The War of the Rebellion:
Official Records
Series II Volume VIII

suffering from dyspeptic symptoms, accompanied with torpidity of the liver and severe hemorrhoids. He is, however, gaining in muscular strength.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *December 5, 1866.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jefferson Davis as gradually but decidedly improving. He still complains of dyspeptic symptoms, but he is evidently better and stronger than at my last report.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

WAR DEPARTMENT, *Washington City, December 8, 1866.*

Judge-Advocate-General HOLT:

GENERAL: The President desires to be furnished with the testimony referred to in your report of the 2d of May, 1865, a copy of which is hereto attached.* You will please make report of the same at your earliest convenience to this Department.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

FORT MONROE, VA., *December 12, 1866.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jefferson Davis to be gradually but surely improving.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

BUREAU OF MILITARY JUSTICE, *December 15, 1866.*

Hon. E. M. STANTON, *Secretary of War:*

I have the honor to acknowledge the receipt of your note of the 8th instant, in which you advise me that the President desires to be furnished with the testimony referred to in my report of the 2d of May, 1865, and direct that I will communicate the same to you at my earliest convenience. In reply, I have the honor to submit as follows:

The report indicated of May 2, 1865, was in response to a request of the President of the same date:

To be furnished with a list of the persons, late in Canada and Richmond, against whom there is evidence of complicity or procurement in the murder of the late President, Abraham Lincoln, and the attempted assassination of William H. Seward—

* See indorsement embodied in Holt to Stanton, December 15, p. 977.

And such report was expressed in the following terms:

BUREAU OF MILITARY JUSTICE, *May 2, 1865.*

Respectfully returned with report that the testimony which has been under consideration by this Bureau indicates that Jefferson Davis, George N. Sanders, Beverly Tucker, Jacob Thompson, William C. Cleary, and Clement C. Clay were in complicity with the assassins and their accomplices who committed the crimes referred to.

J. HOLT,
Judge-Advocate-General.

I have now to state that the testimony alluded to as having been "under consideration by this Bureau" and as "indicating" the complicity of the parties enumerated was principally that of Richard Montgomery and Dr. James B. Merritt. This testimony had not, it is believed, been at the date mentioned formally embodied in depositions, and for the reason, no doubt, that it was desired that every precaution should be taken to protect the witnesses from such personal risk or danger as might ensue upon their names becoming known. The testimony, therefore, was not at the date of the proclamation technically "on file" in this Bureau. It had, however, been fully communicated to me in all its details, not only through the officers of the Government in whose charge the witnesses then were but by the parties themselves in repeated interviews. As thus made known to me it formed the basis for the judgment submitted in my said report of May 2, and also for the verbal opinion expressed by me to the President prior to the issuing of the proclamation, and subsequently repeated in a deposition given by me before the Judiciary Committee of the House of Representatives, to the effect that by this testimony at least a prima facie case of complicity in the assassination was made out against the parties named.

The statements of Montgomery and Merritt, as thus laid before me and reported upon, were substantially the same as those made by them shortly afterward as witnesses upon the trial of the assassins. Copies of their testimony transcribed from the record of the trial are accordingly herewith transmitted in compliance with the direction contained in your note.*

I have further to state that the evidence of Montgomery and Merritt was strongly corroborated by that of sundry other witnesses introduced upon the trial, to wit, by George B. Hutchinson, Hosea B. Carter, Henry Finegas, John Deveny, Samuel K. Chester, Robert A. Campbell, Lewis F. Bates, Henry von Steinacker, and some others whose testimony is to be found faithfully reported between pages 37 and 47 in the publication of the record compiled by Benn Pitman and authorized by the Government. The examination of these witnesses preliminary to the trial was chiefly conducted by the Assistant Secretary of War and other officers at the War Department, and I am now unable to state what part, if any, of their statements had been under consideration by this Bureau as early as the date of my report of May 2, of that year. It is proper to remark that the evidence of the witness Merritt in regard to the presence of C. C. Clay, jr., in Canada at or about the time mentioned by him in his testimony, and afterward, has since the trial been abundantly confirmed by quite a number of persons whose depositions, taken at this Bureau and in Canada, have already been communicated by me to the Secretary of War in official reports.

* Inclosures not found, but see the "Trial of the Conspirators," compiled by Benn Pitman and published by authority of the Secretary of War, pp. 24, 26, 28, 35, 37.

It is to be observed that the military commission, after a long and patient investigation, were brought to precisely the same conclusion in regard to the complicity of Davis, Clay, and their confederates, in the plot of assassination, as was expressed by the President in his proclamation; thus by their serious and final judgment as a judicial body fully sustaining the action of the Executive. The manner and the measure of the guilt of these parties, as declared by the President, has thus become matter of solemn record, and this record stands unimpeached.

In view of the facts, comparatively recently made known, which, in discrediting the testimony of certain persons brought forward by Sanford Conover to depose to the complicity of Davis in the assassination, have tended also to discredit his own testimony as a witness upon the trial of Payne and his associates, it becomes proper in conclusion to add that at the date of my said report of May 2, 1865, the existence even of Conover was not known to me, nor did it become known till some days after the trial had commenced. His evidence therefore formed no part of the testimony referred to in this report as "under consideration" by this Bureau, and did not, of course, enter into the judgment formed and expressed by me thereon. In this connection also it may be well to note the fact that the testimony of this witness thus discredited did not bear at all upon the question of the guilt of the parties condemned by the commission as immediately concerned in the assassination, but was corroborative only of the evidence of Montgomery and Merritt as to the general conspiracy in Canada.

J. HOLT,
Judge-Advocate-General.

FORT MONROE, VA., *December 19, 1866.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jeff. Davis to be gradually but surely improving.

Your obedient servant,

TIMOTHY E. WILCOX,
Acting Assistant Surgeon, U. S. Army.

WAR DEPARTMENT, *Washington City, December 20, 1866.*

Brig. Gen. J. HOLT, *Judge-Advocate-General:*

GENERAL: I deem it my duty respectfully to submit the following report as an appropriate addenda or finality to the vindication of yourself from the calumnies connected with the Conover testimony as heretofore published: The letters, &c., which were made the ground of these calumnies and which appeared as original matter in the New York Herald, and were afterward copied by the rebel sympathizing papers, were, with the exception of two brief notes written by yourself, pronounced authoritatively at the time to be sheer fabrications, manufactured and skillfully adjusted in dates, statements, &c., to sustain this infamous raid on the character of the Bureau of Military Justice. Still the Herald editor continued the publication of these and similar letters as genuine, with opprobrious imputations, and declared that he was in no way indebted to Conover for these documents. On the 23d of September, 1866, Campbell, as appears by the note now

before me addressed to the editor of the Herald, informed him distinctly that the statements made in the letter purporting to have been written by him (Campbell) from Saint Albans on 19th of November, 1865, to Conover were false in every particular, yet of this information the Herald took no notice whatever. All these letters save two are now in my possession. After repeated applications by the U. S. officer and refusals the Herald editor, in order to relieve himself from being subpœnaed to produce them on the trial of Conover for perjury, now pending in Washington, finally gave them up. The two letters withheld are those signed S. Conover, one addressed to Patten, dated Ephrata Mountain House, June 8, 1866, the other to Brigadier-General Holt, Judge-Advocate-General, dated Philadelphia, December 13, 1866, and professing to have inclosed within it a letter to Conover from M. N. Harris. In a note of October 5, instant, relative to the missing letters, the managing editor of the Herald says: "Whether they had been brushed away by the office boys and ultimately thrown into the waste-basket or were purloined I am unable to say." That these very important letters, which Conover declares he never wrote, should be missing is significant and suggestive. The letters in my hands I have carefully examined, having before me the genuine handwriting of Conover, Campbell, and Snevel with which to make comparisons, and the result is a conviction that the letters are all undoubtedly fabrications, viz: The letter from Snevel to Conover, dated Westchester House, November 14, 1865, was certainly not written by Snevel, who under oath has pronounced it a forgery, nor by Campbell, but manifestly by Conover, the handwriting comparing favorably with the first written by him to yourself of date July 6, 1865, and published by you in your vindication. The two letters purporting to have been written by Campbell to Conover, and which were so criminative of yourself, and have been proven by the oath of Campbell to be forgeries, were not written by Campbell nor Snevel, but are apparently in the handwriting of a female. One of these letters is dated Saint Albans, Vt., November 19, 1865, and is inclosed in an envelope post marked Saint Albans, November 30, 1865, addressed to Sanford Conover, esq., Washington, D. C., and this address is in the handwriting of Campbell, who was in Saint Albans about the date last named, thus proving that Conover substituted the fabricated letter for a genuine one, but retained the genuine envelope. The letter signed M., dated April 27, 1866, was evidently written by the same hand that wrote the two letters signed Campbell, and M. is probably intended to represent Mason, who is mentioned in the letter signed Carter, dated April 27, 1866, but both letters are palpable fabrications, for Carter professed to write from Baltimore, introducing Mason to Conover, and M. writes to Conover from New York on the same day, saying he had been looking for Conover all day; that Campbell had divulged, &c., but Campbell did not divulge to Colonel Turner until the 29th, two days afterward. That Conover was the author or instigator of the two last named letters is proven by the fact that the letter signed M. is inclosed in an Astor House envelope which I addressed to him April 27, inclosing a note asking him to call and see me, thus showing the same substitution and use of a genuine envelope for a false purpose as had occurred in the case of Campbell's letter. The Herald editor also gave up two other letters which he did not find it convenient to publish, and which unmistakably disclose that Conover furnished these fabricated letters to the Herald, and for a consideration. These letters are dated Washington, August 20 and September 12, 1866, and both are signed John McGill. Both of these letters are positively in the handwriting of Conover; both purport to inclose communi-

cations and papers for publication in the Herald, which the writer says are sent by "my wife," and adds, "the Herald editor will give her what they are worth." This McGill, whose name was thus used by Conover, is one of the witnesses whom Conover suborned. He is a peddler in New York. That the letters were written by Conover is apparent to the naked eye, and they stamp with falsehood the announcement in the Herald that it was in no way indebted to Conover for these documents. Such are the prominent characteristics of these false and fabricated letters which have been published throughout the land as the sole basis for the slanders with which you have been so persistently pursued.

I have the honor to be, very respectfully, your obedient servant,

L. C. TURNER,
Judge-Advocate.

FORT MONROE, VA., *December 26, 1866.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jefferson Davis to be slowly but surely improving.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *January 2, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report no appreciable change in the physical condition of state prisoner Jefferson Davis.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *January 9, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the general health of state prisoner Davis as improving. For three or four days he has been troubled with a slight attack of catarrh.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *January 16, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jefferson Davis as improving. He appears to be in the enjoyment of better health than at any time during the past year.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *January 23, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I report the general health of state prisoner Jefferson Davis to be much as on Wednesday last. He complains, however, of rheumatic pains in different parts of his person and neuralgic affection of the head. These I attribute to the fact of his having been compelled to remain in the house in consequence of the snow covering the ground, thereby depriving him of his accustomed exercise.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *January 30, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jefferson Davis as being less favorable than on Wednesday last. He complains of fullness of head, pains in the limbs and want of appetite, together with restlessness at night. This is, however, due in all probability to the necessary confinement to his quarters consequent upon the cold weather.

Respectfully, your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *February 6, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I report the health of state prisoner Jefferson Davis to be somewhat better than at last report, though he still complains of restlessness at night, some want of appetite, costiveness, and neuralgic pains of the head and upper extremities.

Respectfully, your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *February 13, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I respectfully report the health of state prisoner Jefferson Davis to be somewhat better than on the 6th instant. The weather having moderated, affording him better opportunity for out-door exercise, has been of decided benefit to him.

Your obedient servant,

GEO. E. COOPER,
Surgeon, U. S. Army.

FORT MONROE, VA., *February 20, 1867.*

COMDG. OFFICER MIL. DIST. OF FORT MONROE,
Fort Monroe, Va.:

SIR: I report the health of state prisoner Jefferson Davis as rather worse than usual. He has been quite unwell for four or five days from