

PURSUIT AND CAPTURE OF JOHN WILKES BOOTH

JOHN FLETCHER.

For the Prosecution.—May 17.

David E. Herold came to our stable, in company with the prisoner, Atzerodt, about a quarter to 1 o'clock, on the 14th of April, and engaged a horse, which he asked me to keep for him, and he would call for it at 4 o'clock. At a quarter past 4 he came and asked me how much I would charge him for the hire of the horse. I told him five dollars. He wanted it for four. I told him he could not have it for that. He knew the horse, and inquired for that particular one. I went down to the stable with him, and told him to take a mare that was in the stable; but he would not have her. I then told him I would give the other horse. He then wanted to see the saddles and bridles. I showed him a saddle, and he said it was too small. Then I showed him another. That suited him very well, only that it had not the kind of stirrups he wanted. The stirrups were covered with leather, and he wanted a pair of English steel stirrups. He then wanted to see the bridles. I took him into the office and showed him the bridles, and he picked out a double-reined bridle. Before he mounted the horse he asked me how late he could stay out with him. I told him he could stay out no later than 8 o'clock or 9, at furthest. After that hour I became very uneasy about the horse, and wanted to see about it before I closed up the stable; and that is how I got to see Atzerodt and Herold.

At about 10 o'clock, having a suspicion that Herold was going to take the horse away, I went across E Street, and up Fourteenth Street, till I came upon Pennsylvania Avenue, close to Willard's, where I saw Herold riding the roan horse. He seemed as if he was coming down from the Treasury upon the Avenue. He was passing Fourteenth Street; the horse was pulling to get to the stable, for he was a horse very well acquainted with the stable. I supposed Herold knew me by the light of the lamp, for he turned the horse around, and I hallooed to him, "You get off that horse now; you have had it long enough;" but he put spurs to it, and went, as fast as the horse could go, up Fourteenth Street, making no reply to me. He was a very fast horse, and all the time used as a lady's saddle-horse; any one could ride him, he was so gentle and nice; his pace was a single foot rack. He would trot if you would let the bridle go slack. He was a light roan horse, black tail, legs, and mane, and close of fifteen hands high. I kept sight of him until he turned to the east of F Street. That was about twenty-five minutes past 10.

I then returned to the stable for a saddle and bridle and horse myself, and went along the avenue until I came to Thirteenth Street; went up Thirteenth Street to E until I came to Ninth, and turned down Ninth Street to Pennsylvania Avenue again. I went along the avenue to the south side of the Capitol. I there met a gentleman, and asked him if he had passed any one riding on horseback. He said yes, and that they were riding very fast. I followed on until I got to the Navy Yard bridge, where the guard halted me, and called for the sergeant of the guard. He came out, and I asked him if a roan horse had crossed that

bridge, giving him a description of the horse, saddle, and bridle, and the man that was riding. He said, "Yes, he has gone across the bridge." "Did he stay long here?" I asked. He replied, "He said that he was waiting for an acquaintance of his that was coming on; but he did not wait, and another man came riding a bay horse or a bay mare, right after him." "Did he tell you his name?" "Yes, he said his name was Smith." I asked if I could cross the bridge after them. He said "Yes, you can cross, but you can not return." I said, "If that is so, I will not go." So I turned around and came back to the city again. When I came to Third Street, I looked at my watch, and it wanted ten minutes to 12. I rode pretty fast going down to the Navy Yard, but I rode slowly coming back. I went along W Street until I got to Fourteenth Street, and inquired of the foreman at Murphy's stable, by the name of Dorsey, whether this roan horse had been put up there. He said, "No; but," said he, "you had better keep in, for President Lincoln is shot and Secretary Seward is almost dead." I then returned to the stable, put up the horse, came outside of the office window, and sat down there; it was half past 1 o'clock.

Cross-examined by Mr. STONE.

When I caught sight of Herold on the horse, near Willard's, the horse seemed somewhat tired, and as if he wanted to go to the stable, and appeared as if he had been ridden a right smart distance. He was then going an easy kind of pace. I am quite satisfied that it was Herold I saw on my horse.

I became acquainted with Herold by his calling at our stable, about the 5th or 6th of April, inquiring for the man Atzerodt, but he did not inquire for him by name; he wanted to know if the man that kept the horse in the side stable had been there that day. He came to our stable every day, from about the 5th or 6th of April until the 12th, inquiring for Atzerodt, and I saw him ride with him. One day Atzerodt went out riding, and sent the horse back by Herold, and the next day Atzerodt asked "How did he bring the horse back?" and if he rode him fast.

SERGEANT SILAS T. COBB.

For the Prosecution.—May 16.

On the night of the 14th of April, I was on duty at the Navy Yard bridge. At about half past 10 or 11 o'clock, a man approached rapidly on horseback. The sentry challenged him, and I advanced to see if he was a proper person to pass.

I asked him, "Who are you, sir?" He said, "My name is Booth." I asked him where he was from. He made answer, "From the city." "Where are you going?" I said; and he replied, "I am going home." I asked him where his home was. He said it was in Charles. I understood by that he meant Charles County. I asked him what town. He said he did not live in any town. I said, "You must live in some town" Said he, "I live close to Beantown; but do not live in the town." I asked him why he was out so late; if he did not know the rule that persons were not allowed to pass after 9 o'clock. He said it was new to him; that he had had somewhere to go in the city, and it was a dark night, and he

thought he would have the moon to ride home by. The moon rose that night about that time. I thought he was a proper person to pass, and I passed him.

[A photograph of J. Wilkes Booth was shown to the witness.]

That is the man that passed first. He rode a small-size horse, rather an under-sized horse, I should think, a very bright bay, with a shining skin, and it look as though he had just had a short burst—a short push—and seemed restive and uneasy, much more so than the rider. In all, I had some three or four minutes' conversation with him before I allowed him to pass.

In perhaps five or seven, or, at the outside, ten minutes, another person came along. He did not seem to be riding so rapidly as the first, or his horse did not show signs of it as much as the first. I asked who he was, and he said that his name was Smith, and that he was going home; that he lived at the White Plains. I asked him how it was that he was out so late. He made use of a rather indelicate expression, and said that he had been in bad company. I brought him up before the guard-house door, so that the light shone full in his face and on his horse.

[The accused, David E. Herold, was directed to stand up for identification.]

He is very near the size of the second horseman; but, I should think, taller, although I can not be sure, as he was on horseback. He had a lighter complexion than this man. After his explanation, I allowed him to pass. He rode a medium-sized roan horse. I should think the horse was going at a heavy racking pace, or something like that. The horse did not move like a trotting horse. He carried his head down.

Afterward, a third horseman rode up, and made inquiry after a roan horse; after a man passing on a roan horse. He made no inquiry about the other horseman who had passed first. He did not seem to have any business on the other side of the bridge that I considered of sufficient importance to pass him, and so I turned him back.

I do not think the moon was up at that time, but rose after the horsemen had gone forward.

POLK GARDINER.
For the Prosecution.—May 16.

On the night of the 14th of April last, I was on the Bryantown road, coming to Washington, and about 11 o'clock, when on Good Hope Hill, I met two horsemen, one about a half mile behind the other, and both riding very fast. The first, who was on a dark horse, I think a bay, asked me if a horseman had passed ahead; he then asked me the road to Marlboro, and if it did not turn to the right. I told him no; to keep the straight road.

As the second horseman rode up, a lot of teamsters were passing at the time, and I heard him ask them whether a horseman had passed ahead; I do not know whether he asked them or me; I did not answer. He rode a roan horse, a light horse, a roan or an iron-gray.

Cross-examined by Mr. COX.

I met the first horseman two miles and a half or three miles from the city, half-way up the hill. It was not over five or ten minutes before the second horseman came along. Both of them were riding very fast. I got off the hill entirely before I met the second man.

JOHN M. LLOYD.
For the Prosecution.—May 13.

I reside at Mrs. Surratt's tavern, Surrattsville, and am engaged in hotel-keeping and farming. Some five or six weeks before the assassination of the President, John H. Surratt, David E. Herold, and G. A. Atzerodt came to my house. Atzerodt and Surratt drove up to my house in the morning first, and went toward T. B., a post-office about five miles below there. They had not been gone more than half an hour, when they returned with Herold. All three, when they came into the bar-room, drank, I think. John Surratt then called me into the front parlor, and on the sofa were two carbines, with ammunition; also a rope from sixteen to twenty feet in length, and a monkey-wrench. Surratt asked me to take care of these things, and to conceal the carbines. I told him there was no place to conceal them, and I did not wish to keep such things. He then took me into a room I had never been in, immediately above the store-room, in the back part of the building. He showed me where I could put them underneath the joists of the second floor of the main building, I put them in there according to his directions.

I stated to Colonel Wells that Surratt put them there, but I carried the arms up and put them in there myself. There was also one cartridge-box of ammunition. Surratt said he just wanted these articles to stay a few days, and he would call for them. On the Tuesday before the assassination of the President, I was coming to Washington, and I met Mrs. Surratt, on the road, at Uniontown. When she first broached the subject to me about the articles at my place. I did not know what she had reference to. Then she came out plainer, and asked me about the "shooting-irons." I had myself forgotten about their being

there. I told her they were hid away far back, and that I was afraid the house might be searched. She told me to get them to get them ready; that they would be wanted soon. I do not recollect distinctly the first question she put to me. Her language was indistinct, as if she wanted to draw my attention to something, so that no one else would understand. Finally she came out bolder with it, and said they would be wanted soon. I told her that I had an idea of having them buried; that I was very uneasy about having them there.

On the 14th of April I went to Marlboro to attend a trial there; and in the evening, when I got home, which I should judge was about 5 o'clock, I found Mrs. Surratt there. She met me out by the wood-pile as I drove in with some fish and oysters in my buggy. She told me to have those shooting-irons ready that night, there would be some parties who would call for them. She gave me something wrapped in a piece of paper, which I took up stairs, and found to be a field-glass. She told me to get two bottles of whisky ready, and that these things were to be called for that night.

Just about midnight on Friday, Herold came into the house and said, "Lloyd, for God's sake, make haste and get those things." I did not make any reply, but went straight and got the carbines, supposing they were the parties Mrs. Surratt had referred to, though she didn't mention any names. From the way he spoke he must have been apprised that I already knew what I was to give him. Mrs. Surratt told me to give the carbines, whisky, and field-glasses. I did not give them the rope and monkey wrench. Booth didn't come in. I did not know him; he was a stranger to me. He remained on his horse. Herold came into the house and got a bottle of whisky, and took it out to him, and he drank while sitting on his horse. Herold, I think, drank some out of the glass before he went out.

I do not think they remained over five minutes. They only took one of the carbines. Booth said he could not take his, because his leg was broken.

Just as they were about leaving, the man who was with Herold said, "I will tell you some news, if you want to hear it," or something to that effect. I said, "I am not particular; use your own pleasure about telling it." "Well," said he, "I am pretty certain that we have assassinated the President and Secretary Seward." I think that was his language, as well as I can recollect. Whether Herold was present at the time he said that, or whether he was across the street, I am not positive; I was much excited and unnerved at the time.

The moon was shining when the men came. The man whose leg was broken was on a light-colored horse; I supposed it to be a gray horse, in the moonlight. It was a large horse, I suppose some sixteen hands high; the other, ridden by Herold, was a bay, and not so large.

Between 8 and 9 o'clock the next morning the news was received of the assassination of the President, and I think the name of Booth was spoken of as the assassin.

I have heard Atzerodt called by the nickname of "Port Tobacco." I used to call him "Miserable," and then I called him, for a long time, "Stranger." I do not think I had been acquainted with him over two months before the assassination.

[Two carbines, Spencer rifles, were exhibited to the witness.]

The carbines were brought in covers. The cover that is on this one looks like the cover in which it was brought to me. I took the cover off one, and the peculiar kind of breech attracted my attention, never having seen one like it before. They look like the carbines that were brought to my place.

Cross-examined by Mr. AIKEN.

I rented Mrs. Surratt's house at Surrattsville, about the first of December last, and Mrs. Surratt frequently came there after that. When I met Mrs. Surratt on the Tuesday preceding the assassination, I was coming to Washington, and she was going to my place, I supposed. I stopped, and so did she. I then got out and went to her buggy. It had been raining, and was very muddy. I do not know that the word "carbine" was mentioned. She spoke about those shooting-irons. It was a very quick and hasty conversation. I am confident that she named the shooting-irons on both occasions; not so positive about the first as I am about the last; I know she did no the last occasion. On the Friday I do not think Mrs. Surratt was there over ten minutes.

When I first drove up to the wood-yard, Mrs. Surratt came out to where I was. The first thing she said to me was, "Talk about the devil, and his imps will appear," or something to that effect. I said, "I was not aware that I was a devil before." "Well," said she, "Mr. Lloyd, I want you to have those shooting-irons ready; there will be parties here to-night who will call for them." At the same time she gave me something wrapped up in a newspaper, which I did not undo until I got up stairs.

The conversation I had with Mrs. Surratt about the shooting-irons was while I was carrying the fish and oysters into the house. Mrs. Surratt then requested me to fix her buggy for her. The front spring bolts were broken; the spring had become detached from the axle. I tied them with some cord; that was the only fixing I could give them. Mrs. Offutt, my sister-in-law, was, I believe, in the yard; but whether she heard the conversation or not, I do not know.

The first information that I gave of this occurrence was to Lieutenant Lovett and Captain Cottingham, some time about the middle of the week; but I did not detail all the circumstances. I told these officers that it was through the Surratts that I had got myself into the difficulty. If they had never brought me on there, I never would have got myself into difficulty, or words to that effect; and I gave full information of the particulars to Colonel Wells, on the Saturday week following.

When Booth and Herold left my house, they took the road toward T. B. Herold came up toward the stable between me and the other man, who was on the light-colored horse, and they rode off at a pretty rapid gait. When Herold brought back the bottle from which Booth had drank the whisky, he remarked to me, "I owe you a couple of dollars;" and said he, "Here." With that he offered me a note, which next morning I found to be one dollar, which just about paid for the bottle of liquor they had just pretty nearly drank.

I think I told Mrs. Offutt, after Mrs. Surratt went away, that it was a field-glass she had brought. She did not tell me that Mrs. Surratt gave her a package.

By Mr. DOSTER.

I did not know his name to be Atzerodt until, I suppose, two or three weeks at the farthest.

By Mr. STONE.

Booth did not take a carbine with him. I only brought one carbine down; Booth said he could not carry his; I had the carbine then in my bed-chamber. It was not a great while after Mrs. Surratt left, when, according to her orders, I got them from the store-room and carried them to my bed-room to have them ready. I brought the carbine and gave it to Herold before they said they had killed the President; they never told me that until they were about riding off. I was right smart in liquer that afternoon, and after night I got more so. I went to bed between 8 and 9 o'clock, and slept very soundly until 12 o'clock. I woke up just as the clock struck 12. A good many soldiers came there on Saturday and on Sunday night others came and searched the place. When they asked if I had seen two men pass that way in the morning, I told them I had not. That is the only thing I blame myself about. If I had given the information they asked of me, I should have been perfectly easy regarding it. This is the only thing I am sorry I did not do.

Recalled for the Prosecution—May 15.

Cross-examined by Mr. AIKEN.

When the party brought the carbines to my house, Mr. Surratt assisted me in carrying them upstairs, together with the cartridge boxes, and they were immediately concealed between the joists and the ceiling of an unfinished room, where they remained until that Friday when Mrs. Surratt gave me information that they would be wanted that night. I then took them out, according to her direction, and put them in my bed-room, so as to have convenient for any parties that might call that night. I was out by the wood-pile when Mrs. Surratt handed the package to me. I prepared two bottles of whisky, according to her directions.

LIEUTENANT ALEXANDER LOVETT.

For the Prosecution.—May 16.

On the day after the assassination of the President, I went with others in pursuit of the murderers. We went by way of Surrattsville to the house of Dr. Samuel A. Mudd, which is about thirty miles from Washington, and about one-quarter of a mile or so off the road that runs from Bryantown, arriving there on Tuesday, the 18th of April. Dr. Mudd, whom I recognize among the accused, did not at first seem inclined to give us any satisfaction; afterward he went on to state that on Saturday morning, at daybreak, two strangers had come to his place; one of them rapped at the door, the other remained on his horse. Mudd went down and opened the door, and with the aid of the young man who had knocked at the door helped the other, who had his leg broken, off his horse, took him into his house and set his leg.

On asking him who the man with the broken leg was, he said he did not know; he was a stranger to him. The other, he said, was a young man, about seventeen or eighteen years of age. Mudd said that one of them called for a razor, which he furnished, together with soap and water, and the wounded man shaved off his moustache. One of our men remarked that this was suspicious, and Dr. Mudd said it did look suspicious. I asked him if he had any other beard. He said, "Yes, he had a long pair of whiskers." He said the men remained there but for a short time, and I understood him that they left in the course of the morning. He said that the wounded an went off on crutches that he (Mudd) had had made for him. He said the other led the horse of the injured man, and he (Mudd) showed them the way across the swamp. He told me that he had heard, at church, on Sunday morning, that the President had been assassinated, but did not mention by whom. We were at his house probably an hour, and to the last he represented that those men were entire strangers to him.

It was generally understood at this time that Booth was the man who assassinated the President; even the darkeys knew it; and I was told by them that Booth had been there, and that he had his leg broken.

On Friday, the 21st of April, I went to Dr. Mudd's again, for the purpose of arresting him. When he found we were going to search the house, he said something to his wife, and she went up stairs and brought down a boot. Mudd said he had cut it off the man's leg, in order to set the leg. I turned down the top of the boot, and saw the name "J. Wilkes" written in it.

I called Mudd's attention to it, and he said he had not taken notice of it before. Some of the men said the name of Booth was scratched out, but I said that the name of Booth had never been written.

[A long riding boot, for the left foot, slit up in front for about eight inches, was exhibited to the witness.]

That is the boot.

[The boot was offered into evidence.]

At the second interview, he still insisted that the men were strangers to him. I made the remark to him that his wife said she had seen the whiskers detached from his face, and I suppose he was satisfied then, for he subsequently said it was Booth. After we left his house, one of the men showed him Booth's photograph, and Mudd remarked that it did not look like Booth, except a little across the eyes. Shortly after that, he said he had an introduction to Booth in November or December last, at church, from a man named Johnson or Thompson. On being questioned, he said he had been along with Booth in the country, looking up some land, and was with him when he bought a horse of Esquire Gardiner, last fall.

Although I was in citizen's clothes at the time, and addressed no threats to him, Dr. Mudd appeared to be much frightened and anxious. When asked what arms the men had, Dr. Mudd stated that the injured man had a pair of revolvers, but he said nothing about the other having a carbine, or either of them having a knife; his manner was very reserved and evasive.

Cross-examined by Mr. EWING.

At the time that Dr. Mudd was describing to me the "two strangers" that had been to his house, I did not tell him of my tracking Booth from Washington; I did not mention Booth's name at all; it was not my business to tell him whom I was after.

On my second visit, Dr. Mudd was out, and his wife sent after him; I walked down and met him. I was accompanied by special officers Simon Gavacan, Joshua Lloyd, and William Williams. After we entered the house, I demanded the razor that the man had used. It was not until after we had been in the house some minutes, and one of the men said we should have to search the house, that Dr. Mudd told us the boot had been found, and his wife brought it to us.

I asked him if that might not be a false whisker; he said he did not know. I asked this because Mrs. Mudd had said that the whisker became detached when he got to the foot of the stairs. The Doctor never told me that he had Booth upstairs; he told me he was on the sofa or lounge.

Mudd stated, at our first interview, that the men remained but a short time; afterward his wife told me that they had staid till about 3 or 4 o'clock, on Saturday afternoon. I asked Mudd if the men had much money about them. He said they had considerable greenbacks; and, in this connection, although I did not ask him if he had been paid for setting the man's leg, he said it was customary to make a charge to strangers in such a case. When Dr. Mudd said he had shown the men the way across the swamps, I understood him to refer to

the swamps a thousand yards in the rear of his own house. He told us that the men went to the Rev. Dr. Wilmer's or inquired for Parson Wilmer's; that he took them to the swamps; that they were on their way to Allen's Fresh; but I paid no attention to this at the time, as I considered it was a blind to throw us off our track. We, however, afterward searched Mr. Wilmer's, a thing I did not like to do, as I knew the man by reputation, and was satisfied it was unnecessary. We tracked the men as far as we could. We went into the swamp and scoured it all over; I went through it half a dozen times; it was not a very nice job though. I first heard from Lieutenant Dana that two men had been at Mudd's house. I afterward heard from Dr. George Mudd that a party of two had been at Dr. Samuel Mudd's.

Cross-examined by Mr. STONE.

When we first went to Dr. Samuel Mudd's house, we were accompanied by Dr. George Mudd, whom we had taken from Bryantown along with us. Our first conversation was with the Doctor's wife. When we asked Dr. Mudd whether two strangers had been there, he seemed very much excited, and got as pale as a sheet of paper, and blue about the lips, like a man that was frightened at something he had done. Dr. George Mudd was present when I asked if two strangers had been there. He had spoken to Dr. Samuel Mudd previous to that. He admitted that two strangers had been there, and gave a description of them.

In my first interview with Mudd on the Tuesday, I did not mention the name of Booth at all; and it was not till I had arrested him, when on horseback, that he told me he was introduced to Booth last fall, by a name named Johnson or Thompson.

LIEUTENANT DAVID DANA.

For the Prosecution.—May 20.

On Saturday, the day after the assassination of the President, I sent a guard of four men ahead of me to Bryantown, and they arrived about half an hour before me. I arrived there about 1 o'clock. I communicated the intelligence of the assassination, and the name of the assassin, to be the citizens; it spread through the village in a quarter of an hour. Some of the citizens asked me if I knew for a certainty it was J. Wilkes Booth, and I told them yes, as near as a person could know any thing.

WILLIAM WILLIAMS.

For the Prosecution.—May 17.

On Monday, the 17th of April, in company with some cavalry, I proceeded to Surrattsville. On the next day, Tuesday, I arrived at Dr. Mudd's. He was not at home, and his wife sent for him. I asked if any strangers had been that way, and he said there had not. Some of the officers then talked with him. I think he stated that he first heard of the assassination of the President at church, on the Sunday morning. He seemed to be uneasy, and unwilling to give us any information without being asked directly.

On Friday, the 21st, we went there again for the purpose of arresting Dr. Mudd. He was not at home, but his wife sent for him. I asked him concerning the two men who had been at his house, one of them having a broken leg. He then said that they had been there. I asked him if those men were not Booth and Herold. He said they were not. He said he knew Booth, having been introduced to him last fall by a man by the name of Thompson, I believe.

After we had arrested him, and were on our way to Bryantown, I showed him Booth's picture, and asked him if that looked like the man who had his leg broken. After looking at the picture a little while, he said it did not; he did not remember the features; after awhile, however, he said it look something like Booth across the eyes.

At our second visit to Dr. Mudd's house, I informed Mrs. Mudd that we had to search the house. She then said—

Mr. EWING. You need not state what Mrs. Mudd said.

The JUDGE ADVOCATE. Any thing that was said in Dr. Mudd's presence is admissible.

The witness continued. This was said, I believe, in Dr. Mudd's presence. She said that the man with the broken leg had left his boot in the bed. She then went and brought the boot down. It was a long riding-boot, with "J. Wilkes" and the maker's name, "Broadway, N.Y.," written inside. The boot was cut some ten inches from the instep.

Dr. Mudd said that the men had arrived before daybreak, and that they went away on foot between 3 and 4 o'clock on the afternoon of Saturday. He had set the man's leg, and had had crutches made for him by one of his men.

Cross-examined by Mr. STONE.

Lieutenant Lovett was present at this conversation. I believe it was on Friday that Dr. Mudd said that the first knowledge he had of the assassination was received at church on the Sunday before. I asked him the question on Friday, if "two strangers" had been there. He said that there had been. Two men had come there at daybreak; one, a smooth-faced young man, apparently seventeen or eighteen years of age, and that he had set the leg of one of them. They had come to his door and knocked, and he had looked out of the window up stairs, and asked them who they were. I believe he said their reply was that they were friends, and wanted to come in. Dr. Mudd then came down stairs, and, with the assistance of the young man, got the wounded man off his horse into the parlor, and examined his leg on the sofa. The wounded man had a moustache, he said, and pretty long chin whiskers. I asked him if thought the whiskers were natural. He said he could not tell. The injured man had a shawl round his shoulders. Dr. Mudd said that on leaving they asked him the road to Parson Wilmer's, and that he had shown them the way down to the swamp. I did not pay much attention to their going to Parson Wilmer's at first,

because I thought it was to throw us off the track; but we followed the road as far as we could, after which we divided ourselves, and went all through the different swampy roads. The road is not much frequented. We found horses' tracks, but not such as satisfied me that they were the tracks of these men, and we heard nothing of them on the road. We got to the Rev. Mr. Wilmer's, I think, on the Wednesday evening. We were acting under the orders of Major O'Beirne, and Lieutenant Lovett had charge of our squad.

SIMON GAVACAN.
For the Prosecution.—May 17.

I was at Dr. Mudd's house on the forenoon of Tuesday, the 18th of April, in pursuit of the murderers of the President. We inquired if two men passed there on the Saturday morning after the assassination, and Dr. Mudd said no. Then we inquired more particularly if two men had been there, one having his leg fractured. He said yes. In answer to our questions, he told us that they had come about 4, or half-past 4, on Saturday morning, and rapped at his door; that he was a little alarmed at the noise, but came down and let them in; that he and the other person assisted the man with the broken leg into the house, and that he attended to the fractured leg as well as he could, though he had not much facilities for doing so. I believe he said the wounded person staid on the sofa for awhile, and after that was taken up stairs, and remained there until between 3 and 5 o'clock in the afternoon of Saturday. He said that he went out with the man to find a buggy to take away the wounded man, but could not get one. I understood him to say that on leaving his house they first inquired the road to Allen's Fresh, and also to the Rev. Dr. Wilmer's and that he took them part of the way to show them the road. He told us he did not know the persons at all.

On Friday, the 21st, we went to Dr. Mudd's again, for the purpose of arresting him and searching his house. He was not in, but his wife sent for him. When he came, we told him that we would have to search his house. His wife then went up stairs and brought down a boot and a razor. Inside the leg of the boot we found the words, "J. Wilkes." We asked him if he thought that was Booth, and he said he thought not. He said the man had whiskers on, but that the thought he shaved his moustache up stairs. When we inquired of him if he knew Booth, he said that he was introduced to him last fall by a man named Thompson, but he thought the man who had been there was not Booth.

Cross-examined by Mr. EWING.

Our conversation with Dr. Mudd lasted probably an hour. He was asked questions by all of us. Lieutenant Lovett was there all the time. When Mrs. Mudd brought down the boot and razor, we thought we had satisfactory evidence that Booth and Herold had been there, and did not search the house further. I believe there was a photograph of Booth shown to Dr. Mudd on Tuesday, and he said he did not recognize it, but said there was something about the forehead or the eyes that resembled one of the parties.

JOSHUA LLOYD.
For the Prosecution.—May 16.

I was engaged with others in the pursuit of the murderers of the President in the direction of Surrattsville. We got to Dr. Mudd's on Tuesday, the 18th. I asked him if he had not heard of the President being assassinated; he said yes. I then asked him if he had seen any of the parties—Booth, Herold, or Surratt; he said he had never seen them.

On Friday, the 21st, at the second interview, he said two men came there about 4 o'clock on the Saturday morning, and remained there until about 4 in the afternoon. They came on horseback; one of them had a broken leg, and when they left his house one was riding and the other walking, leading his horse.

As we were sitting in the parlor, Mrs. Mudd seemed very much worried, so did the Doctor, and he seemed to be very much excited. At this interview Lieutenant Lovett and Mr. Williams did most of the talking; I was not well. Dr. Mudd said that he had been in company with Booth; that he had been introduced to him by a man named Thompson, I think he said, at church. He offered no explanation of his previous denial. When the men left, he said they went up the hill toward Parson Wilmer's, and I think he said he showed them the road. I understood him to say that the man's leg was broken by the fall of the horse.

Cross-examined by MR. STONE.

It was late on Tuesday evening when we were there. Each time that we went to his house Dr. Mudd was out, but not far away, for he was not long in returning with the messenger sent for him. At the first interview, I asked if any strangers had passed that way, and then if Booth and Herold had passed; I described them to him, and the horses they rode, and he denied either that any strangers or Booth and Herold had passed. The interview only lasted a few minutes.

Booth's portrait was shown to Dr. Mudd. He told us that Booth had been down there last fall, when he was introduced to him by Mr. Thompson. I think he said Booth was there to buy some property.

Before he came to the house, Mr. Mudd brought us the boot, and when the Doctor saw that we had the boot, he admitted that Booth had been there. Dr. Mudd then brought the razor down himself, and gave it to Lieutenant Lovett.

WILLIE S. JETT.
For the Prosecution.—May 17.

I was formerly a member of the Ninth Virginia Cavalry. More recently, I was stationed in Caroline County, Virginia, as commissary agent of the Confederate States Government. I was on my way from Fauquier County (where I had been with Mosby's command) to Caroline County, Virginia, in company with Lieutenant Ruggles, and a young man named Bainbridge. At Port Conway, on the Rappahannock, I saw a wagon down on the wharf, at the ferry, on the Monday week after the assassination of President Lincoln. A young man got out of it, came toward us, and asked us what command we belonged to. We were all dressed in Confederate uniform. Lieutenant Ruggles said, "We belong to Mosby's command." He then said, "If I not inquisitive, can I ask where you are going?" I spoke, then, and replied, "That's a secret, where we are going." After this we went back on the wharf, and a man with crutches got out of the wagon. One of us asked him what command he belonged to, and he replied, "To A. P. Hill's corps." Herold told us their name was Boyd; that his brother was wounded below Petersburg, and asked if we could take them out to the lines. We did not tell him where we were going. Herold asked to go and take a drink, but we declined. We then rode up to the house there, and having tied our horses, we all sat down. After we had talked a very short time, Herold touched me on the shoulder and said he wanted to speak to me; he carried me down to the wharf, and said, "I suppose you are raising a command to go South?" and added that he would like to go along with us. At length I said, "I can not go with any man that I don't know anything about." He seemed very much agitated, and then remarked, "We are the assassins of the President." I was so much confounded that I did not make any reply then that I remember. Lieutenant Ruggles was very near, watering his horse; I called to him, and he came there, and either Herold or myself remarked to Lieutenant Ruggles that they were the assassins of the President. Booth then came up, and Herold introduced himself to use, and then introduced Booth. Herold passed himself off to us first as Boyd, said he wanted to pass under that name. He afterward told us their true names were Herold and Booth, but they kept the name of Boyd. Booth, I remember, had on his hand "J. W. B." We went back then to the house, and sat down there some time on the steps. Then we went across the river. Booth rode Ruggles's horse. Herold was walking. When we got on the other side of the river, before they got out of the boat, I got on my horse and rode up to Port Royal, went into a house, and saw a lady. I asked her if she could take in a wounded Confederate soldier, just as he represented himself to me, for two or three days. She at first consented, then afterward she said she could not. I walked across the street to Mr. Catlitt's, but he was not at home. We then went on up to Mr. Garrett's, and there we left Booth. Herold and all of us went on up the road, then, to within a few miles of Bowling Green. Bainbridge and Herold went to Mrs. Clark's, and Ruggles and myself to Bowling Green, spent the day, had dinner, and left in the evening, and that was the last I saw of him, except the night that they were caught, when I went down there; I saw him

the next morning in the custody of the officers. I recognize the prisoner Herold as the man that I saw with Booth.

Cross-examined by Mr. STONE.

Herold said he wanted us to help in getting Booth further South, but we had no facilities; and he seemed a good deal disappointed after we made known our real object, that we were going on a visit. Booth was not present when Herold told me they were the assassins of the President; when he came up, he said he would not have, that he did not intend telling. Herold did not appear very self-possessed; his voice trembled very much, and he was a good deal agitated. His language was, "We are the assassins of the President;" and then, pointing back to where Booth was standing, he said "Yonder is J. Wilkes Booth," the man who killed the President," or he may have said "Lincoln." I have never taken the oath of allegiance, but am perfectly willing to take it.

EVERTON J. CONGER.
For the Prosecution.—May 17.

I assisted in the pursuit of the murderers of the President.

JUDGE ADVOCATE. Will you please take up the narrative of the pursuit at the point where you met with Willie Jett, and state what occurred until the pursuit closed.

WITNESS. On the night of the capture, I found Jett in bed in a hotel in Bowling Green. I told him to get up; that I wanted him. He put on his pants, and came out to me in the front part of the room. I said, "Where are the two men who came with you across the river?" He came up to me and said, "Can I see you alone?" I replied, "Yes, sir, you can." Lieutenant Baker and Lieutenant Doherty were with me. I asked them to go out of the room. After they were gone, he reached out his hand to me and said, "I know who you want, and I will tell you where they can be found." Said I, "That's what I want to know." He said, "They are on the road to Port Royal, about three miles this side of that." "At whose house are they?" I asked. "Mr. Garrett's," he replied; "I will go there with you and show you where they are now, and you can get them." I said, "Have you a horse?" "Yes, sir." "Get it, and get ready to go." I said to him, "You say they are on the road to Port Royal?" "Yes, sir." I said to him, "I have just come from there." He stopped a moment, and seemed to be considerably embarrassed. Said he, "I thought you came from Richmond. If you have come that way, you have come past them. I can not tell you whether they are there now or not." I said it did not make any difference; we would go back and see. He dressed; had his horse saddled; we gathered the party around the house together, and went back to Mr. Garrett's house. Just before we got to the house, Jett, riding with me, said, "We are very near now to where we go through; let us stop here and look around." He and I rode on together. I rode forward to find the gate that went through to the house, and sent Lieutenant Baker to open another. I went back for the cavalry, and we rode rapidly up to the house and barn, and stationed the men around the house and quarters.

I went to the house and found Lieutenant Baker at the door, telling somebody to strike a light and come out. I think the door was open when I got there. The first individual we saw was an old man, whose name was said to be Garrett. I said to him, "Where are the two men who stopped here at your house?" "They have gone." "Gone where?" "Gone to the woods." "Well, sir, whereabouts in the woods have they gone?" He then commenced to tell me that they came there without his consent; that he did not want them to stay. I said to him, "I do not want any long story out of you; I just want to know where these men have gone." He commenced over again to tell me, and I turned to the door and said to one of the men, "Bring in a lariat rope here, and I will put that man up to the top of one of those locust trees." He did not seem inclined to tell. One of his sons then came in and said, "Don't hurt the old man; he is scared; I will tell you where the men are you want to find." Said I, "That is what I want to know; where are they?" He said, "In the barn." We then left the house immediately and went to the barn, and stationed the remaining part of the men. As soon as I got there, I heard somebody walking around the inside on the hay. By that time another Garrett had come from somewhere; and Lieutenant Baker said to one of them, "You must go in the barn and get the arms from those men." I think he made some objection to it; I do not know certainly. Baker said, "They know you, and you can go in." Baker said to the men inside, "We are going to send this man, on whose premises you are, in to get your arms, and you must come out and deliver yourselves up." I do not think there was any thing more said. Garrett went in, and he came out very soon and said, "This man says 'Damn you, you have betrayed me,' and threatened to shoot me." I said to him, "How do you know he was going to shoot you?" Said he, "He reached down to the hay behind him to get his revolver, and I came out." I then directed Lieutenant Baker to tell them that if they would come out and deliver themselves up, very well; if not, in five minutes we would set the barn on fire. Booth replied: "Who are you; what do you want; whom do you want?" Lieutenant Baker said, "We want you, and we know who you are; give up your arms and come out." I say Booth; for I presumed it was he. He replied, "Let us have a little time to consider it." Lieutenant Baker said, "Very well;" and some ten or fifteen minutes probably intervened between that time and any thing further being said. He asked again, "Who are you, and what do you want?" I said to Lieutenant Baker, "Do not by any remark made to him allow him to know who we are; you need not tell him who we are. If he thinks we are rebels, or thinks we are his friends, we will take advantage of it; we will not lie to him about it, but we need not answer any questions that have any reference to that subject, but simply insist on his coming out, if he will." The reply was made to him, "It don't make any difference who we are; we know who you are, and we want you; we want to take you prisoners." Said he, "This is a hard case; it may be I am to be taken by my friends." Some time in the conversation he said, "Captain, I know you to be a brave man, and I believe you to be honorable; I am a cripple. I have got but one leg; if you will withdraw your men in 'line' one hundred yards from the door, I will come out and fight you." Lieutenant Baker replied that he did not come there to fight; we simply came there to make him a prisoner; we did not want any fight with him. Once more after this he said, "If you'll take your men fifty yards from the door, I'll come out and fight you; give me a chance for my life." The same reply was made to him. His

answer to that was, in a singular theatrical voice, "Well, my brave boys, prepare a stretcher for me."

Some time passed before any further conversation was held with him. In the meantime I requested one of the Garretts to pile some brush up against the corner of the barn—pine boughs. He put some up there, and after awhile came to me and said, "This man in side says that if I put any brush in there he will put a ball through me." "Very well," said I, "you need not go there again." After awhile Booth said, "There's a man in here wants to come out." Some considerable talk passed in the barn; some of it was heard; some not. One of the expressions made use of by Booth to Herold, who was in the barn, was, "You damned coward, will you leave me now? Go, go; I would not have you stay with me." Some conversation ensued between them, which I supposed had reference to the bringing out of the arms which was one of the conditions on which Herold was to come out. It was not heard; we could simply hear them talking. He came to the door and said "Let me out." Lieutenant Baker said to him, "Hand out your arms." The reply was "I have none." He said, "You carried a carbine, and you must hand it out." Booth replied, "The arms are mine, and I have got them." Lieutenant Baker said, "This man carried a carbine, and he must hand it out." Booth said, "Upon the word and honor of a gentleman, he has no arms; the arms are mine, and I have got them." I stood by the side of the Lieutenant and said to him, "Never mind the arms; if we can get one of the men out, let us do it, and wait no longer." The door was opened, he stuck out his hands; Lieutenant Baker took hold of him, brought him out, and passed him to the rear. I went around to the corner of the barn, pulled some hay out, twisted up a little of it, about six inches long, set fire to it, and stuck it back through on top of the hay. It was loose, broken-up hay, that had been trodden upon the barn-door. It was very light, and blazed very rapidly—lit right up at once.

I put my eye to the crack next to the one the fire was put through, and looked in, and I heard something drop on the floor, which I supposed to be Booth's crutch. He turned around toward me. When I first got a glimpse of him, he stood with his back partly to me, turning toward the front door. He came back within five feet of the corner of the barn. The only thing I noticed he had in his hands when he came was a carbine. He came back, and looked along the cracks, one after another, rapidly. He could not see any thing. He looked at the fire, and from the expression of his face, I am satisfied he looked to see if he could put it out, and was satisfied that he could not do it; it was burning so much. He dropped his arm, relaxed his muscles, turned around, and started for the door at the front of the barn. I ran around to the other side, and when about half around I heard the report of a pistol. I went right to the door, and went into the barn and found Lieutenant Baker looking at Booth, holding him, or raising him up, I do not know which. I said to him, "He shot himself." Said he, "No, he did not, either." Said I, "Whereabouts is he shot—in the head or neck?" I raised him then, and looked on the right side of the neck, and saw a place where the blood was running out. I said, "Yes, sir; he shot himself." Lieutenant Baker replied very earnestly that he did not. I then said, "Let us carry him out of here; this will soon be burning." We took him up and carried him out on the grass, underneath the locust-trees, a little way from the door. I went back into the barn immediately to see if the fire could be put down, and tried somewhat myself to put it out, but I could not; it was

burning so fast, and there was no water and nothing to help with. I then went back. Before this, I supposed him to be dead. He had all the appearance of a dead man; but when I got back to him, his eyes and mouth were moving. I called immediately for some water, and put it on his face, and he somewhat revived, and attempted to speak. I put my ear down close to his mouth, and he made several efforts to speak, and finally I understood him to say, "Tell mother I die for my country." I said to him, "Is this what you say?" repeating it to him. He said, "Yes." They carried him from there to the porch of Mr. Garrett's house, and laid him on an old straw bed, or tick, or something. By that time he revived considerably; he could then talk in a whisper, so as to be intelligibly understood; he could not speak above a whisper. He wanted water; we gave it to him. He wanted to be turned on his face. I said to him, "You can not lie on your face," and he wanted to be turned on his side; we turned him upon his side three times, I think, but he could not lie with any comfort, and wanted to be turned immediately back. He asked me to put my hand on his throat and press down, which I did, and he said, "Harder." I pressed down as hard as I thought necessary, and he made very strong exertions to cough, but was unable to do so—no muscular exertion could he make. I supposed he thought something was in his throat, and I said to him, "Open your mouth and put out your tongue, and I will see if it bleeds." Which he did. I said to him, "There is no blood in your throat; it has not gone through any part of it there." He repeated two or three times, "Kill me, kill me." The reply was made to him, "We don't want to kill you; we want you to get well." I then took what things were in his pockets, and tied them up in a piece of paper. He was not then quite dead. He would—once, perhaps, in five minutes—gasp; his heart would almost die out, and then it would commence again, and by a few rapid beats would make a slight motion. I left the body and the prisoner Herold in charge of Lieutenant Baker. I told him to wait an hour if Booth was not dead; if he recovered, to wait there and send over to Belle Plain for a surgeon from one of the gun-ships; and, if he died in the space of an hour, to get the best conveyance he could, and bring him on.

I staid there some ten minutes after that was said, when the doctor there said he was dead.

[A knife, pair of pistols, belt, holster, file, pocket compass, spur, pipe, carbine, cartridges, and bills of exchange were shown to the witness.]

That is the knife, belt, and holster taken from Booth; the pistols I did not examine with any care, but they looked like these. That is the pocket compass, with the candle grease on it, just as we found it; the spur I turned over to Mr. Stanton, and I judge this to be the one taken from Booth. That is the carbine we took; it is a Spencer rifle, and has a mark on the breech by which I know it. Both the pistols and carbine were loaded. I unloaded the carbine myself in Mr. Secretary Stanton's office, and these are the cartridges that I took out; there was one in the barrel, and the chamber was full. These are the bills of exchange; I put my initials on them.

[All these items were put in evidence; also the bill of exchange in triplicate. The first of the set was read as follows:]

No. 1492.
[Stamp.]

THE ONTARIO BANK,
Montreal Branch.
Exchange for £61, 12s, 10d.

Montreal, 27 Oct'r, 1864

Sixty days after sight of this first of exchange, (second and third of the same tenor and date unpaid,) pay to the order of J. Wilkes Booth, sixty-one pounds twelve shillings, and ten pence sterling. Value received, and charge to acc't of this office.

To Messrs. Glynn Mills & Co., London.

[Signed]
H. STANUS, MANAGER

The farm of Mr. Garrett, in whose barn Booth was captured and killed, is in Caroline County, Va., about three miles from Port Royal, on the road to Bowling Green.

I had seen John Wilkes Booth in Washington, and recognized the man who was killed as the same. I had before remarked his resemblance to his brother, Edwin Booth, whom I had often seen play.

I recognize among the accused, the man Herold, whom we took prisoner on that occasion, in the barn. We found on Herold a small piece of a school map of Virginia, embracing a region known as the Northern Neck, where they were captured.

Cross-examined by Mr. STONE.

We found no arms on Herold. He had some conversation with Booth while in the barn, in which Booth called him a coward; and when the question of delivering up the arms was raised, Booth said that the arms were all his. When Booth said, "There is a man in here who wants to get out," I think he added, "who had nothing to do with it."

I think we got to Garrett's barn about 2 o'clock in the morning, and it was about fifteen minutes past 3 that Booth was shot and carried out on the grass.

SERG'T BOSTON CORBETT.

For the Prosecution.—May 17.

The JUDGE ADVOCATE. Conger has just detailed to the Commission the circumstances connected with the pursuit, capture and killing of Booth, in which, I believe, you were engaged. I will ask you state what part you took in the capture and killing of Booth, taking up the narrative at the point when you arrived at the house.

Sergeant BOSTON CORBETT. When we rode up to the house, my commanding officer, Lieutenant Doherty, told me that Booth was in that house, saying, "I want you to deploy

the men right and left around the house, and see that no one escapes." Which was done. After making inquiries at the house, it was found that Booth was in the barn. A guard was then left upon the house, and the main portion of the men thrown around the barn, closely investing it, with orders to allow no one to escape. We had been previously cautioned to see that our arms were in readiness for use. After being ordered to surrender, and told that the barn would be fired in five minutes if he did not do so, Booth made many replies. He wanted to know who we took him for; he said that his leg was broken; and what did we want with him; and he was told that it made no difference. His name was not mentioned in the whole affair. They were told they must surrender as prisoners. Booth wanted to know where we would take them, if they would give themselves up as prisoners. He received no satisfaction, but was told that he must surrender unconditionally, or else the barn would be fired. The parley lasted much longer than the time first set; probably a full half hour; but he positively declared that he would not surrender. At one time he made the remark, "Well, my brave boys, you can prepare a stretcher for me;" and at another time, "Well Captain, make quick work of it; shoot me through the heart," or words to that effect; and thereby I knew that he was perfectly desperate, and did not expect that he would surrender. After awhile we heard the whispering of another person—although Booth had previously declared that there was no one there but himself—who proved to be the prisoner Herold. Although we could not distinguish the words, Herold seemed to be trying to persuade Booth to surrender. After awhile, he sang out, "Certainly," seeming to disdain to do so himself. Said he, "Cap, there is a man in here who wants to surrender highly bad." Then I suppose words followed inside that we could not hear. Herold, perhaps, though he had better stand by him, or something to that effect. Then Booth said, "O, go out and save yourself, my boy, if you can;" and then said, "I declare before my Maker that his man here is innocent of any crime whatever," seeming to take all the blame on himself and trying to clear Herold. He was told to hand out his arms. Herold declared that he had no arms, and Booth declared that the arms all belonged to him, and that the other man was unarmed. He was finally taken out without his arms.

Immediately after Herold was taken out, the detective Mr. Conger, came round to the side of the barn where I was, and passing me, set fire to the hay through one of the cracks of the boards a little to my right. I had previously said to Mr. Conger, though, and also to my commanding officer, that the position in which I stood left me in front of a large crack—you might put your hand through it—and I knew that Booth could distinguish me and others through these cracks in the barn, and could pick us off if he chose to do so. In fact, he made a remark to that effect at one time. Said he, "Cap, I could have picked off three or four of your men already if I wished to do so. Draw your men off fifty yards, and I will come out," or such words. He used such language many times. When the fire was lit, which was almost immediately after, Herold was taken out of the barn. As the flame rose, he was seen. We could then distinguish him about the middle of the barn, turning toward the fire, either to put the fire out or else to shoot the one who started it; I did not know which; but he was then coming toward me, as it were, a little to my right—a full front breast view. I could have shot him then much easier than when I afterward did, but as long as he was there, making no demonstration to hurt any one, I did not shoot him, but kept my eye on him steadily.

Finding the fire gaining upon him, he turned to the other side of the barn, and got toward where the door was, and as he got there I saw him make a movement toward the door. I supposed he was going to fight his way out. One of the men, who was watching him, told me that he aimed the carbine at me. He was taking aim with the carbine, but at whom I could not say. My mind was upon him attentively to see that he did no harm, and when I became impressed that it was time I shot him, I took steady aim on my arm, and shot him through a large crack in the barn. When he was brought out I found that the wound was made in the neck, a little back of the ear, and came out a little higher up on the other side of the head. He lived, I should think, until about 7 o'clock that morning; perhaps two or three hours after he was shot. I did not myself hear him speak a word after he was shot, except a cry or shout as he fell. Others, who were near him and watching him constantly, said that he did utter the words which were published.

I recognize the prisoner Herold among the accused as the man we took out of the barn. I had never seen Booth before, but from a remark made by my commanding officer, while on the boat going down to Belle Plain, that Booth's leg was broken, I felt sure it was Booth that I fired at, for when the men in the barn were summoned to surrender, the reply of the one who spoke was that his leg was broken, and that he was alone. I knew also, from his desperate language, that he would not be taken alive, and such remarks, that it was Booth, for I believe no other man would act in such a way.

Cross-examined by Mr. STONE.

From the conversation in the barn, I judge that Herold was at first anxious to surrender and upon Booth's refusing to do so, I rather thought he desired to stay with him; but I can not say whether it was before or after that that Booth declared before his Maker that the man with him was innocent of any crime whatever.

I wish to state here, as improper motives have been imputed to me for the act I did, that I twice offered to my commanding officer, Lieutenant Doherty, and once to Mr. Conger, to go into the barn and take the man, saying that I was not afraid to go in and take him; it was less dangerous to go in and fight him than to stand before a crack exposed to his fire, where I could not see him, although he could see me; but I was not sent in. Immediately when the fire was lit, our positions were reversed; I could see him; but he could not see me. It was not through fear at all that I shot him, but because it was my impression that it was time the man was shot; for I thought he would do harm to our men in trying to fight his way through that den, if I did not.

CAPT. EDWARD DOHERTY.

For the Prosecution.—May 22.

I had command of the detachment of the Sixteenth New York Cavalry that captured Booth and Herold.

JUDGE ADVOCATE. The circumstances of the capture have been fully detailed by other witnesses, I will ask you to state the part you took, if any, in the capture of the prisoner Herold, and all he said on that occasion.

WITNESS. There had been considerable conversation with reference to the arms that Booth and Herold had inside of Garrett's barn.

We requested Booth and Herold to come out of the barn. Booth at first denied that there was anybody there but himself, but finally he said, "Captain, there is a man here who wishes to surrender awful bad." Mr. Baker, one of the detectives who was there, said, "Let him hand out his arms." I stood by the door and said, "Hand out your arms and you can come out." Herold replied, "I have no arms." Mr. Baker said, "We know exactly what you have got." I said, "We had better let him out." Mr. Baker said, "No, wait until Mr. Conger comes here." I said, "No; open that door," directing a man to open the door; "I will take that man out myself. The door as opened, and I directed Herold to put out his hands; I took hold of his wrists and pulled him out of the barn. I then put my revolver under my arm and ran my hands down him to see if he had any arms, and he had none. I then said to him, "Have you got any weapons at all about you?" He said, "Nothing at all but this," pulling out of his pockets a piece of a map of Virginia. Just at this time the shot was fired and the door thrown open, and I dragged Herold into the barn with me. Booth had fallen on his back. The soldiers and two detectives who were there went into the barn and carried out Booth. I took charge of Herold; and when I got him outside he said, "Let me go away; let me go around here; I will not leave; I will not go away." Said I, "No, sir." Said he to me, "Who is that that has been shot in the barn?" "Why," said I, "you know well who it is." Said he, "No, I do not; he told me his name was Boyd." Said I, "It is Booth, and you know it." Said he, "No, I did not know it; I did not know that it was Booth."

I then took him and tied him by the hands to a tree opposite, about two yards from where Booth's body was carried, on the verandah of the house, and kept him there until we were ready to return. Booth in the mean time died, and I sewed him up in a blanket. Previous to this I had sent some cavalry for the doctor; and we got a negro who lives about a mile from there, with a wagon, and put the body on board the wagon, and started for Belle Plain.

Herold told me afterward that he met this man by accident about seven miles from Washington, between 11 and 12 o'clock on the night of the murder. He said that after they met they went to Mathias Point, and crossed the Potomac there. He did not mention the houses at which they stopped. Dr. Stewart's house was mentioned by some one as a place at which they had stopped, but whether it was by Herold or not I do not remember.

Cross-examined by Mr. STONE.

Booth said, while in the barn, that he was the only guilty man, and that this man Herold was innocent, or words to that effect. Herold made no resistance after he was captured.

SURGEON-GENERAL J. K. BARNES.

For the Prosecution.—May 20.

I examined the body of J. Wilkes Booth after his death, when he was brought to this city. He had a scar upon the large muscle of the left side of his neck, three inches below the ear, occasioned by an operation performed by Dr. May of this city for the removal of a tumor some months previous to Booth's death. It looked like the scar of a burn instead of an incision, which Dr. May explained by the fact that the wound was torn open on the stage when nearly well.