

**TESTIMONY
RELATING TO JOHN WILKES BOOTH, AND
CIRCUMSTANCES ATTENDING THE
ASSASSINATION**

ROBERT R. JONES.

For the Prosecution—May 13.

I am a clerk at the Kirkwood House in this city. The leaf exhibited to the Commission is from the register of the Kirkwood House. It contains the name of G. A. Atzerodt, Charles County.

[The leaf from the hotel register was offered in evidence.]

It appears from the register that Atzerodt took room No. 126 on the morning of the 14th of April last, I think before 8 o'clock in the morning. I was not present when his name was registered, and did not see him until between 12 and 1 in the day. I recognize Atzerodt among the accused. That is the man, I think.

[The witness pointed to the accused, G. A. Atzerodt.]

I went to the room occupied by Atzerodt after it had been opened by Mr. Lee, on the night of the 15th of April, and I saw all the articles that were found there. I can not identify the knife, though it was similar to the one just shown me. It was between the sheet and the mattress. The bed had not been occupied on the night of the 14th, nor had the chambermaid been able to get into the room the next day. A young man spoke to Atzerodt when I saw him standing at the office counter. I do not know his name. Atzerodt before that asked me if any one had inquired for him within a short time. From the book it appears that Atzerodt paid one day in advance. I had never seen him in the hotel before.

During that day I gave a card of J. Wilkes Booth to Colonel Browning, Mr. Johnson's secretary. It was put in his box. I am not positive that I received it from J. Wilkes Booth, although I may have done so.

Cross-examination by Mr. DOSTER.

I do not think I could identify the particular pistol found in Atzerodt's room. It was quite a large one, such as cavalry officers wear, and was loaded and capped.

WILLIAM A. BROWNING.
For the Prosecution.—May 16.

For the Prosecution.—May 16.

I am the private secretary of President Johnson. Between 4 and 5 o'clock in the afternoon of the 14th of April last, I left the Vice-President's room in the Capitol, and went to the Kirkwood House, where we both boarded. On going to the office of the hotel, as was my custom, I noticed a card in my box, which was adjoining that of Mr. Johnson's, and Mr. Jones, the clerk, handed it to me. It was a very common mistake in the office to put cards intended for me into the Vice-President's box, and his would find their way into mine; the boxes being together.

[A card was here handed to the witness.]

I recognize this as the card found in my box. The following is written upon it in pencil:

Don't wish to disturb you; are you at home?
J. WILKES BOOTH.

[The card was offered in evidence.]

I had known J. Wilkes Booth when he was playing in Nashville, Tenn.; I met him there several times; that was the only acquaintance I had with him.

When the card was handed to me, I remarked to the clerk, "It is from Booth; is he playing here?" I thought perhaps he might have called upon me, having known me; but when his name was connected with the assassination, I looked upon it differently.

Cross-examined by Mr. DOSTER.

The Vice-President was, I believe, at the Capitol the greater part of the forenoon of that day. He was at dinner at the Kirkwood House at 5 o'clock, and I do not think he was out afterward. He was in his room for the balance of the evening. I was there, I think, up to 6 or 7 o'clock, when I left, and did not return until about 11 or 12 o'clock, after the assassination.

CHARLES DAWSON.
For the Prosecution.—May 26.

I am acquainted with the handwriting of J. Wilkes Booth, and the signature on the card shown to me is undoubtedly that of John Wilkes Booth.

THOMAS L. GARDINER.
For the Prosecution.—May 26.

I saw at the Government stables in this city, Seventeenth and I Streets, a dark-bay one-eyed horse on the 8th of this month. It is the same horse that was sold some time in the latter part of November, by my uncle, George Gardiner, to a man named Booth. Booth came to my uncle's with Dr. Samuel A. Mudd, and Booth selected this one out of three horses my uncle had for sale. In accordance with this request, I delivered to him the next morning at Bryantown. Booth and Dr. Mudd came on horseback, and after the purchase they left together. Booth made the agreement, and Dr. Mudd took no part or interest in the purchase that I saw.

Cross-examined by Mr. STONE.

My uncle's house is but a short distance from Dr. Mudd's, not over a quarter of a mile. Booth said he wanted a horse to run in a light buggy to travel over the lower counties of Maryland, that he might look at the lands, as he desired to buy some. My uncle told him he had but one horse that he could recommend as a buggy horse, and that he could not spare, as he wanted it for his own use. He then offered to sell him a young mare, but Booth said a mare would not suit him. My uncle then said that he had an old saddle-horse that he would him if it would suit him. Booth examined the horse, said he thought it would suit, as he only wanted it for one year. He bought the horse, and paid for him.

I think of I have heard of Booth being in the neighborhood of Bryantown some time before that, but I never heard of his being at Dr. Mudd's house. Our farms were adjoining, and I very often saw Dr. Mudd; sometimes two or three times a week.

BROOKE STABLER.
For the Prosecution.—May 15.

I am manager at Howard's livery stable, on G Street. I was acquainted with John Wilkes Booth, John H. Surratt, and George A. Atzerodt. They were frequently at the stable together; they almost always came together, and were sometimes there three or four times a day. Mr. Surratt kept two horses at the stable, and Atzerodt rode out occasionally with Surratt.

I have in my hand a note from Mr. Surratt, which reads:

Mr. Howard will please let the bearer, Mr. Atzerodt, have my horse whenever he wishes to ride also my leggings and gloves, and oblige,

Yours, etc.

[Signed]J.

J. H. SURRATT.

Feb. 22, 1865.

This note was sent to the stable by Mrs. Surratt, and I put it on file. Atzerodt several times rode horses from that order. It was afterward rescinded.

In the early part of April, Atzerodt told me that John H. Surratt had been to Richmond, and that in coming back he got into difficulty; that the detectives were after him; but he thought he would soon be relieved from the difficulty.

On the 31st of March, Atzerodt took away from the stable a horse blind of one eye, a fine racking horse, and another smaller bay horse, under an order from John H. Surratt. Surratt claimed the horses, but Booth paid for their keep. Atzerodt afterward brought these horses back to the stable to sell them to Mr. Howard, but failing to sell them, he took them away. The horse now at the Government stable, corner Seventeenth and I Streets, is the same one-eyed bay horse that Atzerodt took away on the 31st of March, and brought back for sale some days afterward.

WILLIAM E. CLEAVER.

For the Prosecution.—May 22.

I keep a livery stable on Sixth Street, in this city. In January last, J. Wilkes Booth kept a one-eyed bay horse at my stable, part of the time, for about a month. On the 30th of January, he sold the horse to the prisoner, Samuel Arnold, so Booth told me, and Arnold paid me eight dollars for the eight days that the horse remained there after the sale.

John H. Surratt used to hire horses from me in January last, to go down into the country to parties. He was generally with Mr. Booth, but after three or four visits down the country, Booth left word that Mr. Surratt was to have his horse any time he came for it.

I have seen Atzerodt at our stable once; he was there with horses for sale. I have seen the one-eyed horse now at the Government stables on Seventeenth and I Streets, and it is the same that Arnold bought of Booth.

Cross-examined by Mr. EWING.

I have only seen Arnold twice; on the 8th of February when he paid me, and once since.

JAMES W. PUMPHREY.
For the Prosecution.—May 15.

I reside in Washington City, and keep a livery stable. I was acquainted with J. Wilkes Booth. He came to my stable about 12 o'clock on the 14th of April last, and engaged a saddle-horse, which he said he wanted about 4 or half-past 4 that day. He had been in the habit of riding a sorrel horse, and he came to get it, but that horse was engaged, and he had in its place a small bay mare, about fourteen and half hands high. She was a bay, with black legs, black mane and tail, and a white star in the forehead. I think the off front foot had white spots. I have never seen the mare since. He asked me to give him a tie-rein to hitch the horse. I told him not to hitch her, as she was in the habit of breaking the bridle. He told me he wanted to tie her while he stopped at a restaurant and got a drink. I said, "Get a boy at the restaurant to hold her." He replied that he could not get a boy. "O," said I, "you can find plenty of bootblacks about the streets to hold your horse." He then said, "I am going to Grover's Theater to write a letter; there is no necessity of tying her there, for there is a stable in the back part of the alley; I will put her there." He then asked where was the best place to take a ride to; I told him, "You have been some time around here, and you ought to know." He asked, "How is Crystal Spring?" A very good place," I said, "but it is rather early for it." "Well," said he, "I will go there after I get through writing a letter at Grover's Theater." He then rode off, and I have never seen Booth since.

About six weeks before the assassination, Booth called at my stable, in company with John H. Surratt. He said he wanted a good saddle-horse. I said, "Before you get him you will have to give me reference; you are a stranger to me." He replied, "If you don't know me you have heard of me; I am John Wilkes Booth." Mr. Surratt spoke up and said, "This is John Wilkes Booth, Mr. Pumphry; he and I are going to take a ride, and I will see you are paid for the horse." I let him have the horse, and I was paid.

Cross-examined by Mr. AIKEN.

Mr. Surratt never came to my place with Booth after the first time. I do not know any of the prisoners at the bar.

PETER TALTAVUL.
For the Prosecution.—May 15.

I was acquainted with John Wilkes Booth. I kept the restaurant adjoining Ford's Theater, on the lower side. Booth came into my restaurant on the evening of the 14th of April, I judge a little after 10 o'clock, walked up to bar, and called for some whisky, which I gave him; he then called for some water, which I also gave him; he placed the money on the counter and went out. I saw him go out of the bar alone, as near as I can judge, from eight to ten minutes before I heard the cry that the President was assassinated.

I am acquainted with the prisoner Herold; have known him since he was a boy. I saw him on the night of the murder, or the night previous to that; he came into my place and asked me if Mr. Booth had been there that afternoon. I told him I had not been there myself in the afternoon, when he asked, "Was he not here this evening?" I said, "No, sir;" and he went out.

Cross-examined by Mr. STONE.

I can not positively swear as to whether that was Thursday or Friday evening. I think Herold came alone to the bar. I did not see anybody come in there with him. As near as I can recollect, the time was between 6 and 7 o'clock.

SERGEANT JOSEPM M. DYE.

For the Prosecution.—May 15 .

On the evening of the 14th of April last, I was sitting in front of Ford's Theater, about half-past 9 o'clock. I observed several persons, whose appearance excited my suspicion, conferring together upon the pavement. The first who appeared was an elegantly-dressed gentleman, who came out of the passage, and commenced conversing with a ruffianly-looking fellow; then another appeared, and the three conversed together. It was then drawing near the second act. The one that appeared to be the leader, the well-dressed one, said, "I think he will come out now," referring to the President, I supposed. The President's carriage was standing in front of the theater. One of the three had been standing out, looking at the carriage, on the curbstone, while I was sitting there, and then went back. They watched awhile, and the rush came down; many gentlemen came out and went in and had a drink in the saloon below. After the people went up, the best-dressed gentleman stepped into the saloon himself; remained there long enough to get a drink, and came out in a style as if he was becoming intoxicated. He stepped up and whispered to this ruffian, (that is, the miserablest-looking one of the three), and went into the passage that leads to the stage from the street. Then the smallest one stepped up, looked at the clock in the vestibule, called the time, just as the best-dressed gentleman appeared again. Then he started up the street, remained there awhile, and came down again, and called the time again. I then began to think there was something going on, and looked toward this man as he called the time. Presently he went up again, and then came down and called the time louder. I think it was ten minutes after 10 that he called out the last time. He was announcing the time to the other two, and then started on a fast walk up the street, and the best-dressed one went inside the theater.

I was invited by Sergeant Cooper to have some oysters; and we had barely time to get seated in the saloon and order the oysters when a man came rushing in and said the President was shot.

[A photograph of J. Wilkes Booth was handed to the witness.]

That was the well-dressed man; but his moustache was heavier and his hair longer than in the photograph, but these are his features exactly.

The ruffianly man I saw was a stout man, with a rough face, and had a bloated appearance; his dress had been worn a considerable time. The prisoner, Edward Spangler, has the appearance of the rough-looking man, except that he had a moustache.

The one that called the time was a very neat gentleman, well dressed, and he had a moustache. I do not see him among the prisoners. He was better dressed than any I see here. He had on one of the fashionable hats they wear here in Washington, with round top and stiff brim. He was not a very large man, about five feet, six inches high; his coat was kind of drab color, and his hat was black.

Cross-examined by Mr. EWING.

During the half-hour or more that I sat in the front of the theater, the man in slouched clothes was there; he stood on the pavement at the end of the passage. His moustache was black, and he had on a slouched hat, one that had been worn some time. I did not pay particular attention so as to observe the color of his dress. Booth entered the theater the last time at the front door; he whispered to the man, and left him, and went into the theater by the front door. I did not see the man in the slouched dress change his position, because I was observing Booth. The other man went up the street on a fast walk. I suppose it was about fifteen minutes after Booth entered the theater, that we heard the news of the assassination, while we were in the saloon.

JOHN E. BUCKINGHAM.

For the Prosecution.—May 15.

I am night door-keeper at Ford's Theater. In the daytime I am employed at the Washington Navy Yard.

I know John Wilkes Booth by sight. About 10 o'clock on the evening of the 14th he came to the theater, walked in and went out again, and returned in about two or three minutes. He came to me and asked what time it was. I told him to step into the lobby and he could see. He stepped out and walked in again, entering by the door that leads to the parquette and dress-circle; came out again, and then went up the stairway to the dress circle. The last I saw of him was when he alighted on the stage with a knife in his hand. He was uttering some sentence, but I could not understand it, being so far from him.

Cross-examined by Mr. EWING.

I know the accused, Edward Spangler. I am perfectly satisfied that he was not in front of the theater during the play on the night of the 14th of April; had he come out, I must have seen him. I have never known Spangler [to] wear a moustache.

JOHN F. SLEICHMANN.
For the Prosecution.—May 15.

I am assistant property man at Ford's Theater, and have to set the furniture, etc., on the stage. I was at the theater on the night of the assassination of the President. About 9 o'clock that night I saw John Wilkes Booth. He came up on a horse, and entered by the little back door to the theater. Ned Spangler was standing by one of the wings, and Booth said to him, "Ned, you'll help me all you can, won't you?" and Ned said, "O, yes." Those were the first words that I heard.

I just got a glimpse of Booth after the President was shot, as I was going out at the first entrance on the right-hand side near the prompter's place. I saw Booth on the afternoon of the 14th, between 4 and 5 o'clock, in the restaurant next door. I went in to look for James Maddox, and I saw Booth, Ned Spangler, Jim Maddox, "Peanuts," and a young gentleman by the name of John Mouldey, I think, drinking there.

Cross-examined by Mr. EWING.

Booth spoke to Spangler right by the back-door. I saw his horse through the open door, but as it was dark I could not see if any one was holding it.

I was on the stage that night, except when I had to go down to the apothecary's store to get a few articles to use in the piece, and when I went into the restaurant next door. Spangler's business on stage is shoving the scenes. I went to the front of the theater by the side entrance, on the left-hand side. When I was in front, I noticed the President's carriage there, but did not see Spangler; had he been there, I guess I should have seen him. I have never seen Spangler wear a moustache. I was in front of the two or three times, but was on the stage during the third act. I think it was ten or fifteen minutes before the close of the second act that I was in the restaurant next door.

About ten minutes, I suppose, after the assassination, Spangler was standing on the stage by one of the wings, with a white handkerchief in his hand. He was very pale, and was wiping his eyes. I do not know whether he was crying or not.

Booth was very familiar with the actors and employees of the theater, and was backward and forward in the theater frequently. He had access to the theater at all times, and came behind the scenes, and in the green-room, and anywhere about the theater, just as though he was in the employment of Mr. Ford.

When Booth spoke to Spangler, they were about eight feet from me, but Booth and Spangler were not more than two or three feet apart. After Booth had spoken, he went behind the scenes. I do not know whether Booth saw me, but he could have seen me from where he was standing; no one else was by at the time that I noticed. Spangler is, I think, a drinking man; whether he was in liquor that night I do not know.

JOSEPH BURROUGHS, alias “PEANUTS.”

For the Prosecution.—May 16.

I carry bills for Ford’s Theater during the daytime, and stand at the stage-door at night. I knew John Wilkes Booth, and used to attend to his horse, and see that it was fed and cleaned. His stable was immediately back of the theater. On of the afternoon of the 14th of April, he brought his horse to the stable, between 5 and 6 o’clock. He hallooed out for Spangler; when he came, Booth asked him for a halter. He had none, and sent Jake up stairs after one. Jim Maddox was down there too. Between 9 and 10 o’clock that night, I heard Deboney calling to Ned that Booth wanted him out in the alley. I did not see Booth come up the alley on his horse, but I saw the horse at the door when Spangler called me out there to hold it. When Spangler told me to hold the horse, I said I could not; I had to go in to attend to my door. He told me to hold it, and if there was any thing wrong to lay the blame on him; so I held the horse. I held him as I was sitting over against the house there, on a carpenter’s bench.

I heard the report of the pistol. I was still out by the bench, but had got off when Booth came out. He told me to give him his horse. He struck me with the butt of a knife, and knocked me down. He did this as he was mounting his horse, with one foot in the stirrup; he also kicked me, and rode off immediately.

I was in the President’s box that afternoon when Harry Ford was putting the flags around it. Harry Ford told me to go up with Spangler and take out the partition of the box; that the President and General Grant were coming there. While Spangler was at work removing it he said, “Damn the President and General Grant.” I said to him, “What are you damning the man for—a man that has never done any harm to you?” He said he ought to be cursed when he got so many men killed.

I only saw one horse in the stable when I was there between 5 and 6 o’clock, and I was not there afterward. There was another horse there some days before. Booth brought a horse and buggy there; it was a little horse; I do not remember the color. The fellow that brought the horse lived at the Navy Yard. I think he used to go with Booth very often. I do not see him among the prisoners.

[Probably Herold, though the witness failed to recognized him among the prisoners and the guards.]

I saw Booth as he came out of the small door. I did not see anybody else. I did not see Spangler come in or go out while I was sitting at the door.

Cross-examined by Mr. EWING.

It was about six or eight minutes after Deboney called Spangler that Spangler called me. I was sitting at the first entrance on the left, attending to the stage-door. I was there to keep strangers out, and prevent those coming in who did not belong there.

When I was not there, Spangler used to hitch up Booth's horse, and hold him or feed him. Between 5 and 6 that evening, Spangler wanted to take the saddle off Booth's horse, but Booth would not let him; then he wanted to take the bridle off, but Booth would not agree to it; so Spangler just put a halter round the horse's neck, but he took the saddle off afterward.

I was out in front of the theater that night while the curtain was down; I go out between every act. When the curtain is up, I go inside. I did not see Booth in front of the theater that night, nor Spangler. I never saw Spangler wear a moustache.

Booth was about the theater a great deal; he sometimes entered on Tenth Street, and sometimes from the back. The stable where Booth kept his horses is about two hundred yards from the back entrance of the theater. When I went to hold the horse for Booth that night, I think they were playing the first scene of the third act.

Spangler always worked on the left-hand side of the stage; that is the side the President's box was on; and it was on that side I attended the door. When I was away, Spangler used to attend the door for me; that was the door that went into the alley from Tenth Street. A man by the name of Simmons worked with Spangler on that side of the stage, and on the other side, Skeggy, Jake, and another man worked. While the play was going on, these men were always about there. It was their business to shove the scenes on. They usually staid on their own side of the stage, but when a scene stood the whole of the act, they might go round on the other side; sometimes they would go out, but not very often.

Recalled for the Prosecution.—May 22.

The stable in the rear of the theater was fitted up by Booth in January, by Spangler and a man by the name of George. It was raised up a little higher for the buggy, and two stalls put in it. Booth occupied that stable until the assassination. First he had a saddle-horse, which he sold; then he got a horse and buggy. The buggy he sold on Wednesday before the assassination. Ned Spangler, the prisoner, sold it for him.

Cross-examined by Mr. EWING.

I do not know to whom Spangler sold it. Booth and Gifford told Spangler on the Monday, to take it to the bazaar on Maryland Avenue; but he could not get what he wanted for it there, and sold it afterward to a man that kept a livery stable.

MARY ANN TURNER (colored).

For the Prosecution.—May 16.

I reside in the rear of Ford's Theater; my front-door backs to the back of the theater. I knew John Wilkes Booth when I saw him. I saw him on the afternoon of the 14th, standing in the back-door of Ford's Theater, with a lady by his side. Between 7 and 8 o'clock that night, he brought a horse up to the back door of the theater, and, opening it, called "Ned" three times.

Ned came to him, and I heard him say, in a low voice, "Tell Maddox to come here." When Maddox came, Booth said something in a very low voice to him, and I saw Maddox reach out his hand and take the horse. Where Ned went I can not tell. Booth then went into the theater. After the assassination, I heard the horse going very rapidly out of the alley. I ran immediately to my door and opened it, but he was gone. The crowd then came out, and this man, Ned, came out of the theater.

[The witness here identified the accused, Edward Spangler.]

When I saw him, I said, "Mr. Ned, you know that man Booth called you." Said he, "I know nothing about it."

MARY JANE ANDERSON (colored).

For the Prosecution.—May 16.

I live right back of Ford's Theater, adjoining Mrs. Turner's house. I knew John Wilkes Booth by sight. I saw him on the morning of the 14th of April down by the stable, and again between 2 and 3 o'clock in the afternoon, standing in the theater back-door, in the alley, talking to a lady. I stood in my gate and looked right wishful at him.

He and this lady were pointing up and down the alley as if they were talking about it. They stood there a considerable time, and then Booth went into the theater.

After I had gone up stairs that night, a carriage drove up, and after that I heard a horse step down the alley. I looked out of the window, and it seemed as if the gentleman was leading the horse down the alley. He did not go further than the end of it, and in a few minutes he came back up to the theater door, holding his horse by the bridle. He pushed the door open, and said something in a low voice, and then in a loud voice he called "Ned" four times. There was a colored man up at he window, who said, "Mr. Ned, Mr. Booth wants you." This is the way I came to know it was Mr. Booth, for it was dark and I could not see his face. When Ned came, Mr. Booth said, in a low voice, "Tell Maddox to come here."

Then Ned went back and Maddox came out, and they said something to each other. Maddox then took off the horse from before my door, round to where the work bench was, that stood at the right side of the house. They both then went into the theater. The horse stood out there a considerable time, and kept up a great stamping. After awhile, the person who held the horse kept walking backward and forward; I suppose the horse was there an hour and a half altogether. Then I saw Booth come out of the door with something in his hand, glittering. He came out of the theater so quick that it seemed as if he but touched the horse, and it was gone like a flash of lightning. I thought to myself that the horse must surely have run off with the gentleman. Presently there was a rush out of the door, and I heard the people saying, "Which way did he go?" I asked a gentleman what was the matter, and he said the President was shot. I asked who shot him. Said he, "The man who went out on the horse."

I went to the theater door, and saw Mr. Spangler. When he came out, I said to him, "Mr. Spangler, that gentleman called you." Said he, "No, he did n't." Said I, "Yes, he did." He said, "No, he did n't call me." He denied it, and I kept on saying so.

Cross-examined by Mr. EWING.

When Mr. Maddox took the horse round out of my sight, I could not see who held him. He came back after a little while, and went into the theater again. Mr. Spangler came out when Booth called him, and told him to tell Maddox to come out, but I am not certain that Spangler came out again.

JAMES L. MADDOX.
For the Prosecution.—May 22.

I was employed at Ford's Theater as property man. In December last, I rented from Mrs. Davis, for John Wilkes Booth, the stable where he kept his horse up to the time of the murder of President Lincoln. Mr. Booth gave me the rent money monthly, and I paid it to Mrs. Davis.

I saw Harry Ford decorating the President's box on the afternoon of the 14th of April, but do not remember seeing any one else in the box. I was in there but once.

I saw Joe Simms, the colored man, coming from Mr. Ford's room, through the alley way, carrying on his head the rocking-chair that the President was to use in the evening. I had not seen that chair in the box this season; the last time I saw it before that afternoon was in the winter of 1863, when it was used by the President on his first visit to the theater.

Cross-examined by Mr. EWING.

My duties require me to be on the stage while the performance is going on, unless, as sometimes happened, there is nothing at all to do, when I go out. My business is to see that the furniture is put on the stage aright, and to get the actors any side properties that may be required for use in the play.

The passage way by which Booth escaped is usually clear. Only when we are playing a heavy piece, and when in a hurry, do we run things in there. The "American Cousin," which was performed on that night, is not heavy piece, and the passage would therefore be clear of obstruction.

Spangler's position on the stage was on the left-hand side, facing the audience, and the same side that the President's box was on. I saw Spangler during nearly every scene. If he had not been at his place, I should certainly have missed him. If he had missed running off a single scene, I should have known it. Sometimes a scene last twenty minutes, but in the third act of the "American Cousin" there are seven scenes, the way Miss Keene plays it, and had Spangler been absent five minutes after the first scene of this act we should have noticed it. In the second act, I guess, he has a half hour, and in the first scene of the third act he has twenty-five minutes, and after this the scenes are pretty quick.

I was at the front of the theater during the second act, but did not see Spangler there. I have never seen Spangler wear a moustache during the two years that I have known him.

I was in the first entrance to the stage, the side the President's box is on, at the moment of the assassination. Three or four minutes before that, while the second scene of the third act was on, I crossed the stage with the will, and saw Spangler in his place. After the pistol was fired, I caught a glimpse of Booth, when he was about two feet off the stage. I ran on the stage and heard a call for water; I ran a brought a pitcher full, and gave it to one of the officers. I did not see Spangler after that, that I remember, until the next morning. I may have seen him, but not to notice him.

I heard about 12 o'clock that the President was coming to the theater that night; I was told so by Mr. Harry Ford. I heard a young man, one of the officers connected with the President's house, say that night that he had come down that morning and engaged the box for the President.

JAMES P. FERGUSON.
For the Prosecution.—May 15.

I keep a restaurant, adjoining Ford's Theater, on the upper side. I saw J. Wilkes Both, on the afternoon of the 14th, between 2 and 4 o'clock, standing by the side of his horse—a small bay mare; Mr. Maddox was standing by him talking. Booth remarked, "See what a nice horse I have got; now watch, he can run just like a cat;" and, striking his spurs into his horse, he went off down the street.

About 1 o'clock Mr. Harry Ford came into my place and said, "Your favorite, General Grant, is to be at the theater to-night, and if you want to see him you had better go and get a seat." I went and secured a seat directly opposite the President's box, in the front dress-circle. I saw the President and his family when they came in, accompanied by Miss Harris and Major Rathbone.

Some time near 10 o'clock, during the second scene of the third act of "Our American Cousin," I saw Booth pass along near the President's box, and then stop and lean against the wall. After standing there a moment, I saw him step down one step, put his hands on the door and his knee against it, and push the door open—the first door that goes into the box. I saw no more of him until he made a rush for the front of the box and jumped over. He put his left hand on the railing, and with his right he seemed to strike back with a knife. I could see the knife gleam, and the next moment he was over the box. As he went over, his hand was raised, the handle of the knife up, the blade down. The President sat in the left-hand corner of the box, with Mrs. Lincoln at his right. Miss Harris was in the right-hand corner, Major Rathbone sitting back at her left, almost in the corner of the box. At the moment the President was shot, he was leaning his hand on the railing, looking down at a person in the orchestra; holding the flag that decorated the box aside to look between it and the post, I saw the flash of the pistol right back in the box. As the person jumped over and lit on the stage, I saw it was Booth. As he struck the stage, he rose and exclaimed "*Sic semper tyrannis!*" and ran directly across the stage to the opposite door, where the actors come in.

I heard some one hallo out of the box "Revenge for the South!" I do not know that it was Booth, though I suppose it must have been; it was just as he was jumping over the railing. His spur caught in the blue part of the flag that was stretched around the box, and, as he went over, it tore a piece of the flag, which was dragged half way across the stage on the spur of his right heel.

Just as Booth went over the box, I saw the President raise his head, and then it hung back. I saw Mrs. Lincoln catch his arm, and I was then satisfied that the President was hurt. By that time Booth was across the stage. A young man named Harry Hawk was the only actor on the stage at the time.

I left the theater as quickly as I could, and went to the police station on D Street, to give notice to the Superintendent of Police, Mr. Webb. I then ran up D Street to the house of Mr. Peterson, where the President was taken. Colonel Wells was standing on the steps, and I told him that I had seen it all, and I knew the man who jumped out of the box.

Next morning I saw Mr. Gifford, who said, "You made a hell of a statement about what you saw last night; how could you see the flash of the pistol when the ball was shot through the door?" On Sunday morning Miss Harris, accompanied by her father, Judge Olin, and Judge Carter, came down to the theater, and I went in with them. We got a candle and examined the hole in the door of the box through which Mr. Gifford said the ball had been shot. It looked to me as if it had been bored by a gimlet, and then rimed round the edge with a knife. In several places it was scratched down, as if the knife had slipped. After this examination, I was satisfied that the pistol had been fired in the box.

Mr. Gifford is the chief carpenter of the theater, and I understood had full charge of it. I recollect when Richmond was surrendered I said to him, "Have you not got any flags in the theater?" He replied, "Yes, I have; I guess there is a flag about." I said "why do you not run it out on the roof?" He answered, "There's a rope, is n't that enough?" I said, "You are a hell of a man, you ought to be in the Old Capitol." He did n't like me any how.

Cross-examined by Mr. EWING.

We looked for the bar that had been used to fasten the door-box, but could not find it. I know Mr. Spangler very well. I never saw him wear a moustache, that I recollect.

JAMES J. GIFFORD.
For the Prosecution.—May 19.

I was the builder of Ford's Theater, and am stage-carpenter there. I noticed Mr. Harry Clay Ford in the President's box, on the 14th of April last, putting flags out; I think I saw Mr. Raybold with him. When I was in the box on Saturday, the 15th, I saw the large rocking-chair. I do not know whether or not it has been previously used this season, but I saw it there last season. It was part of a set of furniture—two sofas and two high-back chairs—one with rockers and one with castors. I have sometimes seen the one with castors in the box this season, but not the rocking-chair. The last time I saw the chair before it was placed in the President's box was in Mr. Ford's room, adjoining the theater.

On Monday morning, after the assassination, I was trying to find out how the door of the President's box had been fastened, when I first saw the mortise in the wall. The Secretary of War came down to the theater to examine the box, and he told me to bring a stick and fit it in the door. I found that a stick about three feet six inches long, if pressed against it, would prevent the door from being opened on the outside, but if the door was shaken, the stick would fall. The mortise in the plastering looked as though it had been recently made, and had the appearance of having been made with a knife. Had a chisel or hammer been used, it would have made a sound, but with a knife it could be done quietly. It might have required some ten or fifteen minutes to make it. I had not been in the box, I think, for a week. Had the marks been there then, I think I should have observed it, as I am particular in looking around to see the place is clean. It was the duty of Mr. Raybold, the upholsterer, to decorate the box; but he had a stiff neck, and got Mr. Clay Ford to do it for him, so he told me afterward.

At the moment of the assassination, I was in front of the theater; twenty minutes before, I was behind the scenes where I saw Spangler; he was then waiting for his business to change the scene.

Cross-examined by Mr. EWING.

The passage on each side of the entrance is always kept free. The entrances are always more or less filled with tables, chairs, etc. The passage way through which Booth passed to the outer door is about two feet eight inches to three feet wide; some places a little wider, some a little narrower; but it is never obstructed, except by people when they have a large company on the stage; never by chairs, tables, etc. It is necessary to keep this passage way clear to allow the actors and actresses to pass readily from the green-room and dressing-rooms to the stage. I was on the stage until the curtain went up at each act, and saw Spangler there each time. The last time I saw him was about half-past 9 o'clock.

I was in front of the theater a part of the time between the second and third acts. I did not see Spangler in front of the theater at all; I do not think he could have been there without my knowing it, because the scenes would have gone wrong had he left the stage for any length of time. I never knew Spangler to wear a moustache.

In the play of the "American Cousin" there are, I believe, some five or six scenes in each act, and Spangler's presence on the stage would have been indispensable to the performance. Ritterspaugh was on duty with Spangler on his side of the stage that night.

I know nothing more of Booth's connection with Spangler than that it was friendly. Everybody about the house, actors and all, were friendly with Booth; he had such a winning way that he made every person like him. He was a good-natured, jovial kind of man, and the people about the house, as far as I know, all liked him. He had access to the theater by all entrances, just as the employees of the theater had. Spangler appeared to be a sort of drudge for Booth, doing such things as hitching up his horse, etc.

CAPTAIN THEODORE MCGOWAN.

For the Prosecution.—May 15.

I was present at Ford's Theater on the night of the assassination. I was sitting in the aisle leading by the wall toward the door of the President's box, when a man came and disturbed me in my seat, causing me to push my chair forward to permit him to pass; he stopped about three feet from where I was sitting, and leisurely took a survey of the house. I looked at him because he happened to be in my line of sight. He took a small pack of visiting-cards from his pocket, selecting one and replacing the others, stood a second, perhaps, with it in his hand, and then showed it to the President's messenger, who was sitting just below him. Whether the messenger took the card into the box, or, after looking at it, allowed him to go in, I do not know; but, in a moment or two more, I saw him go through the door of the lobby leading to the box, and close the door.

After I heard the pistol fired, I saw the body of a man descend from the front of the box toward the stage. He was hid from my sight for a moment by the heads of those who sat in the front row of the dress-circle, but in another moment he reappeared, strode across the stage toward the entrance on the other side, and, as he passed, I saw the gleaming blade of a dagger in his right hand. He disappeared behind the scenes in a moment, and I saw him no more.

I know J. Wilkes Booth, but, not seeing the face of the assassin fully, I did not at the time recognize him as Booth.

MAJOR HENRY R. RATHBONE.

For the Prosecution.—May 15.

On the evening of the 14th of April last, at about twenty minutes past 8 o'clock, I, in company with Miss Harris, left my residence at the corner of Fifteenth and H Streets, and joined the President and Mrs. Lincoln, and went with them, in their carriage, to Ford's Theater, on Tenth Street. On reaching the theater, when the presence of the President became known, the actors stopped playing, the band struck up "Hail to the Chief," and the audience rose and received him with vociferous cheering. The party proceeded along in the rear of the dress-circle and entered the box that had been set apart for their reception. On entering the box, there was a large arm-chair that was placed nearest the audience, farthest from the stage, which the President took and occupied during the whole of the evening, with one exception, when he got up to put on his coat, and returned and sat down again. When the second scene of the third act was being performed, and while I was intently observing the proceedings upon the stage, with my back toward the door, I heard the discharge of a pistol behind me, and, looking round, saw through the smoke a man between the door and the President. The distance from the door to where the President sat was about four feet. At the same time I heard the man shout some word, which I thought was "Freedom!" I instantly sprang toward him and seized him. He wrested himself from my grasp, and made a violent thrust at my breast with a large knife. I parried the blow by striking it up, and received a wound several inches deep in my left arm, between the elbow and the shoulder. The orifice of the wound was about an inch and a half in length, and extended upward toward the shoulder several inches. The man rushed to the front of the box, and I endeavored to seize him again, but only caught his clothes as he was leaping over the railing of the box. The clothes, as I believe, were torn in the attempt to hold him. As he went over upon the stage, I cried out, "Stop that man." I then turned to the President; his position was not changed; his head was slightly bent forward, and his eyes were closed. I saw that he was unconscious, and, supposing him mortally wounded, rushed to the door for the purpose of calling medical aid.

On reaching the outer door of the passage-way, I found it barred by a heavy piece of plank, one end of which was secured in the wall, and the other resting against the door. It had been so securely fastened that it required considerable force to remove it. This wedge or bar was about four feet from the floor. Persons upon the outside were beating against the door for the purpose of entering. I removed the bar, and the door was opened. Several persons, who represented themselves as surgeons, were allowed to enter. I saw there Colonel Crawford, and requested him to prevent other persons from entering the box.

I then returned to the box, and found the surgeons examining the President's person. They had not yet discovered the wound. As soon as it was discovered, it was determined to remove him from the theater. He was carried out, and I then proceeded to assist Mrs. Lincoln, who was intensely excited, to leave the theater. On reaching the head of the stairs, I requested Major Potter to aid me in assisting Mrs. Lincoln across the street to the house where the President was being conveyed. The wound which I had received had been bleeding very profusely, and on reaching the house, feeling very faint from the loss of blood, I seated myself in the hall, and soon after fainted away, and was laid upon the floor. Upon the return of consciousness I was taken to my residence.

In a review of the transactions, it is my confident belief that the time which elapsed between the discharge of the pistol and the time when the assassin leaped from the box did not exceed thirty seconds. Neither Mrs. Lincoln nor Miss Harris had left their seats.

[A bowie-knife, with a heavy seven-inch blade, was exhibited to the witness, stains of blood being still upon the blade.]

This knife might have made a wound similar to the one I received. The assassin held the blade in a horizontal position, I think, and the nature of the wound would indicate it; it came down with a sweeping blow from above.

[The knife was offered in evidence.]

WILLIAM WITHERS, JR.
For the Prosecution.—May 15.

I am the leader of the orchestra at Ford's Theater. I had some business on the stage with our stage-manager on the night of the 14th, in regard to a national song that I had composed, and I went to see what costume they were going to sing it in. After talking with the manager, I was returning to the orchestra, when I heard the report of a pistol. I stood with astonishment, think why they should fire off a pistol in "Our American Cousin." As I turned round I heard some confusion, and saw a man running toward me with his head down. I did not know what was the matter, and stood completely paralyzed. As he ran, I could not get out of his way, so he hit me on the leg, and turned me round, and made two cuts at me, one in the neck and one on the side, and knocked me from the third entrance down to the second. The scene saved me. As I turned, I got a side view of him, and I saw it was John Wilkes Booth. He then made a rush for the back door, and out he went. I returned to the stage and heard that the President was killed, and I saw him in the box apparently dead.

Where I stood on the stage was not more than a yard from the door. He made one plunge at the door, which I believe was shut, and instantly he was out. The door opens inward on the stage, but whether he opened it, or whether it was opened for him, I do not know. I noticed that there was nothing to obstruct his passage out, and this seemed strange to me, for it was unusual.

Cross-examined by Mr. EWING.

On that night the passage seemed to be clear of every thing. I do not think it wanted many minutes until the scene changed, and it was a time in the scene when the stage and passage-way would have been somewhat obstructed by some of the scene-shifters, and the actors in waiting for the next scene, which requires their presence. I never remember seeing Spangler wear a moustache.

JOSEPH B. STEWART.
For the Prosecution.—May 20.

I was at Ford's Theater on the night of the assassination of the President. I was sitting in the front-seat of the orchestra, on the right-hand side. The sharp report of a pistol at about half-past 10—evidently a charged pistol—startled me. I heard an exclamation, and simultaneously a man leaped from the President's box, lighting on the stage. He came down with his back slightly toward the audience, but rising and turning and turning, his face came in full view. At the same instant I jumped on the stage, and the man disappeared at the left-hand stage entrance. I ran across the stage as quickly as possible, following the direction he took, calling out, "Stop that man!" three times. When about twenty or twenty-five feet from the door through which the man ran, the door slammed to and closed. Coming up to the door, I touched it first on the side where it did not open; after which I caught hold at the proper place, opened the door, and passed out. The last time that I exclaimed "Stop that man," some one said, "He is getting on a horse at the door;" and almost as soon as the words reached my ears I heard the tramping of a horse. On opening the door, after the temporary balk, I perceived a man mounting a horse. The moon was just beginning to rise, and I could see anything elevated better than near the ground. The horse was moving with a quick, agitated motion—as a horse will do when prematurely spurred in mounting—with the reins drawn a little to one side, and for a moment I noticed the horse describe a kind of circle from the right to the left. I ran in the direction where the horse was heading, and when within eight or ten feet from the head of the horse, and almost up within reach of the left flank, the rider brought him round somewhat in a circle from the left to the right, crossing over, the horse's feet rattling violently on what seemed to be rocks. I crossed in the same direction, aiming at the rein, and was now on the right flank of the horse. He was rather gaining on me then, though not yet in a forward movement. I could have reached his flank with my hand, when, perhaps, two-thirds of the way over the alley. Again he backed to the right side of the alley, brought the horse forward and spurred him; at the same instant he crouched forward, down over the pommel of the saddle. The horse then went forward, and soon swept rapidly to the left, up toward F Street. I still ran after the horse some forty or fifty yards, and commanded the person to stop. All this occupied only the space of a few seconds.

After passing the stage, I saw several persons in the passage way, ladies and gentlemen, one or two men, perhaps five persons.

Near the door on my right hand, I saw a person standing, who seemed to be in the act of turning, and who did not seem to be moving about like the others. Every one else that I saw but this person, seemed intensely excited, literally bewildered; they were all in a terrible commotion and moving about, except this man. As I approached the door, and only about fifteen feet from it, this person was facing the door; but, as I got nearer, he partially turned round, moving to the left, so that I had a view of him as he was turning from the door and toward me.

[The witness was directed to look at the prisoners, to see if he recognized among them the person he saw standing at the door.]

That man [pointing to Edward Spangler] looks more like the person I saw near the door than anybody else I see here. He recalls the impression of the man's visage as I passed him. When the assassin alighted on the stage, I believed I knew who it was that had committed the deed; that it was J. Wilkes Booth, and I so informed Richards, Superintendent of the Police, that night. I knew Booth by sight very well, and when I was running after him, I had no doubt in my mind that it was Booth, and should have been surprised to find that it was anybody else. I felt a good deal vexed at his getting away, and had no doubt when I started across the stage that I could catch him. From the time I heard the door slam until I saw the man mounting his horse, was not over the time I could make two steps.

I am satisfied that the person I saw inside the door was in a position and had an opportunity, if he had been disposed to do so, to have interrupted the exit of Booth, and from his manner, he was cool enough to have done so. This man was nearest of all to the door, and could have opened and gone out before I did, as it would have been but a step to the right and reach to open it.

Cross-examined by Mr. EWING.

The man I have spoken of stood about three feet from the door out of which Booth passed; I noticed him just after the door slammed. From the position in which he stood, he might have slammed it without my noticing it. The lock of the door, as I approached it, was on the right-hand side, the hinges to the left. If the door had been open and I had not been stopped, I could have got the range of the horse outside.

As I passed out of the door, a person, a small person, passed behind me, directly under my right elbow, [the witness was a tall man,] and as I approached the horse at the nearest point, some one ran rapidly out of the alley. The one who passed me is not so tall as Spangler by, perhaps, four or five inches.

I did not notice that the person whom I now suppose to be Spangler wore whiskers or a moustache; my impression is that he was slightly bearded. It was his visage, the side face, that struck me. I do not undertake to swear positively that the prisoner, Edward Spangler, is the person I saw near the door; but I do say that there is no one among these prisoners, who calls that man to my mind, except the one who, I am told, is Mr. Spangler; but I am decided in my opinion, that Spangler resembles the person I saw there.

As I got to the door, Booth was just completing his balance in the saddle. I think, from his position and the motion of the horse, that the moment he got one foot in the stirrup he spurred the horse, and having the rein drawn more on one side than the other, lost control of him for the moment, so far as making him taking a straight forward movement; he was circling round, moving with a quick sort of motion, apparently making more exertion than headway, but still going pretty fast.

Hearing the report of a loaded pistol, and seeing the man jump from the President's box with a dagger in his hand, my impression was that the person had assassinated, or attempted to assassinate, the President, and every effort I made after I started to get upon the stage was under this conviction; so much so that I stated to the people in the tenement houses in the rear, before I returned to the theater, that the person who went off on that horse had shot the President.

JOE SIMMS (colored.)
For the Prosecution.—May 15.

I have worked at Ford's theater for the past two years. On the day of the President's assassination, during the performance, while I was up on the flies to wind up the curtain, I heard the fire of a pistol, and looking down I saw Booth jump out of a private box down on to the stage, with a bowie-knife in his hand, and then making his escape across the stage. Between 5 and 6 o'clock that day, I was in front of the theater, when I saw Booth go into the restaurant by the side of the theater. Spangler was sitting out in front, and Booth invited him to take a drink. I did not hear a word spoken between them. Booth and Spangler were very intimate. I have often seen them together, and drinking together.

Cross-examined by Mr. EWING.

Spangler had charge of Booth's horses. There was a young man hired by Booth, but I suppose Mr. Booth thought he might not do right by his horses, so he got Spangler to see to their being fed and watered.

Spangler's place on the stage is at the back part of the stage, next to the back-door leading out to the side alley. The President's box is on the left-hand side as you look toward the audience. My position is on the flies on the opposite side of the President's box, and Mr. Spangler's place was on the opposite side below, the side the President's box is on. I saw him in the first act. I do not remember seeing him in the second, but I was not looking for him. When I saw Mr. Spangler, he had his hat on. I never saw him wear a moustache. Mr. Spangler was on the stage attending to his business as usual that night. He was obliged to be there. From my position on the flies I could see him very well.

Recalled for the Prosecution.—May 18.

On the afternoon of the day of the assassination, I saw Mr. Harry Ford and another gentleman fixing up the box. Mr. Ford told me to go to his bed-room and get a rocking-chair, and bring it down and put it in the President's box. I did so. The chair had not been there before this season. It was a chair with a high back to it and cushioned. Mr. Spangler was at the theater during the afternoon. He worked there altogether, the same as I did.

Cross-examined by Mr. EWING.

I did not notice Mr. Spangler there in the afternoon, but his business was to be there. It was about 3 o'clock when Mr. Harry Ford and, I think, Mr. Buckingham were in the private box. I did not see Spangler in the President's box in the afternoon, nor did I see him when I came away from the private box.

JOHN MILES (colored.)
For the Prosecution.—May 15.

I work at Ford's Theater. I was there on the day of the assassination of the President. About 3 o'clock in the afternoon Booth put his horse in the stable, and Ned Spangler and Jim Maddox were with him. The stable is not more than five yards from the theater. Between 9 and 10 o'clock that night, J. Wilkes Booth brought a horse from the stable, and coming to the back door of the theater, called "Ned Spangler" three times. When Booth first called Spangler, some person told him that Booth called him, and he ran cross the stage to him. I saw nothing more of Spangler or Booth until I heard the pistol go off. In a minute or two I heard the sound of a horse's feet going out of the alley. Before this I saw a boy holding the horse in the alley, perhaps for fifteen minutes. That was after Booth had called Spangler.

Cross-examined by Mr. EWING.

When Booth called Spangler I was up on the flies, about three and a half stories from the stage. It was, I think, in the third act; and from the time Booth brought his horse there until the President was shot, I think about three-quarters of an hour. I was at the window pretty nearly all the time. From the time Booth brought the horse until he went away, and from the time I looked out of the window, John Peanuts was lying on the bench holding the horse; I did not see any one else holding it.

John Peanuts attended to Mr. Booth's horses. I have seen Spangler hold Booth's horses or hitch them up, but I never saw him put any gearing on them. Spangler's place on the stage was on the same side as the President's box, and he was there when Booth called him. There was another man working with Spangler to help him shove the scenes.

After the President was shot, I came down the stairs, and I saw Spangler out there at the door Booth went out of. There were, I think, two or three other or more men out here, some of whom were strangers. When I came down, I went toward the door, and Spangler came out, and I asked him who it was that held the horse, and he said, "Hush! Do n't say any thing about it;" and I did n't say any more, though I knew who it was, because I saw the boy holding the horse. Spangler, I suppose, when he said this, was about a yard a half from the door, outside the door. Spangler appeared to be excited; every person appeared to be very much excited. By the time I got down stairs, the door through which Booth had passed was open. I never saw Spangler wear a moustache.

DR. ROBERT KING STONE.
For the Prosecution.—May 16.

I am a practicing physician in this city, and was the family physician of the late President of the United States.

I was sent for by Mrs. Lincoln immediately after the assassination. I arrived in a very few moments, and found that the President had been removed from the theater to the house of a gentleman living directly opposite; and had been carried into the back room of the residence, and was there placed upon a bed. I found a number of gentlemen, citizens, around him, and, among others, two assistant surgeons of the army, who had brought him over from the theater, and had attended to him. They immediately gave the case over to my care, knowing my relations to the family. I proceeded to examine the President, and found that he had received a gun-shot wound in the back part of the left side of his head, into which I carried my finger. I at once informed those around that the case was a hopeless one; that the President would die; that there was no positive limit to the duration of his life; that his vital tenacity was very strong, and he would resist as long as man could; but that death would certainly soon close the scene. I remained with him, doing whatever was in my power, assisted by my friends; but, of course, nothing could be done, and he died from the wound the next morning at about half-past 7 o'clock. It was about a quarter past 10 that I reached him.

The next day, previous to the process of embalment, an examination was made in the presence of Surgeon-General Barnes, Dr. Curtis, and Dr. Woodward, of the army. We traced the wound through the brain, and the ball was found in the anterior part of the same side of the brain, the left side; it was a large ball, resembling those which are shot from the pistol known as the Derringer; and unusually large ball—that is, larger than those used in the ordinary pocket revolvers. It was a leaden hand-made ball, and was flattened somewhat in its passage through the skull, and a portion had been cut off in going through the bone. I marked the ball “A. L.,” the initials of the late President, and in the presence of the Secretary of War, in his office, inclosed it in an envelope, sealed it with my private seal, and indorsed it with my name. The Secretary had inclosed it in another envelope, which he indorsed in like manner, and sealed with his private seal. It was left in his custody, and he ordered it to be placed among the archives of his department.

[An official envelope, sealed with the official seal of the Secretary of War, was here opened by the Judge Advocate in the presence of the witness, from which was taken a Derringer pistol and an envelope containing a leaden ball in two pieces.]

This is the ball I which I extracted from the head of the President; I recognize it from the mark which I put upon it with my pen-knife, as well as from the shape of the ball. This smaller piece is the fragment which was cut off in its passage through the skull. The ball was flattened, as I have before described.

[The ball was then offered in evidence.]

WILLIAM T. KENT.
For the Prosecution.—May 16.

About three minutes after the President was shot, I went into his box; there were two other persons there and a surgeon, who asked me for knife to cut open the President's clothes. On leaving the theater I missed my night-key, and thinking I had dropped it in pulling out my knife, I hurried back, and on searching round the floor of the box, I knocked my foot against a pistol, which I picked up, and holding it up, I cried out, "I have found the pistol." I gave it up to Mr. Gobright, the agent of the Associated Press. The next morning I went round to the police station and identified it there.

[A Derringer pistol, about six inches in length, was handed to the witness.]

This is the pistol I picked up in the President's box on the night of the 14th of April.

[The pistol was offered in evidence.]

ISAAC JACQUETTE.
For the Prosecution.—May 18.

I was present at Ford's Theater on the night of the assassination. Soon after the President was carried out, I went to the box with several others.

[A wooden bar, about two inches square and three feet long, was handed to the witness.]

This wooden bar was lying on the floor inside of the first floor going into the box. I picked it up and took it home with me. There was an officer stopping at my boarding-house, and he wanted a piece of it, which I sawed off for him, but he concluded afterward not to take it. It is nearly covered with spots of blood which were fresh at the time when I found it.

[The bar was offered in evidence.]

JUDGE A. B. OLIN.
For the Prosecution.—May 18.

On Sunday, the 16th of April, accompanied by Miss Harris, I visited Ford's Theater, and made an examination of the President's box, doors, locks, etc. My attention was called to the incision into the wall that was prepared to receive the brace that fitted into the corner of the panel of the outer door; the brace was not there. The door opens into the passage leading to the box at an angle with the wall, and a brace, fitted against the wall to the corner of the door, fastens the door very securely. I discovered that, and looked for the remains of the plastering that had been cut from the wall to make this incision. That, so far as I could observe, had been carefully removed from the carpet, where it must have fallen, as it was cut by some sharp instrument.

The indentation upon the panel of the door where the brace might have been fixed from against the wall, was quite perceptible, and the brace was so fixed that it would be very difficult to remove it from the outside. I think it could not have been done without breaking the door down. The more pressure that was made upon it from the outside, or the dress-circle, the firmer it would have been held in its place.

It had been said that the pistol was discharged through the panel of the door. As the passage way is somewhat dark, I procured a light and examined very carefully the hole through the door. I discovered at once that that was made by some small instrument in the first place, and was, as I supposed, cut out then by a sharp instrument like a penknife; and, by placing the light near the door, I thought I saw marks of a sharp cutting knife used to clean out the hole. I examined to see if I could discover the chips that must have been made by boring and cutting this small hole, but they had been removed. It was a freshly-cut hole, the wood apparently being as fresh as it would have been the instant it was cut.

I then discovered that the clasp which fastens the bolt of the outer door had been loosened. The upper screw holding the clasp had been loosened in such a way that when the door was locked I could push it open with my forefinger.

I then placed the chair in which the President sat in the position, as nearly as Miss Harris could recollect, it had occupied on the night of the assassination. Seating myself in it, and closing the door, it was found that my head—about midway from the base to the crown—would be in the range of the eye of a person looking through the hole in the door. It was a large high-backed arm-chair, with satin cushions, not a rocking-chair, I think.

DAVID C. REED.

For the Prosecution.—May 15.

On the 14th of April, about 2 o'clock, as I was standing just below the National Theater, I saw John H. Surratt, and we bowed to each other as he passed. I am quite positive that it was John H. Surratt. He was dressed in a country-cloth suit of drab, very fine in its texture and appearance, and very genteelly got up. I took particular notice of his clothing, for it was business to make clothes. He had a little, round-crowned drab hat. He was on foot, but I particularly noticed he wore a pair of new, brass-plated spurs, with very large rowels.

I have known John H. Surratt a great while. I knew him when quite a boy, at his father's house, and have seen him out gunning. He had grown pretty much out of my recollection; still I knew him, though I had no intimacy with him.

Cross-examined by Mr. AIKEN.

I last saw John H. Surratt before the 14th of April, I think, in October. In appearance, John H. Surratt is light complexioned, with rather singular colored hair; it is not red, it is not white, it is a kind of sandy. It was cut rounded, so as to lay low on his collar, and a little heavy. I did not notice whether he wore a moustache or a goatee, for I was more interested in his clothing.

I never saw him in that dress before. In height, I suppose he is about five feet, ten inches; he is not a stout man, but rather delicate. I do not suppose he would weigh over one hundred and forty pounds, judging from his build. In walking, he stoops a little. He was on the same side of the avenue that I was, and passed within three feet of me. I am as certain that it was Surratt as that I stand here.

JOHN F. COYLE.

For the Prosecution.—May 17.

I am connected with the National Intelligencer. I knew J. Wilkes Booth in his lifetime, though not intimately.

The statement that Booth, on the night before the assassination, wrote an article in which he set forth the reasons for his crime, and left it with one of the editors of the National Intelligencer, is not correct. No such paper was ever received, to my knowledge.

See testimony of C. D. Hess, page 99.