**My Name is Mudd**

It was done. The pain that was masked earlier by the act of killing was now coming on stronger. With his co-conspirator, David E. Herold, he rode away from Washington to Maryland hoping to get to the South where he was sure he would be a hero. Surely, if all went as planned, others were falling as he rode in increasingly agonizing pain. George Atzerodt was to kill the Vice President and Lewis Payne would get the Secretary of State. Even General U.S. Grant had been marked to die on April 14th, 1865, along with his target, President Abraham Lincoln.

One thing he knew for certainty, Lincoln was dead. The bullet went in neatly where he wanted it to go and death was guaranteed. He had known this as he leaped to the stage in Ford's Theater and in keeping with his acting profession announced to a startled and incredulous audience watching a production of Our American Cousin "*sic semper tyrannis*." In the process John Wilkes Booth, known to most in the audience because of his acting career, broke his leg. He limped off to an awaiting horse and to the roads of Maryland and history.

All of this was quite a feat considering that Washington was still an armed camp. The War Between the States was all but over. General Lee had surrendered his army at Appomattox. Others had not surrendered as yet but it was a foregone conclusion. That is why the President had chosen to celebrate by going out to a theatrical production. That is why the original plan to kidnap the President had been changed at the last moment to assassination. But this, in of itself, raised an issue to plague this case for over one hundred years.

Was this killing a murder or and act of war? On one hand, this war was over. The surrender of Lee guaranteed the end. If this were the case then martial law should have stopped. In Washington, Maryland and a few other border states civil criminal justice had largely been suspended and the military--as police and courts--had taken its place. On the other hand, many units of the Confederacy were still in the field and hoards of prowling guerrillas were still a threat. If this were the case the military still had jurisdiction. This knotty issue would plague the remaining assassins for years.

It was 4:00 in the morning of April 15th when the assassins turned their horses onto a country lane in southern Maryland's Charles County, some thirty miles from Washington DC., which led to Dr. Samuel Mudd's humble farm-plantation. In the process they had passed the homes of three other well known practicing physicians. But they chose to go to Samuel Mudd's farm.

Maryland had always been sympathetic to the Southern cause and because of its proximity to the nation's capital it along with Washington DC. had suspended civil criminal justice and replaced it with martial law. Samuel Mudd, a 31 year old southerner, along with many of his neighbors was an outspoken supporter of the Confederacy. He was concerned with the banging at his door in the middle of the night. Such things were quite common because of the contingent of Union soldiers prowling the area. Mudd and his cousin, who was more sympathetic to the Union cause, had studied and practiced medicine in the area up to the beginning of the war. They parted ways then and although he still practice occasionally Samuel Mudd largely farmed and governed his small number of slaves. He had during the past conflict harbored fugitives and guerrillas on his farm.

Awakened out of their sleep the Mudds were surprised to find two men at the door. They said that one of their horses had fallen and the rider believed his leg to be broken. As a doctor, Mudd was obliged to treat the strangers. The injured man was let in and Dr. Mudd attended to his broken foot. Booth and Herold used different names and made feeble attempts to disguise themselves. Herold went under the name Henston and the injured Booth said he was Tyson. Booth was allowed to spend the night sleeping fitfully in one of Mudd's spare bedrooms.

The next morning after breakfast, Mudd tried to get a carriage for the two "strangers" but failing in that he let the two men have fresh horses and indicated southerly directions that might help them along their way. Before they left, however, Mudd and Herold went into the nearby town, called Bryantown, where the news of the murder and murderer was abuzz. Nonetheless, Mudd claimed he had heard nothing of the killing until Sunday, the following day. When they left, under the instructions of Mudd, they did not go by way of the main road but took a path through Zekiah Swamp.

Shortly after the two assassins left a military contingent stopped to question the doctor. He told the soldiers that the injured parties traveled eastward. He also said that all they had were two revolvers, but later it was discovered that they each had a carbine as well. In addition, in spite of fast traveling news about the murder, Mudd chose not to go to town and tell authorities of the two strangers visiting him until Sunday, nearly 24 hours after they left.

Furthermore, he claimed that he did not recognize John Wilkes Booth either. However, Booth did have the initials "JWB" tattooed on his hand. As the two assassins traveled away from Mudd they made no secret of their identity. Of course, this might be due to the fact that they were in increasingly friendly country. Many in the South were glad to hear of the assassination. Lincoln was a very unpopular man in southerly directions. As to Mudd not being able to identify the assassin a sympathetic lawyer in characteristic nineteenth century rhetoric later recounted:

[Mudd] had seen him [Booth] that dark cloudy morning, at daybreak, faint with fatigue and suffering, muffled in his shawl and disguised in a heavy beard; had ministered to him in the dim light of a candle, whose rays struggled with the dull beams of the opening day; had seen him, perhaps, sleeping in the darkened chamber, his mustache then shaven off, his beard still on, his effort at concealment still maintained....Let it be remembered, too, that Booth was an actor, accustomed by years of professional service to disguise his person, his features, and his tones.

However, there were a few things that Dr. Mudd did not tell the authorities. For example, Mudd did not relate that he had previously met Booth in a local church in November, 1864. Booth claimed to be in the area looking for land to purchase but many feel he was merely there scouting possible ways to escape after some future crime. Mudd had shown him some land and Booth even stayed the night in the doctor's household. One month later Mudd had been in Washington DC and met Booth again. They, and a couple of others who were later implicated in the murder, met secretly in Booth's hotel room to drink and smoke cigars. Some of the captured conspirators later confessed that the kidnapping of Lincoln was discussed then. In fact, up until a day before the murder the main plot appeared to be the kidnapping and holding of the President for exchange of some Confederate prisoners of war. Furthermore, a week later (April 26th) when Booth was run down and killed by Union soldiers some miles away from the Mudd farm, Dr Mudd "found" the boot he cut off the injured visitor. In side it was etched "J. Wilkes..." with the remainder of the name wore off.

Booth's traveling companion, along with some easily identified co-conspirators, were quickly convicted. Several--such as David Herold, George Atzerodt, Lewis Payne, and Mary Surratt--went to the gallows. Three others--Michael O'Laughlin, Edward Spangler and Samuel Arnold--were sentenced to life terms. Of course, that leaves Dr. Samuel Mudd.

**Questions to Ponder**

1. What is Martial law? Why might it replace civil law?

2. What is *Ex Parte Milligan* and how might it relate to this crime story?

3. Is Dr. Samuel Mudd guilty of a crime?

4. At what points was Dr. Mudd lying?

5. At what point was the crime plot turned from kidnapping to murder?

6. Dr. Mudd has been called the American Dreyfus. Who is Dreyfus?

7. What is circumstantial evidence? To what degree is Mudd facing circumstantial evidence?

8. What is conspiracy? Is Mudd guilty of conspiracy?

9. What is accessory after the fact? Might Mudd be guilty of this?