***Excerpts from the Trial of the Lincoln Conspirators***

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1. **Hon. John Bingham’s Summation for the Prosecution**

**[NOTE: The summation began with a discussion of the military court’s jurisdiction in rebuttal to the defense’s claims that the defendants should have been tried in civilian court, and then went on to detail various Confederate plots, including spreading yellow fever, attempting to burn down New York City, etc.]**

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It only remains to be seen whether Davis, the procurer of arson and of the indiscriminate murder of the innocent and unoffending, necessarily resultant therefrom, was capable also of endeavoring to procure, and in fact did procure the murder, by direct assassination, of the President of the United States and others charged with the duty of maintaining the Government of the United States, and of suppressing the rebellion in which this arch-traitor and conspirator was engaged.

The official papers of Davis, captured under the guns of our victorious army in his rebel capital, identified beyond question or shadow of doubt, and placed upon your record, together with the declarations and acts of his co-conspirators and agents, proclaim to all the world that he was capable of attempting to accomplish his treasonable procuration of the murder of the late President, and other chief officers of the United States, by the hands of hired assassins.

[NOTE: discussion of evidence linking Jefferson Davies and Confederate agents to the plots against Lincoln are omitted here]

The Court must be satisfied, by the manner of this and other witnesses to the transactions in Canada, as well as by the fact that they are wholly uncontradicted in any material matter that they state, that they speak the truth, and that the several parties named on your record (Davis, Thompson, Cleary, Tucker, Clay, Young, Harper, Booth and John H. Surratt), did combine and conspire together, in Canada, to kill and murder Abraham Lincoln, Andrew Johnson, William H. Seward and Ulysses S. Grant. That this agreement was substantially entered into by Booth and the agents of Davis in Canada as early as October there can not be any doubt….It is also true that, if, in pursuance of that conspiracy, Booth confederated with Surratt and the accused, killed and murdered Abraham Lincoln, the charge and specification is proved literally, as stated on your record, although their conspiracy embraced other persons. In law the case stands, though it may appear that the conspiracy was to kill and murder the parties named in the record and others not named in the record. If the proof is that the accused, with Booth, Surratt, Davis, etc., conspired to kill and murder one or more of the persons named the charge of conspiracy is proved.

….

 What more is wanting? Surely no word further need be spoken to show that John Wilkes Booth was in this conspiracy; that John H. Surratt was in this conspiracy; and that Jefferson Davis and his several agents names in Canada, were in this conspiracy. If any additional evidence is wanting to show the complicity of Davis in it, let the paper found in the possession of his hired assassin, Booth, come to bear witness against him. That paper contained the secret cipher which Davis used in his State Department at Richmond, which he employed in communicating with his agents in Canada, and which they employed in the letter of October 13th, notifying him that " their friends would be set to work *as he had* *directed*." The letter in cipher found in Booth's possession, is translated here by the use of the cipher machine now in Court…

But there is one other item of testimony that ought, among honest and intelligent people at all conversant with this evidence, to end all further inquiry as to whether Jefferson Davis was one of the parties, with Booth, as charged upon this record, in the conspiracy to assassinate the President and others. That is, that on the fifth day after the "assassination, in the city of Charlotte, North Carolina, a telegraphic dispatch was received by him, at the house of Mr. Bates, from John C. Breckinridge, his rebel Secretary of War, which dispatch is produced here, identified by the telegraph agent, and placed upon your record in the words following:

                                                                                           “Greensboro’, April 19, 1865.
“*His Excellency, President Davis:*
“*President Lincoln was assassinated in the theater in Washington on the night of the 14th inst. Seward's house was entered on the same night and he was repeatedly stabbed, and is probably mortally wounded.*
                                                                                             ‘JOHN C. BRECKINRIDGE.”

At the time this dispatch was handed to him, Davis was addressing a meeting from the steps of Mr. Bates' house, and after reading the dispatch to the people, he said; "If it were to be done, it were *better* it were well done." Shortly afterward, in the house of the witness, in the same city, Breckinridge, having come to see Davis, stated his regret that the occurrence had happened, because he deemed it unfortunate for the people of the South at that time. Davis replied, referring to the assassination, "Well, General, I don't know; if it were to be done at all, it were *better* that it were well done; and if the same had been done to Andy Johnson, the beast, and to Secretary Stanton, the job would then be *complete*."….Whatever may be the conviction of others, my own conviction is that Jefferson Davis is as clearly proven guilty of this conspiracy, as is John Wilkes Booth, by whose hand Jefferson Davis inflicted the mortal wound upon Abraham Lincoln. His words of intense hate, and rage, and disappointment, are not to be overlooked-that the assassins had not done their work *well;* that they had not succeeded in robbing the people altogether of their Constitutional Executive and his advisers; and hence he exclaims, “If they had killed Andy Johnson, the beast!" Neither can he conceal his chagrin and disappointment that the War Minister of the Republic, whose energy, incorruptible integrity, sleepless vigilance, and executive ability had organized day by day, month by month, and year by year, victory for our arms, had escaped the knife of the hired assassins. The job, says this procurer of assassination, was not well done; it had been *better* if it had been well done! Because Abraham Lincoln had been clear in his great office, and had saved the nation's life by enforcing the nation's laws, this traitor declares he must be murdered; because Mr. Seward, as the foreign Secretary of the country, had thwarted the purposes of treason to plunge his country into a war with England, he must be murdered; because, upon the murder of Mr. Lincoln, Andrew Johnson would succeed to the Presidency, and because he had been true to the Constitution and Government, faithful found among the faithless of his own State, clinging to the falling pillars of the Republic when others had fled, he must be murdered and because the Secretary of War had taken care by the faithful discharge of his duties, that the Republic should live and not die, he must be murdered. Inasmuch as these two faithful officers were not also assassinated, assuming that the Secretary of State was mortally wounded, Davis could not conceal his disappointment and chagrin that the work was not "well done," that the "job was not complete!"

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We find Booth in New York in November, December and January, urging Chester to enter into this combination, assuring him that there was money in it; that they had "friends on the other side;" that if he would only participate in it he would never want for money while he lived, and all that was asked of him was to stand at and open the *back door of Ford’s theater*. Booth, in his interviews with Chester, confesses that *he is without money himself,* and allows Chester to reimburse him the $50 which he (Booth) had transmitted to him in a letter for the purpose of paying his expenses to Washington as one of the parties to this conspiracy. Booth told him, although he himself was penniless, “*there is money in this*-we have friends on the other side;" and if you will but engage, I will have three thousand dollars deposited at once for the use of your family.

Failing to secure the services of Chester, because his soul recoiled with abhorrence from the foul work of assassination and murder, he found more willing instruments in others whom he gathered about him. Men to commit the assassinations, horses to secure speedy and certain escape, were to be provided, and to this end Booth, with an energy worthy of a better cause, applies himself. For this latter purpose he told Chester he had already expended $5,000. In the latter part of November, 1864, he visits Charles county, Maryland, and is in company with one of the prisoners, Dr. Samuel A. Mudd, with whom he lodged over night, and through whom he procures of Gardner one of the several horses which were at his disposal, and used by him and his co-conspirators in Washington on the night of the assassination.

Some time in January last, it is in testimony, that the prisoner, Mudd, introduced Booth to John H. Surratt and the witness, Weichmann; that Booth invited them to the National Hotel; that when there, in the room to which Booth took them, Mudd went out into the passage, called Booth out and had a private conversation with him, leaving the witness and Surratt in the room. Upon their return to the room, Booth went out with Surratt, and upon their coming in, all three, Booth, Surratt, and Samuel A. Mudd, went out together and had a conversation in the passage, leaving the witness alone. Up to the time of this interview, it seems that neither the witness nor Surratt had any knowledge of Booth, as they were then introduced to him by Dr. Mudd. Whether Surratt had in fact previously known Booth, it is not important to inquire. Mudd deemed it necessary, perhaps a wise precaution, to introduce Surratt to Booth; he also deemed it necessary to have a private conversation with Booth shortly afterward, and directly upon that to have a conversation together with Booth and Surratt alone. Had this conversation, no part of which was heard by the witness, been perfectly innocent, it is not to be presumed that Dr. Mudd, who was an entire stranger to Weichmann, would have deemed it necessary to hold the conversation secretly, nor to have volunteered to tell the witness, or rather pretend to tell him, what the conversation was; yet he did say to the witness, upon their return to the room, by way of apology, I suppose, for the privacy of the conversation, that Booth had some private business with him and wished to purchase his farm. This silly device, as is often the case in attempts at deception, failed in the execution; for it remains to be shown how the fact that Mudd had private business with Booth, and that Booth wished to purchase his farm, made it at all necessary or even proper that they should both volunteer to call out Surratt, who up to that moment was a stranger to Booth. What had Surratt to do with Booth's purchase of Mudd's farm? And if it was necessary to withdraw and talk by themselves secretly about the sale of the farm, why should they disclose the fact to the very man from whom they had concealed it?

Upon the return of these three parties to the room, they seated themselves at a table, and upon the back of an envelope Booth traced lines with a pencil, indicating, as the witness states, the direction of roads. Why was this done? As Booth had been previously in that section of country, as the prisoner in his defense has taken great pains to show, it was certainly not necessary to anything connected with the purchase of Mudd's farm that at that time he should be indicating the direction of roads to or from it nor is it made to appear, by anything in this testimony, how it comes that Surratt, as the witness testifies, seemed to be as much interested in the marking out of these roads as Mudd or Booth. It does not appear that Surratt was in anywise connected with or interested in the sale of Mudd's farm. From all that has transpired at this meeting at the hotel, it would seem that this plotting the roads was intended, not so much to show the road to Mudd's farm, as to point out the shortest and safest route for flight from the capital, by the houses of all the parties to this conspiracy, to their "friends on the other side."

But, says the learned gentleman (Mr. Ewing), in his very able argument in defense of this prisoner, why should Booth determine that his flight should be through Charles county? The answer must be obvious, upon a moment’s reflection, to every man, and could not possibly have escaped the notice of the counsel himself, but for the reason that his zeal for his client constrained him to overlook it. It was absolutely essential that this murderer should have his co-conspirators at convenient points along his route, and it does not appear in evidence that by the route to his friends, who had then fled from Richmond, which the gentlemen (Mr. Ewing) indicates as the more direct, but of which there is not the slightest evidence whatever, Booth had co-conspirators at an equal distance from Washington. The testimony discloses, further, that on the route selected by him for his flight there is a large population that would be most likely to favor and aid him in the execution of his wicked purpose, find in making his escape. But it is a sufficient answer to the gentleman's question, that Booth's co-conspirator Mudd lived in Charles county.

To return to the meeting at the hotel. In the light of other facts in this case, it must become clear to the Court that this secret meeting between Booth, Surratt, and Mudd was a conference looking to the execution of this conspiracy. It so impressed the prisoner-it so impressed his counsel, that they deemed it necessary and absolutely essential to their defense to attempt to destroy the credibility of the witness Weichmann.

I may say here, in passing, that they have not attempted to impeach his general reputation for truth by the testimony of a single witness nor have they impeached his testimony by calling a single witness to discredit one material fact to which he has testified in this issue. Failing to find a breath of suspicion against Weichmann's character, or to contradict a single fact to which he testified, the accused had to fly to the last resort, an *alibi*, and very earnestly did the learned counsel devote himself to the task.

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For the present, I pass from the consideration of the testimony showing Dr. Mudd's connection with Booth in this conspiracy, with the remark that it is in evidence, and, I think, established, both by the testimony adduced by the prosecution and that by the prisoner, that since the commencement of this rebellion, John H. Surratt visited the prisoner's house; that he concealed Surratt, and other rebels and traitor in the woods near his house, where, for several days, he furnished them with food and bedding; that the shelter of the woods, by night and by day, was the only shelter that the prisoner dare furnish *these friends* of his; that, in November, Booth visited him, and remained over night that he accompanied Booth, at that time, to Gardner's, from whom he purchased one of the horses used on the night of the assassination, to aid the escape of one of his confederates that the prisoner had secret interviews with; Booth and Surratt, as sworn to by the witness, Weichmann, in the National Hotel, whether on the 23d of December or in January is a matter of entire indifference; that he rushed into Mr. Norton's room, on the 3d of March, in search of Booth; and that he was here again on the 10th of April, four days before the murder of the President. Of his conduct after the assassination of the President, which is confirmatory of all this--his conspiring with Booth, and his sheltering, concealing and aiding the flight of his co-conspirator, this felon assassin--I shall speak hereafter, leaving him, for the present with the remark that the attempt to prove his character has resulted in showing him in sympathy with the rebellion, so cruel that he shot one of his slaves, and declared his purpose to send several of them to work on the rebel batteries in Richmond.

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…[T]he letter written to Booth by the prisoner Arnold, dated March 27, 1865, the handwriting of which is proved before the Court, and which was found in Booth's possession after the assassination, becomes testimony against O'Laughlen, as well as against the writer, Arnold, because it is an act done in, furtherance of their combination. That letter is as follows:

DEAR JOHN: Was business so important that you could not remain in Baltimore till I saw you?  I came in as soon as I could, but found you had gone to Washington. I called also to see Mike, but learned from his mother he had gone out with you and had not returned.  I concluded, therefore, he had gone with you. How inconsiderate you have been! When I left you, you stated that *we would not meet* in a month or so, and, therefore, I made application for employment, an answer to which I shall receive during the week. I told my parents I had ceased with you. Can I, then, under existing; circumstances, act as you request? You know full well that the Government suspects something is going on there; therefore, the undertaking is becoming more complicated. Why not, for the present, desist, for various reasons, which, if you look into, you can readily see, without my making any mention thereof. You, nor any one, can censure me for my present course. You have been its cause, for how can I now come after telling them I had left you? Suspicion rests upon me now from my whole family, and even parties in the country. I will be compelled to leave home anyhow, and how soon I care not. None, no, not one, were more in favor of the enterprise than myself, and today would be there had you not done as you have. By this I mean manner of proceeding.  I am, as you well know, in *need*. I am, as you may say, in rags; whereas, to-day, I ought to be *well clothed*. I do not feel right stalking about with *means*, and more from appearances a beggar. I feel my dependence. But even all this would have been, and was, forgotten, for I was one with you. Time more *propitious* will arrive yet. Do not act rashly or in haste.  I would prefer your first query, 'Go and see how it will be taken in Richmond,' and, *ere long*, I shall be better prepared *to again be with you*. I dislike writing. Would sooner verbally make known my views. Yet your now waiting causes me thus to proceed. Do not in anger peruse this. I weigh all I have said, and, as a rational man and a *friend*, you can not censure or upbraid my conduct. I sincerely trust this, nor aught else that shall or may occur, will ever be an obstacle to obliterate our former friendship and attachment. Write me to Baltimore, as I expect to be in about Wednesday or Thursday. or, if you can possibly come on, I will, Tuesday: meet you at Baltimore at B.  “Ever, I subscribe myself, your friend,  SAM."

Here is the confession of the prisoner Arnold, that he was one with Booth in this conspiracy, the further confession that they are suspected by the Government of their country, and the acknowledgment that *since they parted* Booth had communicated among other things, a suggestion which leads to the remark in this letter, "I would prefer your first query, 'Go and see how it will be taken at Richmond,' and *ere long* I shall be better prepared *to again be with you*." This is a declaration that affects Arnold, Booth, and O'Laughlen alike, if the Court are satisfied, and it is difficult to see how they can have doubt on the subject, that the matter to be referred to Richmond is the matter of the assassination of the President and others, to effect which these parties had previously agreed and conspired together. It is a matter in testimony, by the declaration of John H. Surratt, who is as clearly proved to have been in this conspiracy and murder as Booth himself, that about the very date of this letter, the 27th of March, upon the suggestion of Booth, and with his knowledge and consent, he went to Richmond, not only to see "how it would be taken there," but to get funds with which to carry out the enterprise, an Booth had already declared to Chester in one of his last interviews. when he said that he or "some one of the party" would be constrained to go to Richmond for funds to carry out the conspiracy. Surratt returned from Richmond, bringing with him some part of the money for which he went, and was then going to Canada, and, as the testimony discloses, bringing with him the dispatches from Jefferson Davis to his chief agents in Canada, which, as Thompson declared to Conover, made the proposed assassination "all right." Surratt, after seeing the parties here, left immediately for Canada, and delivered his dispatches to Jacob Thompson, the agent of Jefferson Davis. This was done by Surratt, upon the suggestion, or in exact accordance with the suggestion of Arnold, made on the 27th of March in his letter to Booth just read, and yet you are gravely told that four weeks before the 27th of March, Arnold had abandoned the conspiracy.

Surratt reached Canada with these dispatches as we have seen, about the 6th or 7th of April last, when the witness Conover saw them delivered to Jacob Thompson and heard their contents stated by Thompson, and the declaration from him that these dispatches made it "all right." That Surratt was at that time in Canada, is not only established by the testimony of Conover, but it is also in evidence that he told Weichmann on the 8d of April that he was going to Canada, and on that day left for Canada, and afterward, two letters addressed by Surratt, over the *fictitious* signature of John Harrison to his mother and to Miss Ward, dated at Montreal, were received by them on the 14th of April, as testified by Weichmann and by Miss Ward, a witness called for the defense. Thus it appears that the condition named by Arnold in his letter had been complied with. Booth had “gone to Richmond," in the person of Surratt, "to see how it would be taken." The rebel authorities at Richmond had approved it, the agent had returned, and Arnold was, in his own words, thereby better prepared to rejoin Booth in the prosecution of this conspiracy.

….Acting upon the same fact that the conspiracy had been approved in Richmond, and the funds provided, O'Laughlen came to Washington to identify General Grant, the person who was to become the victim of his violence in the final consummation of this crime--General Grant, whom, as is averred in the specification, it had become the part of O'Laughlen, by his agreement in this conspiracy, to kill and murder. On the evening preceding the assassination--the 13th of April-- by the testimony of three reputable witnesses, against whose truthfulness not one word is uttered here or elsewhere, O'Laughlen went into the house of the Secretary of War, where, General Grant then was, and placed himself in position in the hall where he could see him, having declared before he reached that point, to one of these witnesses, that he wished to see General Grant. The house was brilliantly illuminated at the time;  two, at least, of the witnesses conversed with the accused, and the other stood very near to him, took special notice of his conduct, called attention to it, and suggested that he be put out of the house, and he was accordingly put out by one of the witnesses. These witnesses are confident, and have no doubt, and so swear upon their oaths, that 'Michael O'Laughlen is the man who was present on that occasion. There is no denial on the part of the accused that he was in Washington during the day and during the night of April 13th, and also during the day and during the night of the 14th; and yet, to get rid of this testimony, recourse is had to that common device-*-an alibi*; a device never, I may say, more frequently resorted to than in the trial. But what an *alibi!*  Nobody is called to prove it, save some men who, by their own testimony, were engaged in a drunken debauch through the evening. A reasonable man who reads their evidence can hardly be expected to allow it to outweigh the united testimony of three unimpeached and unimpeachable witnesses who were clear in their statements--who entertain no doubt of the truth of what they say --whose opportunities to know were full and complete, and who were constrained to take special notice of the prisoner by reason of his extraordinary conduct.

These witnesses describe accurately the appearance, stature, and complexion of the accused, but because they describe his clothing as dark or black, it is urged that as part of his clothing, although dark, was not black, the witnesses are mistaken….

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The letter…of his co-conspirator, Arnold, is evidence against O'Laughlen because it is an act in the prosecution of the common conspiracy, suggesting what should he done in order to make it effective, and which suggestion, as has been stated, was followed out. The defense has attempted to avoid the force of this letter by reciting the statement of Arnold, made to Horner at the time he was arrested, in which he declared, among other things, that the purpose was to abduct President Lincoln and take him South; that it was to be done at the theater by throwing the President out of the box upon the floor of the stage, when the accused was to catch him. The very announcement of this testimony excited derision that such a tragedy meant only to take the President and carry him gently away! This pigmy to catch the giant as the assassins hurled him to the floor from an elevation of twelve feet. The Court has viewed the theater, and must be satisfied that Booth, in leaping from the President’s box, broke his limb…..No man can, for a moment, believe that any one of these conspirators hoped or desired, by such a proceeding as that stated by the prisoner, to take the President alive in the presence of thousands assembled in the theater after he had been thus thrown upon the floor of the stage, much less to carry him through the city, through the lines of your army, and deliver him into the hands of the rebels. No such purpose was expressed or hinted by the conspirators in Canada. who commissioned Booth to let these assassinations on contract. I shall waste not a moment more in combating such an absurdity.

Arnold does confess that he was a conspirator with Booth in this proposed murder: that Booth had a letter of introduction to Dr. Mudd; that Booth, O'Laughlen, Atzerodt, Surratt, a man with an alias, “Mosby," and another whom he does not know, and himself, were parties to this conspiracy, and that Booth had furnished them all with arms. He concludes this remarkable statement to Horner with the declaration that at that time, to wit, the first week of March, or four weeks before he went to Fortress Monroe, he left the conspiracy, and that Booth told him to sell his arms if he chose. This is sufficiently answered by the fact that, four weeks afterward, he wrote his letter to Booth, which was found in Booth's possession after the assassination, suggesting to him what to do in order to make the conspiracy a success, and by the further fact that at the very moment he uttered these declarations, part of his arms were found upon his person, and the rest not disposed of, but at his father's house.  A party to a treasonable and murderous conspiracy against the government of his country can not be held to have abandoned it because he makes such a declaration as this, when he is in the bands of the officer of the law, arrested for his crime, and especially when his declaration is in conflict with and expressly contradicted by his written acts, and unsupported by any conduct of his which becomes a citizen and a man.

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That John H. Surratt, George A. Atzerodt, Mary E. Surratt, David E. Herold, and Louis Payne, entered into this conspiracy with Booth, is so very clear upon the testimony, that little time need be occupied in bringing again before the Court the evidence which establishes it. By the testimony of Weichmann we find Atzerodt in February at the house of the prisoner, Mrs. Surratt. He inquired for her or for John when he came and remained over night. After this and before the assassination he visited there frequently, and at that house bore the name of “Port Tobacco," the name by which he was known in Canada among the conspirators there. The same witness testifies that he met him on the street, when he said he was going to visit Payne at the Herndon House, and also accompanied him, along with Herold and John H. Surratt, to the theater, in March, to hear Booth play in "The Apostate." At the Pennsylvania House, one or two weeks previous to the assassination, Atzerodt made the statement to Lieutenant Reim, when asking for his knife which he had left in his room, a knife corresponding in size with the one exhibited in Court, "I want that; if one fails I want the other," wearing at the same time his revolver at his belt.   He also stated…that he was nearly broke, but had friends enough to give him as much money as *would see him through*, adding, "I am going away some of  these days, but will return with as much gold as will keep me all my lifetime."….John M. Lloyd testifies that some six weeks before the assassination, Herold, Atzerodt, and John H. Surratt came to his house at Surrattsville, bringing with them two Spencer carbines with ammunition, also a rope and wrench. Surratt asked the witness to take care of them and to conceal the carbines. Surratt took him into a room in the house, it being his mother's house, and showed the witness where to put the carbines, between the joists on the second floor.. The carbines were put there according to his directions, and concealed. Marcus P. Norton saw Atzerodt in conversation with Booth at the National Hotel about the 2d or 3d of March; the conversation was confidential, and the witness accidentally heard them talking in regard to President Johnson, and say that "the class of witnesses would be of that character that there could be little proven by them." This conversation may throw some light on the fact that Atzerodt was found in possession of Booth's bank book!

Colonel Nevins testifies that on the 12th of April last he saw Atzerodt at the Kirkwood House; that Atzerodt there asked him, a stranger, if be knew where Vice-President Johnson was, and where Mr. Johnson's room was. Colonel Nevins showed him where the room of the Vice-President. was, and told him that the Vice-President was then at dinner. Atzerodt then. looked into the dining-room, where Vice-President Johnson was dining alone. Robert R. Jones, the clerk at the Kirkwood House, states that on the 14th, the day of the murder, two days after this, Atzerodt registered his name at the hotel, G. A. Atzerodt, and took No.126, retaining the room that day, and carrying away the key. In this room, after the assassination, were found the knife and revolver with which be intended to murder the Vice-President.

The testimony of all these witnesses leaves no doubt that the prisoner, George A. Atzerodt, entered into this conspiracy with Booth; that he expected to receive a large compensation for the service that he would reader in its execution; that he had undertaken the assassination of the Vice-President for a price; that he, with Surratt. and Herold, rendered the important service of depositing the arms and ammunition to be used by Booth and his confederates as a protection in their flight after the conspiracy had been executed ; and that he was careful to have his intended victim pointed out to him, and the room he occupied in the hotel, so that when he came to perform his horrid work he would know precisely where to go and whom to strike.

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That Payne was in this conspiracy is confessed in the defense made by his counsel, and is also evident from the facts proved, that when the conspiracy was being organized in Canada by Thompson, Sanders, Tucker, Cleary, and Clay, this man Payne stood at the door of Thompson; was recommended and indorsed by Clay with the words, "We trust him ; " that after coming hither he first reported himself at the house of Mrs. Mary E. Surratt, inquired for her and for John H. Surratt ; remained there for four days, having conversation with both of them; having provided himself with means of disguise, was also supplied with pistols and a knife, such as he afterward used, and spurs, preparatory to his flight; was seen with John H. Surratt, practicing with knives such as those employed in this deed of assassination, and now before the Court; was afterward provided with lodging at the Herodon House at the instance of Surratt; was visited there by Atzerodt, and attended Booth and Surratt to Ford's theater, occupying with those parties the box, as I believe and which we may readily infer, in which the president was afterward murdered.

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It is almost imposing upon the patience of the Court to consume time in demonstrating the fact, which none conversant with the testimony of this case can for a moment doubt, that John H. Surratt and Mary E. Surratt were as surely in the conspiracy to murder the President as was John Wilkes Booth himself. You have the frequent interviews between John H. Surratt. and Booth, his intimate relations with Payne, his visits from Atzerodt and Herold, his deposit of the arms to cover their flight after the con spiracy should have been executed; his own' declared visit to Richmond to do what Booth himself said to Chester must be done, to wit, that he or some of the party must go to Richmond in order to get funds to carry out the! conspiracy; that he brought back with him gold, the price of blood, confessing himself that he was there; that he immediately went to Canada, delivered dispatches in cipher to Jacob Thompson from Jefferson Davis, which were interpreted and read by Thompson in the presence of the witness Conover, in which the conspiracy was approved, and, in the language of Thompson, the proposed assassination was "made all right."

….

That Mary E. Surratt is as guilty as her son of having thus conspired, combined and confederated to do this murder, in aid of this rebellion, is clear. First, her house was the headquarters of Booth, John H. Surratt, Atzerodt, Payne and Herold. She is inquired for by Atzerodt; she is inquired for by Payne, and she is visited by Booth, and holds private conversations with him. His picture, together with that of the chief conspirator, Jefferson Davis, is found in her house. She sends to Booth for a carriage to take her, on the l1th of April, to Surrattsville, for the purpose of perfecting the arrangement deemed necessary to the successful execution of the conspiracy, and especially to facilitate and protect the conspirators in their escape from justice. On that occasion Booth, having disposed of his carriage, gives to the agent she employed ten dollars, with which to hire a conveyance for that purpose. And yet the pretence is made that Mrs. Surratt went on the 11th to Surrattsville exclusively upon her own private and lawful business. Can any one tell, if that be so, how it comes that she should apply to Booth for a conveyance, and how it comes that he, of his own accord, having no conveyance to furnish her, should send her ten dollars with which to procure it? There is not the slightest indication that Booth was under any obligation to her, or that she had any claim upon him, either for a conveyance or for the means with which to procure one, except that he was bound to contribute, being the agent of the conspirators in Canada and Richmond, whatever money might be necessary to the consummation of this infernal plot. On that day, the 11th of April, John H. Surratt had not returned from Canada with the funds furnished by Thompson!

Upon that journey of the 11th, the accused, Mary E. Surratt, met the witness, John M. Lloyd, at Uniontown. She called him; he got out of his carriage and came to her, and she whispered to him in so low a tone that her attendant could not hear her words, though Lloyd, to whom they were spoken, did distinctly hear them, and testifies that she told him he should have those "shooting-irons" ready, meaning the carbines which her son and Herold and Atzerodt had deposited with him, and added the reason, "for they would soon be called for." On the day of the assassination she again sent for Booth, had an interview with him in her own house, and immediately went again to Surrattsville, and then, at about six o'clock in the afternoon, she delivered to Lloyd a field glass and told him "to have two bottles of whisky and the carbines ready, as they would be called for that night." Having thus perfected the arrangement, she returned to Washington to her own house, at about half-past eight o'clock in the evening, to await the final result. How could this woman anticipate, on Friday afternoon, at six o'clock, that these arms would be called for and would be needed that night, unless she was in the conspiracy and knew the blow was to be struck, and the flight of the assassins attempted by that route? Was not the private conversation which Booth held with her in her parlor on the afternoon of the 14th of April, just before she left on this business, in relation to the orders she should give to have the arms ready?

….

But there is one other fact in this case that puts forever at rest the question of the guilty participation of the prisoner, Mrs. Surratt, in this conspiracy and murder; and that is, that Payne, who had lodged four days in her house, who, during all that time, had sat at her table, and who had often conversed with her, when the guilt of his great crime was upon him, and he knew not where else he could so safely go to find a co-conspirator, and he could trust none that was not, like himself, guilty, with even the knowledge of his presence, under cover of darkness, after wandering for three days and nights, skulking before the pursuing officers of justice, at the hour of midnight, found his way to the door of Mrs. Surratt, rang the bell, was admitted, and upon being asked, "Whom do you want to see?" replied, "Mrs. Surratt." He was then asked by the officer, Morgan, what he came at that time of night for, to which he replied, "to dig a gutter in the morning; Mrs. Surratt had sent for him." Afterward he said "Mrs. Surratt knew he was a poor man and *came to* *him*." Being asked where be last worked, he replied, "sometimes on '1' street," and where be boarded, he replied, "he had no boarding-house, and was a poor man who got his living with the pick " which he bore upon his shoulder, having stolen it from the intrenchment of the Capital. Upon being pressed again why he came there at that time of night to go to work, he answered that he simply called to see what time he should go to work in the morning. Upon being told by the officer, who, fortunately, had preceded him to this house, that he would have to go to the Provost Marshal's office, he moved and did not answer, whereupon Mrs. Surratt was asked to step into the hall and state whether she knew this man. Raising her right hand, she exclaimed, "Before God, sir, I have not seen that man before; I have not hired him; I do not know anything about him." The hall was brilliantly lighted
.
If not one word had been said, the mere act of Payne, in flying to her house for shelter, would have borne witness against her strong as proofs from Holy Writ.  But when she denies, after hearing his declarations that she had sent for him, or that she had gone to him and hired him, and calls her God to witness that she had never seen him, and knew nothing of him, when in point of fact, she had seen him for four successive days in her own house, in the same clothing which he then wore, who can resist for a moment the conclusion that these parties were alike guilty?

The testimony of Spangler's complicity is conclusive and brief. It was impossible to hope for escape after assassinating the President, and such others as might attend him in Ford's theater, without arrangements being first made to aid the flight of the assassin, and, to some extent, prevent immediate pursuit. A stable was to be provided close to Ford's theater, in which the horses could be concealed, and kept ready for the assassin's use whenever the murderous blow was struck. Accordingly, Booth secretly, through Maddox, hired a stable in the rear of the theater, and connecting with it by an alley, as early as the 1st of January last, showing that at that time he had concluded, notwithstanding all that has been said to the contrary, to murder the President in Ford's theater, and provide the means for immediate and successful flight. Conscious of his guilt, he paid the rent for this stable through Maddox, mouth by month, giving him the money. He employed Spangler, doubtless for the reason that he could trust him with the secret, as a carpenter to fit up this shed, so that it would furnish room for two horses, and provided the door with lock and key. Spangler did this work for him. Then it was necessary that a carpenter, having access to the theater, should be employed by the assassin to provide a bar for the outer door of the passage leading to the President’s box, so that when he entered upon his work of assassination he would be secure from interruption from the rear. By the evidence it is shown that Spangler was in the box  in which the President was murdered on the afternoon of the 14th of April, and when there damned the President and General Grant, and said the President ought to be cursed, he had got so many good men killed, showing not only his hostility to the President, but the cause of it, that he had been faithful to his oath and had resisted that great rebellion, in the interest of which his life was about to be sacrificed by this man and his co-conspirators. In performing the work, which had doubtless been intrusted to him by Booth, a mortise was cut in the wall. A wooden bar was prepared, one end of which could be readily inserted in the mortise and the other pressed against the edge of the door, on the inside, so as to prevent its being opened. Spangler had the skill and the opportunity to do that work and all the additional work which was done.

It is in evidence that the screws in "the keepers" to the locks on each of' the inner doors of the box occupied by the President were drawn. The attempt has been made, on behalf of the prisoner, to show that this was done some time before, accidentally, and with no bad design, and had not been repaired by reason of inadvertence; but that attempt has utterly failed, because the testimony adduced for that purpose relates exclusively to but one of the two inner doors, while the fact is that the screws were drawn in *both*, and the additional precaution taken to cut a small hole through one of these doors, through which the party approaching, and while in the private passage would be enabled to look into the box and examine the exact posture of the President before entering. It was also deemed essential, in the execution of this plot, that some one should watch at the outer door, in the rear of the theater, by which alone the assassin could hope for escape. It was for this work Booth sought to employ Chester in January, offering $3,000 down of the money of his employers, and the assurance that he should never want. What Chester refused to do, Spangler undertook and promised to do. When Booth brought his horse to the rear door of the theater, on the evening of the murder, he called for Spangler, who went to him, when Booth was heard to say to him, "Ned, you'll help me all you can, won't you?" To which Spangler replied, “Oh, yes."

….

It is not needful to take time in the recapitulation of the evidence, which shows conclusively that David E. Herold was one of these conspirators. His continued association with, Booth, with Atzerodt, his visits to Mrs. Surratt's, his attendance at the theater with Payne, Surratt and Atzerodt, his connection with Atzerodt on the evening of the murder, riding with him on the street in the direction of, and near to, the theater at that hour appointed for the work of assassination, and his final flight and arrest, show that he, in common with all the other parties on trial, and all the parties named upon your record not upon trial, had combined and confederated to kill and murder in the interests of the rebellion, as charged and specified against them.

That this conspiracy was entered into by all these parties, both present and absent, is thus proved by the sets, meetings, declarations and correspondence of all the parties, beyond any doubt whatever. True, it is circumstantial evidence, but the Court will remember the rule before recited, that circumstances can not lie; that they are held sufficient in every court where justice is judicially administered to establish the fact of a conspiracy. I shall take no further notice of the remark made by the learned counsel who opened for the defense, and which has been followed by several of his associates, that, under the Constitution, it requires two witnesses to prove the overt act of high treason, than to say, this is not a charge of high treason, but of a treasonable conspiracy, in aid of a rebellion, with intent to kill and murder the Executive officer of the United States, and commander of its armies, and of the murder of the President, in pursuance of that conspiracy, and with the intent laid, etc. Neither by the Constitution, nor by the rules of the common law, is any fact connected with this allegation required to be established by the testimony of more than one witness. I might say, however, that every substantive averment against each of the parties named upon this record has been established by the testimony of more than one witness.

That the several accused did enter into this conspiracy with John Wilkes Booth and John H. Surratt, to murder the officers of this Government named upon the record, in pursuance of the wishes of their employers and instigators in Richmond and Canada, and with intent thereby to aid the existing rebellion and subvert the Constitution and laws of the United States, as alleged, is no longer an open question.

….

The learned gentleman (Mr. Johnson) says the Government has survived the assassination of the President, and thereby would have you infer that this conspiracy was not entered into and attempted to be executed with the intent laid. With as much show of reason, it might be said that because the Government of the United States has survived this unmatched rebellion, it therefore results that the rebel conspirators waged war upon the Government with, no purpose or intent thereby to subvert it. By the law, we have seen that without any direct evidence of previous combination and agreement between these parties, the conspiracy might be established by evidence of the acts of the prisoners, or of any others with whom they co-operated, concurring in the execution of the common design.

Was there co-operation between the several accused in the execution of this conspiracy? That there was, is as clearly established by the testimony as is the fact that Abraham Lincoln was killed and murdered by John Wilkes Booth.

**[NOTE: What follows was a recap of the events played by all the conspirators leading up to and following the Lincoln assassination, continuing into a discussion of discrepancies in Dr. Mudd’s testimony and his denials of knowingly sheltering Booth, etc.]**

All these circumstances taken together, which, as we have seen upon high authority, are stronger as evidences of guilt than even direct testimony, leave no further room for argument, and no rational doubt that Dr. Samuel A. Mudd was as certainly in this conspiracy as were Booth and Herold, whom he sheltered and entertained; receiving them under cover of darkness on the morning after the assassination, concealing them throughout that day from the hand of offended justice, and aiding them, by every endeavor, to pursue their way successfully to their co-conspirator, Arnold, at Fortress Monroe, and in which direction they fled until overtaken and Booth was slain.

We next find Herold and his confederate Booth, after their departure from the house of Mudd, across the Potomac, in the neighborhood of Port Conway, on Monday, the 24th of April, conveyed in a wagon. There Herold, in order to obtain the aid of Captain Jett, Ruggles and Bainbridge, of the Confederate army, said to Jett, "We are the assassinators of the President;" that this was his brother with him, who, with himself, belonged to A. P. Hill's corps; that his brother had been wounded at Petersburg; that their names were Boyd. He requested Jett and his rebel companions to take them out of the lines. After this, Booth joined these parties, was placed on Ruggles' horse, and crossed the Rappahannock river. They then proceeded to the house of Garrett, in the neighborhood of Port Royal, and nearly midway between Washington city and Fortress Monroe, where they were to have joined Arnold. Before these rebel guides and guards parted with them-- Herold confessed that they were traveling under assumed names--that his own name was Herold, and that the name of the wounded man was John Wilkes Booth, "who had killed the President." The rebels left Booth at Garrett's, where Herold re-visited him from time to time, until they were captured. At two o'clock on Wednesday morning, the 26th, a party of United States officers and soldiers surrounded Garrett's barn, where Booth and Herold lay concealed, and demanded their surrender. Booth cursed Herold, calling him a coward, and bade him go, when Herold came out and surrendered himself, was taken into custody, and is now brought into Court. The barn was then set on fire, when Booth sprang to his feet, amid the flames that were kindling about him, carbine in band, and approached the door, seeking, by the flashing light of the fire, to find some new victim for his murderous band, when he was shot, as he deserved to be, by Sergeant Corbett, in order to save his comrades from wounds or death by the hands of this desperate assassin...

….

Thus fell, by the hands of one of the defenders of the republic, this hired assassin, who, for a price, murdered Abraham Lincoln, bearing upon his person…additional evidence of the fact that he had undertaken, in aid of the rebellion, this work of assassination by the hands of himself and his confederates, for such sum as the accredited agents of Jefferson Davis might pay him or them, out of the funds of the Confederacy, which, as is in evidence, they had in "any amount" in Canada for the purpose of rewarding conspirators, spies, poisoners and assassins, who might take service under their false commissions, and to do the work of the incendiary and the murderer upon the lawful representatives of the American people, to whom had been intrusted the care of the republic, the maintenance of the Constitution, and the execution of the laws.

….

By all the testimony in the case, it is, in my judgment, made as clear as any transaction can be shown by human testimony, that John Wilkes Booth and John H. Surratt, and the severed accused, David E. Herold, George A. Atzerodt, Lewis Payne, Michael O'Laughlen, Edward Spangler, Samuel Arnold, Mary E. Surratt and Samuel A. Mudd, did, with intent to aid the existing rebellion, and to subvert the Constitution and laws of the United States, in the month of October last, and thereafter, combine, confederate and conspire…to kill and murder…Abraham Lincoln, then President of the United States, and Commander-in-Chief of the army and navy thereof; Andrew Johnson, Vice-President of the United States; William H. Seward, Secretary of State, and Ulysses S. Grant, Lieutenant-General, in command of the armies of the United States; and that Jefferson Davis, the chief of this rebellion, was the instigator and procurer, through his accredited agents in Canada, of this treasonable conspiracy.

It is also submitted to the Court, that it is clearly established by the testimony that John Wilkes Booth, in pursuance of this conspiracy, so entered into by him and the accused, did, on the night of the 14th of April, 1865, within the military department of Washington, and the intrenched fortifications and military lines thereof, and with the intent laid, inflict a mortal wound upon Abraham Lincoln, then President and Commander-in-chief of the army and navy of the United States, whereof he died; that, in pursuance of the same conspiracy, and within the said department and intrenched lines, Lewis Payne assaulted, with intent to kill and murder, William H. Seward, then Secretary of State of the United States; that George A. Atzerodt, in pursuance of the same conspiracy, and within the said department, laid in wait, with intent to kill and murder Andrew Johnson, then Vice-President of the United States; that Michael O'Laughlen, within said department, and in pursuance of said conspiracy, laid in wait to kill and murder Ulysses S. Grant, then in command of the armies of the United States; and that Mary E. Surratt, David E. Herold, Samuel Arnold, Samuel A. Mudd and Edward Spangler did encourage, aid and abet the commission of said several sets in the prosecution of said conspiracy…

….

If this conspiracy was thus entered into by the accused; if John Wilkes Booth did kill and murder Abraham Lincoln in pursuance thereof; if Lewis Payne did, in pursuance of said conspiracy, assault, with intent to kill and murder, William H. Seward, as stated, and if the several parties accused did commit the several sets alleged against them, in the prosecution of said conspiracy, then it is the law that all the parties to that conspiracy, whether present at the time of its execution or not, whether on trial before this Court or not, are like guilty of the several sets done by each in the execution of the common design. What these conspirators did in the execution of this conspiracy by the hand of one of their co-conspirators they did themselves; his act, done in the prosecution of the common design, was the act of all the parties to the treasonable combination, because done in execution and furtherance of their guilty and treasonable agreement. As we have seen this is the rule, whether all the conspirators are indicted or not; whether they are all on trial or not…In this treasonable conspiracy, to aid the existing armed rebellion by murdering the executive officers of the United States and the commander of its armies, all the parties to it must be held as principals, and the act of one, in the prosecution of the common design, the act of all.

I leave the decision of this dread issue with the Court, to which alone it belongs. It is for you to say, upon your oaths, whether the accused are guilty.

I am not conscious that in this argument I have made any erroneous statement of the evidence, or drawn any erroneous conclusions; yet I pray the Court, out of tender regard and jealous care for the rights of the accused, to see that no error of mine, if any there be, shall work them harm. The past services of the members of this honorable Court give assurance that, without fear, favor or affection, they will discharge with fidelity the duty enjoined upon them by their oaths. Whatever else may befall, I trust in God that in this, as in every other American court, the rights of the whole people will be respected, and that the Republic in this, its supreme hour of trial, will be true to itself and just to all, ready to protect the rights of the humblest, to redress every wrong, to avenge every crime, to vindicate the majesty of law, and to maintain inviolate the Constitution, whether assailed secretly or openly, by hosts armed with gold, or armed with steel.

1. **Findings and Sentences of the Military Commission**

COURT-ROOM, WASHINGTON, D. C., }

JUNE 29, 1865, 10 o’clock A.M. }

The Commission met, with closed doors, pursuant to adjournment.

All the members present; also the Judge Advocate and Assistant Judge Advocates.

The Commission then proceeded to deliberate upon the evidence adduced in the case of

each of the accused.

Pending the deliberation, at 6 o’clock P. M., the Commission adjourned to meet again,

with closed doors, on Friday, June 30, at 10 o’clock A. M.

COURT-ROOM, WASHINGTON, D. C., }

JUNE 30, 1865, 10 o’clock A.M. }

The Commission met, with closed doors, pursuant to adjournment.

All the members present; also the Judge Advocate and the Assistant Judge Advocates.

The Commission then proceeded to deliberate upon the evidence adduced in the case of

each of the accused.

**DAVID E. HEROLD.**

After mature consideration of the evidence adduced in the case of the accused, DAVID E.

HEROLD, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except “combining, confederating and conspiring with Edward Spangler;” as to which

part thereof

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except the words of the charge, combining, confederating, and conspiring with Edward

Spangler;” as to which part of the charge

**NOT GUILTY.**

And the Commission do therefore, sentence him, the said ***David E. Herold***, to be hanged

by the neck until he be dead, at such time and place as the President of the Untied States

shall direct; two-thirds of the Commission concurring therein.

**GEORGE A. ATZERODT.**

After mature consideration of the evidence adduced in the case of the accused GEORGE

A. ATZERODT, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;”of this

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

And the Commission do, therefore sentence him, the said ***George A. Atzerodt***, to be

hanged by the neck until he be dead, at such time and place as the President of the United

States shall direct; two-thirds of the Commission concurring therein.

**LEWIS PAYNE.**

After mature consideration of the evidence adduced in the case of the accused, LEWIS

PAYNE, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

And the Commission do, therefore, sentence him, the said ***Lewis Payne***, to be hanged by

the neck until he be dead, at such time and place as the President of the United States

shall direct; two-thirds of the Commission concurring therein.

**MRS. MARY E. SURRATT.**

After mature consideration of the evidence adduced in the case of the accused, MARY E.

SURRATT, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except as to “receiving, sustaining, harboring and concealing Samuel Arnold and

Michael O’Laughlin,” and except as to “combining, confederating, and conspiring with

Edward Spangler;” of this

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except as to “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

And the Commission do, therefore, sentence her, the said ***Mary E. Surratt***, to be hanged

by the neck until she be dead, at such time and place as the President of the United States

shall direct; two-thirds of the members of the Commission concurring therein.

**MICHAEL O’LAUGHLIN.**

After mature consideration of the evidence adduced in the case of the accused,

MICHAEL O’LAUGHLIN, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except the words thereof, “And in the further prosecution of the conspiracy aforesaid,

and of its murderous and treasonable purposes aforesaid, on the nights of the 13th and

14th of April, 1865, at Washington City, and within the military department and military

lines aforesaid, the said Michael O’Laughlin did there and then lie in wait for Ulysses S.

Grant, then Lieutenant-General and Commander of the armies of the United States, with

intent there and then to kill and murder the said Ulysses S. Grant;” of said words

**NOT GUILTY;**

And except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

The Commission do therefore, sentence the said ***Michael O’Laughlin*** to be imprisoned at

hard labor for life, at such place as the President shall direct.

**EDWARD SPANGLER.**

After mature consideraton of the evidence adduced in the case of the accused, EDWARD

SPANGLER, the Commission find the said accused—

Of the Specification…

**NOT GUILTY.**

Except as to the words, “the said Edward Spangler, on the 14th day of April, A. D., 1865,

at about the same our of that day, as aforesaid, with said military department and the

military lines aforesaid, did aid and abet him (meaning John Wilkes Booth) in making his

escape after the said Abraham Lincoln had been murdered in manner aforesaid;” and of

these words…

**GUILTY.**

Of the Charge…

**NOT GUILTY.**

But of having feloniously and traitorously aided and abetted John Wilkes Booth in

making his escape after having killed and murdered Abraham Lincoln, President of the

FUnited States, he, the said Edward Spangler, at the time of aiding and abetting as

aforesaid, well knowing that the said Abraham Lincoln, President as aforesaid, had been

murdered by the said John Wilkes Booth, as aforesaid…

**GUILTY.**

The Commission do, therefore, sentence the said ***Edward Spangler*** to be imprisoned at

hard labor for six years, at such place as the President shall direct.

**SAMUEL ARNOLD.**

After mature consideraton of the evidence adduced in the case of the accused, SAMUEL

ARNOLD, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

The Commission do, therefore, sentence the same ***Samuel Arnold*** to imprisonment at

hard labor for life, at such place as the President may direct.

**SAMUEL A. MUDD.**

After mature consideration of the evidence adduced in the case of the accused, SAMUEL

A. MUDD, the Commission find the said accused—

Of the Specification…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY;**

And excepting “receiving, entertaining, and harboring and concealing said Lewis Payne,

John H. Surratt, Michael O'’aughlin, George A. Atzerodt, Mary E. Surratt, and Samuel

Arnold;” of this…

**NOT GUILTY.**

Of the Charge…

**GUILTY.**

Except “combining, confederating, and conspiring with Edward Spangler;” of this

**NOT GUILTY.**

The Commission do, therefore, sentence the said ***Samuel A. Arnold*** to be imprisoned at

hard labor for life, at such place as the President shall direct.

WAR DEPARTMENT, ADJUTANT-GENERAL’S OFFICE, }

WASHINGTON, July 5, 1865. }

To Major-General W. S. Hancock, United States Volunteers, commanding the Middle

Military Division, Washington, D. C.:

WHEREAS, By the Military Commission appointed in paragraph 4, Special Orders No.

211, dated War Department, Adjutant-General’s Office, Washington, May 6, 1865, and

of which Major-General David Hunter, United States Volunteers, was President, the

following persons were tried, and, after mature consideration of the evidence adduced in

their cases, were found and sentenced as hereinafter stated, as follows.

[Here follow the findings and sentences in the case of David E. Herold, George A.

Atzerodt, Lewis Payne, and May E. Surratt.]

And whereas, the President of the United States has approved the foregoing sentences, in

the following order, to wit

EXECUTIVE MANSION, July 5, 1865.

The foregoing sentences in the cases of David E. Herold, G. A. Atzerodt, Lewis Payne,

and Mary E. Surratt, are hereby approved; and it is ordered, that the sentences in the

cases of David E. Herold, G. A. Atzrodt, Lewis Payne, and Mary E. Surratt, be carried

into execution by the proper military authority, under the direction of the Secretary of

War, on the 7th day of July, 1865, between the hours of 10 o’clock A. M., and 2 o’clock

P. M., of that day.

(Signed) ANDREW JOHNSON,

President.

Therefore, you are hereby commanded to cause the foregoing sentences in the cases of

David E.Herold, G. A. Atzerodt, Lewis Payne, and Mary E. Surratt, to be duly executed,

in accordance with the President’s order.

By command of the President of the United States.

E. D. TOWNSEND,

Assistant Adjutant-General.

**PRESIDENT’S APPROVAL OF THE FINDINGS AND SENTENCES.**

EXECUTIVE MANSION, July 5, 1865.

The foregoing sentences in the cases of David E.Herold, G. A.Atzerodt, Lewis Payne,

Michael O’Laughlin, Edward Spangler, Samuel Arnold, Mary E. Surratt, and Samuel

A.Mudd, are hereby approved, and it is ordered that the sentences of said David E.

Herold, G. A. Atzeroft, Lewis Payne, and Mary E. Surratt be carried into execution by

the proper military authority, under the direction of the Secretary of War, on the 7th day

of July, 1865, between the hours of 10 o’clock A. M., and 2 o’clock P. M., of that day. It

was further ordered, that the prisoners, Samuel Arnold, Samuel A. Mudd, Edward

Spangler, and Michael O’Laughlin be confined at hard labor in the Penitentiary at

Albany, New York, during the period designated in their respective sentences.

ANDREW JOHNSON,

President.

EXECUTIVE MANSION, July 15, 1865.

The executive order, dated July 5, 1865, approving the sentences in the cases of Samuel

Arnold, Samuel A. Mudd, Edward Spangler, and Michael O’Laughlin is hereby modified,

so as to direct that the said Arnold, Mudd, Spangler, and O’Laughlin, be confined at hard

labor in the military prison at Dry Tortugas, Florida, during the period designated in their

respective sentences.

The Adjutant-General of the army is directed to issue orders for the said prisoners to be

transported to the Dry Tortugas, and to be confined there accordingly.

ANDREW JOHNSON.

President.