

THE FATE OF THE CONSPIRATORS

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Chapter 13

With the capture of John Wilkes Booth the Government officials turned their entire attention to procuring evidence against Jefferson Davis and other southern leaders and to the trial of those more immediately connected with the assassin.

"Whereas," proclaimed Andrew Johnson on May 1, 1865, "the Attorney-General of the United States hath given his opinion--⁶ That the persons implicated in the murder of the late President, Abraham Lincoln, and the attempted assassination of the Hon. William H. Seward, Secretary of State, and in an alleged conspiracy to assassinate other officers of the Federal Government at Washington City, and their aiders and abettors, are subject to the jurisdiction of and legally triable before a military Commission⁷:

"It is ordered, 1st, That the Assistant Adjutant-General detail nine competent military officers to serve as a Commission for the trial of said parties, and that the Judge Advocate General proceed to prefer charges against said parties for their alleged offences, and bring them to trial before said Military Commission that said trial or trials be conducted by the said Judge Advocate General, as recorder thereof, in person, aided by such assistant or special judge advocates as he may designate; and that said trials be conducted with all diligence⁸ consistent with the ends of justice; the said Commission to sit without regard to hours."

Complying with the President's order, W. A. Nichols, Assistant Adjutant-General, appointed the ~~nine army officers as a~~ military Commission, ^{which} this met May 9th with General Joseph Holt, Judge Advocate-General U.S. Army as Judge Advocate and Recorder, ^{and} with the Hon. John A. Bingham and Colonel H.L. Burnett as Assistant Judge Advocates.

Soon after the assassination, Secretary Stanton had announced that all persons who had harbored or secreted Booth, Atzerodt, or Herold, or who had aided or assisted their escape should be subject to trial before the Military Commission, and that the punishment would be death." (Introduction to Conspiracy Trial - by Poore).

David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlin, Edward Spangler, Samuel Arnold, Mary E Surratt, and Samuel A. Mudd were ~~then~~ ^{before} brought into ^{the Commission as soon as it was organized} Court and arraigned on the charge of "Maliciously, unlawfully, and traitorously conspiring with John H. Surratt, John Wilkes Booth, Jefferson Davis and others to kill Abraham Lincoln, Andrew Johnson, William H Seward and General U.S. Grant and in pursuance of the conspiracy together with John Wilkes Booth and John H Surratt to have murdered Abraham Lincoln and to have traitorously assaulted William H Seward with

(C.T. pp 18-19)

Spangler was specifically charged with aiding Booth to obtain entrance to the Presidential box and with barring and obstructing the door and assisting the assassin to escape; Herold with aiding and assisting him to escape; Payne with the attempt to murder Secretary Seward, and the Secretary's sons; Atzerodt, with intent to kill Andrew Johnson; O'Laughlin with intent to kill General Grant; Mrs. Surratt with aiding and assisting the assassin and all the would-be assassins; Dr. Mudd with concealing and assisting in the escape of Booth and Herold.

To these charges and specifications all the accused pleaded "not guilty" and the Commission proceeded ^{May 12th} to the taking of testimony ~~beginning May 12th.~~

The task of procuring the evidence to convict the assassins fell upon the Federal Secret Service directed by General Baker who states that he subpoenaed for the prosecution and defense more than two hundred witnesses. ^② (~~"History of the Secret Service" by Baker, p 563.~~)

The magnitude and importance of this memorable military trial is shown by the following statistics: There were 251 witnesses subpoenaed for the prosecution; of these 201 were actually examined; The defense subpoenaed 246; 163 were examined; the total number of witnesses examined were 371; including recalls 428; total number of witnesses subpoenaed, 491; The witnesses came from all classes, from General Grant down to "Peanuts" the call boy about Ford's Theater.

There were 4300 legal cap pages of testimony which, including arguments of counsel and the reply of the Judge Advocate, totaled 5,010 pages. This made a pile of manuscript over twenty-eight inches high.

The great number of depositions, taken, and the many reports presented at the War Department prior to the opening of the case, employed five shorthand writers two weeks, and took two experienced clerks six weeks merely to brief and file away. In this, as in all state trials, the government paid the expenses of witnesses for the defense as well as the prosecution, at the rate of three dollars a day, and the actual cost of transportation to and from witnesses' homes. The Commission commenced its sessions on 9th of May, and continued them till the 30th of June, sitting daily when witnesses were in attendance or arguments to be heard, from 10 A.M. to 6 P.M., with one hour's recess for lunch prepared in the penitentiary and partaken of there.

③ (~~Cincinnati Commercial July 5, 1865, Lincoln Scrap Book PP 184-185.~~)

④ (~~Ben Perley Poore in his introduction to the "Conspiracy Trial," 1865.~~) The

persons arrested as conspirators were at first confined on board of the monitors, anchored off the Washington Navy Yards; whence they were removed to the building originally used as the Penitentiary of the District of Columbia, but during the Civil war, within the limits of the United States Arsenal, on what was commonly known as Greenleaf's Point at the junction of the Potomac and the Anacostia, or Eastern Branch.

Brevet Major-General Hartranft, the special provost-marshal detailed for the trial, according to Poore's report, had placed under his orders a brigade of volunteers, and a detachment of the Veteran Reserve Corps. Strong guards were so posted as to render the rescue or escape of the prisoners impossible; and there was in addition a detective force who exercised a watchful surveillance. Each prisoner was manacled, and confined in a separate cell, attended by a guard; and the heads of the male prisoners were enveloped in mufflers, as one of them, while on board of the monitor, had endeavored to commit suicide by dashing out his brains. (The Conspiracy Trial - Poore PP 8 - 9).

The trial was held in a large room near the prisoner's cells on the third story of the old Penitentiary in a room on the ground floor of which John Wilkes Booth had been secretly buried. The court room had four windows, with heavy iron gratings, which afforded ventilation and prevented an opportunity for a prisoner to escape and there were two ante-rooms for the accommodation of the court and of the witnesses. The room was white-washed and painted for the occasion, a prisoner's dock was constructed along the western side, the floor was covered with cocoa-nut matting, and the tables and chairs were new.

The Court took seriously the statement in President Johnson's proclamation that "The said Commission is ^{to} sit without regard to hours and had gas introduced in case it should protract its sittings until after dark. (The Conspiracy Trial, Poore, P 8-9.)

One of the ~~official~~ reporters has described the prisoners during their hours in court:

"The male prisoners," he said, "heavily ironed, were seated side by side in a dock interspersed with officers. Sam Arnold was of respectable appearance, about thirty years of age, with dark hair and beard and a good countenance. Spangler, the stage-carpenter, was a chunky, light-haired, rather blated and whisky-soaked looking man. Atzerodt had a decided ^{lager} beer look, with heavy blue eyes, light hair, and sallow complexion. O'Laughlin might have been taken for a native of Cuba, short and slender, with luxuriant black locks, a delicate moustache and whiskers, and vivacious black eyes. Payne was the incarnation of a Roman gladiator, tall, muscular, defiant, with a low forehead, large blue eyes, thin lips, and black, straight hair, with much of the animal and little of the intellectual. Dave Harold was what the ladies call a pretty little man, with cherry cheeks, pouting lips, and incipient beard, dark hazel eyes, and dark, long hair. Last on the bench was Dr. Mudd, whose ankles and wrists were joined by chains instead of the unyielding bars which joined the bracelets and anklets of the others. He was about ^{see daughter's statement in 1856} sixty years of age, with a blonde complexion, reddish face, and blue eyes." ("Perley's Reminiscences", by Ben Perley Poore, Vol II pp 185-6).

In their cells, according to an account in the Washington Star published during the trial, "Mrs Surratt spent" most of her time in reading her prayer-book." Harold's mood was "mercurial, sometimes exuberantly buoyant, and sometimes as much depressed." Mudd paid "considerable attention to his personal appearance" and was "particular as to cleanliness of body." Like Mrs. Surratt he occupied "much of his time in reading religious books." Atzerodt was "stolid and uncommunicative for the most part." O'Laughlin conducted himself quietly; ^{and} seemed to feel his situation the most deeply of any of the prisoners, and walked his cell much of the time.

"Payne displayed the same cool audacity invariably, whether in his cell or in the court room, and exhibited not infrequently that devil-may-care reckless spirit of good humor that springs from high physical condition." When spoken to he replied "with off-hand bluntness, using barely enough words to convey an answer, and was "equally costive of speech in making known his wishes."

Arnold appeared "in his cell as in the court-room, quiet and pleasant," and gave "his attendants little trouble." Spangler, "despite his lugubrious face" was said to be "uniformly light-hearted and exceedingly talkative." His appetite was superb, and "when the ordinary ample prison allowance was given him and he was asked if that was enough, he signified that he could manage a little more." He had "already learned to distinguish the voices of the different guards, and called to them as they passed, seeming inclined for conversation to break the loneliness of his confinement." (From The Washington Star, New York Tribune, Wednesday, May 24, 1865.)

No question has ever been raised as to the conviction of six of the prisoners, but so far as Mrs. Surratt and Dr. Mudd are concerned, it is claimed there was not sufficient evidence upon which to base a death sentence for the former and one of life imprisonment for the latter. It was no wonder, in the angry time that followed the assassination, with the nation's pulse at fever heat and the cry for vengeance ringing through the land, that all who were in ever so remote a manner identified with the chief conspirator should be rashly judged and summarily dealt with. (L.C.B. p 103.)

There were clearly two plots, one to capture, the other to assassinate. The prosecution was able to keep these before the court as one and to procure the conviction of those connected with the first on charges of having aided and abetted the second. There was no evidence introduced to show that Arnold had any connection or knowledge of the assassination plot. O'Laughlin, however, did not fare so well. He was in Washington on the night of the 14th and testimony was brought in to show that he had appeared at the home of Secretary Stanton that evening, the presumption being that Booth had delegated him to murder the war Secretary or General Grant. He was given the benefit of some doubt and did not suffer the death penalty. It is highly debatable whether Spangler knew of Booth's intentions when he called for him to hold his horse in the

alley back of the theater. He evidently was cognizant to some extent of the abduction

plans. *He was near the door leading to the alley and could have prevented Booth's exit had he been so disposed.*

The evidence against Mrs. Surratt, a large part of which at least appears to

be reliable, was that her Washington lodging house on "H" street was frequented by three of the principal conspirators, Booth, who called upon her on the afternoon of the day of the assassination, Payne, who had been there several times and had lived there for a couple days and whom she had met and knew, and Atzerodt, who was well enough known in the household to be called by the nickname "Port Tobacco"; that her son John was also connected with these plotters; that she drove down to her Surrattville tavern after seeing Booth upon the day of the assassination, and left a package containing a field glass at the tavern in the custody of John ~~Lloyd~~ Lloyd, her tenant, who testified she requested him to have the shooting irons which had been brought to the tavern some six weeks before by Surratt, Harold and Atzerodt ready, for they would be called for that night. Though Lloyd's testimony was ^{weakened} ~~impeached to some extent~~ by the fact that he was under the influence of liquor at the time, and there was qualifying testimony as to what took place, yet there is no question but that there was a conversation between him and Mrs. Surratt, not contradicted, in which Lloyd claimed she gave him these directions; that Booth and Harold called and took away the weapons at the time indicated; and later, when Payne came to the Surratt house in the evening disguised as a workman, and was accosted by the officers, he claimed that he was a ditch digger and did not know Mrs. Surratt. When she was called by the officers she swore she had never seen him before. While the defence claimed he was disguised ~~in a measure~~, and that she was very nearsighted and incapable at times of distinguishing people, there was evidence going to show that her vision was better than claimed. That alone would have been insufficient evidence to convict. If the President ^{had} ~~had~~ seen fit to commute Mrs. Surratt's sentence, it is probable that much of the criticism bestowed subsequently upon ^{him and} the court would not have been forthcoming.

So far as Dr. Mudd is concerned, he knew Booth, but there was no evidence of his being concerned in the conspiracy. During the time Booth was at the doctor's home on the day after the murder he cut off his mustache, and although the doctor disclaimed that he knew ^{the} ~~that~~ man was Booth, ^{the actions of the visitors were enough to arouse suspicion} he could hardly have had ^{Booth} ~~him~~ as a patient for several hours without ^{identifying lines} ~~making the identification~~ clear. If the doctor had stated freely to the officers when they called upon him that Booth and ~~Harold~~ Harold had been there, there was no more evidence

Weave a strong case against the woman

however,
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to connect him with the affair than Lloyd, the tavern keeper, who was told by Harold, when he went there to get the weapons, that they had assassinated the President. But Dr. Mudd was evidently a strong sympathizer with the southern cause, and ~~was~~ ^{in addition to being a} kind-hearted, self-sacrificing man, ~~He~~ may have felt justified, as a physician, if for no other reason, in concealing the knowledge from the authorities. It is true he evaded and falsified, but his action was limited to his medical duties and ~~giving cover to~~ ^{concealing} the men for a day. Unless Booth confessed the murder to him, and it did not appear that he did, the doctor could ~~not~~ ^{hardly} have known, before the assassins left him, of the crime.

On June 30th, the Commission found Herold, Atzerodt, Payne, and Mrs Surratt "Guilty" and sentenced them "to be hanged by the neck until they be dead."

O'Laughlin was found guilty of the Conspiracy Charge, but not of the specification of lying in wait to kill General Grant; Spangler with aiding Booth in his escape; Arnold of the Conspiracy; and Dr. Mudd of concealing and aiding the assassins to escape; O'Laughlin, Arnold and Mudd were sentenced to hard labor for life; Spangler for six years. On July 5th, President Johnson approved the sentences with the provision that the execution take place on July 7 and the others be sent to Albany Penitentiary. The place of imprisonment was changed, however, on July 15th to the Military prison at Dry Tortugas, Florida.

Every effort was made to procure ^{Commutation} ~~commutation~~ of Mrs. Surratt's sentence to life imprisonment, but without avail.

While Dr. Mudd, O'Laughlin, Spangler, and Arnold were confined at Dry Tortugas an unusually deadly epidemic of yellow fever

broke out in the fort, soldiers and prisoners dying by the score every day, and all the neighboring sand keys were dotted with graves. Every surgeon on the post had been carried away, and the commandant was almost in despair, when Dr. Mudd offered his professional services. They were gladly accepted, and his first act was the enlargement of all the ^{port}holes in the upper casements, to give his patients more air. This treatment gave good results, and he soon had the epidemic under control. All the officers of the post

united in signing a petition to President Johnson asking for his release on account of the valuable services rendered, and he was pardoned February 8, 1869, and was released from confinement March 8. Arnold and Spangler were released from the same prison March 21, 1869. Michael O'Laughlin died of yellow fever while in the fort, September 23, 1867." (5) (~~"Assassination of Abraham Lincoln" by Oldroyd pp 150 - 152.~~)

The announcement of the findings of the Military Commission and the approval of the President being made public about noon on the 6th of July, and that the prisoners condemned to death would be hanged the next day, produced ~~great excitement.~~ *a public furor* x

" In the case of Mrs. Surratt the excitement was unbounded, because many had arrived at the conclusion that the testimony against her was not sufficient to convict her; and, in addition to this, there being a rumor that her sentence would be commuted to imprisonment, even many of those who had been most strenuous in advocating that the severest punishment should be imposed upon all the prisoners, were now anxious to have her sentence changed to imprisonment, and were loud in their arguments in favor of the commutation of her sentence.

" Expecting the acquittal of Mrs. Surratt, or at least a light sentence, her counsel were shocked when they learned that her death had been decided upon, and immediately made an effort to have her sentence changed. (6) (~~American Bastille, by John A. Marshall page 811~~)

On the morning of July 6th, General Hartranft, accompanied by the judges of the court and the officers of the prison, went to the cell of each prisoner and read the verdict to him. The condemned prisoners then were taken from their cells and placed in a large room on the ground floor, and their friends and spiritual advisers were allowed to see them, (7) (~~"Assassination of Abraham Lincoln" by Oldroyd, Page 198. 2-6~~)

George Alfred Townsend, of the New York WORLD was present at the execution. It is from his description that the events of that morning are told:-

"I entered a large, grassy yard, surrounded by an exceedingly high wall. On the top of this wall soldiers, with muskets in their hands, were thickly planted. The yard below was broken by irregular buildings of brick. I climbed by a flight of outside stairs to the central building, where many officers were seated at the windows, and looked a while at the strange scene on the grassy plaza. On the left the long, barred, impregnable penitentiary rose. The shady spots beneath it were occupied by huddling spectators. Soldiers were filling their canteens at the pumps. A face or two looked out from the barred jail. The north side of the yard was enclosed on three sides

by columns of soldiers drawn up in regular order, the side next to the penitentiary being short to admit of ingress to the prisoners' door; but the opposite column reached entirely up to the north wall. The gallows consisted of a beam resting horizontally in the air, twenty feet from the ground. Four ropes at irregular intervals dangled from it, each noosed at the end." Then follows a detailed description of the construction of the gallows: Close by the foot of which four wooden boxes were at the edge of four newly excavated graves, the fresh earth of which was already dried and brittle in the burning sun. In these boxes and pits were to be placed the victims when the gallows had let them down. Not far from these, in silence and darkness beneath the prison where it had lain so long and so forebodingly, the body of John Wilkes Booth, sealed up in the brick floor, had been moldering. If the dead can hear, he had listened many a time to the rattle of their manacles upon the stairs; to the moaning or the gibing or the praying in the bolted cells where those whom kindred fate had given a little lease upon life lay waiting for the terrible

pronouncement. The sentence gave them only till two o'clock, and it was near that time, when suddenly the wicket opens, the troops spring to their feet and stand at order arms, the flags go up, the low order passes from company to company; the spectators huddle a little nearer to the scaffold; all the writers for the press produce their pencils and notebooks.

"First came a middle-aged woman dressed in black, bonneted and veiled walking between two bareheaded priests. One of these held against his breast a crucifix of jet, and in the folds of his blue-fringed sash he carried an open breviary, while both of them muttered the service of the dead. Four soldiers, with muskets at ~~the~~ shoulder, followed, and a capt~~ive~~ led the way to the gallows.

"The second party escorted a small and shambling German, whose head had a long white cap upon it, rendering more filthy his dull complexion, and upon whose feet the chains clanked as he slowly advanced, preceded by two officers, flanked by a Lutheran clergyman, and followed, as his predecessor, by an armed squad.

"The third preacher and party clustered about a shabby boy, whose limbs tottered as he progressed.

"The fourth walked in, the shadow of a straight high statue, whose tawny hair and large blue eyes were suggestive rather of the barbarian striding in in his conqueror's triumph than the assassin going to the gallows. All these, captives, priests, guards, and officers, nearly twenty in all, climbed slowly and solemnly the narrow steps; and upon four armchairs, stretching across the stage in the rear of the traps, the condemned were seated with their spiritual attendants behind them.

"The findings and warrants were immediately read to the prisoners by General Hartranft in a quiet and respectful tone, an aid holding an umbrella

over him. Mrs Surratt was placed on the right, and the nearest to her was Payne, followed by Herold and Atzerodt. At first Mrs. Surratt was very feeble and leaned her head upon alternate sides of her armchair in nervous spasms; but now and then, when a sort of wail just issued from her lips, the priest placed before her the crucifix to lull her fearful spirit.

"Payne, the strongest criminal in our history, was alone dignified and self-possessed. He wore a closely fitting knit shirt, a sailor's straw hat tied with a ribbon, and dark pantaloons, but no shoes. His collar, cut very low, showed the tremendous muscularity of his neck, and the breadth of his breast was more conspicuous by the manner in which the pinioned arms thrust it forward. His height, his vigor, his glare, made him the strong central figure of the tableau. He looked at death as for one long expected, and not a tremor nor a shock stirred his long, stately limbs; and he died without taking the hand of any living friend.

"Herold, the third condemned, although whimpering, had far more grit than I anticipated; he was inquisitive and flippant-faced, and looked at the noose flaunting before him and at the people gathered below. Atzerodt wore a grayish coat, black vest, light pantaloons and slippers, and a white affair on his head, perhaps a handkerchief. He was visited by his mother and a poor ignorant woman with whom he cohabited. He was the picture of despair, and died ridiculously, whistling up his courage.

"When General Hartranft ceased reading, there was a momentary lull, broken only by the cadences of the priests."

In a few minutes the two traps fell with a slam, the four bodies dropped like a single thing. They were allowed to hang about twenty minutes, when Surgeon Otis, U.S.V., and Assistant Surgeons Woodward and Porter, U.S.A., examined them and pronounced all dead and they were cut down and given over to a squad of soldiers who placed them in plain pine boxes, and lowered them in the graves prepared for them."

DISPOSING OF THE REMAINS

Immediately after the execution according to the Washington Star (Feb 8 and 15, 1869) (See also Columbian, April 1911, The New York World, Feb 15 and 16th, 1869, The Boston Advertiser, Feb 16, 1869.) the remains of Mrs Surratt, Lewis Payne, David Herold and George Atzerodt were placed in common boxes and interred side by side in graves near the scaffold outside the old Penitentiary building, inside of which was buried the body of Booth. In the box with each body there was also placed the name of the party, enclosed in a bottle. Later, the body of Wirz, the Andersonville jailer was placed in the yard adjoining the body of Atzerodt. A wooden headboard with the name of each person buried below, was placed at each grave, and a fence was erected around the graves. In the fall of 1867, the demolition of the old Penitentiary building was determined on, and it became necessary to remove the bodies. They were then reburied under the flagstone flooring in No. 1 Warehouse of the Arsenal.

Mrs Surratt was laid next to the north wall of the building and the others in the following order: Payne, Herold, Atzerodt, Wirz and Booth. There the bodies remained until February 1869. This change in burial place, however, added to the public confusion as to the disposition of the assassin^s, for the Government officials who were cognizant of the transfer would state that the bodies rested in one of the warehouses of the Arsenal, which was a seeming contradiction of earlier statements that they were at the old Penitentiary building. After the identification and autopsy of the dead John Wilkes, there was much press speculation as to what effort the Booth family would put forth in order to gain possession of the body.

The family, however, in the turbulent weeks immediately following were not in a position to demand recognition of any kind. Edwin merely stated that the matter was being left fully in the hands of the Government to do whatever was considered most fitting. Subsequently a plea was made to Secretary Stanton for the body, for on September 11th, 1867 Edwin Booth wrote General Grant as follows:-

Sir:

Sir:

" Having once received a promise from Mr. Stanton that the family of John Wilkes Booth should be permitted to obtain the body when sufficient time had elapsed, I yielded to the entreaties of my mother and applied for it to the Secretary of War, I fear too soon, for the letter was unheeded, if indeed it ever reached him.

" I now appeal to you, in behalf of my heart-broken mother-that she may receive the remains of her son. You, sir, can understand what a consolation it would be to an aged parent to have the privilege of visiting the grave of her child, and I feel assured that you will, even in the midst of your most pressing duties, feel a touch of sympathy for her-one of the greatest sufferers living.

" May I not hope, too, that you will listen to our entreaties and send me some encouragement-some information how and when the remains may be obtained? By so doing you will receive the gratitude of a most unhappy family, and will-I am sure-be justified by all right-thinking minds should the matter become known to others than ourselves.

" I shall remain in Baltimore two weeks from the date of this letter-during which time I could send a trust-worthy person to bring hither and privately bury the remains in the family grounds, thus relieving my poor mother of much misery.

" Apologizing for my intrusion, and anxiously awaiting a reply to this-

" I am, sir, with great respect,

" Yr. obt. sert."

⑧ (~~H. H. Kohlcast in the Saturday Evening Post - Feb. 9, 1924~~)

Whether General Grant replied to this letter or not is uncertain. No record of an answer has ever been found.

Here the matter rested until February, 1869 when on the tenth of that month, Edwin Booth wrote President Johnson :

Dear Sir:

" May I not now ask your kind consideration of my poor Mother's request in relation to her son's remains?

" The bearer of this (Mr. John Weaver) is Sexton of Christ Church, Baltimore, who will observe the strictest secrecy in this matter-and you may rest assured that none of my family desire its publicity.

" Unable to visit Washington, I have deputed Mr. Weaver, in whom I have the fullest confidence, and I beg that you will not delay in ordering the body to be given to his care.

" He will retain it (placing it in his vault) until such time as we can remove other members of our family to the Baltimore Cemetery and thus prevent any special notice of it.

" There is also (I am told) a trunk of his at the National Hotel which I once applied for but was refused-it being under seal of the War Department; it may contain relics of the poor misguided boy-which would be dear to his sorrowing Mother and of no use to anyone. Your Excellency would greatly lessen a crushing weight of grief that is hurrying my Mother to the grave by giving immediate orders for the safe delivery of the remains of John Wilkes Booth to Mr. Weaver, and gain the lasting gratitude of

" Yr. obt. servt.

" Edwin Booth "

(H. H. KOHLSAAT) in the
(Saturday Evening Post Feb. 9, 1924)

Five days later, the President granted Edwin Booth's request and directed General Schofield, Secretary of War, to surrender the body. Mr. Johnson's order, issued at 2 P.M., read:

"EXECUTIVE MANSION
February 15th 1869

"File with 112

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+ "The Honorable the Secretary of War will cause to be delivered to Mr. John Weaver, Sexton of Christ Church, Baltimore, the remains of John Wilkes Booth, for the purposes mentioned in the within communication.

"Andrew Johnson"

(10) (H.M. Kohlsaat in the Saturday Evening Post Feb. 9, 1924 and The New York World, Washington Dispatch of Feb 15, 1869.)

On the same day an order was given by Mr. Johnson to deliver the body of George A. Atzerodt to his brother, John C. Atzerodt. (11) (~~The Boston Advertiser, Feb. 16, 1869 and The Washington Star, Feb. 8, 15 & 16, 1869.~~)

Instructions had already been issued and carried out for the exhumation of the bodies of Mrs. Surratt and David Herold.

Major General E.D. Townsend, Assistant Adjutant General, immediately upon receiving the President's instructions through the Secretary of War, wrote:-

"Brevet Maj. Gen. George D. Ramsey,
"Commanding Washington Arsenal.

"Sir:

"The President directs that the body of John Wilkes Booth, interred at the Washington Arsenal, be delivered To Mr. John Weaver, Sexton of Christ Church, Baltimore, Md., for the purpose of having it removed and properly interred. Please report the execution of this order.

"I am, &c.,

"E.D.T.

"A.A.G."

(12) ~~(W.H. Kohlssat and The Washington Star Feb, 15, 1869.)~~

As far as the United States War Department is concerned, the disposition of the assassin's body became a closed chapter with the following reply from General Ramsey:-

"Maj. Gen. E.D. Townsend,
"Assistant Adjutant General, U.S. Army.
"Washington, D.C.

"Sir:

"I have the honor to report that the body of John Wilkes Booth was on Monday afternoon, the 15th inst., delivered to the person designated in the order of the President of the United States of the same date. I am, sir,

"Very respectfully,
"Your Obt. Servant,
"Geo. D. Ramsey,
"Brevt. Major General
"U.S. Army, Commanding."

(13) ~~(W.H. Kohlssat in the Saturday Evening Post Feb. 9, 1924.)~~

There was no delay in executing the President's instructions, for, two hours after their issuance, Mr. Weaver, sexton of Christs' Church, Baltimore, and Messrs, Marr and Harvey, Washington undertakers, drove into the Arsenal grounds and presented to Captain F.H. Phipps, Officer of the Day in charge, the order for the body of John Wilkes Booth.

The Washington correspondent of the New York World, who claimed in his dispatch that evening that he was present at the disinterment of the body, stated: (Lincoln Scrap Book p 90)

"Mr. Weaver's interview with Captain Phipps lasted some fifteen minutes in the latter's office. At the end of that time the Captain and Mr. Weaver reappeared. The rest of the party, including your correspondent, followed them to two ponderous iron doors, which dovetailed on one another, and which were opened by Mr. Tapso, the civilian superintendent of the warehouse. The doors were exactly as those of a vault. Entering into the warehouse, we found that before the varied contents of the long room stretching ahead could be scanned, a short turn to the left brought us to the side room under the floor of which was first buried Booth and subsequently the rest of the conspirators, as they are called, and yet more subsequently Captain Wirz, the Andersonville jailor. The room is a rectangle, about forty by twenty feet, and about twenty feet high also. It is lined with shelves running up and across so as to form very many square pigeon-holes, which are filled with boxes, bottles, tools and other odds and ends, including pieces of rope, small chains and many other articles. Right in the centre of the room the ordinary flagstone flooring had been taken up, and the gaps left by the disinterment of Mrs. Surratt, on Monday last, and of ^eHarold, on Sunday night, had not been filled up. The earth was heaped high on both sides. The peculiarity of the graves is, that they are no graves. A single trench, five feet high, fifteen feet long, and six feet wide, has held the ugly boxes which contained in order the bodies of Mrs. Surratt, Captain Wirz, Lewis Payne alias Powell, George A. Atzerodt, David E. ^eHarold, and John Wilkes Booth. Mrs. Surratt's disinterment left the boxes hold ^{ing} Wirz, and Payne, and Atzerodt quite visible. Harold's exhumation last night, of which hereafter, would have revealed the box holding Booth had not the latter been covered up immediately afterward. In this a sort of extra importance was given to the leader. His friend's remains were left for the time exposed. His were earthed over as quickly as the succeeding disinterments revealed them, until the word came to have himself borne to consecrated ground.

The Party once in the room, Captain Phipps courteously and quietly informed us of the relative position of the remains of each of the dead. The spectators were only three undertakers, a military officer, and a journalist, but despite the hardness which the familiarity with catastrophes and death may be supposed to work upon such minds, there was a something of solemnity and sadness and awfulness at these graves which toned the voice to low utterance, induced each man to remove his hat, and made conversation begin with and end on the merest necessities of the case. As much of respect as could be was paid to the presence of the dead. In five minutes a file of soldiers came in, and, in response to an order of Captain Phipps, fell to work at the unburial. Booth lay last of the series of victims. To get at him it was necessary, if the trench be pursued at its existing opening, to take up Atzerot and Payne. That was tried, but the work it was soon found would exhaust the daylight, and the soldiers were ordered to come out of the grave, throw back the right hand pile of the earth upon the coffins, so called, of Atzerodt and Wirz, just visible, and to open the trench from its farther end so as to reach Booth directly. The work thus far had been useless and had consumed an hour of very precious time. The soldiers, however, with a style of digging which betokened them as of the old Army of the Potomac, in fifteen minutes threw about three tons of earth, and in forty-five minutes more had dug all around the Booth box so that it was pulled up by box hooks inserted under its two ends. It came to the surface--the box--in a sound state of preservation. The rich dry soil having even hardened the wood, which soil largely persisted in clinging to the box as if loath to dispart from the body which had so long been enfolded by it. The box was carefully lifted to where the stone flooring had not been disturbed. The soldiers with shovels, and with a broken sword which lay near by carefully scraped the adhering soil from the wood, and when the head end of the case was reached the broken sword removed several layers of soil and then shone out the name, John Wilke Booth,

*Change in public sentiment interesting
in the case*

in capital letters about an inch long each, painted on the white pine in black paint. The name had been evidently painted on across a sheet of tin as packers mark their boxes, because the letters were as printed and not as written letters. The remains were not exposed, but a single general look was given the box after it had been thus partially cleansed. It was then borne by four soldiers on their shoulders to the little red express wagon, into which it was placed gently and almost impressively.

The body was taken to the undertaking establishment, the box opened, and final identification made by a dentist who had placed fillings in John Wilkes' teeth. It was then placed in a plain coffin and shipped to Baltimore (Dr. George Porter, *Columbian*, 1911) where in Mr. Weaver's wareroom it was transferred to a metallic coffin.

Three days later permit number 16821 was issued for the final burial of John Wilkes Booth. Subsequently Mr. J. H. Weaver submitted the following invoice for work done in connection with the preparation of the grave in Greenmount Cemetery, Baltimore.

Mr. J.H. Weaver for J.W. Booth.

For digging one lot 9-10 area Dogwood.....	\$4.00
250 bricks at \$2.00 per 100.....	6.25
Seven feet stone slab to cover same, 75¢ per foot.....	5.63
Depositing in vault.....	5.00
Second bill June 26, 1869.....	5.00

\$25.88"

14

(The *Columbian*, April 1911, P. 81-82.)

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THE BOOTH BURIAL PLACE.

19

The burial place of the Booth family is in Greenmount Cemetery, Baltimore, Maryland. The spot is marked by a shaft of white marble, set upon a base of gray granite that is covered with thick-clustering ivy. The height of the structure is fifteen feet six inches, the base being five feet square. Around that monument, - which was erected by Edwin Booth, May 1, 1858, - are buried members of three generations of the Booth family. JUNIUS BRUTUS BOOTH and his wife, Edwin's parents, are buried on the west side of the monument, in one grave, which is marked by two head-stones of white marble. On the east side of the grave of JOHN WILKES BOOTH, unmarked. In the north-west corner of the lot, at the feet of her parents, is the grave of ASIA BOOTH, - Mrs John S Clarke, - marked by a white marble head-stone, of lovely design. A Similar stone marks the grave of ROSALIE BOOTH, - who died in 1889, aged 65, - south of the monument and next to that of RICHARD BOOTH, the father of Junius, who died on December 29, 1839, aged 76. The remains of Frederick, Elizabeth, and Mary Ann Booth are buried under the monument. (Henry Byron was buried at Pentonville, London.) The inscriptions upon the monument are as follows:

SOUTH SIDE:

JUNIUS BRUTUS BOOTH
Born May 1, 1796
Died Nov. 30, 1852

WEST SIDE:

In the same grave with JUNIUS BRUTUS BOOTH is buried the body of MARY ANN, his wife, who survived him 33 years.

Here follows a medallion portrait of JUNIUS BRUTUS BOOTH. At one time the following lines, - which, however, were erased by order of Edwin Booth, though not before they had got into print, - were cut upon the shaft:-

"Behold the spot where genius lies.
O drop a tear when talent dies!
Of tragedy the mighty chief,
His power to please surpassed belief.
Hic jacet matchless Booth."

EAST SIDE:

TO THE MEMORY OF THE CHILDREN OF JUNIUS BRUTUS
AND MARY ANN BOOTH.

John Wilkes,
Frederick,
Elizabeth,
Mary Ann,
Henry Byron.

--Life and Art of Edwin Booth by William Winter
MacMillan & Company, 1893 -- pp 300, 301, 302.

(19) 19-a

~~"The bodies of the conspirators that were executed in the Arsenal grounds were delivered to their friends and given Christian burial. The remains of Mrs. Surratt were taken from the Arsenal grounds to Mount Olivet (Catholic) Cemetery, northeast of the city, where the pine gunbox in which she was buried was exchanged for an appropriate casket. A modest headstone bearing only the name, 'Mrs. Surratt,' was placed at the grave. Herold was buried at the Congressional Cemetery, on the banks of the eastern branch of the Potomac, east of the city; and Atzerodt sleeps at Glenwood Cemetery, a mile north of the Capitol. The remains of Payne were buried in Holmead Cemetery, in the northwest part of the city, but in after years were exhumed, as the cemetery was discontinued. The body of Captain Wirz, who was hanged in the Old Capitol Prison, Washington, D. C. for his inhuman treatment of soldiers at Andersonville, lay fifth in a fearful row of graves, - Mrs. Surratt, Payne, Herold, Atzerodt, and Wirz, - but was removed to Mount Olivet at the same time that the others were. Dr. Mudd sleeps in the Catholic Cemetery of St. Mary's Church, near Bryantown, and Spangler died at Dr. Mudd's, February 27, 1875, and was buried in the graveyard connected with St. Peter's C Church, within two miles of Dr. Mudd's house. Michael O'Laughlin died of yellow fever while serving his life sentence at Dry Tortugas, Fla., September 23, 1867. President Johnson issued an order February 13, 1869, that the remains of O'Laughlin be delivered to his mother, and they were brought north from Dry Tortugas."~~

(15)

~~from "The Assassination of Abraham Lincoln," by Osborn H. Oldroyd p. 210-211.~~

Note 207
his daughter,
THE LIFE OF DR. SAMUEL A. MUDD, by Nettie Mudd (p. 321-326) She states:-

~~his daughter of Dr. Mudd says that~~
" During the four years they were together in prison, Edward Spangler became very much attached to my father. As a consequence, a short time after Spangler's release, he came to our home early one morning, and his greeting to my mother, after my father introduced him, was: "Mrs. Mudd, I came down last night, and asked some one to tell me the way here. I followed the road, but when I arrived I was afraid of your dogs, and I roosted in a tree." He had come to stay.

" He occupied himself chiefly in helping our old gardener, Mr. Best, and in doing small jobs of carpenter's work in the neighborhood. My father gave him five acres of land in a wood containing a bubbling spring, about five hundred yards from our dwelling. Here Spangler contemplated erecting a building and establishing for himself a home. This purpose, however, was never ^{to be} realized. About eighteen months after he came he contracted a severe illness, the result of having been caught in a heavy rain, which thoroughly saturated his clothing. His sickness resulted in his death - rheumatism of the heart being the immediate cause.

" He was a quiet ^{genial} man, greatly respected by the members of our family and the people of the neighborhood. His greatest pleasure seemed to be found in extending kindnesses to others, and particularly to children, of whom he was very fond. Not long after his death my father, in searching for a tool in Spangler's tool chest, found a manuscript, in Spangler's own handwriting, and presumably written while he was in prison. This manuscript contained Spangler's statement of his connection with the great "conspiracy."

" SPANGLER'S STATEMENT.

" I was born in ~~New~~ York County, Pennsylvania, and am about forty-three

2

years of age. I am a house carpenter by trade, and became acquainted with J. Wilkes Booth when a boy. I worked for his father in building a cottage in Hartford County, Maryland, in 1854. Since A. D. 1853, I have done carpenter work for the different theaters in the cities of Baltimore and Washington, to wit: The Holiday Street Theater and the Front Street Theater of Baltimore, and Ford's Theater in the City of Washington. I have acted also as scene shifter in all the above named theaters, and had a favorable opportunity to become acquainted with the different actors. I have acted as scene shifter in Ford's Theater, ever since it was first opened up, to the night of the assassination of President Lincoln. During the winter of A. D. 1862 and 1863, J. Wilkes Booth played a star engagement at Ford's Theater for two weeks. At that time I saw him and conversed with him quite frequently. After completing his engagement he left Washington and I did not see him again until the winters of A. D. 1864 and 1865. I then saw him at various times in and about Ford's Theater.

Booth had free access to the theater at all times, and made himself very familiar with all persons connected with it. He had a stable in the rear of the theater where he kept his horses. A boy, Joseph Burroughs, commonly called "Peanut John," took care of them whenever Booth was absent from the city. I looked after his horses, which I did at his request, and saw that they were properly cared for. Booth promised to pay me for my trouble, but he never did. I frequently had the horses exercised, during Booth's absence from the city, by "Peanut John," walking them up and down the alley. "Peanut John" kept the key to the stable in the theater, hanging upon a nail behind the small door, which opened into the alley at the rear of the theater. Booth usually rode out on horseback every afternoon and evening, but seldom remained out later than eight or nine o'clock. He always went and returned

alone. I never knew of his riding out on horseback and staying out all night, or of any person coming to the stable with him, or calling there to see him. He had two horses at the stable, only a short time. He brought them there some time in the month of December. A man called George and myself repaired and fixed the stable for him. I usually saddled the horse for him when "Peanut John" was absent. About the first of March Booth brought another horse and a buggy and harness to the stable, but in what manner I do not know; after that he used to ride out with his horse and buggy, and I frequently harnessed them up for him. I never saw any person ride out with him or return with him from these rides.

On the Monday evening previous to the assassination, Booth requested me to sell the horse, harness, and buggy, as he said he should leave the city soon. I took them the next morning to the horse market, and had them put up at auction, with the instruction not to sell unless they would net two hundred and sixty dollars; this was in accordance with Booth's orders to me. As no person bid sufficient to make them net that amount, they were not sold, and I took them back to the stable. I informed Booth of the result that same evening in front of the theater. He replied that he must then try and have them sold at private sale, and asked me if I would help him. I replied, "Yes." This was about six o'clock in the evening, and the conversation took place in the presence of John F. Sleichman and others. The next day I sold them for two hundred and sixty dollars. The purchaser accompanied me to the theater. Booth was not in, and the money was paid to James J. Gifford, who receipted for it. I did not see Booth to speak to him, after the sale, until the evening of the assassination.

Upon the afternoon of April 14 I was told by "Peanut John" that the President and General Grant were coming to the theater that night, and that I

(4)

must take out the partition in the President's box. It was my business to do all such work. I was assisted in doing it by Rittespaugh and "Peanut John!"

In the evening, between five and six o'clock, Booth came into the theater and asked me for a halter. I was very busy at work at the time on the stage preparatory to the evening performance, and Rittespaugh went upstairs and brought one down. I went out to the stable with Booth and put the halter upon the horse. I commenced to take off the saddle when Booth said, "Never mind, I do not want it off, but let it and the bridle remain." He afterward took the saddle off himself, locked the stable, and went back to the theater.

Booth, Maddox, "Peanut John," and myself immediately went out of the theater to the adjoining restaurant next door, and took a drink at Booth's expense. I then went immediately back to the theater, and Rittespaugh and myself went to supper. I did not see Booth again until between nine and ten o'clock. About that time Deboney called to me, and said Booth wanted me to hold his horse as soon as I could be spared. I went to the back door and Booth was standing in the alley holding a horse by the bridle rein, and requested me to hold it. I took the rein, but told him I could not remain, as Gifford was gone, and that all of the responsibility rested on me. Booth then passes into the theater. I called to Deboney to send "Peanut John" to hold the horse. He came, and took the horse, and I went back to my proper place.

In about a half hour afterward I heard a shot fired, and immediately saw a man run across the stage. I saw him as he passed by the center door of the scenery, behind which I then stood; this door is usually termed the center chamber door. I did not recognize the man as he crossed the stage as being

(5)

Booth. I then heard some one say that the President was shot. Immediately all was confusion. I shoved the scenes back as quickly as possible in order to clear the stage, as many were rushing upon it. I was very much frightened as I heard persons halloo, "Burn the theater!" I did not see Booth pass out; my situation was such that I could not see any person pass out of the back door. The back door has a spring attached to it, and would not shut of its own accord. I usually slept in the theater, but I did not upon the night of the assassination; I was fearful the theater would be burned, and I slept in a carpenter's shop adjoining.

I never heard Booth express himself in favor of ^{the} rebellion, or opposed to the Government, or converse upon political subjects; and I have no recollection of his mentioning the name of President Lincoln in any connection whatever. I know nothing of the mortise hole said to be in the wall behind the door of the President's box, or of any wooden bar to fasten or hold the door being there, or of the lock being out of order. I did not notice any hole in the door. Gifford usually attended to the carpentering in the front part of the theater, while I did the work about the stage. Mr. Gifford was the boss carpenter, and I was under him.

My father died from pneumonia, January 10, 1883, after an illness of nine days. He contracted the disease while visiting the sick in the neighborhood in the nighttime and in inclement weather. He was buried in Saint Mary's cemetery, attached to the Bryantown church, where he had first met Booth. He was in the fiftieth year of his age at the time of his death.

THE FATE OF THE CONSPIRATORS

NOTES

- (1) C. T. pp. 18-19
- (2) "History of the Secret Service" by Baker, p. 563.
- (3) Cincinnati Commercial July 5, 1865, Lincoln Scrap Book pp 184-185
- (4) Ben Perley Poore in his introduction to the "Conspiracy Trial" 1865
- (5) "Assassination of Abraham Lincoln" by Oldroyd pp. 150-152.
- (6) American Bastile, by John A Marshall p. 811
- (7) "Assassination of Abraham Lincoln" by Oldroyd, pp. 198-206
- (8) H H Kohlsaas in the Saturday Evening Post, Feb. 9, 1924.
- (9) H H Kohlsaas in the Saturday Evening Post, Feb. 9, 1924.
- (10) H H Kohlsaas in the Saturday Evening Post, Feb. 9, 1924 and The New York World, Washington Dispatch of Feb. 15, 1869.
- (11) The Boston Advertiser, Feb. 16, 1869 and The Washington Star Feb. 8, 15 and 16, 1869.
- (12) H H Kohlsaas and The Washington Star Feb. 15, 1869.
- (13) H H Kohlsaas in the Saturday Evening Post Feb. 9, 1924.
- (14) The Columbian, April 1911, pp. 81-82
- (15) The Assassination of Abraham Lincoln by Osborn H Oldroyd, pp. 210-211.