

TESTIMONY CONCERNING GEORGE A. ATZERODT

ROBERT R. JONES.

For the Prosecution.—May 13.

I am a clerk at the Kirkwood House in this city. The leaf exhibited to the Commission is from the register of the Kirkwood House. It contains the name of G. A. Atzerodt, Charles County. It appears from the register that Atzerodt took room No. 126 on the morning of the 14th of April last, I think before 8 o'clock in the morning. I was not present when his name was registered, and did not see him until between 12 and 1 in the day. I recognize Atzerodt among the accused. That is the man, I think.

[The witness here pointed to the accused, G. A. Atzerodt.]

I went to the room occupied by Atzerodt after it had been opened by Mr. Lee, on the night of the 15th of April, and I saw all the articles that were found there. I can not identify the knife, though it was similar to the one just shown me. It was between the sheet and the mattress. The bed had not been occupied on the night of the 14th, nor had the chambermaid been able to get into the room the next day. A young man spoke to Atzerodt when I saw him standing at the office counter. I do not know his name. Atzerodt, before that, asked me if any one had inquired for him within a short time. From the book it appears Atzerodt paid one day in advance. I had never seen him in the hotel before.

JOHN LEE.

For the Prosecution.—May 13.

I belong to the military force of this city. On the night of the 15th of April I went, by order of Major O'Beirne, to the Kirkwood House. When I got there a person employed in the house, whom I knew, told me there had been a rather suspicious-looking man there, who had taken a room the day previous. On the hotel register I found a name written very badly—G. A. Atzerodt. I went to the room occupied by this man; the door was locked, and the key could not be found. With permission of one of the proprietors I burst open the door. I found in the room a black coat hanging on the wall; underneath the pillow, or bolster, I found a revolver, loaded and capped. In the pocket of the coat I found a bank-book of J. Wilkes Booth showing a credit of \$455, with the Ontario Bank of Montreal, and also a map of Virginia; a handkerchief marked "Mary R. Booth;" another marked "F. M." or "F. A. Nelson;" another handkerchief with the letter "H" in the corner. In the bank-book was an envelope with the frank of the Hon. John Connors. There was also a pair of new gauntlets, a colored handkerchief, three boxes of cartridges, a piece of liquorice, and a tooth-brush. On the corner of the bank-book was "Mr. J. Wilkes Booth in account with the Ontario Bank, Canada. 1864: October 27; by deposit, cre. \$455."

There was also a brass spur, a pair of socks, and two collars. Between the sheets and mattress I found this large bowie knife.

[These articles were all offered in evidence.]

The room in which these things were found was No. 126, and is on the floor above the room then occupied by Vice-President Johnson.

Cross-examined by Mr. DOSTER.

The person I met at the Kirkwood House, who spoke of the suspicious-looking man being there, said, "I believe that he had a gray coat on." I did not find the signature of Atzerodt, or any thing in the room; I only know it was his room because it said so on the register.

By the JUDGE ADVOCATE.

In coming down from room 126, to reach the office of the hotel, a person would pass the door of the room occupied by Vice-President Johnson. When I came down, there was a soldier at the door. A man of any courage, coming down the stairs, could easily throw a handful of snuff in the soldier's eyes and go right in to Mr. Johnson's room.

LYMAN S. SPRAGUE.

For the Prosecution.—May 15.

I am a clerk at the Kirkwood House in this city. I went up to the room of the prisoner, Atzerodt, with Mr. Lee, and was present when it was broken open. All I saw found, as I went in, was the revolver under the pillow. No one inquired for Atzerodt on the 14th while I was in the office.

Cross-examined by Mr. DOSTER.

I was at the desk of the Kirkwood House that day from 8 in the morning till 12 at noon; no one called for Atzerodt during that time.

COLONEL W. R. NEVINS.

For the Prosecution.—May 27.

I was in this city on the 12th of April, and stopped at the Kirkwood House. While there, I saw that man [pointing to the accused, George A. Atzerodt] in the passage that leads to the dining room, where he asked me if I knew where President Johnson was. I believe that was his first question. I showed where Mr. Johnson's room was, on the left-hand side of the passage; "However," said I, "the Vice-President is now eating his dinner." I thought he was a stranger, and referred him to the Vice-President's servant, a colored man, who was standing behind him. He looked into the dining-room, whether he went in or not I do not know.

Cross-examined by Mr. DOSTER.

This was between 4 and 5 o'clock. There was no other person at dinner at the time but the Vice-President and myself. This man met me near the two or three steps that come down into the dining-room. I showed him where the Vice-President was sitting at the further end of the room, with his yellow man behind him. Atzerodt had on dark clothes at the time, and, I believe, a low-crowned black felt hat. I noticed his countenance more than his clothes, but I could tell him among fifty thousand. I am now sixty-five years of age.

By JUDGE ADVOCATE BURNETT.

When I first came into Court this morning I was asked to point out, among the prisoners, the man I had seen at the Kirkwood House, and I designated the prisoner, Atzerodt, before his name was mentioned to me.

JOHN FLETCHER.

For the Prosecution.—May 17.

I am foreman at J. Naylor's livery-stable, in this city. On the 3d of April, Atzerodt and another gentleman came to the stable with two horses, and inquired for Mr. Naylor. Atzerodt said they wanted to put up the horses at the stable, and I ordered them to be put up. The other gentleman said he was going to Philadelphia, and that he would leave the sale of his horse to Atzerodt; he left, and I have not seen him since. Atzerodt kept the horses at the stable until the 12th of April, when he sold one of them to Thompson, the stage contractor, and took the other, a brown horse, away. His was a very heavy, common work horse, blind of one eye; it was a dark-brown, with a heavy tail, and heavy fetlocks down to the feet.

I saw Atzerodt no more till 1 o'clock, on the 14th of April, when he and Herold came to the stable with a dark-bay mare. He said he had sold the brown horse and saddle and bridle in Montgomery County, and had bought this mare, with saddle and bridle. He then told me to put up the mare in the stable. I went to my supper at half-past 6, and when I came back the colored boy had the mare at the door, with saddle and bridle on her. Atzerodt paid the boy fifty cents for her keep, and asked me if that was right; I said, "Yes." "If I stay until morning," he asked, "how much are you going to charge me?" "Only fifty cents," I said. He then went out and staid about three-quarters of an hour, when he returned. He told me not to take the bridle or saddle off the mare until 10 o'clock, and to keep the stable open for him. I said I would do so, and that I would be there myself at that time. At 10 o'clock he came after the mare. He asked me to take a drink with him, and I did, at the Union Hotel, corner of Thirteen-and-a-half and E Streets. I had a glass of beer and he drank some whisky. Returning to the stable he said, "If this thing happens to-night, you will hear of a present," or "Get a present." He seemed to me about half-tight, and was very excited-looking. I did not pay much attention to him. As he mounted the mare I said, "I would not like to ride that mare through the city in the night, for she looks so skittish."

"Well," said he, "She's good upon a retreat." I then said to him, "Your acquaintance is staying out very late with our horse;" that was Herold. "Oh," said he, "He'll be back after awhile." Atzerodt then left, and I followed him until he went down E Street and passed Thirteen-and-a-half Street, and saw him go into the Kirkwood House. I watched until he came out and mounted the mare again. He went along D Street and turned to Tenth Street, to the left of D and Tenth Streets. I then returned to the stable.

WASHINGTON BRISCOE.
For the Prosecution.--May 18.

I have known the prisoner, George Atzerodt, for seven or eight years. On the night of the 14th of April, between half-past 11 and 12, he got on a Navy-Yard car at Sixth Street. I was in the car, but he did not recognize me till I spoke to him. I asked him if he had heard the news, and he said he had. Then he asked me to let him sleep in the store, down at the Navy Yard, with me. I told him he could not. His manner was excited, and he was very anxious to sleep there; he urged me to let him. I told him again he could not; that the gentleman I was with was there, and I had no right to ask him. He rode down as far as I did, then got out and asked me again. When he left me, he said he would go back to the Pennsylvania House, on C Street, where he was stopping.

Cross-examined by Mr. DOSTER.

I did not notice the precise time when I met Atzerodt, but I think it was between half-past 11 and 12. I was going to the Navy Yard, my home, and he rode down in the car with me to I Street, near my store, and got out where I did. I waited with him on the corner of I and Garrison Streets, till the car came back. I think it was near 12 when he got into the car again and left me. I hardly know whether he had been drinking; but, judging from his manner, he was a little excited.

JOHN GREENAWALT.
For the Prosecution.—May 17.

I keep the Pennsylvania House, on C Street, between Four-and-a-Half and Sixth Streets. I know the prisoner, Atzerodt. A person frequently called on Atzerodt, who, I have since found, was J. Wilkes Booth.

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

That is the person. Sometimes Booth would come through the hall where Atzerodt would be sitting; at other times Booth would walk in and walk back, when Atzerodt would get up and follow him. They have had frequent interviews in front of my house; and several times, as I walked on the steps, they would leave and walk toward the National Hotel, where they stood and had their interview.

On one occasion several young men from Port Tobacco met Atzerodt at the Pennsylvania House. They had been drinking, and Atzerodt asked me to take a drink, which I did, when he said, "Greenawalt, I am pretty nearly broke, but I have always got friends enough who will give me as much money as will see me through." He added, "I am going away some of these days, and I will return with as much gold as will keep me all my lifetime." This was said about the 1st of April, nine or ten days after he first came to my house, which was on the 18th of March last. Atzerodt was in the habit of stopping at my house. He never stopped any length of time. He left my house on the Wednesday before the assassination. He had no baggage with him. I saw him next on the Saturday morning after the assassination, between 2 and 3 o'clock.

I had just come in the house myself, and had gone to my room. About five minutes afterward a servant came up with a five-dollar bill and said, "There is a man come in with Atzerodt who wants lodging, and wants to pay for it." So I went down and gave the man his change. I had an uneasiness about the thing myself; thought there was something wrong.

Atzerodt asked for his old room, and I told him it was occupied. I told him he would have to go with this gentleman. So I gave this man Thomas his change, and told the servant to show him to his room, and Atzerodt was going to follow him, when I said, "Atzerodt, you have not registered." Said he, "Do you want my name?" I replied, "Certainly." He hesitated some, but stepped back and registered, and went to his room. He had never before hesitated to register his name. The man who was with Atzerodt was about five feet seven or eight inches high, and his weight was about one hundred and forty pounds, I should judge. He was poorly dressed, in dark clothes. His pants were worn through at the back near the heels. I took notice of that as he walked out of the door to go to his room. He was quite dark-complexioned and very much weather-beaten. He had dark hair.

Neither of the men seemed excited. This man Thomas, I noticed, kept a close eye on me as I came in. It was Thomas who asked for the room. Atzerodt was lying on the settee in the corner of the room when I came in. Atzerodt asked for his old room; I told him was occupied, and that he would have to go with this man. It was a large room, with six beds in it. There were other persons in the room before Thomas and Atzerodt went there.

Thomas had the appearance of a laboring man. I think he wore a broadcloth coat, though it was very much worn, but I judge that his clothes were worn as a disguise. His hair, moustache, and whiskers were black. The name he gave was Samuel Thomas. He got up about 5 o'clock and left the house, so the servant told me. A lady who was stopping at the house had given orders for a carriage to take her to the 6:15 train. She left before I got up, and as the servant was going out of the door, this man Thomas went out and asked the way to the railway depot. He had no baggage.

Atzerodt left shortly afterward, and walked toward Sixth Street. As the servant came back from getting the carriage, he met Atzerodt, and said to him, "What brings you out so early this morning?" "Well," said he, "I have got business." He left without paying his bill, and I have never seen him since until now. There he sits, [pointing to the accused, George A. Atzerodt.]

In March, Atzerodt showed me a revolver he had just bought. I told him I wished I had known he wanted one, for I had a new one for which I had no use.

[The revolver found by John Lee, at the Kirkwood House, was here exhibited to the witness.]

The revolver Atzerodt had was similar to that, but I do not think that is the same.

Cross-examined by Mr. DOSTER.

Atzerodt left my house on the 12th of April. He had been there from the 18th of March. On the 27th of March he left and staid away over a night, and returned with a man named Bailey.

Atzerodt once handed a large revolver into the office for me to keep for him. I saw no other arms. He may have had others; in this office he said he had a knife.

When Mr. Bailey left my house, he wanted to pay his stage fare, and I bought of him some eight or nine \$2.50 gold pieces, and, I think, about seven dollars worth of silver.

I can not say that Thomas and Atzerodt were acquainted previously to their calling at my house on the night of the 14th. Atzerodt did not seem sleepy, and he was not in liquor. I did not see them come in; the servant told me they came in together; but that is the only reason I had for thinking they came together. I told Atzerodt that he would have to room with that man, and he had no objection. I do not recognize the man Thomas among the prisoners.

That man [pointing to the accused, Edward Spangler] resembles him somewhat, but is not so dark, and he has not got the beard on that Thomas had then. I could not be positive it is the same man.

[The coat found by John Lee at the Kirkwood House was handed to the witness.]

I never saw Atzerodt wear that coat.

Cross-examined by Mr. EWING.

The man Thomas had black hair and a heavy black moustache, and he had whiskers and beard in front.

By the COURT.

I do not know why Atzerodt and the man Thomas got up at the same time in the morning. They did not occupy the same bed. On the Wednesday before the assassination, when Atzerodt left, he told me he was going away, and he said, "Greenawalt, I owe you a couple of days' board; will it make any difference to you whether I pay for it now or when I come back?" He said he was going to Montgomery County.

I never saw the prisoner, O'Laughlin, at my house.

JAMES WALKER (colored).
For the Prosecution.—May 18.

My business at the Pennsylvania House, in this city, is to make fires, carry water, and to wait on gentlemen that come in late and early. I have seen the prisoner, Atzerodt, [pointing to the accused, George A. Atzerodt,] at the house. He came there between 12 and 1 o'clock, I think, on Friday night, the 14th of April; I held his horse while he went into the bar. When he came out, he asked me to give him a stick or a switch, as the horse was shy of the light; I gave him a piece of a hoop, and he went off. I do not know whether he had any arms; I did not see any. About 2 o'clock in the morning he came back again, on foot this time. I had to get up to let him in. He wanted to go to room 51, which he had commonly occupied; but that was taken up, and he went to 53. He left between 5 and 6 in the morning. As I was going out for a hack to take a lady to the 6:15 train, I overtook him about thirty steps from the door; he was walking along slowly. Another man came to the house about the same time that night, and occupied the same room. He went away a little earlier, to take the 6:15 train; I opened the door and let him out. He had no baggage that I saw. The gas was down pretty low when they came in; but the man seemed to have on dark clothes and a slouch hat. He paid in advance, and went straight to the room. I do not know that I would know him. I can not say that any of the prisoners resemble him. I was not so well acquainted with him as with Mr. Atzerodt, who had been stopping there a couple of weeks.

Cross-examined by Mr. DOSTER.

[A coat found at the Kirkwood House by John Lee was exhibited to the witness.]

I do not recollect seeing that coat before. I have cleaned Mr. Atzerodt's clothes and boots, but I never saw the coat. We generally close the house at half-past 12 or 1 o'clock, and we had not closed on the Friday night when Mr. Atzerodt came first; we closed soon afterward. The horse that I held for him then was a light-bay horse, small; it seemed to be young, and had plenty of spirit. I opened the door for Mr. Atzerodt on the second visit, and took him and the other man to their room. They had no conversation in my presence.

I have seen Mr. Atzerodt have a belt, with a pistol and a knife, but I never saw the knife out of the sheath. That was probably four or five days before that Friday.

By the JUDGE ADVOCATE.

[Exhibiting to the witness the knife found by John Lee at the Kirkwood House.]

I can not tell whether that was the knife. It was in the sheath, fastened to the belt.

[Exhibiting a bowie-knife found on Atzerodt.]

It was something more like that.

[The knife was offered in evidence.]

LIEUTENANT W. R. KEIM.

For the Prosecution.—May 18.

I was at the Pennsylvania House, in this city, on the night of the 14th of April last. I went to the hotel about 4 o'clock on the Saturday morning, and Atzerodt was in his bed when I went into the room. His bed was opposite mine. I asked him if he had heard of the assassination of the President, and he said he had; that it was an awful affair. When I awoke in the morning, he was gone. I did not see any arms with him. About a week or ten days before the assassination I occupied room 51 with Atzerodt.

[The large bowie-knife found at the Kirkwood House was exhibited to the witness.]

I would not swear that is the knife I have seen in Atzerodt's possession, but it was one about that size. Atzerodt went out of the room one morning and left the knife in his bed. I got up and took it, and put it under my pillow. In a few minutes he returned, went to his bed and looked about, and then said, "Have you seen my knife?" I replied, "Yes, here it is." Then he said, "I want that; if one fails, I want the other;" and I gave it to him. His pistol, a revolver, he always carried round his waist.

Cross-examined by Mr. DOSTER.

I did not know the prisoner, Atzerodt, before meeting him at the Pennsylvania House. On the Saturday morning after the assassination, when I went into my room where he was, I did not speak to him immediately; it was perhaps five or ten minutes before I spoke. He was in bed, but whether undressed or not I can not say. When I spoke to him about the assassination, he said it was an awful thing, and that was about all he said. I did not see him after that. He always addressed me as "Lieutenant." It was about a week or ten days before the assassination that I took the knife from his bed. We had been drinking together; as we lay in bed; had had, perhaps, two or three whisky-cocktails apiece. His words, as near as I remember, when I gave him back the knife, were, "If this fails, the other will not."

JOHN CALDWELL.

For the Prosecution.—May 25.

I reside in Georgetown. On the morning after the assassination, at about 8 o'clock, I was at Matthews & Co.'s store, 49 High Street, Georgetown, when that man, [pointing to the accused, George A. Atzerodt,] whom I knew, came in; and, after my asking him how he was, and so on, said he was going into the country, and asked me if I did not want to buy his watch. I told him I had a watch of my own, and did not want another. He then asked me to lend him \$10. I told him I had not the money to spare. He then took his revolver off, and said, "Lend me \$10, and take this as security, and I will bring the money or send it to you next week." I thought the revolver was good security for the money, and I let him have the money, expecting him to pay it back.

[A new revolver, loaded and capped, was handed to the witness.]

This is the revolver. It was loaded and capped as it is now. I did not inquire of him why it was loaded and capped.

[The revolver was offered in evidence.]

Cross-examined by Mr. DOSTER.

I have known Atzerodt for three or four years. We were not on very intimate terms; we were always civil to each other when we met. I had never loaned Atzerodt any money before.

WILLIAM CLENDENIN.
For the Prosecution.—May 18.

[A bowie-knife was shown to the witness.]

I have had that knife in my hands before. I saw a colored woman pick up something out of a gutter, on F Street, as I was passing down on the morning after the assassination. She was about ten feet from me, and I went to her and asked what it was, and she gave me this knife in a sheath. A lady in the third story window of the house next to Creaser's shoe-store, told me she saw it in the gutter, and sent the colored woman down to get it, but that she did not want it to come into the house. I told her that I would take to the Chief of Police, which I did.

Cross-examined by Mr. DOSTER.

It was about 6 o'clock in the morning when I saw the woman pick it up. It lay in the gutter on F Street, in front of Creaser's house, under the carriage step, as if the intention were to throw it there. Creaser's is on F Street, between Eighth and Ninth opposite the Patent Office.

MARSHAL JAMES L. MCPHAIL.
For the Prosecution.—May 18.

I am Provost Marshal of the State of Maryland. I received an intimation from the prisoner, Atzerodt, that he desired to see me. I went to him, and he stated to me that, on the night of the assassination of the President, he had thrown his knife away in the streets of Washington. I made no promise or threat to him, in any way, in connection with the confession.

By Mr. DOSTER.

Q. Was he not in irons at the time?

A. Yes, sir; he was in a cell in the prison, and in irons.

Mr. DOSTER. I respectfully submit that a confession made under such circumstances is not admissible, because it was made under duress, which put the mind of the prisoner in a state of fear.

The JUDGE ADVOCATE. There was neither threat nor promise, and the fact that the man was in prison, or even in irons, does not affect the question of his mental liberty. A man's limbs may be chained, and his mind be perfectly free to speak the truth, or to conceal it, if he chooses.

Mr. DOSTER. In support of his objection, quoted from the case of Commonwealth, v. Mosler, 4 Barr's Reports, 265, to the effect that a confession to an officer, as well as to a private person, must be unattended with any inducement of hope or fear, and must be founded on no question calculated to entrap the prisoner; and referred also to 1 Leech, 263; 2 East's Pleas of the Crown; 2 Russel on Crimes, 644; 1 Washington's Circuit Court Reports, 625; 1 Chitty's Criminal Law, 85; 1 Greenleaf on Evidence, 214; 2 Starkie, 36.

I claim that the prisoner was under the influence of fear when he made that confession, and without that influence would not have made it.

The JUDGE ADVOCATE. I think it is due to the witness that he should be allowed to state precisely under what circumstances this confession was made, and if there is a trace of fear, or hope, or incitement of that kind, I shall not insist for a moment on the answer being heard.

WITNESS. I should state that a brother-in-law of Atzerodt is on my force, and for a time a brother of the prisoner was on it, and they repeatedly told me that Atzerodt desired to see me. After consulting with the Secretary of War, a pass was given me, and I saw the prisoner. I saw him first on the gun-boat, and afterward in his cell. There was no threat, or promise, or inducement of any kind made. On the contrary, I told him that I could make no promises to him; if he had any thing to say to me, he might say it, but I had nothing to say to him. I did not ask him a single question to induce him to make a confession.

[The Commission overruled the objection.]

Atzerodt said he had thrown his knife away, just above the Herndon House, which, I think, is on the corner of Ninth and F Streets.

Cross-examined by Mr. DOSTER.

Atzerodt stated that his pistol was in the possession of a young man by the name of Caldwell, at Matthews & Co.'s store, Georgetown. He had gone to Caldwell, and borrowed \$10 on it, on the morning of the 15th of April. He also spoke of a certain coat hanging in the room at the Kirkwood House, and of a pistol, bowie-knife, and other articles there, all of which he stated belonged to the accused, David E. Herold.

Mr. STONE. I must object to that.

Mr. DOSTER. The answered has been obtained. I do not wish to press it further.

HEZEKIAH METZ.
For the Prosecution.—May 17.

I live in Montgomery County, Md., about twenty-two miles from Washington City. On the Sunday following the death of Mr. Lincoln, the prisoner, George A. Atzerodt, was at my house, and eat [*sic*] his dinner there. That is the man, [*pointing to the accused, George A. Atzerodt.*] He was just from Washington. We were inquiring about the news, and a conversation came up about General Grant's being shot—for we had understood that he had been shot on the cars—when Atzerodt said, as I understood, "If the man that was to follow him had followed him, it was likely to be so."

Atzerodt passed in the neighborhood by the name of Andrew Attwood; that was the name by which I knew him. When I saw him, he represented himself as coming from Washington, and was traveling in the direction of Barnsville.

Cross-examined by Mr. DOSTER.

It is two or three years since I first became acquainted with Atzerodt. I had but a slight acquaintance with him; I knew him when I saw him. He went by the name of Andrew Attwood around our neighborhood, and he has gone by that name ever since I have known him. My house is about a mile from the road that leads to Barnsville. It was between 10 and 11 o'clock on Sunday that Atzerodt came there; he remained some two or three hours. Two young men named Leaman were in the room when Atzerodt made the remark about somebody following General Grant. I do not remember that Atzerodt said any thing about the assassination; they might have been talking about it before I came into the room. The conversation about General Grant occurred after I got into the room.

SERGEANT L. W. GEMMILL.

For the Prosecution.—May 17.

I arrested the prisoner, George A. Atzerodt, [pointing to the accused,] on the 20th of April, about 4 o'clock in the morning, at the house of a man named Richter, near a place called Germantown. I was sent there for the purpose by Captain Townsend, with a detail of six men. I first went to Mr. Purdon's house to get him as guide to Mr. Richter's. When I knocked at the door, Richter asked me twice who it was before he would let me in. I told him to come and see. When he came to the door, I asked him if there was a man named Attwood there; he said no, there was no one there; that he had been there, but had gone to Frederick, or to that neighborhood. I then told him that I was going to search the house, when he said that his cousin was up stairs in bed. His wife then spoke up, and said that as for that there were three men there. He got a light, and taking two men with me, went up stairs, where I found Atzerodt lying on the front of the bed. I asked him his name, and he gave me a name that I did not understand, and which I thought was a fictitious one. I told him to get up and dress himself; and I took him to Mr. Leaman, a loyal man, who knew him. Mr. Leaman told me it was the man. Atzerodt made no inquiry as to why he was arrested; but denied having given me a fictitious name. I asked him if he had left Washington lately, and he said no. I then asked him if he had not something to do with the assassination, and he told me that he had not.

Cross-examined by Mr. DOSTER.

My orders from Captain Townsend were to arrest a man by the name of Attwood; and I was ordered to go to Mr. Purdon and get a description of him, and to press him as a guide to the house of Richter. I do not remember the name Atzerodt gave me, and would not swear that it was "Atzerodt;" he afterward insisted that it was the name he gave me. He spoke in German, and that is the reason why I did not understand the name.

MARCUS P. NORTON.

Recalled for the Prosecution.—June 3.

Assistant Judge Advocate BURNETT stated to the Commission that since the case was closed on the part of the prosecution, testimony of importance had been discovered, tending to implicate George A. Atzerodt, Michael O'Laughlin, and Samuel A. Mudd, in connection with John Wilkes Booth.

Mr. COX objected to the introduction of any evidence that would affect the prisoners individually, the understanding being that the prosecution was closed, except as to evidence reflecting light on the general conspiracy. It was contrary to the practice of civil courts to allow the introduction of testimony after the prosecution had been closed, except what was strictly in rebuttal.

Assistant Judge Advocate BURNETT stated that in military courts, even after the case had been closed on both sides, it was allowable to call new witnesses at the discretion of the Court.

The Commission decided to admit the testimony.

I reside in the city of Troy, New York. From about the 10th of January until about the 10th of March, I was stopping at the National Hotel in this city. I knew J. Wilkes Booth, having seen him several times at the theater. I saw the prisoners, George A. Atzerodt and Michael O'Laughlin, prior to the inauguration of President Lincoln. I saw Atzerodt twice, and O'Laughlin three or four times, in conversation with Booth, as I sat on the same seat with them; it was on the evening of either the 2d or 3d of March last; I think the 3d. I can not give the precise language used in the conversation, but the substance of it was, that if the matter succeeded as well with Mr. Johnson as it did with old Buchanan, their party would get terribly sold.

Cross-examined by Mr. DOSTER.

The conversation between Atzerodt and Booth took place in the rotunda office of the National Hotel, early in the evening, as I was sitting, perhaps, within two or three feet of them. I remember the prisoner, Atzerodt, by his countenance and general features, though I do not think he had as much of a scowl on his face as he has now.

Recalled for the Prosecution.—June 8.

Cross-examined by Mr. DOSTER.

I have seen Booth play in Washington, in New York, and once, I think, in Boston, but I can not recall how many times, nor the pieces in which I saw him. At the time of hearing the conversation between Booth and Atzerodt at the National Hotel, I did not consider it as having reference to an attempt to poison Mr. Johnson; but the assassination of the President, and Booth being coupled with it, is what has turned my attention to the conversation.

See also the testimony of

Louis	J. Pages	113,
Weichmann		118
J. M. Lloyd		Page 130
Anna E. Surratt		Page 130
Honora Fitzpatrick		Page 132
Eliza Holahan		Page 132
John Holahan		Page 139
Eaton G. Horner		Page 234

DEFENSE OF GEORGE A. ATZERODT

CAPTAIN FRANK MONROE, U. S. N.*For the Defense.—May 30.*

By Mr. DOSTER.

I had the custody of the prisoner at the bar on board the monitors Saugus and Montauk.

Mr. DOSTER. Before going further with the examination of the witness, I wish to submit an application of the prisoner in writing.

[The paper was handed to the Judge Advocate, who, having read it, said:]

This is a proposal on the part of the prisoner, Atzerodt, that his confessions made to the witness shall be heard by this Court as testimony in his favor—confessions in regard to which no evidence whatever has been introduced by the Government. I can not understand on what grounds such an application can be urged.

Mr. DOSTER. The prisoner desires to make a full statement of his guilt in this transaction, if there is any guilt, and of his innocence, if there is any evidence of it. He asks his statement to be placed on record, because he has been debarred from calling any other prisoners who might be his witnesses, for the reason that they are his co-defendants. He therefore asks that he may be allowed to speak through Captain Monroe, as he would otherwise speak through one of his co-defendants. I ask this as a matter of fairness and liberality at the hands of the Commission.

The JUDGE ADVOCATE. It is greatly to be deplored that the counsel for the accused will urge upon the Court proposals which they know to be contrary to law.

Mr. DOSTER. I have no more to ask the witness then.

MATTHEW J. POPE.*For the Defense.—June 2.*

By Mr. DOSTER.

I live at the Navy Yard, and keep a livery-stable; until recently I kept a restaurant. A few days before the assassination of the President, perhaps about the 12th of April—I do not know the exact day—a gentleman called at my stable to sell a bay horse; it was a large bay horse, and blind of one eye.

[The prisoner, George A. Atzerodt, was desired to stand up for identification.]

That man has something of the same features; he was very much such a looking man; but if it is the same, he is not near so stout as when he brought the horse to my stable. I can not say positively that it is the same. There are many applications at my stable to buy and sell horses, that I did not take much notice of him. I told him I did not want to buy the horse; that I had more horses than I had use for. It was some time after 12 or 1 o'clock at noon that he came. The horse was put into my stable, and the gentleman went over to my restaurant and took a drink. He left there with a man named Barr, a wheelwright in the Navy Yard. They came back together, and the gentleman took his horse out and rode him away. The horse was in the stable, I think, some two or three hours. Barr was not sober at the time; he had been drinking a little.

JOHN H. BARR.
For the Defense.—June 5.

By Mr. DOSTER.

I have seen Atzerodt, the prisoner, at the bar, once before. I was coming from my work at the Navy Yard one evening, and stopped at Mr. Pope's restaurant, and there met this gentleman. I did not know him at the time, but we had several drinks together. I proposed to him to go home and take supper with me, and he did so. After supper, we went back to Mr. Pope's restaurant, and had, I think, a couple of drinks. We then went out, returned to the restaurant again, and took two more glasses, and from there went to Mr. Pope's stable. The gentleman took his horse out, and I saw him get on and ride off. That is the last I saw of him. By referring to my book, I can tell the exact day on which this occurred, because I know the work that I did that day; I made two spring blocks for Sanderson & Miller. I find it was the 12th of April.

JAMES KELLEHER.
For the Defense.—May 30.

By Mr. DOSTER.

I am one of the proprietors of the livery-stable on Eighth and E Streets. On the 14th of April last, about half-past 2 in the day, I let the prisoner, Atzerodt, [pointing to the accused, George A. Atzerodt,] have out of my stable a small bay mare, sixteen and a half hands high. He paid me five dollars for the hire. The horse was returned, to the best of my knowledge, between 9 and half-past nine that night.

Q. When Atzerodt engaged the horse, did you have a conversation with him?

A. Yes, sir.

Q. State what the conversation was.

Assistant Judge Advocate BURNETT objected to the question as incompetent.

The question was waived.

Atzerodt wrote his name on the slate in a tolerably good hand; and he gave me several references willingly. He first gave a number of persons in Maryland. He said he knew a good many persons there, and that he was a coach-maker by trade. Stanley Higgins was one to whom he referred; I can not recall any other. He also gave me the name of John Cook in Washington as a reference, and several other names in Washington, but I do not remember them.

Cross-examined by ASSISTANT JUDGE ADVOCATE BURNETT.

I was not there when the horse was returned. When I went to the stable next morning, the horse was there.

SAMUEL SMITH.
For the Defense.—May 30.

By Mr. DOSTER.

I am a stable-boy at Mr. Kelleher's stable. I was at the stable on the night of the 14th of April last. The bay mare that was let out about 2 o'clock in the afternoon was returned in the course of the evening; to the best of my knowledge, it was about 11 o'clock. She was about in the same condition as when she was taken out.

Cross-examined by ASSISTANT JUDGE ADVOCATE BURNETT.

I did not notice the person who brought back the mare; there was a little light in the stable, but it was very dim; and there was no light on the sidewalk. The man stopped outside the door, and I went out there and brought the mare in. It was by feeling her that I could tell she had not been ridden hard.

LEONARD J. FARWELL.
For the Defense.—June 3.

By Mr. DOSTER.

On the evening of the 14th of April last, on leaving Ford's Theater, I went immediately to the Kirkwood House, to the room of Vice-President Johnson. I should think it was between 10 and half-past 10 o'clock. I found the room door locked. I rapped, but receiving no answer, I rapped again, and said, in a loud voice, "Governor Johnson, if you are in the room, I must see you." I believe the door was locked, but am not certain. I can not say whether I took hold of the handle or not. I did not see any one apparently lying in wait near Mr. Johnson's door.

I remained in Mr. Johnson's room about half an hour. I took charge of the door, and locked and bolted it on the inside. A number of persons came to the door, but I did not allow any of them to come in, unless he was some gentleman personally known to the Vice-President. I also rang the bell and had a guard placed at the door.

[The witness was here requested to look at the prisoner, George A. Atzerodt.]

I do not know that I have seen the prisoner before.

MISS JANE HEROLD.
For the Defense.—May 30.

By Mr. DOSTER.

I am the sister of David E. Herold, the prisoner at the bar.

[Exhibiting to the witness the black coat found at the Kirkwood House, also the handkerchief marked "H."]

I think I never saw that coat in the possession of my brother. The handkerchief does not belong to him.

F. H. DOOLEY.
For the Defense.—May 31.

By Mr. DOSTER.

I am an apothecary, on the corner of Seventh Street and Louisiana Avenue. The tooth-brush and liquorice found at the Kirkwood House have trade-marks on them that I am positive do not belong to my establishment.

SOMERSET LEAMAN.
For the Defense.—May 30.

By Mr. DOSTER.

I have known the prisoner, George A. Atzerodt, ever since he was a boy. I was at the house of Hezekiah Metz on the Sunday morning following the assassination of the President, and met Atzerodt there. As I approached him, I said, in the way of a joke, "Are you the man that killed Abe Lincoln?" "Yes," said he, and laughed. I said, "Well, Andrew,"—he went by the name of Andrew there—"I want to know the truth of it; is it so?" I asked him if the President was assassinated, and he said, "Yes, it is so; and he died yesterday evening about 3 o'clock." I then asked him if it was true that Mr. Seward's throat was cut, and two of his sons stabbed, and he replied, "Yes, Mr. Seward was stabbed, or rather cut at the throat, but not killed, and two of his sons were stabbed." I then asked him if what we heard about General Grant was correct, that he was assassinated on the same night. He answered, "No, I do n't know whether that is so or not; I do n't suppose it is so; if it had been, I should have heard it."

While we were at the dinner-table, my brother asked him the question again, and he said, "No, I do n't suppose he was, if he was killed, he would have been killed probably by a man that got on the same car"—or the same train, I do not remember which—"that Grant got on."

I was not in Atzerodt's company more than half an hour, and that was about all that passed in reference to this in my presence.

I thought Atzerodt seemed somewhat confused at the dinner-table. He had been paying his addresses to the daughter of Mr. Metz, and it appeared that she had been showing him the cold shoulder that day, and he was down in the mouth in consequence. There was no remark made at the dinner-table that I did not hear.

Atzerodt's father had settled in our neighborhood, but moved away when Atzerodt was quite a boy, and I had seen but little of him until the last year or two. He visited among the neighbors there, many of whom were respectable people.

JAMES E. LEAMAN.
For the Defense.—May 30.

By Mr. DOSTER.

I have known the prisoner, George A. Atzerodt, for about two years. I was at the house of Mr. Metz on the Sunday morning following the assassination. I broached the subject of General Grant being assassinated, and asked him whether it was so or not. He said he did not suppose it was; and he added, "If it is so, some one must have got on the same cars that he did." That was all the conversation that I had with him, with the exception that when he and I were out in the yard he said—

Mr. DOSTER. That is unnecessary; you need not state what he said in the yard.

By ASSISTANT JUDGE ADVOCATE BURNETT.

Q. Go on and state what he said to you in the yard.

A. He said, "O, my! What a trouble I see." I said to him, "Why, what have you to trouble you?" Said he, "More than I will ever get shut of."

By Mr. DOSTER.

Q. That was immediately after you had been speaking of the assassination, was it?

A. No, sir; some time afterward. I took it for granted—

Assistant Judge Advocate BURNETT. You need not state what you took for granted. Give the words, and nothing else.

A. That was about all he said at that time.

Atzerodt had been paying his addresses to Mr. Metz's daughter, and she had slighted him some time before he went out into the yard.

HARTMAN RICHTER.
For the Defense.—May 31.

By Mr. DOSTER.

I live in Montgomery County, Maryland, and am a cousin of the prisoner, George A. Atzerodt. He came to my house about 2 or 3 o'clock on Sunday afternoon. I met him in the morning on my road to church. I did not have much conversation with him, and I noticed nothing peculiar about him. He remained at my house from Sunday till Thursday evening, and occupied himself with walking about, working in the garden a little, and going among the neighbors. He did not attempt to get away, or to hide himself. When he was arrested he seemed very willing to go along. He had on a kind of gray overcoat when he came to my house.

SAMUEL MCALLISTER.
For the Defense.—May 30.

By Mr. DOSTER.

During the month of April I saw a pistol and a dirk in Atzerodt's possession. He gave them to me to keep for him.

[The knife and pistol found at the Kirkwood House were exhibited to the witness.]

These are not the knife and pistol.

[The knife found near F and Ninth Streets on the morning of the 15th of April was exhibited.]

That looks very much like the knife; it was a knife of that description.

[Exhibiting to the witness the pistol identified by John Caldwell, on which he loaned \$10.]

That looks very much like it.

On the evening of the 14th of April, at about 10 o'clock, he rode up to the door [Pennsylvania House] and called the black boy out to hold his horse. I did not take particular notice of him, nor notice whether he was excited or not.

Q. Do you know any thing about his reputation for courage?

Assistant Judge Advocate BINGHAM. I object to that; I do not think we are going to try his character for courage.

Mr. DOSTER. May it please the Court, I intend to show that his man is a constitutional coward; that if he had been assigned the duty of assassinating the Vice-President, he never could have done it; and that, from his known cowardice, Booth probably did not assign him to any such duty. Certainly it is just as relevant as any thing can be.

Assistant Judge Advocate BINGHAM. If the counsel wishes to prove that the prisoner, Atzerodt, is a coward, I will withdraw my objection.

WITNESS. I know nothing of his reputation for cowardice, save what I have heard from others. I have heard men say that he would not resent an insult.

ALEXANDER BRAWNER.

For the Defense.—June 8.

By Mr. DOSTER.

I live in Port Tobacco, Md. I have known the prisoner, Atzerodt, six or eight years. He was at Port Tobacco about the last of February or the beginning of March. I think he came from Bryantown; he rode a sorrel horse. I had some business in the country, and he went along with me.

I never considered Atzerodt a courageous man, by a long streak. I have seen him in scrapes, and I have seen him get out of them very fast. I have seen him in bar-room scrapes, little scrapes, and where pistols were drawn, and he generally got out of the way, and made pretty fast time. His reputation is that of a notorious coward.

LOUIS B. HARKINS.

For the Defense.—June 8.

By Mr. DOSTER.

I have known Atzerodt for probably ten years. He was down at Port Tobacco about the latter part of February or the beginning of March. I think I saw him for a day or two. He is looked upon down there, by folks that know him, as a good-natured kind of a fellow. We never gave him credit down our way for much courage. I call to mind two difficulties in which I saw him—one happened in my shop, and the other in an oyster saloon—in both of which I thought he lacked courage.

WASHINGTON BRISCOE.
For the Defense.—May 30.

By Mr. DOSTER.

I have known the prisoner, Atzerodt, six or seven years at Port Tobacco. He has always been considered a man of little courage, and remarkable for his cowardice.