

TESTIMONY RELATING TO MRS. MARY E. SURRETT

[See testimony of John M. Lloyd, p. 85]

LOUIS J. WEICHMANN. *For the Prosecution.—May 13.*

I have been clerk in the office of General Hoffman, Commissary-General of prisoners, since January 9, 1864.

My acquaintance with John H. Surratt commenced in the fall of 1859, at St. Charles College, Maryland. We left college together in the summer of 1862, and I renewed my acquaintance with him in January, 1863, in this city. On the 1st of November, 1864, I went to board at the house of his mother, Mrs. Surratt, the prisoner, No. 541 H Street between Sixth and Seventh, and boarded there up to the time of the assassination.

On the 2d of April, Mrs. Surratt asked me to see J. Wilkes Booth, and say that she wished to see him on "private business." I conveyed the message, and Booth said he would come to the house in the evening, as soon as he could; and he came.

On the Tuesday previous to the Friday of the assassination, I was sent by Mrs. Surratt to the National Hotel to see Booth, for the purpose of getting his buggy. She wished me to drive her into the country on that day. Booth said that he had sold his buggy, but that he would give \$10 instead, that I might hire one. He gave me the \$10, and I drove Mrs. Surratt to Surrattsville on that day, leaving this city about 9 and reaching Surrattsville about half-past 12 o'clock. We remained at Surrattsville half an hour, or probably not so long. Mrs. Surratt stated that she went there for the purpose of seeing Mr. Nothe, who owed her some money.

On Friday, the day of the assassination, I went to Howard's stable, about half-past 2 o'clock, having been sent there by Mrs. Surratt for the purpose of hiring a buggy. She herself gave me the money on that occasion, a ten-dollar note, and I paid \$6 for the buggy. I drove her to Surrattsville the same day, arriving there about half-past 4. We stopped at the house of Mr. Lloyd, who keeps a tavern there. Mrs. Surratt went into the parlor. I remained outside a portion of the time, and went into the bar-room a part of the time, until Mrs. Surratt sent for me. We left about half-past 6. Surrattsville is about a two-hour drive to the city, and is about ten miles from the Navy Yard bridge.

Just before leaving the city, as I was going to the door, I saw Mr. Booth in the parlor, and Mrs. Surratt was speaking with him. They were alone. He did not remain in the parlor more than three or four minutes; and immediately after he left, Mrs. Surratt and I started.

I saw the prisoner, Atzerodt, at Howard's stable, when I went to hire the buggy that afternoon. I asked him what he wanted, and he said he was going to hire a horse, but Brook Stabler told him he could not have one.

I remember going with John H. Surratt to the Herndon House, about the 19th of March, for the purpose of renting a room. He inquired for Mrs. Mary Murray, who kept the house; and when she came, Surratt said that he wished to have a private interview with her. She did not seem to comprehend; when he said, "Perhaps Miss Anna Ward has spoken to you about this room. Did she not speak to you about engaging a room for a delicate gentleman, who was to have his meals sent up to his room?" Then Mrs. Murray recollected, and Mr. Surratt said he would like to have the room the following Monday, I think, the 27th of March, when the gentleman would take possession of it. No name was mentioned. I afterward heard that the prisoner, Payne, was at the Herndon House. One day I met Atzerodt on the street, and asked him where he was going. He said he was going to see Payne. I then asked, "Is it Payne who is at the Herndon House?" He said, "Yes." That was after the visit John H. Surratt had made to engage the room.

About the 17th of March last, a Mrs. Slater came to Mrs. Surratt's house, and stopped there one night. This lady went to Canada and Richmond. On Saturday, the 23d of March, John Surratt drove her and Mrs. Surratt into the country in a buggy, leaving about 8 o'clock in the morning. He hired a two-horse team, white horses, from Howard's. Mrs. Surratt told me on her return that John had gone to Richmond with Mrs. Slater. Mrs. Slater, I understood, was to have met a man by the name of Howell, a blockade-runner; but he was captured on the 24th of March, so Surratt took her back to Richmond. Mrs. Slater, as I learned from Mrs. Surratt, was either a blockade-runner or a bearer of dispatches.

Surratt returned from Richmond on the 3d of April, the day the news of the fall of Richmond was received. I had some conversation with him about the fall of Richmond and he seemed incredulous. He told me he did not believe it; that he had seen Benjamin and Davis in Richmond, and they had told him that Richmond would not be evacuated.

Surratt only remained in the house about an hour, when he told me he was going to Montreal, and asked me to walk down the street with him and take some oysters. He left that evening, saying he was going to Montreal, and I have not seen him since.

I saw nine or eleven \$20 gold pieces in his possession, and \$50 in greenbacks, when he came back from Richmond; and just before leaving for Canada, he exchanged \$40 of gold for \$60 in greenbacks, with Mr. Holahan.

I afterward learned in Montreal that Surratt arrived there on the 6th of April, and left on the 12th for the States; returned on the 18th, and engaged rooms at the St. Lawrence Hall, and left again that night, and was seen to leave the house of a Mr. Porterfield, in company

with three others, in a wagon. I arrived at Montreal on the 19th, and my knowledge was derived from the register of St. Lawrence hotel.

I saw a letter from John Surratt to his mother, dated St. Lawrence Hotel, Montreal, April 12th, which was received here on the 14th; I also saw another letter from him in Canada to Miss Ward, but that was prior to the letter to his mother.

About the 15th of January last I was passing down Seventh Street, in company with John H. Surratt, and when opposite Odd Fellows' Hall, some one called "Surratt, Surratt;" and turning round he recognized an old acquaintance of his, Dr. Samuel A. Mudd, of Charles County, Md.; the gentleman there [pointing to the accused, Samuel A. Mudd.] He and John Wilkes Booth were walking together. Surratt introduced Booth to both of us. They were coming down Seventh Street, and we were going up. Booth invited us to his room at the National Hotel. When we arrived there, he told us to be seated, and ordered cigars and wines for four. Dr. Mudd then went out into a passage and called Booth out, and had a private conversation with him. When they returned Booth called Surratt, and all three went out together and had a private conversation, leaving me alone. I did not hear the conversation; I was seated on a lounge near the window. On returning to the room the last time Dr. Mudd apologized to me for his private conversation, and stated that Booth and he had some private business; that Booth wished to purchase his farm, but that he did not care about selling, as Booth was not willing to give him enough. Booth also apologized, and stated to me that he wished to purchase Dr. Mudd's farm. Afterward they were seated round the center-table, when Booth took out an envelope, and on the back of it made marks with a pencil. I should not consider it writing, but from the motion of the pencil it was more like roads or lines.

After this interview at the National Hotel Booth called at Mrs. Surratt's frequently, generally asking for Mr. John H. Surratt, and in his absence for Mrs. Surratt. Their interviews were always apart from other persons. I have been in the parlor in company with Booth, when Booth has taken Surratt up stairs to engage in private conversation. Sometimes, when engaged in general conversation, Booth would say, "John, can you go up stairs and spare me a word?" They would then go up stairs and engage in private conversation, which would sometimes last two or three hours. The same thing would sometimes occur with Mrs. Surratt.

When I saw Booth at the National Hotel on the Tuesday previous to the assassination, to obtain his buggy for Mrs. Surratt, he spoke about the horses that he kept at Howard's stable, and I remarked, "Why, I thought they were Surratt's horses." He said, "No, they are mine."

John H. Surratt had stated to me that had two horses, which he kept at Howard's stable, on G Street.

Some time in March last, I think, a man calling himself Wood came to Mrs. Surratt's and inquired for John H. Surratt. I went to the door and told him Mr. Surratt was not at

home; he thereupon expressed a desire to see Mrs. Surratt, and I introduced him, having first asked his name. That is the man [pointing to Lewis Payne, one of the accused.] He stopped at the house all night. He had supper served up to him in my room; I took it to him from the kitchen. He brought no baggage; he had a black overcoat on, a black dress-coat, and gray pants. He remained till the next morning, leaving by the earliest train for Baltimore. About three weeks afterward he called again, and I again went to the door. I had forgotten his name, and, asking him, he gave the name of Payne. I ushered him into the parlor, where were Mrs. Surratt, Miss Surratt, and Miss Honora Fitzpatrick. He remained three days that time. He represented himself as a Baptist preacher; and said that he had been in prison for about a week; that he had taken the oath of allegiance, and was now going to become a good and loyal citizen.

Mrs. Surratt and her family are Catholics. John H. Surratt is a Catholic, and was a student of divinity at the same college as myself. I heard no explanation given why a Baptist preacher should seek hospitality at Mrs. Surratt's; they only looked upon it as odd, and laughed at it. Mrs. Surratt herself remarked that he was a great looking Baptist preacher. In the course of conversation one of the young ladies called him "Wood." I then recollected that on his first visit he had given the name of Wood. On the last occasion he was dressed in a complete suit of gray; his baggage consisted of a linen coat and two linen shirts.

The only evidence of disguise or preparation for it, that I know of, was a false moustache, which I found on the table in my room one day. I put the moustache into a little toilet-box that was on my table. Payne afterward searched round the table and inquired for his moustache. I was sitting on a chair and did not say any thing. I retained the moustache, and it was found in my baggage that was seized.

On returning from my office one day, while Payne was there, I went up stairs to the third story and found Surratt and Payne seated on a bed, playing with bowie-knives. There were also two revolvers and four sets of new spurs.

[A spur, a large bowie-knife, and a revolver, found in Atzerodt's room at the Kirkwood House, were exhibited to the witness.]

That is one of the spurs. There were three spurs similar to that in a closet in my room when I was last there, and those three belonged to the eight that had been purchased by Surratt. The knives they were playing with were smaller than that knife. The revolvers they had were long navy revolvers, with octangular barrels; that has a round barrel.

I met the prisoner, David E. Herold, at Mrs. Surratt's on one occasion; I also met him when we visited the theater when Booth played *Pescara*; and I met him at Mrs. Surratt's, in the country, in the spring of 1863, when I first made Mrs. Surratt's acquaintance. I met him again in the summer of 1864, at Piscataway Church. These are the only times, to my recollection, I ever met him. I do not know either of the prisoners, Arnold or O'Laughlin. I recognize the prisoner Atzerodt. He first came to Mrs. Surratt's house, as near as I can

remember, about three weeks after I formed the acquaintance of Booth, and inquired for John H. Surratt, or Mrs. Surratt, as he said. Since then he must have been at the house ten or fifteen times. The young ladies of the house, not comprehending the name that he gave, and understanding that he came from Port Tobacco, in the lower portion of Maryland, gave him the nickname of "Port Tobacco." I never saw him in the house with Booth.

At the time Booth played the part of *Pescara*, in the "Apostate," he gave Surratt two complimentary tickets, and as Surratt and I were going to the theater, we met Atzerodt at the corner of Seventh Street and Pennsylvania Avenue, and told him where we were going. He said he was going there, too; and at the theater we met David E. Herold [pointing to the accused, David E. Herold, who smiled and nodded in recognition.] We also met Mr. Holahan, who boarded at Mrs. Surratt's.

After the play was over, all five of us left the theater together—Mr. Surratt, Holahan, and myself, in company. We went as far as the corner of Tenth and E Streets, when Surratt, turning round, noticed that Atzerodt and Herold were not following, and desired me to go after them. When I went back, I found Atzerodt and Herold in the restaurant adjoining the theater, talking confidentially with Booth. On my approach they separated, and Booth said, "Mr. Weichmann, will you not come and take a drink?" which I did. We then left the restaurant, and joined the other two gentlemen on E Street; went to Kloman's and had some oysters; after that we separated—Surratt, Holahan, and myself going home, and the others going down Seventh Street.

Cross-examined by HON. REVERDY JOHNSON.

When I went to board with Mrs. Surratt, in November, 1864, she rented her farm at Surrattsville to Mr. Lloyd, and removed to this city. Her house is on H Street, and contains eight rooms—six large and two small. Mrs. Surratt rented her rooms and furnished board. Persons were in the habit of coming from the country and stopping at her house. Mrs. Surratt was always very hospitable, and had a great many acquaintances, and they could remain as long as they chose. During the whole time I have known her, her character, as far as I could judge, was exemplary and lady-like in every particular; and her conduct, in a religious and moral sense, altogether exemplary. She was a member of the Catholic Church, and a regular attendant on its services. I generally accompanied her to church on Sunday. She went to her religious duties at least every two weeks, sometimes early in the morning and sometimes at late mass, and was apparently doing all her duties to God and man up to the time of the assassination. I visited Mrs. Surratt several times during '63 and '64 while she lived in the country. I made her acquaintance through her son, who had been a college mate of mine for three years.

During the winter of 1864, John Surratt was frequently from home; in the month of November, especially, he was down in the country almost all the time. His stay at home was not at all permanent; sometimes he would be at home for half a week, and away the other half; sometimes he would be three or four weeks at a time in the country. I do not

know of his being in Canada in the winter of '64-5, although he could have gone without my knowledge. I was upon very intimate terms with him, seeing him almost every day when he was at home; we sat at the same table, roomed together, and shared the same bed.

He never intimated to me, nor to any one else to my knowledge, that there was a purpose to assassinate the President. He stated to me, in the presence of his sister, shortly after he made the acquaintance of Booth, that he was going to Europe on a cotton speculation; that \$3,000 had been advanced to him by an elderly gentleman, whose name he did not mention, residing somewhere in the neighborhood; that he would go to Liverpool, and remain there probably only two weeks to transact his business; then would go to Nassau; from Nassau to Matamoras, Mexico, and find his brother Isaac, who had been in Magruder's army in Texas since 1861.

At another time he mentioned to me that he was going on the stage with Booth; that he was going to be an actor, and they were going to play in Richmond.

His character at St. Charles College, (Catholic,) Maryland, was excellent. On leaving college he shed tears; and the president, approaching him, told him not to weep; that his conduct had been so excellent during the three years he had been there, that he would always be remembered by those who had charge of the institution.

On the occasion of Mrs. Surratt's visit to Surrattsville, on the 11th of April, she told me she had business with Mr. Nothe; that he owed her a sum of money \$479, and the interest on it, for thirteen years. On arriving here, about half-past 12, she told Mr. Nott, the bar-keeper, to send a messenger immediately to Mr. Nothe. In the mean time, Mrs. Surratt and myself went to Captain Gwynn's place, three miles lower down, took dinner there, and remained about two hours. At Mrs. Surratt's desire, Captain Gwynn returned with us to Lloyd's. When we arrived there, Mr. Nott said that Mr. Nothe was in the parlor. They went in and transacted their business; but I did not go in, and did not see Mr. Nothe.

Mrs. Surratt's second visit to Surrattsville was on the afternoon of the 14th of April. She rapped at my room-door on that afternoon, and told me she had received a letter from Mr. Charles Calvert in regard to that money that Mr. Nothe owed her, and that she was again compelled to go to Surrattsville, and asked me to take her down. Of course I consented. I did not see the letter. We took with us only two packages; one was a package of papers about her property at Surrattsville; and another package, done up in paper, about six inches, I should think, in diameter. It looked to me like perhaps two or three saucers wrapped up. This package was deposited in the bottom of the buggy, and taken out by Mrs. Surratt when we arrived at Surrattsville. We returned to Washington about half-past 8 or 9. About ten minutes after we got back, some one rang the front-door bell. It was answered by Mrs. Surratt, and I heard footsteps go into the parlor, immediately go out again, and down the steps. I was taking supper at the time.

I first heard of the assault on President Lincoln and the attack on Secretary Seward at 3 o'clock on Saturday morning, when the detectives came to the house and informed us of it.

The first time that Payne came to Mrs. Surratt's, when he gave the name of Wood, he had on a black coat; and when he went into the parlor he acted very politely. He asked Miss Surratt to play on the piano, and he raised the piano-cover, and did every thing which indicated a person of breeding. The moustache that I found upon my table was black, and of medium size; it was sufficiently large to entirely change the appearance of the wearer. When I found it I thought it rather queer that a Baptist preacher should use a moustache; I thought no honest person had any reason to wear one. I took it and locked it up, because I did not care to have a false moustache lying round on my table. I remember exhibiting it to some of the clerks in our office, and fooling with it the day afterward; I put on a pair of spectacles and the moustache, and was making fun of it.

Atzerodt, to my knowledge, stopped in the house only one night; he slept alone in the back room in the third story. John Surratt was out in the country; he returned that evening; and Atzerodt, who had, I understood, been waiting to see John, left the next day. I afterward heard Miss Ann and Mrs. Surratt say that they did not care about having him brought to the house. Miss Anna Surratt's expression was, she didn't care about having such sticks brought to the house; that they were not company for her.

John Surratt is about six feet high, with very prominent forehead, a very large nose, and sunken eyes; he has a goatee, and very long hair of a light color. The day he left for Montreal he wore cream-colored pants, gray frock-coat, gray vest, and a plaid shawl thrown over him.

When he returned from Richmond, he had nine or eleven \$20 gold pieces; he did not tell me from whom he got them; nor did I make any inquiries. I know he had no gold about him when he left for Richmond.

On the evening of the 14th, Mrs. Surratt showed me the letter she had received that day from John. It was a letter on general subjects. He said he was much pleased with the city of Montreal, and with the French cathedral there; that he had bought a French pea-jacket, for which he had paid \$10 in silver; that board was too high at St. Lawrence Hall, \$2.50 a day in gold, and that he would probably go to some private boardinghouse, or that he would soon go to Toronto. The letter was signed "John Harrison," not his full name; his name is John Harrison Surratt.

By Mr. EWING.

Dr. Mudd introduced Booth to John H. Surratt and myself about the 15th of January. I could fix the exact date, if reference could be had to the register of the Pennsylvania House, where Dr. Mudd had a room at the time. I am sure it was after the 1st of January, and before the 1st of February. It was immediately after the recess of Congress. The room that was occupied by Booth at the National Hotel had been previously occupied, so Booth said, by a member of Congress. Booth, I remember, walked round the room, put his hand on the shelf, and took down some Congressional documents, and remarked, "What a good read I shall have when I am left to myself." It was the first day of Booth's arrival in the city, and of his taking possession of the room, I understood. Most of the Congressmen had returned; Congress was in session at the time.

When Booth and Dr. Mudd met Surratt and myself, on Seventh Street, Surratt first introduced Dr. Mudd to me, and then Dr. Mudd introduced Booth to both of us. Booth then invited us down to his room at the National Hotel. As we walked down Seventh Street, Mr. Surratt took Dr. Mudd's arm, and I walked with Booth. The conversation at the National lasted, I suppose, three-quarters of an hour. When Booth took the envelope out of his pocket, and with a pencil drew lines, as it were, on the back of this envelope, Mr. Surratt and Dr. Mudd were looking on. All the while he was doing it they were engaged in deep private conversation, which was scarcely audible. I was sitting about eight feet from them and could hear nothing of it. When Booth went out of the room with Dr. Mudd, they remained not more than five or eight minutes. They went into a dark passage, and I judge they remained there, as I heard no retreating footsteps, and they did not take their hats.

Almost immediately after their return Surratt went out, and all three staid out about the same length of time as at the first interview.

After their return to the room, we remained probably twenty minutes; then left the National Hotel and went to the Pennsylvania House, where Dr. Mudd had rooms. We all went into the sitting-room, and Dr. Mudd came and sat down by me; and we talked about the war. He expressed the opinion that the war would soon come to an end, and spoke like a Union man. Booth was speaking to Surratt. At about half-past 10, Booth bade us good night, and went out; Surratt and I then bade Dr. Mudd good night. He said he was going to leave next morning.

I had never seen Dr. Mudd before that day. I had heard the name of Mudd mentioned in Mrs. Surratt's house, but whether it was this Dr. Samuel Mudd I can not say. I have heard of Dr. George Mudd and Dr. Samuel Mudd.

By Mr. STONE.

I first saw Herold in the summer of 1863, at Surrattsville, at a serenade there. A band had gone down from the city to serenade the officers who had been elected, and the band stopped at Mrs. Surratt's, on the way down, and serenaded us; on returning in the morning, they stopped and serenaded us again. Herold was with this party, and it was on this occasion that John Surratt introduced him to me.

By Mr. CLAMPITT.

There was nothing in the conversation between Dr. Mudd, Booth, and Surratt, at the National Hotel, that led me to believe there was any thing like a conspiracy going on between them.

When Mrs. Surratt sent me to Booth, and he offered me the ten dollars, I thought at the time that it was nothing more than an act of friendship. I said to Booth, "I am come with an order for that buggy that Mrs. Surratt asked you for last evening." He said, "I have sold my buggy, but here are ten dollars, and you go and hire one." I never told Mrs. Surratt that.

Mrs. Surratt would sometimes leave the parlor on being asked by Booth to spare him a word. She would then go into the passage and talk with him. These conversations would not, generally, occupy more than five or eight minutes.

By Mr. AIKEN.

On the 14th of April, when I drove Mrs. Surratt to Surrattsville, I wrote a letter for her to this man Nothe; it was, I remember, "Mr. Nothe: Sir—Unless you come forward and pay that bill at once, I will bring suit against you immediately." I also remember summing up the interest for her on the sum of \$479 for thirteen years.

By Mr. DOSTER.

Atzerodt has been frequently to Mrs. Surratt's house, and had interviews with John H. Surratt in the parlor. I knew nothing of what took place between them. On the occasion of Payne's last visit to the house, Atzerodt came to see Surratt, and I saw Payne and Atzerodt together, talking in my room. I do not know of any conversation that passed between Atzerodt and Booth, or Atzerodt and Payne, having reference to a conspiracy.

Surratt was continually speaking about cotton speculations, and of going to Europe, and I heard Atzerodt once remark that he also was going to Europe, but he was going on horseback; from that remark I concluded he was going South.

At half-past two o'clock, on the afternoon of the 14th, I saw Atzerodt at the livery-stable, trying to get a horse. The stable-keeper, in my presence, refused to let him have one. I

asked Atzerodt where he was going, and he said he was going to ride in the country, and said he was going to get a horse and send for Payne. I met Atzerodt one day on Seventh Street, and asked him where was going. He said he was going to see Payne. I asked him if it was Payne who was at the Herndon House. He said, "Yes." When Payne visited the Surratts, his business appeared to be with Mr. Surratt. On the occasion of his first visit, I was in the parlor during the whole time. I did not notice any other disguise than the false moustache spoken of, nor any thing else to show that Payne wanted to disguise himself. He appeared to be kindly treated by Mr. Surratt, as if he was an old acquaintance.

I do not know whether the Surratt family regarded him as a man in disguise or as a Baptist minister. One of the young ladies looked at him, and remarked that he was a queer-looking Baptist preacher, and that he would not convert many souls.

Recalled for the Prosecution.—May 18.

[A telegraphic dispatch was handed to the witness.]

I received this dispatch and delivered it to John H. Surratt on the same day. I can not say that I received it on the 23d of March, but it was after the 17th of March.

NEW YORK, MARCH 23, 1865.

To Weichmann, Esq., 541 H Street:

Tell John to telegraph number and street at once.

[Signed] J. BOOTH.

[The original of the above dispatch was offered in evidence.]

This is in Booth's handwriting. I have seen Booth's handwriting, and recognize his autograph. When I delivered the message to John Surratt, I asked him what particular number and street was meant, and he said, "Don't be so damned inquisitive."

During Payne's second visit to Mrs. Surratt's house, sometime after the 4th of March, I returned from my office one day at half-past 4 o'clock. I went to my room, and ringing the bell for Dan, the negro servant, told him to bring me some water, and inquired at the same time where John had gone. He told me Massa John had left the front of the house, with six others, on horseback, about half-past 2 o'clock. On going down to dinner, I found Mrs. Surratt in the passage. She was weeping bitterly, and I endeavored to console her. She said, "John is gone away; go down to dinner, and make the best of your dinner you can." After dinner, I went to my room, sat down, and commenced reading, and about half-past 6 o'clock Surratt came in very much excited—in fact, rushed into the room. He had a revolver in his hand—one of Sharpe's revolvers, a four-barreled revolver, a small one, you could carry it in your vest-pocket. He appeared to be very much excited. I said "John, what is the matter; why are you so much excited?" He replied, "I will shoot any one that comes into this room; my prospect is gone, my hopes are blighted; I want

something to do; can you get me a clerkship?" In about ten minutes after, the prisoner, Payne, came into the room. He was also very much excited, and I noticed he had a pistol. About fifteen minutes afterward, Booth came into the room, and Booth was so excited that he walked around the room three or four times very frantically, and did not notice me. He had a whip in his hand. I spoke to him, and, recognizing me, he said, "I did not see you." The three then went up stairs into the back room, in the third story, and must have remained there about thirty minutes, when they left the house together. On Surratt's returning home, I asked him where he had left his friend Payne. He said, "Payne had gone to Baltimore." I asked him where Booth had gone; he said Booth had gone to New York. Some two weeks after, Surratt, when passing the post-office inquired for a letter that was sent to him under the name of James Sturdey. I asked him why a letter was sent to him under a false name; he said he had particular reasons for it.

The letter was signed "Wood," and the substance of it was, that the writer was at the Revere House in New York, and was looking for something to do; that he would probably go to some boarding-house on West Grand Street, I think. This must have been before the 20th of March.

When I asked the negro servant to tell me who the seven men were that had gone out riding that afternoon, he said one was Massa John, and Booth, and Port Tobacco, and that man who was stopping at the house, whom I recognized as Payne. Though they were very much excited when they came into the room, they were very guarded indeed. Payne made no remark at all. Those excited remarks by Surratt were the only ones made.

Cross-examined by Mr. AIKEN.

I did not hear the conversation that took place between Mrs. Surratt and Mr. Lloyd at Uniontown. Mrs. Surratt leaned sideways in the buggy, and whispered, as it were, in Mr. Lloyd's ear.

I have seen Mrs. Slater at Mrs. Surratt's house only once, though I understand she has been there twice. Mrs. Surratt told me that she came to the house with Mr. Howell; that she was a North Carolinian; I believe that she spoke French, and that she was a blockade-runner or bearer of dispatches. Mrs. Surratt said if she got into trouble there was no danger, because she could immediately apply to the French Consul, speaking French as she did. At the time I saw her, she drove up to the door in a buggy; there was a young man with her. Mrs. Surratt told me to go out and take her trunk. She wore a crape mask veil. That was some time in the month of February. When Howell was at Mrs. Surratt's, he gave the name of Spencer. They refused to tell me his right name, but I afterward learned from John Surratt that his name was Augustus Howell. His nickname in the house was Spencer. He was well acquainted with Mrs. Surratt. I was introduced to him, and had some conversation with him. I told him I would like to be South. I had been a student of divinity, and I was studying for the diocese in Richmond. I told him that I would like to be in Richmond for the purpose of continuing my theological studies.

By Mr. CLAMPITT.

Q. Why had you a greater desire to continue your studies in Richmond than the North?

Assistant Judge Advocate BINGHAM. I object to that question. It is wholly immaterial what reason he had.

Mr. CLAMPITT. It is important, and concerns the *res gestae* of the case.

Assistant Judge Advocate BINGHAM. Suppose he should give an answer, how would you dispose of it?

Mr. CLAMPITT. By further testimony that we may adduce hereafter. It may be a connecting link.

Assistant Judge Advocate BINGHAM. You can not do it in that way. If you had asked him for declarations, I could understand it; but this is an attempt to get at the interior motive of the witness, which you can not do, unless you can obtain the power of omnipotence.

The question was waived.

WITNESS. I spoke about Mr. Howell to Captain Gleason, a clerk in our office, and said to him, "There is a blockade-runner at Mrs. Surratt's; shall I have him delivered up?" I agitated the question with myself for three days, and decided in favor of Surratt; I thought it would be perhaps the only time the man would be there, and that I would let him go, in God's name.

By Mr. AIKEN.

While I was a clerk in the War Department, this man Howell taught me a cipher alphabet, and how to use it. He said nothing about it being a cipher used at Richmond, nor did he give it me with any idea of corresponding in it; and the only use I ever made of it was to write out a poem of Longfellow's in it, which I showed to Mr. Cruikshank, a clerk in the War Department. He was in the habit of making puns and enigmas himself; and I told him I would give him an enigma which he could not make out. The cipher alphabet was in my box, and no doubt was found among my things when they were seized.

I read in the paper, the morning after the assassination, the description of the assassin of Secretary Seward; he was described as a man who wore a long gray coat, and I went to the stable on G Street and told Brook Stabler that I thought it was Atzerodt. I afterward met Mr. Holahan, and he also communicated similar suspicions to me, and after breakfast we gave ourselves up to Superintendent Richards, of the Metropolitan Police force. I told Officer McDevitt about Payne, and where he was stopping, and what I knew of Surratt, Azterodt, and Herold. No threats were made in case I did not divulge what I knew, and

no offers or inducements if I did. My only object was to assist the Government. I surrendered myself because I thought it was my duty. It was hard for me to do so, situated as I was with Mrs. Surratt and her family, but it was my duty, and so I have always regarded it since.

I can not say that any objection was every made by any of the prisoners at the bar to my being present at any of their conversations, but they would withdraw themselves. When Booth would call, he would converse perhaps five or ten minutes, and then I noticed that John would tap or nudge Booth, or Booth would nudge Surratt; then they would go out of the parlor and stay up stairs for two or three hours. I never had a word of private conversation with them which I would not be willing to let the world hear. Their conversations, in my presence, were on general topics. I never learned any thing from the conversations of any of the prisoners at the bar of any intended treason or conspiracy. I would have been the last man in the world to suspect John Surratt, my school-mate, of the murder of the President of the United States. My suspicions were aroused by Payne and Booth coming to the house, and their frequent private conversations with John Surratt, and by seeing Payne and Surratt playing on the bed with bowie-knives, and again by finding a false moustache in my room; but my suspicions were not of a fixed or definite character. I did not know what they intended to do. I made a confidant of Captain Gleason in the War Department. I told him that Booth was a secesh sympathizer, and mentioned snatches of conversation I had heard from these parties; and I asked him, "Captain, what do you think of all this?" We even talked over several things which they could do. I asked him whether they could be bearers of dispatches or blockade-runners. I remember seeing in the New York Tribune, of March 19th, the capture of President Lincoln fully discussed, and I remarked to Captain Gleason, "Captain, do you think any party could attempt the capture of President Lincoln?" He laughed and hooted at the idea. This happened before the horseback ride of Surratt and the six others. I remarked to the Captain, the morning after they rode, that Surratt had come back, and I mentioned to Gleason the very expressions Surratt had used, and told him that, to all appearances, what they had been after had been a failure; and that I was glad, as I thought Surratt would be brought to a sense of his duty.

Q. How came you to connect the discussion which you read in the papers with any of these parties, and have your suspicions aroused against them?

Assistant Judge Advocate BINGHAM. I object to the question. It is no matter how the man's mental processes worked. We can not inquire into that.

Mr. AIKEN. It will be recollected that yesterday a witness was asked what his impressions were, and that was not objected to.

Assistant Judge Advocate BINGHAM. The question is now, how he came to form certain conclusions. We can not try a question of that sort. No court on earth could do it. It is a thing we can not understand, nor anybody else; and perhaps the witness himself would not now be able to state what controlled his mental operations at that time.

Mr. AIKEN. I insist on my question.

Assistant Judge Advocate BINGHAM. The witness has already gone on and told all he can tell, and given declarations; and now he is asked to state how he came to connect them with the newspaper article. Of what use is that to anybody? I object to it as a wholly immaterial and irrelevant question. No matter how the witness answers, it can throw no light on the subject, in favor of or against the prisoners.

Mr. AIKEN. But the Judge Advocate is aware that the witness did not tell all he wished to know in the examination in chief, and in his re-examination went into matters not brought out in the examination in chief, or in the cross-examination, which also was not objected to by use.

The Court sustained the objection.

WITNESS. I had been a companion of John H. Surratt's for seven years. I did not consider that I forfeited my friendship to him in mentioning my suspicions to Mr. Gleason; he forfeited his friendship to me by placing me in the position in which I now stand, testifying against him. I think I was more of a friend to him than he was to me. He knew that I permitted a blockade-runner at the house, without informing upon him, because I was his friend. But I hesitated about it for three days; still, when my suspicions of danger to the Government were aroused, I preferred the Government to John Surratt.

By Mr. EWING.

The ride of the parties spoken of, I think took place after my reading the article in the Tribune of March 19th. I also saw in the Republican, some time in February, that the assassination of President Lincoln was contemplated, and Surratt once made the remark to me that if he succeeded in his cotton speculation, his country would love him forever, and that his name would go down green to posterity.

I do not know what were his intentions, but he said he was going to engage in cotton speculations; he was going to engage in oil.

My remark to Captain Gleason about the possibility of the capture of the President was merely a casual remark. He laughed at the idea of such a thing in a city guarded as Washington was. It was the morning after the ride that I stated to Captain Gleason that Surratt's mysterious and incomprehensible business had failed; and I said, "Captain, let us think it over, and let us think of something that it could have been." I mentioned a variety of things—blockade-running, bearing dispatches; and we then thought of breaking open the Old Capitol Prison; but all those ideas vanished; we hit upon nothing. I will state that since that ride my suspicions were not so much aroused as before, because Payne has not been to the house since; and Atzerodt, to my knowledge, had not been to the house since the 2d of April. The only one that visited the house during that time was this man Booth.

Recalled for the Prosecution.—May 19.

[The accused, Lewis Payne, was here attired in the coat and vest in which he was arrested at the house of Mrs. Surratt.]

Payne wore that coat and vest the last time he came to Mrs. Surratt's when he staid three days, on the 14th, 15th and 16th of March, and it was on the 16th that the party took that horseback ride. The next day after that I mentioned my suspicions to Captain Gleason. I had spoken to him previously, on various occasions, about this blockade-runner, and about Mrs. Slater, but I can not fix the precise date. I am enabled to fix the date of Payne's last visit to the house, from the fact that he went with John Surratt, Miss Fitzpatrick, and Miss Dean to see "Jane Shore" played at the theater. Forrest was playing there at the time, and Surratt had got a ten-dollar ticket. It was the next day that this horseback ride occurred.

A. R. REEVES.

For the Prosecution.—May 18.

I reside in Brooklyn, N. Y. I am a telegraphic operator.

[A telegraphic dispatch was handed to the witness.]

NEW YORK, MARCH 23, 1865.

To Weichmann, Esq., 541 H Street:

Tell John to telegraph number and street at once.

[Signed] J. BOOTH.

It was sent on the 23d. I remember Booth's signing "J. Booth," instead of "John Wilkes Booth," knowing that to be his name; I noticed at the time that Wilkes was left out.

[A photograph of Booth was exhibited to the witness.]

This is the gentleman who handed the dispatch to me.

MISS HONORA FITZPATRICK.

For the Prosecution.—May 22.

I resided at the house of Mrs. Mary E. Surratt, the prisoner at the bar, last winter. During the month of March last, I saw John Wilkes Booth and John Surratt there, and of the prisoners, Mr. Wood, [pointing to the prisoner, Lewis Payne.] I do not know him by any other name, and Mr. Atzerodt [pointing to the accused, George A. Atzerodt.] I never saw David E. Herold there. I only saw Mr. Wood at Mrs. Surratt's twice; once as in March. Atzerodt was there but a short time; he staid over night once.

Some time in March, in company with Mr. Surratt, Wood, [Payne,] and Miss Dean, I went to Ford's Theater. I do not know what box we occupied, but think it was an upper box. John Wilkes Booth came into the box while we were there. The day after this visit to the theater I went to Baltimore, and was absent for about a week.

MRS. EMMA OFFUTT.
For the Prosecution.—May 17.

On Tuesday, the 11th of April, I was in the carriage with Mr. Lloyd, my brother-in-law. When somewhere about Uniontown we met Mrs. Surratt. Our carriage passed before we recognized it was her, when Mr. Lloyd got out. Whether Mrs. Surratt called him I do not know. I did not hear their conversation, for I was some distance off.

On Friday, the 14th, I saw Mrs. Surratt at Mr. Lloyd's house. She came into the parlor. Mr. Lloyd had been to Marlboro that day, attending court; he had just returned, and had brought some oysters and fresh fish with him, and had driven round to the back part of the yard. Having occasion to go through to the back part of the house, she came with me, and I saw her and Mr. Lloyd conversing together in the back yard. I paid no attention at all to them, and could not tell a word that passed between them.

Cross-examined by Mr. AIKEN.

When the two carriages passed at Uniontown, and Lloyd got out, it was misty and raining a little. The carriages were two or three yards apart, I suppose. I never looked out of the carriage at all after Mr. Lloyd left it, and Lloyd said nothing to me about his conversation with Mrs. Surratt.

Mrs. Surratt arrived at Mr. Lloyd's about 4 o'clock on the afternoon of the 14th. I had a conversation with her before Mr. Lloyd came in.

Q. Did you learn any thing of her business there that day?

Assistant Judge Advocate BINGHAM objected to the question. Statements of Mrs. Surratt, in the absence of Mr. Lloyd, were not admissible.

WITNESS. Mrs. Surratt gave me no charge in reference to her business, only concerning her farm, and she gave me no packages.

Q. During your visit to Mr. Lloyd's, did you ever hear any conversation there with reference to "shooting irons?"

Assistant Judge Advocate BINGHAM objected to the question. The witness had already stated that she did not hear the conversation between Mr. Lloyd and Mrs. Surratt.

Mr. AIKEN claimed the right to ask the question, in order to impeach the credibility of the previous witness, Lloyd.

The Commission sustained the objection.

MAJOR H. W. SMITH.
For the Prosecution.—May 19.

I was in charge of the party that took possession of Mrs. Surratt's house, 541 H Street, on the night of the 17th of April, and arrested Mrs. Surratt, Miss Surratt, Miss Fitzpatrick, and Miss Jenkins. When I went up the steps, and rang the bell of the house, Mrs. Surratt came to the window, and said "Is that you, Mr. Kirby?" The reply was that it was not Mr. Kirby, and to open the door. She opened the door, and I asked, "Are you Mrs. Surratt?" She said, "I am the widow of John H. Surratt." And I added, "The mother of John H. Surratt, Jr.?" She replied, "I am." I then said, "I come to arrest you and all in your house, and take you for examination to General Augur's headquarters." No inquiry whatever was made as to the cause of the arrest. While we were there, Payne came to the house. I questioned him in regard to his occupation, and what business he had at the house that time of night. He stated that was a laborer, and had come there to dig a gutter at the request of Mrs. Surratt. I went to the parlor door, and said, "Mrs. Surratt, will you step here a minute?" She came out, and I asked her, "Do you know this man, and did you hire him to come and dig a gutter for you?" She answered, raising her right hand, "Before God, sir, I do not know this man, and have never seen him, and I did not hire him to dig a gutter for me." Payne said nothing. I then placed him under arrest, and told him he was so suspicious a character that I should send him to Colonel Wells, at General Augur's headquarters, for further examination. Payne was standing in full view of Mrs. Surratt, and within three paces of her, when she denied knowing him.

Cross-examined by Mr. AIKEN.

A variety of photographs were found in a photograph-album and in various parts of Mrs. Surratt's house.

Payne was dressed that night in a gray coat, black pantaloons, and rather a fine pair of boots. He had on his head a gray shirt sleeve, hanging over at the side. His pantaloons were rolled up over the tops of his boots; on one leg only, I believe.

I have known some loyal people who had in their possession photographs of the leaders of the rebellion. I can not say that I have seen on exhibition at bookstores, or advertised by newspaper dealers and keepers of photographs, cartes-de-visite of the leaders of the rebellion. I have seen photographs of Booth, but only since this trial.

Re-examined by the JUDGE ADVOCATE.

Payne was dressed at the time in a gray coat and black pantaloons.

[Exhibiting to the witness a brown and white mixed coat.]

That is the coat Payne wore, to the best of my belief.

By Mr. DOSTER.

I am certain that this is the coat; I remember it by its color and general look. As near as I could judge by the light that was in the hall at the time, that was the coat.

[Submitting to the witness a dark gray coat.]

The coat now shown me is the one worn by Payne on the night of his arrest. I recognize it by the buttons. All that was wanting in the other coat was the buttons, but it was difficult in the light in which I was standing to tell. The coat just shown me is the one.

[The gray coat was offered in evidence.]

By Mr. AIKEN.

I think, if I saw a gentleman dressed in black, with a white neck-cloth, representing himself as a Baptist preacher, and two months afterward I met the same person, with a shirt-sleeve on his head, an old gray coat, his pantaloons stuffed into his boots, with a pickaxe on his shoulder, presenting himself as a laborer, and in the night-time, I think that, were I very familiar with his countenance, I should recognize him as the same person.

R. C. MORGAN.

For the Prosecution.—May 19.

On the night of the 17th of April, I was in the service of the War Department, acting under the orders of Colonel Olcott, special commissioner of that department. About twenty minutes past 11 o'clock, on the evening of the 17th of April, Colonel Olcott gave me instructions to go to the house of Mrs. Surratt, 541 H Street, and superintend the seizing of papers, and the arrest of the inmates of the house. I arrived there about half-past 11 o'clock, and found Major Smith, Captain Wermerskirch, and some other officers, who had been there about ten minutes. The inmates were in the parlor, about ready to leave.

I had sent out for a carriage to take the women arrested in the house to headquarters, when I heard a knock and ring at the door. At the same Captain Wermerskirch and myself stepped forward and opened the door, when the prisoner, Payne, [pointing to Lewis Payne,] came in with a pickaxe over his shoulder, dressed in gray coat, gray vest, black

pants, and a hat made out, I should judge, of the sleeve of a shirt or the leg of a drawer. As soon as he came in, I immediately shut the door. Said he, "I guess I am mistaken." Said I, "Whom do you want to see?" "Mrs. Surratt," said he. "You are right; walk in." He took a seat, and I asked him what he came there at this time of night for. He said he came to dig a gutter; Mrs. Surratt had sent for him. I asked him when. He said, "In the morning." I asked him where he last worked. He said, "Sometimes on I Street." I asked him where he boarded. He said he had no boarding-house; he was a poor man; who got his living with the pick. I put my hand on the pickaxe while talking to him. Said I, "How much do you make a day?" "Sometimes nothing at all; sometimes a dollar; sometimes a dollar and a half." Said I, "Have you any money?" "Not a cent," he replied. I asked him why he came at this time of night to go to work. He said he simply called to find out what time he should go to work in the morning. I asked him if he had any previous acquaintance with Mrs. Surratt. He said, "No." Then I asked him why she selected him. He said she knew he was working around the neighborhood, and was a poor man, and came to him. I asked him how old he was. He said, "About twenty." I asked him where he was from. He said he was from Fauquier County, Virginia. Previous to this he pulled out an oath of allegiance, and on the oath of allegiance was, "Lewis Payne, Fauquier County, Virginia." I asked him if he was from the South. He said he was. I asked him when he left there. "Some time ago; in the month of February," I think he said. I asked him what he left for. He said he would have to go in the army, and he preferred earning his living by the pickaxe. I asked him if he could read. He said, "No." I asked him if he could write. He said he could manage to write his name.

I then told him he would have to go up to the Provost Marshal's office and explain. He moved at that, but did not answer. The carriage had returned then that had taken off the women, and I ordered Thomas Samson and Mr. Rosch to take him up to the Provost Marshal's office. He was then taken up and searched. I then proceeded, with Major Smith and Captain Wermerskirch, to search through the house for papers, and remained there until 3 o'clock in the morning.

[A pickaxe was here exhibited to the witness.]

That is the pickaxe he had on his shoulder.

[It was then offered in evidence.]

When Payne knocked at the door, Mrs. Surratt and the inmates of the house were all in the parlor, prepared to leave. Mrs. Surratt had been directed to get the bonnets and shawls of the rest of the persons in the house, so that they could not communicate with each other.

The next morning I went down to the house and found cartes-de-visite of Jefferson Davis, Beauregard, and Alexander H. Stephens; and Lieutenant Dempsey, the officer in charge, showed me a photograph of John Wilkes Booth, that he had found behind a picture, which he turned over to the Provost Marshal.

[An envelope containing two photographs of General Beauregard, one of Jefferson Davis, one of Alexander H. Stephens, and a card with the arms of the State of Virginia and two Confederate flags emblazoned thereon, with the inscription

“Thus it will ever be with tyrants,
Virginia the Mighty,
Sic Semper Tyrannis.”]

I found all these at the house of Mrs. Surratt.

Cross-examined by Mr. AIKEN.

I do not recollect having seen photographs of J. Wilkes Booth at book-stores before the assassination of the President; and I never had photographs of Jefferson Davis and other prominent leaders of the rebellion in my hand, until I had these, found at Mrs. Surratt’s. I have not seen people with photographs of these men since the rebellion, though they might have had them before.

CAPTAIN W. M. WERMERSKIRCH.

For the Prosecution.—May 19.

On the night of the 17th of April I was at the house of Mrs. Surratt, in this city, and was present when the prisoner, Payne, came in, about midnight. Major Smith asked Mrs. Surratt whether she knew him, and Mrs. Surratt, in the presence of Payne, held up on or both her hands, and said “Before God, I have never seen that man before. I have not hired him; I do not know any thing about him;” or words to that effect. The prisoner at the bar [pointing to Lewis Payne] is the man of whom I speak, and Mrs. Surratt [pointing to the prisoner, Mary E. Surratt] is the woman of whom I speak.

Cross-examined by Mr. AIKEN.

I made a search of Mrs. Surratt’s house, and found a number of photographs, papers, a bullet-mold, and some percussion caps. The bullet-mold and percussion-caps were found in the back room of the lower floor, which, I believe, was Mrs. Surratt’s room.

I found cartes-de-visite, lithographic ones I think, but got up in the same shape as photographic cartes-de-visite, of Jefferson Davis, Alexander H. Stephens and Beauregard. I also saw a photograph of General McClellan there.

When Mrs. Surratt made the asservation with regard to Payne, I was standing in the hall, very near the front parlor; she was in the parlor very near the hall-door, or standing in the doorway.

When Major Smith informed Mrs. Surratt that the carriage was ready to take her to the Provost Marshal's office, she requested a minute or so to kneel down and pray. She knelt down; whether she prayed or not I can not tell. Payne was dressed in a dark coat; pants that seemed to be black, and seemingly a shirt-sleeve, or the lower part of a pair of drawers, on his head, that made a very closely-fitting head-dress, hanging down about six or seven inches.

[The prisoner, Lewis Payne, by direction of the Judge Advocate, was then dressed in a dark-gray coat, and a shirt-sleeve for a head-dress.]

That is the coat he wore, and that is the way he had the head-dress on. I would not positively swear to the coat, but it is as near the color and shape of that coat as can be.

[The coat and shirt-sleeve were put in evidence.]

He was full of mud, up to his knees, nearly.

I have seen, in Baltimore, in booksellers, stores, pictures of Jefferson Davis, Alexander H. Stephens, etc., exhibited for sale; and I have seen photographs of Booth in the hands of persons, but only in the hands of those who took an interest in having him arrested. I do not remember seeing a photograph of him before the assassination.

If I had seen a person dressed genteelly in black clothes, with a white neckerchief, representing himself as a Baptist minister, I think I would recognize him in the garb Payne wore, for he had taken no particular pains to disguise himself; his face looked just the same as it does now, and the only difference was in the clothes.

By Mr. CLAMPITT.

The photographs were found all over the house—in the front parlor, in the back parlor, and in the two rooms up stairs. There were three albums containing photographs, besides loose pictures.

[A small framed, colored lithograph, representing Morning, Noon, and Night, was exhibited to the witness.]

I saw this picture in Mrs. Surratt's house, in the back room of the lower floor, standing on the mantel-piece, I believe. I left it there, because I did not think any thing of it. This picture was all that was visible.

LIEUTENANT JOHN W. DEMPSEY.
For the Prosecution.—May 19.

[Exhibiting to the witness the picture Morn, Noon and Night.]

I found this in the back room of the first floor of Mrs. Surratt's house. The back part was all sealed, and my curiosity was excited by noticing a piece torn off the back. I opened the back and found the likeness of J. Wilkes Booth, with the word "Booth" written in pencil on the back of it.

Cross-examined by Mr. AIKEN.

I may have seen photographs of Davis, Lee, and other leaders of the rebellion in newspapers—the Sunday newspapers particularly; and I have seen some of eminent actors—Forrest, Macready, and some others—exposed for sale at different places. I was a prisoner for thirteen months, and during that time I saw a good many of the leaders of the rebellion, both personally and in pictures, but I have not seen them in the loyal states, except as I have mentioned.

Recalled for the Prosecution.—June 3.

[A photograph of J. Wilkes Booth, side view, was exhibited to the witness.]

This is the photograph I found at the back of the picture "Morn, Noon, and Night," which was found on the mantel-piece in the back room of the first floor, known, I believe, as Mrs. Surratt's room. It was marked, in pencil, "Booth." The pencil words, "J. Wilkes Booth," I wrote when I found it. I showed the photograph to an officer in the house, and then turned it over to Colonel Ingraham.

[The picture and photograph were put in evidence.]

DEFENSE OF MRS. MARY E. SURRETT

GEORGE COTTINGHAM.
For the Defense.—May 25.

By Mr. AIKEN.

I am special officer on Major O'Beirne's force, and was engaged in making arrests after the assassination. After the arrest of John M. Lloyd by my partner, Joshua A. Lloyd, he

was placed in my charge at Roby's Post-office, Surrattsville. For the two days after his arrest Mr. Lloyd denied knowing any thing about the assassination. I told him that I was perfectly satisfied he knew about it, and had a heavy load on his mind, and that the sooner he got rid of it the better. He then said to me, "O, my God, if I was to make a confession, they would murder me!" I asked, "Who would murder you?" He replied, "These parties that are in this conspiracy." "Well, said I, "if you are afraid of being murdered, and let these fellows get out of it, that is your business, not mine." He seemed to be very much excited.

Lloyd stated to me that Mrs. Surratt had come down to his place on Friday between 4 and 5 o'clock; that she told him to have the fire-arms ready; that two men would call for them at 12 o'clock, and that two men did call; that Herold dismounted from his horse, went into Lloyd's tavern, and told him to go up and get those fire-arms. The fire-arms, he stated, were brought down; Herold took one, and Booth's carbine was carried out to him; but Booth said he could not carry his, it was as much as he could do to carry himself, as his leg was broken. Then Booth told Lloyd, "I have murdered the President;" and Herold said "I have fixed off Seward." He told me this on his way to Washington, with a squad of cavalry; I was in the house when he came in. He commenced crying and hallooing out, "O, Mrs. Surratt, that vile woman, she has ruined me! I am to be shot! I am to be shot!"

I asked Lloyd where Booth's carbine was; he told me it was up stairs in a little room; where Mrs. Surratt kept some bags. I went up into the room and hunted about, but could not find it. It was at last found behind the plastering of the wall. The carbine was in a bag, and had been suspended by a string tied round the muzzle of the carbine; the string had broken, and the carbine had fallen down. We did not find it where Lloyd told me it was. When Lloyd made these statements to me no one was present but Mr. Jenkins, a brother of Mrs. Surratt's. Lloyd said that Mrs. Surratt spoke about the fire-arms between 4 and 5 o'clock on the day of the assassination.

At the last interview I had with him, when he came to the house to go to Washington, he cried bitterly, and threw his hands over his wife's neck, and hallooed for his prayer-book. Lloyd's wife and Mrs. Offutt were in the room, and heard all the conversation.

Recalled for the Defense.—May 25.

By Mr. AIKEN.

Q Will you state the precise language that Lloyd used with reference to Mrs. Surratt in his confession to you?

The JUDGE ADVOCATE objected to the repetition of the question. Mr. AIKEN stated that he proposed to follow it up by asking the witness if he had not make a different statement to him (Mr. AIKEN) in reference to what Lloyd had said. "I ask the witness now what I stated to him."

WITNESS. I met Mr. Aiken at the Metropolitan Hotel on Saturday evening last, I think. He asked me to take a drink. I went up and drank with him. He then said, "I am going to have you as a witness in this case." He asked me to sit down on a sofa and have some conversation. I said no; it would not look well for me to be sitting there, but I would go outside and take a walk. When we went outside, the first question Mr. Aiken put to me as, whether I was a Catholic. I said I was not. We walked along, and he said, Lloyd has made a confession to you." Said I, "Yes." He then said, "Will you not state that confession to me?" I declined to do it, but told him he might ask any questions, and I would answer them. He put the question to me, if Lloyd had stated that Mrs. Surratt had come down there and told him to have the fire-arms ready. I said not. I had an object in that answer. I am now on my oath, and when on my oath I speak the truth, and I can have witnesses prove what I say—six cavalymen, Mr. Lloyd's wife, and Mrs. Offutt. He wanted to pick facts out of me in the case, but that is not my business; I was an officer, and I did not want to let him know any thing either way; I wanted to come here to the Court and state every thing that I knew. I told him distinctly that I would not give him that confession; that I had no right to do so.

Q. Did I ask you if Mr. Lloyd, in his confession, said any thing at all in reference to Mrs. Surratt?

A. You asked me first whether Lloyd had made a confession to me, and I said, "Yes." Said you, "What is that confession? I should like to know it." My answer to you was, "I decline giving you that confession; but if you will ask a question, I will answer you." That question you put to me, and I answered; I said "No."

Q. That Mr. Lloyd did not say so?

A. I did say so. I do not deny that.

Q. Then what did you tell me this afternoon with reference to it?

A. I told you the same thing over again in the witness-room, when you asked me, before I came up on the stand. It is a part of my business (I am a detective officer) to gain my object. I obtained the confession from Lloyd through strategy.

Q. Then you gave me to understand, and you are ready to now swear to it, that you told me a lie?

A. Undoubtedly I told you a lie there; for I thought you had no business to ask me.

Q. No business! As my witness, had I not a right to have the truth from you?

A. I told you you might call me into court; and I state here that I did lie to you; but when put on my oath I will tell the truth.

MRS. EMMA OFFUTT.
Recalled for the Defense.—June 13.

By Mr. AIKEN.

On the evening of the 14th of April, Mr. Lloyd was very much in liquor, more so than I have ever seen him in my life. I insisted on his lying down, and I had to help him take off his coat. In a few minutes he got up and said he was too sick, and would go into the dining-room; but he went into the bar-room after that. For the last four or five months I have noticed his drinking freely.

I did not hear his full confession to Captain Cottingham; but I heard some remarks he made on the Sunday night when he was brought up from Bryantown, on his way to Washington. I was there all the time, and I did not hear him say, referring to Mrs. Surratt, "That vile woman, she has ruined me."

Mr. AIKEN. I wish to state to the court that at the time Mrs. Offutt gave her testimony before, she came here very unwell. If I have been correctly informed, she had been suffering severely from sickness, and had taken considerable laudanum. Her mind was considerably confused at the time, and she now wishes to correct her testimony in an important particular.

WITNESS. After I left here the other day, I thought of my reply to a question that was asked me, and it has been on my mind ever since, and I requested Mr. Aiken to mention it to the Court.

I was asked by the Judge Advocate if Mrs. Surratt handed me a package, and I said, "No;" but she did hand me a package, and said she was requested to leave it there. That was about half-past five o'clock, and before Mr. Lloyd came in. After that I saw the package lying on the sofa in the parlor. Shortly afterward Mr. Lloyd came in. When I saw Mrs. Surratt and Mr. Lloyd talking together at the buggy in the yard, I was in and out all the time. I did not see Mr. Lloyd go into the parlor, but I saw him on the piazza, and I think from that that he must have gone into the parlor. He had a package in his hand, but I did not see Mrs. Surratt give it to him. After the package was handed to me, it might have been taken by Mrs. Surratt and handed to Lloyd, but I did not see her give it to him.

I learned from Mrs. Surratt that she would not have come down to Surrattsville that day, had it not been for the letter she received; and I saw business transacted while she was there.

Since January I have met Mrs. Surratt several times. I never heard from her a word concerning any plot or conspiracy, and never heard of any disloyal expressions from her.

I know that Mrs. Surratt's eyesight is defective. On one occasion, last December, she came down to see her mother, who was lying very sick. On being told by a servant that

Mrs. Surratt was coming toward the door, I went there to her, and said, "Why, Mrs. Surratt!" When she said, "O, Mrs. Offutt, is that you?" and then she added, "I can scarcely see." I led her into the parlor, and she told me that her eyes were failing very fast."

GEORGE H. CALVERT.
For the Defense.—May 25.

By Mr. AIKEN.

I reside in Bladensburg, and am acquainted with the prisoner, Mrs. Mary E. Surratt. On the 12th of April last I addressed a business letter to her. I addressed more than one to her, but the last was on the 12th of April.

[Mr. AIKEN called upon the Government to produce the letter, stating that he would suspend further examination of the witness till it could be produced.]

Recalled for the Defense.—May 26.

By Mr. AIKEN.

[A letter was handed to the witness.]

RIVERSDALE, APRIL 12, 1865.

Mrs. M. E. Surratt:

DEAR MADAM—During a late visit to the lower portion of the county, I ascertained of the willingness of Mr. Nothey to settle with you, and desire to call your attention to the fact, in urging the settlement of the claim of my late father's estate. However unpleasant, I must insist upon closing up this matter, as it is imperative, in an early settlement of the estate, which is necessary.

You will, therefore, please inform me, at your earliest convenience, as to how and when you will be able to pay the balance remaining due on the land purchased by your late husband.

I am, dear madam, yours respectfully,

GEO. H. CALVERT, JR.

This is the letter I addressed to Mrs. Surratt on the 12th of April.

[The letter was read and offered in evidence.]

B. F. GWYNN.
For the Defense.—May 25.

By Mr. AIKEN.

I reside in Prince George's County, near Surrattsville. I have been acquainted with Mrs. Surratt seven or eight years.

On Friday, the day of the murder of the President, as I was passing in my buggy, some one hailed me, and said Mrs. Surratt wanted to see me in the tavern. She gave me a letter for Mr. Nothey, and asked me to read it to him, which I did. I have transacted some business for her relative to the sale of lands her husband had sold to Mr. Nothey; and I have personal knowledge of Mr. Nothey buying land from Mrs. Surratt's late husband; I was privy to the transaction.

About half-past 4 on that day, the 14th, I parted with Mr. Lloyd on the road from Marlboro, about five miles from Surrattsville, and did not see him afterward. He had been drinking right smartly.

Recalled for the Defense.—May 26.

By Mr. AIKEN.

[A letter was handed to the witness.]

This is the letter I carried to Mr. Nothey from Mrs. Surratt, and which I read to him on the 14th of April:

SURRETTSVILLE, MD., APRIL 14, 1865.

Mr. John Nothey:

SIR—I have this day received a letter from Mr. Calvert, intimating that either your or your friend have represented to him that I am not willing to settle with you for the land.

You know that I am ready, and have been waiting for the last two years; and now, if you do not come within the next ten days, I will settle with Mr. Calvert, and bring suit against you immediately.

Mr. Calvert will give you a deed, on receiving payment.

M. E. SURRETT,
Administratrix for J. H. Surratt.

JOHN NOTHEY.
For the Defense.—May 26.

By Mr. AIKEN.

I reside about fifteen miles from Washington, in Prince George's County. Some years ago I purchased seventy-five acres of land from John Surratt, sen. Mrs. Surratt sent me word that she wanted me to come to Surrattsville to settle for this piece of land. I owed her a part of the money on it. I met her there on Tuesday in regard to it. On Friday, the 14th of April, Mr. Gwynn brought me a letter from Mrs. Surratt, but I did not see her that day.

JOSEPH T. NOTT.
For the Defense.—May 30.

By Mr. AIKEN.

For the past two or three months I have been tending bar at Mr. Lloyd's tavern at Surrattsville.

On the 14th of April I saw Mr. Lloyd in the morning, and again at sundown. He had been to Marlboro on that day; and when he returned, he brought some fish and oysters, which he carried round to the kitchen in the back yard. For some weeks past Mr. Lloyd had been drinking a great deal; nearly every day, and night, too, he was pretty tight. At times he had the appearance of an insane man from drink. I saw him at the buggy in which Mrs. Surratt was, assisting in fixing it. He was pretty tight that evening.

By Mr. CLAMPITT.

I first saw Lloyd that evening after his return from Marlboro, driving round to the kitchen. I was at the stable, and coming out I saw him going round there. Mr. Weichmann was there, and Captain Bennett F. Gwynn drove up in front of the bar-room.

Recalled for cross-examination.—June 2.

By ASSISTANT JUDGE ADVOCATE BURNETT.

I have never, to my knowledge, done or said any thing against the Government, or the Union party in Maryland, during this struggle. I have never taken sides with the secession element there, nor said any thing against the officers of the Government or the Executive.

I know Mr. Edward Smoot. I do not remember saying to him, after the murder of the President, on his stating that John H. Surratt was one of the murderers, that he was undoubtedly in New York by that time; I may or may not have said so; and I might have

said, "John knows all about this matter;" but I do not recollect it; and I have no recollection whatever of saying that six months ago I could have told all about this matter; nor do I remember telling him not to mention any thing about the conversation I had had with him. I think if I had said so to Mr. Smoot, I should remember it, but I do not. Indeed, I do not recollect seeing Mr. Smoot.

By Mr. AIKEN.

I may have seen Mr. Smoot on Saturday, the 15th of April last, but I have no recollection of it; nor of any such conversation with him.

By the COURT.

I do not think I rejoiced at the success of the rebels at the first battle of Bull Run. I belong to the Catholic Church when I belong to any church at all. I have not belonged to any Church for seven years.

ANDREW KALLENBACH.
For the Defense.—June 13.

By Mr. AIKEN.

I was present in the back room of Mr. Lloyd's house when he came from Bryantown, at the time of his arrest. I did not hear Lloyd say to Captain Cottingham, "Mrs. Surratt, that vile woman, she has ruined me."

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

The conversation began directly Mr. Lloyd came into the house, and lasted about five minutes. Mr. Lloyd, Mrs. Lloyd, and Mrs. Offutt were there. Lloyd told Cottingham that he was innocently persuaded into this matter by Mrs. Surratt, or Mrs. Surratt's family. I believe he said, but I will not say positively that he said by whom, or that Mrs. Surratt's name was mentioned in the conversation. Lloyd told Cottingham that the carbine was hid up stairs, and after Lloyd was gone Mr. Cottingham went up for it.

J. Z. JENKINS.
For the Defense.—May 30.

By Mr. AIKEN.

I reside in Prince George's County, Maryland. I was at Mr. Lloyd's on the 14th, when Louis J. Weichmann and Mrs. Surratt drove up to the house. Mrs. Surratt showed me a letter from George Calvert, also two judgments that Mr. Calvert obtained in the Circuit Court of our county against Mr. Surratt, sen. She said this letter brought her there, and I

made out the interest on those judgments for her. She expressed no wish to see John M. Lloyd, and she was ready to start some time before he came, and was on the point of going when Lloyd drove up. Her business was with Captain Gwynn, and when he came in sight she went back and staid. Lloyd was very much intoxicated at the time.

My intercourse with Mrs. Surratt has been of an intimate character. She has never, to my knowledge, breathed a word that was disloyal to the government; nor have I ever heard her make any remark showing her to have knowledge of any plan or conspiracy to capture or assassinate the President or any member of the Government. I have known her frequently to give milk, tea, and such refreshments as she had in her house, to Union troops when they were passing. Sometimes she received pay for it; at other times she did not. I recollect when a large number of horses escaped from Giesboro, many of them were taken up and put on her premises. These horses were carefully kept and fed by her, and afterward all were given up. She received a receipt for giving them up, but never got any pay, to my knowledge.

I know that Mrs. Surratt's eyesight is defective. I have seen a man by the name of A. S. Howell stopping, I believe twice, at Mrs. Surratt's hotel. He was stopping there as other travelers do.

By Mr. CLAMPITT.

I saw Mrs. Surratt, at Surrattsville, a few days before the assassination of the President.

Q. At that meeting did she not state to you, when you asked for the news, that our army had captured General Lee's army and taken Richmond?

Assistant Judge Advocate BURNETT objected to the question as incompetent and irrelevant.

Mr. CLAMPITT stated that the object of the question was to show that the accused, Mary E. Surratt, had, a few days before the assassination, exhibited in her expressions a loyal feeling.

Assistant Judge Advocate BURNETT stated that the way to prove her character for loyalty was by bringing witnesses who knew her reputation in that respect, and not by bringing in her own declarations.

Mr. CLAMPITT waived the question.

Mrs. Surratt's reputation for loyalty was very good. I never heard it questioned, and I never heard her express any disloyal sentiments.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

Mrs. Surratt is my sister. I live about a mile and a half this side of her place. I was arrested by the Government about ten days ago. About 10 or 11 o'clock the night before, I met a man by the name of Kallenbach, and another by the name of Cottingham. All that I said on that occasion, that I remember, was that my sister had fed his family (Kallenbach's); but I did not say that if Kallenbach or any else testified against my sister, that I would send him to hell, or see that they were put out of the way, nor did I use any threats against him in case he appeared as a witness against Mrs. Surratt. What I did say was, that I understood he was a strong witness against my sister, which he ought to be, seeing that she had raised his family of children. I disremember calling him a liar during the conversation, and if there was any angry or excited conversation, I did not mean it any how. He said nothing to me about John H. Surratt going to Richmond with the full knowledge and consent of his mother. Mrs. Lloyd was there and heard our conversation, and so also was Mr. Cottingham.

On the 14th of April, when Mrs. Surratt was at Lloyd's, I saw Mr. Gwynn there, and perhaps from ten to fifteen others, during that time; among them, Kallenbach and Walter Edelin. I was there from between 2 and 3 o'clock until a little after sundown. I saw Mrs. Surratt speaking to Mr. Gwynn in the parlor; Weichmann also was in the parlor, I think. Gwynn left the house before Mrs. Surratt.

I think that during the war my attitude toward the government has been perfectly loyal. During the revolution, I have spent \$3,000 in my district to hold it in the Union, and during the struggle I have taken no part against the Government. I have been entirely on the side of the Government during the whole war, and never, by act or word, have I aided or abetted the rebellion, and never has the scrawl of a pen gone from me across to them, nor from them to me. I have never fed any of their soldiers, nor induced any soldiers to go into their army, nor aided and assisted them in any way.

Re-examined by Mr. AIKEN.

I am under arrest, but I do not what for. The commissioners of our county offered \$2,000 for any information that could be given, leading to the arrest of any party connected with the assassination, which Mr. Cottingham claimed on account of having arrested John M. Lloyd, and he asked me if I would not see the State's Attorney and see whether he could get it or not.

When I said Mr. Kallenbach ought to be a strong witness against my sister, on account of her bringing his children up, I spoke ironically.

J. Z. JENKINS.
Recalled for the Defense.—June 7.

By Mr. AIKEN.

In 1861, about the time of the first Bull Run fight, I got a United States flag from Washington, which I and several of our Union neighbors raised. There came a report shortly after that it was to be taken down by the secesh sympathizers. I went round the neighborhood and collected some twenty or thirty men with muskets, double-barreled guns, or whatever they had, and we lay all night round the flag to keep it up. At the time of the election, when they were all Democrats round there except myself, I used money, when I had n't to spare and my family needed it, to get Union voters into Maryland. I remember bringing Richard Warner from the Navy Yard, Washington, to the polls. He had not been away long enough to lose his vote. I have never had any intercourse, one way or another, with the enemies of my country. At the election for Congress, in 1862, I was not allowed to vote; I was arrested on the morning of the election. I took the oath of allegiance at the time they were voting on the adoption of the new constitution, and voted that day. The last time I voted for member of Congress was for Harris; then, for the first time in my life, I voted the Democratic ticket. I have been an old-line Whig. I have suffered from the war the loss of my negroes; but I never, to my recollection, made any complaint about that. I was willing for them to go.

RICHARD SWEENEY.
For the Defense.—June 12.

By Mr. AIKEN.

I met John M. Lloyd at Marlboro on the 14th of April last, and rode back with him part of the way toward his home. He was considerably under the influence of liquor, and he drank on the road.

By Mr. CLAMPITT.

I am acquainted with J. Z. Jenkins, the brother of Mrs. Surratt. I have known him for ten years, and can speak confidently of his reputation as a loyal man. At the outset of these difficulties he was a zealous Union man. A Union flag was erected within one hundred yards of where I boarded, and there was a rumor that it was to be cut down, and Jenkins was one of the men who took a gun and remained there all night for the purpose of guarding the flag.

Cross-examined by the JUDGE ADVOCATE.

Lloyd returned from Marlboro to Surrattsville in his buggy; I was on horseback. We both drank; I do not which drank the most; we drank from the same bottle. Lloyd was excited

in his conversation and deportment generally; but he kept the road straight, and I did not see him deviate from it. It was six miles to Surrattsville from where we parted. I thought he could take care of himself.

Q. Have you been entirely loyal yourself during the rebellion?

A. I suppose so, and think so. I have never done any thing inimical to the interests of the Government, that I know of.

Q. Have you never desired the success of the rebellion?

A. No, sir; I never expressed any desire for its success.

Q. Have you always desired that the Government should succeed in putting down the rebellion?

A. I can not say but what my feelings were neutral in the matter.

Q. Are you quite sure they were neutral? It is very difficult to be neutral in such a war as this has been.

A. I think I was about as strictly neutral as anybody else.

Q. When you examine your feelings closely, if you can recall them, have you not an impression that at some time or other you preferred that the rebellion should succeed?

A. I may possibly have done so. I think I exercised a neutral feeling very nearly.

Q. You were neutral in your conduct?

A. And in my feelings—as strictly neutral, I think, as anybody else.

Q. You think you were perfectly indifferent whether the Government succeeded or failed.

A. I was.

JAMES LUSBY.
For the Defense.—June 2.

By Mr. AIKEN.

I reside in Prince George's County, Md. I was at Marlboro on Good-Friday, the day that Mr. Lincoln was killed. Mr. Lloyd and I returned from Marlboro to Surrattsville together.

He was very drunk on that occasion; I got there about a minute and half, perhaps, before he did. I drove to the bar-room door, and he went round to the front door. I saw Mrs. Surratt just as she was about to start to go home. Her buggy was standing there at the gate, when we drove up, and she left in fifteen or twenty minutes after that.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

When I got out of my wagon, I went into the bar-room to get a drink; and I do not know what took place in the mean time, when Lloyd went round the house. I am quite sure Lloyd was drunk. I had been quite smart in liquor in the course of the day before I met Lloyd, and then took drinks with Lloyd, but I do not think I was as tight as he; nor do I think I am altogether mistaken as to who was drunk that day. I did not see him take the fish out of his buggy. He did not drive into the yard; he drove to the front gate, I know; I did not see him go out. It is twelve miles from Marlboro to Surrattsville—about two and a half hours' drive. We drove along pretty brisk.

J. V. PILES.

For the Defense.—June 13.

By Mr. AIKEN.

I live about ten miles from Washington, in Prince George's County, Md. I am personally acquainted with J. Z. Jenkins, and have known him ever since I was a little boy. I regarded him, formerly, as one of the most loyal men in that part of the country. I thought that he and I were two of the most loyal men there, at the beginning of the rebellion. A flag was raised, sent down, as I understood, by Mr. John Murphy, the butcher, who lived at the Navy Yard, Washington, about a month before the riots in Baltimore. A little while after, the news was spread, that a party from the Southern states, or from the lower counties of Maryland, were coming to cut it down. About twenty men were raised in our neighborhood, who armed themselves to protect the flag, and Mr. Jenkins, I believe, was among the number who staid with us that night. I have never heard a disloyal sentiment from Mr. Jenkins, nor do I know of any overt act on his part that might be construed into disloyalty; but I have not been in his company of late. About six months ago I had some conversation with him, when he said he was as good a loyal man as I was. Whether he regarded me disloyal, and himself too, or whether he regarded us both loyal, I can not say.

Cross-examined by ASSISTANT JUDGE ADVOCATE BURNETT.

Since 1862 I have not heard any direct expression of opinion from him; but since his negroes have been taken from him, rumor says he is not quite so good a union man as he was in the beginning. That is the general rumor.

J. C. THOMPSON.
For the Defense.—June 7.

By Mr. AIKEN.

I live at Tee Bee, Prince George's County, Maryland. I have known J. Z. Jenkins since 1861, and have always considered him a loyal man.

Cross-examined by ASSISTANT JUDGE ADVOCATE BURNETT.

I do not know that I am a competent judge of loyalty. I have always considered myself loyal, and I think that such has been my reputation. I have never desired the success of the Southern rebellion, and have been all the time on the side of the Government.

DR. J. H. BLANDFORD.
For the Defense.—June 7.

By Mr. AIKEN.

I am acquainted with J. Z. Jenkins, and have regarded him as loyal to the Government of the United States. I have never heard him express any disloyal sentiments; and at the beginning of the war, he was generally avoided by those who were not thoroughly in favor of the administration. Mr. Jenkins, I know, supported the opposition candidates to the Democracy.

I know Andrew Kallenbach; he is a Democrat, and has always acted with the Democratic party.

WM. P. WOOD.
For the Defense.—June 5.

By Mr. CLAMPITT.

I am at present Superintendent of the Old Capitol Prison. I know J. Z. Jenkins, and have been intimately acquainted with him for five years. In 1860 and 1861, Mr. Jenkins was counted as one of the most reliable Union men in that district, and I know that up to 1862 he labored himself, and urged his friends to labor, and spent his means freely, to keep the State of Maryland in the Union. In 1862 and 1863, I understood that he came to this city to obtain voters who had left the State of Maryland, but who had not lost their residence, to return to Maryland to vote the Union ticket.

I do not know of my own knowledge, but it was generally understood by those acting with the administration, that after the first battle of Bull Run, Mr. Jenkins procured a United States flag and hoisted it in his county, and that, when certain rebel sympathizers threatened to haul it down, he gathered a band of from twenty to fifty Union men, and stood by it all night to protect it. I believe Mr. Jenkins to be a loyal man. I never heard him utter any sentiments against the Government of the United States, but he is very bitter on the administration on account of the negroes. Outside of this, I believe him to be a truly loyal man. The people down there, who, in the early part of the war, acted with the administration, are now dissatisfied with it on account of its action on the subject of slavery, and there is scarcely a single friend of the administration in that county now.

I never heard him express any desire for the success of the South; but I have heard him express himself very positively the other way. Mr. Jenkins is now under arrest at the Old Capitol Prison, but I do not know what for.

Cross-examined by the JUDGE ADVOCATE.

- Q.* Do you not regard such bitter hostility to the Government, in a civil war like this, as in the interest of the public enemy, and therefore disloyal?
- A.* Lately I have not considered him sound on the subject, and have had very little to do with him, except on account of former friendship in past times. I thought then he was as loyal as any man in the county, and regarded him as such, and treated him as a friend; but at the last election he voted for Harris, and was in with these other parties and I did not like that state of affairs, and hence had not that political confidence in him that I had previously.

MISS ANNA E. SURRETT.
For the Defense.—May 30.

By Mr. AIKEN.

I was arrested on the 17th of April, and have since been confined at Carroll Prison.

I have met Atzerodt, the prisoner at the bar, at our house in Washington City. I do not think he remained over night but once. He called very often, and asked for that man Weichman. He was given to understand that he was not wanted at the house; ma said she did not care about having strangers there. The last time Atzerodt was there, Weichman engaged the room for him, and asked me to allow him to stay there all night. They were sitting in the parlor, and made several signs over to each other. Weichman and he then left the room, and presently Weichman came back and asked ma if she would have any objections to Atzerodt remaining there that night; that he did not feel at home at an hotel. After thinking for some time, ma said, "Well, Mr. Weichman, I have no objections." Mr. Weichman was a boarder at my mother's house, and was but too kindly treated there. It

was my mother's habit to sit up for him at night, when he was out of the house; she would sit up and wait for him the same as for my brother.

Payne first came to our house one night after dark, and left very early the next morning. That was not long after Christmas. Some weeks afterward, he came one night when we were all in the parlor. Weichman went to the door and brought the gentleman in, and I recognized him as the one who had been there before under the name of Wood. I do not know him by the name of Payne at all. I went down stairs to tell ma that he was there. She was in the dining-room. She said she did not understand why strange persons should call there, but she supposed their object was to see my brother, and she would treat them politely, as she was always in the habit of treating every one. He called two or three times after that—perhaps the same week, or two weeks after—I can not say exactly. On this visit, as we were sitting in the parlor, he said, “Mrs. Surratt, if you have no objection, I will stay here to-night; I intend to leave in the morning.” And I believe he did leave the next morning.

I have met John Wilkes Booth at our house. The last time he was there was on Friday, the 14th, I think; I did not see him; I heard he had been there.

My mother went to Surrattsville on the Friday of the assassination, and I think her carriage was at the door at the time Mr. Booth called. I heard some one come up the steps as the buggy was at the door, and ma was ready to start. Ma had been talking about going during the day, before Booth came, and perhaps the day before; she said she was obliged to go on some business in regard to some land. Mr. Booth only staid a very few minutes. He never staid long when he came.

[A picture, called “Morning, Noon, and Night,” was exhibited to the witness.]

That picture belonged to me; it was given to me by that man Weichman, and I put a photograph of John Wilkes Booth behind it. I went with Miss Honora Fitzpatrick to a daguerrean gallery one day to get her picture; we saw some photographs of Mr. Booth there, and, being acquainted with him, we bought two and took them home. When my brother saw them, he told me to tear them up and throw them in the fire, and that, if I did not, he would take them from me. So I hid them. I owned photographs of Davis, Stephens, Beauregard, Stonewall Jackson, and perhaps a few other leaders of the rebellion. My father gave them to me before his death, and I prize them on his account, if on nobody else's. I also had in the house photographs of Union Generals—of General McClellan, General Grant, and General Joe Hooker.

The last time I saw my brother was on Monday, the 3d of April; I have never seen him since. He may have been on friendly terms with J. Wilkes Booth. Mr. Booth called to see him sometimes. I never asked him what his friendship was to Booth. One day, when we were sitting in the parlor, Booth came up the steps, and my brother said he believed that man was crazy, and he wished he would attend to his own business and let him stay at home. He told me not to leave the parlor, but I did.

Assistant Judge Advocate BURNETT. Miss Surratt, you ought to be cautioned here, that the statements or conversations of Mr. Surratt, or Mr. Booth, or your mother, are not competent testimony. You should state simply what was done, and not give the statements of the parties; and the counsel ought not to ask for such statements.

Mr. AIKEN. [To witness.] In giving your evidence you will avoid giving statements that you heard your brother make, and the language he used. State only what you know, as far as your knowledge goes.

My brother was at St. Charles's College, near Ellicott Mills, Maryland, in 1861; but he was not a student of divinity. He was there, I think, three scholastic years, and spent his vacations, in August, at home. During the time he was not at home for vacation he was at college.

I never, on any occasion, heard a word breathed at my mother's house of any plot or conspiracy to assassinate the President of the United States; nor have I ever heard any remarks in reference to the assassination of any member of the Government; nor did I ever hear discussed, by any member of the family, at any time or place, any plan or conspiracy to capture the President of the United States.

My mother's eyesight is very bad, and she has often failed to recognize her friends. She has not been able to read or sew by gaslight for some time past. I have often plagued her about getting spectacles, and told her she was too young-looking to wear spectacles just yet; and she has replied that she could not read or see without them.

By Mr. EWING.

My brother left college in 1861 or 1862, the year my father died. I was at school at Bryantown from 1854 until 1861; I left on the 16th of July. Surrattsville, where we formerly resided, is on the road between Washington and Bryantown.

I never saw Dr. Samuel Mudd in my mother's house in Washington.

Recalled for the Defense.—June 7.

By Mr. AIKEN.

[Submitting to the witness the card containing the arms of the State of Virginia, with the motto "Sic semper tyrannis."]

I recognize that card; it belongs to me, and was given me by a lady about two and a half years ago.

By Mr. EWING.

We commenced moving from Surrattsville to the house on H Street about the 1st of October last; I went there myself about the first week in November. We have occupied no other house in Washington.

I have never seen Judson Jarboe at our house; he never visited the house at all. I have seen him pass in his buggy in the country, but I have never seen him to speak to him. I never saw Dr. Samuel Mudd at my mother's house in the city, nor heard of his being there.

MISS HONORA FITZPATRICK.
For the Defense.—May 25.

I boarded at the house of Mrs. Surratt, on H Street, from the 6th of October last till I was arrested. I met the prisoner Payne at breakfast one morning, I think in March or April last. I have seen him there twice; the last time was in March.

I know the prisoner Atzerodt. I have seen him at Mrs. Surratt's, but I do not know in what month. He only stayed there a short time; I think Mrs. Surratt sent him away. I occupied the same room as Mrs. Surratt, and Miss Surratt slept in the same room for a time.

[The picture, "Morning, Noon, and Night" was exhibited to the witness.]

I know this picture; it belonged to Miss Surratt, and was kept on the mantle-piece, but I do not know of any photograph placed behind it. I bought a photograph of J. Wilkes Booth, and took it to Mrs. Surratt's house; Miss Anna Surratt also bought one. The last time I saw Mr. Booth at Mrs. Surratt's was on the Monday before the assassination. John Surratt had left a fortnight before, and I never saw him after.

I am acquainted with Louis J. Weichman; he was treated in Mrs. Surratt's house more like a son than a friend.

Mrs. Surratt has complained that she could not read or sew at night on account of her sight. I have known of her passing her friend, Mrs. Kirby, on the same side of the street, and not see her at all.

Cross-examined by the JUDGE ADVOCATE.

The photographs of Stephens, Beauregard, and Davis did not belong to me.

Recalled for the Defense.—June 9.

By Mr. AIKEN.

I was at communion with Mrs. Surratt on Thursday morning, the 13th of April. I was present at the time of Payne's arrest at Mrs. Surratt's house. I did not recognize him at the house, but did at General Augur's office, when the skull-cap was taken off his head.

I know Mrs. Surratt's eyesight is defective; I have often threaded a needle for her when she has been sewing during the day, because she could not see to do it herself, and I have never known her to sew or read by gaslight. I never saw Judson Jarboe until I got acquainted with him at Carroll Prison. I never saw Dr. Samuel Mudd at Mrs. Surratt's house, and never heard his name mentioned there.

Cross-examined by ASSISTANT JUDGE ADVOCATE BURNETT.

When we were at General Augur's headquarters, Mrs. Surratt was taken in another room. Payne was down behind the railing, in the room in which Miss Surratt, Miss Jenkins, and myself were. The only time that Mrs. Surratt was in the room with us was when Miss Surratt gave way to her feelings, because some one suggested that this man Payne was her brother, John H. Surratt. I do not remember that Mrs. or Miss Surratt said there that they had never seen that man before. Miss Surratt remarked that that ugly man was not her brother, and she thought whoever called him so was no gentleman. He had his cap off at that time. I did not hear her deny that she had ever seen him.

I do not remember whether the officers called Mrs. Surratt out to see Payne at the time of his arrest at the house; I remained in the parlor all the time.

MRS. ELIZA HOLAHAN.

For the Defense.—May 25.

By Mr. AIKEN.

I boarded with Mrs. Surratt from the 7th of February until two days after the assassination. I know the prisoner at the bar who called himself "Wood," [Payne;] I saw him at Mrs. Surratt's in February, and the second time, I think, about the middle of March. He was introduced to me as Mr. Wood, but I never exchanged a word with him on either visit. I asked Miss Anna Surratt who he was, and she said he was a Mr. Wood, a Baptist minister. I said I did not think he would convert many souls; he did not look as if he would. He was there but one night on his first visit, and on the second, two or three days, I think; it was after the inauguration. I have seen the prisoner Atzerodt at Mrs. Surratt's, though I never heard of him by that name; he called himself, and the young ladies called him, "Port Tobacco." I saw him come in at times, and he dined there once or twice. I heard Mrs. Surratt say she objected to Mr. Atzerodt; she did not like him, and that she

would rather he did not come there to board. I can not say that I was intimate with Mrs. Surratt; I liked her very much; she was a very kind lady to board with; but I was more intimate with her daughter than I was with her.

Q. In all the time you boarded in her house did you ever hear Mrs. Surratt say any thing with reference to the existence of a conspiracy to assassinate the President?

Assistant Judge Advocate BINGHAM objected to the question. The law so hedges about this matter of crime that those who are charged with it are never able to prove their own declarations in their own favor, because, if it were so, the greatest criminal that ever cursed the earth and disgraced our common humanity could make an abundant amount of testimony out of the mouth of the most truthful people living.

Mr. AIKEN replied, that if the witness had heard Mrs. Surratt make any remarks with reference to a conspiracy, and disclosed to her any knowledge of that fact, it would be valuable evidence on the part of the Government, and it would be just as valuable to the defense if she did not.

The question was waived.

I have seen John Wilkes Booth at Mrs. Surratt's three or four times. When he called, he spent most of his time in company with Mrs. Surratt, I believe; he would ask for Mr. John Surratt, as I understood; if he was not there, for Mrs. Surratt.

Mrs. Surratt's eyesight was defective. I never saw her read or sew after candlelight. I went to Church with Mrs. Surratt during Lent very often; she was very constant in her religious duties.

I have not seen John Surratt since early in March, when he was last at home.

GEORGE B. WOODS.
For the Defense.—May 25.

I reside in Boston. I have been in the habit of seeing, in Boston, photographs of the leaders of the rebellion exposed for sale, the same as Union celebrities.

Q. Have you not seen them in the possession of persons supposed to be loyal?

Assistant Judge Advocate BINGHAM objected to the question as immaterial.

Mr. AIKEN waived the question.

AUGUSTUS S. HOWELL.
For the Defense.—May 27.

My name is Augustus Howell. I first became acquainted with Mrs. Surratt and John H. Surratt about a year and a half ago, at Surrattsville. I was present one evening, when she handed me a newspaper to read for her; and I called one evening at her house, about the 20th of February, and, although the gas was lit in the hall, she failed at first to recognize me.

I met Louis J. Weichman once at Mrs. Surratt's; I remained there two days or more. I had no particular business, and I went to Mrs. Surratt's because I knew them, and because it was cheaper than at a hotel.

When I saw Mr. Weichman I showed him a cipher, and how to use it. Weichman then made one himself.

[The cipher found among Booth's effects was exhibited to the witness.]

The cipher I showed to Mr. Weichman was the same as this.

Q. Did Mr. Weichman at that time give you any information in regard to the number of prisoners that we had on hand?

Assistant Judge Advocate BINGHAM objected to the question, inasmuch as Mr. Weichman was never asked any question in relation to that matter in his cross-examination.

The question was waived.

I had some conversation with Mr. Weichman with respect to his going South; he said he would like to go South, or intended to go South.

Q. Did he say any thing, in connection with his wishes to go South, of his sympathies?

Assistant Judge Advocate BINGHAM objected to the question, inasmuch as Mr. Weichman had not been asked, on his cross-examination, whether he had stated any thing to Mr. Howell about his sympathies at that time and place.

The question was waived.

Mr. Weichman said he would like to go South with me, but he was not ready, he said, to go at that time; but as soon as he got his business arranged he was going. He asked me if I thought he could get a position in Richmond; I told him I did not know whether he could

or not, as the wounded and invalid soldiers generally had the preference in the offices there by an order of the War Department. He told me that his sympathies were with the South, and that he thought it would ultimately succeed. I believe he said he had done all he could for that Government—referring to the South. We had some conversation in regard to the number of prisoners the United States Government had on hand, and he stated to me the number of Confederate prisoners the United States Government had on hand, and the number they had over that of the Confederate Government. I doubted it at the time, but he said it would not admit of doubt; that he had the books in his own office to look at.

In that conversation, I think, Mr. Weichman said he had done all he could for the South; he expressed himself as a friend of the South, as a Southern man or a secesh sympathizer would.

Cross-examined by ASSISTANT JUDGE ADVOCATE BURNETT.

Before the war, I resided principally in Prince George's County, Md.; for about two years, off and on, I have lived in King George County, Va.

Q. What has been your business for the last year and a half?

MR. AIKEN. I object to the question. In the examination in chief, the witness was asked nothing at all with reference to his business, one way or another. I do not object to his stating it, if he wishes to do so, but I do not think it is relevant.

Assistant Judge Advocate BURNETT. The Court has the right to know the status of the witness. We have a right to know whether his employment was loyal or disloyal, and whether that fact was known to the family of Surratts. It is always competent to give to the Court the full status of the witness during the time about which he testifies. It is but the ordinary course of cross-examination.

General WALLACE. I should like to hear the reason of the objection.

Mr. AIKEN. It is objected to, first, because no question was asked the witness in the examination in chief, in reference to what his business has been; and, secondly, because it is entirely irrelevant to the issue now before us, in every way and shape.

The Commission overruled the objection.

Mr. AIKEN. I now object to the witness answering the question. He is not obliged to do so, if his answer will tend in any way to criminate himself as to any thing in which he has been engaged; and if he does not wish to answer the question, he has the privilege not to do it.

Assistant Judge Advocate BURNETT. If it is placid on the ground of personal security, if the witness claims that privilege at the hands of Court, he can make that claim, and I will not press that portion of the question. [To the witness.] It is your right, and I apprise you of it now, to claim protection at the hands of the Court against any matter that will criminate yourself.

WITNESS. I have had no particular occupation since I came out of the Confederate army. I was in the First Maryland Artillery of the Confederate service, during the first year of the war, up to July, 1862, I believe. Since then I have not been employed in any particular business. I have been to Richmond occasionally. Sometimes I went once a month, sometimes once in two or three months. I do not think I have been but twice the last year. I was there in December, and again in February, I think. Some one might have gone with me in December, but I do not remember who it was. In February, some half dozen accompanied me, but they were principally from the neighborhood in the county. I had no particular business in Richmond but to see some friends, and to get some drafts. Our Maryland boys generally sold drafts, and I used to go down to Richmond occasionally to buy drafts for them.

Q. On whom did you buy drafts?

A. That would be implicating others, and I do wish to answer that question. Any thing relative to myself I will answer willingly.

Assistant Judge Advocate BURNETT. Protection on the stand only applies to yourself, not to others.

WITNESS. They were upon some of my friends in Maryland. They were not upon any of the accused, or any persons in Washington. I never carried any dispatches in my life.

I have been at Richmond about half a dozen times since I have known the Surratts. I can not say that I was known to my friends as a blockade-runner.

My name is Augustus Howell; that is my correct name. I generally write my name A. S. Howell. "S" stands for Spencer. My friends call me Spencer, but I seldom use the "S" in my name.

I never met a person by the name of Mrs. Slater at Mrs. Surratt's house. I met a lady by that name in Washington, about the 20th or 22d of February, and had some conversation with her in front of Mrs. Surratt's house. We went to Virginia together. John H. Surratt was with her in the buggy. I met Mrs. Slater in Richmond about the last of February. It was soon after I saw her in front of Mrs. Surratt's house, that I met her in Richmond.

I staid about two days and a half at Mrs. Surratt's in February. I told them that I had been to Richmond. I do not know that they knew my business. I had some conversation with

Mrs. Surratt, and judge she knew I was from Richmond. I think Atzerodt was at Mrs. Surratt's house during the time I was there, but I never saw Payne.

I used to meet Dr. Mudd occasionally, when I was at Bryantown. He never sent messages by me to Richmond, nor did I bring any back to him. I was at his house about a year ago, but never made it a stopping-place. I had lost a pistol which I left at a house in Bryantown, and I asked him to go there and get it for me, but he did not. I was going up into the country, and did not miss the pistol until I was passing Dr. Mudd's place. It was because his house was the nearest that I went in and asked him to get it for me.

I brought one draft from Richmond, from young Marriott, in Prince George's County, Maryland, for his sister, of \$200, and for which I paid at the rate of \$800 Confederate for \$100 of United States money. Another from young Tolson, which I have not yet collected, and another from a young man by the name of Chew, on his brother in Anne Arundel County.

I do not know any thing of Weichman's having quarreled with the Surratt family, because he was loyal and they were disloyal, nor did I know that it was his intention to glean from me all I knew for the purpose of turning me over to the military authorities; if so, he did not succeed. I never took the oath of allegiance to the United States.

By Mr. EWING.

I frequently saw Dr. Mudd at Bryantown before the war. I have never had any communication with him, except in regard to that pistol.*

MISS ANNA WARD.
For the Defense.—June 3.

By Mr. AIKEN.

I reside at the Female [Catholic] School, on Tenth Street, in Washington. I have been acquainted with Mrs. Surratt between six and eight years. I know Mrs. Surratt's eyesight to be defective; she has failed to recognize me on the street. On one occasion, at her house, I gave her a letter to read, and she handed it back, saying she could not see to read by gaslight. I am near-sighted myself. On one occasion something was pointed out to me, and I was laughed at for not seeing it, as it was pretty close by, and Mrs. Surratt remarked that she supposed I was something like herself; I could not see; and that she labored under the same difficulty.

* We can not present the contradictions and prevarications of this witness without occupying many pages. In each case we give his last statements, many of them flatly contradicting those made a few months before.

I have not been very intimate Mrs. Surratt. She always bore the character of a perfect lady and a Christian, as far as my acquaintance with her extended.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

My last visit to Mrs. Surratt's house was on the day of the assassination. Some time in February or March, perhaps, I went to the Herndon House to ask if there was a vacant room. I did not engage a room; I simply went there to ask if there was a vacant room. I said nothing about it being for a delicate gentleman, for I did not know [*sic*] for whom it was intended. I have met Mr. Weichman, Mr. Holahan, and Mr. Booth at Mrs. Surratt's, but do not know that I ever met any of the prisoners at the bar there. I can not see them well enough to know them, but do not think I have.

I received two letters from John H. Surratt, post-marked Montreal, C. E., for his mother. I do not recollect the date of the first I received; it was probably one or two days before the second, and that I received on the day of the assassination; it was that which took me to Mrs. Surratt's on that day. He inclosed them in letters to me. I answered his letters to me, and left them with his mother, as I supposed she would be glad to hear from him. I have not seen them since.

REV. B. F. WIGET.
For the Defense.—May 25.

By Mr. AIKEN.

I am President of the Gonzaga College, F Street, between Ninth and Tenth. It is about ten or eleven years since I became acquainted with Mrs. Mary E. Surratt. I knew her well, and I have always heard every one speak very highly of her character as a lady and as a Christian. During all this acquaintance, nothing has ever come to my knowledge respecting her character that could be called unchristian.

Q. Is there an institution in the city of Richmond for theological studies?

Assistant Judge Advocate BINGHAM. I object to that question as wholly immaterial. What is the necessity of inquiring into that? You might as well ask whether it was an octagon or not; whether it was two stories or forty stories high. If immaterial questions were allowed to be asked and answers obtained, and the witnesses contradicted, the case would never end, if the Court lived to be as old as Methuselah, provided a succession of counsel could be obtained to keep up the fire. Wharton's American Criminal Law, p. 434, section 817, says: "The credit of a witness may be impeached by proof that he has made statements out of court contrary to what he has testified at the trial. But it is only in such matters as are relevant to the issue that the witness can be contradicted. Therefore, a witness can not be examined as to any distinct collateral fact irrelevant to the issue for the purpose of impeaching his testimony afterward by contradicting his statements."

Mr. AIKEN said he would recall the recollection of the learned Assistant Judge Advocate to the fact that the answer of Mr. Weichman was on the record that he was a student of divinity, and that he desired to go to Richmond to continue his studies there. Mr. Weichman was interrogated as to these points, and the foundation was thus laid for impeaching his credibility as a witness. These questions to the witness now on the stand (which I have a right to put) are for that very purpose.

General WALLACE. The witness Weichman did not state that there was a theological academy, or any thing of that kind, in Richmond.

Mr. AIKEN. He said that he belonged to that diocese, and wanted to go to that diocese to finish his studies.

The JUDGE ADVOCATE. He said nothing about a theological school there. He said he wished to go there for the purpose of continuing his theological studies.

Mr. AIKEN. The inference was, if he was going to complete his theological studies, that there was a school there.

Assistant Judge Advocate BINGHAM. You do not propose to contradict inferences I suppose?

The Commission sustained the objection.

Cross-examined by the JUDGE ADVOCATE.

I have a personal knowledge of her general character as a Christian, but not of her character for loyalty. My visits were all short, and political affairs were never discussed; I was not her pastor. I first became acquainted with Mrs. Surratt from having had two of her sons with me. I have seen her perhaps once in six weeks. I can not say I remember hearing her utter a loyal sentiment since the beginning of the rebellion; nor do I remember hearing any one talk about her as being notoriously disloyal before her arrest.

REV. FRANCIS E. BOYLE.

For the Defense.—May 25.

By Mr. AIKEN.

I am a Catholic priest. My residence is at St. Peter's Church. I made the acquaintance of Mrs. Mary E. Surratt eight or nine years ago, and have met her perhaps three or four times since. I have heard her always well spoken of as an estimable lady, and never heard any thing to her disadvantage. I have never heard her utter any disloyal sentiments.

Cross-examined by the JUDGE ADVOCATE.

I have never heard much of her sentiments, and do not undertake to say what her reputation for loyalty is.

REV. CHARLES H. STONESTREET.

For the Defense.—May 25.

By Mr. AIKEN.

I am the pastor of St. Aloysius Church in this city. I first became acquainted with Mrs. Mary E. Surratt twenty years ago. I have only occasionally seen her since. During the last year or two, I have scarcely seen her. I have always looked upon her as a proper Christian matron. At the time of my acquaintance with her, there was no question of her loyalty.

Cross-examined by the JUDGE ADVOCATE.

I do not remember having seen Mrs. Surratt, though I may have done so transiently, since the commencement of the rebellion; and of her character and loyalty since then I know nothing but what I have read in the papers.

REV. PETER LANIHAN.

For the Defense.—May 26.

By Mr. AIKEN.

I am a Catholic priest, and reside near Beantown, St. Charles County, Maryland. I have been acquainted with Mrs. Mary E. Surratt, the prisoner at the bar, for about thirteen years; intimately so for about nine years. In my estimation, she is a good Christian woman, and highly honorable. I never heard her on any occasion express disloyal sentiments.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

Mrs. Surratt's character in her neighborhood is that of a good Christian woman. I have conversed with her since the rebellion in regard to current events and public affairs, and do not remember having heard any expression of disloyal sentiments, and I have been very familiar with her, staying at her house. I do not remember having heard her reputation for loyalty spoken of.

REV. N. D. YOUNG.
For the Defense.—May 26.

By Mr. AIKEN.

I am a Catholic priest; I reside at the pastoral house of St. Dominick's Church, on the Island, on Sixth Street, in Washington City. I became acquainted with Mrs. Mary E. Surratt about eight or ten years ago. My acquaintance has not been intimate. I have occasionally seen her and visited her. I had to pass her house about once a month, and generally called there—sometimes staid an hour. Her reputation, as far as I have heard, is that of a Christian lady, in every sense of the word. I have heard her spoken of with the greatest praise, and never heard any thing of her but what was highly favorable to her character. She never expressed any disloyal sentiments to me.

Cross-examined by the JUDGE ADVOCATE.

I have never heard her speak upon current events in any manner, loyal or disloyal.

WILLIAM L. HOYLE.
For the Defense.—May 26.

By Mr. AIKEN.

I reside on Missouri Avenue, Washington. I am not particularly acquainted with Mrs. Surratt. I have a store acquaintance only; I know nothing of her, and have heard nothing against her. I have never heard her express any disloyal sentiments; I never had any political conversation with her.

I know John H. Surratt by sight. I last saw him in this city about the end of February or the beginning of March. Just prior to the draft I saw him in the store. In appearance he is rather delicate looking; tall, about six feet in height; of light complexion, and about twenty-two or twenty-three years of age. I think he had neither goatee nor moustache when I saw him, though I will not be positive.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

I never heard Mrs. Surratt utter any political sentiment, loyal or disloyal; it was only as a customer that I knew her.

JOHN T. HOXTON.
For the Defense.—June 13.

By Mr. AIKEN.

I have resided in Prince George's County, Maryland, about a mile from Surrattsville, for the forty-five or fifty years. I have known Mrs. Mary E. Surratt for a number of years, but mostly since she came to reside in our neighborhood, about ten or twelve years ago. Since the rebellion I have not met her very frequently. Of late years I have gone from home but little; I have not visited her house often, and when there I have staid but a short time. I never had any conversation with her on political subjects. Her reputation in the neighborhood, as a true, Christian, kind lady, is very good, I believe. I never heard any thing to the contrary.

I am very well acquainted with J. Z. Jenkins. He was a good Union man up to 1862, I think. At the election of that year he was arrested, and since then I have understood that he had secession proclivities. I believe that he once assisted in defending the Union flag with arms in his hands. Mr. Jenkins was a good Union man two years ago, but I have known very little of him since that time. The report in the neighborhood is, that he is not at this time a very loyal man. I have never known of Mr. Jenkins committing a disloyal act, nor have I heard from him an expression unfriendly to the Government, during the past two years.

I know the Rev. W. A. Evans. There is no Presbyterian Church in Prince George's County that I know of. I can not exactly say what is the reputation of Mr. Evans in that neighborhood for veracity. Mr. Evans was impeached some years ago.

Assistant Judge Advocate BINGHAM. You need not state that.

Q. From your knowledge of his character and his reputation, would you believe him on oath where any of his interests were involved?

Assistant Judge Advocate BINGHAM objected to the question. **The witness should first state whether he knew the general reputation of Mr. Evans for truth among his neighbors.**

Q. Are you acquainted with the reputation of the Rev. Mr. Evans in your community—in your neighborhood?

A. No, except by rumor.

By ASSISTANT JUDGE ADVOCATE BINGHAM.

Q. In Evans's neighborhood?

A. Evans kept school in the neighborhood where I live, some ten or twelve years ago.

Q. The question is as to his reputation now.

A. I know nothing of his reputation now.

By Mr. AIKEN.

Q. Has his reputation in his neighborhood, and where he has taught school, been notoriously bad?

Assistant Judge Advocate BINGHAM. I object to any such question. The witness has disclosed the fact that he does not know what the present reputation of Mr. Evans among his own neighbors for truth and veracity is. The law, in its humanity and in its justice, has said that no man called into a court as a witness shall be put upon trial for every act of his life; the question is as to this general reputation at the time he appears as a witness. Now it is proposed to go back ten years. It is supposed in law that in ten years a man can live down a slander.

The question was waived.

[See testimony of Rev. W. A. Evans, page 174.]

WILLIAM H. HOXTON.
For the Defense.—June 13.

By Mr. AIKEN.

I reside about a mile from Surrattsville, in Prince George's County, Md. I have known Mrs. Surratt, the prisoner at the bar, for about twelve years. She has always been looked upon as a very kind lady—to the sick especially—and a church-going woman. I have seen her very often during the last four or five years, and never heard her utter a disloyal word.

I am acquainted with J. Z. Jenkins; he lives about a mile and a half from me. He was the strongest Union man I ever saw when the war broke out; but I have heard that he changed when he lost his negroes, though I never heard him say any thing disloyal when he lost them, and I have never heard of any disloyal or overt act of his against the Government.

RACHEL SEMUS (colored).
For the Defense.—June 13.

By Mr. AIKEN.

I have lived at Mrs. Surratt's house for six years; was hired to her by Mr. Wildman. She treated her servants very well all the time I was with her; I never had reason to complain. I remember Mrs. Surratt has fed Union soldiers at her house, sometimes a good many of them, and I know that she always tried to do the best for them that she could, because I always cooked for them.

She always gave them the best she had, and very often she would give them all she had in the house, because so many of them came. I recollect her cutting up the last ham she had in the house, and she had not any more until she sent to the city. I never knew of her taking any pay for it. I never heard her express herself in favor of the South; if she used such expressions, I did not hear them. Her eyesight has been failing for a long time; very often I have had to go up stairs and thread her needle for her because she could not see to do it; I have had to stop washing to go up and thread it for her in the day-time. I remember one day telling her that Father Lanihan was at the front gate, coming to the house, and she said, "No, it was not him, it was little Johnny"—meaning her son.

DAVID C. REED.
Recalled for the Defense.—June 3.

By Mr. AIKEN.

The last time I saw John H. Surratt was about half-past 2 o'clock on the day of the assassination, the 14th of April last. I was standing on the stoop of Hunt & Goodwin's military store, and Mr. Surratt was going past the National Hotel. I noticed his hair was cut very singularly, rounding away down on his coat-collar. I did not notice whether he had whiskers or moustache, as I was more attracted by the clothing he had on. His appearance was very genteel, remarkably so. He did not look like a person just from a long journey; his clothing was clean, and remarkably nice and genteel. I can not say that I have had any connection with Mr. Surratt since he was quite a child; I knew him by sight, and we had just a bowing or speaking acquaintance as we passed each other.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

[A recent and large-sized photograph of John H. Surratt was handed to the witness.]

This is a fair picture of John H. Surratt; the only thing I notice is that his hair is not cut as I noticed his on the 14th of April, but the shape of the coat, the style in which it is cut, is precisely the same.

By Mr. AIKEN.

If that picture had been shown to me without being told it was the picture of Mr. Surratt, I do not know that I should recognize it, if I saw it hanging in a window; but if I looked at it and examined it, I should recognize it as John H. Surratt. It is a remarkable face.

TESTIMONY IN REBUTTAL

JOHN RYAN.

For the Prosecution.—June 7.

I have known Louis Weichman about a year, not perhaps intimately, but he has been quite friendly and communicative in his conversation with me. As far as my knowledge goes, he has always borne a good character as a moral young man, and I know nothing against his character for truth. I do not believe he would tell a falsehood, and I would believe him whether under oath or not.

As regards his loyalty, I only remember one conversation that distinctly bore on that question, and from that conversation my impression was that he rejoiced at the restoration of the Union. I have no recollection of his ever expressing sentiments that left a contrary impression on my mind.

Cross-examined by Mr. AIKEN.

I was not a visiting friend of Mr. Weichman; our meetings were casual. I am a clerk in the War Department, but in a different department to Mr. Weichman's. He never represented himself to me as being in confidential relations to that department as a detective. I have never heard any thing said against his character relative to money matters, veracity, or any thing of that kind.

FRANK SMITH.

For the Prosecution.—June 7.

I have known Louis J. Weichman intimately for about sixteen months. His reputation as an honest, truthful man is very good indeed, as far as I have heard. I have never heard it questioned. We were both in the public service, in the same office. His reputation for loyalty was excellent, and he was open and outspoken in his friendship for the Government. He was a member of the volunteer military organization formed for the defense of this city.

Cross-examined by Mr. AIKEN.

My relations to Weichman, outside of the office, were not very intimate. I never heard of his being a detective in the department. It might have been considered that a refusal to join that military organization would be equivalent to a dismissal from the office. Mr. Weichman did not always wear blue pantaloons about the office. I can not say that he wore only his blue pantaloons on drill and rainy days, or that he made use of hateful expression on putting them on, and immediately retired to change them for his citizen's dress with drill was over.

JAMES P. YOUNG.
For the Prosecution.—June 7.

I am in General Meig's office in the War Department. I am intimately acquainted with Louis J. Weichman; have known him since 1856. I was a college class-mate of his at the Philadelphia High School; we both entered it in 1856. He remained at that college for two or three years, then left and went to Maryland to another college. I frequently heard from him, and about eighteen months ago I met him in this city, and have been very intimate with him since. His reputation as an honest and truthful man is excellent, and his character without any reproach whatever. I have had many conversations with him on political matters, and he was always most free and unequivocal in his expressions of loyalty to the Government. I regard him as a very radical, loyal man. Both he and I are members of the Union League.

Cross-examined by Mr. AIKEN.

I have never known him as a detective in the employ of the Government.

P. T. RANSFORD.
For the Prosecution.—June 7.

I have known Louis J. Weichman since last September. I am a clerk in the War Department, and he was a clerk in another branch of the War Department; he has visited me at my rooms. His reputation for integrity and truth I have always regarded as being very good indeed. I have had very little conversation with him about political matters, and am not competent to give an opinion as to his loyalty.

Cross-examined by Mr. AIKEN.

Mr. Weichman and myself belong to the same military organization, called the War Department Rifles. A refusal to become a member of that organization I understood to be equivalent to a dismissal from office. I have simply met Mr. Weichman as a friend.

JOHN T. HOLAHAN.
For the Prosecution.—June 7.

During the winter and spring, and up to the night of the assassination, I boarded with Mrs. Surratt. While there, I saw Atzerodt several times, though I did not him by that name; he seemed to be with John Surratt most of the time. I also saw Payne there once at breakfast. The name by which I knew him was Wood. John Wilkes Booth I have seen there frequently. I have seen him in the parlor with Mrs. Surratt and the young ladies. I never knew the prisoner, David E. Herold, to call there. I remember, about two weeks before the assassination, seeing a carriage at Mrs. Surratt's door, and a person, whom I afterward learned to be Mrs. Slater, got into it one morning as I was dressing. Mrs. Surratt was on the pavement talking to this person as she was getting into the carriage. John Surratt was with this Mrs. Slater. This was the last time I saw John Surratt previous to the 3d of April. The last time I saw him on the night of the 3d of April, the day on which the news of the fall of Richmond was received. He knocked at the door of my room at about 10 o'clock, after I was in bed, and wished me to exchange some gold for greenbacks; and I gave him \$60 in paper for \$40 in gold. He said he wanted to go to New York, and that he could not get it exchanged in time to leave by the early train in the morning.

I never knew any thing of Mrs. Surratt's defective eyesight while I lived with her; I do not remember its being alluded to by any member of the household.

Cross-examined by Mr. AIKEN.

Atzerodt passed by a nickname when he was at Mrs. Surratt's. I was usually from home in the evening, and therefore can not say whether Mrs. Surratt could read or sew by gaslight. I never heard any political conversation at Mrs. Surratt's and never heard of any plot to capture the President, or of any plot or conspiracy to assassinate the President, or any members of his Cabinet; if I had, I should have endeavored to prevent it.

By Mr. EWING.

Mr. EWING. I have two or three questions to ask the witness. It is not properly a cross-examination, but I propose to treat him as my witness, if there is no objection.

Assistant Judge Advocate BURNETT. The gentleman announces that he desires to ask some questions, making the witness his own; as we shall be entitled to rebut, there is no objection.

I never saw or knew of Mr. Judson Jarboe, or of any person by the name of Jarboe coming to Mrs. Surratt's, nor have I ever known of Dr. Mudd coming there; I never heard his name mentioned.

Mrs. Surratt's house is on the south side of H Street, about forty-five feet from Sixth Street. It is the first house from the corner of Sixth Street; a brick house, painted drab or lead color, with a basement and a flight of eight or ten steps up to the front door.

Q. Will you state whether Mr. Weichman gave himself up after the assassination of the President?

Assistant Judge Advocate BURNETT. You need not state that.

Mr. EWING. My inquiry in regard to Mr. Weichman is for the purpose of proving acts in regard to him in association with Booth and other men connected with the conspiracy. I want to show by his acts at that time that he was really a guilty party in the plot to kill the President. If I show that he was, and that instead of being indicted he appears here turning State's evidence, it will tend very much, I think, to impair the value of his testimony. It is not the ordinary form of impeachment of a witness by laying the foundation in his examination for contradicting his statements upon the stand. That is not the purpose, but is to show that he occupied the position of a co-conspirator, and that he comes here clearing himself by being a swift witness against others.

Assistant Judge Advocate BINGHAM. What the gentleman calls the act of Weichman never can be proved by any human being but by Weichman himself. He has testified that he was taken into custody. Nobody doubts it. He has testified that he was in custody when he was brought on the state. Nobody questions it. It is utterly incompetent for the gentleman to prove any thing he said about that matter, until he has first laid the foundation by a cross-examination of Weichman, and then it is never competent, except by way of contradiction. There is no such foundation laid, and it is therefore incompetent and illegal at any stage of the case, either now or any other day.

The Commission sustained the objection.

I saw Mr. Weichman the morning after the murder; he was good deal excited. About 2 o'clock on that morning, Mr. McDevitt and Mr. Clarvoe, detectives of the Metropolitan Police, entered Mrs. Surratt's house. Mr. Weichman opened the door for them. These officers were in the passage when my wife woke me up. Whether Mr. Weichman was in bed or dressed when the officers called, I do not know. I slept in the front room, and he in the back room on the same floor.

Q. Was Weichman then arrested?

A. I took Weichman down myself to Superintendent Richards.

Q. When you took him down, did you know he was to be arrested?

Assistant Judge Advocate BINGHAM objected to the question, and it was waived.

Q. How did you come to take him down?

A. From an expression he made to me.

Assistant Judge Advocate BINGHAM. You need not state anything he said.

Q. Was that expression the expression of a wish to be delivered up.

A. No, sir.

Assistant Judge Advocate BINGHAM. You need not state any thing about his expressions.

By ASSISTANT JUDGE ADVOCATE BURNETT.

The excitement on account of the assassination was very general throughout the city. It was some weeks after Mrs. Slater had been there that Mrs. Surratt told me the team in which John Surratt and Mrs. Slater went away was a hired one, and that John was then down in the country. When Mr. Howell was at Mrs. Surratt's, it might have been about the 1st of March; he remained, I think, three or four days.

JAMES MCDEVITT.
For the Prosecution.—June 7

On the night of the assassination, I went to Mrs. Surratt's house with Mr. Clarvoe, and several other officers of the department. We rang the bell, when a lady put her head out of the window and asked who was there. We said we wished to enter the house. As she retired, Mr. Weichman opened the door; he was in his shirt, which was all open in front, he had his pants on, and was, I think, in his stocking feet. He appeared as if he had just got out of bed. He had time from the moment we rang to dress himself to that extent. We did not arrest Mr. Weichman then, but we did subsequently when he came to our office. Mr. Weichman accompanied me to Canada; I took him to identify John H. Surratt. He went with me willingly in pursuit of the assassins, and was zealous and earnest in performing the part allotted him in the pursuit; and though he had every opportunity to escape, he did not. I left him in Canada when I returned to New York. I could not state, from my own knowledge of John Surratt's writing, than the entry on the register of the St. Lawrence Hall is his.

Cross-examined by Mr. AIKEN.

Mr. Weichman came to our office the morning after the assassination, with Mr. Holahan. Weichman made no confession in regard to himself. We did not find John H. Surratt in Canada. I saw that he was registered on the books of the St. Lawrence Hall as "John Harrison, Washington, D. C.," on the 6th of April, but without any city or State address. I

received the first intimation that John H. Surratt would be likely to be found in Canada from Mr. Weichman. Mrs. Surratt also told me, on the morning after the assassination, that she had received a letter from him on the 14th, dated in Canada. We were inquiring for her son, when she said she had not seen him for two weeks, and that there was a letter somewhere in the house, which she had received from him that day. I asked her for the letter, but it could not be found.

ANDREW KALLENBACH.

For the Prosecution.—June 7.

I reside near Surrattsville, Prince George's County, Maryland. On the evening of the 17th of April last, I had a conversation with Mr. J. Z. Jenkins, at Mr. Lloyd's house at Surrattsville. He said that I was a liar; that he understood I had been telling some lies on him, and if he found it to be true, he would give me the damnedest whipping I ever had. He further said that if I testified against him, or any one connected with him, he would give me a damned whipping. This was said in the presence of Mr. Cottingham and Mr. Joshua Lloyd. Jenkins had been drinking, but I can not say that he was drunk on the occasion. I have known Mr. Jenkins about six years, I think. He has always in my presence that he was a Union man; and I have never heard him express any disloyal sentiments. I can not say what his reputation for loyalty is in the neighborhood.

Cross-examined by Mr. AIKEN.

Nothing had been said by me that night to induce Jenkins to call me a liar. I have a son in the rebel army; he went there of his own choice, and without my consent. He returned about three weeks ago. I judge he has been in the rebel army during the war. I did not place any restrictions in the way of his going.

I have lived as a neighbor of Mrs. Surratt's for many years. She had never been more than neighborly with me and my family, nor has she given things to my family more than any neighbor will do for another. In politics I have been a Democrat all my life. I have never expressed any disloyal sentiments, and have never said I wish the South should succeed.

E. L. SMOOT.

For the Prosecution.—June 2.

I live in Prince George's County, Maryland, about a mile from Surrattsville. I am acquainted with J. Z. Jenkins of Surrattsville, Mrs. Surratt's brother. He was represented as a Union man during the first year of the war, but after that, by most persons, he was looked upon as a Southern sympathizer; I know of no exception to this among the Union men. I never heard his reputation for loyalty talked of much, but I have heard him say, I think, he was a friend to the South, and an enemy to the Government during the struggle.

I know Joseph T. Nott, of Surrattsville. On the day after the President's murder, I met two young men connected with General Augur's head-quarters, one of whom told me that John H. Surratt was supposed to be the man who attempted to kill Mr. Seward. I asked Mr. Nott if he could tell me where John Surratt was; he smiled and told me he reckoned John was in New York by that time. I asked him why he thought so, and he said "My God! John knows all about the murder; do you suppose he is going to stay in Washington and let them catch him?" I pretended to be very much surprised and said, "Is that so?" He replied, "It is so, by God! I could have told you that thing was coming to pass six months ago." Then he put his hand on my shoulder and said, "Keep that in your own skin, my boy. Don't mention that; if you do, it will ruin me forever." The Mr. Nott who said this is the Joseph T. Nott who testified here to-day. I have heard him speak against the Government frequently, and denounce the administration in every manner and form; I heard him say that, if the South did not succeed, he did not want to live another day.

Cross-examined by Mr. AIKEN.

I have a brother-in-law named William Ward, who was in the Southern army; he was brought home under a guard of soldiers. I did not, on the occasion of his return, tell him that he had done just right, and that I wished I had been there to help him. I did not express opposition to his coming back in any way, nor did I express sentiments against the Government and friendly to the South. I begged my brother-in-law to take the oath and remain at home.

At the breaking out of the rebellion, I resided in Charles County, and was a member of Captain Cox's military company, which was organized before the war. It disbanded in the spring of 1861. I withdrew from it as soon as a rebel flag was brought and presented to it.

I have known Mr. Jenkins for about five years, I think. I do not exactly recollect when I had any political conversation with him. The last time I talked with him was about the 1st of April last, at Upper Marlboro. He came to me and told me that Roby was applying for the position of constable in the county, and asked me why I did not apply for it. I told him I did not wish it. He said, "You ought to take it to keep Roby from getting it;" and he added that he had told the County Commissioners that if they appointed Mr. Roby, or any other man of his party, he would spend every dollar he had to defeat them, if they became candidates for any other office.

I did not vote at the last Congressional election; I did not know any thing about either of the candidates. I have not been an active Union man. I have not meddled either way.

The conversation with Mr. Nott occurred in the bar-room at Surrattsville, on the 15th of April. It was all the conversation we had at that time. He did not state what time he last saw John Surratt, nor what reason he had to believe him to be connected with the affair. Some gentlemen came in while he was talking with me, and he had to wait on the bar. On the next day, Sunday, I communicated this remark verbally to General Augur, Colonel Baker, and Colonel Wells. Mr. Nott did not inform me how he knew John Surratt was

connected with it, and I did not ask him. He only said he could have told me six months ago that this thing was going to happen. I never knew Mr. Jenkins to do any thing disloyal, but he has denounced the administration frequently when talking with me. I do not recollect particularly to what he referred. I have heard many do the same so frequently, that I do not recollect what Mr. Jenkins said on any particular occasion. I never heard any man whom I regarded as a loyal man denounce the administration.

A. V. ROBY.

For the Prosecution.—June 2.

I reside close to Surrattsville, Prince George's County, Maryland. Since June 12, 1863, I have been enrolling officer. I have known J. Z. Jenkins since 1861, but not very intimately till 1863. Mr. Jenkins's reputation in that neighborhood, during the year 1861, was that of a Union man, but since that time he has been looked upon as sympathizer with the South. Since 1862 he has been in the attitude of an enemy to the Government, and has opposed all its measures. Mr. Jenkins took the oath prescribed the Legislature of Maryland, and then voted.

Cross-examined by Mr. AIKEN.

The first time I saw Mr. Jenkins was when he came to the armory of Captain Mark's company, in Washington, of which I was a member. Some time between April and July of 1861 he came there begging for money for some Union man who had been killed. The next time I saw him was at my house, when he was opposing the nominees of the Union party. Dr. Bayne was a candidate for Senator; Mr. Sasser was candidate for Clerk of the County, and Mr. Grimes for Sheriff. I think Mr. John M. Brook was the disunion candidate for Senator; I do not know that Mr. Brook has been in the rebel army; I know that he was South, and staid until he came home under the President's amnesty proclamation.

I have been living near Surrattsville since September, 1863. I have seen Mr. Jenkins nearly every day. All this time Mr. Jenkins has been talking against the Government. At the April election, in 1864, when we voted for a new convention to make a new constitution, he said he had been offered office under the damned Government, but he would not hold office under any such damned Government. He said this before a great crowd at the polls. I had just objected to his vote. I asked Mr. Jenkins if he would vote for such a man as Harris; he said he wanted the South to succeed, and he said he would vote for Harris against anybody. I consider a man disloyal who opposes the acts of the administration. I never knew of any act of disloyalty on the part of Mr. Jenkins, except his abuse of the Government.

With respect to Mr. Jenkins spending \$3,000 to maintain the Union and the Government, I do not think he ever had it to spend. I have never heard of his spending any thing, except from his own lips.

DORLEY B. ROBY.
For the Prosecution.—June 5.

I have known Mr. J. Z. Jenkins for several years. For the last three years he has been one of the disloyal men in the county. It is from personal knowledge of his conduct and observations that I pronounce him disloyal. He got so outrageous that I had to apply to General Wallace, at Baltimore, to have him arrested. Since that time he has behaved himself a little better. He is known and recognized in that neighborhood as an open and outspoken enemy of the Government. I have heard him curse the President, and damn him to all intents and purposes. He said old Lincoln, the damned old son of a bitch, had offered him an office, but that he would not hold office under any such damned creature, or any such damned Government.

Cross-examined by Mr. CLAMPITT.

I have known Mr. Jenkins for four or five years. I was not a resident of the county in 1861 and 1862; I was in 1863. I was born in Charles County, and raised in Prince George's; and I have been backward and forward through there all the time. In 1862 I knew Mr. Jenkins very well. I knew him to be a Union man till about three years ago. He was a very strong Know-Nothing, and I was a Know-Nothing too. Jenkins abandoned the Union party about three years ago this fall. He lost a negro man; and it seemed that his loyalty to his government only lasted as long as his negro was protected. As soon as he lost the negro, he abandoned his Union principles.

The flag that was raised, and which Mr. Jenkins is said to have protected, was understood to be a Know-Nothing flag; a Union flag raised by the Know-Nothing party. The Know-Nothings were generally considered Union men, but there were a good many, who, like Mr. Jenkins, went over to the rebels as soon as there was a division of parties.

There is no suit pending between me and any citizen of Maryland; there is a suit pending against my son, Andrew V. Roby. He was appointed Deputy Provost Marshal for the purpose of carrying General Schenck's order at the election. He was ordered to have every man arrested who interfered with the election. This man Jenkins behaved very badly at the election. Colonel Baker had a company of men there, and my son suggested to the Captain that Jenkins should be arrested. He was arrested, placed on a chair, and a bottle of whisky taken from his pocket. At night I thought the poor fellow had got sober; he looked very penitent, and I suggested to the Captain that it was not worthwhile to take him up to Colonel Baker's, that he should allow him to go; and he acted on my suggestion. The suit pending between my son and Mr. Jenkins is for false imprisonment.

By ASSISTANT JUDGE ADVOCATE BINGHAM.

The prosecution against my son is for attempting to execute the Federal authority. The authorities, who have the management of the case, have taken steps to have it removed to the United States Court.

WILLIAM A. EVANS.
For the Prosecution.—June 5.

I reside in Prince George's County, Md., and am a Presbyterian minister. I was compelled to leave my Church in 1861 because of my loyalty and devotion to the Union. Prince George's County is a very disloyal neighborhood.

I know J. Z. Jenkins very well. He pretended to be a loyal man in 1861, as a great many in Prince George's, St. Mary's, and those lower counties did, but I never considered him a loyal man, because, if he had been, he would have co-operated with me and several others, who were endeavoring to discharge our duty to our country. His reputation and conduct since 1861, has been disloyal. I call him a rebel. His sympathy with the rebels has been open and outspoken.

Cross-examined by Mr. CLAMPITT.

I have known Mr. Jenkins about fifteen years. I lived in the same county as he did in 1861, but because of my abolition proclivities, I was not, at times, permitted to remain in the county or the State. There was a writ out for me in 1861, and I was only permitted to visit my house in secrecy. Everybody that knows Mr. Jenkins knows that he is a rebel. In 1861, he pretended to be a Union man; but I knew him to be a hypocrite. I judged him to be a rebel by his conduct; saying that the country would go to ruin, and that the South would be successful. He said this to other gentlemen, and they repeated it to me. I held a secret commission under the Government. I know nothing of his labors to obtain Union votes in the State of Maryland, and if he has done any thing to protect the Union flag when it was threatened to be torn down by secession sympathizers, I have known nothing of it. I have known him to call at the different polls on election times, and endeavor to dissuade men from voting for the Union cause. Even at the last election, in 1864, he said he would not vote for the damned abolition Government to save anybody's life.

By the JUDGE ADVOCATE.

I do not know a loyal man in that neighborhood except Mr. Roby, his son, and a few others. We were in danger all the time, so much so that I had to call upon General Augur for a guard.

I belong to the New School Presbyterian Church, and I am a member of the Presbytery of the District of Columbia.

JOHN L. THORNTON.

For the Prosecution.—June 5.

I have known J. Z. Jenkins ever since I can remember. For the last two years and six months he has not been a loyal man; for the four years preceding that he was. He is regarded as a disloyal man in that community; his disloyalty is open and outspoken.

I have had a difficulty with Mr. Jenkins which grew out of my being drafted, and going to Mr. Roby's son to aid me, Jenkins said he would cut my throat in consequence of it, and drew his knife, a small pen-knife, against me. The only reason that I know for his conduct was, that he hated the Government. Jenkins said that, in case he was forced to fight, he would go with the South.

I lived in Mr. Surratt's family for two years. I do not think she was a loyal woman. I judge so by her conversation, which was against the Government.

Cross-examined by Mr. CLAMPITT.

I have known Mr. Jenkins ever since he was a child. He was considered a loyal man in 1861, but not in 1863. I know nothing of Mr. Jenkins coming to Washington to obtain votes for the Union Government. I know of his assisting to raise the Union flag, and with a band of men assisting in protecting it; but that was in 1861. I have heard him make disloyal remarks many a time. He said that he hated the Government the worst on earth, and he said that emancipation was all wrong.