

THE ASSASSINATION.

THE TRIAL ON TUESDAY.

ARGUMENT IN DEFENSE OF SPANGLER.

PAYNE'S TO BE PRESENTED TO-DAY.

WASHINGTON, Tuesday, June 20, 1865.

The Court met at 2 o'clock this afternoon, when Mr. Ewing read his argument in favor of the accused, Edward Spangler, reviewing at length the testimony bearing upon this particular case. Spangler, it had been shown, seemed to have a great admiration for Booth, who excelled in all the manly sports, and a witness had also testified that Spangler's character was that of a peaceable, good-natured, kind and harmless man. Spangler was the drudge for Booth, sometimes taking care of and feeding the latter's horse. Booth, out of courtesy, had access to the theater whenever it was open. Mr. Ewing desired to mark the fact that in all the testimony as to letters, meetings, associations and acts done and things said there was not the slightest indication that Spangler ever met Booth except in the theater, and there was nothing to show that Spangler had any intimation of Booth's purpose or even innocently helped him to effect it. It appeared from the testimony for the prosecution that there were found in Spangler's carpet bag a rope 81 feet long, some letter-paper and a shirt collar. It was shown that just such ropes were used at the theater for hoisting borders for scenes, hauling up timber to the top dressing rooms, &c. This rope had been produced by the Government as a proof against Spangler. But from the testimony of persons employed in the theater, it appeared that Spangler stole the rope for a crab-line. In the devilish scheme of Booth this rope certainly was not to be used as a lariat or a halter; if for such a purpose it would have been kept at the theater, and not at his boarding-house in a carpet bag. Mr. Ewing said he was not bound to show what Spangler was going to do with the letter paper and shirt collar. The counsel next examined the testimony in relation to the box occupied by the late President, refusing, by a reference to the evidence, things which had been said concerning Spangler in that connection. The acts of preparation for the assassination were performed by Booth himself when he previously occupied the same box. If Booth had a confederate in Spangler, the boring of the hole in the door and the door brace would have been made with Spangler's carpenter tools. The hole had just been bored with a gimlet and then enlarged with a penknife. These acts of preparation were mere drudgery, which Spangler would have been called upon to do if he had been in conspiracy with Booth; that Booth did both and Spangler neither, and that Spangler was not in the plot when the preparations were made. Mr. Ewing alluded to the testimony that Booth came to the back of the theater at 9 o'clock on the 14th of April and said: "Ned, will you help me all you can?" to which Spangler is represented as answering: "Oh yes." This testimony was contradicted by the responsible utility man and other witnesses. But grant that Spangler did make the reply, it must have been in a loud tone to be heard by the witness. As there was no previous testimony showing the slightest act or arrangement of the conspiracy on the part of Spangler, the reply of Spangler should be treated as nothing but the reply of a drudge to his superior and not knowing the intent of the question. If Spangler was to have helped Booth he would have got a substitute to shove the scenes, and after the pistol shot to have opened the door for the escape of the assassin. If Spangler had been in league with Booth, would he, as had been testified, have stood motionless, and left Booth to the hazard of flight unaided? And would Spangler himself have run for water after he heard that somebody had been shot? If Booth made use of that language to Spangler and Spangler then replied, the latter could have known nothing of a criminal purpose. If Spangler had any specific part to play, it was to hold Booth's horse. He failed to do that, and remained on the stage. The evidence does not show that he was a party to the crime.

Booth came to the house with his horse but once that night, and thus Booth could have had no previous opportunity to communicate with him that night. Slightman's testimony is unsupported by the other evidence, and is inconsistent with it. The fact that Booth knocked the horse-holder down on emerging from the theater shows that Booth naturally supposed that it was Spangler he was thus striking. There was no complicity with Spangler, and Booth thought it was Spangler and not Peanuts who was holding his horse, for Booth had just rushed out from the glare of gaslight into the darkness. Another item was produced to show that Spangler knew of Booth's purpose. Sergeant Dye testified to seeing a roughly dressed man in front of the theater with whom Booth whispered before entering the theater, and previous to the assassination of the President. This man, it was said, had a black mustache, but it had been proved that Spangler on that night wore no such mustache. If he had been in front of the theater with a black mustache, red as his hair is, the visitors to the theater would have had their attention drawn to his grotesque appearance. Spangler could not have been absent from the stage from 25 to 30 minutes past 9 to 10:10 without being missed, for it was his business to shove the scenes. He could not have been absent three-quarters of an hour without attracting attention, and an alibi was clearly proved. He was not only not in front of the theater, but at 9 o'clock was opposite the door at which the murderer escaped, and the least able to help the villain's flight. Spangler was on the stage for an hour up to the assassination. Having presented all the evidence bearing upon the acts done and words spoken by Spangler up to that time, Mr. Ewing proceeded to discuss his conduct until his arrest on the 17th of April at his boarding-house, which he had lived at for five or six months. During the three days and nights intervening between the assassination and the arrest nothing was done by Spangler which did not indicate a conscious sense of innocence. He felt confident in the assertion that Booth had no accomplice—he did not need any. Booth had played at the theater, and, by courtesy, had free entrance; therefore, he had made his own preparations. The leap from the box to the stage was one which might have been made by any man with safety. Had not his spur caught in the flag, Booth would have made the leap with ease. The counsel was confident that Booth needed no help but some one to hold his horse, which "Peanut John" did, and he opened and shut the door for himself. It appeared from the testimony of Mr. Hess, the manager of a rival theater, that Booth inquired particularly of him whether Grover's Theater was to be illuminated, and whether the President was invited to be present. From these inquiries it seems clear that the assassination of the President would have been attempted at Grover's Theater had the President attended that house on the night of the illumination. Mr. Ewing examined at length the other parts of the testimony, and concluded by saying he could see in the evidence no such suspicion as would induce a Grand Jury to present Spangler for trial, and he believed a candid review of the entire subject would leave in the minds of but very few a reasonable doubt of his innocence.

THE ARGUMENT FOR PAYNE.

Col. Dexter stated that he would be prepared to read the argument for Payne to-morrow.

THE ARGUMENTS FOR THE OTHER PRISONERS.

Gen. Howe said that the Court had already extended the time for the arguments. If they were not all presented to-morrow, let the remainder be filed. With these delays they might not get through till Autumn.

Gen. Eakin said he was willing to grant all the time the counsel asked to prepare their arguments on subjects of this importance.

Gen. Hunter said the testimony was very voluminous. Mr. Ewing remarked that the labor of preparation was greater than was supposed. It would be out of his power to prepare Dr. Mudd's defense before Friday, as there were 250 pages of evidence in that case.

MORE TIME GRANTED.

The Court voted to grant an extension of time for the preparation of the remaining arguments, and then adjourned till noon to-morrow.

Resume of Tuesday's Proceedings.

WASHINGTON, Tuesday, June 20, 1865.

Nothing was done in Court this afternoon but the reading of the argument by Mr. Ewing to show that Spangler had no complicity whatever with Booth in the assassination.