

TESTIMONY CONCERNING EDWARD SPANGLER.

JACOB RITTERSPAUGH.

For the Prosecution.—May 19.

I know the prisoner, Edward Spangler. He boarded where I did, at Mrs. Scott's, on the corner of Seventh and G Streets. He had no room in the house; he took his meals there, and slept at the theater. He used to keep his valise at the house, and when the detectives came asked if Spangler had any thing there, I gave it to them. He had no clothes there, nothing but that valise; I do not know what it contained. I am commonly called Jake about the theater.

Recalled for the Prosecution.—May 30.

I was a carpenter in Ford's Theater down to the 14th of April last, and was there on the night when the President was shot. He occupied the upper box on the left-hand side of the stage, the right as you come in from the front. My business was to shift wings on the stage and pull them off, and fetch things out of the cellar when needed.

I was standing on the stage behind the scenes on the night of the 14th, when some one called out that the President was shot, and directly I saw a man that had no hat on running toward the back door.

He had a knife in his hand, and I ran to stop him, and ran through the last entrance, and as I came up to him he tore the door open. I made for him, and he struck at me with the knife, and I jumped back then. He then ran out and slammed the door shut. I then went to get the door open quick, and I thought it was a kind of fast; I could not get it open. In a moment afterward I opened the door, and the man had just got on his horse and was running down the alley; and then I came in. I came back on the stage where I had left Edward Spangler, and he hit me on the face with the back of his hand, and he said, "Don't say which way he went." I asked him what he meant by slapping me in the mouth, and he said, "For God's sake, shut up;" and that was the last he said.

The man of whom I speak is Edward Spangler, the prisoner at the bar. I did not see any one else go out before the man with the knife. A tall, stout man went out after me.

Cross-examined by Mr. EWING.

When I heard the pistol fired I was standing in the center of the stage, listening to the play, and Spangler was at the same place, just about ready to shove the scenes; I stood nearest the door. I am certain we both stood there when the pistol was fired. I did not at first know what had happened. Some one called out "Stop that man;" and then I heard some say that the President was shot, and not till then did I know what had occurred. When I came back, Spangler was at the same place where I had left him. There was a crowd in there by that time, both actors and strangers. When Spangler slapped me there were some of the actors near who had taken part in the play; one they called Jenny—I do not what part she took—was standing perhaps three or four feet from me; I do not know whether she heard he said; he did not say it so very loud. He spoke in his usual tone, but he looked as if he was scared, and a kind of crying. I heard the people halloo, "Burn the theater!" "Hang him and shoot him!" I did not, that I know of, tell a number of persons what Spangler said when he slapped me. I did not tell either of the Fords; I told it to nobody but Gifford, the boss. At Carroll Prison, the same week that I was released, I told him that Spangler said I should not say which way the man went. I told a detective that Spangler hit me in the mouth with his open hand. I do not know his name, he was one of Colonel Baker's men; had black whiskers and moustache, and weighed about one hundred and forty pounds, I should think. He came up to the house where I board in the afternoon of the day on which I was released, and I told him then. I have no recollection of telling any one else, though I might have said something at the table, and the rest might have heard.

I saw Booth open the back door of the theater and shut it, but I did not know who he was then; I did not see his face right. I was the first person that got to the door after he left; I opened the door, but did not shut it. The big man that ran out after me might have been five or six yards from me when I heard him, or it might have been somebody else, call out, "Which way?" I cried out, "This way," and then ran out, leaving the door open. By that time the man had got on his horse and gone off down the alley. I saw the big man outside, and have not seen him since. I did not take particular notice of him; but he was a tolerably tall man. It might have been two or three minutes after I went out till I came back to where Spangler was standing, and found him kind of scared, and as if he had been crying. I did not say anything to him before he said that to me. It was Spangler's place, with another man, to shove the scenes on; he was where he ought to be to do the work he had to do. I did not hear any one call Booth's name. It was not til the people were all out, and I came outside, that I heard some say it was Booth, and some say it was not. Spangler and I boarded together; we went home to supper together, on the evening of the assassination, at 6 o'clock, and returned at 7.

WILLIAM EATON.
Recalled for the Prosecution.—May 19.

I arrested the prisoner, Edward Spangler, in a house on the South-east corner, I think, of Seventh and H; I believe it was his boarding-house. It was the next week after the assassination. I did not search him; my orders were to arrest him.

CHARLES H. ROSCH.
For the Prosecution.—May 19.

After the arrest of the prisoner, Edward Spangler, I went, in company with two of the Provost Marshal's detectives, to the house on the north-east corner of Seventh and H Streets, where he took his meals. When we inquired for his trunk, we were told that he kept it at the theater; but the man at the house handed us a carpet-bag, in which we found a piece of rope measuring eight-one feet out of which the twist was very carefully taken. The bag was locked, but we found a key that unlocked it. It contained nothing but the rope, some blank paper, and a dirty shirt-collar. I was not present when Spangler was arrested. I went to his house between 9 and 10 o'clock on the night of Monday, April 17.

Cross-examined by Mr. EWING.

It was a man, called Jake, apparently a German, that told me it was Spangler's bag, and that it was all he had at the house. He said he worked at the theater with Spangler. There were two other persons there, boarders I presume. We got the rope from a bed-room on the second floor that faced toward the south; the bag was right near where Jake had his trunk. I am satisfied that the coil of rope I see here now is the same that I took from Spangler's carpet-bag.

See testimony of

Joe Burroughs alias "Peanuts,"	page 74
Mary Ann Turner	page 75
Mary Jane Anderson	page 75
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DEFENSE OF EDWARD SPANGLER.

C. D. HESS*For the Defense.—May 31.*

By Mr. EWING.

I am manager of Grover's Theater, and I have been in the habit of seeing John Wilkes Booth very frequently. On the day before the assassination he came into the office during the afternoon, interrupting me and the prompter of the theater in reading a manuscript. He seated himself in a chair, and entered into a conversation on the general illumination of the city that night. He asked me if I intended to illuminate. I said yes, I should, to a certain extent; but that the next night would be my great night of the illumination, that being the celebration of the fall of Sumter. He then asked, "Do you intend to" or "Are you going to invite the President?" My reply, I think, was, "Yes, that reminds me that I must send that invitation." I had it in my mind for several days to invite the Presidential party that night, the 14th. I sent my invitation to Mrs. Lincoln. My notes were usually addressed to her, as the best means of accomplishing the object.

Booth's manner, and his entering in the way he did, struck me as rather peculiar. He must have observed that we were busy, and it was not usual for him to come into the office and take a seat, unless he was invited. He did upon this occasion, and made such a point of it that we were both considerably surprised. He pushed the matter so far that I got up and put the manuscript away, and entered into conversation with him.

It is customary in theaters to keep the passage-way between the scenes and the green-room and the dressing-rooms clear, but much depends upon the space there is for storing scenes and furniture.

[The counsel was eliciting from the witness the position of the box usually occupied by the President on visiting Grover's Theater, and nature of the leap that an assassin would have to make in endeavoring to escape from the box, when objection was made to the testimony as irrelevant.]

Mr. EWING. I wish merely to show that, from the construction of Ford's Theater, it would be easier for the assassin to effect his escape from Ford's Theater than it would be from Grover's. The purpose is plainly to show that Ford's Theater was selected by Booth, and why Ford's Theater is spoken of by him as the one where he intended to capture or assassinate the President, and to relieve the employees of Ford's Theater, Mr. Spangler among them, from the imputation which naturally arises from Booth's selecting that theater as the one in which to commit the crime.

The Commission sustained the objection.

H. CLAY FORD.
For the Defense.—May 31.

By Mr. EWING.

On the 14th of April last I was treasurer of Ford's Theater. I returned to the theater from my breakfast about half-past 11 o'clock that day, when my brother, James R. Ford, told me that the President had engaged a box for that night. John Wilkes Booth was at the theater about half an hour afterward. I do not know that the fact of the President's going to the theater that night was communicated to Booth, but I think it is very likely he found it out while there. I saw him going down the street while I was standing in the door of the theater; as he came up he commenced talking to the parties standing around. Mr. Raybold then went into the theater and brought him out a letter that was there for him. He sat down on the steps and commenced reading it. This was about 12 o'clock. He staid there perhaps half an hour. I went into the office, and when I came out again he was gone.

I told Mr. Raybold about fixing up and decorating the box for the President that night, but he had the neuralgia in his face, and I fixed up the box in his place. I found two flags in the box already there, which I got Mr. Raybold to help me put up. Another flag I got from the Treasury Department. It was the Treasury regimental flag. I put this blue regimental flag in the center, and the two American flags above. There was nothing unusual in the decorations of the box, except the picture of Washington placed on the pillar in the middle of the box. This had never been used before. We usually used small flags to decorate the box; but as General Grant was expected to come with the President, we borrowed this flag from the Treasury regiment to decorate with.

The furniture placed in the box consisted of one chair brought from the stage and a sofa, a few chairs out of the reception room, and a rocking-char, which belonged to the same set, I had brought from my bed-room. This chair had been in the reception-room, but the ushers sitting in it had greased it with their hair, and I had it removed to my room, it being a very nice chair. The only reason for putting that chair in the box was that it belonged to the set, and I sent for it make the box as neat as possible.

I received no suggestions from any one as to the decoration of the box, excepting from Mr. Raybold and the gentleman who brought the flag from the Treasury Department.

All that Spangler had to do with the box was to take the partition out. There are two boxes divided by a partition, which, when the President attended the theater, was always removed to make the box into one. Spangler and the other carpenter, Jake, removed it. The President had been to the theater, I suppose, about six times during the winter and spring; three or four times during Mr. Forrest's engagements, and twice during Mr. Clark's engagement. These are the only times I remember.

I did not direct Spangler with respect to the removal of the partition; I believe Mr. Raybold sent for him. While we were in the box Spangler was working on the stage; I think he had a pair of flats down on the stage, fixing them in some way. I came for a hammer and nails; he threw up two or three nails and handed me the hammer up from the stage.

Spangler, of course, knew that the President was coming to the theater that evening, as he assisted in taking out the partition.

In decorating the box I used my penknife to cut the strings to tie up the flags, and left it there in the box.

Three or four times during the season Booth had engaged box No. 7, that is part of the President's box, being the one nearest the audience. He engaged no other box.

During the play that evening, the "American Cousin," I was in the ticket-office of the theater. I may have been out on the pavement in front two or three times, but I do not remember. I did not see Spangler there. I never saw Spangler wear a moustache.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

None of the other boxes were occupied on the night of the President's assassination, and I do not remember any box being taken on that night. I certainly did not know that the boxes were applied for, for that evening, and that the applicants were refused and told that the boxes were already taken. The applicants did not apply to me. Booth did not apply to me, or to any one, for those boxes, to my knowledge, nor did any one else of him. There were four of us in the office who sold tickets. There were not, to my knowledge, any applications for any box except the President's. There may have been applications without my knowledge.

I know nothing of the mortise in the wall behind the door of the President's box. I heard of it afterward, but have never seen it, nor did I see the bar said to have been use to fasten the door, nor did I see the hole bored through the first door of the President's box, though I have since heard there was one. I have not been in the box since.

The screws of the keepers of the lock to the President's box, I understand, were burst some time ago. They were not to my knowledge, drawn that day, and left so that the lock would not hold the door on its being slightly pressed. It was not done in my presence, and if it was done at all, it was without my knowledge.

I do not remember any conversation with Mr. Ferguson before the day of the assassination about decorating the theater in celebration of some victory.

By Mr. AIKEN.

The letter that Booth received on the day of the assassination, and read on the steps of the theater, was a long letter, of either four or eight pages of letter-paper—whether one or two sheets I do not know, but was all covered with writing. He sat on the steps while reading his letter, every now and then looking up and laughing. It was while Booth was there I suppose he learned of the President's visit to the theater that evening. There were several around Booth, talking to him. Mr. Gifford was there; Mr. Evans, and actor, and Mr. Grillet, I remember, were there at the time.

The President's visit to the theater that evening could not have been known until 12 o'clock, unless it was made known by some one from the Executive Mansion. It was published in the Evening Star, but not in the morning papers.

I am not acquainted with John H. Surratt.

[Photograph of John H. Surratt exhibited to the witness.]

I never saw that person that I know of.

By Mr. EWING.

I have never, to my knowledge, seen the prisoner, Herold.

The mortise in the passage-way was not noticed by me; the passage was dark, and when the door was thrown back against the wall, as it was that day, I should be likely to notice it had it been there at that time. Had the small hole been bored in the door, or had the screws been loosened, it is not likely I should have noticed them.

By the COURT.

I might have stated in the saloon on Tenth Street that the President was to be at the theater that evening, and also that General Grant was to be there.

JAMES R. FORD.
For the Defense.—May 30.

By Mr. EWING.

At the time of the assassination, I was business manager at Ford's Theater. I was first apprised of the President's intended visit to the theater on Friday morning, at half-past 10 o'clock. A young man, a messenger from the White House, came and engaged the box. The President has been previously invited to the theater that night, and I had no knowledge of his intention to visit the theater until the reception of that message. I saw John Wilkes Booth about half-past 12, two hours after I received this information. I saw him as I was coming from the Treasury Building, on the corner of Tenth and E Streets. I

was going up E Street, toward Eleventh Street; he was coming from the direction of the theater.

Q. State whether, upon any occasion, you have had any conversation with Booth as to the purchase of lands, and, if so, where?

Assistant Judge Advocate BINGHAM. I object to the question.

Mr. EWING. Testimony has already been admitted on that point.

Assistant Judge Advocate BINGHAM. I know, but it is unimportant as to this man; there is no question about this man in the case.

Mr. EWING. It is very important as to one of the prisoners.

Assistant Judge Advocate BINGHAM. This witness can not be evidence for any human being on that subject, no matter what Booth said to him about it. I object to it on the ground that it is entirely incompetent, and has nothing in the world to do with the case. If this witness had been involved in it, I admit it might be asked, with a view to exculpate him from any censure before the public.

Mr. EWING. The Court will recollect that in Mr. Weichman's testimony there was evidence introduced by the prosecution of an alleged interview between Dr. Mudd and Booth at the National Hotel, in the middle of January, which was introduced as a circumstance showing his connection with the conspiracy, which Booth is supposed to have then had on foot. The accused, Dr. Mudd, is represented to have stated that the conversation related to the purchase of his lands in Maryland. I wish to show by this witness that Booth spoke to him frequently, through the course of the winter, of his speculations, of his former speculations in oil lands, which are shown to have been actual speculations of the year before, and of his contemplating the investment of money in cheap lands in Lower Maryland. The effect of the testimony is to show that the statement, which has been introduced against the accused, Dr. Mudd, if it was made, was a *bona fide* statement, and related to an actual pending offer, or talk about the sale of his farm to Booth.

Assistant Judge Advocate BINGHAM. The only way, if the Court please, in which they can do any thing in regard to this matter of the declaration of Mudd, if it was made, (and, if it was not made, of course it does not concern anybody,) is simply to show by legitimate evidence that there was such a negotiation going on between himself and Booth. The point I make is, that it is not legitimate evidence, or any evidence at all, to introduce a conversation between Booth and this witness at another time and place. It is no evidence at all, it is not colorable evidence, and the Court have nothing in the world to do with it. It would be impossible to ask the witness any questions that would be more irrelevant and incompetent than the question that is now asked him.

Mr. EWING. I will state to the Court further that it has already received testimony, as explanatory of the presence of Booth in Charles County, of his avowed object in going there—testimony to which the Judge Advocate made no objection, and which he must have then regarded as relevant. This testimony is clearly to that point of explanation of Booth's visit to Lower Maryland, as well as an explanation of the alleged conversation with Mudd in January.

Assistant Judge Advocate BINGHAM. The difference is this: the defense attempted to prove negotiations in Charles County, and we thought we would not object to that; but this is another thing altogether. It is an attempt to prove a talk, irrespective of time or place, or any thing else.

The Commission sustained the objection.

By Mr. EWING.

Q. Do you know of any thing of the visit made by Booth into Charles County last fall?

A. He told me—

Assistant Judge Advocate BINGHAM objected to the witness giving the declarations of Booth.

THE WITNESS. I have never known Booth to go there.

Q. Have you ever heard of Booth say what the purpose of any visit which he may have made last fall to Charles County was?

Assistant Judge Advocate BINGHAM renewed his objection.

The Commission sustained the objection.

By Mr. AIKEN.

The notice in the Evening Star that announced the President's intended visit to the theater, also said that General Grant would be there.

By ASSISTANT JUDGE ADVOCATE BURNETT.

I wrote the notice for the Star in the ticket-office of the theater about half-past 11 or 12 o'clock, and sent it to the office immediately; I at the same time carried one myself to the National Republican. The notice appeared in the Star about 2 o'clock. Before writing the notice I asked Mr. Phillips, an actor in our establishment, who was on the stage, to do it; he said he would after he had finished writing the regular advertisements. I also spoke to

my younger brother about the propriety of writing it. I had not seen Booth previous to writing the notice, nor do I remember speaking to any one else about it.

By Mr. AIKEN.

I had sent the notice to the Star office before seeing Booth.

[Exhibiting the photograph of John H. Surratt.]

I do not know Surratt. I never remember seeing him.

John McCullough, the actor, left this city the fourth week in January. He returned with Mr. Forrest at his last engagement. I do not know exactly when, but about the 1st of April.

JOHN T. FORD.
For the Defense.—May 31.

I reside in Baltimore, and am proprietor of Ford's Theater in the city of Washington. The prisoner, Edward Spangler, has been in my employ three or four years at intervals, and over two years continuously.

Spangler was employed as a stage-hand, frequently misrepresented as the stage-carpenter of the theater. He was a laborer to assist in shoving the scenery in its place, as the necessity of the play required. These were his duties at night, and during the day to assist in doing the rough carpenter work incidental to plays to be produced.

Q. State whether or not his duties were such as to require his presence upon the stage during the whole of a play.

A. Strictly so; his absence for a moment might imperil the success of a play, and cause dissatisfaction to the audience. It is very important to the effect of a play that the scenery should be well attended to in all its changes; and he is absolutely important there every moment from the time the curtain rises until it falls. There are intervals, it is true, but he can not judge how long or how brief a scene might be.

On Friday, the day of the assassination, I was in Richmond. Hearing of the partial destruction of that city by fire, I went there, anxious to ascertain the condition of an uncle, a very aged man, and my mother-in-law. I did not hear of the assassination until Sunday night, and then I heard that Edwin Booth was charged with it. On Monday morning I started for Washington by the 6 o'clock boat. While on the boat I saw the Richmond Whig, which confirmed the report I had heard of the assassination on Sunday night.

During the performance of the "American Cousin," Spangler's presence on the stage would be necessary. The first scene of the third act is quick, only of a few moments' duration. The second scene is rather a long one, longer perhaps than any other scene in that act, probably eight, ten, or twelve minutes long. Spangler's presence would be necessary unless positively informed of the duration of the scene.

The second act depends very much upon the action and the spirit of the actors engaged in it. Sometimes it is much more rapid than at others. In the second act I hardly think there is an interval of more than five or eight minutes between the times that Spangler would have to move the scenes. His constant presence upon the stage would be absolutely necessary if he attended to his duties.

In the intervals between the scenes, he should be preparing for the next change, to be ready at his scene, and to remain on the side where the stage-carpenter had assigned him his post of duty; besides, emergencies often arise during an act that require extra services of a stage hand.

J. B. Wright was the stage-manager, James J. Gifford the stage carpenter. The stage-manager directs, the stage-carpenter executes the work belonging to the entire stage. The duty of keeping the passage-way clear and in a proper condition belongs to Gifford's subordinates, the stage hands who were on the side where this passage is. It is the duty of each and every one to keep the passage-way clear, and is as indispensable as keeping the front door clear. The action of the play might be ruined by any obstruction or hindrance there.

My positive orders are to keep it always clear and in the best order. It is the passage-way used by all the parties coming from the dressing-rooms. Where a play was performed like the "American Cousin," the ladies were in full dress, and it was absolutely necessary that there should be no obstruction there, in order that the play should be properly performed. Coming from the dressing-rooms and the green-room of the theater, every one had to use that passage. The other side of the stage was not used more than a third as much, probably. Most of the entrances by the actors and actresses essential to be made are on the O. P. side. By entrances to the stage, I mean to the presence of the audience. The stage-manager was a very exacting man in all those details, and I have always found the passage clear, unless there was some spectacular play, in which he required the whole spread of the stage. Then at times it would be partly encumbered, but not enough so to prevent the people going around the stage, or going to the cellar-way and underneath, and passing to the other side by way of the cellar.

The "American Cousin" was a very plain play; no obstruction whatever could be excused on account of that play; it was all what we call flats, except one scene. The flats are the large scenes that cross the stage.

The prompt side, the side on which the prompter is located, is the position of the stage-carpenter, and opposite to where Spangler worked, which is on the O. P. side, opposite

the prompter's place. Keeping the passage-way clear would not be a duty of Spangler's, unless he was specially charged with it.

Spangler, I know, considered Baltimore his home. He buried his wife there about a year ago, or less, while in my employ. He usually spent his summer months there, during the vacation of the theater, chiefly in crab-fishing. I have understood that he was a great crab-fisher; we used to plague him about it.

[Exhibiting a coil of rope found at Spangler's boarding-house, in his carpet-bag.]

That rope might be used as a crab-line, though it is rather short for that purpose. Professional crab-fishers use much longer ropes than this, four hundred or five hundred feet long, though I have seen ropes as short as this, which I understand is eighty feet, used by amateurs in that sport. The rope is supported by a buoy, and to it are attached smaller ropes or lines.

Spangler seemed to have a great admiration for J. Wilkes Booth; I have noticed that in my business on the stage with the stage-manager.

Booth was a peculiarly fascinating man, and controlled the lower class of people, such as Spangler belonged to, more, I suppose, than ordinary men would. Spangler was not in the employ of Booth, that I know, and only since the assassination have I heard that he was in the habit of waiting upon him. I have never known Spangler to wear a moustache.

I have known J. Wilkes Booth since his childhood, and intimately for six or seven years.

Q. State whether you have ever heard Booth speak of Samuel K. Chester, and, if so, in what connection and where.

Assistant Judge Advocate BINGHAM. I object to any proof about what he said in regard to Chester.

Q. [By Mr. EWING.] State whether or not Booth ever applied to you to employ Chester, who has been a witness for the prosecution, in your theater.

Assistant Judge Advocate BINGHAM. That I object to. It is certainly not competent to introduce the declarations of Booth made to anybody in the absence of a witness that may be called, relative to a transaction of his, to affect him in any way at all. I object to it as wholly incompetent.

Mr. EWING. It is not to attack Chester, may it please the Court, that I make this inquiry, but rather to corroborate him; to show that Booth, while manipulating Chester to introduce him to go into a conspiracy for the capture of the President, was actually at the same time endeavoring to induce Mr. Ford to employ Chester, in order that he might get him here to the theater and use him as an instrument; and it goes to affect the case of

several prisoners at the bar—the case of the prisoner Arnold, who in his confession, as orally detailed here, stated that the plan was to capture the President, and Chester corroborates that; and also to assist the case of the prisoner, Spangler, by showing that Booth was not able to get, or did not get, in the theater any instruments to assist him in the purpose, and was endeavoring to get them brought there—men that he had previously manipulated. I think it is legitimate.

Assistant Judge Advocate BINGHAM. Nothing can be clearer, if the Court please, than that it is utterly incompetent. It is not a simple question of relevancy here; it is absolute incompetency. A party who conspires to do a crime may approach the most upright man in the world with whom he has been, before the criminality was known to the world, on terms of intimacy, and whose position in the world, was such that he might be on terms of intimacy with reputable gentlemen. It is the misfortune of a man that is approached in that way; it is not his crime, and it is not colorably his crime either. It does not follow now, because Booth chose to approach this man Chester, that Booth is therefore armed with the power, living or dead, to come into a court of justice and prove on his own motion, or on the motion of anybody else, what he may have said touching that man to third persons. The law is too jealous of the reputation and character of men to permit any such proceedings as that.

The Commission sustained the objection.

Q. Do you think that the leap from the President's box upon the stage would be at all a difficult one for Booth?

A. I should not think a rehearsal of it needed. He was a very bold, fearless man; he always had the reputation of being of that character. He excelled in all manly sports. We never rehearse leaps in the theater, even when they are necessary to the action of the play; they may be gone over the first time a play is performed, but it is not usual. Booth had a reputation for being a great gymnast. He introduced, in some Shakespearean plays, some of the most extraordinary and outrageous leaps—at least they were deemed so by the critics, and were condemned by the press at the time.

I saw him on one occasion make on these extraordinary leaps, and the Baltimore Sun condemned it in an editorial the next day—styling him “the gymnastic actor.” It was in the play of “Macbeth,” the entrance to the witch scene; he jumped from a high rock down on the stage, as high or perhaps higher than the box; I think nearly as high as from the top of the scene; and he made the leap with apparent ease.

Booth was in the habit of frequenting Ford's Theater at Washington. I seldom visited the theater but what I found him about or near it, during the day, while I was there. I usually came down to the theater three days a week, devoting the other three to my business in Baltimore, and being there between the hours of 10 and 3. I would nearly always meet Booth there when he was in the city. He had his letters directed to the theater, and that

was the cause of his frequent visits there, as I thought then. The last time I saw Booth was some two or three weeks before the assassination.

The last appearance of John McCullough at my theater in Washington was on the 18th of March, the night, I believe, when the "Apostate" was played. Mr. McCullough always appears with Mr. Forrest, and he has since appeared in New York.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

I can not state positively that the private boxes are locked when not in actual use; that is our custom in Baltimore. Mr. Gifford, who had control of the whole theater, is the responsible party whom I should blame for any thing wrong about the boxes. We keep the boxes locked, and the keys in the box-office; here, I understand, the custom is for the ushers to keep the keys. James O'Brien was the usher of the dress-circle, and James R. Ford and Henry Clay Ford were the parties authorized to sell tickets for those boxes that day.

Q. Do you know as a fact that none of the boxes were occupied that night, except that occupied by the President?

A. I have only heard so.

Q. Is the play of the "American Cousin" a popular one? Does it attract considerable audiences?

A. It was, when originally produced, an exceedingly attractive play; of late years it has not been a strong card, but a fair attraction.

Q. Is it not a very unusual thing, when such plays are produced, for your private boxes to be entirely empty?

A. Washington is a very good place for selling boxes usually. They are generally in demand, and nearly always two or three boxes are sold.

Q. Can you recall any occasion on which a play, so popular and attractive as that was, presented when none of your private boxes, save the one occupied by the President was used?

A. I remember occasions when we sold no boxes at all, and had quite a full house—a good audience; but those occasions were rare. My reason for constructing so many boxes to this theater was, that usually private boxes were in demand in Washington—more so than in almost any other city. It is not a favorable place to see a performance, but it is a fashionable place here to which to take company.

Recalled for the Defense.—June 9.

By Mr. EWING.

I have known Edward Spangler for nearly four years. He has been in my employ most of that time. He was always regarded as a very good-natured, kind, willing man. His only fault was in occasionally drinking more liquor than he should have done, not so as to make him vicious, but more to unfit him to work. Since he has been in my employ I never knew him to be in but one quarrel and that was through drink. He was always willing to do any thing, and was a very good, efficient drudge. He was considered a very harmless man by the company around the theater, and was often the subject of sport and fun. I do not think he was intrusted with the confidence of others to any extent. He had not many associates. He had no self-respect, and was a man that rarely slept in a bed; he usually slept in the theater. I never knew any thing of his political sentiments in this city; never heard from him an expression of partisan or political feeling. In Baltimore he was known to be a member of the American Order.

By Mr. CLAMPITT.

I never met J. Z. Jenkins except in Carroll Prison.

JOSEPH J. SESSFORD.

For the Defense.—June 3.

I was a seller of tickets at Ford's Theater. My business commenced about half-past 6 in the evening.

None of the private boxes, except that occupied by the party of the President, were applied for on the evening of the assassination, nor had any been sold during the day that I know of.

WILLIAM WITHERS, JR.
Recalled for the Defense.—May 31.

By Mr. EWING.

The door leading into the alley from the stage was shut when Booth rushed out. After he made the spring from the box, and ran across the stage, he made a cut at me, and knocked me down to the first entrance; then I got a side view of him. The door was shut, but it opened very easily; I saw that distinctly. He made a plunge right at the knob of the door, and out he went, and pulled the door after him. He swung it as he went out. I did not see Booth during the day.

HENRY M. JAMES.
For the Defense.—May 31.

By Mr. EWING.

I was at Ford's Theater on the night of the assassination. When the shot was fired, I was standing ready to draw off the flat, and Mr. Spangler was standing right opposite to me on the stage, on the same side as the President's box, about ten feet from me. From his position he could not see the box, nor the side of the stage on which Booth jumped. I had frequently during the play seen Spangler at his post. I saw no one with him. The passageway was clear at the time; it was our business to keep it clear; it was more Spangler's business than mine.

I saw Spangler when the President entered the theater. When the people applauded on the President's entry, he applauded with them, with hands and feet. He clapped his hands, and stamped his feet, and seemed as pleased as anybody to see the President come in.

I did not see Jacob Ritterspaugh near Spangler that evening. He might have been there behind the scenes, but I did not see him. I can not say how long I staid in my position after the shot was fired; it might have been a minute. I did not see Spangler at all after that happened.

By ASSISTANT JUDGE ADVOCATE BINGHAM.

Jacob Ritterspaugh was employed there, and it was his business to be there behind the scenes, though I did not see him.

J. L. DEBONAY.
For the Defense.—May 31.

By Mr. EWING.

I was playing what is called "responsible utility" at Ford's Theater at the time of the assassination. On the evening of the assassination, Booth came up to the alley door and said to me, "Tell Spangler to come to the door and hold my horse." He then went to the door and went outside, and was there about a minute, when Mr. Booth came in. Booth asked me if he could get across the stage. I told him no, the dairy scene was on, and he would have to go under the stage and come up on the other side. About the time that he got upon the other side, Spangler called to me, "Tell Peanut John to come here and hold this horse; I have not time. Mr. Gifford is out in the front of the theater, and all the responsibility of the scene lies upon me." I went on the other side and called John, and John went there and held the horse, when Spangler came in and returned to his post.

I saw Spangler there or four times that evening on the stage in his proper position. I saw him about two minutes before the shot was fired. He was on the same side I was on—the same side as the President's box. About five minutes after the shot was fired, I again saw Spangler standing on the stage, with a crowd of people who had collected there.

I saw Booth when he made his exit. I was standing in the first entrance on the left-hand side. When he came to the center of the stage, I saw that he had a long knife in his hand. It seemed to me to be a doubled-edged knife, and looked like a new one. He paused about a second, I should think, and then went off at the first entrance to the right-hand side. I think he had time to get out of the back door before any person was on the stage. It was, perhaps, two or three seconds after he made his exit before I saw any person on the stage in pursuit. The first person I noticed was a tall, stout gentleman, with gray clothes on, I think, and I believe a moustache. Booth did not seem to run very fast across the stage; he seemed to be stooping a little when he ran off. The distance he ran would be about thirty-five or forty feet; but he was off the stage two or three seconds before this gentleman was on, and of the two, I think Booth was running the fastest.

By Mr. AIKEN.

I was at the theater at 12 o'clock that day. I did not see Booth there.

Recalled for the Prosecution.—June 13.

When the shot was fired on the night of the assassination, I was standing on the left-hand side of the first entrance, the side the President's box was on. About a minute and a half or two minutes after Mr. Stewart left the stage, or about time to allow of his getting to the back door, I saw Spangler shove the scene back to give the whole stage to the people who came on. I do not know who assisted him. Spangler then came to the front of the stage with the rest of the people. There was then a cry for water. I started to the green-room, and he came the same way. About a half dozen of us went to get some water to carry it to the private box.

When Booth wanted Spangler to hold his horse, and I went over to tell him, Spangler and Sleichman were standing close to each other on the opposite side of the stage, the side of the President's box. Spangler then left; I saw him go out to Booth, and in about a minute or a minute and a half Booth came in.

I heard no conversation between Spangler and Booth. Booth met Spangler at the door, and was standing at the door on the outside; the door was about half open when Spangler went out. If any person had followed Spangler I should have seen him. I was half-way between the back door and the green-room, about eighteen or twenty feet distant, I suppose. Booth, when he came in, went under the stage to the opposite side, and went out of the side door; I went under the stage and crossed with him. I did not see him speak to any one. I was in front of the theater about five minutes before the assassination; I did not see Spangler there.

I have known Spangler for about six months. I have never seen him wear a moustache. He is a man that has been a little dissipated a considerable portion of his time—fond of spreeing round. He is free in conversation, especially when in liquor.

Cross-examined by the JUDGE ADVOCATE.

When Booth passed under the stage, he went through the little side passage, level with the lower floor of the theater, that leads out into Tenth Street; that side passage also leads up to Mr. Ford's room. I went out through that passage to the front of the theater, and returned by the same way, and had taken my place on the stage when the pistol was fired. I was not doing any thing, but was leaning up against the corner of the scene at the time. We were waiting for the curtain to drop. Mr. Harry Hawk was on the stage at the moment, playing in a scene.

By Mr. EWING.

I played in the piece, taking the part of *John Wigger*, the gardener.

WILLIAM R. SMITH.
For the Defense.—June 2.

I saw the gentleman who first got upon the stage after Booth got off. He was a large man, dressed in light clothes, with a moustache. This gentleman was the first that got upon the stage, and I suppose it was probably two or three minutes—about that long—after Booth went off the stage that this man went out of the entrance. I saw no one else run out of the entrance except Hawk,, the young man who on the stage at the time Booth jumped from the box. If any one had run out of the entrance following Booth, I should probably have seen him, because I thought it was very singular that those who were near the stage did not try to get on it.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

I sat in the dress-circle on the north side, the same side as the entrance through which Booth passed. From the place where I sat I could not distinctly see the mouth of the entrance.

JAMES LAMB.
For the Defense.—June 2.

By Mr. EWING.

For over a year I have been employed at Ford's Theater as an artist and scene-painter.

[The rope found in Spangler's bag exhibited to the witness.]

I have seen ropes like this at the theater. There are probably forty or fifty of such ropes in use there. They are called border-ropes and are about seventy or eighty feet in length, used for suspending the borders that hang across the stage. The borders are long strips of canvas, painted to represent some exteriors, others interiors, and as they are required to be changed for the scene that is on, they are raised or lowered by means of such ropes as these. This rope has the appearance of having been chafed; a new rope would be a little stiffer in its texture than this. I should say this a new rope, but has been in use, though I can not detect any thing that would lead to say it has been in use as a border-rope; if it had been, there would been a knot fastening at the end, or have the appearance of having been tied.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

I think it is a rope very similar to the ones used at the theater, but I should be very sorry to swear that it was one of them. I should say the material was manilla.

I know John Wilkes Booth by sight. I never spoke a word to him in my life. I did not hear him say any thing in March or April last about the President. I never was in his company.

By Mr. EWING.

From an examination of the rope, I have no reason to believe that it was used as a border-rope. I was in the theater the whole of Saturday, the day after the President was assassinated, from 10 o'clock until the military guard took possession, and I saw Spangler there several times during the day.

By ASSISTANT JUDGE ADVOCATE BINGHAM.

I saw him on the stage. Maddox, Jake, Mr. Gifford, and Mr. Wright, the stage-manager, were in and out occasionally. Carland was also there with Spangler, Maddox, and myself, in the forenoon, loitering and walking about, sometimes sitting down; there was no companionship particularly. I have not seen Spangler since this morning.

JACOB RITTERSPAUGH.
Recalled for the Defense.—June 2.

By Mr. EWING.

When I was in the theater with Mr. Lamb, the next day after the assassination, I told him about Spangler slapping me and saying, "Shut up; don't say which way he went;" and on the night of the assassination, when Carland came up to Mr. Gifford's room, he woke me up and asked where Ned was. I told him I did not know, and then I told him that Ned had slapped me in the mouth, and said, "Don't say which way he went."

As I was on the stage with Spangler on the day of the assassination, we saw a man in the dress-circle smoking a cigar. I asked Spangler who it was, but he did not know; and I said we ought to tell him to go out; but Spangler said he had no charge on that side of the theater, and had no right to do so. I took no more notice of him, and went to my work again. After awhile I saw him sitting in the lower private box, on the right-hand side of the stage. He was looking at us. I told Ned, and he spoke to him, and then the man went out. That was about six o'clock on the evening of the day on which the President was assassinated. That was about 6 o'clock in the evening.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

I never saw the man before. He wore a moustache. I saw him first in the dress-circle, then in the lower private box on the right-hand side of the stage, the left-hand when you come in from the front of the theater.

JAMES LAMB.
Recalled for the Defense.—June 2.

I saw Ritterspaugh on the stage on Saturday, the day following the President's assassination. Ritterspaugh was grumbling, and saying that it was well for Ned that he hadn't something in his hand at the time. I asked him why. He replied, "He struck me last night a very hard blow, and he said at the same time, 'Shut up; you know nothing about it.'" This was said in connection with Ritterspaugh having said it was Booth that ran across the stage. Ritterspaugh said he called out, "I know him; I know who it was; it was Booth," or something of that kind, and then Ned struck him and said "Hush up; be quiet. What do you know about it?" That was while Mr. Booth, or whoever it was, was leaving the stage. It was when he was making his escape that this man Jake said he was rushing up and made this exclamation, "That was Booth; I know him; I know him; I will swear that was Booth;" when Ned turned round and struck him in the face with his hand. Ritterspaugh said, "It is well for him I had not something in my hand to return the blow." Then he represented Spangler as saying, when he slapped him "Hush up; hush up; you know nothing about it. What do you know about it? Keep quiet;" hushing him up.

Ritterspaugh did not say to me that when Spangler hit him on the face he said, "Don't say which way he went." I am certain Ritterspaugh did not say that to me, or words to that effect.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

Q. Can you tell just exactly the words he did say, that you have sworn to already?

A. Yes, sir.

Q. State them.

A. "Shut up; what do you know about? Hold your tongue."

Q. That is what Jake said?

A. That is what Spangler said to Jake.

Q. Are you now reporting what Jake said, or reporting what Spangler said?

A. I am reporting what Spangler said and what Jake said.

Q. We are not asking you for what Spangler said; we are asking you what Jake said. State, if you please, what Jake said on that occasion, and exactly what you have sworn he said, and all he said.

A. I will, as near as I can recollect. As he told me, he said, "I followed out the party, was close at his heels, or near to him, and I said that is Booth. I know him; I know him;" or words to that effect, as near as can be.

Q. Jake said he followed out the party, close to his heels?

A. Near to him.

Q. And that he knew who that was?

A. He did not say that he followed the party.

Q. I am asking you what he said. Did you not swear just now that he said he followed the party close to his heels?

A. He was near to him.

Q. Did you or did you not swear that he said he followed the party close to his heels?

A. You know whether I swore it or not.

Q. I ask you whether you did swear to it or not?

A. I say he did.

Q. Very well, then, stick to it. Then Jake said he followed the party close to his heels?

A. Yes, sir.

Q. And he knew who he was?

A. Yes, sir.

Q. What more did Jake say? Did he say he came back after following him close to his heels?

A. No; he received a blow from Spangler, and that shut him up.

Q. Do you swear now that Spangler followed the man close to his heels?

A. No, sir.

Q. Then how did they fix it?

A. Spangler was standing in the way.

Q. While Jake was following the man close to his heels?

A. No, not at all.

Q. How was that?

A. Spangler, I suppose—

Q. You need not state what you suppose. State what Jake said. That is the only question before the Court.

A. That is what I have stated.

LOUIS J. CARLAND.
For the Defense.—June 12.

By Mr. EWING.

I am acquainted with Jacob Ritterspaugh. On the night of the assassination I went to Mr. Gifford's room, and Ritterspaugh was there asleep. I woke him up, and asked him where Spangler was. He seemed frightened, and thought I was Mr. Booth.

I asked him where Mr. Spangler was. He told me he did not know where he was now; the last he had seen of Mr. Spangler was when he was standing behind the scenes, and that he did not know where he had gone; that when the man was running past he had said that was Mr. Booth, and Spangler had slapped him in the mouth, and said to him, "You don't know who it is; it may be Mr. Booth, or it may be somebody else."

He did not say that Spangler slapped him on the face with the back of his hand and said, "Don't say which way he went," nor any thing to that effect.

I did not see Spangler until the next day; then I saw him in the theater, on the stage. When he went up stairs to bed on the Saturday night after the assassination, he said there some talk that the people were going to burn the theater, and as he slept very heavily, he was afraid to sleep up there, so I took him into my room, and he was there all night. He was put under arrest that night in my room. At half-past 9 o'clock Sunday morning the guard came and relieved him, and when I was discharged we both went into the street. I went to church, and in the afternoon saw Spangler again in the street near the theater. We walked round that afternoon, and to Mr. Gurly's on C street. Some one came there and told he was going to be arrested, and I advised him at once to go and see the detectives, and not have them come after him when he was asleep and take him out of his bed. I went to Mr. Barry, one of the detectives, and asked him if there was any such report at the police head-quarters, and he said no. I know that Spangler had very little money those two days, for he wanted to see Mr. Gifford to get some.

Booth frequented the theater very familiarly before the assassination. He was there a great deal, and was very intimate with all the employees, and called them by name. He was a gentleman who would soon get acquainted, and get familiar with people on a very short acquaintance.

[Exhibiting to the witness the rope found in Spangler's bag.]

We use just such rope as that in the theater to pull up the borders and scenes, and for bringing up lumber to the top dressing-rooms, because the stairs are too narrow. About two weeks before the assassination, we used such a rope as that to haul up some shelving for my wardrobe, through the window, to the fourth story; Spangler and Ritterspaugh brought it up. I do not know that the rope we used was an extra one; there were a great many ropes around the theater. I am not qualified to judge about how much the rope has

been used; this one does not look like an entirely new rope; it is not such as I would buy for a new one; it looks as if it had been exposed out of doors, or in the rain.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

Spangler used to sleep in the theater before the assassination, and he slept there on that night, but not in the room he usually slept in. On that night he slept in the carpenter's shop attached to the theater. I do not know where he slept on Sunday night.

It was about 12 o'clock on Friday night when I woke Ritterspaugh up; there was no one with me, but a policeman stood in the manager's office, on the first floor of the green-room; that is where I found Ritterspaugh. He was frightened when I woke him up, and thought it was Booth. He did not say any thing to me about Booth drawing a knife on him. When I asked, "Where is Ned?" he said he did not know where he was; that he supposed he was up. I made no reply, and he went on and said that when Booth ran out through the passage-way, while he and Ned were standing behind the scenes, he made the remark, "That is Mr. Booth," and Ned slapped him in the mouth and said "You don't know whether it is Mr. Booth, or who it is." That is all that I remember he said.

I never told it to any one but Mr. William Withers, jr. I dined with him on the Sunday after the assassination, and told him then.

By Mr. EWING.

The carpenter-shop is attached to the theater just the same way as my wardrobe is. It is not in the theater building, but it is included in the theater. You do not have into the street to get to it. You leave the theater, and there is a passage-way to go up, the same as we have to go to the green-room and the dressing-rooms.

Ritterspaugh had fully waked up when he told me that; he stood up and recognized me. He knew who it was before he began to speak.

The theater was guarded on Sunday night, but any of the employees who slept there could get in. Mr. Spangler had a pass from the captain or officer of the guard to go in and out when he liked, and on Saturday I had a pass for that purpose.

JAMES J. GIFFORD.
Recalled for the Defense.—May 30.

By Mr. EWING.

On Monday evening of the week previous to the assassination, I heard Booth tell Spangler to take his horse and buggy down to Tattersall's, the horse-market, and sell it. I presume Spangler sold it. He brought the man up with him, and asked me to count the money and give him a receipt. I took the money and handed it over to Booth.

- Q.* State whether or not, since the assassination, and previous to his release from Carroll Prison, Ritterspaugh told you at the prison that the prisoner, Edward Spangler, directly after the assassination of the President in the theater, hit him in the face with the back of his hand and said, "Don't say which way he went."
- A.* To the best of my knowledge, I never heard him say so. He asked me if he could amend the statement that he had made. He asked me if he could amend it. I told him certainly, but he ought to be particular and state the truth of what he knew. That is all the conversation we ever had regarding it. He told me he had made a misstatement, and had not told all he knew. He did not say what he had omitted; if he had, I should surely have remembered it, for I have had nothing but this case to think about since I have been in the Old Capitol Prison.

If any thing was wrong about the locks on the private boxes at the theater, it was the duty of the usher to inform me, and for me to have them repaired. No repairing was done to any door leading to the President's box since August or September of last year.

I have frequently heard of Spangler going crab-fishing, but I never saw him. He has told me of going down to the Neck on the Saturday night, and staying till Monday morning; and I have heard others say that they had gone crabbing with him.

[Exhibiting to the witness the rope found in Spangler's bag.]

They use a line of that sort, with small lines tied to it, about three feet apart, and pieces of meat attached as bait. The line is trailed along, and as the crabs seize the bait they are dragged along and taken. I have seen ropes similar to this used, and sometimes a little longer. As there is but little strain upon the rope, it is not particular about the size.

By Mr. AIKEN.

I saw J. Wilkes Booth, about half-past 11 or 12 o'clock on the 14th, pass the stage entrance and go to the front door. He bowed to me, but we had no conversation.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

It is fully three weeks ago that Ritterspaugh said he was scared, and that he could not tell what he was doing; but I do not remember his precise words. He seemed to be troubled about it, and asked me if he could not make a correct statement, and I told him certainly he could.

THOMAS J. RAYBOLD.
For the Defense.—June 2.

By Mr. EWING.

I have been engaged at Ford's Theater since the first Monday of December a year ago. I was employed to take charge of the house; to see to the purchasing of every thing required in the house, and if any repairs were needed, they were done through my order. In the absence of the Messrs. Ford, I was in the box-office and sold the tickets.

I know of the lock on the door of box 8, the President's box, as it is called, being burst open during Mrs. Bower's engagement in March. On the 7th of March, Mr. Merrick, of the National Hotel, asked me, while at dinner, to reserve some seats in the orchestra for some company, which I did. It is customary, after the first act is over, for reserved seats, which have not been occupied, to be taken by any person wanting seats. Mr. Merrick did not come by the end of the first act, and the seats were occupied. Shortly afterward word was sent to me in the front office, saying that Mr. Merrick and his friends were there, and inquiring for the seats. I took them up stairs to a private box, No. 6, but it was locked, and I could not get in; I went then to boxes 7 and 8, generally termed the President's box, and they were also locked. I could not find the keys, and I supposed the usher had them; but he had left the theater, as he frequently does, when the first act is over; so I put my shoulder against the door of No. 8, the box nearest the stage, to force it open, but it did not give way to that, and I stood from it with my back and put my foot against it close to the lock, and with two or three kicks it came open. There is another lock in the house to which I did the same thing when I could not find the key. When the President came to the theater, boxes 7 and 8 were thrown into one by the removal of the partition between them. The door to No. 8—the one I burst open—was the one always used, and was the door used on the night of the assassination. The other door could not be used.

I do not know whether the lock was ever repaired after I burst it open. It was my place to report it to Mr. Gifford and have it repaired, but I never thought of it from that time. I frequently entered the box afterward, and always passed in without a key. I never said a word to Mr. Gifford about repairing the lock, and never thought even of reexamining it to see what condition it was in. The locks were only used to keep persons out when the boxes were not engaged. I have frequently had to order persons out when the boxes were left open.

About two weeks prior to the 14th of April, J. Wilkes Booth engaged a private box, No. 4, at Ford's Theater, and in the afternoon he came again to the office and asked for exchange of the box, and I believe it was made to box 7. I can not be positive whether it was box 7 or 8, that he occupied that night, but I think it was 7. It is the door leading into box 7 that has the hole bored in it.

To the best of my knowledge, there were no tickets sold up to the time of the opening of the theater on the night of the assassination; I can not say positively, for I had been sick with neuralgia for several days, and was not in the office the whole of the day. I was there in the morning, between 10 and 11, when the messenger obtained tickets for the President, and again in the afternoon, but do not know of any applications, and if there had been, I should have seen when I counted the house at night, which I did on the night of the assassination, at 10 o'clock, as usual.

I saw Booth on the morning of the 14th at the office; I do not know whether before or after the box was engaged for the President. I know he got a letter from the office that morning. Booth's letters were directed to Mr. Ford's box at the post-office, and he generally came every morning for them. Mr. Ford would get the letters as he came from breakfast in the morning, and bring them to the office, when the letters that belonged to the stage would be sent there, and those belonging to Booth would be called for by him.

The rocking-chair was placed in the position in occupied in the President's box simply because, in any other position, the rockers would have been in the way. When the partition was taken down, it left a triangular corner, and the rockers went into the corner at the left of the balustrade of the box; they were there out of the way. That was the only reason why I put it there. I had it so placed on two occasions before; last winter a year ago, when Mr. Hackett was playing, when the President was there. The sofa and other parts of the furniture had been used this last season, but up to that night the chair had not.

[Exhibiting to the witness the coil of rope found in Spangler's carpet-bag.]

I can not swear that this rope has been used at the theater, but we used such ropes as this at the time of the Treasury Guard's ball, from the lobby to the wings, to hang the colors of different nations on. It is like the kind of rope we use in the flies for drawing up the different borders that go across from one wing to the other. From its appearance, I judge this rope has been used. It would be lighter in color if it had not been.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

Any rope that was used about the theater, I should judge, ought to stay there; I do not think its proper place would be in a carpet-sack a half mile off. We use a great many such ropes; and sometimes when they are taken down, they lie upon the scene-loft until we need them again.

The outer door, or door of the passage to the President's box, never had a lock on; I do not think it has even a latch on. I do not know whether the force I employed against the door burst the lock or the keeper of; I supposed at the time that it started the keeper. The fastening on the door is of pine I believe; I do not know whether it was split or not; I did not examine it. I did not touch box 7.

The last time I was in the President's box was on the morning after the assassination. I went in with some gentlemen to look at the hole in the door. I did not see the mortise in the wall, nor any piece of wood to fasten the door with, nor did I see the mortise the previous afternoon. I was there but for about five minutes, while the flags were being put up. The chair was in the box when I went in to help put up the flags; it was placed behind the door of box No. 7, with the rockers in the corner toward the audience. I did not see him in the box, but my opinion is that the way the chair was placed, the audience was rather behind the President as he sat in the chair.

I can not say the precise day on which Booth occupied box No. 7. Mr. Ford was the one who sold him the box and exchanged it. There were ladies and men with Booth, I think.

By Mr. EWING.

I can not state whether it was after Booth played *Pescara* that he occupied that box. To the best of my recollection, it was about two weeks before the assassination; it might have been more. He had the box on two occasions. Once when he engaged it, he did not use it; he told me that the ladies at the National Hotel had disappointed him.

I do not know any thing at all as to whether Spangler got that rope from the theater rightfully or not.

Recalled for the Defense.—June 2.

By Mr. EWING.

Since I was upon the stand, I have visited Ford's Theater, and examined the keepers of the locks of boxes Nos. 7 and 8. The lock of box 8 is in the condition that I stated this morning. It has been forced, and the wood has been split by forcing the lock. The screw in the keeper is tight, and the keeper has been forced aside. The lock on the door of box 7 has been forced, which I was not aware of until I saw it just now. You can take the upper screw out with your finger, and put it in and out; you can put your thumb against it, and put it in to the full extent of the screw. I can not say as it its having been done with an instrument. It must have been done by force; I know that No. 8 was done by force applied to the outside of the door; the other has a similar appearance.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

The wood in box 7 is not split a particle. The reason why I think force has been used with that lock is, that if the screw was drawn by a screw-driver, when it went back again it would have to be put back by the driver, but when force has been used, it would make the hole larger, and you could put the screw in and out just as you can the screw in the door of box 7.

By Mr. AIKEN.

I do not know John H. Surratt. I do not know any of the prisoners except Spangler. He is the only one I ever saw with the exception of one, [Herold,] whom I knew when he was quite a boy.

HENRY E. MERRICK.
For the Defense.—June 2.

By Mr. EWING.

I am a clerk at the National Hotel, Washington. On the evening of the 7th of March, in company with my wife, Mr. Marcus P. Norton of Troy, N. Y., Miss Engels, and Mrs. Bunker, I went to Ford's Theater. Mr. Raybold took us to a private box. We passed down the dress-circle on the right-hand side, and entered the first box; there was a partition up at the time between the two boxes. Mr. Raybold went to the office for the key, but could not find it. He then placed his shoulder, I think, against the door and burst it open. The keeper was burst off I think; at least the screw that held the upper part of the keeper came out, and it whirled around, and hung by the lower screw.

Our books show that John McCullough, the actor, left the National Hotel on the 26th of March; since then I have not seen him.

I have never known him to stop at any other hotel than the National.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

Mr. McCullough may have called on some friend in the house, and I not see him. I have not seen him since the 26th of March.

It was the very first box that we went into on visiting the theater on the 7th of March; the partition was between the box we occupied and the one to our right, further on toward the stage. The box nearest the stage we did not enter at all. It was the very first box we came to that we entered, and it was the door of this box that was burst open. The upper screw came out entirely, and the keeper swung round on the lower screw, and left the lock without any fastening at all.

JAMES O'BRIEN.
For the Defense.—June 3.

I have been employed as clerk in the Quarter-master General's office. I also had an engagement at night as usher at Ford's Theater.

Some time before the assassination I noticed that the keeper of box 8 had been wrenched off. I was absent one evening, at home sick, and when I came next I found that the keeper was broken off; but, as the door shut pretty tight, I never thought of speaking about it. You might lock the door, but if you were to shove it, it would come open.

The keeper on box No. 7 appeared to be all right; I always locked that box. The door of No. 8 was used when the Presidential party occupied the box; when the party occupying the Presidential box entered, the door was always left open. The door of the passage leading to the two boxes had no lock on it, or fastening of any kind.

JOSEPH T. K. PLANT.

For the Defense.—June 2.

By Mr. EWING.

My occupation at present is that of a dealer in furniture; ever since I was fourteen years old I have been, more or less, engaged in cabinet work. I have visited Ford's Theater to-day, and have examined the keepers on boxes No. 7 and No. 8. To all appearances they have been forced. The wood-work in box 8 is shivered and splintered by the screws. In box 7, I could pull the screw with my thumb and finger; the tap was gone clear to the point. I could force it back with my thumb. In box 4, which is directly under box 8, the keeper is gone entirely.

I should judge that the keepers in boxes 7 and 8 were made loose by force; I could not see any evidence of an instrument having been used to draw the screws in either of them.

I noticed a hole in the wall of the passage behind the boxes; it had the appearance of having been covered with something; I could not see what, as no remnant of it was left, in size about five by seven and half or eight inches. I noticed also a hole, a little more than one-fourth of an inch in diameter, in the door of box 7. It is larger on the outside than it is on the inside. The left side of the hole feels rough, as if cut by a gimlet, while the lower part of the right-hand side appears to have been trimmed with a penknife or some sharp instrument. The hole might, I think, have been made by a penknife, and the roughness might have been caused by the back of the knife.

G. W. BUNKER.

For the Defense.—June 2.

I am clerk at the National Hotel. The day after the assassination I packed Booth's effects at the National, and had his trunk removed into our baggage-room. In his trunk I found a gimlet with an iron handle.* I carried it to my room, and afterward gave it to Mr. Hall, who was attending to Mr. Ford's business.

* The gimlet would bore a hole three-sixteenths of an inch in diameter.

John McCullough, who always made his home at the National, I find he registered his name the last time on March 11; he left on the 26th of March.

CHARLES A. BOIGI.
For the Defense.—June 2.

By Mr. EWING.

I know the accused, Edward Spangler; he boarded at the house where I boarded. He boarded there five or six months, I presume before the assassination, and I saw him at and about the house as usual for several days afterward. They had him once or twice in the station-house, I believe, before he was finally arrested; I do not recollect the date of his final arrest.

JOHN GOENTHER.
For the Defense.—June 2.

By Mr. EWING.

I boarded in the same house with the accused, Edward Spangler, previous to his arrest. He boarded there on and off for six or seven months, perhaps longer. I have lived there off and on for the last three years. To my certain knowledge, I saw Spangler about the house for two or three days before the assassination; I never saw him wear a moustache.

Cross-examined by ASSISTANT JUDGE ADVOCATE BINGHAM.

I am not certain what days it was that I saw Spangler at the house. He did not sleep there. I used to see him in the morning, and of evenings when I came from my work. I work in the arsenal, and generally take my dinner with me.