

**Biographic Sketch of Lewis Powell**

Lewis Powell was the youngest boy in a family of eight children. He spent the first three years of his life in Randolph County, Alabama, the next twelve in two rural Georgia counties, and the two years before his departure to join the Confederate Army at age seventeen in Live Oak, Florida. Powell's father was a Baptist minister, school master, and farmer.

Biographers describe Powell as a quiet, introverted youth who enjoyed fishing and caring for sick and injured animals. His fondness for nursing animals led his sisters to give Lewis the nickname "Doc."

In 1861 Powell joined the 2nd Florida Infantry. Wounded at Gettysburg on July 2, 1863, Powell was captured by Union troops and consigned as a POW nurse at Gettysburg Hospital.

While at Gettysburg Hospital, Powell developed a relationship with a volunteer nurse named Margaret Branson. Transferred to West Buildings Hospital in Baltimore in September 1863, Powell--most likely with the help of Branson--escaped within a week of his arrival.

Powell fled Baltimore, finding his way behind lines to Virginia, where he met up with and joined a Confederate Calvary outfit known as Mosby's Rangers. Fellow rangers described young Powell as "chivalrous, generous, and gallant" and as "always keyed up for battle." While serving in the Mosby's Rangers, it is likely that Powell began his involvement with the Confederate Secret Service.

In January 1865, Powell again crossed lines, claiming to have deserted his regiment. Powell signed the Oath of Allegiance to the Union using the alias "Paine." He settled in Baltimore, where he stayed at the boarding house of Margaret Branson's. While in the Branson house, Powell violently assaulted a black maid who refused to promptly clean his room as he had ordered. According to a witness, Powell "threw her on the ground and stamped on her body, struck her on the forehead, and said he would kill her." The assault led to Powell's arrest, but charged were dropped after witnesses failed to appear.

**Lewis Powell's Role in the Conspiracy**

A Confederate operative, David Parr, introduced Powell to John Surratt, who in turn introduced Powell to John Wilkes Booth. Booth recruited Powell, along with other conspirators, to participate in the kidnapping of President Lincoln. Booth planned to kidnap Lincoln on March 17 as he attended a play at the Seventh Street Hospital, then take him to Richmond where would be held in exchange for Confederate POWs. The plan collapsed, however, when Lincoln cancelled his appearance at the play.

The kidnap conspiracy turned into an assassination conspiracy by April. Powell agreed to participate in Booth's plot to assassinate high government officials in the hopes of throwing the federal government into chaos. Powell's assigned role was to enter the home of Secretary of State William Seward and kill him as he lay on his bed recovering from a recent carriage accident.

The conspiracy began to unfold around eight o'clock on April 14, when Powell met with Booth, who gave him weapons and a horse. At ten o'clock Powell and David Herold arrived at Seward's home in Washington. Powell told the servant who answered the door, William Bell, that he had a prescription for Secretary Seward from his doctor. Over Bell's objections, Powell began walking up the steps toward the Secretary's room, when he was confronted by the Secretary's son, Frederick Seward. Seward told Powell he would take the medicine, but Powell insisted on seeing the Secretary. When Seward resisted entry, Powell clubbed him violently with his revolver (fracturing Seward's head so severely that he would remain in a coma for sixty days), then slashed the Secretary's bodyguard, George Robinson, in the forehead with a bowie knife. Finally reaching the Secretary in his bed, Powell--shouting, "I'm mad, I'm mad!"--stabbed him several times before he could be pulled off by Robinson and two other men. Powell raced down the stairs and out the door to his one-eyed bay mare. Attempting to flee in the direction of the Navy Yard bridge, Powell instead made a wrong turn and ended up spending the night in a cemetery near the Capitol

**Powell at Trial**

Powell was arrested on April 17 after he showed up at Mary Surratt's home with a pick-axe while she was being questioned by a party of military investigators. Powell--at the unlikely hour of eleven p.m.--claimed to have been hired to dig a gutter. Mary Surratt refused to back up his story and he was arrested on suspicion of his involvement in the assassination plot. When William Bell identified Powell as Seward's attacker, Powell laughed. Further confirmation of Powell's guilt came in the form of blood spots found on the inside sleeves of his jacket and shirt. Authorities also made out the barely legible lettering inside his boots: "J W B ­ - th."

Louis Weichmann, a boarder at Mary Surratt's home, identified Powell as the man who called himself "Wood" and who frequently called at Surratt's, where he would sometimes engage in two or three hour private conversations with Booth and John Surratt. Weichmann said Wood claimed to be a Baptist preacher, but--suspiciously--wore a large false moustache.

At the military trial, Powell's attorney, W. E. Doster, argued not that Powell was innocent, but that his life should be spared because he suffered from a fanaticism that bordered on insanity. "I say he is the fanatic, and not the hired tool," Doster told the Commission. "He lives in that land of imagination where it seems to him legions of southern soldiers wait to crown him as their chief commander." Doster said that when he asked Powell why he did it, he replied, simply, "I believed it was my duty." Doster described Powell as an innocent farmboy turned assassin by circumstances beyond his control: "We know now that slavery made him immoral, that war made him a murderer, and that necessity, revenge, and delusion made him an assassin." Doster ended his remarkably eloquent plea for Powell's life by asking the Commission to "Let him live, if not for his sake, for our own."

**LINK TO DOSTER'S SUMMATION**

Unlike the other conspirators, Powell maintained an appearance of indifference to the trial proceedings. Doster said Powell would "sit like a statue" and "smile as one who fears no earthly terrors."

After attempting suicide by banging his head against his cell wall, Powell was forced to wear an uncomfortable padded hood. He told his guard, John Hubbard, in mid-May that he was "tired of life" and would "rather be hung" than forced to "come back into the courtroom." Adding to his discomfort through much of the trial was his severe constipation--Powell had no bowel movements from April 29 to June 2.

The Commission found Powell guilty and sentenced him to death. Powell died on the gallows in the courtyard of the Old Arsenal Building along with three of his fellow conspirators on July 7, 1865.

In 1992, Powell's skull turned up in the Anthropology Department of the Smithsonian Institution among a collection of Native American skulls. The skull was returned to a Powell relative who buried it in a cemetery in Geneva, Florida.

**William E. Doster's Defense of Lewis Powell**

*Captain William E. Doster delivered a remarkably powerful summation for his client, Lewis Powell (referred to as Lewis Payne in Doster's summation and during the trial), before the Military Commission appointed to try the Lincoln assassination conspirators. Faced with overwhelming evidence of guilt, Doster argued that the Commission should spare Powell's life because he was a victim of slavery, the horrors of war, and his own imagination. Although ultimately unsuccessful (Powell was hanged on July 7, 1865), Doster's eloquent summation is fascinating reading.*

ARGUMENT IN DEFENSE OF LEWIS POWELL, BY W.E. DOSTER, ESQ.

May it please the Court:

I. There are three things in the case of the prisoner, Payne, which are admitted beyond civil or dispute:

1. That he is the person who attempted to take the life of the Secretary of State.

2. That he is not within the medical definition of insanity

3. That he believed what he did was right and justifiable.

The question of his identity and the question of his sanity are, therefore, settled, and among the things of the past. The sole question that remains is, how far shall his convictions serve to mitigate his punishment? I use the word punishment deliberately, and with the consciousness that in so doing I admit that if he is a responsible being he ought to be punished. And I say it, because I can not allow my duties as counsel to interfere with my convictions as a man so far as to make me blind to the worth of the life of a distinguished citizen, and the awful consequences of an attempt to take it away. If, indeed, such an attempt be allowed to go without rebuke, then it seems to me the office is but a perilous exposure to violence; then the highest compensation for public services is the distinction which follows assassination, and then our public servants are but pitiable and defenseless offerings to sedition. And surely, if any public servant deserved to be excepted from that fates it was he, the illustrious and sagacious statesman, who, during a long life of arduous services, has steadfastly checked all manner of factious and public discontent; who, in the darkest days of discord, has prophesied the triumph of concord, and who at all times has been more ready to apply antidotes than the knife to the nation's wounds. How far, then, shall the conviction of the prisoner that he was doing right go in extenuation of his offense? That we may accurately, and as fully as the occasion demands, understand the convictions of the prisoner, I invite your attention to sketch of his life, the customs under which he was reared, and the education which he received. Lewis Thornton Powell is the son of the Rev. Geo. C. Powell, a Baptist minister, at present supposed to live at Live Oak Station, on the railroad between Jacksonville and Tallahassee, in the State of Florida, and was born in Alabama in the year 1845. Besides himself, his father had six daughters' and two sons. He lived for some time in Worth and Stewart counties, Georgia, and in 1859 moved to Florida. At the breaking out of the war, but four years ago, the prisoner was a lad of sixteen, engaged in superintending his father's plantation and a number of slaves. We may safely presume that, occupied in the innocent pursuits of country life, he daily heard the precepts of the Gospel from his father; that, in the society of his sisters, the hardy life of a planter was softened by the charms of a refined and religious circle, and that, in the natural course of events, he would be today, as he was then, a farmer and an honest man. But, in 1861, war broke out--war, the scourge and pestilence of the race. The signal, which spread like a fire, was not long in reaching Live Oak Station. His two brothers enlisted, and Lewis, though but sixteen, enlisted in Capt. Stuart's company, in the Second Florida Infantry, commanded by Col. Ward, and was ordered to Richmond.

Let us pause a moment in this narrative, and consider what, in the eyes of this Florida boy, was the meaning of war, and what the thoughts that drove him from a pleasant home to the field of arms. At another time I might picture to you the scene, but too familiar, of his taking leave; a mother, like the mothers of Northern boys, shedding tears, less bitter, because she was dedicating a son to her country; sisters, whose sorrow, like the sorrow of the sisters of Northern boys, was alleviated with pride that they had a brother in the field; the father's blessing; the knapsack filled with tributes of affection, to be fondled by distant bivouac fires, and the heavy sigh, drowned in the rolling of the drum. But this is not a stage for effect. We know this was mistaken pride and sorrow in a mistaken cause, though the object of them was a son and brother, and we must not consider them, though the boy was but sixteen when he launched on the terrible sea of civil war.

In the State of Florida were two separate races--one white and the other black--of which the one was slave to the other, and Lewis belonged to the race which was master. It was a custom of this State for masters to whip their slaves, sell them, kill them, and receive the constant homage which the oppressed offer to the powerful. It was the custom of this State to whip and burn men who preached against the custom. It was the custom to defend this institution in meeting-houses, at political gatherings, in family prayers. It was the custom to hunt fugitives with bloodhounds--even those who tried to help them to freedom.

In this custom the prisoner was bred; education made it a second nature; politicians had taught him to find it in the Constitution, preachers had taught him to find it in the Bible, the laws taught him to regard it as property, habit had made it a very part of his being. In the eyes of the lad, the war meant to abolish this custom and up heave society from its foundations. His inheritance was to be dissipated. It is vassals equals, his laws invaded, his religion confounded, his politics a heresy, his habits criminal. Hereafter, to strike & slave was to be an assault, to sell one felony, to kill one murder. For this, then, the lad was going to fight--the defense of a social system. That was the reason. It was a traditional political precept of the State in which the prisoner lived, that the State, like its elder sisters, had reserved the right of divorcing itself at pleasure from the Union, and that great as the duty of a citizen might be to the Union, his first duty was to Florida. Schoolmasters taught that the relative rights of State and Nation had been left unsettled; politicians taught that the local power was greater than the central, and in support of it men were sent to Washington. The war, in the eyes of the boy, meant to reverse this, to subordinate the State to the Nation, the Governor to the President, Tallahassee to Washington City. And, therefore, he was going to fight; to defend State rights. That was the second reason.

It was a deep-seated conviction of the people in this State that their blood and breeding were better than the blood and breeding of Northerners; that they had more courage, more military prowess, and were by nature superiors. This conviction the war threatened to overthrow, this boast the war was to vindicate, this superiority was, by the war, intended to be proved. And this was the third reason he was going to fight--to show that he was a better man than Northerners.

There was a frantic delusion among these people that Northern men were usurping the Government, were coveting their plantations, were longing to pillage their houses, ravage their fields, and reduce them to subjection. The war was to defend mother, sister, home, soil, and honor, and beat back an insolent invader. This was the fourth reason?to repel invasion. These were, in the mind of this lad, the incentives to war. Let us not pass unnoticed how he was schooled in the instincts and morals of war. Under the code of slavery we know that the murder of a companion with a bowie-knife or in a duel was an index of spirit; the torture of negroes evidence of a commanding nature; concubinage with negroes a delicate compliment to wives; spending wealth earned by other men in luxuriance, chivalric; gambling the, sweet reprieve for confinement to plantations. Instead of morals bad sprung up a code of honor--perhaps a false, but surely an exacting and imperious code, that kept bowie-knives in the belt and pistols in, the pocket. and had no hesitation in using them when slavery was assailed, and a code that remembered friends an never forgave enemies. These, then, were the morals and instincts of the lad--it is right to kill negroes, right to kill abolitionists; it is only wrong to break promises, to forget a friend, or forgive an enemy ; and to do right is to be ready with bowie-knife and pistol.

Now let me ask whether in the wide world there is another school in which the prisoner could so well have been trained for assassination as in this slave aristocracy?…

But who is to blame that he, with five millions more, was so instructed, so demoralized, so educated to crime? Is it his father and mother? They found their precepts in the Bible; they gave their son but the customs they had themselves inherited. Is it the society of Florida? It was a society that ruled this country until within four years, and occupied the seats of Government. Is it the laws of Florida? They were but rescripts of the Constitution. Is it the Constitution? That is but the creation of our forefathers. Who, then, is responsible that slavery was allowed to train assassins? I answer, it is we; we, the American people ' we who have cherished slavery, have compromised with it, have for a hundred years extended it, have pandered to it, and have at last, thanks be to God, destroyed it. Let us, then, not shrink from our responsibility. If there be any Southerner here who has sought to foster slavery, lie is in part father of the assassin in this boy. If there be any Northerner here who has been content to live with slavery, he is also in part father of the assassin in this boy. If there be any American that has been content to be a citizen of a slave-holding republic, he is part father of the assassin in this boy. Nay, all of us--such as he is we have made him--the murderous, ferocious, and vindictive child of by-gone American Constitution and laws and what is to be the fate of our offspring Let us see. That it is criminal, let us reform it; that it, is deluded, let us instruct it. But let us not destroy it, for therein we punish others for our own crimes. Let the great American people rather speak thus: “For twenty years we have sent you to a wicked school, though we knew not the wickedness thereof, until our own child rebelled against us. Now we have torn down the school?house and driven out the master. Hereafter you shall be taught in a better school, and we will not destroy you, because you learnt but as instructed."

II. But there is another school before him--the school of war. At Richmond his regiment joined the army of Gen. Lee, and was joined to A. P. Hill's corps; with it he shared the fate of the rebel army, passed through the Peninsular campaign, the battles of Chancelloraville and Antietam. Here he heard that his two brothers were killed at Murfreesboro. Finally, on the 3d of July, 1863, in the charge upon the Federal center, at Gettysburg, he was wounded, taken prisoner, and detailed as a nurse in Pennsylvania College Hospital.

Let us pause again to consider the effect of two years' campaigning as a private in the army of Gen. Lee upon the moral nature of the accused. He was one of that army who made trinkets and cups out of the bones of Union soldiers--an army where it was customary to starve prisoners by lingering agonies, which supplied its wants by plundering the dead, which slew men after surrender, that was commanded by officers who bad violated their sacred oaths to the United States, and who taught their subordinates that such violation was justifiable; an army who were taught by Jackson that God was the champion of their cause; an army that held the enemy in quest of "booty and beauty;" an army which believed no means that helped the cause of Southern independence unjustifiable, but glorious; an army who for two years explained victory by the righteousness of the cause--finally, an army that held the person and Cabinet of the President in holy execration. Surely he could not pass through these two terrible years without being in his moral nature the same as the army of which he formed a part. He is now eighteen, and the last two years have formed his character. He also abhors the President of the Yankees; he also believes that victory comes because God is just; he also believes that nothing is bad so the South be free; he also regards a Federal as a ravisher and robber; he also prays with Jackson to God for the victory. He further believes in Heaven and General Lee; dresses himself in the clothes of Union dead; stands guard over starving prisoners; also has his cup carved out of some Federal skull. Besides, he has learned the ordinary soldier's lessons, to taste blood and like it; to brave death and care nothing for life; to hope for letters and get none; to hope for the end of the war and see none; to find in victory no more than the beginning of another march; to look for promotion and get none; to pass from death and danger to idleness and corruption; to ask for furloughs and get none, and finally, to despair, and hope for death to end his sufferings. The slave-driver has now become a butcher….

Now, I hear it said, true, the boy has been a rebel soldier. and we can forgive him; but we can not forgive assassins. Let us, for a moment, compare a rebel soldier with the prisoner, and see wherein they differ. The best rebel soldiers are native Southerners. So is he. The best rebel soldiers have for four years longed to capture Washington, and put its Government to the sword. So has he. The best rebel soldiers have fought on their own hook, after the fashion of the provincials during the Revolution, finding their own knives, their own horses, their own pistols. So has he. The best rebel soldiers have fired at Mr. Lincoln and Mr. Seward, have approached the city by stealth from Baltimore, and aimed to destroy the Government by a sudden blow. So has he. The best rebel soldiers have picked off high officers of the Government?Kearney, Stevens, Baker, Wadsworth, Lyon, Sedgwick. So has he.

What, then, has he done that every rebel soldier has not tried to do? Only this--he has ventured more; he has shown a higher courage, a bitterer hate, and a more ready sacrifice; he has aimed at the head of a department, instead of the head of a corps; he has struck at the head of a nation, instead of at its limbs; be has struck in the day of his humiliation, when nothing was to be accomplished but revenge, and when he believed lie was killing an oppressor….

If, then, you praise men because they kill such as they believe oppressors, you must praise him; if you praise men who are ready to die for their country, you will praise him; and if you applaud those who show any courage superior to the rest of mankind you will applaud him.

III. But there is a third school before him From Gettysburg he was sent to West Building Hospital, Pratt street, Baltimore, and remained until October, 1863, when, seeing no hope of an exchange, he deserted for his regiment, and, walking through Winchester, met a regiment of cavalry at Fauquier. Not being able to get through our lines, he was joined to this arm of the service ' and remained in that service until January 1, 1865. On that day, as we see by the narrative of Mrs. Grant, he saved the lives of two Union soldiers. About the same time be, like many of the Southern soldiers, began to despair of the Confederacy, came to Alexandria, sold his horse, gave his name as Payne, took the oath of allegiance as a refugee from Fauquier, went to Baltimore, took a room at the house of Mrs. Branson , the lady be had met at Gettysburg, and resolved to wait for the return of peace. Now, let us see what he learned in the third school.

The rebel cavalry of Northern Virginia, as we now know, was considered, in the Southern army, the elite of their horsemen. Dismounted cavalrymen of the army of the Potomac were sent to Northern Virginia, re-mounted and then returned to their commands. In the spirit of war, however, they differed materially from the rest of the Southern forces. First, they came intimately in contact with the people of Loudon and Fauquier, who had suffered most from the war, and whose hatred of Northern troops was more bitter, so that they fought rather from personal hate, and in individual contests, than from political sentiments, and in battle. Accordingly, whatever edge of acrimony was wanting in the temper of Powell he gained at the houses of ruined slaveholders in Leesburg, Aldie, Middleburg, and Upperville.

IV. But there is a fourth: the school of necessity.

Arrived at Baltimore and having taken up his residence with Mrs. Branson, he looked around for something to do. He had no trade or profession. The period in which he would have learned one was spent in the army; and we know how abhorrent it was to men of the South to engage in manual labor; and as his hands attest, he has never engaged in any. Accordingly, in perplexity about his future for the little money be got for his horse was fast going--he whiled away the time in reading medical books and brooding in his chamber. While in this condition, unable to get home, unable to Bee bow he was to live at Baltimore, the fracas occurred by which he was arrested, brought before the Provost Marshal, and ordered north of Philadelphia.

Picture to yourself the condition of this unfortunate victim of Southern fanaticism, suddenly again cast into the street and exiled from Baltimore, a stranger, sundered from his only friends, in a strange land. He thinks of big own home in far-off Florida, but between him and it are a thousand miles and a rebel army on whose rolls he is a deserter. He thinks of rejoining that army, but between him and it is a Union army. He thinks of the unknown North into which he is banished, but his fingers refuse the spade; he thinks of a profession, but the very dream of one is now a mockery; be thinks of going where no one knows him, but he fears that after all the curse of secession will follow him; he thinks of eluding the authorities and staying at Baltimore, but then he is afraid of compromising his friends, and leaves them. Everywhere the sky is dark. Among Northern men he is persecuted, for be is a rebel; among Southern men at Baltimore he is despised, for he is a recreant Southerner; among Southern men at home he is a by-word, for he is a deserter. The earth seems to reject him, and God and man to be against him.

Now, if there be any man in this Court who has ever wandered, penniless, houseless, friendless, in that worst of solitudes, the streets of a strange city, with hunger at his stomach, and school before him a great sense of wrong at his heart, in rags, and these very rags betraying him as a, thing to be despised and spurned; afraid of meeting at every corner the peering eyes of a Government detective; too proud to beg, and, when hunger overcame pride, rejected with a frown, that man will understand how the prisoner felt in the beginning of March, 1865. If there be any man who has ever been hunted down by misery in his youth, and before much sorrow had made the burden easy, until he wondered why he was born, and hid his face in his hands, praying to God to end his pain forever, he also can understand how, in the fullness of suffering, he has been brother to the accused.

Well, indeed, had it been for him if some angel of mercy had on that day, as he wandered a hungry specter through the streets of Baltimore, with flashing eyes and disordered hair, stretched forth her band and said: "Here is bread; take, eat, and live." A loaf of bread might have saved him; a single word of kindness might have saved him; the gracious lick of a friendly dog might have saved the glow of a once generous heart from going out forever. We have all, my friends, had these turning points in our lives, and we all reckon back to a time when we stood in the midst of gloom, and suddenly it was glorious day, for we found a plank and reached the shore. His Creator, in His inscrutable wisdom, thought it good there should be no ray of light, no beckoning band, no hope for the prisoner. Perhaps it had been better if he had dragged himself to the pier and ended his career in suicide. It was ordered that his very weakness should make him the prey of a human devil. We can already fore see the consequences. He is desperate, an you; for death, only he is a soldier, and he will not die ingloriously, after having faced death an hundred times. He is pursued by the Government in which he had confided, and for which he had deserted his own; pursued, tracked, followed like an outlaw among mankind will show that Northern Government that he is, not a dog, and that Southern Government, that he is not a traitor; and give him but a chance, and he will, with one stroke, pay off the scores he owes the abolitionists, restore himself in the eyes of his comrades in arms, and throw himself into the arms of a pitiful eternity.

And who is to blame that he was urged to desperation and consequent revenge? I answer, this civil war. The civil war took him from the magnolias and orange groves of Florida, and left him a waif upon the pavements of a Northern city. The civil war took the independent farmer from his fields, and left him a beggar among strangers. The civil war took, him from honest pursuits and professions, and left him to make his living without ar 'he, accomplishments than dexterity in murder. The civil war forbade him a home among Northern men, after it had taken him from his home in the South. The civil war made him an outcast and a fugitive on the face of the earth; took the bread out of his mouth, and gave him the alternative of dying obscurely by his own hand, or notoriously by the, death of a public officer.

V. The education of our farmer's boy is now complete. He has been in four schools. Slavery has taught him to wink at murder, the Southern army has taught him to practice and justify murder, cavalry warfare has taught him to love murder, necessity has taught him resolution to commit murder. lie needs no further education ; his four terms are complete, and he graduates an assassin! And of this college we, the re-united people of the United States, have been the stern tutors, guides and professors. It needs now only that some one should employ him.

I need not pursue this dolorous history further. You know the rest. If you did not know it, you could infer it from what has gone before. That he should meet Booth at Barnum's Hotel, enter into his plans eagerly, and execute them willingly, are matters of course. That he should care nothing for money, but only for revenge; that he should hate the Lincoln Government like a slaveholder; that be should enter the house of a cabinet officer like a guerrilla; that lie should try to murder, and justify his murder like a Southern soldier; that he should then give himself up willingly, as one who exchanges the penalties of assassination for suicide; that lie should sit here like a statue, and smile as one who fears no earthly terrors, and should tell the doctors, calmly and stoically, that he only did what he thought was right--all these things are as certain to follow as use, education and employment necessity.

Now, in considering the condition of Powell at this crisis, I do rot ask you to believe he was insane. That is a declaration of mental disease of which I am no judge. I only ask you to believe that he was human?& human being in the last stage of desperation, and obeying self-preservation, nature's first law. It is acknowledged by all that the possession of reason only makes man responsible for crime. Now, there are two ways in which reason is vanquished. One is when the passions make war against reason and drive her from her throne, which is called insanity. Another is when the necessities of the body overcome the suggestions of the mind, a state in which the reason is a helpless captive. And if you find that while his reason was so in captivity, he surrendered to temptation, I am sure you will set it to the credit, not of reason, but of the body, whose wants were imperious while there was yet no reason in it, in childhood, and which will again exist without reason after death.

At the beginning of the war, Powell, one night, secured a pass and went to the theater at Richmond. It was the first play that Powell ever saw, and he was spellbound with that magical influence wielded by the stage over such, to whom its tinsel is yet reality. But he was chiefly attracted by the voice and manner of one of the actors. He was a young man of about twenty-five, with large, lustrous eyes, a graceful form, features classical and regular as a statue, and a rich voice that lingered in the ears of those who heard him. Although only a private soldier, Powell considered himself the equal of any man, and after the play was over sought and gained an introduction to the actor. Never were two natures thrown together so different, yet so well calculated, the one to rule, the other to be ruled. The soldier was tall, awkward, rough, frank, generous and illiterate. The actor was of delicate mold, polished, graceful, subtle, with a brilliant fancy, and an abundant stock of reading. Each was what the other was not, and each found in the other an admirer of the other's qualities. The actor was pleased to have a follower so powerful in his muscles, and Powell was irresistibly drawn to follow a man so wondrously fascinating and intellectual. They saw enough of one another to form a close intimacy, and confirm the control of the actor over Powell, and parted, not to meet for nearly four years.

In the twilight of that memorable day in March, which I have described, Powell was dragging himself slowly along the street past Barnum's Hotel--a poor creature overcome by destiny. Suddenly a familiar voice hailed him looking up the steps, he saw the face of the Richmond actor. The actor on his side expressed astonishment to find Powell in such a plight--for the light in the eyes of a desperate man needs no translation--and in that distant city. Powell answered him in few words: "Booth, I want bread--I am starving." In ordinary circumstances, I do not doubt but Booth would have said, come in and eat; but just now he was filled with a mighty scheme, for he had just been to Canada, and was lying in wait for agents. So he did not give him to eat; he did not tell him to go and die, but he seized with eagerness upon this poor man's hunger to wind about him his accursed toils, saying, "I will give you as much money as you want, but first you must swear to stink by me. It is in the oil business." An empty stomach is not captious of oaths, and Powell then swore that fatal oath, binding his soul as firmly to Booth as Faust to Mephistopheles, and went in and feasted. Next morning Booth gave him money enough to buy a change of clothing and keep him for a week. Powell now became anxious to know what plan it was that was to make; him rich, but Booth answered evasively that it was in the oil business. He knew well enough that he had to do with a desperate man, but he knew, also, that any proposition of a guilty character might as yet be rejected. He must get full control of this desperate tool, and instil into his nature all the subtle monomania of his own. Accordingly he proceeded to secure every thought and emotion of Powell. With a master pencil he painted before the eyes of this boy the injuries of the South and the guilt of her oppressors. He reminded him of devastated homes, Negroes freed, women ravished, the graves of his brothers on a thousand hillsides. He reminded him that he was a traitor to the Southern cause, and that it was necessary he should regain the favor of his country. He pointed out to him his desperate condition--a fugitive from his friends, and an exile among strangers. He touched him upon his pride, and showed him how he was born a gentleman, and ought to live as a gentleman. He touched upon his helplessness, and showed him that there was no hope for him, in peace or war, in heaven or earth, except by rendering a great service to the South. He touched upon his melancholy, and said if he must die, he should offer up his life in a manner that would bequeath his name as a blessing to posterity. Powell now awoke from the depth of' despair to the highest pinnacle of agonized excitement, It was as if he had been breathing that subtle Eastern poison, wherein the victim sees swimming before his eyes a vision of more than celestial felicity, but far off and unattainable. What wonder he swam in dreams of delicious pain I Instead of that former melancholy, he felt an eager desire to live. Instead of that long torpor, he felt all the old wounds bleeding again, and burned to avenge the South. Instead of laboring like a negro, he saw a vague vision of rolling in boundless wealth. Instead of being coursed by his kinsmen, he was fired with zeal to be cherished as one of her chief martyrs. Instead of being the toy of fortune, he dreamed of being her conqueror. But yet he saw no avenue to all this, and, spell?bound as he was, turned to his tormentor, who held him as firmly as ever Genii did their fabled imps, for the explanation, for the means and quick road to happiness. Booth saw his victim was ready, and hastened to impart his mysterious plans. The first plan was to go to Washington, take a ride with confederates, on horseback, to the Soldiers' Home, capture the President, and deliver him to the Rebel authorities. This failed. The second plan was to kill the heads of the State--a plan first broached to Payne on the evening of the 14th of April, at eight o'clock.

Booth, on the evening of the 14th, at eight o'clock, told him the hour had struck; placed in his hands the knife, the revolver, and the bogus package of medicine; told him to do his duty, and gave him, horse, with directions to meet beyond the Anacosta bridge; and he went and did the deed. I have asked why he did it. His only answer is: "Because believed it my duty."

VI. Now, let us not be deceived by the special name of assassination, and confound it with the conscientious killing of what is believed to be an oppressor. When we read of is assassination we involuntarily bring to mind examples of men hired by statesmen to make away with princes....I say he is the fanatic, and not the hired tool; the soldier who derived his orders from conscience, and who, in the applause of that tribunal, smiles at all earthly trials. How else do you explain his bearing? He smiles at all that you can do against him. To him the clanking of these chains is the sweet music of his triumph. The efforts of the prosecution and its bitter witnesses to convict him are but the confirmation of his glory. The power and majesty of the Government brought upon his head seem but clear and pleasant praise's of his deed. He lives in that land of imagination where it seems to him legions of the souls of Southern Soldiers wait to crown him as their chief commander. He sits here like a conqueror; for four weeks he has held his head erect when all others have quailed; he meets the stare of curiosity as a king might face his subjects; he keeps his state even in his cell, and the very keepers, in admiration, acknowledge him their master. Now, I know I dare not call him mad--the doctors have forbidden it. I might say that if ever man fell within that definition of Chief Justice Shaw of insanity, "A very common instance is where a person fully believes the act he is doing is done by the immediate command of God, and lie acts under the delusive but sincere belief that what he is doing is by command of a superior power, which supersedes all human laws and the laws of nature," this is the man. But the doctors have said he is not insane, and though he fills the legal definition he does not fill the medical, and, therefore, I can not hope that you will hold him insane.

But I appeal from medical definitions and from legal definitions to your good sense, and I ask you to explain for me the riddle of this man's conduct in any other way than that he is a political fanatic; a monomaniac on the subject of his duty--call him sane or insane--yet one who is responsible only to that God from whom he derives his commandments. Before another tribunal, where all his previous life might be inquired into, and where time would be given for all this mystery to be unraveled, I do not hesitate to say I could convince the judges beyond a doubt that he is no more responsible for what he has done to the laws of the United States than a Chinaman whom custom and religion give the right to strangle his daughters. You have not the time, and I must end the inquiry. But as you are sworn to try this man on your consciences, so I charge you to give him the benefit of his, Gentlemen, when I look at the prisoner, and see (as it has been my duty for four weeks to see) the calm composure with which he has gone through the horrors of this trial; the cheerful and firm fortitude with which he has listened to the evidence against him, and with which he has endured the gaze of the public, as well as the ignominy of fetters; the frank and honest way in which he speaks of his crime, as a thing revolting in itself, but due to a cause which he thinks holy; and, more than all, the settled conviction, which robs the trial of all terrors, that he has but obeyed the voice of custom, education, and conscience; and the calm serenity with which he regards all pains that men can inflict upon him as contemptible, and part of his duty to endure, I can not help being proud--though blood is on his hands?that such fortitude, unparalleled in history, is the growth of American soil; and I can not help wishing that throughout all the coming vicissitudes of life, in all perplexities and doubts, on all occasions of right and wrong, in all misconstructions and trials, I may have so cheering, so brave, so earnest a conviction that I have done my duty.

And what is this duty? What is this doing right? Ask the Indian, as he returns to his wigwam, laden with the dripping scalps of the dispossessors of his soil, why he has done it, and he will answer you, with a flourish of his tomahawk and his face turned toward Heaven, that lie is doing right? The Great Spirit has commanded it. Ask the Hindoo, as he disembowels some English officer by the Ganges, and riots in his blood, the reason of his crime, and, he will tell you it is his duty, he is doing right--the Brahmiris have decreed it. Consult the records of Vendee, and see why Charette and Gastou murdered the Republican soldiery in ambuscades and thickets, and you will find they entered, at the bar of the Parisian Court, the plea that they were doing right; it was their duty. Now go through the devastated South; speak with a few of the five millions, and ask them why they have thirsted for and taken Northern blood in secret places, murdered stragglers, waylaid orderlies, and killed by stealth, and they will answer you, pointing to the charred remains of some ancestral home and sonic neighboring bill dotted with graves Because it was our duty; because we felt bound in conscience to do it.

Let us not undervalue the force of conscience. It is man's sole director, his highest judge, his last resort. Without it he is but an erring wanderer, tossed by every wind of passion, interest, and caprice. With it, his course is as certain and regular as the stars. In labor it cheers him; in pleasure it restrains him; to all manner of good it prompts him; from all manner of evil it defends him. In peace it teaches him to labor; in war to fight; for religion it tells him to fear God; for his country it says, protect and defend it; for himself it says, thy country, thy home, thy friends first, and thyself last. It is this spark of heavenly fire which has supported martyrs at the stake; which has sustained good men on the scaffold; which brought liberty and preserved it in this land for you and me and all of us. Let us, then, respect it, even when it speaks in a voice which we can not understand. Let us honor it as the same voice which directs us, even when it directs others to a grievous fault We are but men. The same God who created us all, may reconcile all that, and find in our difference but ignorance on the one side and ignorance on the other. And if we dare to judge the dictates of conscience, do we not arrogate to ourselves the prerogatives of the Sovereign Lawgiver of the Universe, who gave the rule, "Judge not, that ye be not judged?" Therefore, considering that we have the limit set, and that we can not go beyond without becoming in turn transgressors, let us leave that cause with Him who measures the conduct of men by no standard of success, but by obedience to the invariable dictates of conscience. For us it is enough that we are weak judges of weak men. If we were beasts, unconscious of the sacred limits of right and wrong, we might excuse him; if we were Gods and superior to destiny, we might destroy him; but as we are men who know our duties, but also our weakness, often seek good but do evil, therefore let us do the work of man to man--punish and reform him.

VII. Gentlemen, I have done with narrative and reflections. We now know that this Florida boy is not a fiend, but an object rather of compassion. We now know that slavery made him immoral, that war made him a murderer, and that necessity, revenge, and delusion made him an assassin. We now know that in all regards he is like us, only, that he was taught to believe right what we were taught to believe wrong; and that if we had been taught in his school, we would be like him, and if he had been taught in ours, he would be like us. We know that, from his point of view, he justifies the murder of our Secretary of State; we know that, from our standpoint, we would gladly have seen, for four years, the death of the rebel Secretary of State. We know that we were on the side of the Government, because we were born North; we know that he was against it, because he was born South; and that had we been born South we would have been in his place, and had he been born North he would be in ours. We know, also, that all the enemy desired the death of the President, and that he surpassed them only in courage; and that if we forgive them who killed our brothers, we must, in consistency, forgive him who tried to kill Mr., Seward, because he thought Mr. Seward guilty of murdering his brothers.

We know, further, that this man desires to die, in order to gain the full crown of martyrdom; and that, therefore, if we gratify him, he will triumph over us; but if we spare him, we will triumph over him. We know, also, that the public can gain nothing by his death from the example; for if he die as he lived, there will be more anxious to emulate his bravery….

But if he is suffered to live, he will receive the worst punishment—obscurity—and the public will have nothing to admire. We also know, and we can not consider it too much, that he has killed no man, and that if he be put to death we shall have the anomaly of the victim surviving the murderer; and that, under the laws, this man can be punished only for assault and battery with intent to kill, and, therefore, imprisoned. We know, also, that we are at the end of a civil war, a time when it is desirable there should be no farther mention or remembrance of fraternal strife. If we put this man to death, he will live forever in the hearts of his comrades, and his memory will forever keep our brethren from us. If, moreover, we put his to death, we will show that war is still in our hearts, and that we are only content to live with them because we have subdued them.

Finally, we know that if we let him live and teach him better, we show the whole world that this war was carried on to undeceive a deluded people and to maintain the supremacy of the laws, so that, now that the laws are supreme, we may begin with reform; but if we put him to death we show only that we are vindictive, and use our victory only to gratify our anger. Let him, then, live. His youth asks it, fraternity asks it, the laws ask it, our own sins ask it, the public good demands it. Because you and I taught him the code of assassination in slavery; because you and I brought about a civil war, which practiced him in assassination and made him justify it; because you and I spurned him from us when he sought refuge with us, and bade him destroy himself, ignobly, by his own hand, or grandly, by assassination; because, in short, you and I have made this boy what he is, therefore, lest we who are really ourselves guilty of this attempt at murder, should perpetrate a real murder, let him live, if not for his sake, for our own. Take from the refugee his desperation, and you have the cavalryman; take from the cavalryman his hate, and you have the soldier of Hill; take from the soldier his martial habits, and you have the slave-holder; take from the slaveholder his slavery, and you have again the pure and simple child, who, four years ago, went singing in innocence over the land.

Before I close, one word from myself. I have heretofore spoken of the prisoner as his counsel; I may also speak of him in my character as a man; and I can testify that in the four weeks’ acquaintance I have had, hearing him converse with freedom and explain all his secret thoughts, in spite of the odious crime with which he is charged, I have formed an estimate of him little short of admiration, for his honesty of purpose, freedom from deception and malice, and courageous resolution to abide by the principles to which he was reared. I find in him none of that obstinacy which perseveres in crime because it is committed, and hopes to secure admiration in a feigned consistency. Neither is there about him a false desire of notoriety, nor a cowardly effort to screen himself from punishment; only one prominent anxiety—that is, lest people should think him a hired assassin, or a brute; an aversion to being made a public spectacle of, and a desire to be tried at the hands of his fellow-citizens.

Altogether, I think we may safely apply to him, without spurious sympathy or exaggeration, the words which were said of Brutus—

“This was the noblest Roman of them all

All the conspirators, gave only he,

Did that they did in envy of great Caesar;

He only, in a general honest thought,

And common good to all, made one of them.

So mixed in him, that nature might stand up

And say to all the world, “This was a man!”

I commit him, then, without hesitation, to your charge. You have fought on the same fields, and as you have never been wanting in mercy to the defeated, so I know you will not be wanting in mercy to him. You have all commanded private soldiers, and as you could estimate the enthusiasm of your own men, so you will know how to estimate the enthusiasm of those who fought against you. The lives of all of you have shown that you were guided in all perplexities by the stern and infallible dictates of conscience and duty, and I know that you will understand and weigh in your judgment of the prisoner, dictates and duties so kindred to your own.



**Biographic Sketch of David Herold**

David Herold was the sixth of eleven children born to the chief clerk at the Navy Store at the Washington Navy Yard. Herold met John Surratt while attending Charlotte Hall Academy, and through Surratt in 1863 Herold was introduced to John Wilkes Booth.

**David Herold's Role in the Conspiracy**

David Herold accompanied Lewis Powell to the home of Secretary of State William Seward on the night of April 14. While Powell entered the Seward home and made his knife attack on the Secretary, Herold waited outside with his horse.

(According to co-conspirator George Atzerodt, Booth had chosen Herold to assassinate Vice President Andrew Johnson at the Kirkwood Hotel. It is believed to be Herold's gun, bowie knife, and map of Virginia that were discovered by investigators in a room at the Kirkwood rented by Atzerodt. Whether Atzerodt's story is entirely accurate and why, if so, Herold did not carry out his attack on Johnson is unknown.)

After the attack on Seward, Herold crossed the Navy Yard Bridge and made his way into Maryland, where he met up with the injured John Wilkes Booth. Herold and Booth's escape route took them to the home of John Lloyd in Surrattsville, where they picked up carbines, and then to the home of Dr. Samuel Mudd, where Booth found treatment for his broken leg. A pursuing party of soldiers finally caught up with Herold and Booth at Garrett's farm in northern Virginia in the early morning of April 26. Faced with the prospect of being shot or dying in a burning barn, Herold surrendered.

**David Herold on Trial**

There was never any serious question about the outcome of the military trial with respect to Herold. Apprehended with the President's assassin and the apparent mastermind of the conspiracy to destabilize the federal government, Herold would be hanged. To make matters worse, Herold had bragged about the crime, telling Willie Jett as he crossed the Rappahannock, "We are the assassinators of the President."

Herold's attorney, Frederick Stone, placed whatever slender hopes for saving Herold's life he had convincing the Military Commission that Herold was a simple man, barely an adult, who fell under the spell of the sophisticated John Wilkes Booth. Stone presented testimony of friends who described him as "easily persuaded and led" and "boyish in every respect." William Keilotz, for example, said, "I consider his character very boyish. I see him often in the company of boys; he is very fond of their company, and he never associates with men." James Nokes called Herold "a light and trifling boy" who was "easily influenced." Nokes added that he had "never heard him enter into any argument on any subject in the world." Dr. Charles Davis agreed, calling Herold "a boy; he is trifling, and always has been." Davis testified that "nature had not endowed him with as much intellect as the generality of people possess." Finally, Dr. Samuel McKim said of Herold: "In mind, I consider him about eleven years of age."

Stone argued to the Commission that Herold "was only wax in the hands of a man like Booth." Booth, he said, "exercised unlimited control over this miserable boy, body and soul, he found him unfit for the deeds of blood and violence; he was cowardly; he was too weak and trifling; but he still could be made useful." Stone found significance in one of Booth's final statements, made about Herold: "I declare, before my Maker, that this man is innocent."

The Commission remained unpersuaded. Herold was sentenced to death. He died with three fellow conspirators on the gallows in Washington on July 7, 1865.



**Biographic Sketch of Michael O'Laughlen**

Michael O'Laughlen grew up on the same Baltimore street as his childhood friend, John Wilkes Booth. O'Laughlen worked as a manufacturer of ornamental plaster before joining the Confederate Army at the beginning of the Civil War. O'Laughlen was discharged in June 1862. He returned to Baltimore to work as a clerk in a family feed business.

**Michael O'Laughlens's Role in the Conspiracy**

Booth recruited O'Laughlen in the late summer of 1864 to participate in the plan to kidnap Abraham Lincoln and take him to Richmond, where he would--it was hoped--later be exchanged for Confederate prisoners-of-war. O'Laughlen, along with Booth and other conspirators, attended a March 15 meeting at Gautier's Restaurant in Washington where plans were laid for the kidnapping. The plot to intercept Lincoln's carriage while enroute to a play at the Campbell Hospital fell through when Lincoln changed his plans. Booth's next plan involved kidnapping Lincoln at Ford's theatre. O'Laughlen's was to have extinguished the gas lights at the theatre, but the plan was abandoned as infeasible.

O'Laughlen returned to Washington shortly before the assassination, but what role--if any--he played in Booth's final, desperate plan is unknown.

O'Laughlen voluntarily surrendered himself to federal authorities on April 17, 1865.

**Michael O'Laughlen on Trial**

At the 1865 Conspiracy trial, prosecutors tried to show that O'Laughlen had taken steps to assassinate General Grant, who O'Laughlen allegedly believed was staying at the home of Secretary of War Stanton.

The key evidence against O'Laughlen also links him to Booth's abandoned plan to abduct Lincoln. On March 13, Booth sent to O'Laughlen, then in Baltimore, a telegram from Washington: "Don't fear to neglect your business. You better come at once." Twelve days later, Booth sent another telegram to O'Laughlen: "Get word to Sam. Come on, with or without him, Wednesday morning. We sell that day for sure. Don't fail." Prosecutors suggested that the "business" referred to in Booth's telegraph was the kidnapping of Lincoln and that the "Sam" referred to in the second dispatch was Samuel Arnold.

Bernard Early, an acquaintance of O'Laughlen's, testified that he rode into Washington with O'Laughlen from Baltimore on the day before the assassination. Early said that the next day he waited with O'Laughlen at the National Hotel, where Booth had taken a room, for forty-five minutes before sending "up some cards to Mr. Booth's room for O'Laughlen" and leaving. Most incriminating, perhaps, was the testimony of Major Kilburn Knox, who testified that about ten-thirty on the night of April 13 O'Laughlen, wearing black clothes and a slouch hat, entered the home of Secretary of War Edwin Stanton and inquired of the Secretary's whereabouts. Knox said that O'Laughlen remained in the hall for a few minutes before being asked to leave. Two other witnesses also reported seeing O'Laughlen at the Secretary's home. Defense attorney Walter Cox argued that the prosecution witnesses were mistaken, and that on the night in question O'Laughlen innocently strolled the streets of the nation's capital enjoying the "night of illumination," the celebration of the Union victory that saw every public building in Washington lit with candles. Cox produced nine witnesses who supported O'Laughlen's alibi. Cox also argued that the evidence showed persuasively that O'Laughlen did nothing to further the assassination on the night of the fourteenth, which he spent drinking at Lichau House before departing for Baltimore the next day.

The Military Commission found O'Laughlen guilty and sentenced him to life in prison. He died two years later in prison at Fort Jefferson in the Dry Tortugas, Florida, a victim of yellow fever.



**Biographic Sketch of Mary Surratt**

Mary Jenkins, born in Waterloo, Maryland and schooled in a Catholic female seminary, married John Surratt at age seventeen. In 1853, the Surratts bought 287 acres of land in Prince George's County--about a two-hour horse ride from Washington. Surratt built a tavern and a post office, and the property became known as Surrattsville. (During the Civil War, the tavern apparently served as a safehouse in the Confederate underground network.) The couple raised three children, Isaac, Anna, and John Jr.

In 1864, two years after John Surratt died, Mary Surratt decided to move to house she owned in Washington at 541 High Street. The tavern in Surrattsville she rented to an ex-policeman named John Lloyd, who would later provide the key evidence against her in the conspiracy trial.

**Mary Surratt's Role in the Conspiracy**

Mary Surratt's eldest son, John, served in the Civil War as a Confederate secret agent. John Surratt's acquaintances included many of the key figures in the assassination conspiracy, including John Wilkes Booth, George Atzerodt, David Herold, and Lewis Powell.

Lewis Weichmann, who attended college with John Surratt, resided at Mary Surratt's boarding house in Washington during the period in which the conspiracy plot was hatched. Weichmann, although describing his landlord as "exemplary" in character and "lady-like in every particular," provided testimony that incriminated Mary Surratt. He described numerous private conversations in the Surratt house between Mary and Booth, Powell, and other conspirators. Typically, according to Weichmann, Booth would ask Mary--if John were not at home--if she could "go upstairs and spare a word." He testified that on April 2 Mary Surratt asked him "to see John Wilkes Booth and say that she wished to see him on 'private business'"--and that Booth visited with her in her home that evening. He told of Booth giving him $10 on the Tuesday before the assassination which he was to use to hire a buggy to take Mary Surratt to Surrattsville to collect--according to Surratt--a small debt.

On the day of the assassination, April 14, Mary Surratt sent Weichmann to hire a buggy for another two-hour ride to Surrattsville. Weichmann reported that Surratt took along "a package, done up in paper, about six inches in diameter." Surratt and Weichman arrived sometime after four at Surratt's tavern. Surratt went inside while Weichmann waited outside or spent time in the bar. Surratt remained inside about two hours. Between six and six-thirty, shortly before the began their return trip to Washingon, Weichmann saw Mary Surratt speaking privately in the parlor of the tavern with John Wilkes Booth. At nine o'clock, Surratt saw Booth for a last time when he visited her home in Washington. After the visit, according to Weichmann, Surratt's demeanor changed--she became "very nervous, agitated and restless."

Less than seven hours later, as the President lay dying and Booth having fled, investigators paid an initial visit to the Surratt home. When the investigators left, Surratt reportedly exclaimed to her daughter, "Anna, come what will, I am resigned. I think J. Wilkes Booth was only an instrument in the hands of the Almighty to punish this proud and licentious people." [Weichmann affidavit, 8/11/1865]

On April 17, shortly after eleven at night, a team of military investigators again arrived at the Surratt home to interview her and other residents about the assassination. While they were doing so, Lewis Powell, carrying a pick-axe, knocked on the door. When he claimed to have been hired by Mary Surratt to dig a gutter, Surratt was asked whether she could confirm his story. Surratt answered, "Before God, sir, I do not know this man, and have never seen him, and I did not hire him to dig a gutter for me." While in the Surratt home, investigators uncovered various pieces of incriminating evidence, including a picture of John Wilkes Booth hidden behind another picture on a mantelpiece. Facing arrest, Surratt asked a minute to kneel and pray.

**Mary Surratt at Trial**

According to Thomas Harris, a member of the Military Commission that tried Surratt, the most damning evidence against her came from Surrattsville tavernkeeper John Lloyd. Lloyd told the Commission that five to six weeks before the assassination John Surratt, David Herold, and George Atzerodt came to Surrattsville to drop off at his tavern two carbines, ammunition, about twenty feet of rope, and a monkey wrench. The men asked them Lloyd to conceal them, with Surratt suggesting a hiding place under joists in a second-floor room.

Lloyd testified that three days before the assassination, Mary Surratt told him that "the shooting irons" left at his place by the men weeks ago would be needed soon. Then on the day of the assassination, Surratt again brought up the subject, according to Lloyd's testimony:

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

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

I do not think they remained over five minutes. They only took one of the carbines. Booth said he could not take his, because his leg was broken. Just as they were about leaving, the man who was with Herold said, "I will tell you some news, if you want to hear it," or something to that effect. I said, "I am not particular; use your own pleasure about telling it." "Well, said he, "I am pretty certain that we have assassinated the President and Secretary Seward."

Another prosecution witness, George Cottingham told the Commission that after learning of the assassination John Lloyd had cried, "Oh, Mrs. Surratt, that vile woman, she has ruined me! I am to be shot! I am to be shot!"

Surratt's attorney, Frederick Aiken, argued that Lloyd's evidence should be disbelieved because he was "a man addicted to the excessive use of intoxicating liquors" and was motivated to "exculpate himself by placing blame" on Mary Surratt.

The Military Commission--relying heavily on the testimony of Lloyd-- found Mary Surratt guilty of conspiracy and sentenced her to death. Five of the nine Commission members, in the record transmitted to President Johnson for his review, recommended that the President--because of "her sex and age"-- reduce Surratt's punishment to life in prison. Johnson refused to change the sentence, describing Surratt as having "kept the nest that hatched the egg."

After a last-ditch effort to delay her prosecution by way of a writ of habeas corpus failed when President Johnson declared the writ suspended for this case, Surratt was hanged on July 7, 1865 along with three other conspirators. Surratt became the first woman executed by the United States.

The execution of Surratt came under considerable criticism in some quarters. H. L. Burnett, who served on the Commission, defended the sentence: "Whomever indulges in wide-mouthed proclamations, or pronounces her conviction 'an inhuman crime,' unsupported by evidence, betrays an animus, to say the least, not overcareful of truth."