dr. Mudd's arrest.

Witnesses were called by the defense to impeach Thomas's testimony, who testified that his reputation for veracity was bad.

Other witnesses testified that Dr. Mudd was at home on the 1st, 2d, 3d, 4th and 5th of March.

Only a few more witnesses are to be examined. In all probability the trial will be closed this week.