

TYPED MANUSCRIPT OF REMINISCENCE
OF ASSISTANT TO GEN. HARTRUFF
DURING THE TRIAL OF THE CONSPIRATORS

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TRIAL AND PUNISHMENT



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The Assassination of Abraham Lincoln

Reminiscence of an
Assistant to Gen. Hartranft
during the Trial of the
Conspirators

Excerpts from newspapers and other
sources

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At the time of the assassination of President Lincoln I was at home, recovering from a wound received during the final assault upon the Confederate lines in front of Petersburg April 2nd, 1865.

When I returned about April 25th I found our old Division in Camp near Alexandria, eight or ten miles from Washington, and at once reported to General Hartranft in command, on whose staff I had served during the last year.

Within a day or two after my return, an order from the War Department was delivered to the General, directing him to report at once at the Washington Arsenal, in the City of Washington, for special duty.

Accompanying this order was a private note from Major General Hancock, commanding the Middle Military Division, saying that the special duty, for which the General had been detached, might continue for several months, and that he was at liberty to take with him such of his personal staff as he might choose.

The General handed me the order of the Secretary of War and the note of General Hancock, with instructions to be ready to accompany him.

Within an hour, the Command of the Division had been transferred to General Griffin, the next officer in rank, and we were mounted and on our way to Washington.

Neither of us had the most remote guess what the special duty might be, and it may be imagined that our curiosity was at high tension during that ride.

As we rode upon the long Bridge, spanning the Potomac, I was most forcibly reminded of the last time I had passed over it and the marvelous contrast between then and now. That was on Wednesday following the first battle of Bull Run.

I was then a private soldier, stretched out in an ambulance, by the side of Captain Will Graves my Company Commander, who, like myself, was suffering from a severe wound received in that battle. I was also suffering from a fierce attack of the measles. My wound

had not been dressed, and my clothes were stiff with blood and dirt; each jolt of the ambulance caused severe pain.

The first battle had resulted in an utter rout and shameful retreat. To me, weak from the loss of blood and most fearfully sick, everything looked awfully dark. On the seat, by the side of the driver, sat Capt. J.H. Fee, then Corporal Fee, my chum in College and comrade in Arms. He was quarter-master, Commissary, Surgeon, and Nurse for this squad of two.

At this crossing, four years later, the war was over, the Union preserved, no more battles, no more wounds, home not far away. I was well mounted, wearing the uniform and sword of a Staff Officer, riding by the side of the Major General I loved so well, and in excellent health. All the world looked happy; my own heart sang with joy.

On reaching the entrance to the Arsenal grounds, we were met by Major Benton of the Ordnance Department, who seemed to be expecting the General, as he at once escorted us to the residence part of the old District of Columbia prison, but unused as a prison for a number of years.

There we found quarters provided for us, consisting of pleasant rooms, desks, tables, chairs, beds, and stationery, all ready for use and needful for comfort.

Very soon General Hancock and several of his staff drove up, and the General at once explained that this place had been designated as a Military Prison for the confinement, during the trial, of the parties charged with the conspiracy to assassinate the President and others, and told General Hartranft that he had been selected as Special Provost Marshal General, to be in command, and would at once be furnished an official order from President Johnson defining his duties.

We then passed back into the prison proper and there found a number of cells, constructed in the usual manner of early days, with walls, ceiling, and floors of heavy stone masonry, opening into corridors. These cells had been lately cleaned and prepared ready for use.

After returning to the Offices provided, General Hancock very earnestly impressed upon the General that the Secretary of War and others were in possession of facts, indicating that the conspiracy to assassinate was wide spread, and that there was apprehension that there might be an organized attempt to rescue these assassins, and then added, "You have been selected for this Command, because of the confidence secretary Stanton has in your fidelity and courage."

I, who had served at his side from the wilderness until the final close, throughout all those trying days, during which every soldier showed the metal of which he was made, felt that I knew the General as well as any other man, and was made very proud that the General had been thus distinguished.

But, notwithstanding the honor thus bestowed upon the General and my appreciation of his kindness in keeping me with him, I was free to admit, to myself, that the situation was not to my taste. I had but little liking for cells and bars, and the mystery, and things whispered, but not seen, and, as the situation developed from day to day, I liked it much less. It grew to be extremely gruesome.

The next morning a Brigade of infantry, a Battery of Artillery, and a Battalion of Cavalry reported to General Hartranft and sent into Camp, just outside the Arsenal Grounds, and during the day one of the Regiments marched inside the enclosure and stacked arms.

The Washington Arsenal is situated on a point of land at the foot of 4 $\frac{1}{2}$ street, near the Navy Yard, on the West and south it is touched by the Potomac River, on the East by a deep channel for the use of vessels. My memory is that in 1865 it was surrounded by a high board fence, with a high gate at the entrance.

The Prison Building was an old fashioned brick structure sixty to eighty feet wide, three stories high, about two hundred feet long. It stood in the center of a large area surrounded, except at the entrance, by a thick brick wall, twenty or thirty feet high, after the usual manner of State Prison enclosures.

On the afternoon of this day, a heavy guard was stationed all around the main enclosure, and from that time until the prison was closed in July, neither egress nor exit to or from these grounds was permitted, except on a written pass. The only exception was the coming in and passing out of a Regiment of Infantry each morning as the guard was relieved.

The same Regiment never returned nor did the same soldier ever stand guard twice on the same post. When all the regiments of the brigade had once been used as guards, another brigade took its place, and thus, many regiments were used during the two months' time we occupied this place.

On the second morning General Hancock visited us again, and at that time it was considered necessary that we have more assistance in the main prison building, and Col. McCall 200th Penna., Col. Frederick 209th Col. Dodd 211th, and Lieut. Geisinger 208th. All of our old Division, and all exceptionally trusty officers, were ordered to report at once, and all remained until after the execution in July following.

Assistant Surgeon George L. Porter of the regular army, a nephew of Admiral Porter, also reported and was added to the staff, and remained with us until after the prison was closed.

A week or two later my old comrade, Capt. Rath, with whom I had served for two years in the 17th Michigan Infantry, was also ordered to report for such special duty as might be required.

Soon after dark of the second day, Col. L.C. Baker, Chief of the Government Secret Service, came to the prison, accompanied by four Secret Service Officers, who were assigned quarters and remained on duty continuously, until after the execution in July.

Near mid-night General Hartranft, Col Baker, the four detective officers, Colonels Dodd, Frederick, and McCall, with a Company of infantry, moved down to the wharf in rear of the prison, and, on a signal from Col. Baker, a Gun Boat, lying at anchor in the Potomac,

steamed along side, and the Commandant of the vessel delivered to General Hartranft the prisoners, Payne, Atzerodt, Herold, Spangler, O'Laughlin, Samuel Arnold, and Dr. Mudd, all heavily ironed. They were at once placed between two lines of armed soldiers, marched to the prison, and placed in separate cells.

An evening or so after, Col. Baker and another Officer brought Mrs. Surratt in a closed carriage. She was for the time being placed in a cell, but subsequently removed to a room on the third floor.

From the time the prisoners entered these cells until their execution, July 7th, two armed soldiers stood guard, night and day, at the door of each cell, and at the main door leading into the prison apartment, either Col. Dodd, McCall, or Frederick, with a company of infantry, were at all times on duty. The company of soldiers were relieved each morning, others always taking their places, and, as in the case of the outside guard, the same men never returned a second time, and no soldier ever stood guard at the same post twice, nor more than two hours.

To avoid self-destruction, each of the prisoners, except Mrs. Surratt, was compelled to wear a thickly padded hood upon his head, with only holes for his eyes and a slit at the mouth, through which he was fed.

The hand-cuffs consisted of heavy bands of iron, about each wrist, connected by a bar ten inches in length; upon the ankles an iron band was riveted, connected by a chain of only sufficient length to permit short steps, to this chain was attached an iron weight. These manacles upon wrists and ankles were worn continuously, all during imprisonment, night and day.

Mrs. Surratt was never manacled, and although always under strict guard was furnished suitable whole-some food, and at all times and in all ways treated with the courtesy, leniency, and kindness due to her sex.

During much of the time she occupied a large airy room on the third floor, and her daughter, Anna, frequently permitted to be with her.

As the summer advanced the heat became so intense, that danger of insanity or death, caused by the fearful heat of these hoods, seemed greater than the possibility of self destruction, and the hoods were removed.

While the health and safety of these men were guarded with the utmost vigilance, to make certain that the gallows should not be robbed, it might be confessed but little care was taken for their comfort.

Indeed, it is beyond question that no prison of modern times was ever guarded with such rigid rules and severe discipline.

I held the official position of Acting Assistant Adjutant General, and my duties never brought me into personal contact with any of the prisoners, and I rarely saw any of them, except as they were seated in the court room during the trial. However, all orders, communications, reports, and official papers, pertaining to the management of the prison, came within my department, and I was familiar with all that transpired.

Asst. Surgeon Porter made personal examination of each prisoner twice each day, and his report was incorporated into the general report each day made of all conditions about the prison, and a copy furnished the War Department.

General Hancock visited the prison at least once a day during the time of our occupancy, and Gen. Thomas Eckhart, then one of the Assistant Secretaries of War, also spent much time each day in and about the prison. He was afterwards for many years President and General Manager of the Western Union Telegraph Company.

By means of the daily reports of Generals Hancock, Eckhart, and Hartranft, the Great Secretary of war was kept in constant touch with every detail, and it was well understood that it was his iron hand that controlled and specified every precaution for the safe keeping of the prisoners here confined.

A room in the third story of the Building was fitted up for the use of the Military Commission during the trial. This room was about thirty by fifty feet in area, situated in the northeast corner.

Across the west end was a raised platform used as a dock for the prisoners. At the south end of the dock a door opened from the prison so that they never passed near any spectator, as they were brought in and taken from the courtroom.

A large table was placed near the north side, for the use of the Commission, around which they were seated during the trial. Near the west end of this table was an elevated seat for the use of witnesses while being examined.

Near the south side was a long table for the use of the official short-hand reporters, Mr. Samuel Pitman and the Murphys, father and two sons.

Close to the prisoners' dock were two tables for the use of the counsel for defendants.

At the east end an elevated seat was occupied by General Hartranft, Provost Marshall General.

About the first of May President Johnson issued an order convening a military commission for the trial and directed the Secretary of War to detail nine competent military officers to serve as such commission, and further directed the Judge Advocate General to prefer charges against those eight conspirators under arrest, and all others alleged to have been associated with them in the conspiracy; and to proceed with the trial as speedily as the ends of justice would permit.

The Secretaries elected Major General David Hunter, General Leu Wallace, (author of Ben Hur and the Prince of India), General A. V. Kautz, General F.M. Harris, Gen. A.P. Howe, General James A. Ekin, General Robert S. Foster, Col. D.R. Clendenin, and Col. C.H. Thompkins.

General David Hunter was designated as President of the Commission.

Judge Advocate General Joseph Holt, Col. H.L. Burnett, and John A. Bingham, a member of Congress from Ohio, and appointed Special Assist-

ant Judge Advocate for this trial, represented the Government.

Within a few days the members of the Commission and the Prosecuting Officers assembled in the room provided, and as soon as they were organized ready to proceed, the eight prisoners were brought into the room, and each seated in the dock by the side of an armed soldier, and at all times thereafter each prisoner was seated between two soldiers while in the Court Room.

Reverdy Johnson, U.S. Senator from Maryland, one of the leading Constitutional lawyers of the country, appeared as counsel for Mrs. Surratt, also associated with him were Messrs. Clampit and Aiken of Washington.

General Thomas Equing, Jr., a Son of former senator Equing, was retained by Dr. Mudd and Edward Spangler.

Frederick Stone of Maryland appeared for Samuel Arnold and young Herold.

Walter S. Cox, an able attorney of Charles County, Maryland, was employed by Michael O'Laughlin.

Payne and Atzerodt were represented by Mr. Doster, a bright young attorney from Baltimore.

The charge and specifications against defendants were then read by Col. Burnett, Assistant Judge Advocate.

The substance of the charge against each was: "Maliciously, unlawfully, and traitorously, and in aid of the existing armed rebellion against the United States, on or before the 5th of March, 1865, and on divers other days between that day and the 14th day of April 1865, combining, confederating, and conspiring together, with (naming each defendant) John H. Surratt, John Wilkes Booth, Jefferson Davis, George N. Sanders, Beverly Tucker, Clement C. Clay, Jacob Thompson, and others unknown, to kill and murder Abraham Lincoln, late President, Andrew Johnson, Vice-President, William H. Seward, Secretary of State, and Ulysses S. Grant, then in command of the army of the United States, etc. (closing with the formal parts of the charge.)

The specifications varied as to each defendant: Mrs. Surratt was specifically charged with harboring, concealing, counselling, aiding, and abetting all the defendants.

The specification against Harold was aiding and assisting Booth to escape, knowing he had assassinated the President. Mr. Dodd was alleged to have aided and assisted in the escape of Booth.

The specification against Payne was assaulting, cutting and wounding Secretary Seward with intent to murder him.

Atzerodt was charged with lying in wait with intent to murder Andrew Johnson.

That against O'Laughlin was lying in wait with intent to murder Ulysses S. Grant.

Spangler was alleged to have aided Booth in reaching the President's box in the theatre, and guarding the approach, to prevent interference with Booth's attack.

Samuel Arnold was charged with counselling, combining, and confederating with each and all of the other defendants.

After the charge and specifications had been read, Senator Johnson handed to General Hunter a Plea to the Jurisdiction of the Military Commission.

After the plea had been received, Gen. Harris, one of the commissioners, objected to the appearance of Mr. Johnson as counsel, claiming that he had written and published a letter advising the citizens of Maryland that the test oath of allegiance was not binding.

The voice of General Harris indicated much feeling, when he said that he for one would not permit any man entertaining such sentiments to challenge his right to sit in this trial.

These two, both southern men, one from West Virginia, the other from Maryland, were typical illustrations of the fierce bitterness entertained between those of the South, who were in opposition, during the Civil War.

Both were large men, and both became very excited and aggressive during this controversy.

Senator Johnson seemed to be in a towering rage, when replying to this imputation of disloyalty.

He said he was licensed to practice his profession before every Court in the State of Maryland and before every Federal Court in the country, including the Supreme Court of the United States; that he had taken the oath of a United States Senator and occupied his seat unchallenged as to his loyalty. The Senator and General Harris glared at each other, with such threatening looks that it seemed as if there might be immediate trouble.

At this point General Wallace suggested that, in view of the broad terms of the oath of a U.S. Senator, it seemed wiser to withdraw the objection, and General Harris complied with the suggestion, and the plea to the jurisdiction was filed and read.

Mr. Johnson, then picked up his hat, bowed to the Commission, and retired. My memory is that he did not again return to take part in person during the trial.

A copy of the charge and specifications was then delivered to each of the Counsel for Defendants, and the Court adjourned.

After the Commission had reconvened on the next morning the prisoners were again brought in and seated in the dock.

The taking of testimony was at once begun and continued from day to day, until all the evidence on behalf of the Government and of the defendants had been produced, closing about the middle of June.

While I remember much of the general substance of the evidence, it would not seem profitable to attempt to summarize it, as space would forbid.

Mrs. Surratt and Dr. Mudd were convicted chiefly upon the testimony of a Mr. Weichman, who, at the time of the assassination, and for some time prior, had made his home with Mrs. Surratt. He was an intimate friend of the family and had been a college chum of John H. Surratt.

If he had, at any time, been in sympathy with the conspiracy to assassinate, it did not appear, either in his own or any other evidence. He was seemingly, not only a willing witness, but a "swift witness." Counsel for the defendants did not attack him as severely as it seemed to me they might have done. It may be, however, that they had in mind the legal maxim "never prove too much."

The most notable witness was Gen. U.S. Grant. His testimony was intended to establish the boundary lines of the Military District, which included the City of Washington, and its purpose was to show that the assassination and conspiracy was within the authority of the Military and thus bore upon the Jurisdiction of the Military Tribunal.

Our office, being upon the ground floor of the building, was first entered by the General. He came in alone, his escort remaining outside. This was the first time I had ever met General Grant face to face, and naturally I observed him very closely. I had formed the impression that the General was slow and cautious in both his physical and mental movements and was much surprised to find just the opposite characteristics.

When notified that the Court was ready for him, he darted out into the corridor and swiftly went up the stairs. His swift motions nearly caused him a serious, if not fatal, accident at that time.

The corridors to each of the three stories of the building were alike, with a door at the end of each, but the outside balcony at the third and second floors had been removed. When the General came down stairs into the second story corridor, seeing the door at the end, he started swiftly for it and barely saved himself from rushing out and falling fifteen to eighteen feet upon the stone steps at the entrance.

During the long trial clashes between Counsel were frequent and often most spirited.

Mr. Bingham was an able trial lawyer, and, at every opening given by opposing counsel, he would rake the whole Confederacy from Jeff Davis all down the line to the prisoners at the bar. The Confederate

Chief, having been named in the charge, gave a wide range for his savage onslaught. He always addressed himself directly to the counsel for defendants, and, as all of them, except General Ewing, were southern men and the loyalty of some of them not of the positive kind, it may be understood that they were often forced to exercise much self-restraint.

General Ewing, however, had a record for loyalty not open to attack. His brother, Hugh Ewing, was also a General officer and still in the service. His sister was the wife of General W. T. Sherman, who in skill and great achievements, was at least second, if not equal to either Grant or Lee. More than that, he was an able attorney, splendidly equipped, and he never hesitated to strike back with vigorous blows.

The duty of preparing the evidence and presenting it in logical sequence, largely fell to Col. H. L. Burnett, Assistant Judge Advocate, and was performed with much skill. No one connected with the trial had a more minute familiarity with all the details.

Judge Holt was an elderly man of even conservative temperament. He had been at one time on the bench in Kentucky. During the trial he seemed to act as legal advisor to the Commission and often intervened to quiet disputes between Counsel. I remember him as the Nestor of the legal members present during the trial.

It has been asserted many times that the trial was behind closed doors. That is not true, yet it must be conceded that but few of the general public could gain admission to the court room.

The limited space would admit but few at a time, and the officials, attorneys, and guards almost filled it. However, many Military Officers, Judges, Governors, Senators, Members of Congress, and others of sufficient influence to secure a pass, were admitted.

It is needless to say that, under no circumstances, could any one gain entrance to the Arsenal Grounds, much less to the Court Room, without evidence of loyalty free from doubt.

After the testimony had closed and in order to give Counsel time to prepare their arguments, the Court adjourned until the 16th of June.

When the Commission reconvened, the first Argument, having been prepared by Senator Johnson, Counsel for Mrs. Surratt, was read by Mr. Olampit, associate counsel.

The substance of the Senator's argument was a very elaborate and able discussion of the plea to the Jurisdiction of the Military Commission, which had been filed when the defendants were first arraigned.

The special points raised by Counsel were:

- A. The crime charged was not an offense against any Military rule or law, but was a crime cognizable only by the common and statute law, and, therefore, not triable by a Military Tribunal.
- B. That the Civil Courts in the District of Columbia were all open and exercising all their functions without hindrance or obstruction of any kind whatever.
- C. That each of the defendants was a civilian that had at no time belonged to any branch of the Military service of the United States, and, therefore, entitled to a trial before a Jury of twelve men and in a Civil Court.
- D. That, at the time of the trial, the war had closed by the surrender of all the insurgent armies and navies.

Attorneys Equing and Cox following also made very able arguments along the same line and in addition analyzed and discussed the evidence, so far as it applied to their respective clients.

The argument of General Bwing was particularly emphatic, and almost caustic, even going so far as to insist that the finding and sentences of the Commission could not be justified under even the color of lawful authority.

The other attorneys made able arguments in behalf of their clients, and with the exception of Payne, Atzerodt, and Herold insisted with all the power at their command, that the rule of reasonable doubt should apply and, if applied, would acquit their clients.

To those who listened as spectators, however, this rule of reasonable doubt had but little, if any, place in this trial. It seemed to be only a question of probabilities. Neither the members of the Commission nor the people of the North were in a frame of mind to entertain or, even tolerate, any technical rules.

These nine soldiers, constituting the Judges in this case, had but little sympathy or patience with the sentimental saying that "it is better that ninety-nine guilty escape than one innocent should suffer."

The suffering of the innocent during the last four years had filled the measure.

There was no place for sympathy here, and every attempt to create favor by appeals of that nature ^{met} with frowns and disapproval.

The arguments of Counsel lasted about two weeks, closing near the last of June.

Mr. Bingham consumed several days in his closing address.

I recall Mr. Bingham with a clearer vision than any of the other attorneys or members of the Commission. He was of small stature, spare but most expressive face, and when excited, his eyes fairly glowed. During his address he wore a long black frock coat, after the fashion of that day. It reached almost to his shoe tops. When referring to the Rebellion, or any of its leaders, especially Mr. Davis, his invective burned and seared like hot iron, but, when he touched upon the great and lovable qualities of the martyred Lincoln, his lips would quiver with emotion, and his voice become as tender and reverent as if he were repeating the Lord's Prayer.

On June 30th the Commission convened to consider their verdict and fix the penalties.

It may be of interest at this place to state some of the powers and duties of a Military Commission, which are much greater than of the ordinary Jury in criminal cases.

This Tribunal was a law unto itself; it made its own rules of procedure. It was the sole judge of the law as well as of the facts.

It passed upon the admissibility of all evidence offered during the trial and exceptions to the rulings were not entertained or recorded.

It was empowered not only to decide the question of guilt, but it also had the power, and it was its duty, to fix the penalties.

The President of the United States, and he only, could review, change, modify, approve, or disapprove of the findings or sentence.

The deliberations of the Commission were behind closed doors, only the Members of the Commission and the Judge Advocate and his Assistant were present.

The verdict and sentence were required to be assented to by only two-thirds of the Members of the Commission.

Nothing in the records, so far as I ever knew, stated whether the verdict was unanimously agreed upon, or by only two-thirds, as the form of the verdict followed that uniformity adopted and was substantially as follows:

"After mature consideration of the evidence in the case of X X X X the Commission find the said X X X X of the specifications guilty, of the charge guilty, and the Commission do therefore sentence him the said X X X X to be hanged by the neck until he be dead, at such time and place as the President shall direct."

Two-Thirds of the Commission concurring therein.

The same form was used in the cases of Payne, Herold, Atzerodt, and Mrs. Surratt.

In the cases of O'Laughlin, Spangler, Arnold, and Doctor Mudd, the only variation was in the sentences.

Spangler was sentenced to imprisonment at hard labor for the term of six years at such place as the President shall direct.

Dr. Mudd, O'Laughlin, and Arnold at hard labor for life at such place as the President shall direct.

On the 5th of July the President issued the following order:

"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 L. Herold, S.A. Atzerodt, 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."

On the same day the President made a further order directing that O'Loughlin, Arnold, Spangler, and Mr. Mudd be confined in the Military Prison at Dry Tortugas in accordance with their sentences.

On the morning of the 7th Messrs. Clampt and Aiken, counsel for Mrs. Surratt, applied to Judge Wyle of the District of Columbia for a writ of Habeas Corpus for their client, and the Judge issued the writ and caused it to be served upon Gen. Hancock, commanding him to produce the body of said Mary E. Surratt before him at 10 A.M. of that day at the Criminal Court Room in the City of Washington.

General Hancock immediately sent a staff officer notifying General Hartranft of the situation and cautioned the General to instruct the guards not to admit the U.S. Marshall to the grounds of the prison, under any circumstances, as he understood a like writ had been issued directed to General Hartranft.

If such writ had been issued, it was never served, and, indeed, could not be served for the reason that the Marshall could not have gained entrance to the prison grounds.

As soon as President Johnson learned the writ had been issued he promptly made an order suspending the writ and specifically directed General Hancock to state the fact of the suspension of the writ, as his return thereto, and to proceed with the execution in accordance with the previous order.

Between one and two oclock of that day, July 7th, Mrs. Surratt, Herold, Atzerodt, and Payne were removed from their cells, and escorted by a soldier on each side to the gallows standing in the open area inside of the high brick wall.

Mrs. Surratt was accompanied by two catholic priests, each carrying a crucifix and breviary, and uttering a prayer, which Mrs. Surratt seemed to be repeating. This scene was most solemn and affecting.

Each of the others was also attended by a clergyman.

The four were assisted to ascent the steps leading up to the gallows plat-form and seated in chairs. Major General Hartranft and staff, in full dress uniform, passed up into the plat-form, and the General at once, in a low quiet tone read the sentences.

While reading, the General's hat was removed, and, the sun being excessively hot, the "writer" of this narrative held an umbrella over him.

The ropes, fastened to a cross beam above, dangled in front of each. The noose was quickly adjusted upon each by a Secret Service Officer, and they were required to rise and step forward upon the traps, - Mrs. Surratt and Payne upon one, Harold and Atzerodt upon the other. The traps were held in position by heavy braces beneath. Capt. Bath gave a signal, the two braces were knocked from under by a heavy beam swung by two soldiers, and the four simultaneously dropped to death and eternity.

After thirty minutes each was examined by Surgeon Porter, pronounced dead, taken down, and placed in separate boxes.

To avoid any mistake in identification in the future, I wrote the name of each upon a slip of paper, sealed it up in a small bottle, and placed it in each respective box.

A detail of soldiers at once closed the covers and buried them in separate graves just inside the prison wall.

Within a day or two the other four, Arnold, Spangler, O'Laughlin, and Dr. Mudd were placed upon a mah of war and taken under charge of Col. Lodd to the Military Prison at Dry Tortugas.

The remains of Booth had been buried underneath one of the prison cells the night before our occupying the prison.

Thus closed the long trial, by the punishment of the active members of this most wicked conspiracy. A trial, which, because of the world wide fame of Abraham Lincoln, and of the cowardly and execrable manner of his taking off, and because of the love of a great people, which

will continue all down the ages, will be known as the most famous recorded in the history of America.

During the time of the execution, Major General Hancock and staff, and a number of other Military Officers of rank in full uniform, with side arms, and many officials of the government, stood near the gallows, a battalion of infantry stood at attention inside the wall, and another battalion fully armed were stationed upon the high wall surrounding the prison.

The order of the President that the sentences of these parties "be carried into execution by the proper Military authorities under the direction of the Secretary of War" was certainly obeyed with all the formality, regularity, and dignity that would be expected of two such soldiers as General Hancock and General Hartranft.

The whole was most solemn and impressive.

During our charge of the prison we also received for safe keeping Hurton Harrison, who had served as private secretary to President Davis during the existence of the Confederacy, Prof. McCullough of North Carolina, reputed to be a skillful chemist, and General Harris, a Congressman from Missouri before the war, and afterwards a Senator from the same State in the Confederate Congress.

So far as I know, no specific charge was ever made against either of these parties.

Mr. Davis was at that time in prison at Fortress Monroe, in charge of General Miles. I suppose Mr. Harrison was held upon the presumption that, if Davis could be shown to have encouraged or approved of the assassination of President Lincoln, his private Secretary would have knowledge of the fact.

I remember Mr. Harrison as having an unusually strong intellectual face, and understand that he was a young man of fine literary attainments. He was excessively dignified and haughty, but whether these characteristics were natural, or whether he had imbibed them from his great chief, I do not know. He subsequently married a Miss Cary of Virginia, who has written many charming reminiscences and stories of those tumultuous days.

Mr. Harrison's son, Burton Harrison, Jr., is now one of the most vigorous and able members of Congress from New York and a very influential leader and adviser of the Democratic Party.

Prof. McCullough was suspected to have assisted in preparing clothing infected with small-pox and yellow fever for distribution in New York Philadelphia, and other Northern Cities, and in an attempt to place poison in the Croton Reservoir in New York.

General Harris had written a letter, introducing McCullough to President Davis and commending him as an expert chemist.

After the execution and removal of the conspirators, Mr. Harrison was taken by Capt. Rath to Fort Delaware, General Harris was taken to Fort McHenry by the writer. I do not recall the disposition of McCullough.

After the purposes of the Military Prison were fulfilled, the writer, in compliance with the order of the War Department, at once caused all official reports, orders, and documents pertaining to the prison, to be boxed up, and in person, delivered them to Judge Advocate General Holt.

While a receipt was being prepared, I was seated in Judge Holt's office. When the execution was mentioned, I said that all the officers at the prison were much surprised that, because of her sex, the sentence of Mrs. Surratt had not been commuted.

The substance of the Judge's reply was, that the President believed that she had been as guilty as any of the others, and added, but he might not have insisted on her execution, but for the imprudent action of her attorneys in obtaining the writ of Habeas Corpus. Everyone who knows Mr. Johnson understands that he will not tolerate an attempt to force him in any action, and when he learned of the writ of Habeas Corpus, the President became very angry, and promptly ordered the execution to be carried into effect.

I mention this statement of Judge Holt, because of a subsequent bitter dispute between him and the President, wherein the President

sought to charge Judge Holt with misleading him into ordering Mrs. Surratt to be hung.

It is, at least, a part of the res gesta of that controversy.

One of the last official acts of President Johnson was granting pardons to Dr. Mudd, Samuel Arnold, and Edward Spanler. For this he received bitter censure from many. Having heard the testimony against these men and observed them during the trial, I have always felt glad that they were released.

Michael O'Laughlin died in prison.

The successful management of all the details of the Military Prison fully justified the confidence reposed in General Hartranft.

When the prison was closed, he not only received the commendation of General Hancock and the Secretary of War, but also the thanks of the members of the Commission, and the attorneys on each side, for his uniform quiet courtesy and assistance during the long trial.

But I felt that the most touching compliment, and I believe the most appreciated by him was the sincerely expressed kind wishes of all the prisoners as their last good-bye.

There has been much discussion as to the merits of the question of the jurisdiction of the Military Commission, as well as to the question whether the evidence was sufficient to warrant conviction, at least of a part of the defendants.

Whatever may be the better construction of the Constitution and the law on the question of Jurisdiction, it cannot be fairly said that this Commission should be criticised for maintaining their authority to try these defendants.

It must be remembered that they were soldiers, wearing the uniform of the United States Army, still in the service, subject to the orders of the Commander-in-chief, the president of the United States, and to the commands of the Secretary of War; that this Commission was ordered by the President, and that these Officers had been detailed for this special duty, and had been directed to proceed with the trial of the persons accused of the murder of Abraham Lincoln.

That these soldiers should be expected to refuse to obey and to desert their post is most absurd. Indeed, if they had disobeyed, they would have been subject to Court Martial and dismissed from the service in disgrace. It is the soldier's duty to obey, and not to ask the reason why.

It would seem that the learned counsel must have known in advance that their able arguments would fall upon deaf ears, and it must have been that their only purpose was maintaining their reputation as members of their profession when the history of the trial should be written.

In anticipation of this grave question, the charge and specifications had been drawn with skill, and great fore-sight.

The charge was maliciously, unlawfully, and traitorously, and in aid of the existing armed Rebellion against the United States XXXX combining, confederating, and conspiring together XXXX to kill and murder Abraham Lincoln, President, Andrew Johnson, Vice-President, William H. Seward, Secretary of State, and Ulysses S. Grant, then in command of the armies of the United States.

Being "in aid of the existing Rebellion" and against the heads of the Government, made the crime of a higher and greater grade than the simple murder of an individual; it was also a crime against the life of the Government itself.

It may be seriously questioned whether the framers of the Constitution intended to prohibit the trial of even citizens before a Military Tribunal under circumstances and conditions then existing.

The trial and swift punishment of these execrable assassins was of the utmost importance. The excitement throughout all the land, North and South, was intense. The very air in and about Washington was murky with suspicion, whispers, and rumors of contemplated assassinations were everywhere. President Johnson, members of the cabinet, commanders of the Armies, and other leading men of the Administration were surrounded with cordons of guards for their protection. It may be well said that the country at large might have suffered far greater by temporizing, quibblings and delays than by any

technical infraction of the strict letter of the Constitution. General Grant spoke wisely when he said "The will of the people is the Law of the land."

At that time it was patent to everyone that a trial of these people, before a Jury impanelled in the District of Columbia, would have failed to convict. Why make a farce of a cause of such stupendous importance.

The trial and failure to convict John H. Surratt for the same offense two years later, before a civil jury, verified the wisdom of the Military Tribunal in this case.

As to the actual guilt of Atzerodt, Herold and Payne, there was no room for doubt.

In the cases of Arnold, O'Laughlin, Spangler, Dr. Mudd, and Mrs. Surratt, there was much contradictory testimony.

If the Government witnesses were entitled to credit, the verdict was justified.

If the witnesses for the defendants told the truth, there was room for doubt and for reasonable doubt, particularly in the cases of Arnold and Spangler.

But here entered the serious difficulty for these defendants. All or nearly all the witnesses for the defense were either active sympathizers with the Rebellion, or at best, of most doubtful loyalty to the Government. More than all else, however, every one of the defendants were most bitter in their hatred of Mr. Lincoln and the United States Government. These facts were the terrible make weights that condemned them, were otherwise there might have been hope.

What a boon to Arnold, Spangler, and Mudd, would a fair reputation for loyalty have been.

It has been said that the conspiracy to assassinate the President, Vice-President, and other chief officers of the Government, was but the wild scheme of crazy men.

The same was also said of John Brown and his fanatical followers, in their raid at Harper's Ferry.

But may it not also be said, with equal plausibility, that such insanity was but another form of the same disease, which in the early days of 1861, dominated many of the best and brainiest men of the South, impelling them to organize the most gigantic conspiracy recorded in history, with intent to assassinate the best government in the world, solely because the wisest and most lovable of men had been elected President. Having thus referred to the leaders of the Rebellion, I may be pardoned if I add a word, in recognition of the valor, and as I believe, the good intentions of the common people of the South in following their States into secession.

After the Governors and Legislatures of the eleven States had, under the forms of regularity, withdrawn their States from the Union and ratified the organization of the Confederacy, then the question arose as to which Government their allegiance was due. Add to this the fact that our Northern Armies were rapidly organizing, with the avowed purpose of marching into their States and forcing them to return to the Union, it certainly is not surprising that such gallant men should take up arms, in what they felt to be in defense of their States, and, as many of them believed, of their homes and fire-sides.

Unfortunately the people of the South were rushed into a choice so swiftly, that they were only given opportunity to remember the first half of the historical proverb that, regardless of the merit of the question or the motive of the participants, "Successful Revolution is always called Patriotism, and unsuccessful Rebellion is forever branded Treason."

Transcribed from original loaned by Dick Watts.

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