

THE ASSASSINATION.

THE TRIAL ON TUESDAY.

HIGHLY IMPORTANT TESTIMONY

How Jeff. Davis Received the News of the President's Murder.

HIS REMARKS ON THE OCCASION.

He Thinks Andy Johnson and Sec'y Stanton should have been Assassinated.

A Complimentary Allusion to the President

Damaging Testimony Concerning Spangler.

CONFEDERATE OFFICERS ON THE STAND

AN AFFECTING SCENE

Testimony of Mrs. Surratt's Daughter.

Special Dispatch to The N. Y. Tribune.

WASHINGTON, Tuesday, May 30, 1865.

The proceedings in the conspirators' trial today were more interesting than important. The crowd was greater than ever before.

Among the witnesses were Major-Gen. Johnson of the Rebel army, and a brother and daughter of Mrs. Surratt. Miss Surratt was dressed in deep mourning, like her mother, and was quite haughty and had an air of insulted dignity at first, but gradually softened beneath the Judge-Advocate's cross-examination, until, on going from the stand, she cried out with much feeling, searching every part of the room, "Where is she—where is my mother?" Mrs. Surratt kept her head down, and the daughter only caught a glimpse of her on passing out. She is a young lady of perhaps twenty and has a weary, anxious look. On entering and leaving the court-room she carefully kept her skirts from touching the Yankee officers.

The testimony for the defense, except in the case of Dr. Mudd, seems to be very weak.

The counsel for the accused expect to submit all their evidence this week, that the summing up on the part of the Government may commence next Monday.

To the Associated Press.

WASHINGTON, Tuesday, May 30, 1865.

Visitors of both sexes continue to crowd the Court-room almost to suffocation.

John B. Hubbard, John E. Roberts and Charles E. Fellows, of Col. Baker's detective force, are in attendance, enforcing order and courteously attending to their appropriate duties.

The record of the previous day having been read, the prosecution proceeded to call three witnesses, the remaining being for the defense. Their testimony was as follows:

EXAMINATION OF LEWIS F. BATES.

By Judge-Advocate Holt—Q. State where you reside? A. In Charlotte, N. C.

Q. How long have you resided there? A. A little over four years.

Q. In what business have you been engaged during the past year? A. I have been engaged as Superintendent of the Southern Express Company for the State of North Carolina.

Q. State whether or not you saw Jefferson Davis recently at Charlotte, N. C., and under what circumstances? A. He stopped at my house on the 19th of April last.

Q. Did he make an address to the people on that occasion? A. He did—on the steps of my house.

Q. State whether or not in the course of that address, or toward the close, a telegram was received by him announcing the assassination of the President of the United States? A. It was.

Q. From whom? A. From John C. Breckinridge.

Q. Did he or did he not read that telegram to the crowd? A. He did.

Q. Look at that, (exhibiting to witness a telegram), and see whether it is the same dispatch? A. I should say that it was.

[The dispatch was then read as follows:]

GREENSBOROUGH, April 19, 1865.

His Excellency President Davis, President Lincoln was assassinated in the theater, in Washington, on the night of the 14th inst. Seward's house was entered on the same night, and he was repeatedly stabbed and, possibly, mortally wounded.

JOHN C. BRECKINRIDGE.

Q. State what Jefferson Davis said after reading this dispatch to the crowd, and endeavor to recollect his precise language? A. Upon the conclusion of the speech to the people he read this dispatch aloud, and made this remark: "If it were to be done, it were better that it were well done."

Q. You are sure those are the words? A. Those are the words.

Q. State whether or not, in a day or two afterward, Jeff. Davis, John C. Breckinridge and others were present at your house in Charlotte? A. They were.

Q. And the assassination of the President was the subject of conversation? A. A day or two afterward that was the subject of their conversation.

Q. Can you remember what John C. Breckinridge said? A. In speaking of the assassination of President Lincoln, he remarked to Davis that he regretted it very much; that it was unfortunate for the people of the South at that time; Davis replied: "Well, General, I don't know; if it were to be done at all, it were better it were well done; and if the same were done to Andy Johnson, the beast, and Secretary Stanton, the job would then be complete."

Q. You feel confident that you recollect his words? A. Those are the words used.

Q. State whether or not the regret which John C. Breckinridge expressed at the assassination was because of its criminality, or simply because it was unfortunate for the people of the South at that time? A. I drew that conclusion.

Q. Was there any remark made as to the criminality of the act? A. No, sir; he simply remarked that he regretted it as being unfortunate for the South.

Q. Of what State are you a native? A. Of Massachusetts.

EXAMINATION OF J. C. COURTNEY.

Q. Where do you reside? A. At Charlotte, N. C.

Q. In what business were you engaged there? A. In the telegraph business, in connection with the Southern Express Company.

Q. Look at the telegraph dispatch of which Mr. Bates has just spoken, and state whether or not it passed over the wires at the date indicated? A. Yes, sir, that is a true copy of the message telegraphed on the 19th of April last to Jefferson Davis.

Q. From what point? A. From Greensborough, and signed by John C. Breckinridge.

Q. This dispatch was sent from the office to Jefferson Davis at Charlotte? A. When the message was received he was en route to Charlotte. It was delivered to him at Mr. Bates's house in Charlotte.

[Judge-Advocate Holt then stated that inasmuch as the counsel for the prisoner, Spangler, had not as yet opened the case for the defense, he desired to call another witness for the prosecution in regard to that prisoner. No objection being made the following witness was called:]

EXAMINATION OF JACOB BITTERSPECH.

By Assistant Judge-Advocate Bingham—Q. State whether you were a carpenter at Ford's Theater down to the 14th of April last? A. I was.

Q. Were you present on the night of the 14th when the President was shot? A. I was.

Q. Which box in the theater did the President occupy that night? A. It was on the left hand side of the stage—the right hand side as you come in from the front.

Q. When the shot was fired did you hear anybody cry stop that man? A. I did.

Q. State where you were and what you did when you heard the cry stop that man? A. I was standing on the stage, about the center, behind the scenes, when somebody cried out the President is shot; then I saw a man running across the stage toward the back door; he had a knife in his hand; I ran to the east entrance, and as I came up to him he grabbed for me, and struck me with his knife; I jumped back; he then ran out and slammed the door shut; then I went to open the door, and found it was fast; could not get it open very readily; at that time somebody cried out "which way," and I answered "this way;" then I got out, but the man had got on his horse and gone down the alley; I then came in, and met Spangler.

Q. What Spangler? A. Edward Spangler, the prisoner, and he kind of slapped me on the mouth with his open hand, and said: "Don't say which way he went;" I asked him what he meant by slapping me on the mouth, and he said "for God's sake shut up," that was all he said.

Q. When you went out that door had anybody else except the man with the knife gone out before you? A. I did not see anybody.

Q. Did anybody go out after you? A. Yes, but I do not know who it was.

Q. Did you leave the door open when you ran out? A. Yes, sir.

Q. What was your business on the stage? A. My business was to shove wings.

Q. State what sort of a man, if any, went after you? A. I thought he was a tall, pretty stout man.

Q. Do you know him? A. No, sir, I did not notice him particularly.

Q. When you came back into the theater was the door open or shut? A. It was open.

Cross-examined by Mr. Ewing—Q. State where you were standing when you heard the pistol fired. A. In the center of the stage.

Q. Where was Spangler then? A. He was about in the same place, just about where we shoved off the scenes; he was standing there, and seemed to look pale.

Q. You are certain you both stood there when the pistol was fired? A. Yes, sir.

Q. Did you know that the pistol had been fired immediately after it happened? A. Not right away; I did not know what had happened until I heard somebody halloo: "Stop that man; the President is shot!"

Q. When you came back whereabouts was Spangler? A. At the same place where I left him.

Q. Was there a crowd there? A. The actors were there and some strangers; there were some women standing there belonging to the theater; I do not know their names.

Q. Do you not know one of them? A. I do not know any of their names, not having been acquainted with them; I had been there only four weeks.

Q. Did any one of them take any part in the play that night? A. Yes, sir, some of them did.

Q. What parts did they take? A. I do not know what parts, but one they used to call Jennie.

Q. How close was she to you when Spangler struck you? A. About three or four feet.

Q. She heard Spangler state the words you have given? A. I do not know.

Q. He said it loud enough for her to hear? A. Not so very loud.

Q. He said it in the usual tone? A. Yes, sir; he looked scared and kind of crying.

Q. Did you hear the people crying "Burn the theater"? A. No, sir; I just heard them hollering "Hang him!" "Shoot him!" that was all I heard.

Q. You mentioned what Spangler did and said to you to several persons since then? A. Yes, sir; I do not know; I think I told some detectives that came there.

Q. Did you tell either of the Messrs. Ford? A. No, sir; I told Gifford.

Q. What did you tell Gifford that Spangler said? A. I told him Spangler said I should not say which way he ran.

Q. When did you tell Gifford? A. The same week, I think, that I was released from Carroll prison—the week before last.

Q. Do you not know what they called the detective whom you told? A. No, sir; he had black whiskers and a very heavy mustache, and weighed about 140 pounds.

TESTIMONY OF THOMAS C. NOTT.

By Mr. Aiken.—Q. Where do you reside and what is your occupation? A. I reside in Prince George County, and have been attending bar at Mrs. Surratt's place for Mr. Lloyd.

Q. Did you see Mr. Lloyd on the 14th of last April? A. Yes, sir; I saw him on the morning of that day, and also just before sunset.

Q. What was his condition at that time? A. He was pretty tight when I saw him; he was going round to the kitchen in a buggy; he had been to Marlborough and was carrying round there some fish and oysters; I did not see him when he came back, and the next I saw of him he was fixing a buggy; Mrs. Surratt was in.

Q. Had he been for weeks before drinking a good deal? A. Yes; he had been tight pretty nearly every day and night too.

Cross-examined by Judge Bingham.—Q. Did you see him tie the buggy for Mr. Surratt? A. With assistance he did; I do not know whether Mr. Lloyd, Mr. Weichman or Capt. Gwynn tied it; they were all there; I was not present at the buggy; saw them fixing it, and that is all I saw; I was across the street, returning from the stable.

Q. And do you know how light a man is by looking across the street? A. No; I was with him after that nearly all night.

By Mr. Campbell.—Q. Do you or do you not know whether Mr. Lloyd attended court at Markborough that day? A. He did.

Q. Where did you first see him that evening? A. Driving around to the kitchen; he came around to the front of the house while Mrs. Surratt was there.

Q. Did you hear any conversation that took place between Mr. Lloyd and Mrs. Surratt? A. I did not.

Q. How close were you to the buggy? A. Probably 15 or 20 yards off.

By Judge Bingham.—Q. What Capt. Gwynn was that who was at Mrs. Surratt's buggy? A. Capt. Bennett Gwynn.

Q. Do you not recollect that he had gone before Mrs. Surratt came? A. I do not recollect anything of that kind.

TESTIMONY OF J. S. JENKINS.

By Mr. Aiken.—Q. Where do you reside? A. In Prince George County.

Q. Were you or were you not at Surrattsville on the 14th of April last? A. I was.

Q. Are you acquainted with Lewis J. Weichman? A. Yes.

Q. Were you at Surrattsville at the time he drove up to the house with Mrs. Surratt? A. Yes.

Q. Did Mrs. Surratt or not at that time show you a letter? A. She did, from George Calvert.

Q. Did she show you any other papers? A. She showed two judgments obtained by Chas. B. Calvert, in the Circuit Court of our county, against Mrs. Surratt.

Q. Did you know of your own knowledge whether that business brought Mrs. Surratt to Surrattsville that day? A. I only know she showed me this letter and judgments.

Q. Did you transact any business for Mrs. Surratt that afternoon? A. I made the interest out on the judgments.

Q. Did she express to you during her entire stay at Surrattsville that afternoon any wish, desire or purpose to see John W. Lloyd? A. She did not.

Q. Where you at the place when Mr. Lloyd drove up? A. Yes.

Q. What was his condition at that time? A. He was very much intoxicated.

Q. Was Mrs. Surratt upon the point of going away when Mr. Lloyd drove up? A. Yes, she had been ready to start for some time before Lloyd drove up; she had business with Capt. Gwynn, and when he came she went back and stopped.

Q. At what time did you leave? A. About sundown, I judge.

Q. Had you during the last year or two been on terms of intimacy with Mrs. Surratt? A. Yes, sir.

Q. Have you in all your intercourse with her heard her breathe a word of disloyalty to the Government? A. Not to my knowledge.

Q. Have you at any time ever heard her make any remark or remarks showing her to have a knowledge of any plan or conspiracy to assassinate the President or any member of the Government? A. No, sir.

Q. Have you ever heard her mention at any time any plan for the capture of the President? A. I have not.

Q. Have you been frequently at the house of Mrs. Surratt when Union troops were passing? A. Yes, sir.

Q. From your personal knowledge of the transactions then and there, can you state whether or not she was in the habit of giving them milk, tea, and such other nourishment as she had in the house? A. Yes, frequently.

Q. Was she in the habit of receiving pay for it? A. Sometimes she did, and sometimes she did not.

Q. Do you recollect on or about the time of a large number of horses escaping from Giesborough, whether or not any of them were taken up and put on her premises? A. Some of them, I disremember how many.

Q. Were those horses fed and kept by her or not? A. Yes.

Q. Were they all given up? A. Every one.

Q. Do you know whether she took a receipt for them? A. She received a receipt, but never got any pay.

Q. Can you state whether you ever knew Mrs. Surratt to commit any overt act against the Government? A. I never did.

Q. Was it not Mrs. Surratt's constant habit to express warm sympathy for the sick and wounded of our army? A. I do not remember ever hearing her say anything about that.

Q. Do you know of a defective eyesight on her part? A. I have been present when she would be unable to read or sew by gaslight; this has been the fact for several years.

Q. Do you recollect on any occasion of her failing to recognize immediately friends who were near to her? A. I do not recollect any.

Q. Do you or not recollect that on one occasion Mrs. Surratt gave the last ham she had to Union soldiers? A. I do not.

Q. Do you know of a person by the name of A. L. Howell? A. Yes; I have seen him at the hotel, I think, twice.

By Mr. Clampton.—Q. Did you or not meet Mrs. Surratt on the Tuesday preceding the assassination? A. I cannot say on Tuesday; it was a few days before.

Q. When you met her did not you ask her the news, and did not she state in reply that our army had captured Gen. Lee's army? Objected to by Col. Burnett as irrelevant. Mr. Clampton said he desired to show that the prisoner at that time exhibited a loyal feeling in the matter. Col. Burnett replied that the only legitimate means of proving loyalty was to prove her reputation for and acts of loyalty. It could not be proved by her declarations. Mr. Clampton replied that as the Government had endeavored to prove the disloyalty of the accused, he thought it was competent to prove her loyalty. But he would vary his question, and ask the witness what was the reputation of Mrs. Surratt for loyalty? A. Very good.

Q. You have never heard her express any disloyal sentiment? A. No, sir.

Cross-examined by Col. Burnett.—Q. What relation are you to the prisoner, Mrs. Surratt? A. She is my sister.

Q. Where did you reside while she was living at Surrattsville? A. About a mile and a half this side, and I have been residing there since.

Q. Are you now under arrest? A. I am; I was arrested and brought here last Thursday week.

Q. Where were you on the evening of the day previous to your arrest? A. At Lloyd's Hotel.

Q. Did you meet at that place a Mr. Collenback? A. Yes.

Q. Did you have any conversation with him at that time in reference to this trial? A. Yes, sir; we were talking about the trial.

Q. Did you meet a man by the name of Cottingham there? A. Yes; I went there with him.

Q. At the time you met Collenback, what was said about the trial in reference to witnesses summoned against Mrs. Surratt? A. I think I told him I would look at the paper and see.

Q. Anything else? A. Not that I know of; I might have told him that my sister found his family.

Q. What relevancy had that to the conversation? A. I disremember how the conversation commenced.

Q. Did you at that time and place say to Mr. Collenback that if he or any one like him undertook to testify against your sister, you would see that they were got out of the way? A. No, I did not say anything of the kind.

Q. Did you say you would send any man to hell who testified against her? A. I did not.

Q. Did you make any threat against him if he appeared as a witness against your sister? A. No, nothing like that.

Q. State what you did say on that subject? A. I told him I understood he was a witness, and that he was to be a strong witness against my sister, and I told him he ought to be as she had raised his family.

Q. Did you call him a liar? A. I disremember.

Q. Was there any anger exhibited in that conversation? A. I did not mean it if there was.

Q. Did you have any talk about John H. Surratt having returned from Richmond? A. Not to my knowledge.

Q. Did you talk about John H. Surratt going to Richmond, or mention anything about a paper showed you that he had been to Richmond? A. No, I never mentioned John H. Surratt's name.

Q. Did you see the letter found by Mr. Collenback on the bar? A. I did not.

Q. How did you learn that Mr. Collenback was to be a witness? A. Told me himself.

Q. When did you come in that evening? A. I think about 10 o'clock, I went in with Mr. Cottingham.

Q. Did you or not use any threat against Mr. Collenback? A. Not to my knowledge.

Q. Would not you have a knowledge of it if you had? A. I think I ought to have; I do not think I did, only in reference to the public press I told him I would look at his statement.

Q. And if you found in the public press that he had testified against your sister what did you say? A. I do not recollect.

Q. On the evening of the 14th when you saw Mr. Lloyd and Mrs. Surratt and this man Gwynn, how long had you been at Lloyd's house? A. I judge it was about 2 o'clock when I got there, and I stayed until about sundown or a little after.

Q. How many persons did you see there during that time? A. I suppose from 10 to 15.

Q. Did Gwynn leave before Mrs. Surratt did? A. I think he did.

Q. Do you recollect whether he saw Mrs. Surratt on that occasion or not? A. He did see her in the parlor; I went in at the door as he spoke to her.

Q. Who was in there? A. Weichman, I think.

Q. Did you see Gwynn come out? A. I do not recollect that I did; I saw him when he left the house and went home.

Q. Did you hear the conversation between him and Mrs. Surratt? A. No; I did not go into the parlor while they were conversing.

Q. You have been asked here as to Mrs. Surratt's loyalty; what has been your attitude toward the Government during the war? A. Perfect loyalty, I think.

Q. How did you stand when the question of the secession of Maryland was under discussion? A. I spent \$3,000 to hold her in the Union, as everybody in that neighborhood will testify.

Q. Have you never taken part in any way against the Government during the entire war? A. Never, by act, word, aid or sympathy with the Rebels.

By Mr. Aiken.—Q. State if you know for what you are under arrest? A. I do not.

Q. State if you had any conversation with Mr. Collingham about a \$3,000 reward? A. Our Commissioners had offered \$3,000 for any party who would give information on the subject of the assassination; he claimed it for the arrest of Mr. Lloyd, and asked me if I would see the Commissioners and ascertain whether I could get it or not.

Q. When you stated to Callenback that he ought to be a strong witness against your sister because she had brought up his children, did you mean it or did you speak ironically? A. I did not mean it at all.

Q. Is it a fact that Mrs. Surratt did rear that family? A. Partially.

TESTIMONY OF ANN SURRATT.

Q. State your full name to the Court? A. Anna E. Surratt.

Q. Are you under arrest at the present time? A. Yes, sir.

Q. When were you arrested? A. On the 17th of April.

Q. Are you confined in the Old Capitol? Yes, sir; in the Carroll Prison.

Q. Are you acquainted with Atzerodt? A. I have met him, sir, several times.

Q. Where? A. At our house at Washington City.

Q. When did he first come there? A. Some time after Christmas; I think it was in February.

Q. How long did he remain there then? A. He did not stay over night to my knowledge; he used to call sometimes, now and then.

Q. Can you state to the Court from your own knowledge whether or not Atzerodt was given to understand that he was not wanted at the house? A. Yes, sir; mamma said she did not care to have strangers there; but we treated him with politeness, as we did every one who came to the house.

Q. Do you or do you not know of frequent instances in which Mrs. Surratt failed to recognize her friends? A. Yes, sir.

Q. Is she able to read or sew by gaslight? A. No, sir.

Q. Have you not often plagued her about wearing spectacles? A. I told her she was too young-looking to get spectacles yet, and she said she could not see to read without them.

Q. Could she read or see of dark mornings? A. She could read some; but she seldom sewed of a dark day.

Q. Do you know Lewis J. Weichmann? A. Yes.

Q. Was he a boarder at your mother's house? A. Yes, sir.

Q. How was he treated there? A. Too kindly.

Q. Was it or not your mother's habit to sit up and wait for him when he was out late? A. Yes, just as she would for my brother; Weichmann engaged a room for Atzerodt when he came; Weichmann and he used to make private signs to each other.

Q. Did you refer to Atzerodt or Payne? A. To Atzerodt.

Q. At what time did Payne first come to your house? A. He came one night after dark and left early the next morning.

Q. How long was that before the assassination? A. It was after Christmas; not very long after.

Q. How many times did he come there? A. He stayed one night when he first came, and we did not see him again for some weeks after; it was Weichman who brought Payne in then; I went down stairs and told mamma he was there, and she did not understand it, and did not like strangers coming to the house, but to treat him politely, as she was in the habit of treating every one who came there; he called two or three times after that.

Q. Did he ask for accommodations for the night? A. Yes, sir; and he said he would leave the next morning, and I believe he did.

Q. Were you acquainted with Booth? A. Yes, sir, I have met him.

Q. When was he last at your house? A. On the Monday before the assassination.

Q. Do you know whether or not the carriage was at the door ready to go when Booth came? A. Yes, sir, I think it was he who came in and found mamma about to go; she had been speaking about going a day or two before that on a matter of business, and she said she was obliged to go.

Q. How long did Booth remain? A. Not over a few minutes; he never stayed long when he came.

Q. Do you recognize that picture as ever belonging to you? (The picture known in this record as Spring, Summer and Autumn, was then shown to the witness). A. Yes, sir, it was mine; it was given to me by the man Weichman.

Q. Was there any other picture in this frame? A. I put one of Booth's behind it; I went to a gallery with Miss Ward, and while we were there we selected some pictures of Booth, and as we know him we got some of them, but my brother told me he would take them away from me, and so I hid them.

Q. Did you own any photographs of Davis and Stephens? A. Yes, sir, and Gen. Lee and Gen. Beauregard, and a few others; I don't remember them all.

Q. When did you get them? A. Father gave them to me before his death, and I prized them on his account.

Q. Did you have no photographs of Union Generals? A. Yes, sir—of Gens. McClellan, Grant and Joe Hooker.

Q. Do you recollect the last time you saw your brother? A. Yes, sir.

Q. How long was that before the assassination? A. On the Monday before it was two weeks.

Q. Have you seen him since? A. No, sir.

Q. Were Booth and your brother on friendly terms? A. I never asked him; he used to call and see him sometimes; one day I know he said Booth was crazy, and he wished he would not come there.

Q. Where was your brother in 1861? A. At college.

Q. What college? A. St. Charles College.

Q. Was he a student there at that time? A. Yes, sir; but not of divinity.

Q. How long was your brother at that college? A. For three years, but he spent his vacations at home in August.

Q. Miss Surratt did you, at your mother's house at any time, on any occasion, ever hear a word breathed as to any plot, or plan, or conspiracy in existence to assassinate the President of the United States? A. No, sir.

Q. Did you ever hear any remarks made with reference to the assassination of any member of the Government? A. No, sir.

Q. Did you ever hear it discussed by any member of the family to capture the President of the United States? A. No, sir, I did not.—(Where is mamma?)
*By Mr. Ewing—*What year did your brother leave college? A. In 1861 or 1862, the year my father died.—*(Sate voce—*where is mamma?)

Q. What years were you in school in Bryantown? A. From 1854 to 1861 the 26th of July was the day I left.

Q. Did you ever see Dr. Mudd at your mother's house at Washington? A. No, sir.

[The girl kept nervously glancing toward the clock and tapping the stand with her foot impatiently. The counsel, Mr. Ewing, with an evident desire to keep her occupied till the usher came to lead her through the crowd to the witness room, said to her—Is Surrattville on the road between Washington and Bryantown. By this time the usher had arrived and the Court told her that she could go. As she arose she answered the question in the affirmative, adding in a quick sharp voice "Where is Mamma?" Mr. Aiken came forward, and telling her that she would soon see her mamma again, led her on into the ante-room adjoining the Court. The women crowded forward with eager faces and devouring eyes to witness the departure of the sorrow-stricken child from the presence of the Court. As Miss Surratt was leaving the stand a member of the Court handed her a small white handkerchief which she had dropped. She snatched it from him quickly and rudely, without a word of thanks. No cross-examination was had of this witness, and when, with reportorial curiosity, we asked the reason why, the most technical and dry of the Judges-Advocate simply told us that it would have been cruel, the girl having a greater load of sorrow upon her than she could bear.]

TESTIMONY OF LEMENS.
Q. State whether you know Atzerodt? A. I do, sir.
Q. How long have you known him? A. Since he was a boy.
Q. Were you at the house of Hezekiah Mentz on the Sunday after the assassination? A. I was, sir.
Q. Did you see the prisoner there? A. Yes, sir.
Q. Did you have any conversation with him? A. Yes, sir.

Q. State what the conversation was? A. I met Atzerodt at Mentz's between 11 and 12 o'clock on the Sabbath after this affair had occurred, and when first I approached Mr. Atzerodt I said "are you the man that killed Abe Lincoln?" and says he "yes," and then we both laughed; we were joking; "well," says I, "Andrew, I want to know the truth, if it is so, that the President is killed," there was a great excitement in the neighborhood, and I wanted to know; he said "it is so," and that he died on Saturday at 3 o'clock; I went on to ask him if it was so about the Swards—about the old man having his throat cut; he said "yes;" that Seward was stabbed or rather cut at, but not killed; I asked him whether it was correct about Mr. Grant; he said he did not know whether it was so or not, and went to dinner, and at the dinner-table my brother asked him if Mr. Grant was killed, and he said he did not suppose he was, and said if it had been done it was probably by some man who got into the same train or car that he did; I was not in his company over half an hour.

Q. Did you hear him say that if the man who was to follow Grant had followed him, he would have been killed? A. No, he said if Mr. Grant was to have been killed it must have been by a man who got into the same car or into the same train, one of the two.

Q. Was or was not the prisoner during that day very much excited? A. Well, he was confused, or appeared so, at the dinner table, and there was something between him and the young lady that he had been paying his attentions to.

Q. Was he paying his addresses to the daughter of Mr. Mentz? A. Yes, sir, he had been.

Q. Was she or not throwing him the cold shoulder that day? A. Yes, sir; it appeared so.

Q. And he was down in the mouth about it, was he? A. Yes, sir.

Q. Were you with the prisoner all the time he was speaking with Mentz that day? A. No, sir.

Q. He could not at the dinner table have made any remark without your hearing it? A. No, sir.

*By Mr. Burnett—*Q. Did you have any other talk with Atzerodt that day? A. No, sir.

Q. Did not you walk down with him to the stable? A. No, sir; that was my brother.

TESTIMONY OF MR. LEMENS, BROTHER OF THE FORE-GOING WITNESS.
Q. Do you know Atzerodt? A. Yes, sir.
Q. How long have you known him? A. Some 18 months or two years.

Q. Were you at the house of Mr. Mentz on the Sunday after the assassination? A. Yes, sir.

Q. Did you have any conversation with the prisoner then? A. I asked him about Mr. Grant, Mr. Gen. Grant, and asked him if it was so or not; he didn't suppose it was; and then he said if it is so, some one must have got into the same train of cars he did; when me and him were in the yard, after that, he said, "What a lot of trouble I see;" I said, "What have you to trouble you?" he said, "More than I shall ever get shed of;" that was about all that he said.

TESTIMONY OF MRS. M'ALLISTER.
Q. Do you know Atzerodt? A. Yes, sir.
Q. How many years have you known him? A. Only since March last.

Q. State whether or not on the 14th day of March he called at your house and took a drink? A. Yes, sir, about 10 o'clock; I don't know the exact time.

Q. Did you notice whether he was excited or not? A. I did not.

Q. What do you know about his being a coward or a brave man? A. I have heard men say that he would not resent an insult.

TESTIMONY OF W. W. BRISCO.
Q. How long have you known Atzerodt? A. Six or seven years at Port Tobacco.

Q. What is his reputation for bravery? A. He was always considered a man of not much courage.

TESTIMONY OF JAMES KELLER.
Q. State whether you are the proprietor of the livery stable on E-st., near the corner of Eighth? A. Yes, sir; one of them.

Q. State whether or not you let Atzerodt a horse, on the 14th of April, out of your stable. A. Yes; a small bay mare, from 14 to 14½ hands high; he got the horse about 3 o'clock.

Q. Did the prisoner write his name on the slate? A. He did, sir, but my partner rubbed off the contents of the slate a few days after.

Q. Did he write it in a small or large hand? A. In a tolerable hand.

Q. Did he hesitate to put his name down. A. No, sir.

Q. Did you require any reference? A. Yes, sir.

Q. Did he give you any? A. Yes, sir.

Q. Who did he give you? A. A number of persons in Maryland, and some at Port Tobacco.

Q. Any names in Washington? A. Yes, sir.

Q. Who? A. John Cook was one.

Q. Where does Mr. Cook live? A. Right opposite to me.

Q. Did you go there and inquire after Atzerodt. A. Yes, sir.

Q. When was that horse returned? A. I can't say; I did not stay till he returned.

Q. Did he pay for the horse? A. Yes, sir; he paid me \$5.

TESTIMONY OF SAMUEL SMITH.
Q. Are you the stable-boy at Keller's stable? A. Yes, sir.

Q. Did you ever see the prisoner before? A. No, sir.

Q. Were you in the stables on the night of the 14th of April? A. Yes, sir.

Q. Did the bay mare come in that night? A. Yes, sir.

Q. What time? A. To the best of my knowledge at 11 o'clock; we have a clock there, but it isn't going.

Q. What condition was the mare in? A. Pretty much as she was when she went out.

Q. Did she look as if she had been ridden hard? A. No, sir.

Q. Was there no foam on her? A. No, sir.

[Mr. McAllister was here recalled, and having testified that he had seen a pistol and a dirk-knife in the possession of Atzerodt, and that he had kept the same for him one day, he was shown the knife and pistol said to have been found in the alleged coat of Atzerodt, but declared that he was unable positively to identify either; the pistol he knew was not the same.]

TESTIMONY OF MISS HARROLD.
Q. Are you the prisoner's sister. A. Yes, sir.

[The witness was then shown the coat and the handkerchief found on the coat alleged to have been taken from Atzerodt's room; but she could not identify either as the property of her brother.]

TESTIMONY OF CAPT. F. MONROE.
Q. State whether or not you had custody of the prisoners at the bar subsequent to their arrest? A. Yes, sir.

Q. Where? A. On board of the monitors.

[Mr. Dexter then desired to hand into the Court a written request from the prisoner Atzerodt, that his confession to Capt. F. Monroe be admitted. The counsel stated that he was aware that he had no legal right to insist upon this and that he merely made a question for the liberality of the Court to decide.]

*Judge Holt—*I think it is greatly to be deplored that counsel will urge such matters upon this court as they know and admit to be contrary to law.

[The Court then decided that the confession should not be received, and Capt. F. Monroe was therefore dismissed from the stand. Charles Sullivan, Ex-Governor Farwell and others were then called on the part of the defense, but they not being present the Court adjourned till 10 o'clock to-morrow morning.]

Resume of Tuesday's Proceedings.

WASHINGTON, Tuesday, May 30, 1865.

Lewis F. Bates was this morning examined for the prosecution, and testified substantially as follows:

Have resided at Charlotte, N. C., for the last four years; Jefferson Davis stopped at my house on the 19th of April, and made an address from the steps; Davis received and read to the crowd a telegram from Gen. Breckinridge, dated Greensborough, April 19, as follows:

"President Lincoln was assassinated in the theater on the night of the 14th instant. Secretary Seward's house was entered on the same night, and he was repeatedly stabbed and is probably mortally wounded."

The witness said that after reading this dispatch to the crowd, Davis said: "If it were to be done it were better it were well done." The day after Breckinridge and Davis conversed in the house of the witness on the subject of the assassination, Breckinridge remarked to Davis that he regretted it very much; it was unfortunate for the people of the South at the time; the regret seemed to be because of sympathy for the South, and not because of the criminality of the act; Davis replied, "Well, General I don't know. If it were to be done at all it were better it were well done; and if the same were done to Andy Johnson, the beast, and Secretary Stanton, the job would be complete."

J. C. Courtney, a telegraph operator, testified that the telegram in question passed over the wires.

Jacob Kitterspauigh testified that he was employed in Ford's Theater when the President was shot; he saw the assassin run across the stage, and followed him; he found the door hard to open; when witness returned, Spangler struck him, saying: "For God's sake don't say which way he (Booth) went!" Witness was called for Harrold, and said he had always been regarded as a light and trifling boy, and easily influenced; he was temperate and regular in his habits.

The Rebel Gen. Edward Johnson was called by the defense. Gen. House said Johnson was educated at the United States Military Academy; it was a well known condition precedent to an officer's receiving his commission that he must take the oath of allegiance; that it was notorious that Johnson had borne arms against this Government, and came here with hands red with the blood of his loyal countrymen. To offer him as a witness was an insult to the Court, and he moved he be ejected.

Gen. Ekin was glad the motion had been made. The introduction of such a man as the witness was the height of impertinence.

Mr. Aiken, of the counsel for the defense, said the Confederate officer Jett had already appeared as a witness for the Government, therefore no disrespect was intended by introducing this witness.

Judge Holt and others spoke, when Gen. Howe withdrew his objection.

Gen. Johnson then testified that he is acquainted with a man representing himself as Von Steinecker, who was a private in the 2d Virginia infantry; he never heard of a secret meeting such as that to which Ven Steinecker testified, having in view the assassination of the President; he never heard such a thing spoken of as desired; he never saw Booth in his camp, or heard of him till the assassination.