THE ASSASSINATION.

THE TRIAL ON TUESDAY.

HIGHLY IMPORTANT TESTIMONY

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

REMARKS ON THE OCCASION.

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

A Complimentary Allusion to the President

Testimony Concerning Damaging Spangler.

CONFEDERATE OFFICERS ON THE STAND

AN AFFECTING SCENE

Destimony 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 poftened 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. The course of the court-room she carefully kept her skirts from touching 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.

The defense, or commence the 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

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

John B. Hubbard, John E. Roberts and Charles E. Fallows, 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?

In Charlotte, N. C.
Q. How long have you resided there? A. A little were four years.
Q. In what business have you been engaged during the past year? A. I have been engaged as Superintendant of the Southern Express Company for the State of North Carolina.

ant of the Southern Express Company for the State of North Carolina.

Q. State whether or not you saw Jefferson Davis resulty 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 ocasion? 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 trowd? A. He did.

Q. Look at that, (exhibiting to witness a telegram).

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.

say that it was.

[The dispatch was then read as follows]:

[The dispatch was then read as follows]:

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

John C. Breckinkinger.

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."

C. You are sure those

The people of the stand that the time termark: "If it were to be done, it were better that it were tend done,"

C. 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?

Q. Can you remember what John C. Breckinridge and?

Q. Can you remember what John C. Breckinridge and?

A. In speaking of the assassination of President was the subject of their conversation.

Q. Can you remember what John C. Breckinridge and?

A. In speaking of the assassination of President was the subject of their conversation.

Q. When 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 hallow: "Stop that man; the President is shot!"

Q. When you came back where abouts was Spangler?

A. At the same place, just about where we shoved off the same place, just about where we shoved off the sense; he was standing there, and seemed to look pale.

Q. You are curtain you both stood there when the pistol had been fired immediately after it happened? A. Not right away; I did not know what had happened until I heard somebody hallow: "Stop that man; the President is shot!"

Q. When you came back where abouts was Spangler?

A. At the same place, just about where we shoved off the scenes; he was standing there, and seemed to look pale.

Q. You are curtain you both stood there when the pistol had been fired immediately after it happened? A. Not right away; I did not know what had happened until I heard somebody hallow: "Stop that man; the President was; I did not 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 hallow: "Stop that man; the President was; I did not know their names.

Q. You feel confident that you recollect his words?

A. Those

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

EXAMINATION OF JACOB RITTERSPACH.

By Assistant Judge-Advocate Bingham—Q. State
whether you were a carpenter at Ford's Theater down
to the lath 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.

stage—the right hand side as you come in from the front.

Q When the shot was fired did you hear anybody any 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 you heard the cry stop that man? A. I was standing not he 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 at me with his knife; I jumped back; he then ran out and sammed the door shn!; 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 get out, but the man had got on his horse and gone down the alley; I then came in, and met Spangler.

Q. What Spangfer? 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 saked 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

said.
Q. When you went out that door had anyhody 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. 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-cramined by Mr. Eving—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. He said it lond 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 i"Burn the theater?" A. No, sir; I just heard them hollering "Hang him!" "Shoot him i" 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.

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

Proof 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.

New York Daily Tribune Wednesday, May 31, 1865 page 1

Q. Can you recollect anybody else to whom you told it? A. I might have said something about it at the table in the house where I board.
Q. Did you see Booth open the door? A. Yes, sir.
Q. Did you see him shut it? A. No, sir.
Q. How close to you was the big man who ran out after you? A. He might have been five or six yards from me when I heard him or somebody holler out, "Which way?" I have not seen that man since.
Q. How long was it before you came back to where Spangler was standing? A. It might have been two or three minutes.

Q. And he was crying? A. He looked so; he seemed

Scared.
Q. What did you say to him before he spoke to you, as you have stated? A. I did not say anything.
Q. Were you at supper with Spangler the night before the assassination? A. Yes, sir; we boarded together.

EVIDENCE CORRECTED.

EVIDENCE CORRECTED.

(Robert Martin, a witness for the defense, being recalled, stated that he was mistaken in that portion of his testimony of yesterday referring to the visit of the prisoner, Dr. Samnel A. Mudd, to his house on the 4th of April. It was Jere. T. Mudd, not the prisoner, who visited him, and the date was the 11th instead of the 4th of April. The witness further stated that the prisoner, in company with Jere. T. Mudd, called on him while he was in market at Washington on the 24th of December last; that he saw the prisoner again on the 23d of March, in company with Mr. L. Gardner, on the occasion of those gentlemen stopping over night at his house, and that he didn't recollect seeing him on any other occasion.] other occasion.]
EXAMINATION OF JOHN DYER.

EXAMINATION OF JOHN DYER.

[Jerry Dyer, a witness for the defense, being called, stated that he had never gone into Virginia. He intended to say he had not crossed the Potomae since 1861—but did go to Richmond, Virginia, at that time, with the party who had been sleeping in the pines.]

By Assistant-Judge-Advocate Bingham—Q. Who were the parties whom you accompanied to Richmond at the time of which you speak? A. Benjamin Gwynn and Andrew Gwynn.

Q. That was after the Rebellion commenced? A. Yes, sir.

Yes, sir.

Q. Did you see Jefferson Davis while you were in Richmond? A. I did not; I never spoke to him in my life; I remained in Richmond only about a week, and did not neet with any of the officials of the Rébel organization there except Taylor, to whom I went to get

ganization there except Taylor, to whom I went to get a pass.

Q. What business took you to Richmond? A. I went there to avoid arrest.

Q. You preferred to fall into the hands of the enemy?

A. I regretted very much the necessity of going there.

Q. To what pines do you refer in your testimony?

A. To the pines about Dr. Mudd's house.

Q. Did you sleep in the pines at night? A. Yes.

Q. Who fed you? A. Dr. Samuel A. Mudd. [Mr. Ewing objected to a further examination of this witness, as all these facts had already been stated by him in his examination in chief. Gen. Hunter inquired whether the witness had not sworn he was a loyal man, and had been such from the beginning of the Rebelion?

Q. Did you not belong to an organization hostile to the Government of the United States? A. I belonged to a cavalry company.

the Government of the United States? A. I belonged to a cavalry company.

Q. Was it not the purpose of that organization to stand by the State of Maryland in any position she might take, loyal or disloyal? A. That I do not know.

Q. Did you not publicly proclaim yourself in favor of the secession of Maryland? A. Not that I am aware of: I may have done it.

By Mr. Ewing.—Q. State whether, when you went to Virginia, you entered into the Confederate service?

A. I did not; I did not go for that purpose.

Q. State whether, when you returned, you took the oath of allegiance? A. I did.

Q. State whether you have done any act to aid or encourage the repetition since taking that oath? A. I have not that I am aware of.

By Mr. Bingham.—Q. When did you take this oath of

By Mr. Bingham—Q. When did you take this oath of allegiance? A. In 1861; I am not positive as to that; I know it was a short time after I returned.
Q. Who administered the oath of allegiance? A. One of the Lieutenants or Captains at Gen. Hooker's camp.

of the Lieutenants or Captains at Gen. Hooker's camp.

EXAMINATION OF MR. GARDNEE.

By Mr. Ewing—Q. State whether you know the prisoner, Dr. Samuel A. Mudd? A. I do.
Q. State whether he has ever said anything to you about offering his land for sale, and if so, when? A. I have heard him on several occasions during the past two years state that he wanted to sell out.
Q. Were you at church in the neighborhood on the Sunday after the assassination? A. Yes, sir.
Q. Was the fact of the assassination of the President then known and talked about at the church? A. Yes, sir. I think it was generally known.

Q. State whether the name of the assassin was generally known.
A. I think not.

Q. Did you see Dr. Mudd there? A. Yes, sir. Q. State whether you heard Dr. Mudd say anything as to how be regarded the assassination. Assistant-Judge-Advocate Bingham objected to the question. Mr. Ewing said he had again brought this question before the Court for the purpose of calling their attention specially to the character of the declaration; he expected to prove that Dr. Mudd spoke of the assassination as an atrocious and revolting crime, and a terrible calamity to the country; and he spoke of it generally among his neighbors at the church in that way. The prisoner was charged with a concealment of the fact of these two men being at his house, which was a concealment extending over Sanday; and his declarations showing his feelings with reference to the crime during the time he was alleged to have been acting accessory to it were admissable. The objection of the Judge-Advocate was sustained and the question was not put. Mr. Ewing then stated that he had no further examination of the winess to make.

EXAMINATION OF JOSHUA J. NAYLOR.

of the Wilness to make.

EXAMINATION OF JOSHUA J. NAYLOB.

By Mr. Stone—Q. Where do you reside? A. I reside
in the Eighth Election District of Prince George

In the Eighth Election District of Trince Goodge
County.

Q. State whether you know the general reputation of
Daniel G. Thomas for truth and everacity? A. I know
his general reputation in that respect pretty well, both
from report and observation; it is bad.
Q. From his general character for truth and veracity
would you believe him on his oath? A. From my own
knowledge of the man, I would not.
Q. How long have you known Thomas? A. Since he
was a small boy.
Q. Did you know his general character for truth and
veracity before the war? A. I have known him all the
while; I never heard him spoken well of at any time;
his reputation was that he never told the truth when a
lie answered his purpose better.

Cross-ezumined by Judge-Adoccate Holt—Q. Did you
ever know of Mr. Thomas speaking falsely when under
oath? A. Not under oath; I never knew him to be
sworn.

oath? A. Not under oath; I never knew him to be sworn.

Q. Did you ever hear it charged upon him that he swore falsely? A. I do n't know that I ever did.

Q. The reputation of which you speak is that he talks idly, extrawagantly and unreliably, but that reputation does not extend to any statements he would make under oath? A. I never heard that he had been charged with swearing falsely.

Q. Is he not reported to be an honest and loyal man in his neighborhood? A. Well he is sometimes one thing and sometimes the other, just as the prospects of either side vary.

Q. Have you been loyal yourself since the Rebellion?

A. I have.

Q. Have you constantly desired that the Government should succeed in suppressing the Rebellion? A. Always.

in some things, but in his moral character I saw nothing to find fault with in him; he was temperate in his habits and regular in his hours.

Q. State whether he was or was not in his general character more of a boy than a man? A. I think so.

Q. State whether or not he was easily influenced or persuaded by any one around him? A. I should think he was more easily than boys or young men of his age; he was boyish in many respects.

By Judge Holt—Q. What do you suppose to be his age? A. About twenty-two years.

TESTIMONY OF JAMES NOKES.

By Mr. Stone—Q. Where do you reside? A. I have lived at the Navy-Yard in this city since 1827.
Q. Do you know the prisoner Harrold? A. I have known him from his birth; about twenty-two years, I

Q. Have you seen a good deal of him? A. I have been intimate in his family about eighteen or nineteen

Q. How large a family? A. Seven or eight; he was

Q. State what is his general character for boyishness; whether he was easily persuaded or led away? A. I have always looked apon him as a light, trifling boy of very little trustworthiness.

have always looked apon nim as a right, criming beyovery little trustworthiness.
Q. Is he or not easily influenced by any one around him? A. I should think he was.
Q. More so than the generality of young men of his age? A. Yes, I am certain of that.
Q. Would he be especially liable to be led away by any one of fascinating address? A. I have never heart him enter into any argument with any one; all of his conversation that I have heard has been of a light and trifling character.

TESTIMONY OF WILLIAM H. KIELATZ. TESTIMONY OF WILLIAM H. KIELATZ.

By Mr. Some—Q. Where do you reside? A. I have lived in this city for 15 years.

Q. State whether you know the prisoner Harred well? A. I do.

Q. Have you known him all that time? A. Yes, for the control of the co

Q. Have you known him all that time? A. les, or nearly 13 years.
Q. State whether you saw him during the month of February last? A. I think I did.
Q. How often? A. I could not say how often I was at home; I live next door to his father's, and have of casionally seen him in the yard morning and afternoon I suppose I saw him every one, two, three, four or five days.

Q. State whether or not he is of triging characte and easily persuaded? A. I believe he is; I saw hin very often in boys' company; should think he was mor of a boy than a man; he never associated with me of a lat all.

TESTIMONY OF EMMA HARROLD.

By Mr. Stone.—Q. State whether you are the sisted of the prisoner David E. Harrold? A. I am.
Q. State whether he was at home on the 15th of February last. A. Yes, I remember it from the fact of sending a valentine to him which he received on the 15th.
Q. Had you any talk with him in reference to that valentine on the 15th? A. No, but my sister had.
Q. State what is the next date you can fix and at which he was at home? A. The 19th; I remember that date by the fact that I brought a pitcher of water up stairs; he met me in the hall and wanted I should give it to him; I would not give it to him and he tried to take it from me; I held on to it and it was split over us; that was the Sunday morning after St. Valentine's Day, Q. And yon do not remember his being at home between these times? A. He was at home; but I cannot fix the day.

A. There.
Q. Have you constantly desired that the Government should succeed in suppressing the Rebelion! A. Always.

[In reply to some further questioning witness testified further his ground for suspecting the loyalty of Mr. Thomas; at particular times they were based upon what that person had told others; that, personally, he was perfectly friendly with Mr. Thomas, their residences being near each other; he had no private or public differences with that gentleman, and that the repation of Dr. George Mudd as a loyal man and a supporter of the Government, was universal in that neighborhood.]

EXAMINATION OF WILLIAM A. MUDD.

By Mr. Stone—Q. Do you know Dr. Samuel A. Muddt.
A. I do.
Q. How far do you live from him! A. About a mile and a bail.
Q. State whether at any time last year you saw a Capt. White from Tennessee, or Lieut. Perry, at or about Dr. S. A. Mudd's premises? A. I never did.
Q. Did you see Andrew Gwynn, Ben. Gwynn of George Gwynn about his premises at any time last Summer! A. No; I have not seen Andrew Gwynn since he left for the South; George Gwynn I have seen at our church at several times since he returned.
Q. Did you see any person staying out in the woods about Dr. Mudd's during last year? A. I did not; I have not seen a summer of the staid, that has been quite three years ago, it may have been in the last beaut of as a bring been reading in this city since less? I am a darugist.
Q. Did you see any person staying out in the woods about Dr. Mudd's during last year? A. I did not; I have been reading in this city since less? I am a darugist.
Q. Did you see any person staying out in the woods about Dr. Mudd's during last year? A. I did not; I have been reading in this city since less? I have been reading in this city since less? I have been reading in this city since less? I have been reading in this city since less? I have been reading in this city since less? I have been readed to the war; it was the time I understood the were after him.

By Mr. Sone.—Q. Where do you reside? A. Yes.
Q. Do you kn

tion of an oath administered to him as an officer, as an insult to the Court and an outrage upon the administration of justice. I move that this man Edward Johnson be ejected from the Court as an incompetent witness.

son be ejected from the Court as an incompetent winess.

Gen. Ekin—I rise to second the motion. I am glad to see that this question has now been presented to the Court. I regard this man clearly incompetent as a witness. In my judgment, of all the men in the country, for those who have been educated by the Government, nourished by the Government, protected by the Government, and who have then turned and fought, joined enemies of the Government, to come into a court of justice, and especially before a military commission such as that assembled, as the hight of impertinence, and I trust the resolution which has been presented will be adopted by this commission without hesitation.

Mr. Aiken—Before the Commission decides upon the motion of Gen. Howe, it is proper for me to say that I was not aware of the fact that, because a person had borne arms against the Government, it would disqualify and render him incompetent as a witness. Therefore,

porne arms against the Government, it would disqualify and render him incompetent as a witness. Therefore, I could not, of course, have intended any insult in introducing Gen. Johnson as a witness. It will also be recollected that at least one witness with also borne arms against the Government was introduced here by the Judge-Advocate without objection of any member of the Court.

Gen. Kautz—Does this person appear here as a volunteer witness?

berne arms against the Government was inflored and the part of the

Juage Bragham—What has that to do with it? there has been no inquiry made as to his service under you.

Witness—Well, he met me in Richmond, and applied for a position in the Engineer Corps, stating that he had served under me previously, that he was a Prussian by birth and an engineer by education, and would like to get into the Engineer Corps in our service.

would like to get into the Engineer Corps in our service.

*Judge Bingham—You need not tell what he said.

*Witness—He applied to get into our service; I had no such position to give and declined giving it, and he left me; he called again and made a second application for the position; I told him I could not give it to him; I was then orsered off to Fredericksburg; in about a week the man appeared there and again made application for a position either in the Eugineer Corps or on my staff; I told him I could not give him a position in either, but that if he would enlist as a private, from his representations of himself as an engineer and a draughtsman, I would put him on duty in the Engineer Corps as a private; on these conditions he enlisted as a private in the Stonewall Brigade, 2d Regiment Vir-

ginia Infantry, and I assigned him to special duty at headquarters; he was to act as draughtsman and assist my engineer officer, and he so continued to act until I was told he had left.

Q. Was he subjected to court-martial at that time? [Question objected to by Judge Bingham, on the ground that the records of the court must be produced, and he did not think there were any Courts down in Virginia in those days that could try at all. Lar. Aiken the our could not be produced, parole evidence could be admitted. He presumed the question was not seriously objected to. Objection sustained by the Court.
Q. Where in Virginia was your encampment after the battle of Getrysburg? A. Near Orange Court.
Q. Where in Virginia was your encampment after the battle of Getrysburg? A. Near Orange Court.
Q. Do you know, or not, of a meeting of the officers of that brigade at the camp of the 2d Virginia regiment? A. I know nothing of it, and never heard anything of the kind.
Q. Did you ever learn the fact that a secret meeting was held there at that time? A. I never heard of any such secret meeting.
Q. Did you ever learn the fact that a secret meeting was held there at that time? A. I never heard of any such secret meeting.
Q. Did you ever learn the fact that a secret meeting was held there at that time? A. I never heard of any such secret meeting.
Q. Did you ever learn the sassassination of the President of the United States? A. I have never heard any plans discussed for the assassination of the President of the United States? A. I have never heard to by any julans discussed in any meeting of the officers, nor did I ever hear the assassination of the President to by any individual in my division as an object to be desired.
Q. Are you acquainted with J. Wilkes Booth the court. I never saw kim.

Q. State how yon got out of the service of the United State? A. I tendered my resignation, which was accepted.

Q. Tendered it to whom? A. To the Adjutant-kendal of the United States on May 1; it was not accepted for three or four weeks; I received the acceptance of my resignation in June following.

Q. Ild you then enter the Rebel service? A. I went to my home in Virginia, where I remained a few ceks; I then entered the Confederate States service, and have been in it ever since.

Q. Vlat was the final rank held by you in the Concerate service? A. Major-General.

Q. Vere you a Major-General in 1863? A. I was for partof 1863; I think my rank as Major-General commenced in February of that year.

TESTIMONY OF MES. MARIA JENKINS.

By Mr. Stone.—Q. State whether you know David E. Iarrold? A. Yos, I know him.

Q. Can you state whether he was or was not in Washagton on the 18th of last February? A. He was at my ouse on the 18th, and received my rent; I have his recipt to show.

TESTIMONY OF MES. POTTS.

By Mr. Stone.—Q. State whether you know one of the coused—David E. Harrold? A. Yes.

Q. State to the Court whether he was or was not in Vashington on the 20th of February last? A. I can-

O. Was he or not a private in your sirvice, and if so, in what regiment? A. He was in the 2d Virginia Infantry, Stonewall Brigade.

Q. Did he receive the pay, bounty and allowances of a private? 4. A. I do not know.

Q. Do you recollect that after the return of your army from Gettysburg, where it was encamped? A. I was wounded at Gettysburg and left in the hands of the enemy. I was a prisoner for nine months.

Q. When you returned to camp did you meet Von Steinacker again? A. I do not remember seeing him again; I got a letter from him immediately after I returned to camp.

Q. Do you know of any secret meetings ever being held in your camp at which the assassination of President Lincoln was discussed? A. No, I do not.

Q. Were you acquainted with J. Wilkes Booth, the actor? A. No.

By the Court—Q. Were you ever in the United States service? A. I was not. With the permission of the Court I would like to make a statement.

Gen. Howe—I object to the prisoner making any statement.

ment.

Gen. Foster—I hope the witness will be allowed to make his statement.

The President—If no further objection is made, the witness will proceed with his statement.

Witness—I just wish to say to the Court, notwithstanding that evidence has been given by which implication has been on the Stonewall Brigade, that as a man who has held positions in the Brigade as private and line and staffofficer. I think their integsity as men equal to their reputation for gallantry as soldiers would forbid them to be employed as night assassics of President Lincoln; in their behalf I only wish to say that I do not believe they knew anything about or in the least sympathized in any such unrighteous or unsoldierlike action.

TESTIMONY OF OSCAB HEINRICHS.

TESTIMONY OF OSCAR HEINRICHS.

By Mr. Aikin.—Q. Have you been in the service of the so-called Confederate States? A. I have, as en-gineer officer at one time on the state of Gen. Edward Johnson, and at others on that of different general

Q. State whether you are acquainted with Henry Von

Q. State whether you are acquainted with Helsy von Steinacker? A. I am. Q. When and under what circumstances did that commence? A. He was detailed to me as draughtsman immediately after Gen. Johnson took command. Q. Was he employed as such? A. I employed him as

Q. Did he ever have the rank or pay of an engineer officer? A. He did not.
Q. Are you acquainted with J. Wilkes Booth, the actor? A. I am not.
Q. Did you ever see a person calling himself by that name in camp? A. No, sir.
Q. Do you know of any secret meetings of officers ever taking place in your camp at which the assassination of President Lincoln was discussed? A. None ever did take p ace.
Q. Did you ever learn the fact that Von Steinacker was a member of Geu. Braker's staff.
[Question objected to by Judge Biagham and withdrawn.]

[Question objected drawn.]
Q. Did you ever learn the fact of his deserting the service of the United States?
[Question objected to by Judge Bingham and with-

drawn.]
Q. Do you know that fact? A. I do, not only from his statements and acknowledgments on several occa-

his statements and acknowledgments on several occasions to me,
Q. Have you ever heard of, or been cognizant of a secret treasonable society for the purpose of the assassination of the President of the United States? A I am not cognizant of any, nor have I ever heard of any.
Q. Were any members of your staff or yourself members of an organization known as the Knights of the Golden Circle or Sons of Liberty? A. So far as I am concerned, I never have been, nor do I know of any of the others having been.
Q. Have you heard declarations made in Richmond to the effect that President Lincoln ought to be assas sinated? A. I have not.

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. Suratt'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. Suratt was in.

Q. Had he been for weeks before drinking a good day and night too.

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 of 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 wss 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.

O. Do you not recollect that he had gone before Mrs.

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.

Aiken.—Q. Where do you reside? A. In

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?

Q. Are you acquainted with Levis or A. Yes.
Q. Were you at Surrattaville 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. Surrat to Surratisville 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

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 drew up? A. Yes.
Q. What was his condition at that time? A. He was very much intexicated.
Q. Was Mrs. Surratt upou 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.

A. Yes.
Q. What was his condition at that time? A. He was very much intoxicated.
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. Have you is 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 been frequently at the house of Mrs. Surratt when Union troops were passing? A. Yes, ir.
Q. Have you been frequently at the house of Mrs. Surratt when Union troops were passing? A. Yes, frequently.
Q. Was she in the habit of receiving pay for it? A. Semetimes she did, and sometimes she did not.
Q. Do you recollect on or about the time of a large number of horses secaping from Giesborough, whether or not any of them were taken up and put on her premises? A. Some of them, I disremenber 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
o commit any overt act against the Government? A.

O. Was it not Mrs. Surratt's constant habit to express warm sympathy for the sick and wounded of our name?

A. I do not remember ever hearing her say

anthing 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.

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 sho had to Union soldiers?
A. I do not.
Q. Do you know of a person by the name of A. L.
Bowell? A. Yes; I have seen him at the hotel, I think, lyrice.

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

By Mr. Clampit—Q. Did you or not meet Mrs. Surratt on the Tnesday preceding the assassination? A. I sannot say on Tnesday; 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 kad captured Gen. Lee's army? [Objected to by Col. Burnett is irrelevant. Mr. Clampit 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. Clampit 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 witch accused, he thought it was competent to prove her loyalty? A. Very good.

Q. You have never heard her express any disloyal mentiment? 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 Burnettsville? 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 Iloya's Hotel.

Q. Did you have any conversation with him at that

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 book 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 revelancy 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 teatify against your sister, you would see that they were you 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

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.

G. 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 attitute toward the Government during the war? A. Perfect loyalty, I think.

Q. How did you stand when the question of the secestion of Maryland was under discussion? A. I spent 53,000 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 set, word, aid or symyathy 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 see the Commissioners and ascertain whether I could set 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 it.

A. Partially.

TESTIMONY OF ANN SURRATT.

TESTIMONY OF ANN SURRATT.

A. Partially.

Q. State your full name to the Court? A. Anna E. Q. Are you under arrest at the present time? A.

Yes, sir.
Q. When were you arrested? A. On the 17th of

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.

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.

sad without them.

Q. Could she read or see of dark mornings? A. Should 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.

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 At serodt.

Q. At what time did Payne first come to your house.

He came one night after dark and left early the

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 helonging 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.

Weichman.

Q. Was there any other picture in this frame? A. I 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 knew him we got some of them, but my brother told me he would take them away from me, and so I hid them.

2. Did you own any photographs of Dayis and Stephens! A. Yex, sin, 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.

count,
Q. Did you have no photographs of Union Generals?
A. Yes, sit—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. How 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 net of divinity.

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

August.
Q. Miss Surratt did you, at your mother's house at any time, on any eccasion, 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.

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. Exing—What year did your brother leave college? A. In 1860 or 1862, the year my father died.—(Soto 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.

Did you ever see Dr. Mudd at your mother's house

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 nsher came to lead her through the crowd to the witness room, said to her—is Surrativille 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 Surrat was leaving the stand a member of the Conrt handed her a small white handkerehief 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 repertorial 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 gull having a greater load of sorrow upon her than she could bear.]

TESTIMONY OF LEMENS.

called at your house and took is don't looked, it don't know the exact time.

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

A. I did not.

C. Did you know abont his being a coward or a brave man? A. I have heard men say that he would have hear in issult.

TESTIMONY OF W. W. BBISCO.

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

Q. What do you know abont his being a coward or a brave man? A. I have heard men say that he would have hear in issult.

TESTIMONY OF W. W. BBISCO.

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

Q. What do you know abont his being a coward or a brave man? A. I have heard men say that he would have he

TESTIMONY OF LEMENS.
State whether you know Atzerout? A. I do, sir.
How long have you known him? A. Since he was

Were you at the house of Hezekiah Mentz on the day after the assassination? A. I was, sir.

Did you see the prisoner there? A. Yes, sir.

Did you have any conversation with him? A.

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 langhed; 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 Sewards—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 crain, 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 sometime between him and the young lady that he had been paying his attentions to.

Q. Was she 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, he had been.

Q. Was she or not throwing him the cold shoulder that day? A. Yes, sir, he had been.

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.

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

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. 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. Gon. 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 MES. M'ALLISTER.

that was about all that he said.

TESTIMONY OF MIS. 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.

ir.
Q. Did yon 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

Q. Did you go there and inquire after Atzerodt. A

Q. When was that horse returned? A. I can't say; I did not stay till hereturned.
Q. Did he pay for the horse? A. Yes, sir; he paid me \$5.

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,

Q. Did the bay mare come in that night? A. Les, sir.
Q. What time? A. To the best of my knowledge at 11 o'clock; we have a clock there, but it is n'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. McAlister was here recalled, and having testified that he had seen a pistol and a dirk-knife in the possession of Alzerodt, 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 Alzerodt, but declared that he was unable positively to identify either; the pistol he knew was not the same.]

TESTIMONY OF MISS HARROLD.

TESTIMONY OF MISS HARROLD.

Q. Are you the prisoner's sister. A. Yes, sir.

I'the witness was then shown the cont and the
handkerchief found on the cost 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.

prisoners at the Dar sensequent to their directives, sir.

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

[Mr. Doster then desired to hand into the Court a written request from the prisoner Atzerodt, that his confession to Capt. F. Monroe be admitted. The confession to Capt. F. Monroe be admitted.

right to insist upon this and that he had no laral 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 counsal will rage 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.]

New York Daily Tribune Wednesday, May 31, 1865

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:

years; Jefferson Pavis stopped at my house of the London 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 its 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 regreted 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 Ritterspaugh 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 had been made. The lond 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 hirght of impertinence.

Mr. Aiken, of the counsel for the