THE ASSASSINATION.

Continued from First Page.

him manifest such an abnormal condition of mind as to relieve him from responsibility for a crime in a criminal court; he is not always so insane; there seems to have been an *exacerbacity* and remittance in his manifestations of insanity sometimes; I have met him when there was not much more disordered condition of mind than eccentricity would imply; I would state that in approaching the question of insanity I feel a great diffidence and distrust; although it belongs to no profession more than mine, I feel as if I should be perplexed when the great master minds of the country, who have studied and understand thoroughly all forms of medical and legal jurisprudence, as I apprehend the gentlemen of the Court to be, and particularly the Judge-Advocate are to be my interrogators on the subject of insanity.

Q. Is his reputation for veracity based upon the fact of his insanity alone? A. I cannot say that it is; I think it is probable that his veracity is worse when insane manifestations are prominent.

Q. Is his reputation for veracity good during times when his mental condition appears to be best? A. I never estimated it.

Cross-examined by Judge Bingham—Q. Be good enough to tell the Court what works you have read on insanity? A. I have read a great many works upon insanity and medical jurisprudence.

Q. What work on medical jurisprudence have you read? A. Taylor's and others on physiology and insanity.

Q. Do any of these works tell how crazy a man is to make him unable to tell the truth? A. I do not know that they do especially.

Q. Do you wish to state here to-day that Daniel Thomas is so crazy that he does not know how to tell the truth? A. No, sir; I mean to say there seems to be a mental and moral insanity.

Q. You say that at times he is more insane mentally and morally than at other times, now when he is less crazy is he more likely to tell the truth? A. I think he is more inclined to tell extravagant stories when he is excited mentally.

Q. Are you prepared to swear that he is so crazy that he does not know how to tell the truth when he is under oath before a court? A. I am not.

Q. Do you know what was his condition of mind when he gave his testimony before this Court? A. I do not; I have not seen much of him of late.

Q. What is moral insanity? A. I look upon moral insanity as a condition in which persons are particularly inclined to prevaricate in various ways.

Q. What do you call mental insanity? A. When a man is incapable of discriminating and appreciating things as sane men do.

Q. Did you ever know Daniel Thomas, that he was not able to understand plain matters when he was spoken to about them? A. I do not know that I did; I could state some reasons why I have considered him insane.

By the Court—Q. What is the form of insanity under which Mr. Thomas labors? A. There is no specific form that I know of, except at times, or peculiar excitement, and inability to appreciate matters and things as other people do; it is not dementia, it is not monomania—it is what is called aberration of mind; there is a certain form of insanity which exacerbates and remits, but I do not know that it has any particular name, or belongs to any particular form of insanity.

Q. Do you think his form of insanity would lead him to imagine a conversation he never had? A. I have seen him in a condition of mind when I do not doubt he would; I have known him to labor under most decided delusions and hallucinations.

Q. You have known him to imagine things he never heard? A. Yes, oftentimes.

Q. How long have you entertained the opinion that Thomas was not of sound mind? A. I went to a primary school in our neighborhood when Thomas was a small boy; there was something very eccentric and amusing about him then; he was different from other boys; he was a source of amusement in way of eccentricity to his schoolmates seven or eight years ago or perhaps longer than that; an insane condition of mind seemed to manifest itself in him so that the common expression of every one in the neighborhood was that Daniel Thomas was crazy.

Q. Have you expressed an opinion to any one that he was not a man of sound mind previous to this? A. Over and over again long before the war.

Q. Do you know that he has ever been objected to as a witness before a court of justice? A. I do not.

Q. Have you ever known him to be a witness before a court of justice? A. On one occasion I did.

Q. Was his evidence objected to on the ground of insanity? A. I think not.

Q. What is the reputation of Dr. Samuel Mudd for loyalty or disloyalty? A. From my association with him I have had to consider him as sympathizing with the South.

Q. Did you ever know him harbor Rebels or disloyal persons? A. Never; I have never known him commit any treasonable act; I have generally considered Dr. Samuel Mudd as very temperate in his discussions and expressions relative to the war; his ordinary manner or matter of discussion was the right or legality of Secession, which he maintained; he has generally, however, spoken very temperately; never used any opprobrious epithets against the heads of the Government; he was much more temperate on that subject, I may state, than many other citizens of benighted Charles County and Southern Maryland.

Q. There were certain local organizations in the early part of the war in your neighborhood; will you state what was their object and how they were regarded? A. There was an organization at Port Tobacco of that kind, the object of which I think was treasonable, though it was said it was for the purpose of quelling insurrection in the neighborhood, and it may have been; I have regarded Dr. Samuel A. Mudd for some time prior to the fall of Richmond and the surrender of Gen. Lee's army as taking a very handsome prospective view of the downfall of the Rebellion; I remember administering an oath to him last year, and of being forcibly impressed with the respect and reverence with which he took the oath, making a decided contrast to many others to whom I administered the oath on that occasion; so far as I know he has obeyed the provisions of that oath.

By Mr. Ewing—Q. When did you administer the oath you speak of? A. If I remember rightly it was when the sense of the people was taken relative to calling a convention to amend the Constitution of the State of Maryland in June or July of last year.

Q. Were you acting in an official capacity? A. I was rather improvised by two Judges as Chief Judge of election in the absence of the regular Judge; I think I administered the oath to some 200 that day.

Q. For how long a time has he spoken of the downfall of Richmond as being sure? A. I think, from and after the time he took the oath, if not before.

TESTIMONY OF COL. MARTIN BURKE.

By Judge Holt—Q. State whether or not you know R. C. Kennedy? A. Yes; I had charge of him.

Q. Look at that paper and see if it is a confession made by him? A. It is.

Q. State whether it is the confession of Kennedy, made in your presence, and if so, how long before his execution? A. It was made in my presence, I don't know how long before his execution; I think a day or two.

[The confession referred to was read to the Court by Colonel Burnett, stating that his (Kennedy's) object in pouring phosphorus on the floor at Barnum's Museum was not to burn it, knowing from experience that it would not set the boards on fire, but to perpetrate a huge joke; and that the object in attempting to burn the hotels was to retaliate for the devastation perpetrated by Sheridan in the Valley—not to burn women and children, but to show the people of the North that the desolations of war were not to be confined to the South alone.]

TESTIMONY OF H. B. CARTER.

By Judge Holt—Where do you reside? A. In New-Hampshire.

Q. State whether or not you were in Montreal last Fall? A. Yes, sir.

Q. At what hotel? A. St. Lawrence Hotel.

Q. State whether or not you met there Geo. N. Sanders, Jacob Thompson, Dr. Blackburn and J. Wilkes Booth, or any of them? A. I saw George N. Sanders, J. Wilkes Booth, Beverley Tucker, Dr. Blackburn and others whose names I do not now recollect; I saw Thompson at Niagara Falls on the 17th of June.

Q. How long were you at this hotel? A. From the the 9th or 10th of September until about the 1st of February.

Q. State whether you observed the persons in intimate association during that time. A. They were; all the Southerners who boarded there were intimate with each other, and had little to do with any one not sympathising with them.

Q. Did you know J. Wilkes Booth before you went there? A. I did.

Q. Did you observe him in intimate association with George N. Sanders and others? A. I did.

Q. Look at the prisoners at the bar and see whether you recognize any of them as persons you met in Canada? A. I could not swear that I ever met any of them there.

Q. Do you remember to have heard the name of John Surratt spoken of in this circle of men. A. I do not know that I do.

Q. Do you recollect of having heard the name of Payne? A. I saw a man by the name of Payne every morning, but there is no man I see here I would call that name; I think the man I saw was of the name of John; he was one of Payne's brothers; there were two of them who were arrested in connection with the St. Albans raid, but they were discharged; I do not think I have ever seen this man.

Q. Was Dr. Blackburn there the greater part of the time? A. I think he was there when the Donnegana Hotel closed—about the 20th of October last.

Q. State whether he seemed to be associated with J. Wilkes Booth and the others you have mentioned? A. He was; but whether he came there before Booth or not I could dot say. He was one of the clique of men who confederated together.

Cross-examined by Samuel Foster—Do you say you were acquainted with persons by the name of Payne, neither of which is the prisoner at the bar? I ask you whether you know where they came from or anything about them? A. Only what I heard from reputation. I heard they were a party who originally came from Kentucky; that they had been in the counterfeiting business.

Q. What time was it that you saw these men? A. John Payne, who boards there, came to the house every day and was still there when I came away.

Q. Did you see, about the time you knew those Paynes, a man by the name of Montgomery? A. I saw no man by that name that I know of.

Q. Did you ever see the Payne's there in company with a man named Cleary? A. I have John Payne; I could not say I have the other.

Q. Did you ever see either of them in company with C. C. Clay? A. I never saw Clay but very little; I have seen them in company with Sanders, Tucker and Blackburn every day.

By Judge Holt—Q. Could you name any other Rebels in Montreal who constituted part of this circle you have named? A. I could mention Gen. Carroll of Memphis, B. Wood, a man about 55 years of age, a gentleman by the name of Clark, and an old gentleman from Florida who wore a "queue"; I think his name was Wescott.

Q. Do you remember a man from Indiana by the name of Dodge? A. I do not recollect him now.

Q. Or a man by the name of Walker? A. No; I knew many men I met every day, but do not know their names; they rather gave me the cold shoulder; after they found my sympathies were with the North, they had very little to say to me.

By Mr. Aiken—Q. Do you recollect Dr. Morill there? A. No, not by that name; I might remember him were I to see his photograph.

Q. Did C. C. Clay have a room at the St. Lawrence Hotel? A. I could not say.

Q. Did you see Payne go to the rooms of any of these persons? A. I once saw him coming out of Sanders's room; I never saw him coming or going out of any of the others.

Q. And you are sure he bears no resemblance to the prisoner at the bar? A. Very little; he was an older man; I should not think of his being any relation to this man; there is no resemblance that I discover.

TESTIMONY OF T. T. HYAMS.

By Judge Holt—Q. Where have you resided during the past year? A. At Toronto, Canada.

Q. State whether or not while there you made the acquaintance of Dr. Blackburn? A. Yes, sir; I did about the middle of December, 1863; I knew him previous to that by sight, but I never had any conversation with him; I have known him since that time.

Q. Did you know him as a Confederate in the Confederate Army? A. I did not know he was in the Confederate service; I knew he was doing work for the Confederates.

Q. State what arrangements, if any, this Dr. Black burn made with you for the purpose of introducing yellow fever in the United States? Give all the particulars of your arrangements, what was done under it? A. I was introduced to Dr. Blackburn by the Rev. Stuart Robinson, at the Queen Hotel, Toronto; Dr. Blackburn was about to take South some soldiers who had escaped from Northern prisons; I asked him if he was going South himself; he asked me if I wanted to go South and serve the Confederacy; I said I did; he then told me to come up stairs; he wanted to speak with me; I went up stairs with him into a parlor; he offered me his hand as a free-mason in friendship, and said he would never deceive me; that he wanted to place confidence in me for an expedition; he asked me if I would like to go on an expedition; I told him I didn't care if I did; he said I would make an independent fortune by it, at least $100,000, and more glory than Gen. Lee; that I could do more for the Southern Confederacy than if I had taken 100,000 soldiers to reinforce Gen. Lee; I considered after a time and told him I would go; he then told me he wanted me to take a certain quantity of clothing, he did not say how much, coats, shirts and under-clothing, into the States and dispose of them at auction; he wanted me to take them into Washington City, into Norfolk and as far South as I could go where the General Government held possession; he wanted me to sell them on a hot day or night; it did not matter what money I got for the clothes; I was just to dispose of them for what I could get.

Q. What did he tell you you were to receive for your services? A. He said $100,000; he said I should have $50,000 as soon as I reported back in Canada, and that if the thing succeeded I could make 100,000 times as much.

Q. Where were you to get possession of the clothes? A. I was in Toronto to go on with my legitimate business, and if I left I was to inform Dr. Stuart Robinson where I was, and he was to telegraph or write to me somewhere about the month of January, 1864; I went on with my work until, I think, the 8th of June, 1864; on Saturday night I had been out to take a pair of boots home to a customer of mine; when I returned, my wife had a letter in her hand from Dr. Robinson, which he had just called and left there; I called on Dr. Robinson and asked him what I was to do; he said he did not know anything about it; he did not wish himself to commit any overt act against the United States Government; that I had better take only just enough money to carry me down to Montreal; I had a letter to Mr. Slaughter there, who gave me directions to proceed to Halifax, where I was to meet Dr. Blackburn; the letter was dated May 10, 1864, from Havana; I went down to Halifax; Dr. Blackburn arrived there about the 12th of July from Havana; he sent down to the hotel where I was stopping; I went to see him; he told us he had clothing there which had been smuggled off, and I, in accordance with his direction, took an express wagon belonging to the hotel down to the steamboat landing, and got there eight trunks and a valise; he directed me to take the things to my hotel and put them in a private room, which I did and notified Dr. Blackburn; he asked me if I would take the valise into the States and send it by express, accompanied with a letter, as a present to President Lincoln; I objected, and the valise was taken to his hotel; he ordered me to scratch the marks off the trunks; they had Spanish marks on them; he told me a man would go with me next morning to make arrangements with one or two vessels going to Boston to smuggle the trunks through; I went down as directed, and made application to Capt. McGregor; I don't remember the name of the vessel; the one who went with me had a consultation with Capt. McGregor; know what he said, but Capt. McGregor refused to take the trouble; we next went to the bark Halifax, Capt. John O'Brien; the officer who was with me said I had some goods I wanted to take to my friends as presents—silk and satin dresses, &c.—and that he wanted to make an arrangement to smuggle them into Boston; the captain and he had a private consultation; when they came out he consented to take them on board the Halifax and smuggle them in; we took them on board his vessel that day; on arriving at Boston, it was five days before he got an opportunity of getting them off, but he succeeded at last; in doing it, and expressed them through to Philadelphia. From there I brought them to Baltimore and brought five of them here to Washington; four of them I gave to a man representing himself as a sutler from Boston by the name of Myers. I understood at the time that he was a sutler in Sigel's army. He said he had found goods which he was told to take to Newbern, N. C. My instructions were to make a market for the goods, and I turned them over to him; Dr. Blackburne told me at the time that he could have about $1,000,000 worth of goods got together that Summer to be disposed of.

Q. What did he state to you was his object, if any, in disposing of these goods? A. To destroy the army and anybody in the country.

Q. Did he state that these goods had been carefully infected by him with yellow fever? A. Yes, sir.

Q. Did he explain to you the process by which he had infected them? A. He did not; he told me there were other parties engaged in it; he did not know who they were who were about infecting other goods with small pox, yellow fever and so on.

Q. Did you understand that the goods in the valise intended to be sent as a present to President Lincoln, had also been carefully infected with yellow fever? A. understood him it had been infected with yellow fever and small-pox; I declined to take them.

Q. Did you ever learn from him whether he had ever sent that valise to the President? A. No, I did not; I have heard that it was sent him.

Q. What disposition of this trunk and clothes did you make in Washington? A. I turned them over to Wm. S. Wall & Co., Commission Merchants; I requested an advance on them; they gave me an advance of $100, and I went back to Canada.

Q. Do you remember the date of that transaction? A. I think it was about the 12th of August, 1864; it was the largest of the five trunks; it had two notches in it, and was known as big number two; my orders were to be sure and have that trunk sold in Washington.

Q. Did you send any of the others further South, or were they all left here? A. I turned them over to the sutler, who put them on a steamboat for Norfork; I applied to Gen. Butler for a pass to go through myself, but the reply was that the army was about to move, and that no persons would be allowed not connected with it.

Q. State what occurred on your returning to Canada? A. I went through to Hamilton without stopping there; I had to wait for the cars and was met by Mr. Holcomb and C. C. Clay; they both shook hands with me, greeted me heartily and congratulated me on my safe return and on my making a fortune; they told me I should be a gentleman for the future; I telegraphed to Dr. Blackburn, who was then staying at Montreal, as Mr. Holcomb had told me that I had returned next night between 11 and 12 o'clock; Dr. Blackburn came up and knocked at the door; I was in bed, but leaped out of the window and saw Dr. Blackburn; he told me to come down and open the door; that I was like all other rascals after doing something—afraid the devil was after me; he was accompanied by James H. Young; he asked how I disposed of the goods, and I told him; he said it was all right; if "Big No. 2" had been disposed of that that would kill at 60 yards distance; I there told him that everything had gone wrong in my business there since I had been away, and that I needed some money; he said he would go to Col. Thompson and make arrangements to draw upon him for any money I desired; he said the British authorities had solicited his attention to the yellow fever raging at Bermuda; that he was going on there, and as soon as he came back he wanted to see me; I went to see Jacob Thompson the next morning; he said that Dr. Blackburn had been there and made arrangements to pay me $100 when the goods had been disposed of according to his directions; I told him I wanted the money; he said, "I will give you $50 now, but it is against Dr. Blackburn's request; when you show me that you have sold the goods I will pay you the balance;" I gave him a receipt for $50 on account of Dr. Blackburn; this was the 11th or 12th of August; the next day I wrote a letter to Mr. Wallihere, saying I had gone to Canada since he sold the goods, and asked him to remit to me the proceeds at Toronto; when I got a letter from William L. Wall I took it to Col. Thompson; he said he was satisfied with it, and gave me a check for $50 on the Ontario Bank, Montreal; I gave him a receipt for $50 on account of Dr. S. P. Blackburn.

Q. State whether or not Jacob Thompson, in all your conversation with him, seemed to have a perfect knowledge of the character of the goods you were selling? A. Yes, sir.

Q. Did you mention to him the large sum that had been promised to you by Dr. Blackburn? A. I did, and he said the Confederate Government had appropriated $200,000 for that purpose.

Q. How did he excuse himself for not giving you more? A. When Dr. Blackburn returned from Bermuda, I wrote to Montreal and told him I wanted money; he made no reply; I then sent down by S. B. Young; subsequently I met Dr. Blackburn, who said I had written him very hard letters abusing him, and that he had not got any money to give; he got into his carriage and drove off, and never gave me any satisfaction or paid me anything more.

Q. State under what name you passed when in Washington? A. J. W. Harris.

Q. Where did you stop in the city? A. At the National Hotel, and I brought the goods there.

Q. Can you give the precise date? A. I think I can; it was the 5th of August, 1864.

Q. In what name did you write to Mr. Wall? A. In the name J. W. Harris, the same as I had registered myself at the hotel.

Q. Can you state whether C. C. Clay and Prof. Holcomb whom you met on your return, in their conversation with you seemed always perfectly to understand the business you were engaged in? A. Yes; after I returned back to Canada I met Clay, Holcomb, Preston, Beverly Tucker, Dr. Blackburn and several other gentlemen at the Clifton House, Niagara Falls.

Q. They then had a knowledge of your enterprise? A. Yes, sir.

Q. And they complimented you upon your success, Holcomb and Clay; how do you know they had this knowledge—was there a conversation between them that left no doubt on your mind as to that fact? A. In the conversation at Clifton Hote; I stated that I intended to return that night to Toronto; Dr. Blackburn had no money; he told me that he would go to Holcomb, who had Confederate funds; he said that Holcomb was going to stay there, and when he returned he would get money from him or Thompson for the expedition—that he had to get money from one of them; I understood from that time that they knew all about it; I never spoke to them directly about it all; I took it for granted, when they congratulated me on my safe return at Hamilton, they must have known all about it.

Q. You speak of Dr. Stewart Robinson, a divine of Louisville, Kentucky, who introduced you to Dr. Blackburn—did he seem to have a knowledge of the business you were engaged in? A. Not from me; I don't know about the knowledge he had from Dr. Blackburn; he said he did not know the nature of the business I was going on, and that he did not want to commit any evert act; all I know is that Dr. Robinson took good care of me all the time; I was there that time until Dr. Blackburn wrote for me; he did not give me any money; I borrowed $10 to come down from Montreal from Mr. Preston; I went down to Montreal and saw Mr. Slaughter, who was to furnish funds to take me to Halifax; he said he was short of funds, that he had lost several hundred dollars by the failure of a bank; he gave me $25, and said I had better go to Holcombe at the Donnegana Hotel; I saw Mr. Holcombe and told him I was short of funds; I told him I wanted enough to make up $40; he said I had better take $50; I refused to take it saying, that I did not meet it. [The Judge-Advocate asked the counsel for the defense whether they desired to cross-examine the witness. Mr. Aiken replied that before the witness was discharged he desired to know whether it was the purpose of the Judge-Advocate to make use of this testimony in his summing up against any of the prisoners. The Judge-Advocate-General replied that it was expected that reference would be made to all the testimony in summing up, but that the object of this testimony was to connect the Rebellion with this crime.]

TESTIMONY OF WILLIAM L. WALL.

By Judge Holt—Q. State whether you are are a merchant in this city? A. I am an auction and commission merchant.

Q. State whether last Summer you received on consignment from a person representing himself as Mr. Harris, certain trunks and goods? A. While I was out of town fast August, my bookkeeper received from a party named Harris a lot of shirts and coats, which he desired to be sold at auction the next morning; the bookkeeper told him he would sell them; he asked for an advance on them, and one hundred dollars I think was the amount advanced; the goods were sold the next morning; I did not see them at al.

TESTIMONY OF A. BREMIER.

By Judge Holt—Q. State whether or not you were employed last Summer in the service of Mr. Wall, commission merchant in this city? A. Yes.

Q. State whether in the month of August, a man representing himself as J. W. Harris, sent to the store of Mr. Wall certain packages of goods for sale? A. A man, calling himself Harris, brought a package of goods to the store for sale; I thought him a sutler returning home; I advanced him $100 on them, and sold them next morning; they were packed in five trunks. He said there were twelve dozen shirts; but there turned out to be more; I rendered an account of the sales to him at Toronto, Canada, with the balance of the money, in accordance with a letter received from him directing it, which I have here. It is dated Toronto, Sept. 1, 1864. He states that he had written to me previously in respect to five trunks containing 150 woolen shirts and 25 coats, but had received no response, and asked me to give him a check on New-York for the proceeds.

Q. Do you remember anything about the marks which were on the trunks? A. No, sir; I remember the shirts were thrown promiscuously into the trunk; I sorted them out into packages of a dozen and sold them.

Q. Do you remember whether any trunk was marked No. 2, a memorandum in selling them? By the Court.—Did it seem to be new clothing? A. I thought when I first opened the trunk it was not, and had doubts about its being a safe investment, but on looking further it was new; it appeared to be crammed down with the trunk.

Q. What amount did the shirts bring? A. I see by the account of sales which I have here that the whole amount was $142 90.

TESTIMONY OF THOMAS L. GARDNER.

Q. State whether or not you came up in company with Dr. Mudd to Washington last Spring. A. I did.

Q. State the date of the visit? A. The 23d day of March, I think.

Q. State what time you left your home to come up? A. On the 23d, in the morning, after usual breakfast time.

Q. State the purpose of the visit? A. We came up to attend a sale of Government horses which was to take place Friday, but we heard it was to take place Tuesday and so were disappointed.

Q. Go on and state where you and Dr. Mudd were during that visit? A. We left our horses at Martin's, walked across the street, came down the avenue and went to a carriage factory; we then went to a livery stable where he looked at some second-hand wagons, and then went over on the island to Mr. Clark's and remained there till about dark, till the store was about to close up; Dr. Mudd and myself walked around to Dr. Herring's, where we remained two or three hours, and then returned to Dr. Clark's, where we remained all night; next morning we took leave of Mr. Clark and went into the Capitol to look at the paintings; we then went out, took the street cars, went up to Martin's, got our horses, and after dinner left and returned home.

Q. State who slept with Dr. Mudd? A. Dr. Mudd and myself slept together; there was one bed in the room, and we occupied that.

Q. State whether you and Dr. Mudd were separated during the visit? A. No, sir, not at all; I am confident that at no time were we out of one another's sight from our leaving Martin's until we started back.

Q. Did you or did you not see anything of Booth during the visit? A. No, sir.

Q. Did you go into the National Hotel? No, sir; I think we stopped talking in front of the National Hotel looking at some Rebel prisoners passing, but we did not go in.

Q. Do you recollect the Congressional election in your District in which Calvert was the Union candidate and Harris the Secession or opposing candidate? A. Yes; Harris ran as a Peace candidate.

Q. Do you know which one Dr. Mudd supported? [Objected to.]

Q. Do you know on what ticket Calvert was running? A. As an unconditional Union candidate.

Q. Do you know which Dr. Mudd supported? [Objected to.]

Cross-examination by Col. Burnett—Q. Did you say Mr. Calvert was running as a better Union candidate than Mr. Harris at that election? A. Yes, sir.

Q. Were not the other two Peace candidates, both of them? A. I don't know.

TESTIMONY OF MR. DOWNING.

Q. State where you live? A. In Charles County, near Mount Pleasant.

Q. State whether you are acquainted with Dr. Samuel Mudd? A. I am very well acquainted with him.

Q. Are you acquainted with Mr. Thomas who testified here? A. I was raised with both of them.

Q. State whether or not Dr. Mudd and Mr. Thomas met at your house last Spring. A. Yes, sir; between the first and the fifteenth they both met at my house.

Q. Did they meet at any other time this Spring at your house? A. No, sir.

Q. Did they come together? A. No, sir; Mr. Thomas came two or three hours before Mr. Mudd.

Q. How long did Dr. Mudd stay there? A. About half an hour; I don't think he stayed over half an hour.

Q. Were you present all the time that Dr. Mudd was there? A. Yes, sir; I never left the room.

Q. State whether or not in the conversation at that time Dr. Mudd said that "President Lincoln was an Abolitionist, that all the Cabinet were such, and that the South could never be subdued by Abolition doctrine, and that the President and Cabinet would all be killed in six or seven weeks?" A. There were no such words spoken in the house to my knowledge; I stopped there all the time; he came there to see me to collect a little doctor's bill, and staid there about half an hour. As I walked out Dr. Mudd rose and followed me out and went directly home. Mr. Thomas stayed with me an hour afterward.

Q. Could Dr. Mudd have had any conversation with Mr. Thomas without your hearing? A. No, sir; even if they had whispered I could have heard it I was so close to them.

Q. Has any part of the statement which I have recited to you made by Dr. Mudd on that occasion? A. Not to my knowledge.

Q. Do you think you would have noticed it if it had been? A. I should certainly.

Q. State whether or not, two or three weeks after that occasion, you met Mr. Thomas in the road between your house and his, and that he said to you that at your house Dr. Mudd had said that the President and the Cabinet and every man in the State of Maryland would be killed. A. He never said such a word; I never heard a word of that kind.

Q. Neither before nor after the assassination? A. No, sir, neither.

Q. On that occasion did Dr. Mudd say that he did not consider the oath of allegiance worth a chew of tobacco? A. Not that I recollect; there was never a word of it spoken.

Q. What was the conversation about? A. Daniel Thomas was saying to Dr. Mudd that he was appointed a detective, and then referred to others, to Dyer and to Dr. George Mudd, and perhaps to one Howins, being detectives as well as he was, but he didn't pretend to catch anybody himself; it was his duty to go to their houses, he said; but he would neve; catch anybody.

Cross-examination.—Q. Were they talking during the whole half hour? A. They were talking a good deal; I know they were talking the whole half hour; they were detailing a lot of foolish things.

Q. What did Dr. Mudd say? A. I had no conversation with them.

Q. What did Dr. Mudd say to Thomas? A. He said that he was a jack.

Q. What did he call him a Jack for? A. Thomas said that he was appointed a Deputy Provost-Marshal, and Dr. Mudd said "I'm better educated than you are, and I'm not fit for that office," and then they talked and Dr. Mudd called him a Jack; I didn't like that, for I don't suffer Jacks to come into my house.

Q. How long were you gone before Dr. Mudd went out? A. Not two seconds.

Q. Where did you go to before Dr. Mudd went out? *By Mr. Ewing*—Q. Did I understand you to say that you were not out of the room during that interview? A. Yes, sir; I was sitting about one yard from them; it was cold weather, we had not wood enough on the fire, and we all sat close to it.

Q. You heard all the conversation? A. Yes, sir; every word that was spoken.

TESTIMONY OF H. L. MUDD, JR.

Q. Where do you live? A. Near Bryantown.

Q. How far from the accused? A. Three-quarters of a mile.

Q. Did you last Winter or Spring, in company with Dr. Mudd, come up to the neighborhood of Washington? A. Yes, sir.

Q. State where you both went? A. We left home on the 10th of April and stopped about 12 miles from Washington; we went to Leesborough to buy horses and stayed there till 10 o'clock; we did not find any horses that suited us; they were nearly all diseased; I made a proposition to go down to Martin's, near the bridge, and get some dinner, and so we went and took dinner there.

Q. Where did you go then? A. Directly home.

Q. State whether you were separated from Dr. Mudd during that visit? A. Not during that visit; we were all the time together.

Q. State whether you crossed the Eastern Branch? A. No, sir.

Q. Did you go on to Washington? A. No, sir.

Q. State whether you said anything of John Wilkes Booth during that visit? A. No, sir, I did not.

Q. Do you know anything about any other visits Dr. Mudd made to Washington? A. Yes, sir; on the 23d or 24th of December, and on the 23d day of March, he was there.

Q. Who came with him the first time? A. Jerry Dyer.

Q. Who came with him the second time? A. Mr. Gardner.

Q. State whether you know anything except of those two visits from the 1st of January down to the present time? A. I saw him three or four times a week, sometimes at church and sometimes at home; I never saw him anywhere else.

Q. How long have you been living within three quarters of a mile of Dr. Mudd's place? A. All my life.

Q. Did you life there last year? A. No, sir; I was at college but came home on the 29th day of June.

Q. Have you been here ever since? A. Yes, sir, ever since.

Q. Do you know of a party of Confederate soldiers being about your brothers house since the 20th of day July, 1864. A. I do not, sir.

Q. Did you ever hear or see John Surratt at your brother's house? A. Never, sir.

Q. State to the Court whether or not your father is a and owner in the County? A. Yes, sir.

Q. How long?

Objected to by Asst.-Judge Advocate Bingham.

Q. How large a farm is it that your brother has? A. Between 400 and 500 acres.

By Col. Burnett—Q. Do you mean that he owns it? A. Father gave it to him.

Q. Did he ever have any deed to it? A. No, sir.

Q. Is he simply then as a servant? A. Yes, sir.

Q. Your father owns it? A. Yes, sir.

Q. Don't you know that Dr. Mudd does not own a foot of land of any kind? A. I do not, sir.

By Mr. Ewing.—Q. Do you not know that the farm he was on was set apart for him by his father? A. I have alway understood so.

Q. It is known as his farm? A. Yes, sir.

Q. Do you know of your brother having sold and received the proceeds of any land belonging to your father? A. Yes, sir; the land on which Mr. Fay now lives he bought from my brother; the house was burned down, and my brother sold the farm.

Q. Who held the title? A. My father, sir.

TESTIMONY OF MR. HARDY.

Q. Where do you live? A. In Charles County, two and a half miles above Bryantown.

Q. State whether or not you were present at Dr. Mudd's house one week after the assassination of the President? A. At his father's, I think; we dined there together.

Q. Did a messenger come for him to go to his own house? A. Yes, sir.

Q. Did you go with him? A. I did.

Q. Did you meet any one? A. We met Lieut. Lovett in Dr. Mudd's yard.

Q. State what was said between Lovett and Dr. Mudd there? A. Dr. Mudd introduced Lieut. Lovett to me, and he then walked into the house, and Dr. Mudd told Lieut. Lovett that the boat was in the house, and asked him if he wanted it.

Q. Did he mention that before or after he got into the house? A. After, I think.

Q. Had any inquiry been made before? A. Not in my hearing.

Q. Was anything said about where it was found? A. Mrs. Mudd said she found it in dusting the room, under the bed.

Cross-examination—Q. What remark was made about searching the house. A. I don't know; I didn't hear that.

Q. How many soldiers were there when you got there? A. I think I counted 28 horses.

Q. You don't know what had been done there before you got there? A. I don't, sir.

By Mr. Ewing—Q. Who gave the boat to the officer? A. Dr. Mudd himself.

Q. What time of day was it? A. Between 12 and 1; we had dinner at Dr. Mudd's father's.

Q. Who went after Dr. Mudd? A. I didn't see the messenger; I think it was Mr. Davis; a child ran in and said Mr. Davis was in the yard, and wished to see Dr. Mudd.

TESTIMONY OF DR. BLANDFORD.

Q. Where do you live? A. In Prince George's County, about 30 miles from the city.

Q. State whether or not during last Spring or Winter you accompanied Dr. Mudd toward Washington? A. I did on the 11th of April to Giesborough, to attend a sale of Government horses there.

Q. State who was in company with him? A. His brother; we arrived at the sale before the hour, and remained there with him until 12 o'clock examining horses; they were of an inferior quality, and he made no purchases during my stay there; at about 12½ o'clock I left him, and made an engagement to meet him again; I went to Washington and got back to Martin's about 2½ o'clock, and found Dr. Mudd there.

When you started for Washington you left his brother with him at Giesborough? A. Yes, sir.

Q. Did you find him there when you returned? A. Yes, sir.

Q. State where Martin's is? A. On the forks of the road not more than 100 yards from the bridge; one road leads to the right and the other is the stage road leading into the country.

Q. That is on the other side of the eastern branch? A. Yes, sir.

Q. Have you any knowledge of Dr. Mudd offering to sell his farm? A. I think he said he would like to sell it.

Q. When did you hear him speak of that? A. For several years back.

Q. What place did he refer to? A. The place that he lived in; I heard him speak of it in the last 18 months several times.

Q. How long did you stay at Giesborough together? A. Till 8 or 9 o'clock.

TESTIMONY OF MR. MARTIN.

Q. Are you acquainted with the prisoner, Dr. Samuel Mudd? A. Yes, sir.

Q. With Henry L. Mudd? A. Yes, sir.

Q. With Dr. Blandford? A. Yes, sir.

Q. Did you see them at any time together during the past two or three months? A. Yes, sir; on the 23d day of March.

Q. What other time did you see Dr. Mudd? A. I think it was the 4th of April last.

Q. How long were Henry L. Mudd and Dr. Samuel Mudd together at your house? A. one or two hours.

Q. At about what time did Dr. Blandford join them? A. Between 3 and 4 o'clock.

Q. Was Dr. Mudd there afterward, between that time and the assassination? A. No, sir.

Q. Was Henry L. Mudd? A. No, sir.

Q. Was Dr. Blandford? A. No, sir.

TESTIMONY OF MR. MONTGOMERY.

Q. State whether you are acquainted with the prisoner, Dr. Samuel Mudd? A. I am, sir.

Q. State whether in last December he made arrangement with you for bringing some articles Washington? A. Yes, sir; about a stove.

Q. What date? A. It was on Thursday.

Q. What day of the month? A. On the 22d I reckon.

Q. What time of the day? A. In the morning.

The Court adjourned until 10 o'clock on Tuesday morning.

Resume of Monday's Evidence.

WASHINGTON, Monday, May 29, 1865.

To-day the counsel for Mrs. Surratt asked to have Henry Von Steinecker recalled; they wished to show that Von Steinecker has been attached to Blenker's staff, but subsequently, while under sentence of death for desertion, he escaped to the Rebel service and was employed as a draughtsman for Gen. Jeb Stuart. They wanted to show there was no such secret meeting as Von Steineker had described in the camp of the 2d Virginia Regiment, at which Booth was alleged to be present and the assassination of President Lincoln discussed.

Gen. Wallace, a member of the Court, said the application just made, which was in writing, contained a bitter aspersion on the witness in his absence and was inflammatory in its character. It was discreditable to the parties concerned, and too offensive to the Court to be placed on record.

Mr. Campbell disclaimed any intention on the part of counsel to reflect upon the Court. The only object was to impeach the testimony of a witness.

The Court voted not to put the paper on record, but were perfectly willing, as was expressed the other day, that the counsel for the accused should call witnesses to impeach Von Steinecker's testimony.

Mr. Aiken said they had Gen. Edward Johnson, late of the Rebel service, and members of his staff, to prove that no such secret meeting as Von Steinecker represented took place in the camp of the 2d Virginia Regiment, at which Booth was said to be present, having for its object the assassination of President Lincoln.

Witnesses were examined by the defense to impeach those who had testified against Dr. Mudd.

The prosecution called Mr. Hyams, who testified to meeting Dr. Blackburn at Toronto in December, 1863, and knew that he was in the service of the Rebellion That Blackburn took witness to a private room, and asked him if he was willing to go on an expedition. He told him he would make a hundred thousand dollars and receive more glory than Lee. Witness consented, and received a letter from Blackburn, dated May 10 last, at Havana, stating he would arrive at Halifax, and witness made his way there and perfected arrangements for the distribution of infected clothing and bringing the trunks to New-York, Philadelphia, &c. Blackburn stated that his object was to destroy the Federal army; that the clothing had been infected with yellow fever, and that other parties were engaged with him in infecting goods amounting to one million dollars worth, with that disease and the small-pox.

Witness understood that the clothing in a valise which was sent to President Lincoln was infected with both diseases.

When witness returned to Hamilton he met Clay and Holcomb, who congratulated him on his success, and he telegraphed to Dr. Blackburn, who came down the next night, and when witness told him what he had done he said it was all right, as "*Big No. 2*" had gone to Washington, and he was sure it would kill at sixty yards.

Blackburn said Thompson would pay him, and he went to Thompson, who stated he would be paid when they heard the goods had been delivered according to instructions.

Witness showed them a letter from Wall & Co., when Thompson gave witness $50 on account.

The Trial of Davis and Breckinridge.

The following is the Washington letter of "Occasional" to *The Philadelphia Press* of Monday:

WASHINGTON, May 27, 1865.

The trial of Jefferson Davis and John C. Breckinridge will take place before the Superior Court of the District of Columbia. There seems to be no purpose on the part of the Government to surround the occasion with any particular eclat, nor, indeed, is there the slightest necessity for giving a dramatic appearance to that which should simply be the execution of justice in the briefest time consistent with fair dealing and fair hearing to the parties accused. Whether Jefferson Davis was a citizen of the United States—whether he took an oath to support the Constitution of the United States—whether he did so when he accepted the commission or were the uniform of the country that educated him; also, when he was an elector for President in 1844, when he sat in Congress in 1845, when he became a Senator in Congress in 1847, and subsequently in 1851, when he was appointed Secretary of War by President Pierce in 1853, when he was again elected to the United States Senate in 1857—whether he swore allegiance to his country and her authority, her Constitution and laws, on each of these several occasions, solemnly before God and man, and then deliberately and insolently broke the chain of sacred covenants—wh