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THE TRIAL.

Additional Evidence of Dr. Mudd's Complicity with the Assassins.

Interesting Testimony of Jett, a Rebel Soldier.

Harold Announces Himself and Booth as the Murderers.

The Pursuit of Booth and Harold.

Graphic Descriptions of the Scene at Garrett's Farm.

Colonel Conger's and Sergeant Corbett's Narratives of the Death of Booth and the Arrest of Harold.

ATZEROTT'S CONNECTION WITH THE PLOT, &c., &c., &c.

THE EVIDENCE ON TUESDAY.

WASHINGTON, May 17, 1865.

The following is the conclusion of the testimony taken on Tuesday:—

Testimony of Lieut. Alexander Lovett.

CROSS-EXAMINED BY MR. EWING.

Q. Did Dr. Mudd not say to you that those men (Booth and his companion) arrived at his house before daylight? A. He said about daybreak.

Q. Who went with you to his house on the occasion of your second visit? A. There were three special officers, besides some cavalry.

Q. Who were the officers? A. Simon Galligan, Joshua Lloyd and William Williams.

Q. What civilian went with you the first time? A. Dr. George Mudd.

Q. When you were at Dr. Mudd's the second time, do you not recollect that he told you that the two men started from his house to go to Rev. Mr. Wilmer's? A. Yes, sir; but I paid no attention to that; I thought it was a blind for the purpose of throwing us off the track.

Q. But he said that? A. Yes, sir; he stated they inquired for Parson Wilmer's, and that they said they were on their way to Allen's Fresh.

Q. Did he mention that both times you were there? A. I think only the first time.

Q. Are you sure it was not out of doors that you first asked Dr. Mudd for the razor? A. I might have spoken to him about it out of doors, but I remember having made the demand in the house.

Q. Are you sure that it was not before he got to the house he told you the boot had been found since you were there before? A. He told me that in the house, not outside of it.

Q. Was there not a citizen named Hardy with you at that time? A. Not that I know of.

Q. Was there not a citizen with Dr. Mudd? A. There was a citizen who stood outside the door after we went in the house; I do not know his name.

Q. Was Dr. Mudd alone when you met him coming to the house? A. There was a citizen walking with him, I think.

Q. Was it this man you speak of having stood outside the door? A. It was.

CROSS-EXAMINED BY MR. STONE.

Q. When you went to Dr. Mudd's the first time did you have any conversation with him before you went into the house? A. I think not; I had a conversation with his wife.

Q. As soon as you asked him whether two strangers had been there he told you at once they had? A. Yes, sir; he was made aware of the nature of our errand, I suppose, by a friend; he seemed very much excited and turned very pale; when he was first asked about the two strangers thought he admitted they had been there.

Q. You asked him to describe them, and he gave you the description? A. Yes, sir.

Q. By whom did he say he was introduced to Booth last fall? A. A man by the name of Johnson.

Q. He told you he was introduced to Booth by Johnson at church? A. He did not tell me that in the first place; he told me he did not know Booth at all.

Q. When, on the occasion of your second interview, you mentioned the name of Booth, he then told you he had been introduced? A. I did not mention it until we were on horseback, though I had previously mentioned Booth's name to the other doctor.

Q. You say that Dr. Mudd seemed to be very much alarmed? A. Yes; he turned very pale in the face and blue about the lips, like a man who was frightened at the recollection of something he had done.

Q. Did he mention in connection with his introduction to Booth the name of Thompson? A. I understood him to say Johnson, but Thompson might have been the name.

By Judge Advocate HOLT—Q. You state that Dr. Mudd appeared very much frightened; did you address any threat to him? A. No, sir; I was in citizen's clothes at the time.

Q. His alarm was not in consequence of anything that you said or done? A. No, sir; he seemed very much concerned when I turned the boot inside out; some of the men present said that the name of "Booth" had been scratched out, when I suggested that it had not been written.

Q. You have stated that when you asked Dr. Mudd whether the two strangers had any arms he replied that the one with the broken leg had a brace of revolvers—did he say anything about the other having a carbine or a knife? A. No, sir.

Q. Did you understand him to say that this brace of revolvers was all the arms the strangers had?

The question was objected to by Mr. EWING, as being a leading question.

The following was then put:—Q. Will you state what was his manner? Was he frank or evasive? A. Evasive; he seemed to be very reserved.

Q. Did he speak of these men as having any weapons other than the brace of pistols of which you have spoken? A. Not to my knowledge; one of the officers spoke to him on that point.

Q. Which one? A. I think it was Williams.

Q. I understand you to say that Dr. Mudd stated that he did not hear the news of the assassination of the President until Sunday morning at church? At the time of this statement to you did he mention the assassin's name? A. No, sir.

By Mr. EWING—Q. Did not Dr. Mudd, at your first interview, state that he heard the details of the assassination while at church on Sunday morning? A. I do not recollect that he did; he made a remark to one of the officers at the time that he must be aware of the assassination, because the cavalry were all along the road, and everybody in the neighborhood knew it on Saturday.

Q. Did Dr. Mudd state to you that the strangers were going in the direction of Allen's Fresh, in connection with his statements that they had gone to the Rev. Mr. Wilmer's? A. He said they inquired for Mr. Wilmer's; that he took them across the swamp, and that they were going in the direction of Allen's Fresh; I went to Mr. Wilmer's and searched his house; but I was satisfied we would find nothing there, as I looked upon it as a blind to draw us off that way.

Q. In going from Dr. Mudd's to Wilmer's would you cross the swamp? A. Yes, sir; you can go that way.

Q. Did you follow the track of this man Booth and his companion? A. Yes, sir; as far as I could.

By the COURT—Q. When you reached Mudd's house on Tuesday morning after the assassination, was it generally understood there that Booth was the man who assassinated the President? A. Every person around Bryantown and along the way understood so.

Q. Is there a telegraph line in that section? A. The only telegraph of which I have any knowledge is the one that runs to Point Lookout; I do not know the exact distance to that place; there was a telegraph in connection with Port Tobacco; but if any person who saw these men wanted to give information concerning them they need not have gone far; by merely going out on the public road they could have given it, as the cavalry were along there.

Q. What is the distance from Washington to Surrattsville? A. About ten miles, I should judge.

Q. What is the distance from Surrattsville to Dr. Mudd's? A. By the way we first went it was about sixteen miles to Bryantown, and about four and a half from there to Dr. Mudd's.

Q. In going to Dr. Mudd's do you go through Surrattsville? A. Yes, sir; there is a road running from Port Tobacco by which you can go there; Dr. Mudd's is about twenty miles beyond Surrattsville, by way of Bryantown.

By Mr. EWING—Q. Are you acquainted with Mr. Lloyd, who keeps the hotel at Surrattsville? A. I arrested him on Tuesday, the 18th day of April.

Q. Did he make any statement to you? A. Yes, sir.

Q. What did he say concerning his connection with this affair?

Judge Advocate BINGHAM objected to the question, on the ground that it was an attempt to discredit the testimony of Lloyd, by showing that he had made statements in conflict with the representations made before the court.

The question was understood to be withdrawn.

By Mr. EWING—Q. From whom did you first hear that two men had stayed at Dr. Mudd's house? A. I heard it from a soldier.

Q. Do you know his name? A. Yes, sir; his name is Lieutenant Dana.

Q. Did Dr. George Mudd say anything to you about it? A. He did; I sent for him, took him up into a room of the hotel, and asked him to make his statement, which he did.

Testimony of Joshua Lloyd.

Joshua Lloyd, a witness for the prosecution, being called, was duly sworn and testified as follows:—

Q. State whether or not some days after the assassination you were engaged with others in pursuing the assassin. A. I was.

Q. Did you in the course of your pursuit go to the house of Dr. Mudd? A. Yes.

Q. On what day? A. On Tuesday, April 18.

Q. State what reply he made to your inquiries in regard to the object of your pursuit. A. I asked him if he knew the President had been assassinated; he replied that he did, I then asked him if he had seen any parties looking like the assassin pass that way, and he said he had not.

Q. That was at the first interview? A. Yes, sir.

Q. What did he state at the second interview? A. He then acknowledged that two men had stopped there, and that he had set the broken limb of one of them; we showed him the likenesses, and he said he had seen them before; I then asked him had he been introduced to Mr. Booth last fall, and he said he had.

Q. How long did he say these men remained at his house? A. I think he said they remained there from four o'clock in the morning until four o'clock in the afternoon.

Q. Did he say they were on horseback or on foot? A. He said that one was on horseback and the other was walking and leading his horse. (A photograph of Booth was shown to the witness, and recognized by him as the one which he had in his possession and exhibited to Dr. Mudd.)

Q. What was the doctor's manner? A. He appeared to be very much excited; when we went there the second time he was not in, and his lady sent for him; she appeared to be greatly worried.

Q. What did you say to him at the second visit? A. Very little conversation took place on my part, as I did not feel very well.

Q. Did he make any reference to his previous denial of having seen those men? A. I do not know that he did; after we found the boot he owned up, and said that he had formerly been introduced to Booth by a man named Thompson; he did not say anything about being in company with him in Washington city.

During the cross-examination the witness stated that Mudd first denied having seen the supposed assassin, or even any strangers. The prisoner stated, when arrested, that at the time of his introduction to Booth by the man Thompson he was informed that Booth came there to buy some property; at the time of the witness' first visit to Mudd, the latter stated that he had heard of the President's assassination at church on Sunday; Dr. George Mudd was present on Friday, the day of the second visit; the boot found in the house was produced before the arrival of the prisoner at his house, and while the party were waiting for him.

Testimony of Colonel H. H. Welles.

Colonel H. H. Welles, provost marshal of the defences south of Washington, a witness for the prosecution, being duly sworn, testified as follows:—Q. State to the Court whether in the week subsequent to the assassination of the President you had an interview with the prisoner, Dr. Samuel Mudd? A. Yes, sir; I had an interview with him on Friday, the 21st of April.

Q. State all that he stated to you in regard to the men who called at his place on Saturday morning after the assassination? A. I had three definite conversations with him; the first conversation occurred, I think, about noon on Friday; I had the doctor brought to my headquarters, and took his statement; he commenced by remarking that on Saturday morning, about four o'clock, he was aroused by a loud knock at his door; he was surprised at the loudness of the knock, and inquired who was there; receiving some reply, as I understand, he looked from the window or went to the door and saw standing in his front yard a person holding two horses, and a second person sitting on one of the horses; he described the appearance of the persons, and said that the younger of the two was very fluent in his speech, and that the one on horseback had broken his leg and desired medical attendance; he assisted in bringing the person who was on horseback into his house and laying him upon the sofa in the parlor, and after some time he was carried up stairs and laid on a bed in what was called the front room; he then proceeded to examine the leg, and discovered that the outward bone was broken nearly at right angles across the limb, about two inches above the instep. He said it was not a compound fracture; that the patient complained of pain in his back; but he found no apparent cause of the pain except as proceeding from the effect of a fall from a horse, as the patient stated he had fallen; he said that he dressed the limb as well as he was able to do with the limited facilities at his command, and called a white hired servant to make a crutch for the patient; the crutch was made; breakfast was then prepared, and the younger of the two persons, the one who was uninjured, was invited to breakfast with him; the doctor further stated that after breakfast he noticed his patient to be much more debilitated and pale; the young man made some remarks in relation to procuring some conveyance for taking his friend away, and that some time after dinner he started with him to see if a carriage could be procured; after travelling for some distance, and failing to procure a carriage, the young man remarked that he would not go any further, but would return to the house and see if he could not get his friend away; the doctor stated, also, that after going to that town, which was the furthest point of his journey, he returned to his house, about one o'clock in the afternoon; in speaking of the wounded man, I asked him if he knew who the person was, to which he replied that he did not recognize him; I then exhibited to him what was said to be a miniature of Booth, and he said that from the miniature he could not recognize him; he stated, however, in answer to another question, that he met Booth some time in November; I think he said that he was introduced by a Mr. Thompson to Booth; I think the introduction took place at church, on a Sunday morning, and after the introduction had been given Thompson said that Booth wanted to buy farming lands; they had some conversation on the subject of lands, and then Booth asked the question whether there were any desirable horses that could be bought cheap in that section, and he mentioned the names of several dealers in desirable stock in the neighborhood; I asked him if he could recognize again the person whom he then met under the name of Booth; he said he could; I asked him if he had seen Booth at any time after the introduction in November and prior to his arrival there on Saturday morning; he said he had not; I asked him if he had any suspicion of the character of Booth or either of these persons; he said he had not, but that after breakfast he thought there was something strange about their actions, in view of the fact that the younger man came down stairs and asked for a razor, and said his friend wanted to shave himself, and that shortly afterwards he noticed the person answering to the name of Booth had shaved off his mustache; I asked the man had a beard; when he said he had, and that it was longer than my own, but he could not determine whether it was natural or artificial, that he kept a shawl about his neck, and seemed to desire to conceal the lower part of his face; I asked him at this time if he had heard of the murder of the President; he replied that he had not; I think, however, he remarked to me in one of his interviews that he heard of the assassination for the first time on Sunday morning, or late in the evening of Saturday; my impression was he did not hear of it until after these persons had left his house. The witness stated further, that, when leaving, Harold inquired for the most direct route to Mr. Wilmer's house, and that the prisoner gave him the desired information. The prisoner also communicated to the witness all the particulars concerning the discovery of the boot in the house occupied by him.

CROSS-EXAMINATION BY MR. EWING.

Q. At the time that Mudd gave you this information did you see anything that was extraordinary? A. He did not seem willing to answer a direct question; and I saw that unless I asked direct questions all important facts were omitted by him.

Q. Was he alarmed? A. He was much excited.

Q. And alarmed? A. Not at the first or second interview, but at the third he was.

Q. What time on Friday did you have your first interview with him? A. Not far from midday; it might have been before or after noon.

Q. How long after was it that Lovett was gone for Dr. Mudd? A. I am not certain; I don't think I sent Lovett for Mudd.

Q. It was on the Friday after the assassination? A. I think it was on the 21st.

Q. At the first interview did you have any written statement? A. No, sir; I kept on talking with him, and after I thought I had the facts I had it taken down in writing; we had a dozen interviews at least.

Q. When was the last interview? A. On Sunday, I think.

Q. Did you have more than one on Friday? A. Yes; he was in my presence for almost five hours; we were talking there from time to time.

Q. You said that at the last interview he was much alarmed from some statement you made? A. I said to him that he was concealing the facts, and I did not know whether he understood that was the strongest evidence that could be produced of his guilt at that time, and might endanger his safety.

Q. When was it you went off with Dr. Mudd and he took you a long route which these two men took? A. On Sunday morning, I am quite confident.

Q. He spoke of their taking the direct road to Piney Chapel? A. Yes, sir, to Dr. Wilbur's, of Piney Chapel.

Q. You speak of tracks on the direct road to Piney Chapel till they turned off? A. No, they took the direction pointed out by the Doctor till they came to the wall; with this exception the marsh was full of holes and bad places, and I remember thinking they got lost, as they went from right to left, and kept changing in that way until they lost the general direction.

Q. Did you say the doctor said to you he had heard of the assassination of the President on Saturday evening or Sunday? A. My impression is he said not till Saturday evening or Sunday morning.

Q. You think he said Saturday evening? A. Yes.

Q. Did he mention the hour and when he heard of it? A. No, sir, cannot say that he did; but I have an indistinct idea he heard at the town, but am not sure; over in Bryantown.

Q. Did he say when it was that Thompson introduced him to Booth? A. He said it was in the fall, I think; I think he said about November.

Q. Did he say it was before daybreak when they came to his house? A. He said it was before daybreak—about four o'clock.

Q. Did you ask him whether they paid him anything for setting the broken leg? A. I think he said they paid him twenty-five dollars, I think that statement was made to one of the men that was with me.

DIRECT EXAMINATION.

Q. Didn't Samuel Mudd say to you he told Dr. George Mudd that there had been two suspicious men at his house? A. Yes, sir.

Q. Did he not say to you that he told that on Saturday evening? A. I cannot remember, but I think not.

Q. Was it on Monday evening? A. I think it was later than that.

Q. Did he not say to you in some one of your interviews he told that on Sunday? A. My impression is he said he told Dr. Mudd on Monday.

Q. You recollect his having said that he told Dr. Mudd? A. Yes; in this connection I said one of the strongest circumstances against you is that you have failed to give the earliest information on this matter; then it was he said he told Dr. George Mudd.

Q. Did he examine the likeness of Booth in your presence? A. Yes, sir.

Q. Did he recognize it as the man he had been introduced to? A. My impression is that he said he could not from the photograph recognize the man.

Q. Did he not say he could not recognize it as the man whose leg was broken? A. He said he should not have known Booth from the photograph; he said also he did not recognize the man when he first saw him, but that on recollection he knew it was Booth, the person to whom he had been introduced.

Q. Did he not say that was like a likeness he had already seen of Booth with his name marked upon it? A. I don't remember.

Q. Was there not intense excitement in town among soldiers and people? A. Not among soldiers; they were calm enough; but among people there was; they were going and coming all the time.

Q. In a state of angry and excited feeling? A. There was no angry feeling exhibited, but there was an excited state of feeling evident.

By the JUDGE ADVOCATE.—Q. Can you state at what time Dr. Mudd professed to have recognized Booth as the man he had been introduced to? A. During their stay at his house.

Q. Do you understand him to admit that he recognized him before he left? A. His expression was that he did not know him at first, but that on reflection he recollected him.

By Mr. EWING—Q. Please state as near as you can Mudd's exact words when he spoke on reflection of recollecting it was Booth who was at his house? A. He said, on showing him the picture, that he should not have recollected the men from the photograph, and he did not remember him when he first saw him, but that on reflection he remembered he was the man he was introduced to in November last or in the fall; I won't say these are the exact words, but that is the substance of his words as nearly as I can recollect them.

Q. There was nothing but that in his conversation upon that point? A. That was the substance of it, and was said over and over again.

Q. Did not he say wifether the reflection on which he would recognize the man with the broken leg as the man to whom he had been introduced, was a reflection which arose after the man had left his house? A. He left the impression clearly upon my mind that it was before the man left the house; he gave it as a reason why he did not remember him at the first that the man was much worn and debilitated; that he seemed to make an effort to keep the lower part of his face disguised; but when he came to reflect he remembered it was the man he had been introduced to.

Q. Did he speak of this disguise as having been thrown off or discontinued at any time during the man's stay in his house? A. No; but the light of the day, the shaving of the face, the fact that he sometimes slept and at others was awake, gave him opportunities to recognize the man, but I do not recollect that he said the disguise was entirely thrown off.

Q. Did he admit to you having denied any persons having been at his house? A. I don't know that it was ever brought to my notice that he denied persons having been at his house; he certainly did not deny it to me.

The Court then adjourned until ten o'clock to-morrow morning.

THE EVIDENCE ON WEDNESDAY.

WASHINGTON, May 17, 1865.

General HARRIS said that on Saturday, for what he deemed justifiable reasons, he had objected to Hon. Reverdy Johnson appearing here as counsel. He now asked to have read a letter from Reverdy Johnson, dated Baltimore, Oct. 7, 1864, addressed to Wm. D. Bowie, C. C. Magruder, John D. Bowling, Prince George's county, in which he takes the ground that the oath prescribed by the Constitutional Convention was illegal, and concludes as follows:—

It is, indeed, the only way in which the people can protect themselves, and no moral injunction will be violated by such a course, because the exaction of the oath was beyond the authority of the convention, and as a law, therefore, void.

Testimony of William Williams.

Q. Will you state to the Court whether, after the assassination, you were ever engaged in the pursuit of the assassins? A. Yes, sir; I started on April 17, with Major O'Beirne, and pursued to Surrattsville.

Q. State whether, in the course of that pursuit you went to the residence of the prisoner, Dr. Mudd. A. Yes, sir; we went there on Tuesday, the 18th; when we arrived there Dr. Mudd was not at home, but we saw his wife, and she told us she would send for him, that he was in the neighborhood; when he came I asked him if any strangers had been that way; he said no; we questioned him about two men having been at his house, one with a broken leg, and he denied that they had; he spoke to some of the other officers.

Q. Did you mention the time when you supposed these men had been there? A. On our first visit I did not.

Q. Did you have any further conversation with him upon that? A. No, sir, not on our first visit.

Q. He denied altogether that there had been any strangers there, you say? A. Yes.

Q. Who made the remark about the man with the broken leg having been there? A. One of the other officers.

Q. Did you hear his reply? A. I am not positive what it was, but he made a reply.

Q. Did he on that occasion state to you when he heard for the first time of the assassination of the President? A. Yes, sir; he said it was while in church Sunday morning.

Q. Did he converse freely with you—was his manner frank or evasive? A. He seemed to be a little uneasy, and not willing to give us the information without being asked for everything.

Q. When did you see him the second time? A. On Friday, the 21st.

Q. What occurred there? A. We went there for the purpose of arresting him; he was not at home, but Mrs. Mudd sent for him; when he arrived at the house Lieut. Lovett asked him a question or two, and then I asked him about the two men being at his house, and whether he had seen them; he said he had; I asked him also if they were Booth and Harold; he said they were not—that he was introduced to Booth last fall, and knew him; he had been introduced to Booth by Mr. Thompson; after we arrested him we showed him this picture, and, after looking at it a little while, he said at first he did not recollect the features, but that it looked like Booth across the eyes; I informed Mrs. Mudd that we would have to search the house, and then she said one of the men had left a boot up stairs on the bed; she went for and brought the boot; it was a long riding boot, with the New York maker's name, and the name "J. Wilkes Booth" written inside; the boot was cut about ten inches up from the instep.

Q. Did she say that the doctor had set the leg of that man? A. Yes, sir.

Q. How long did he say they remained at the house? A. He stated they left between three and four in the afternoon on Saturday.

Q. Did he state to you at what hour they came? A. About daybreak.

Q. Did they leave on horseback or on foot? A. He said they left on horseback; Mrs. Mudd said they left on horseback.

Q. Did you understand her to be speaking of one or both of them when she said they went on foot? A. I understood her to say both; I believe it was Dr. Mudd who said the injured man went away on crutches, which he said had been made for him by one of his men.

CROSS-EXAMINED BY MR. STONE.

Q. Was Lieut. Lovett present? A. Yes, sir.

Q. On both Tuesday and Friday? A. Yes, sir.

Q. Was Mrs. Mudd in the parlor when she made this declaration about the boot? A. She was standing at the door.

Q. Where was Dr. Mudd? A. He was in the parlor.

Q. Could he hear what Mrs. Mudd said? A. I judge he could; he was no further than where you are sitting there.

Q. She was the first one who mentioned about Booth to you? A. Yes; I told her I should be compelled to search the house, and then she said the men had left the boot there, and went and brought it down.

Q. Was it on Tuesday or Friday that he told you the first knowledge he had of the death of the President was at the church the Sunday before? A. On Friday, I think.

Q. Do you remember that any one asked him in your presence? A. I do not.

Q. You were all together in one room? A. Yes, sir.

Q. Did you or Lieutenant Lovett ask him about two strangers who had been at his house any time previous? A. We both asked him.

Q. Which asked him first? A. I don't remember.

Q. Did he give the same reply to both? A. I think he did, sir.

Q. Do you feel confident of that? A. His reply to me on Tuesday was that they had not been there; I think it was the same he said to Lieutenant Lovett.

Q. Do you remember, on the Friday of the examination, who asked him first? A. I think it was Lovett.

Q. Do you remember whether he asked about two strangers or about Booth and Harold? A. About two strangers, I think.

Q. What answer did he make on Friday? A. The question was whether two strangers had been there, one with a broken leg, and he said he had set the man's leg; that one of them was apparently about seventeen or eighteen years of age; that they had knocked at the door, and he had looked out at the window and asked who they were; they replied that they were friends, and wanted to get in, and Dr. Mudd came down stairs, and, with the assistance of the young man, helped the injured man from his horse and took him to his parlor and placed him on the sofa.

Q. Did he describe the strangers? A. He said that one was about seventeen or eighteen, and that the other had a mustache and long, thin whiskers; I asked him if they were natural whiskers; he said he could not tell.

Q. Did he tell you the color of the other man's hair? A. Not that I remember.

Q. Did he tell you his height? A. I am not positive.

Q. Did he give you any description of his dress? A. I think he said the injured man had a shawl; I am not certain.

Q. Did he describe the dress of the younger man? A. I don't remember his saying anything about it.

Q. Did he describe his height and general appearance? A. He said he was a smooth-faced young man, about seventeen or eighteen.

Q. Did he tell you the direction they took, and did you search for tracks in the direction indicated, and if so did you find any? A. Yes; we found tracks, but other teams were constantly passing and the road is not much travelled.

Q. Did you go on Tuesday across the swamp? A. Yes, we went all through the swamp on Tuesday and Friday, after we came back.

Q. Were you one of the party who went to Rev. Mr. Wilmer's house? A. Yes, sir.

Q. What time did you get there? A. Thursday or Tuesday night; I think it was late in the evening when we got there.

Q. What time do you say you got to Wilmer's? A. I think it was Wednesday evening.

Q. Did you hear anything of them on the road? A. I did not.

Q. This was before the doctor was carried to Bryantown? A. Yes, sir.

Q. Were you and Mr. Lloyd under Lieutenant Lovett's orders? A. I was acting under Major O'Beirne's orders, but in his absence was under Lieutenant Lovett, who had charge of the squad, I suppose.

Q. Was Mr. Lloyd with you? A. Yes, sir.

Q. Were you in court when his testimony was read? A. I was not.

The Court here took a recess. After the Court reassembled the examination of Simon Gavacan was had.

Testimony of Simon Gavacan.

Q. Will you state whether you are acquainted with Dr. Mudd? A. Yes, sir.

Q. Were you not at his house the Tuesday following the assassination? A. Yes, sir, I was.

Q. State what inquiries you made of him there to aid you in the pursuit of the murderers, and what replies he made. A. We went there in the forenoon of that Tuesday, the 18th; we went to his house, and we made inquiries whether any two men had passed on the morning of Saturday after the assassination; he said no; and then we asked more particularly whether two men came, one of them having his leg fractured; he said yes; we asked him what time; he said at four, or half-past four in the morning; they rapped at his door, and he, being alarmed at the noise, came down and let them in; he said another man assisted the wounded man into the house; he said he attended to the fracture as well as he could, but that he had not much of a fracture; the person with the fractured leg stayed in the parlor at first, but after that was taken up to one of the rooms up stairs, and remained there till between three and five o'clock in the afternoon on Saturday; he said they then left, and he went part of the way with them; but that previous to that he went to look for a buggy, with the other man, to have the wounded man taken away, but he could not find one; he said that he went part of the way on the roads with them; but they first inquired the way to Allen's Fresh, and they also inquired the way to Dr. Wilmer's, and he said he showed them the road.

Q. Did you ask him whether he knew those persons? A. He said at first no, not at all.

Q. On the subsequent day did you have any interview with them, and, if so, when? A. On Friday, the 21st.

Q. State what occurred. A. We went to arrest them and search his house; he was not in, but his wife sent for him; when he came we informed him that we would have to search his house; his wife then went up stairs and brought a boot down; we examined the boot and found "J. Wilkes" marked on the leg of the boot; she also brought a razor down, which one of the party took in charge.

Q. Did you repeat your inquiry as to who they were? A. We asked him if it was Booth; he said he thought not.

Q. Did he give any reason for so thinking? A. He said he had whiskers on, and also had his mustache shaved off; probably he shaved it off up stairs.

Q. Did he speak of having known him before? A. Yes; when we made inquiries he said he was introduced last fall by a man named Thompson.

CROSS-EXAMINATION BY MR. EWING.

Q. Who was the chief of the party? A. We had no chief.

Q. Who was in charge of this party? A. Lieut. Lovett came in charge of a cavalry detachment, but went under orders of Major O'Beirne.

Q. In the absence of Major O'Beirne were you not under the orders of Lieut. Lovett? A. Yes, sir, partly.

Q. Who commenced the conversation with Mudd on Tuesday? A. That I am unable to say.

Q. How long did the conversation last? A. Probably an hour.

Q. In your presence? A. Yes, sir.

Q. Did not Lieut. Lovett conduct the inquiries chiefly? A. No, sir; the Doctor was asked questions by all of us.

Q. Did Dr. Mudd himself bring the boot down to you? A. No, sir; his wife brought it down.

Q. Who was it given to? A. The one nearest the stairs.

Q. Did you, in point of fact, make a search of the house? A. I did not go up stairs; when we found the boot and the negro we considered it satisfactory evidence that Booth and Harold had been in the house.

Q. Did you go to meet Mudd on Friday as he was going home? A. No, sir.

Q. Did Lieutenant Lovett? A. Yes, sir.

Q. Did anybody else? A. There might have one or two other officers; am not certain.

Q. Did you ask him on Tuesday for a description of the party? A. No, sir; I believe the photograph of Booth was shown to him, and he did not recognize it as one of the parties that were at this house; but there was something about the forehead and eyes that resembled one of them.

Q. Did he point out to you the road they went across the swamp? A. No, sir; he said they had made inquiry how they would get to the Rev. Dr. Wilmer's.

Q. He mentioned on Tuesday? A. Yes, sir.

Q. Did he tell you how to go to Dr. Wilmer's? A. Yes, sir.

Testimony of Mrs. Emma Offutt.

Q. State whether or not you are the sister-in-law of John Lloyd? A. Yes, sir.

Q. State whether or not, on the Tuesday of the 11th of April, you were at his house? A. Yes, sir.

Q. You saw Mr. Lloyd on that day? A. Yes, sir; I was in the carriage with Mr. Lloyd.

Q. On that occasion did you happen to meet Mrs. Surratt? A. Yes, sir.

Q. State where the meeting took place. A. Somewhere near Uniontown.

Q. State whether or not a conversation took place between Mr. Lloyd and Mrs. Surratt on that day? A. Yes, sir; they talked together.

Q. Did you hear any of the conversation? A. Yes, sir; some of it.

Q. Under what circumstances did the conversation take place? A. Our carriages passed before we recognized who it was; Mr. Lloyd went out to her carriage and had a conversation, which took place at her carriage, and not ours.

Q. Were you at Mr. Lloyd's again on Friday, the 14th of April? A. Yes, sir.

Q. State whether you saw the prisoner, Mrs. Surratt, there? A. Yes, sir.

Q. Did you observe any conversation between her and Mr. Lloyd on that day? A. Yes sir, I saw them talking together, but I didn't hear them at all; I had occasion to go to the back part of the house.

Q. Did the conversation take place in the house or in the yard? A. In the yard, sir.

Q. Had Mr. Lloyd been to town that day? A. No, sir; he had been to Marlboro, attending court.

Q. What did he bring with him when he came back? A. Some oysters and fish, and that is how he came to drive into the back part of the yard.

Q. Was any one else in the yard at the time of this conversation. A. No sir.

CROSS-EXAMINATION BY MR. AIKEN.

Q. How far apart were the two carriages when you met each other? A. Two or three yards, I think, and they talked but a very few minutes together.

Q. Did Mr. Lloyd state what the conversation was? A. No, sir.

Q. Nor what the conversation on the 14th was about? A. No, sir; he did not.

Q. Have you been acquainted with Mrs. Surratt for some time? A. Since last summer, I believe.

Q. What time did she arrive at Lloyd's on the 14th? A. At about four o'clock, think.

Q. Did you have any conversation with her previous to Mr. Lloyd's coming home? A. Yes, sir; in the parlor.

Q. Did you learn what the conversation was on that day?

Question objected to, and waived.

Q. Did Lloyd make any statement in reference to his business with Mrs. Surratt? A. No, sir.

Q. Did Mrs. Surratt have any business with you on that day? A. No, sir.

Q. Did Mrs. Surratt place in your hands any packages? A. No, sir.

Q. During your visit at Mr. Lloyd's did you hear anything about Harold?

Assistant Judge Advocate BINGHAM objected, and the objection being sustained by the Court, Mr. Aiken sat down, saying:—I am done, sir.

Testimony of Wm. P. Jett.

Q. Look at the prisoners, and see if you recognize any or all of them? A. Only one of them.

Q. Which one? A. Harold, sir.

Q. State when you first saw him? A. Since the 25th of last October, I have been in Caroline county as commissary in the Confederate service, I was in the cavalry service, but was wounded on the 6th of January, and after that appointed commissary agent; when I was on my way in April to Fauquier county I got down to Port Conway and saw a wagon on the wharf.

Q. When was that? A. On the 18th of April.

Q. The Monday after the assassination? A. No, sir; the Monday week after the assassination; there were three of us together; we saw this wagon; we rode down on the wharf, and before we reached the wagon we saw a man get out of it, and it seemed to us as if he put his hand into his bosom; I don't remember whether we hailed the ferry or not; this one man got out of the wagon and came to where we were and said "What command do you belong to?" Ruggles said "Mosby's command;" then he said "Where are you going?" He said "It is a secret where we are going."

Q. Did you ask him what command he belonged to? A. He said he belonged to A. P. Hill's corps; he said his brother was wounded below Richmond, and asked if we would not take him down to the lines; Harold then asked us to drink, but none of us drinked, and we declined; I got down and carried out three horses, and did them up, and Harold came and touched me and said he wanted to speak to me, and said "I suppose you are raising a command to go South," and then said he would like to go with us; I said that I could go with no man that I didn't know anything about, and then he made the remark—"We are the assassinators of the President;" I was so shocked that I didn't know what to say, and I made no reply; Lieutenant Ruggles was near by watering his horse, and I called to him and he came there; then Booth came up, and Harold introduced him after introducing himself. Booth had cut upon his hand, I remember, J. W. B.; we went across the river, Booth riding on Ruggles' horse. Booth said he wanted to pass under the name of Boyd; we went to a lady's house and asked her if she could take in a wounded soldier, she at first consented, and then said she would not; we then went up to Mr. Garrett's, where we left Booth; Harold and all of us went on within a few miles of Bowling Green; the next day Harold returned towards Garrett's, and that was the last I saw of him till after he was captured.

Q. Did I understand you that Booth went alone to Garrett's? A. No, sir; Ruggles, Booth, Bainbridge and I rode up to Garrett's, and we left Booth there, and Harold came on with us to Bowling Green and had dinner.

Q. Do you know where Harold went to from Bowling Green? A. No, sir; he left us the next day, at two or three o'clock.

Q. Now, when you saw him on Wednesday morning was he in custody then? A. Yes.

Q. Before he said to you, "We are the assassinators of the President," had you told him you were in the Confederate service? A. Why, he could see that, because we were in Confederate uniforms.

CROSS-EXAMINATION BY MR. STONE.

Q. Harold wanted you to aid him in going further South? A. Yes; but we had no facilities to aid him.

Q. Did he seem disappointed? A. Yes, sir.

Q. Was Booth present when you were talking with Harold about their being the assassinators of the President? A. No; not when he first told me; he and Bainbridge came up after.

Q. Did he seem to be a good deal agitated? A. Yes, sir.

Q. What did Booth say? A. He said he did not intend telling that.

Q. But Harold did tell? A. Yes; he had told before Booth came up.

Q. Can you recollect whether he said that he had killed the President? A. He said, "We are the assassinators of the President;" then a few minutes after he said, "Yonder is the man, J. Wilkes Booth, who killed the President.

By Mr. AIKEN.—Q. Have you ever taken the oath of allegiance? A. No, sir; but I am perfectly willing to take it.

Testimony of Lieut. Col. E. J. Conger.

EXAMINED BY JUDGE HOLT.

Q. State to the Court whether you and others were engaged in the pursuit of the murderers of the President; if so, please take up the narrative at the point where you met the Confederate soldier Jett, who has just given his evidence, and state what occurred afterwards? A. I found him in a room at a hotel in Bowling Green; I expected to find somebody else; as I went in, he began to get out of bed; I said, "Is that you, Jett?" he said, "Yes;" I said, "Get up, I want you;" he got up; I told him to put on his clothes; he put on his clothes and came into the part of the room where I was; I said to him, "Where are the two men who came with you across the river at Port Royal?" there were two men in the room with me; Jett said to me, "Can I see you alone?" I said, "Yes," and Lieutenant Baker and Docherty went out of the room; he reached out his hand to me and said:—I knew who you wanted; I can tell you where they are now; they are on the road to Port Royal, about three miles from there, at the house of Mr. Garrett; I will show you where they are now, and you can get them; I said, "Have you a horse?" He replied that he had; I told him to get it, and get ready to go; I told him I had just come from there, and he seemed for a moment to be considerably embarrassed, and said he thought we come from Richmond; but if we passed by Garrett's, he could not tell me whether the men were there or not; I told him it did not make any difference, we could go back and see; he got out his horse and we started; just before we got to the house, Jett, who was riding with me, said we are near where we go through a gate; let us stop here and look around; I rode up the first place alone to find the gate, about as far as I understood him it was near there, but I did not see any opening; there was a hedge, or rather a bushy fence, that side of the road; I turned round and went back and told him I didn't see the gate in that distance; we then rode on some two hundred yards further and stopped again; Jett went with Lieutenant Baker and myself to find the gate, while I went back for the cavalry; we returned rapidly, and a guard was stationed round the building; when I went to the house Lieutenant Baker was telling some one to strike a light and come out; I think the door was open; when I got there the first individual I saw was a man whose name was said to have been Garrett; I said to him, "Where are the men who stopped at your house?" "They have gone;" "Where gone?" "Gone to the woods;" "Where abouts in the woods have they gone?" He then commenced to tell me that they came there without consent; that he didn't want them to stay; I said, "I don't want any long stories from you; I just want to know where these men have gone;" he commenced to tell me over again the same thing; I turned to one of the men and told him to bring me a lariat, and threatened to hang the man to a tree because he did not tell me what he knew; one of his sons then came in and said, "Don't hurt the old man; I will tell you where these men are;" I said that is what I want to know; he said they are in the barn; I went to the barn, and as soon as I got there I heard somebody walking on the hay; I stationed men around the barn, and Lieutenant Baker said to one of the young Garretts (there had two of them appeared by this time) "You must go in the barn and get the arms from this man;" I think he made some objection to going; Baker said he knew you, and you must go in; Baker then said to the men inside that one of the men whom they had been stopping with was coming in to get their arms, and they must deliver them up; Garrett went in, but came out very soon, and said this man says, "'Damn you! you have betrayed me,' and threatened to shoot me;" I asked him how he knew the man was going to shoot him; he said he reached down into the hay and got his revolver; I desired Lieutenant Baker to tell the men inside they were to come out and deliver themselves up, and that if they did not in five minutes we would fire the barn. Booth inquired, "Who are you? what do you want? what do you want?" Lieutenant Baker said:—"We want you