The Surratt Trials

[FIRST EVIDENCE YESTERDAY.]

When the Court reassembled, after the noon recess, John M. Lloyd was recalled.

Question by Mr. Pierrepont—On the night when there men were there, did you hear Harold use the name of Booth?

Answer—No sir.

Question—Did he use the name Wilkes?

Answer—No, sir.

Cross-examined by Mr. Merrick—I was examined—one week after the assassination; was shortown, two weeks after the assassination; was shortown examined at Carroll prison; did not know the name of persons who had been there; but knew the name of persons who had been there; my attention was attracted to the name by a military officer afterwards came, when I was in prison; he asked me if I did not know that I ever saw them afterwards, but saw a man at the armory drill who looked like Booth; this man was not Booth; ham, but do not know that he ever examined me before the trial.

Witness was asked if threats or offers of reward were held out if he would testify?

Witness testified that at Bryantown a man named Cottingham said if he would testify he would receive the protection of the Government; at the old Capitol prison the officer asked me to make a statement; I said I had made a full statement to Col. Wells; the officer said that was not full enough, and he asked if I had never heard that something doubtful was to happen; I said I had not, and the officer said he had seen this in the papers.

Mr. Pierrepont objected to asking the question, as the examination is to the statement he was previously asked.

Judge Fisher said he could not see the bearing, unless it was for the purpose of contradicting the witness.

Mr. Pierrepont suggested that it should be done in the proper form, then, and witness should be asked what he did or did not say.

Mr. Merrick contended that he could examine the witness on any point to test his knowledge, means of knowledge of the conversation, and his recollection; and he therefore asked these questions.

Mr. Bradley said it was competent to ask the witness if there was any inducement offered or reward held out in these examinations.

Mr. Pierrepont said he did not object to that question, but he objected to the whole of examination.

Colonel Wells, and said the officer told him he was guilty of being an accessory, and the punishment of that was death.

Question—Did you ever tell George W. Dont that you testified at the former trial to save your own life?

Answer—No, sir.

Mr. Pierrepont objected, and moved that the question and answer be stricken out.

Judge Fisher said the question was irrelevant, but the defence was entitled to the answer of the witness.

Question—Were there any threats made by the soldiers at the time your statement was made to Colonel Wells?

Mr. Pierrepont said he knew what the answer would be, but he objected to the mode of questioning. The counsel could not examine as to threats, except if made in reference to this trial.

Mr. Merrick contended that the time threats were non-operative, and other evidence now would be to remove the evidence given while under the influence of the threats referred to.

Mr. Pierrepont said the question of threats made in reference to any trial except the trial in progress.

Mr. Bradley contended that he could question the witness as to threats made at any time, and relating to the prisoner, and in support of his position he quoted various authorities, and said it was a matter directed to the discretion of the Court. All testimony must be voluntary, and it was competent for the accused to ascertain what had been made at any time with regard to the point at issue.

Judge Fisher said that in case of a confession evidence could be given of a threat made in a field out. But in the case the witness was as free as the wind, and it must be shown that he was still under the influence of the threat at the indictment of reward.

Mr. Bradley contended that, reasoning from analogy, the same principle operated here as in case of a confession.

Mr. Pierrepont said the object of a cross-examination was to ascertain the witness to elicit the truth. It was proposed to show that the witness had been offered a reward, or threats made, for favor to testify on this trial, there was no objection; but if it was proposed to show that he had testified at another time under the influence of threats, then there was objection.

The Court decided that the question of threats must have reference to this trial only, and to some time preceded it.

The defence noted an exception to the ruling of the Court.

Question by Mr. Bradley—Did you not state in substance and effect that you would as long make you signed your name to a written statement prepared for you?

Mr. Carrington—When?

Mr. Bradley—Two years ago.

Mr. Pierrepont said that question had been very fully and explicitly examined.

The Court—I am not over ruled out.

Mr. Bradley said that it might be fully understood that we are after having gone through it.

The question was ruled out.

Mr. Bradley said he never proposed to ask the witness whether he had not made the same state to any other person.

Mr. Pierrepont objected.

Mr. Bradley said he proposed to add further to the question, and asked the witness if he would have given different evidence if he had not been in war, and that if it were not for the previous examination he would give different testimony now.

The Court overruled the question, and would confine the testimony to what transpired before as were made in reference to the case now on trial.

Cross-examination resumed—I was requested to conceal some cause; it was nothing unusual for gentlemen to be called to visit me; I should not take all the firearms they could find, and I feared my house was to be searched; I did not know what Mrs. Surratt's business was down there on April 14th; which Mrs. Surratt was there several other persons were there; Mr. Jarboe and others were there, as was also Mrs. Offutt; when first saw Mrs. Surratt in the yard she was alone; think Mrs. Offutt was there; I do not remember seeing any children, and don't remember who took my buggy after I got home from Marlborough; we met Mr. Jarboe and Surratt in a trial, and after Court was over drank a good deal and went home much intoxicated; I did not come before Mrs. Surratt left Surratttville; I was sobrunk I had to lie down; drunkenness has the effect to make me forget things, and when I got drunk I sometimes kept up the power and had to lie in bed; habits of drinking when I took possession of the tavern, and before that; I began a part the house, and unfortunately for me I was my own best customer; the sun was up the next morning, and I then took a drink; I did not tell my mind upon anything that happened; I was not interrogated; I do not recollect; when Harold and Booth came there that night I had a conversation; I have said that I put no confidence in Harold telling me that the President was the cause of his disappointment; he was drunk; the soldiers came early in the morning, and after I found what had happened I was frightened, and went to drinking; do not recollect exactly what I told Clarence Mudd the morning; but think I told him that the men, Harold and Booth, had not been there; I did not wish to be a witness in the case, and I might have said I knew nothing about it; Clarence said there was money enough in the place to make us both rich, if I would tell what I knew about the men, and I said I knew nothing; Mrs. Slosser was there I got home, April 14th, I was carrying in some oysters and fish, when I met Mrs. Surratt; do not know whether Mrs. Offut was near enough to hear the conversation; I do not recollect talking to Mrs. Offut's child; had been drinking when I saw Mrs. Surratt on the Tuesday spoken of; we conversed in an ordinary tone, and Mrs. Offut and Surratt were present; I do not know that they overheard the conversation. On the night of the assassination I was arrested on twelve o'clock by Harold calling to me. I gave him the whole of my conversation; I think I had been asleep when I was aroused. Harold did not ask me for the money; I was not willing to give him those things. I acknowledge I went to bed drunk, but I think I knew of the conversation. Iacknowledge that drunkenness blurs my memory, and makes me forget things. I had not been on a conviction spree before April 14th, because I was trying to give the Government all the aid in my power. Think I took several drinks on Thursday, April 13th. Don't recollect who was in the house on Thursday night. Can't recollect if I was drunk on Thursday night. Think the man was calling the night Harold and his companions came. Don't remember seeing any doubt at that time. Don't think the moon was shining when I went to bed that night, as I did not take particular notice of it.

By Mr. Pierrepont—What is your condition this morning? Are you giving this testimony?

Mr. Bradley objected. He was before the jury, and they could see.

Mr. Pierrepont said he had a right to ask the question. The defence tried to show that witness was a drunkard, and what effect liquor had upon him.

Mr. Merrick said the witness had himself stated the fact.

Judge Fisher sustained the objection.

By Mr. Pierrepont—Witness had been drinking this morning, but had previously been sober enough, finding the habit too strong upon him.

Question—You have thought a good deal upon this subject, have you not?

Mr. Merrick objected, and the objection was sustained.

Mr. Pierrepont, in answer to certain questions by Mr. Pierrepont, said Mrs. Offut was in the house when he first came up; does not recollect whether he staggered and fell or not when talking to Mrs. Surratt; does not recollect who drove him home; was sober enough to drive himself.

By the Court—Judge has a tendency to make one forgetful, and, therefore, when I go to testify in a court I never dare to drink for fear I should forget facts that I should testify to.

By Mr. Pierrepont—When I go to testify I will drink for the same cause.

By Mr. Bradley—Many things happen when I am drunk that I do not afterwards remember; think it was at eleven o'clock when I met Mrs. Surratt in the Hyattsville road; I recollect seeing Weichman was in the buggy with her, and Mrs. Offut and child were in the house; I think Mrs. Surratt got out of the buggy and spoke to her; the conversation was not carried on in a tone of importance; do not know what conversation; witnesses could not tell when Harold was at his house with Booth and Surratt, and Harold had his books and bills; Harold said when he left that he was on his way to "B. B." near Surratt's; on March 6th think he came down with his mother and sister; Miss Anna was with them; Mrs. Surratt remained; they came in a two-horse carriage, and one horse I think was gray.

By Mr. Carrington—On the Tuesday referred to, Mr. Weichman was in the carriage with Mrs. Surratt.

Do not know that Weichman heard the conversation.

Colonel D. J. Conger was called and sworn but his examination was deferred, and the Court then adjourned until to-day at ten o'clock.

JUDGE FISHER'S OPINION.

The following opinion was delivered by Judge Fisher yesterday, on the appeal of Surratt's counsel to be allowed to recall witnesses for re-cross-examination:

I have been called upon again by the counsel for the prisoner to allow the cross-examination of witnesses summoned by the prosecution after the cross-examination has been closed, and after witnesses dismissed, in order that the prisoner may have cross-examination with the view of enabling the witness so to be recalled as to whether some matter alleged to have been said by the witness, or whether he has not made statements out of Court, prejudice to the rights of the prisoner on the testimony delivered at the bar, and thus to the examination to impeach the testimony.

It is claimed as the prisoner's right. I have no discretion; refused to order witnesses to be recalled, and yet the counsel for the defence have again presented the question for re-hearing, and with so much apparent confidence of the rightness of the demand, that in a spirit of reverence I venture to listen to their appeal with the sincere desire to correct any error which I may have committed, if satisfied of the conclusion.

It could afford no gratification; heaven knows, to exercise any other power of my office than that of pronouncing a verdict of conviction in any case when the life of a fellow being is involved, which, but for such error, might have been a verdict of acquittal. Such a first trial would be a lasting canker in my conscience, even in a case where I felt the conviction full upon a guilty fellow. In such a spirit, I have heard the counsel for the defence in the discussion of the grounds which, it seemed to me, would have been deemed sufficient to the Court, and have endeavored to discover whether I had made a material error. So far from being satisfied that I was wrong in my decision, the more I have reflected upon the ruling I have made in the matter, the more I am convinced that I was in right.

In this case there have thus far been examined witnesses brought here from Canada, from Maine, from Vermont, from New York, from Virginia, and from Mississippi. The trial, it is conceded, will not close with the present testimony. The witnesses are engaged in the various pursuits of life, as farmers, merchants, some manufacturers, some bank officers, railroad conductors and hubers, all of whom or most of whom have necessarily left away from their homes and business to attend this trial. Further of course subpoenas issued, and most of them to great inconvenience, not to say sacrifices, in attending Court at all.

It is not claimed by the prosecution of the counsel for the prisoner that each of these witnesses shall, after going through the examination and cross-examination, be either ordered by the Court to remain in the city subject to call, or the case argued to the jury, or else shall be compelled to return here after having gone home and given himself in a position to have his character for veracity attacked by other witnesses to be produced for the purpose by the defence, or to tell the public that he let a material witness go home, and not worthy of belief. This is simply what the proposition of the counsel is substance amounts to, and, in a mere statement of it in its simple nakedness is sufficient to show the impropriety of granting it. If not the case, why the counsel have called Johnson on Saturday, for the purpose of cross-examining?

We will suppose that he has now gone home, and the prisoner's friends have ascertained in his neighborhood and have been informed by somebody there that he said something to the effect that he was in Washington, or how carelessly, which they suppose may in some degree conflict with what he testified to when before the Court. The counsel for defence present their request to have the witness recalled from a distance of some hundred or eight hundred or one thousand miles. He is a lot for and asked whether he will come and so to John Jones or John Smith or John Brown. He denies it. Jones, Smith and Brown are immediately subpoenaed and come on, from Maine, and when here they say they were the witness for the prosecution did say something which was inconsistent with what he testified to on the stand.

The Secretary of State, accompanied by Gen. Dix, Hon. Reverdy Johnson, Hon. Montgomery Blair, C., spent Sunday at Quincy, attending church in the morning, and afterwards visiting the old family mansion of John Adams, John Quincy Adams, and the present Minister to England, Charles Francis Adams, returning to Boston in the evening. The Secretary dined with Senator and Mrs. Sumner, Professor Agassiz, Mr. Longfellow, Mr. Dana, and Gen. Reed, of the Navy's staff.

Secretary Seward yesterday received the following telegram:

FIFTH AVENUE HOTEL, N. Y., June 23, 1867.—Would the President like to make the trip down the bay on the Franklin, just previous to her departure? If so, on what day? Answer, and inquire who the ship will sail on Wednesday.

D. G. FARRAGUT, Admiral.

To which the Secretary replied:

TREASURY HOUSE, BOSTON, June 24.—*Dear Admiral*: Do not detain the ship. Go on Wednesday, and make your progress. So far as special Executive orders from here are concerned, stand not on the order of your sailing. I have only to add, go to the mast-head, but keep a firm footing on deck. I hope that you may come back from your voyage at the appointed time, in renewed health and vigor, to receive the additional honors of your countrymen. WM H. SEWARD.

A large crowd of people assembled in the Tuileries, in Paris, on the 19th of June, to witness the ceremony of the Emperor of France during the attempt of the assassin on the Emperor, and the Prince Imperial *de Rouen*—

M. Frederic Raimbaud, whose name has suddenly acquired a great popularity, belongs to a family of Provence. Chief Justice Abbott said—"We think the only effect of a subsequent discovery of the effort at subornation of perjury would be to allow the witness to be called back for further cross-examination, if within reach." But this was not even a decision of the question as to whether in such case the witness could be recalled back for the purpose of further cross-examination. The question as to the evidence of the fact of the attempt at further cross-examination was not one of evidence, but one purposed to be by judges, and of course, was not a matter decided by them. The counsel for the prisoner suggested that this length, still that is not this case. It might very well be that if the judge trying a case should be satisfied, by affidavits or otherwise, that there was probable cause to believe that a witness who had been examined and cross-examined had been guilty of attempts at subornation, poisoning the fountains of justice, he should order the recall of the witness for the purpose of giving the party an opportunity to explain or deny, and then, in case of denial, to allow his denial to be attacked. But that would be a very different thing from ordinary witnesses to remain for weeks, or it may be for months, hundreds of miles away from home, or to order them back after their return dismissed. The President, Postmaster-General Randall, and Surgeon Basil Brito were present at this interesting service, they being members of the Protestant Episcopal church of this city. After the ceremonies had closed and the hall had been dedicated to the service of the whole fraternity to universal benevolence, the President of the United States expressed his thanks and the gratitude he expressed at being present with the Grand Lodge on this most interesting occasion.

It was one of the evenings of his life to be remembered, for he was enabled to meet only upon the close of his life. It had been one of his wishes, which he often expressed, that he belonged to an association that was not political, and which, entered principles and confined to any locality. It was a source of pleasure to him to feel that the world was his home and brethren men his brothers.

At the conclusion of the President's remarks, the session of the Grand Lodge was terminated.

By the time the private ceremonies in the hall were concluded, the Masons, who had been forming on the Common, were ready to move in procession. They joined those who had been engaged in the temple exercise, and now, in unbroken line, they proceeded through a number of the principal streets of the city.

The procession consisted of eighteen divisions, and was commanded by William D. Stanton, Grand Marshal. In addition to encampments of the State were encampments from Rhode Island, New York, New Hampshire, Maine, Pennsylvania, New Jersey and District of Columbia, together with Knights from other States.

The Knights of the State were joined by St. John's Lodge of New York, instituted in 1751. It carries the old Washington Bible, upon which George Washington took his first oath of office as President of the United States, the oath having been administered by Chancellor Robert Livingston. The Bible was escorted by a special guard of Knights, and was carried by Mr. Richard Varick, of New York.

Lodges from Maine, Illinois, New York, the city of Washington, and other cities and States, were in the line. Many distinguished guests from various organizations in England and the British provinces, to the number of thousand Masons were in the procession. The dress of the members of the Grand Lodge of Pennsylvania was also that of the knights of the several commanderies, and the appearance elicited the commendation of the spectators, and rendered more attractive the appearance of the procession.

Some of the Knights were on horseback and a few rode in open carriages. All the encampment bearing lodges carried banners designating their names and localities, and a number of national flags were prominent in the brilliant display.

Crowds lined the streets, and from many of the houses were displayed flags.

Some of the decorations were of a gorgeous character. Flowers were showered upon the formed by streamers from the windows. A large number of ladies were in the procession, and mounted on a splendid representation of Hope, dressed in blue, with anchor and cross, in the effect of this display. In Devonshire street the decorations were of the most elaborate and forming arches.

In Chestnut street many of the buildings were handsomely trimmed with red, white and blue banners, and Masonic emblems, and from a flag staff in Centre Square long lines of streamers extended to the buildings.

Near the corner of Hawley street was another grand arch, formed by institution of grains, on which was inscribed "The Merchants of Boston Welcome the President."

In some of these arrangements flowers were profuse. Similar adornments were displayed in Hawley street, and large flags were stretched across the street. It was with difficulty the people could pass under the decorations.

The President's coach was drawn by six cheasnuts, and was flanked by a guard of honor of the Boston Knights Templar, numbering about one hundred, with gold-headed canes.

At along the route the President was cheered by the men, while from the windows and balconies waved their handkerchiefs.

The procession moved at a slow pace owing to the crowd, and it was two hours before the carriage, and the fact that he caught in his carriage, the President was obliged to bow from a window, elicited renewed applause. Holding the bouquet towards the fair donor he made a bow.

Much enthusiasm was everywhere exhibited. Many words of compliment to the President were loudly uttered, and the only allusion to politics was in the cheers for Johnson, Administration, and the Somerset Club at their house cheered the President as he passed.

The coach halting repeatedly enabled mothers to present their little children to the view of the President, and he gave them kind words.

THE ENGLISH MONEY MARKET.

Extraordinary Advance in the Funds—Cause of the Improvement.

[From the London Times, June 11.]

The month of May, in contrast to the same deplorable period of the preceding year, has an advance of exactly five per cent. in the English funds. A remarkable improvement in the market this morning opened amid general excitement, and the advance continued to the last, notwithstanding the improvement of one-half establishment of the money market. Consols were at a fresh rise of the same amount. The eagerness to purchase continued throughout the day, and a large number of securities, British, foreign, of every kind which are believed to have any intrinsic value participated in the rise. Indeed, the improvement in the money market, and the upward movement. Before the close of business the Bank of England, on the house or in Threadneedle street, established in consols, making a total of one and one-fourth per cent. in the price of consols in the evening, while in foreign stocks, especially those of nations at war, a still higher rise was generally great chagrin, owing to the room for recuperation which the Bank of England's course of depression during the past nine or two years. The government was thoroughly, moreover, by the encouraging reports published from experienced drivers regarding the prospects of the growing crops, and by the announcement of another increase of above half a million sterling in the revenue of the Bank of France, and of a reduction in the rate of discount of that establishment to two and a half per cent.

The belief that the satisfaction manifested throughout Europe at the preservation of peace and the consequent symptoms of a revival of commercial activity will tend to convince all the great powers that the time is past when wars for aggrandizement or the mere lust for lustering the popularity and safety of dynasties, likewise has a palpable influence on the minds of capitalists, who rally now in progress. Consols for delivery were first quoted 86¾, and they left off at 86¾ for delivery, and 93½@93¾ ex-dividend for the new consols, which are 1885.

The rapid course of prices during the last few days, and the fact that the Government of the Bank of England, in the Bank of France, in the Bank of Hamburg, and the Bank of Prussia, and the Bank of Vienna, and the Bank of Amsterdam, and the Bank of Belgium, and the Bank of Switzerland, and the Bank of Spain, and the Bank of Portugal, and the Bank of Rome, and the Bank of Naples, and the Bank of Sicily, and the Bank of Venice, and the Bank of Genoa, and the Bank of Leghorn, and the Bank of Turin, and the Bank of Milan, and the Bank of Madrid, and the Bank of Lisbon, and the Bank of Oporto, and the Bank of Copenhagen, and the Bank of Christiania, and the Bank of Stockholm, and the Bank of Petersburg, and the Bank of Moscow, and the Bank of Odessa, and the Bank of Constantinople, and the Bank of Alexandria, and the Bank of Tunis, and the Bank of Algiers, and the Bank of Tangiers, and the Bank of Tripoli, and the Bank of Cairo, and the Bank of Jerusalem, and the Bank of Mecca, and the Bank of Medina, and the Bank of Jeddah, and the Bank of Mocha, and the Bank of Muscat, and the Bank of Bombay, and the Bank of Calcutta, and the Bank of Madras, and the Bank of Pondicherry, and the Bank of Goa, and the Bank of Macao, and the Bank of Canton, and the Bank of Hong Kong, and the Bank of Yokohama, and the Bank of Shanghai, and the Bank of Nagasaki, and the Bank of Batavia, and the Bank of Sydney, and the Bank of Melbourne, and the Bank of Adelaide, and the Bank of Hobart Town, and the Bank of Auckland, and the Bank of Wellington, and the Bank of Nelson, and the Bank of Dunedin, and the Bank of Otago, and the Bank of Bluff Harbor, and the Bank of Lyttelton, and the Bank of Christchurch, and the Bank of Greymouth, and the Bank of Hokitika, and the Bank of Westport