

BILLY WILLIAMS (colored.)

*For the Prosecution.—May 15.*

I know the prisoner, Mr. O'Laughlin, and I know Mr. Arnold by sight.

In March last I was going by Barnum's Hotel, when Mr. J. Wilkes Booth, the actor, came down the steps and asked me if I would take two letters for him. He told me there was one for O'Laughlin, and the other he said I was to take to the number that was on it. He did not tell me who it was for. There was a colored fellow with me, and I asked him to look at it and see what it was, as I could not read writing. He told me one was for Mr. O'Laughlin, and the other was for Arnold. I took one to Mr. O'Laughlin at the Baltimore Theater, and one I carried to Mr. Arnold. As I was in a hurry, I gave it to a lady who was at the door, and she said she would send it up to him. I saw O'Laughlin at the theater, and gave him his letter there. I said, "Mr. O'Laughlin, here is a letter Mr. Booth gave to me," and I handed it to him.

Mr. Cox. I must object to the whole of this evidence of the delivery of this note to O'Laughlin, and I desire, if the objection is sustained, that it be struck out of the record.

The JUDGE ADVOCATE. If the Court please, it is simply going to establish the intimacy of these men, their close personal relations with each other, as evidenced by their correspondence; and I think, in that point of view, it is clearly competent. We have presented them as visiting each other constantly. Now we are following them to Baltimore, and showing them as corresponding with each other constantly. Both facts go to establish an intimacy which is in accordance with the theory of the prosecution, which is, that they are co-conspirators. We do not offer the contents of the letter; simply the fact of their corresponding with each other.

Mr. Cox. I object to any evidence of the acts of Booth himself. The act of sending a note to an individual, no matter what may be the contents of that note, would be no evidence against that individual, unless the contents were accepted and acted upon by him. The mere fact of intimacy alone is an innocent fact on the part of the accused, and therefore is not evidence, I think, of a conspiracy. I therefore object to it, in the first place, as an act of Booth to which the defendant is not a party at all. He could not help receiving a letter from Booth. The act of receiving a letter was an entirely innocent one. I object, furthermore, that even if it tends to show intimacy, it does not tend to prove the guilt of the party of the charge now made against him.

The Court overruled the objection.

*Cross-examined by Mr. Cox.*

I think it was in March that I took the letters, because I heard Tom Johnson say it was March. I never took much notice of

the months. It might have been the middle of March or toward the end. Mr. O'Laughlin's letter I took round to the Holliday Street Theater; it was in the afternoon, and I found him in the dress-circle. I know Mr. O'Laughlin right smart.

*Cross-examined by MR. EWING.*

When Mr. Booth gave me the letters, he said that one was to go up to Fayette Street, above Hart, and I asked a lady at the door, and she read the direction to me. I asked Mr. Booth how his mother was, and he said very well; and he said he was going away to New York at half-past 3 o'clock.

JOHN HAPMAN.

*For the Prosecution.—May 18.*

*(Submitting to the witness a telegraphic dispatch.)*

I have seen that dispatch before. It reads:

WASHINGTON, March 12, 1864.

To M. O'Laughlin, Esq., No. 57 North Exeter Street, Baltimore, Md.

Do n't fear to neglect your business. You had better come at once.

[Signed]

J. BOOTH.

*(The original of the foregoing dispatch was offered in evidence.)*

This dispatch was sent by telegraph from this city to O'Laughlin, March 13, 1865. We used the old printed forms of the year before, which accounts for the date being 1864. I knew J. Wilkes Booth, and saw him write that message.

*Cross-examined by MR. COX.*

Q. Can you say whether this is a question or a command, "Don't you fear to neglect your business?"

Assistant Judge Advocate BINGHAM objected to the question. The writing must be its own interpreter.

The Commission sustained the objection.

EDWARD C. STEWART.

*For the Prosecution.—May 18.*

I am a telegraph operator at the Metropolitan Hotel in this city.

*(A telegraphic dispatch was handed to the witness.)*

I sent this dispatch myself over the wires to Baltimore; it is:

WASHINGTON, March 27, 1864.

To M. O'Laughlin, Esq., 57 North Exeter Street, Baltimore, Md.

Get word to Sam. Come on, with or without him, Wednesday morning. We sell that day sure. Don't fail.

J. WILKES BOOTH.

*(The dispatch was offered in evidence.)*

I did not know the man who gave it to me; he wrote it and asked me to send it. I think I should know him if I were to see his photograph.