

THE ASSASSINATION.

THE TRIAL ON FRIDAY.

TESTIMONY FOR THE DEFENSE.

The President's Box and Spangler's Rope

THE ALLEGED INSANITY OF PAYNE.

WHAT IS INSANITY?

A SINGULAR LETTER.

Dark Hints About the Tragedy.

Some One to be "Silenced for Good."

Important Evidence Implicating John Surratt.

He is said to "Know All About" the Assassination.

Mrs. Surratt's Daughter Again in Court.

EVIDENCE IN FAVOR OF PAYNE.

Special Dispatch to The N. Y. Tribune.

WASHINGTON, Friday, June 2, 1865.

Parties have been in court who pretended to recognize Payne as Richard Lee, son of the Rebel Admiral Lee, and nephew of Gen. Lee. The identity is not credited.

The court room of the conspirators' trial was more than ever crowded to-day. Gov. Andrew was among the spectators.

Much of the day was spent on unimportant testimony. Miss Anna Surratt sat in the court room all the afternoon, attired in black, and had some slight conversation with her mother through an officer of the court.

The reading of the letter found at the National Hotel, written from a point forty or fifty miles up the valley of the Shenandoah on the 6th of April, and mailed at Cumberland, Maryland, on the 8th of May, produced some sensation. Its numerous allusions to the oil business were universally accepted as allusions to the assassination business, and would appear to give some point to the reported letter from Janus Brutus Booth to the murderer, which was received here the day after the assassination.

The testimony respecting Payne was listened to with close attention. The principal witness was a young and prepossessing woman. Payne maintained the usual upright position most of the time, and met the gaze of the spectators as indifferently as heretofore. His face was very slightly flushed during the proceedings in his behalf. The effort to set up a plea of insanity for him did not meet with much success.

To the Associated Press.

WASHINGTON, Friday, June 2, 1865.

After the reading of the record the examination of the witnesses for the defense was resumed.

EXAMINATION OF CHARLES BULGER.

By Mr. Ewing.—[The substance of the testimony of this witness was as follows: Witness knew the prisoner Edward Spangler, having boarded at a house at which the prisoner boarded for five or six months; after the assassination the accused remained at the house for several days.]

EXAMINATION OF JOHN GUNTHER.

By Mr. Ewing.—[The substance of the testimony of this witness was substantially the same as that of the previous witness; he testified to having boarded for several years at the house at which the prisoner stopped for six or seven months, and was certain of having seen him about the boarding-house some two or three days after the assassination; witness never saw him wear a mustache. Cross-examined by Judge-Advocate Bingham.—Witness saw the prisoner generally in the morning or evening; the accused did not sleep at the boarding-house.]

EXAMINATION OF TEOS. J. REYNOLDS.

By Mr. Ewing.—Q. State how long you have been in Washington, and what has been your occupation here? A. I have not lived permanently in Washington, only since the last Monday of December, one year ago, at which time I came to Washington for Mr. Ford; I was employed at that gentleman's theatre, to take charge of the house, to see to the front of the house, and purchase everything that was to be purchased for the house; any repairs to the house were done at my orders; that was my business there; in the absence of either of the Messrs. Ford, I went in the box-office and sold the tickets.

Q. State whether you know anything as to any of the locks of the private boxes being broken, and, if so, what you know? A. I think it was during Mrs. Bower's engagement in March, about the 7th, when, being one day at dinner, Mr. Merrick, of the National Hotel, asked me to reserve some seats for him that evening—three, I think, in the orchestra; I told him I would do so; Mr. Merrick had not arrived by the end of the first act, and, as it is customary for all reserved seats not occupied at the end of the first act to be taken by other persons wanting seats, those seats were taken; shortly after that Mr. Merrick, accompanied by his wife, Mr. Martin and several ladies, came in and I was informed of their arrival, and asked what I had done with the seats reserved for them. I went to see about them, and found that the usher had filled them; I then took them up stairs to box 6, which was locked and could not be entered; I then crossed to boxes 7 and 8, generally termed the President's box, which were also locked. I endeavored to force it open by applying my shoulder to the door, but, failing in that, I used my foot and succeeded in kicking it open.

Q. State whether that tier led into the box which the President occupied at the time of the assassination? A. It did; by request, when the President occupied the box, we would take the partition out, and the two boxes would then be occupied as one.

Q. When the two boxes are thrown into one by which door do you enter the President's box? A. The door of box eight.

Q. Do you know whether that was the door that was used on the night of the assassination? A. Yes, sir, it was; the other one could not be used.

Q. Do you know whether the lock that was burst open was afterward repaired? A. I do not; I never examined it afterward; I suppose it was my place to have reported the fact, and though I frequently passed into the box afterward, I never thought of having the lock fixed.

Q. To whom would you have reported for repairs? A. To Mr. Gifford.

Q. But you made no report to him of it? A. No, sir; I never said anything about it; I never thought it worth while to mention it.

Q. State whether you have any knowledge of Booth occupying either of those two boxes shortly before the assassination? A. I cannot say precisely the time, but it was two weeks, I think, prior to the 14th that Mr. Booth engaged private box No. 24, and in the evening of that day came again to the office, while I was sitting in the vestibule, and asked for an exchange of the box for box No. 7, one of the Presidential boxes, and one in which a hole was found to have been bored; he occupied that night either box Nos. 7 or 8—I cannot swear positively which box.

Q. State whether there were any box tickets sold at the theater up to the time of the opening? A. To the best of my knowledge there was not; I sold none; I was not in the office all the time that day; I was there during the afternoon and also in the morning, when the tickets were got for the President by his messenger; I do not know positively whether there were any sold, or whether there were any applications for any.

Q. State what hour the President engaged these seats? A. Between 10 and 11 o'clock in the forenoon.

Q. Had he been previously invited? A. Not to my knowledge.

Q. Did you see the messenger? A. I did, and was talking with him.

Q. State whether you saw anything of Booth that morning after the President engaged the box? A. I cannot say whether it was after or before that time; I saw him that morning; he got a letter from the office that morning; he generally came there every morning.

Q. Did Booth get more than one letter that morning? A. Not to my knowledge.

Q. State if you know any reason why the rocking chair in which the President is said to have sat that night should have been in the position in which it was? A. The position in which it was then was the same in which I had placed it myself on two other occasions when the President occupied that box, and the reason was that if placed in any other position the rockers would be in the way; the removal of the partition left a triangular corner to the left of the balustrade of the box, and the rockers were into this corner and were out of the way; that was the only reason why I put it there.

Q. When was that? A. During last Winter a year ago.

Q. It had not been used in the box during this last season up to that time? A. The sofa had been used, it had not.

Q. State what you saw of Spangler, if anything, after the assassination? A. I do not recollect seeing him after that; I only know that he was arrested in the house on the following Saturday morning.

Q. Was he not about the theater after that morning? A. I cannot say; in accordance with my usual custom I went to Baltimore on that Saturday night to visit my family, who reside there.

Q. Was the theater closed until your return? A. It was; I returned on Monday morning.

Q. Examine that rope (exhibiting to witness the rope found in the carpet bag of the prisoner Spangler), and state whether you know of any such rope being used about the theater, and whether, from its flexibility, you would judge that it had been used? A. From its appearance I think it has been used; if it had not, it would be lighter in color; it is like the ropes that we generally used in the flies for drawing up the scenes—what is called a border rope.

Cross-examination by Assistant Judge-Advocate Bingham.—Q. You say that kind of a rope was used in the theater in fixing up the flies? A. The wings or at least the border.

Q. If the rope had been used in the theater it would have belonged there, would it not? A. Yes, sir.

Q. Its proper place would not be a carpet sack half a mile away? A. No, sir; I do not think it would.

Q. Mr. Spangler would not supply the theater with a rope at his own expense? A. It is not my opinion that he did.

Q. The rope that he used, which you have described, is a permanent fixture, is it not? A. Sometimes we use a great many of those ropes, and then take them down and they lay up in the loft until we need them again.

Q. Was it the inner or the outer door of the box that you forced open? A. It was the inner door.

Q. Is box eight the one nearer the stage? A. It is.

Q. Could you by direct force have burst open the door of the box, the keeper of which was fastened by screws, so as to have drawn the keeper without splitting the wood? A. I might have started the keeper; it would have been according to the length of the screws.

Q. Is not the facing of that door of pine? A. Yes, sir; as far as I can judge.

Q. Is it your opinion that the keeper of the lock could have been burst off by force without splitting the wood? A. I think so; it might have been so.

Q. When were you in the box last? A. The morning after the assassination.

Q. When before the assassination? A. About five minutes that afternoon.

Q. Did you see either a mortice in the wall, or a piece of wood to fasten the door? A. No, sir.

Q. Did you see a notice there the morning after the assassination? A. No, sir; my attention was not called to it.

Q. State what you knew, if anything, about the rocking chair in which the President sat being placed in the box? A. I do not know who put it there, but I know who was ordered to put it there; I was in the box only about five minutes, when I assisted in fixing up the flags; it was then in the corner of box 7; and sitting in the position in which the chair was then placed, the President would have his back to the audience and his side partially toward the stage.

By Mr. Ewing—Q. Was it after Booth played *Pisaro* that he occupied that box? *A.* I could not tell that; he ordered the box on two occasions, but on one occasion did not use it, for he told me in the evening that he would not be able to use that box, as some ladies stopping at the National Hotel had disappointed him.

Q. How long was it before the assassination that he used it? *A.* About two weeks.

By the Court—Q. Do you know of what material that rope is made? *A.* I think it is a Manila rope.

By Judge-Advocate Holt—Q. Do you or not know that the color of a rope does not depend upon its age or its use? *A.* I know that water will make the color of a rope darker; but its color, so far as my knowledge extends, does depend upon its use.

EXAMINATION OF HENRY E. MERRICK.

By Mr. Ewing—Q. State your business? *A.* I am a clerk in the National Hotel.

Q. State whether or not, sometime before the assassination of the President, you went to Ford's Theater, and Mr. Reybold showed you to a box? *A.* Yes, sir; it was on the evening of the 7th of March; I had my wife and other ladies with me, and we were shown to a box on the right hand side as you pass down the dress circle; it was the box nearest the entrance; I do not know the number.

Q. Are you certain it was the box furthest from the stage? *A.* Yes, sir.

Q. Do you know anything about the door being forced open? *A.* The door was forced open by Mr. Keybold, who was unable to find the key; the keeper, I think was forced off; at least the screw that held the upper part of the keeper came out, and it whirled around and hung by the lower screw; we then entered the box and remained there during the play.

Q. Do you know when John McCullough the actor was last at the National Hotel? *A.* Our books show that he left there on the 26th of March; he paid his bill on that day and since then I have not seen him.

Q. Was he in the habit of stopping at your hotel? *A.* He was; I have never known him to stop at any other hotel.

Q. Was he there on the 2d of April? *A.* Not to my knowledge.

Cross-examined by Assistant Judge-Advocate Bingham—Q. Many persons come into your hotel to visit guests of the house and go away again without your knowing it, do they not? They might call there on their friends.

Q. On the night of which you have spoken as the occasion of your visit to the theater, you entered the first box that you came to in passing down the dress circle? *A.* Yes, sir.

Q. The box next the stage you did not enter at all? *A.* I did not; we entered the first box.

EXAMINATION OF JAMES LAMB.

By Mr. Ewing—Q. State where and in what capacity you were employed at the time of the assassination of the President? *A.* At Mr. Ford's Theater, where I have been employed for the last two seasons, over a year, in the capacity of a scene painter.

Q. Examine that rope (exhibiting the rope to witness found in Spangler's possession) and state whether you ever saw any ropes like that used in the theater? *A.* I have; but all ropes of this description have some similarity; ropes like that are used in the theater for suspending borders that hang across the tops of the scenes; they are called border ropes.

Q. What is the length of ropes used for that purpose in the theater? *A.* Not less than 80 feet; they are used for raising and lowering the borders; these borders are long strips of canvas which are painted to represent interiors and exteriors; sometimes when it is necessary to alter them they are lowered upon the stage for the purpose of being repainted; the ropes used are about the length of this one.

Q. Examine it carefully, and state whether it has the appearance of having been used? *A.* It has the appearance of having been chafed, and a new rope would be a little stiffer, it strikes me.

Q. Does it look as if it had been used as a border rope? *A.* I cannot say that there is anything about it that would lead me to form an opinion on that point; it is the same kind of a rope that is used for that purpose; but if it had been used for that purpose I think there would be a knot here; one end appears to have been cut; there were about forty or fifty such ropes employed about the theater.

By Assistant Judge-Advocate Bingham—Q. Were you acquainted with John Wilkes Booth? *A.* I knew him by sight; I never spoke a word to him.

By the Court—Q. Of what material is that rope? *A.* I should say it was hemp.

By Mr. Ewing—Q. Have you any reason to believe, from an examination of the rope, that it was used as a border rope? *A.* No, sir.

Q. Did you see anything of the prisoner Edward Spangler after the assassination? *A.* I saw him on Saturday, the day after the President was assassinated; I was in the theater loitering about from 10 o'clock until the military took possession of the building; my feelings were excited, and I remained on the spot the whole day, and saw Spangler several times during the day.

Q. Where did you see the prisoner, and who were with him? *A.* I saw him on the stage; there were several others there—Madrox, a man by the name of Jake, Mr. Gifford, Mr. Wright, and Mr. Carland.

Q. Who were with Spangler? *A.* There was no companionship particularly; they all seemed to be loitering about.

Q. What time in the day was that? *A.* About 12 or 1 o'clock; I did not see Spangler since until I saw him this morning.

EXAMINATION OF WILLIAM R. SMITH.

By Mr. Ewing—Q. State your residence and business. *A.* I live in Washington, and am Superintendent of the Botanical Gardens.

Q. Were you in Ford's Theater at the time of the assassination? *A.* I was.

Q. Did you see Booth pass off the stage? *A.* I did.
Q. Did you see Mr. Stewart get on the stage? *A.* Mr. Stewart was about the first that got on the stage. It is my impression that Booth got off the stage before Stewart got on it. I saw Stewart turn round and look up at the box in which the President had been murdered. I did not watch him any further.

Q. You think that Booth got off the stage before any one got on it? *A.* Yes, sir.

RE-EXAMINATION OF JACOB RITTERSPAUGH.

By Mr. Ewing—Q. When you were examined for the prosecution the other day you spoke of Spangler having slapped you in the face after your return from following Booth, and of his saying, "Shut-up—don't say which way he went?" *A.* Yes, sir.

Q. Did you not make the same statement the next day, when you were in the theater, to Mr. Lamb, and on the night of the assassination, to Mr. Carland when he awoke you from sleep? *A.* Yes, sir; Mr. Carland told him that Ned slapped me in the mouth, and said, "Don't say which way he went."

Q. Were you not on the stage in the afternoon of the day of the assassination? *A.* Yes, sir.

Q. State what you and Spangler saw? *A.* I saw a man in the dress circle smoking a cigar, and I asked Spangler who he was; he said he did not know; I then said we ought to tell him to go out, and Spangler said that he had no right there; I resumed my work, and after a while looked around again and saw the man sitting in a private box on the right-hand side of the stage; after that the man went out.

Q. Was the man near enough to hear what Spangler said? *A.* Yes, sir.

By Assistant Judge-Advocate Bingham—Q. Do you know what man that was? *A.* No, sir.

By Mr. Ewing—Q. What time in the evening was that? *A.* About 6 o'clock in the evening of the day on which the President was assassinated; just before we went to supper.

By Judge-Advocate Bingham—Q. Where did you say that man was? *A.* In a private box, one of the lower boxes in the dress circle, on the right-hand side of the stage.

EXAMINATION OF LOUIS J. CARLAND.

By Mr. Ewing—Q. State whether you are acquainted with Jacob Ritterspaugh? *A.* I am.

Q. State whether you saw him in Mr. Gifford's room on the night of the assassination after the assassination? *A.* I did.

Q. What did Mr. Ritterspaugh say to you on that occasion? *A.* He was asleep; on my awakening him he appeared frightened, and thought I was Mr. Booth; I asked him where Mr. Spangler was; he told me he did not know; that when he last saw Mr. Spangler he was standing behind the scenes, just after Mr. Booth ran out the back part of the theater, and that he said to Mr. Spangler "That was Mr. Booth;" when Spangler slapped him in the mouth and said "You don't know who it was; it might have been Mr. Booth, and it might have been somebody else."

Q. Did Mr. Ritterspaugh tell you that Spangler slapped him in the face and said "Don't say which way he went?" *A.* No, sir.

Q. Did he tell you anything to that effect? *A.* No, sir.

Q. Are you sure that he did not say that to you? *A.* I am not certain.

Q. Where was Spangler when you first saw him after the assassination? *A.* In the theater on the stage; I was in his company until Sunday night, when I went to the Herndon House and he went to sleep in the theater; I suppose he left me to go there to sleep.

Q. Where was he during Saturday and Sunday? *A.* On the Saturday night after the assassination he was going to sleep in the theater as usual, but there was some talk about burning the theater, and being a heavy sleeper, he was afraid to sleep there, so he came to my room and I let him sleep there all night; on Sunday morning I went to church and met him again in the street near the theater; we walked around that afternoon and parted in the evening.

Q. Do you know whether or not, during those two days you were with him, Spangler had much money? *A.* He had very little change.

Q. State whether Booth often frequented the theater and stayed about there a great deal? *A.* He did.

Q. On what terms was he with the employes? *A.* On very intimate terms; he seemed to become familiar with people on a very short acquaintance. The rope found in the carpet-bag of Spangler was exhibited to witnesses, when he stated that it resembled one used by Mr. Spangler and Mr. Ritterspaugh about two weeks before the assassination to carry up some lumber to the fourth story of the theater; he thought it had the appearance of having been used and of having lain out of doors.

Cross-examined by Assistant Judge-Advocate Bingham—Q. Spangler usually slept in the theater? *A.* Yes, sir.

Q. He did not sleep there on the night of the assassination? *A.* No, sir.

Q. Did he sleep there on Sunday night? *A.* No, sir.
Q. Where and at what time did you awake Ritterspaugh? *A.* It was on the first floor, in what was called the manager's office, at about 12 o'clock on the night of the assassination; I was alone at the time.

Q. To whom did you tell what Ritterspaugh said to you? *A.* To nobody but Mr. William Witters, jr.; I told him on the Sunday afternoon after the assassination.

By Mr. Ewing—Q. Had Ritterspaugh fully awakened up when you had this conversation with him? *A.* Yes, sir.

TESTIMONY OF JAMES LYON.

By Mr. Ewing—Q. Are you acquainted with Jacob Ritterspaugh? *A.* Yes.

Q. Did you see him on the day after the President's assassination? *A.* I did on Saturday.

Q. Did he say anything to you as to a conversation he had with Spangler directly after the assassination? *A.* Yes, he said it was well for Ned that he had not something in his hand at the time; I asked him why; he said, "He struck me last night a very hard blow, and said, 'Shut up,' at the same time saying, 'You know about it.'"

Q. In what connection did he say that happened? *A.* He said he was acquainted with Booth, and remarked to Spangler just after Booth ran out, "I know who that was—that was Booth who ran out;" then Ned said, "Shut up; keep quiet; what do you know about it?"

Q. When did he say that was? *A.* That was while the party, Booth or whoever it might be, was leaving the stage, that is making his escape; this man Jake rushed up and was making this explanation, "I know him, I know him, that man was Booth." Ned then turned round and struck him with the back of his hand and said, "Shut up, you know nothing about it; what do you know about it, keep quiet."

Q. Did it not Jacob Witterspaugh say that Spangler said to him, "Do not say which way he went," or any words to that effect? *A.* He did not; I am sure.

Cross-examined by Judge Bingham—Q. State now exactly what he said to you on that occasion? *A.* He said "I followed out the party, was close at his heels;" I said to Spangler, "I know him," or words to that effect.

Q. He said he was right at Booth's heels did he? *A.* No; not that; he said he was near by.

Q. Did not you say he followed the party close at his heels? *A.* Well, I say he did, and he received a blow from Spangler and that shut him.

TESTIMONY OF G. W. BUNKER.

By Mr. Ewing—Q. State your occupation? *A.* I am clerk at the National Hotel in this city.

Q. State whether after the assassination of the President you found any articles in Booth's room at the National? *A.* I packed up Booth's baggage, and had it removed to our baggage room on the day after the assassination.

Q. Did you find any carpenter's tools? *A.* I found a large sized gimlet with an iron handle in the trunk; I took it and carried it to my room; I afterward gave it to Mr. Hall, who was attending to Ford's business.

Q. Do you know whether John McCullough, the actor, was in Washington the 1st of April? *A.* I have examined our books thoroughly and find that the last time John McCullough registered was on the 11th of March; he left the house on the 26th of that month; his name is not on our books after that date.

Q. Where was he in the habit of stopping when he came to Washington? *A.* He made it his home at the National; I have never known of his stopping at any other place.

Q. Did you see him in the city after the 26th of March? *A.* I did not.

TESTIMONY OF CHARLES B. HALL.

By Mr. Ewing—Q. State where you have been living for the past two or three months, and what has been your occupation? *A.* I have been acting as clerk for Mr. Wharton, a sutler, at Fortress Monroe.

Q. Is his store inside the fortifications or outside? *A.* It is inside, at what is called Old Point.

Q. State whether you are acquainted with the prisoner Arnold? *A.* I got acquainted with him at Mr. Wharton's store; he came there the latter part of March or the first of April; I could not state the date; it was on Sunday.

Q. State how long he remained there, and what his business was? A. He was assisting me as book keeping; he stayed there two weeks and one day, I think.
Q. Did you see him there constantly at that time? A. No; I was engaged at another place part of the time; I saw him, however, every day.
Q. State whether or not, if so, when, Arnold made any application for employment? A. He did, I think, about the first of March—some time in March.
Q. Do you know what became of Arnold's letter? A. Major Stevens has it.
Q. How many letters did he write applying for a position? A. I don't know.
Q. At what time was the answer written? A. I could not tell that; it was about a week before Arnold came; I wrote for him to come.
Q. Did you see Arnold every night during the time of his employment? A. Yes; he slept in Mr. Wharton's store every night.

TESTIMONY OF GEORGE CRAIG.

By Mr. Ewing—Q. State where you live and how you have been employed for the last two months? A. I have been at Old Point, and have been employed by Mr. Wharton as a steersman.
Q. Have you seen the prisoner, Samuel Arnold? A. I saw him about the latter part of March or first of April, on a Sunday, for the first time.
Q. What boat did he come on? A. I cannot tell.
Q. How long did he remain there? A. About two weeks to the best of my knowledge; he was clerk in Mr. Wharton's establishment; chief clerk, I believe.
Q. How often did you see him during his stay there? A. I saw him every day; I cannot say how many times a day I saw him.

TESTIMONY OF JAMES LUSBY.

By Mr. Stone—Q. Where do you reside? A. In Prince George County.
Q. Are you acquainted with John M. Lloyd? A. Not very much; I got acquainted with him since Christmas.
Q. State whether you saw him in Marlborough in April last. A. I did, I do not know exactly the day; it was on Good Friday, if any of you know when that was—on the day when Lincoln was killed.
Q. Did you see Mr. Lloyd on the evening of that day at Surrattsville? A. I and him went there that day from Marlborough.

Q. What was Lloyd's condition at the time? A. He was very drunk; I thought I reached Surrattsville about one minute and a half before he did; I drove up to the bar-room door; he went to the front door.
Q. Did you see the prisoner, Mrs. Surratt, there that day? A. I saw her as she was starting out to go home.
Q. Was she all ready to go home at the time Lloyd drove up? A. Yes; the buggy was there waiting for her, and she left about fifteen minutes afterward.

Cross-examination by Judge Holt—Q. You drove up on one side of the house and Lloyd went round to the other side, did not he? A. Yes; there was a front yard; he went through; when I first came I went into the bar-room and took a drink.

Q. Did you see Mrs. Surratt when you first came? you didn't see her in the bar-room, did you? A. No.
Q. And you didn't see her when she first came up? A. No.
Q. You didn't see her until after you got your drink? A. I disremember whether I got my drink when I first saw her or not.

Q. You say Lloyd was drunk; how do you know that fact? A. I have seen him before.
Q. Did you see him drinking? A. Yes, and took drinks with him.
Q. Which drank the most? A. I never measured mine.

Q. Were you as tight as he was? A. Not quite as tight.
Q. Were you, after you had the additional drink—you had the advantage of taking that drink at Surrattsville, while Lloyd went around to the kitchen, didn't you? A. I don't know; I never tried to pass even with him; I did not say I was drunk; I don't know whether I was, though I had drunk with him right smart that day.

By Judge Burnett—Q. Do you live at Surrattsville? A. No; a mile and a half below.
Q. What has been your business for the last two or three years? A. I have been a farmer all that time; I have never been away from home further than Washington in my life.

Q. Mr. Lloyd was sober enough, wasn't he, to drive his own horse, and take his fish, &c., into the kitchen? A. He drove his own horse; I didn't see him go to the kitchen.

Q. Did you see him fix Mrs. Surratt's buggy? A. No; I don't know anything about that.

Q. How long before you arrived at the house had you seen him? A. I came along with him from Marlborough, sometimes in front and sometimes behind of him.

Q. How far is it from Marlborough to Surrattsville? A. About 12 miles; it is a fast drive of about two and a half hours.

Q. Did you stop to get any drinks on the road? A. No.

Q. Then he was two and a half hours without getting any drinks before he came to Surrattsville? A. Yes, sir.

TESTIMONY OF MATTHEW J. POPE.

By Mr. Doster—Q. State where you live and what your business is. A. I live down at the Navy Yard, and keep a livery stable; I did keep a restaurant, but I do not now.

Q. State whether or not on or about the 12th of April the prisoner Atzerodt called at your place, and wanted to sell a bay horse? A. There was a gentleman called at my stable; I don't know exactly the day, to sell a large bay horse, blind of one eye.

Q. How old did the horse seem to be? A. I don't know; I did not take any particular notice of his age, and I do not know as I examined him at all.

Q. Do you remember the person who brought the horse there? A. I do not know, as I would remember him were I to see him again.

Q. Look at the prisoner Atzerodt, and see if you recognize him as that person? A. I do not know; the features are nearly alike; if he is the one, he is not nearly so stout a man as he was then; I did not take much notice of him; he asked me if I wanted to buy a horse; I told him I did not.

Q. State what time of day it was? A. It was some time in the afternoon.

Q. Did they stay there the rest of the afternoon? A. His horse stayed there some two or three hours; then he went over to the restaurant and took a drink; he went away with a man by the name of John Barr; after a time he came back, and the man who brought the horse there took him away.

Q. Don't you remember this man, Barr, was drunk at the time? A. He had been drinking a little; I do not know whether he was drunk or not.

Q. Was not Barr one of the mechanics of the Navy-Yard? A. Yes; he carried on wheelwrighting at the Navy-Yard.

Q. And was not this the very day of the illumination on the part of the mechanics? A. I don't know.

Q. You are certain that this was before the assassination of the President? A. Yes; I think it was several days before, but I took very little notice.

Q. Have you or not found an umbrella left at your house by the prisoner? A. It was left by the man who brought the horse to the stable at the same time he left the horse.

TESTIMONY OF MISS MARGARET BRANSON.

By Mr. Doster—Q. State where you live? A. In Baltimore.

Q. State whether you have ever seen the prisoner, Payne, and, if so, where you first saw him? A. I first saw him at Gettysburg.

Q. State the time and circumstances? A. I do not remember the time; it was immediately after the battle of Gettysburg. I was there as volunteer nurse; he was in my ward, and very kind to the sick and wounded; I don't know whether he was there as a nurse or not.

Q. Was he a soldier? A. I don't know that he was; he had on no uniform; as nearly as I can recollect, he was dressed in black pants, no coat, dark slouch hat.

Q. What name did he go by? A. By the name of Powell and by the name of Doster.

Q. How long did you know him there? A. I do not know the time; I was there six weeks, and I do not know whether he was there the whole time or not.

Q. In the hospital where he seemed to be attending the sick and wounded, were the patients both Confederate and Union soldiers? A. Yes.

Q. About what time did you leave the hospital? A. The first week in September.

Q. When did you meet the prisoner Payne again? A. Some time that Fall or Winter; I do not remember when I met him at my own house; he remained there only a few hours; I had very little conversation with him.

Q. Did he state to you where he was going? [Question was objected to by Judge Bingham on the ground that the declarations of the prisoner could not be received in evidence. Mr. Doster replied that he intended to set up the plea of insanity in the case of Payne, and while the declarations of the prisoner would not be admissible to prove his innocence, yet to prove his insanity his declarations were acts, and therefore admissible. Judge Bingham replied that the counsel had laid no ground for this course of examination to prove insanity. Mr. Doster said that the prosecution themselves had laid the ground by proving a series of acts of assassination which he should claim were the work of an insane man. Judge Bingham remarked that he supposed it was, then the theory of the counsel that a man might take a knife large enough to butcher an ox, rush past all the attendants in the house, wounding and maiming them, stab a sick man in his bed again and again, and escape punishment on the ground that the acts were too atrocious for a sane man to commit. Mr. Doster replied that all the circumstances connected with the assassination bore upon themselves evidence of the work of an insane man. The prosecution had proved that the accused entered the house by a stratagem very likely to be resorted to by an insane man, without the slightest possible disguise, stopping for five minutes to talk to a negro on his way; after committing the deed making no attempt at concealment, leaving his pistol and hat there in the room, and throwing away his knife deliberately where it could be found in front of Mr. Seward's door; getting on his horse and riding away so deliberately that a man on foot could follow him for a square; then, instead of escaping, as he could very well have done on his horse, turning his horse loose, wandering about the city, and finally going to the house

of all others where he would be liable to be arrested. He claimed that the prosecution in the proof of these acts has laid abundant ground for the examination he was now making, and he called attention now to Payne's stolid manner in Court so different from that of the other prisoners. Mr. Clappitt said that he did not deny the right of counsel to set up the plea of insanity or any other plea for his client; but he rose indignantly to protest against his bringing in the house of Mrs. Surratt as a place where such a man would be most likely to be arrested; there was no evidence that the house of Mrs. Surratt was a place he would be likely to go to for the purpose of hiding and screening himself from justice. [Objection sustained by the Court.]

Q. How long did he stay at your house? A. A few hours.

Q. Do you know where he went then? A. I do not.

Q. Where did you see him the third time? A. In January of this year, at my own house.

Q. Describe how he was dressed at the time? A. In black clothing—citizen's dress.

Q. What did he represent himself to be? A. A refugee from Farquhar County; he gave his name as Payne.

Q. How long did he stay at your house? A. I think six weeks and a few days; I do not remember the exact time.

Q. Do you remember about the date he came in January? A. I cannot; I think he left about the beginning of March.

Q. Did he ever see any company while there? A. Never to my knowledge.

Q. Did you ever see J. Wilkes Booth? A. No, sir.

Q. Do you know whether Payne was ever called upon about that time by J. Wilkes Booth? A. No, sir.

Q. Did he or not take a room in your mother's house? A. Yes.

Q. What were his habits; was he quiet, or did he go out a good deal? A. He did not go out a great deal; he was remarkably quiet.

Q. In what way did his quietness show itself? A. He was a great deal in his room; he seemed to be reserved and, I thought, to be depressed in spirits.

Q. Was he or not exceedingly taciturn? A. He was remarkable for not saying anything.

Q. Have you or not a library in your father's house? A. No; we have a good many old books and a good many medical works.

Q. Do you know whether the prisoner can read? A. I do not.

Q. Did he or did he not give himself to reading medical works while he was there? A. He did.

Q. Was not his taciturnity so remarkable as to be commented on by the rest of the boarders? A. I think not.

Q. Do you know whether the prisoner was at that time in possession of a great amount of money? A. I do not; he had enough to pay his board.

Q. Do you know how the prisoner happened to leave your house? A. We had a negro servant who was exceedingly impudent to him.

Q. You need not state what passed between the girl and that man.

Mr. Doster—The witness is just to state that. Judge Bingham—Why?

Mr. Doster—It is for you to show why she should not. Judge Bingham—Well, let her answer it.

Witness—He was arrested by the authorities and sent north to Philadelphia.

Cross-examination by Col. Burnett—Q. He was arrested as a Southern refugee, was he not, and made to take the oath of allegiance? A. I do not know what he was arrested for, as I never knew the reason why.

Q. He was taken to the Provost-Marshal's office, and was afterward released and returned to the house.

Q. Do you know whether he came directly to Washington when he left in March? A. I do not.

Q. Did he make any acquaintances in Washington while he was boarding at your house? A. He never but one night to my knowledge.

Q. How many persons boarded at your house? A. I do not know.

Q. Were there any other Southern refugees boarding at your house? A. None but him.

By Mr. Doster—Q. Was or was not the prisoner during the month of January long enough absent to have made a journey to Canada and back again? A. Not to my knowledge.

Q. If he had been, would you have known it? A. Certainly, I would.

Q. In what hospital did you see him at Gettysburg? A. In the General Hospital, Dr. Chamberlain's.

Q. Whom did the prisoner seem to be nursing, the Confederate or Union wounded? A. He attended to different ones in my ward, and I had both in my ward.

Q. Was your mother with you there? A. No.

EXAMINATION OF MARGARET KAIGHAN.

By Mr. Doster—Q. State whether you are a servant in the house of Mrs. Branson? A. Yes, sir.

Q. Did you see the prisoner Payne there? A. Yes; he came there in January or February, and stayed till about the middle of March.

Q. Do you remember at any time a conversation that Payne had with a negro girl there? A. Yes; he asked her to clean up his rooms there; she said she would not do it; he asked her why; she said she would not do it; he then called her some names and slapped her and struck her.

Q. Did he not throw her on the ground, stamp on her body and try to kill her? A. Yes.
 Q. Did he not strike her on the forehead? A. Yes.
 Q. What did the negro girl do in consequence? A. She went to have him arrested.
 Q. Did he, or did he not, say he would kill her? A. He did while he was striking her.

TESTIMONY OF DR. CHARLES NICHOLS.

By Mr. Dexter—Q. Have I at any time given you an intimation of the answers I expect you to give before this Court? A. You have not.

Q. State what your official position is and your profession? A. I am a doctor of medicine and Superintendent of the Government Hospital for the Insane.
 Q. How long have you occupied that position? A. Thirteen years.

Q. State what class of persons you treat in your asylum? A. Insane persons exclusively.

Q. Are they or not persons who have been in the service of the Government exclusively? A. No, my patients include the insane of this District and occasionally private patients from other parts of the country.

Q. Is or is not the great mass of persons you treat composed of soldiers and sailors? A. It is.

Q. Please define moral insanity? A. When the moral or effective faculties are affected exclusively by disease of the brain, I call it moral insanity.

Q. What are some of the principal causes that produce moral insanity? A. My impression is that insanity is oftener caused by physical disease than by moral causes. The fact that insanity takes that form is apt to depend on the character of the individual becoming insane.

Q. Is active service in the field among soldiers at any time the cause of moral insanity? A. It is not a frequent cause, however, in other words, I have known cases of moral insanity among soldiers.

Q. Has or has not insanity increased very much in the country during the present war? A. It has.

Q. Has it not increased much more proportionately than the increase of the army? A. It has.

Q. How is the increase accounted for? A. By the diseases, hardships and fatigues of the soldier's life, to which men were not accustomed before going into the service, I think.

Q. Are young men who enlist exposed more to insanity than those who enlist in middle life? A. I am not sure that they are; my impression is that young men accommodate themselves to a change in their manner of life much more easily than men of middle age.

Q. What are some of the leading symptoms of moral insanity? A. The cases are as diversified as the individuals affected; if a man, for instance, believes an act to be right which he did not believe to be right in health, and which people generally do not believe to be right, I would regard that as a symptom of moral insanity.

Q. Is depression of spirits at any time considered a symptom of insanity? A. It is.

Q. Is great taciturnity considered a symptom? A. It is a frequent symptom of insanity though I can conceive how taciturnity could exist without insanity.

Q. Is disposition to commit suicide? A. It is.

Q. Is great cunning in making plans a concomitant of insanity? A. The insane frequently exhibit great cunning in their plans to effect an object.

Q. Is it or is it not possible for a madman to confederate with other madmen or sane men in their plans? A. I would say it is not impossible, but that it is unfrequent.

Q. Do madmen ever confederate together in plans? A. Very seldom.

Q. Is it or is not a morbid propensity to destroy, a proof of insanity? A. Not a proof, but a very common attendant of insanity.

Q. Is it a symptom of insanity if one, apparently without provocation, commits a crime? A. I should regard it as giving rise to a suspicion of insanity, but not as proof of it at all.

Q. Is or is not conduct different from the usual mode of the world the best proof of insanity? A. I will answer that by saying that no single condition is a proof of insanity in every instance, but that an entire departure from the usual conduct of men would be regarded as strong ground to suspect the existence of insanity.

Q. Are not madmen remarkable for great cruelty? A. My impression is that madmen exhibit about the same disposition in that respect that men generally do.

Q. Do or do not madmen, in committing a crime, seem to act without pity? A. They frequently do—those who commit criminal acts.

Q. If one should try to murder a sick man in his bed, without ever having seen him before, would it be presumptive proof of insanity? A. It would give rise in my mind to a suspicion that the man was insane; I should not regard it as proof.

Q. If the same person should, at the same time try to murder four other persons in the house, none of whom he had seen, would it not strengthen that suspicion? A. I think it would.

Q. If the same person in the commission of the deed were to stop for five minutes conversing, then walk away deliberately, leaving his hat and pistol behind, and then ride away so slowly that a man could follow

him on foot, would not that further corroborate the suspicion of insanity? A. I think it would; it is a peculiarity of the insane when they commit a criminal act, that they make little or no attempt to conceal it, but that it is not always the case.

Q. If the same person should cry out while stabbing one of the attendants "I am mad—I am mad;" would it not be further ground for suspicion that he was insane? A. Such an exclamation would give ground on my mind to a suspicion that the man was feigning insanity.

Q. What would be the ground for that suspicion? A. The ground is that insane men rarely make such exclamations or similar ones. They rarely excuse themselves for criminal acts on the ground that they are insane.

Q. Do not madmen sometimes say they are mad? A. They do sometimes; but it is not feigning with them.

Q. Do you not remember cases in your practice where madmen have told you they were mad? A. They frequently do it in this way: An individual knows he is regarded as insane, and if taken to task for any improper act, sometimes a man will excuse himself on the ground that he is insane, and therefore not responsible.

Q. If the same person I have mentioned should, although in possession of a sound horse, make no effort to escape, but abandon his horse, wander off into the woods, and come back to a house surrounded with soldiers, where he might expect to be arrested, would that not be additional ground for suspicion that he was insane? A. I should regard every act of a man who had committed a crime indicating that he was indifferent to the consequences as a ground for suspecting that he was insane.

Q. If this same person should return to this house I have spoken of with a piece of his drawers for his hat, seeing the house in possession of soldiers, would not that be additional proof of insanity? A. I can hardly see what bearing that would have on the question of insanity.

Q. I understand you to say that madmen seldom disguise themselves; the disguise in question consisted in a piece of drawers taken for a hat; I asked whether the disguise indicated the work of a sane or insane man? A. It would depend upon circumstances with insane men; it is a common peculiarity that they dress themselves in a fantastic manner—for example, making headresses of old pieces of old garments; they do it apparently out of childish fancy for something fantastic to attract attention; I don't recollect the case of an insane person dressing himself in garments of that kind for the sake of disguising himself.

Q. If this same person after his arrest should express a strong desire to be hung and great indifference to life, would that be additional ground for suspicion of insanity? A. I think it would.

Q. Would it be further ground of suspicion if he seemed totally indifferent during his trial, and laughed when he was identified, betraying a stolidity of manner entirely different from his associates? A. I think it would.

Q. State what physical sickness generally accompanies insanity, if any? A. I believe disease either functional or organic of the brain always accompanies insanity; no other physical disease necessarily or perhaps usually accompanies it.

Q. Is long continued constipation one of the physical conditions accompanying insanity? A. Long continued constipation frequently precedes insanity; constipation is not very frequent among the actually insane.

Q. If this same person I have described had been suffering from constipation for four weeks, would that be an additional ground for insanity? A. I think some weight might be given to that circumstance.

Q. If the same person, during his trial and during his confinement, never spoke until spoken to, at a time when all his companions were peevish and clamorous; if he never expressed a want, when all others expressed many; if he continued the same expression of indifference while others were nervous and anxious; if he continued immovable, except a certain wildness in the movement of his eyes, would it not be additional ground for believing him insane? A. I think it would.

Q. If this same man, after committing the crime, should on being questioned as to the cause, say he remembered nothing distinctly but only a struggle, with no desire whatever to kill, would not that be additional ground for suspicion of insanity? A. I think it would.

Q. What are the qualities of mind or person most needed by a keeper to secure control over madmen? A. Self-control.

Q. Are not madmen usually managed by persons of strong will and resolute character? A. Yes, I think they are.

Q. Are there not instances on record of madmen who, toward all others are wild, and yet who, toward their keepers are so docile and obedient as dogs toward their masters? A. Not that servile obedience which a dog exhibits toward his master; it is true that the insane are comparatively mild and obedient to certain persons while they are more or less violent toward certain other persons.

Q. Would it not be possible for such a keeper who could exercise such control over a madman to direct him to commit a crime and secure its commission? I should say that it would be very difficult, unless it was done in a few minutes after the plan was laid and the directions given.

Q. Is not the influence of some persons so great over madmen that their will seems to take the place of the madman? A. There is a great difference in the control different individuals have over insane persons; but I think it rare that the control reaches the extent you have described, or the extent I may add, that is popularly supposed.

Q. Do you recognize or not a distinction between mania and delusion a certain distinction inasmuch as delusion may accompany any and every form of insanity, while the term mania applies to a particular form which may or may not accompany delusion.

Q. I ask whether incidents of insane delusion are not more frequent during civil war than any other forms of insanity? A. My impression is that they are not so frequent; insanity is of a more general character so far as my experience goes, during war, among soldiers than it usually is.

Q. Does or does not constantly dwelling on the same subject lead to insane delusion? A. It frequently does.

Q. For instance, if a body of men who own slaves were constantly hearing speeches and sermons vindicating the Divine right of Slavery, and when the institution was not threatened at all, should finally go to war for its support, would not that be an evidence that those men were deluded? A. I think it would; but it does not follow that the delusion is not what I would technically denominate an insane delusion, arising from disease of the brain, and for which a man is irresponsible.

Q. If one of these same men should own slaves and believe in the Divine origin of the institution, fight in its defense, and believe that he had also fought in defense of his home and friends, should attempt to assassinate men who are the leaders of those he believed were killing his friends, would not that give rise to the impression that he was laboring under a fanatical delusion?

[Objected to by Col. Burnett, who said if the counsel was about, through with his examination, he would not object; otherwise, he would object to the continuance of an examination entirely irrelevant and foreign to the issue. Mr. Dexter replied that he had about a dozen more questions to put, that he had sent for witnesses to Florida, who had not yet appeared, and his examination of Dr. Nichols was in anticipation of their testimony, and in order to obviate the necessity of recalling him as a witness. The objection was sustained by the Court.]

Q. Is it your opinion that the person I have spoken of in committing the crime alleged, under the circumstances, was conscious that he was acting contrary to law, or whether he was laboring under any and what delusion?

[Question objected to by Judge Bingham, on the ground that the case put was an entirely hypothetical one, and, as such, the witness was not qualified to answer it. Mr. Dexter replied that he had not the right to make the application to any particular case; that he had taken the question from the books he had cited to sustain his position—Wheaton, on Criminal Law. Col. Burnett said that the counsel was proceeding in an examination based upon a hypothesis having no application to any state or facts proved in this case, and there was no law found in any book that would uphold him in such a case. The Assistant Judge-Advocate had been instructed by their chief to allow the utmost liberality to counsel in the defense, but it was their duty to interpose when counsel were proceeding so far as to render the record absurd and contemptible. Mr. Dexter replied that he believed the question was strictly legal, but knowing very well the result of the objection in this court, he would name the question and put it in this form:]

Q. Under this state of facts, would or would not the inference of insanity result therefrom? A. If I may be allowed to make an explanation, I will say that I have thus far given categorical answers to the questions put. I am, as a rule, very much opposed to giving opinions upon hypothetical cases, for the best of reasons, as I conceive that I have none; I could give no definite opinion upon the facts implied in the questions that have been submitted; every case of insanity is a case by itself, and has to be examined with all the light that can be thrown on it; and it is impossible for me to give an opinion therefore upon a hypothetical case.

TESTIMONY OF MR. DAWSON.

Q. Are you a clerk in the National Hotel in this city? A. Yes, sir.

Q. Look at that letter and see if it was ever received in the National Hotel? A. It was found among the initial letters a couple of weeks before I was here. I noticed it, and the initials struck me as rather peculiar.

Q. Do you know the exact date when it was received? A. No, sir.

By Judge-Advocate Bingham—Q. I opened it when you brought it to me; it was not opened before? A. No, sir.

[Mr. Pittman at the request of the Court then read the following letter:]

"SOUTH BRANCH BRIDGE, April 6, 1865.
 'FRIEND WILKES: I received yours of March 12, and reply as soon as practicable. I saw French, Hardy and other about the off-rotation. The subscription the stock amounts to eight thousand dollars, and I add one thousand myself, which

le about all I can stand now. When you sink your well go deep enough. Don't fail; everything depends on you and your helpers. If you can't get through on your trip after you strike the strike through Thornton Gap and cross by Capen Romney, and down the branch, and I can keep you safe from all hardships for a year. I am clear of all surveillance, now that Internal Purdy is beat. I hired that girl to charge him with an outrage, and reported him to old Kelly, which sent him in the shade; but he suspects too damned much. Now, had he better be silenced for good. I send this up by Tom, and if he don't get drunk you will get it the 9th; at all event it can't be understood if lost. I can't half write. I have been drunk for two days. Don't write so much high-falutin next time. No more, only Jake will be at Green's with the funds. Barn this. Truly yours, LEOX.
"See Charles sends much love."
"Mail'd at Cumberland, Md., May 8."

This letter, according to the post-mark, was mailed at Cumberland, Md., May 8, although it is dated May 6.
Q. To whom, beside Wilkes Booth, who stopped at your hotel, do these initials belong? A. As far as I remember, I don't know anybody else to my knowledge.

TESTIMONY OF MR. NOTT

Q. I believe that you were the bar-keeper, or one of the attendants, at the hotel at Surrattville? A. Yes, sir.
Q. How long was that your employment? A. From January till I was arrested on the 16th of April; one time I was away a week, and sometimes I would be away a day or two.

Q. I desire to ask you what your attitude has been toward the Government since the war? A. I have never done anything against it.
Q. Or said anything against it? A. No, sir.

Q. Nor against the Union party in Maryland? A. No, sir.
Q. Do you know Mr. Smooth? A. Yes, sir.
Q. What is his first name? A. Edward.

Q. Do you recollect having any conversation with him on the 14th of April? A. I do not, sir.
Q. Do you recollect his saying to you that it was supposed John H. Surratt was one of the murderers? A. No, sir.

Q. Do you recollect telling him that Surratt was undoubtedly in New York at that time? A. I may or may not, but I don't recollect it.

Q. Did you say to him that John knows all about that matter, and that you could have told him all about it, and how it would have occurred six months ago? A. No, sir.

Q. Did you at that time tell him not to mention the conversation you had with him? A. No, sir; I don't think I could have said such a thing.

Q. You have never been unfriendly to the Government? A. No, sir.
Q. You have never taken sides with the Rebels? A. No, sir.

By Major-Gen Hunter.—Q. Where were you at the time of the first battle of Bull-Run? A. I have not had any particular home since the death of my wife; I think I was on Hill's place.

Q. Did you rejoice at the success of the Rebels? A. No, sir; I guess I did not.
Q. Don't you know you did? A. No, sir; I know nothing of the kind.

Q. What church do you belong to? A. The Catholic Church, when to any at all.
That will do, sir, I have no more questions to ask you.

By Col. Burnett.—Q. How long since you belonged to the Catholic Church? A. No; for seven years, sir.
Q. You only occasionally belonged to the church, eh? A. Well, that's all.

TESTIMONY OF MR. REYBOLD.

Q. Have you visited Ford's Theater since you were upon the stand? A. Yes, sir, I have.
Q. Did you examine the keepers of the locks of boxes numbers 7 and 8? A. Yes, sir.

Q. State the condition in which you found them? A. Box 8 had been forced and the wood was split; box 7 was also forced; you could put the screws in and out of box 8; the keeper is forced aside.

Q. State whether or not it was done by force applied to the outside of the door?
TESTIMONY OF MR. PLANT.

Q. State your residence and occupation? A. I am a dealer in furniture; at present my residence is at No. 350 G-st., between Ninth and Tenth-sts., Washington City.

Q. Have you ever been engaged at any time in cabinet work? A. For the last fourteen years, more or less.

Q. Have you visited Ford's theater to-day? A. I have.
Q. State whether you examined the keepers on the private boxes, and if so what boxes? A. Yes; boxes 7 and 8, and to all appearance, they had both been forced open; No. 7, I could pull the screws out and push them in with my thumb and finger; in box No. 4, directly under, the keeper is gone entirely.

Q. State whether or not, according to your professional opinion the keeper of boxes seven and eight were made loose by an instrument or by a force applied from the outside? A. I should judge, sir, by force from the outside.

Q. State whether you noticed a hole in the wall in the passage which leads into the boxes? A. Yes, sir.
Q. State whether it had the appearance of its having been covered? A. Yes, sir, it has been, but I could not say with what, there being no remnant left.

Q. Did you notice a hole in either of the doors of the boxes. A. Yes, sir; in the door of box No. 7.
Q. What size? A. Not more than a quarter of an inch in diameter; it is larger on the outside than in the inside—sort of wedge-shaped.

Q. Could you tell how that was made? A. I should judge with some instrument; one part feels as if it was made with a knife, at the right hand side, and the bottom of the hole, and another looked as if made with a gimlet, one part feels rough as if made by the withdrawing of the gimlet after the hole was bored.

Q. Do you think that a gimlet was used in making the hole? A. Yes, sir; something of that sort; but it might have been made with a knife.

TESTIMONY OF MR. SMOOTH, WITNESS FOR THE PROSECUTION.

Q. State where you reside. A. In Prince George County.
Q. How near Surrattville? A. About one mile.

Q. Are you acquainted with a man named Jenkins, a brother of Mrs. Surratt? A. Yes, sir; I know two of her brothers.

Q. Do you know the one who has testified in this case, J. Jenkins. A. Yes, sir.
Q. State what position he has occupied toward the Government during the Rebellion? A. During the first year, he was looked upon as a Union man; after that he was looked upon as a secesh sympathizer.

Q. Do you know Mr. Nott? A. Yes.
Q. Did you have any conversation with him on the Saturday succeeding the murder? A. I had.

Q. State what it was? A. I met two young men connected with Gen. Angel's office, and one of them told me Surratt was supposed to be the man who cut Mr. Seward, and I asked Mr. Nott if he could tell me where Surratt was; he said he thought he was in New-York by that time; I asked him why that was, and he said "My God, John Surratt knows all about this, and do you suppose he is going to stay in Washington, and let them catch him?" "I could have told you this thing was going to happen six months ago," then said he, "Keep that in your skin, for if you would mention it it would ruin me."

Q. What was Nott's attitude to the Government? A. I have heard him speak against the Government and denounce the Administration in every manner and form, and heard him say that if the South didn't succeed he did not want to live another day.

[In a long cross-examination the witness simply repeated his testimony in chief.]

TESTIMONY OF MR. ROOY.

Q. State where you reside? A. In Prince George County.
Q. How far from Surrattville? A. Three or four hundred yards.

Q. Are you acquainted with J. B. Jenkins? A. Yes, sir.
Q. How long have you known him? A. Since 1861.

Q. State to the Court whether you held any position under the Government? A. I was appointed an enrolling officer on the 12th of June, 1863.

Q. State to the Court what the reputation of Jenkins is or has been since 1861 with reference to loyalty? A. I never heard but one opinion and that is that in 1861 he was looked upon as a Union man, and after that time as a sympathizer with the South.

Q. Has he been in the attitude of a talker against the Government? A. Yes, sir, since 1862.

Cross-examination.—Q. Were you a member of Foxe's Company in 1861? A. No, sir; I was a member of another company.

Q. You state that up to 1862 Jenkins was regarded as a Union man? A. Yes, sir; I saw him between the 9th of April, 1861, and the 9th of July; he was begging money for a Union man's family whose head had been killed; the next time I saw him was at my house, and he was then opposed to the nominees of the Union party.

Q. What have you heard of Jenkins since 1862? A. I have been living near Surrattville since September, 1863, and have seen Jenkins nearly every day; he was then a talker against the Government, and at the election at which we voted for the Constitution, he said he had been offered office under the damn Government; he would not hold office under such a God d—d Government.

Q. What Government? A. The Government of the United States.
Q. What do you mean by the Government? A. The laws, the Constitution and the enforcement thereof.

The Court here adjourned till ten o'clock to-morrow morning.

Resume of Friday's Evidence.

WASHINGTON, Friday, June 2, 1865.

Several witnesses were called to show that Spangler was at his boarding-house in Washington a day or two after the assassination.

Thomas J. Reynolds, employed at Ford's Theater, testified that about two weeks before the assassination, Booth occupied box No. 7, adjoining that in which the President was subsequently shot.

On the 7th of March the witness, not being able to find the key, broke open box No. 7, in order to admit a gentleman with his company.

Two witnesses, employed at the theater, had exhibited to them the rope found in Spangler's carpet-bag. They said it resembled similar rope used in the theater, but could not say positively it was the same.

Miss Margaret Branson testified that she first met Payne at Gettysburg, immediately after the battle; Payne was in witness's ward, where he was very kind to the sick and wounded.

Mr. Doster claimed the foundation for proposing Payne's insanity had already been laid by the prosecution; and the crime, in its inception, the manner in which it was carried out, and the action of Payne, both before and since his arrest, went to show insanity.

Mr. Doster detailed the circumstances attending the attempt to kill Secretary Seward in support of his plea.

Dr. Nichols, Surgeon-in-Chief of the Government Insane Asylum, was called for the accused. If, he said, a man attempts to murder a sick man in bed, whom he had not before seen, and assaults four others in the same house, witness would suspect him to be insane; and also if he remained talking with a servant for five minutes; but if he cried out after committing the deed, "I'm mad, I'm mad," witness would suppose that this was feigning madness; madmen seldom say they are mad; if he would abandon his horse, wander in the woods, and make his way to a house which he would suspect to be guarded, witness would suppose he was indifferent to the consequences.

During the recess hour Miss Anna Surratt entered the court-room and took a seat near her mother. She was dressed in deep mourning and her eyes had the appearance of being heavy with grief. She occupied the same seat during the afternoon proceedings, being just below the raised bench occupied by her mother. The sorrowful eyes of the mother were almost constantly bent on her daughter with a look of indescribable yearning.