

IN THE EARLY HOURS of a spring morning in 1865 a country physician was aroused by knocking at his door. In his nightclothes he admitted two men, one of whom had a heavy beard, his face muffled in a heavy shawl, and who was supported by another man.

The bearded man gave his name as Tyler and said that he had injured a leg in falling from his horse while visiting a lady. His companion, a pleasant and voluble young man, said his name was Tyson.

Dr. Samuel Alexander Mudd cut off the injured man's boot, discovered a fractured tibia which he splinted in strips of heavy pasteboard.* He received a fee of \$25; Southern hospitality decreed that he should offer a room to his visitors who appeared to be gentlemen.

Those simple actions of a good-natured and inoffensive country doctor were to involve him in a ghastly personal tragedy and give rise to one of the most lamentable travesties of American justice. His patient was John Wilkes Booth, who six hours earlier had shot President Abraham Lincoln in Ford's Theatre in the nation's capital.

The Physician. Born on December 20, 1833, in Charles County, Maryland, Mudd was the son of a prosperous plantation owner; the family traced its fortunes to a land grant by Lord Baltimore in the 17th century. A contemporary newspaper account said of the Mudds and their neighbors: "In no portion of the State of Maryland can be found a more high-toned and cultivated society."

The Mudd estate was called Oak Hill and it included more than a hundred slaves. The mansion was a rambling old white house of wide halls and spacious rooms. In one wing was a room consecrated as a family chapel (the Mudds were Roman Catholics); there was also a schoolroom for Samuel and his sisters.

The boy's education began in a public school when he was 7, was continued by a governess at home. At 14, he entered St. John's College in Frederick City, Maryland; after two years there he matriculated at Georgetown College in the District of Columbia. He specialized in languages, became proficient in Greek, Latin, French; he was also an accomplished musician who played the piano, violin, flute.

He entered Baltimore Medical College (now University of Maryland Medical College) at 20; two years later he was graduated with a 40-page thesis on dysentery. During service in a Baltimore hospital he was awarded a certificate of merit.

On Thanksgiving Day, 1857, Samuel Mudd married Sarah Frances Dyer, a young woman from a similar family of plantation owners, whom he nicknamed Frank. The couple settled comfortably on a 500-acre farm given to them by Mudd's father. There the young physician practiced medicine as a country

*Dr. Mudd's description: "I found there was a straight fracture of the tibia about two inches above the ankle. My examination was quite short, and I did not find the adjoining bone fractured in any way."

Picture above shows Dr. Mudd when he worked in Fort Jefferson carpenter shop.

DEFAMED DOCTOR



— ❖ MD ANNIVERSARY ❖ —

Home of Dr. Samuel Alexander Mudd in Charles County, Maryland, where the physician set John Wilkes Booth's fractured leg in the early morning hours after Lincoln's assassination. The porch was added after 1915.



doctor, lived like a Southern squire. Within a year the marriage produced a son, the first of nine children.*

When the Civil War began Dr. Mudd made no secret of his sympathy for the Confederate cause: in one incautious instance he canceled his subscription to a magazine in an eight-page letter devoted to a tirade against abolitionists and their cause. Wrote he: "The people of the North are Puritanical, long faced or Methodistic and hypocritical—they deal in sympathetic language to hide their deception—their actions are Pharisaical, covert, stealthy and cowardly. They are law abiding so long as it bears them out in their selfish interest, and praisers and scatterers and followers of the Bible as long as it does not conflict with their passions. They make good cow drivers, pickpockets and gamblers."

The Patient. Later that morning the injured man

*One son, Thomas, became a physician; another, Edward, worked as a hospital attendant. Among the descendants now living is Dr. Richard D. Mudd, a grandson, of Saginaw, Mich.

remained in bed and refused food while his companion joined his hosts at breakfast. His real name was David E. Herold and he was one of the conspirators who had planned the assassination. He was in a gay and carefree mood and chatted about the people he knew in the neighborhood. When Mr. Mudd asked if he resided in the country, he replied: "No, ma'am, but I have been frolicking around for five or six months." Said she chidingly: "All play and no work makes Jack a bad boy. Your father ought to make you go to work."

Herold asked for directions to the next point on the escape route; he also inquired about obtaining a carriage for his injured friend. Dr. Mudd said that as he was making some calls and fetching his mail in the nearby village of Bryantown they could make inquiries there. On the way they stopped at the home of Dr. Mudd's father, but he was unable to spare his own carriage which he needed to take the family to Easter church services. Herold rode back to the Mudd house while the doctor continued to the village.

At the house Mrs. Mudd brought the patient some cake, a couple of oranges and some wine on a tray. She placed the tray by the side of his bed and asked how he was feeling. He replied: "My back hurts dreadfully. I must have hurt it when the horse fell and broke my leg."

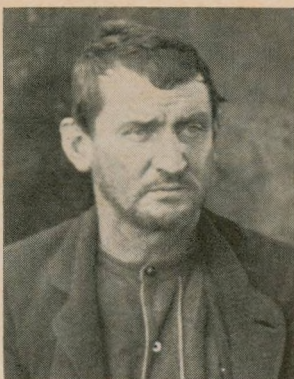
He refused the cake and wine and asked if there was any brandy in the house. Mrs. Mudd said there was not, but offered some good whiskey in its place; this was declined. When Mrs. Mudd again asked if there was anything more she could do, the man did not reply. During all the time he kept his face turned to the wall.

After Herold returned, the two men were heard moving around the sick man's room. They presently came down, Booth hobbling with the aid of a stick, lent him by the gardener. As he descended, his false whiskers became partly detached and Mr. Mudd saw a face contorted in agony.

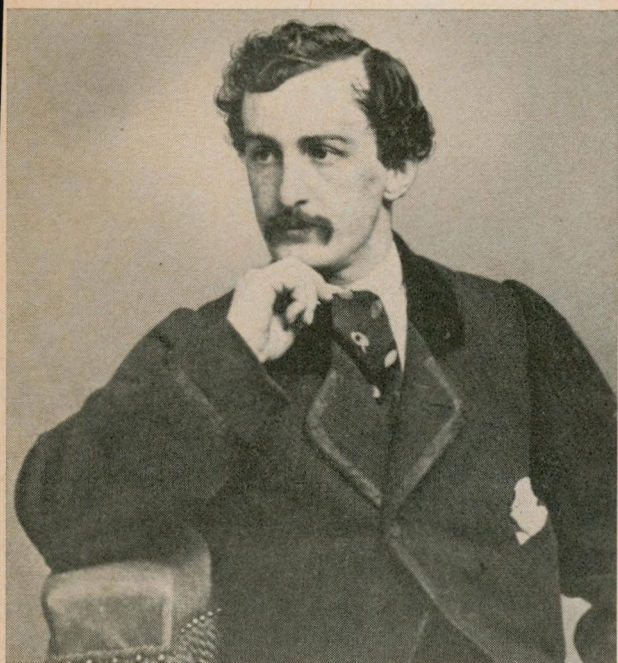
Although her suspicions were aroused, Mrs. Mudd begged Herold to leave his friend and promised that he would be cared for. Herold replied: "If he suffers much we won't go far, I will take him to my lady-love's, not far from here." The two men then rode away.

About an hour later Dr. Mudd returned and told his wife about the assassination and that soldiers in Bryantown were looking for the fugitive assassin. A short while later he said: "Frank, those men were suspicious characters. I will go to Bryantown and tell the officers."

Mrs. Mudd told him about the false whiskers, but begged him not to leave her in the house without him. She pointed out that as the next day was Sun-



Edward Spangler, far left, and David Herold were two of Dr. Mudd's codefendants. Herold was hanged and Spangler was imprisoned with Dr. Mudd at Fort Jefferson. Below them, a photograph of John Wilkes Booth.



day he could send word to the soldiers from church. He did so through the intermediary of Dr. George D. Mudd, a distant relative who had been Samuel's medical mentor.

Inquiry. On the Monday after Easter Dr. Mudd made his usual sick calls; on the following morning he did the same. In the afternoon Dr. George Mudd came to the house with some soldiers and asked for a description of the two men, which his relative gave him.

Nothing further was heard until Friday, when an officer came with some soldiers to make further inquiries. Dr. Mudd told him about the boot he had cut from the injured leg. When the officer examined the boot he found written on the inside J. Wilkes—; he said it looked as if the rest of the name had been effaced, but Mrs. Mudd examined the boot and said: "No, that is only a dash, there was no other name there."

When the military party left they took Dr. Mudd

with them to Bryantown. He returned that evening but was asked to come back the next morning. During these investigations, Dr. Mudd took the officers into the swamp and showed the still visible hoof-prints of the fugitives; he also provided the names of people whom Herold had mentioned as friends in the neighborhood. At one point Dr. Mudd was asked to identify one of the men from a photograph that subsequently proved to be one of John Wilkes' brother Edwin.

A few days later a military detachment again came to Dr. Mudd's house and asked him to accompany them to Washington. When the officer saw the anguish on Mrs. Mudd's face, he turned back to the house and said: "Do not grieve and fret that way. I'll see that your husband soon returns to you." Dr. Samuel Mudd was not to see his home again for four years.

The Trial. On May 9, 1865, Dr. Samuel Mudd found himself placed on trial, accused with seven others of being an accomplice in the assassination of the president. They were to be tried by a military commission in Washington, composed of nine officers, with the Judge Advocate General acting as prosecutor. Dr. Mudd's fellow defendants were: David Herold, Mary Surratt, Lewis Powell (alias Payne), George Atzerodt, Edward Spangler, Samuel Arnold, Michael O'Laughlin. The prisoners were kept for a time on several ironclad monitors moored in Washington Navy Yard; after Powell tried to dash his brains out against a bulkhead the men were all encased in heavy canvas hoods which covered their heads and left only their mouths free for eating and breathing; eventually they were transferred to solitary confinement cells in Washington's old penitentiary building.

The court martial denied the defendants almost all the rights guaranteed by normal law processes. They were not permitted to submit statements or take the witness stand in their own behalf. The court accepted testimony that included truths, half-truths, outright lies, innuendoes, inferences. The ac-

cused were held incommunicado until the trial began, after which they were given one day to procure counsel. Mrs. Mudd procured for her husband the services of General Thomas Ewing, Jr., a brilliant and courageous lawyer of unquestioned honesty.

Hearings were conducted in the grim atmosphere of a large high ceilinged penitentiary room with whitewashed walls and iron grated windows. The prisoners were seated on a railed-off wooden platform about a foot high and four feet wide; they were so heavily chained that they made a clanking procession when they entered or left the room. Mrs. Surratt had her hands free but her legs were in chains; Dr. Mudd wore manacles and leg chains; the other men had their hands fastened to heavy iron bars and their legs chained, with Powell and Atzerodt dragging additional burdens of iron balls so heavy that attendants had to help them along.

A newspaper correspondent gave this description of the physician: "Samuel A. Mudd, M.D., was the most inoffensive and decent in appearance of all the prisoners. He was about forty years of age, rather tall, and quite thin, with sharp features, a high bald forehead, astute blue eyes, compressed pale lips, and sandy hair, whiskers and mustache. He took a deep interest in the testimony, often prompting counsel during the cross-examinations."

Of the judges' demeanor another reporter wrote: "The military commission works as if it were delegated not to try, but to convict, and Dr. Mudd, if he be innocent, is in only less danger than if he were guilty." *

The physician was charged with being a full accomplice in plotting both Lincoln's death and the abortive attempt to assassinate Vice President Andrew Johnson and Secretary of State William Seward; the far reaching indictment attempted to show that these acts were carried out in conspiracy with the former president of the Confederacy, Jefferson Davis.

Appearing against Dr. Mudd were more than a dozen witnesses; about half of them were his former slaves, including one whom he had wounded during an escape attempt. The gist of their testimony was that Dr. Mudd was a vocal Southern sympathizer; one man said he heard the physician predict that President Lincoln would not occupy his seat long. Some also testified that Dr. Mudd provided sanctuary to Confederate agents, sending them food when they camped in his woods; the Rebel spy John Surratt (son of the woman in the dock) was identified as being one of those he had harbored. †

The defense produced witnesses who identified the men in the woods as a stray detachment of

*A complete record of the trial was made by Ben Pitman, brother of the inventor of a stenographic system.

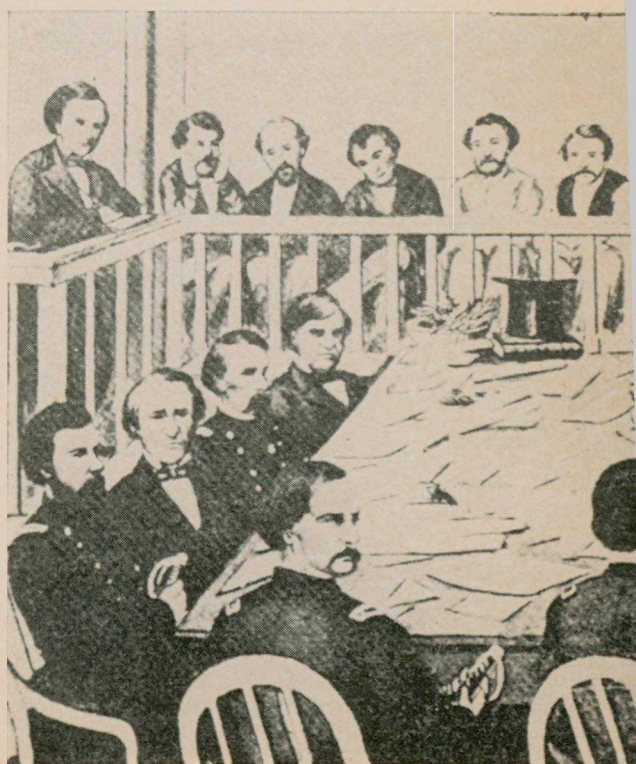
†He escaped to Canada and Europe, was later tried and acquitted.

Home Guards and denied that Surratt was among them; several men testified that although Dr. Mudd espoused a Confederate viewpoint he had long since proclaimed the rebellion to be a lost cause.

More damaging was the testimony of Dr. Mudd's neighbor Daniel Thomas who swore that the physician had gloated over Lincoln's death weeks in advance of the event; he claimed also that he had seen Dr. Mudd entering the Surratt house. In rebuttal the defense offered a parade of some 20 witnesses, including Thomas' own brother, who labeled him a congenital liar; it was shown that Thomas had bragged about a \$10,000 reward he hoped to obtain.

Attorney Marcus Norton testified that he was sitting in his Washington hotel room a few weeks before the assassination when Dr. Mudd burst in mistaking the room for that of Booth. Norton said the physician's manner was so agitated and his apologies so profuse that they excited suspicion. The defense brought numerous witnesses to testify that Dr. Mudd was at home at the time of the alleged incident.

Louis Weichmann, a boarder at the Surratt house described an encounter between Booth, Surratt, Dr. Mudd and himself: he said that while they drank in Booth's room Dr. Mudd took Booth and Surratt aside for long private conversations; he added that at one point Booth pulled out an envelope and drew lines suggesting a road map. The defense denied



General Lewis Wallace
reputedly said he be-
lieved Dr. Mudd was in-
advertently involved
with the assassins but
voted to convict him.



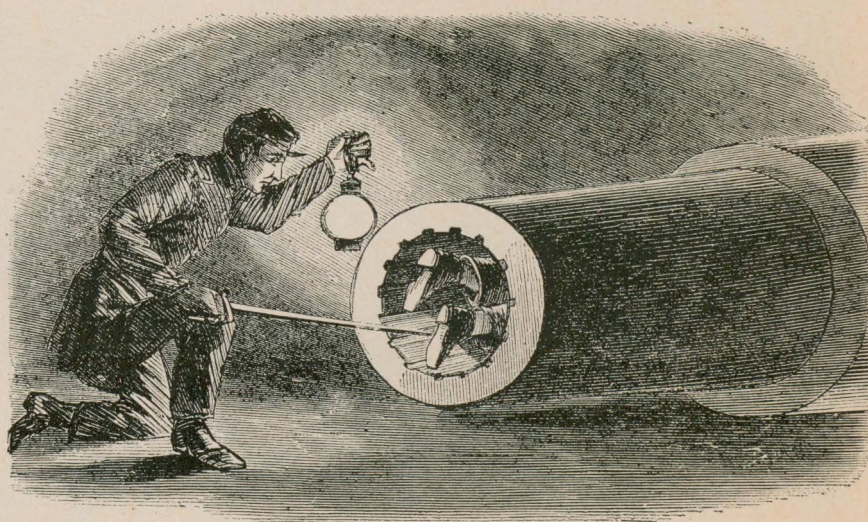
*General Thomas Ewing, Jr., Dr. Mudd's gal-
lant defense attorney.
Before entering the ar-
my, he was the first
chief justice of the
Kansas supreme court.*

that such a meeting ever took place, but Dr. Mudd later admitted that he had in fact been to Booth's room. He said that he and the others were casual acquaintances who met on the street and he was persuaded to stop for a drink. He did take Surratt aside, but only to say that he was not endorsing Booth's supposed real estate transactions. Booth had scribbled on an envelope but only instructions about roads and land. Dr. Mudd ridiculed the idea that conspirators would assemble in front of an outsider to exchange secret signals and maps.

Nevertheless Dr. Mudd's explanation revealed the damning fact that he had known Booth before the fateful visit of the man with the broken leg. Booth had in fact met Mudd on another occasion when he was inquiring about land to buy in the Bryantown region.

In his defense summation General Ewing declared that the whole case against the physician hung on the thinnest of circumstantial threads. The only valid, demonstrable charge was that he had hesitated in reporting his suspicious patient. Said Ewing: "And yet I assert this record shows he moved more promptly in communicating his information than they [the detectives] did in acting on it." Dr. Mudd had delayed only a day, while the police and military lost nearly a week before they made a serious attempt to follow up his leads.

Said General Ewing: "Let it be remembered, in this connection, that Dr. Mudd's house was searched



*Contemporary drawing of the trial of Dr. Mudd and the conspirators in Lin-
coln's assassination before the special military commission in Washington,
left. Dr. Mudd seems to be third defendant from left. A reporter wrote
that the commission worked as if it were delegated to convict, not try
the defendants. Drawing above shows Lieutenant Arthur G. Tappan discover-
ing Dr. Mudd hiding in a cannon aboard the Thomas A. Scott during the
physician's futile effort to escape from prison on September 25, 1865.*

and his papers seized; that Surratt's house was seized and searched; that all the effects of Booth, Atzerodt, Arnold, Herold, Spangler, and Mrs. Surratt, that could be found, were seized and examined; and among them all not a letter, a note, a memorandum, not the scrape of a pen by any person or in any form, has been found implicating Dr. Mudd."

He argued that if Dr. Mudd and Booth had been plotting the most stupendous and startling crime in the annals of human depravity they would have had frequent meetings and consultations. Yet although they were within a few hours' ride of each other, they had no meetings, no consultations, no intercourse, and were in total ignorance of each other's movements and purposes.

Nevertheless the court found Dr. Samuel Mudd guilty and sentenced him to life imprisonment, together with Samuel Arnold and Michael O'Laughlin. Atzerodt, Herold, Powell and Mrs. Surratt were sentenced to be hanged. Edward Spangler was sentenced to six years imprisonment.

After the trial General Lewis Wallace of the court martial commission (later to author *Ben Hur*) re-

portedly said that he thought Dr. Mudd's involvement was sheer chance resulting from the accident of Booth's injury. Asked why he voted for conviction the general allegedly said: "The deed is done somebody must suffer for it, and he [Mudd] may as well suffer as anybody else."

Mrs. Mudd appealed to President Johnson for clemency. According to her account he said: "I know he is innocent, but I can do nothing now because the pressure of the times is too great, but I will release your husband before I leave the White House."

Shortly after Dr. Mudd was taken to Washington a company of soldiers had been stationed on his plantation. They burned the fences, destroyed the wheat and tobacco crops, pulled the corn-house to pieces and spilled the corn on the ground where it was trampled under by horses. Meat was stolen from the meat-house, and what the soldiers could not eat they scattered over the hillside.

Prison. Dr. Mudd and his codefendants were to serve their sentences in the prison at Albany, New York, but Secretary Stanton feared that confinement in a civilian prison would mean constant efforts to



Scene from *The Prisoner of Shark Island*, 1936, a film account of Dr. Mudd's imprisonment. Warner Baxter, as the physician, is seen treating John Carradine, who played his cruel tormentor, during the yellow fever epidemic.

effect release by habeas corpus or on appeal. The prisoners were placed on board a gunboat in great secrecy; when the captain was four miles out he opened his sealed orders which directed him to Fort Jefferson, on the island of Dry Tortugas in the Gulf of Mexico, 60 miles southeast of Key West, Florida.

The fort was built in 1846 at a terrible cost of lives, material and money.* The walls were ten feet thick, and on the roof were 30-ton cannons designed to fire red hot shells. Around the fort ran a 100-foot wide moat which was reputed to be filled with sharks, which accounted for the name of Shark Island given to the place.

When Dr. Mudd reached the fort it was occupied by 1800 prisoners and soldiers. Most of the soldiers were Negroes who could not be expected to have any sympathy with a man who was a former slave owner and one suspected of having helped to assassinate the Great Emancipator.

Dr. Mudd was placed in a small cell on the door of which was the inscription: "He who enters here leave all hope behind." He was assigned to work in the hospital as nurse and acting steward. In a letter to his wife he wrote: "I have little or no labor to perform, but my fare is not much improved. My principal diet is coffee, butter and bread three times a day. We have had a mess or two of Irish potatoes and onions, but as a general thing vegetables don't last many days in this climate before decomposition takes place. Pork and beef are poisonous to me; and molasses when I am able to buy it, and occasionally (fresh) fish, when Providence favored, are the only articles of diet used. I am enjoying very good health, considering the circumstances."

On September 25, Dr. Mudd put on one of the suits he had brought and managed to reach the wharf, where a crewman of the transport *Thomas A. Scott* secreted him in a hold. He was discovered attempting to hide inside a cannon, was given hard labor and placed in irons in one of the fortress dungeons. He was locked in for 12 hours out of 24 on working days, all day on Sundays.

About a month later he wrote to his wife about the escape: "Why should I be expected to act more honorable than my persecutors, who sent me here? Have they not, from the beginning to the present, endeavored to degrade and humiliate by previously unknown and unheard of tortures and cruelties even in an uncivilized community, to lower us, the victims of injustice, beneath the dignity of brute creation?"

In 1867, yellow fever broke out in the fortress. Two-thirds of the garrison were evacuated; death took a steady toll of the remainder, until the only

Another scene from The Prisoner of Shark Island showing Warner Baxter, as Dr. Mudd, manacled and under heavy guard, arriving at Fort Jefferson, the largest masonry fortification in the western hemisphere.



officer left was a second lieutenant. Dr. Mudd wrote: "You can't imagine the gloom and indifference which pervades the whole garrison. No more respect is shown the dead, be he officer or soldier, than the putrid remains of a dead dog."

When the post physician, Dr. Joseph Smith, died of the fever and could not immediately be replaced, the officers asked Dr. Mudd to take charge. He had had some experience with yellow fever in Baltimore in 1855. One of his first acts was to shut off the hospitals and barracks from the windward side to keep out the "deadly miasma" that arose from a partly dug moat. He was in effect keeping out most of the mosquito vectors, although no one knew about the role of *Aedes* at that time. In letters to his wife he several times mentions that he treated victims of the disease according to a theory and regimen of his own, but neither is described in detail.

He was now free to escape, but he wrote his wife: "By the hand of Providence my fetters have been broken, yet I run not, preferring to share the fate of those around me and to lend what aid is in my power to breaking down the burning fever, overcoming the agonizing delirium, and giving all the hope and encouragement possible to the death-stricken victims of the pestilence."

In October, Dr. Mudd was himself stricken. When he recovered he was emaciated and very weak, with a great longing for fruit which was hard-

*The cost was said to have been a dollar a brick, or \$50 million. It was used as a prison during the Civil War.

Dr. and Mrs. Richard D. Mudd of Saginaw, Michigan. Dr. Mudd is the grandson of the unfortunate Maryland physician. The couch on which they are sitting is that on which his grandfather examined John Wilkes Booth in April, 1865.



ly ever seen on the island. Officers and men signed a petition which said, in part:

"The entire different system of treatment and hospital arrangement was resorted to with the happiest effect. Dr. Mudd's treatment and the change which he recommended met with the hearty approval and warm commendation of the regularly appointed surgeons, with whom, in a later stage of the epidemic, he was associated. Many here who have experienced his kind and judicious treatment, can never repay him the debt of obligation they owe him."

The petition asked the government to release Dr. Mudd and return him to the bosom of his family. But after the epidemic was over, he was again placed in chains and given the duty, with four others, of daily washing down the bastions of the fort.

Meanwhile his wife and friends never ceased in their efforts to obtain either his release or another hearing. Their task was complicated by the political turmoil following the end of the Civil War, including tumultuous elections and the trial for impeachment of President Andrew Johnson. Thirty-nine members of the Congress petitioned for Dr. Mudd's release, as did the Medical Society of Harford County, Maryland. An application for habeas corpus in 1868 was denied.

Finally, President Johnson signed a four-page document in which he acknowledged that the evidence "leaves room for uncertainty as to the true measure and nature of the complicity of Dr. Samuel A. Mudd in the attempted escape of said assassin."

Because of the unreliability of the mails, Mrs. Mudd paid \$300 to have a special messenger deliver the president's unconditional pardon to Dry Tortugas. Her husband was released on March 8, 1869.

Aftermath. When Dr. Mudd returned to his plantation he found it in great disrepair. There were no more slaves and the ground was untilled. Without income, he applied to the government for aid and was given the job of traveling through the South to study yellow fever. But as this required his frequent separation from his family, he resigned and returned to private practice.

In the thirteen years after his release he became the father of six more children and lived a quiet and retired life, protesting his innocence whenever occasion arose. He made a home for one of his fellow prisoners, Edward Spangler, until his death.*

In 1883, the man who had survived four years of the pestilent Fort Jefferson died of pneumonia contracted after catching a chill during a night call in a storm.

In 1932, Senator Tydings of Maryland introduced a bill in Congress to grant \$200,000 to the descendants of Dr. Mudd, but this never came to a vote. Equally unsuccessful was a bill to rename the fateful fortress Fort Mudd.

A detailed life of her father was published by Mary Eleanor Mudd. In 1936, the story was made into a film called *The Prisoner of Shark Island*.

Summing Up. For setting a fractured bone an innocent physician fractured his life.



*O'Laughlin died in the yellow fever epidemic.