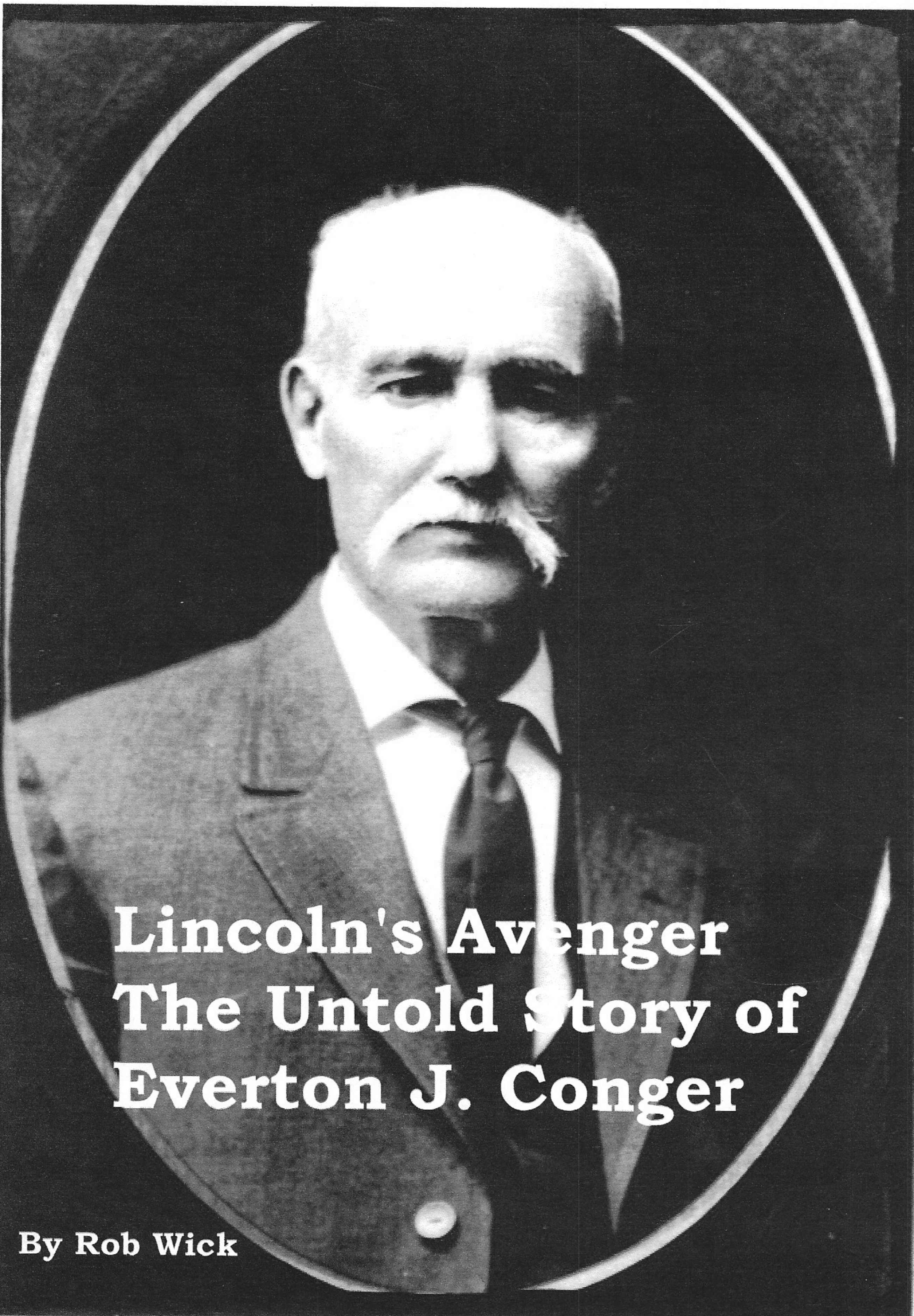

Lincoln's Avenger
The Untold Story of
Everton J. Conger
By Rob Wick

INTRODUCTION

A strong ego is necessary to write history. Not only does one have to believe he has something of value to share with the public, he also has to believe someone "out there" is willing to take time out of their busy schedule to read the sum of his work and, heaven forbid, maybe even pay for the privilege of doing so.

Never having been accused of harboring a small ego, I undertook this project none the less with a grain of trepidation. My first encounter with Everton Judson Conger came about as the result of an interview I held with the owners of his brother's home. Having heard tales about "the captor of Booth" who lived in Carmi for some time, it never resonated until I saw a painting of Chauncey Conger in the hallway of his former home.

Looking at the painting I felt something which I had believed was long gone. History is, and has remained, my true passion in life. Somewhere along the lines of daily deadlines and a growing dislike for newspapers in general, I realized that Clio hadn't abandoned me, but rather it was I who pushed her into the cold. If I ever wanted to call myself a "historian" the time was now. I would have to reclaim that passion, and in a way, my soul. Some 161 years after his birth, I realized I needed Everton Conger to show me the way.

A more utilitarian discovery also prodded me along. The only recorded history I could find of EJC was written in 1958 for an Evansville, Ind., newspaper by Carmi historian J. Robert Smith. Smith, a strong supporter of the Carmi Public Library and at one time president of the Illinois State Historical Society, wrote an account that was not necessarily inaccurate (although parts were seriously flawed) but which left far more questions than answers. From that point in 1995 I began a three-year journey which ended with the publication of a five-part series in the Carmi Times.

To say that my account is the complete story of EJC would be wrong. Greater detail needs to be paid to his life before the Civil War as well as his years

following suspension from the Montana Territorial Supreme Court in the mid-1880s. Unfortunately for that trips to Ohio and Montana are necessary and, at this point, highly unlikely. The records relating to his suspension are located in the National Archives and number well over 800 pages. Lack of the necessary wherewithal for a trip to Washington, D.C. and no way to get the material copied has left a big gap in that pivotal period of Conger's life. Someday I hope to get the entire file and build on the mention it received in John W. D. Guice's *The Rocky Mountain Bench* but until then, my account will have to suffice.

Lack of a diary and the necessary letters to build a picture of Conger's personal life have forever silenced how he and Emma Kate Boren lived and, according to his granddaughter, eventually drifted apart to the point where Conger expressed sympathy for any man trapped in the bonds of holy matrimony. What is known now is that several of the letters and other family ephemera were somehow lost in Montana, although I am grateful to John Womack who provided me with copies of what letters do exist.

In most introductions it is customary to thank all those who had a hand in the production of a work. First mention would have to go to my good friend Steve Miller, who I have often said knows more about Conger and those on the Garrett Farm Patrol than any other person. Steve had brought my work to the attention of several recognized scholars in the growing field of Lincoln's assassination and for that I am grateful. Edward J. Steers Jr., the recognized authority on Samuel Mudd and the author of the best history of the assassination to date, also provided me with helpful and much appreciated comments after the series was published.

Dan Pearson had the kindness to stroke my ego by listing the series on his web site's comprehensive bibliography, which is no doubt one of the best concerning Abraham Lincoln. Lowell and Rhoda Sneller's Abraham Lincoln Online (www.netins.net/showcase/creative/lincoln.html) has shown that the World Wide Web, while not the total future of history, will play a key role in its development and will contribute greatly to bringing history back to the general

public from which it has been ripped. Contributing what little knowledge I might have onto its Friends of Lincoln Mailbag kept me sharp especially when some of my views were rightfully questioned.

Nan Card of the Rutherford B. Hayes Presidential Center in Fremont, Ohio provided me a great deal of information on Fremont and her research into Conger's early life. She also straightened me out on the confusing issue of Sandusky, which was wrong in my series but is corrected herein. I am also grateful to the librarians at the University of Illinois's Lincoln Room for their help as well those in Morris Library at Southern Illinois University in Carbondale. The staff of the Illinois State Historical Library in Springfield opened their collection to me and provided a great deal of assistance to someone working with primary materials for the first time.

Everyone at the *Carmi Times*, especially Scott Kittinger and Linda Hall, were good and faithful friends during my tenure there. The Carmi Public Library and the White County Historical Society are both undervalued resources. The library fulfilled several strange interlibrary loan requests while the historical society provided me with the only picture available into the early life of Conger's mother in the form of a letter she wrote.

My wife, Cheryl had the unenviable task of accompanying me on several research trips and never once complained. She put up with lunch meat sandwiches when that was all we could afford and didn't hesitate when I said we needed one more trip to Carbondale. We've had a tough journey throughout these years, but I hope things will get better.

My mother and stepfather never understood why I felt it was necessary to buy yet another book, but shortly after my father died, Mom sparked my love of reading (which sparked my love of history and writing) when she purchased our family's first set of encyclopedias. To say that I miss my mother greatly doesn't even come close to describing the hole that her death has left in my life. To her this work is partially dedicated.

It is also dedicated to Helen P. Morgan, Conger's granddaughter. While she is no longer here, her love and devotion to her grandfather helped me along when this project seemed stillborn and lost. Talking to her provided me with a link to the past that no document could ever replicate. Although she has joined her grandfather in death as an adult, she remains in my mind a little girl sitting on his lap, looking at him with such loving eyes and knowing that he was indeed a truly special man even if his path had never crossed that of an actor from Maryland.

Crossville
2005

Helen P. Morgan and her grandfather, Everton J. Conger

Chapter One

Rarely Pure and Never Simple

Truth, Oscar Wilde wrote, is rarely pure and never simple.

When it comes to Everton Judson Conger, truth is rarely pure, never simple, and in most cases, lost to the present generation.

Born less than 50 years after the Constitution was adopted, Conger died just as the guns of World War I fell silent.

Old enough to remember when the mainstay of land-based transportation was a horse and buggy, Conger lived long enough to suffer a broken back after being run over by a car in 1912 (an incident he survived).

During his life, Conger crossed paths with people history has remembered with greater clarity. In his case, we know Conger only as the man "in command of the troops which captured John Wilkes Booth."

Booth's capture brought Conger enough fame so that his death was noted in the July 15, 1918 edition of the *New York Times*, albeit by a single paragraph. *The Washington Post*, headquartered within 90 miles of Conger's most noted accomplishment, made no mention of his passing.

While acres of trees have been sacrificed telling the story of the man Conger helped capture, historians have paid scant attention to his life either before or after his most famous, although not singular, feat.

Just how little attention has been paid to Conger's life is evident in the numerous ways those resources he appears in butchered something as elementary as his name.

In various works one can read of Ellerton Conger, E.A. Conger, E.G. Congar, Overton Conger and in the case of the errant *Post*, E.T. Cooper (announcing his appointment in 1880 as associate justice on the Territorial Supreme Court of Montana).

Had Booth's derringer misfired, or had he lost his nerve as one of his co-conspirators did, it's likely the world would have never know Conger at all, putting him with the 100 or so other anonymous Conger men who served during

the Southern Rebellion, including his own brother, Seymour, who served in the cavalry unit which Everton organized, and who was killed in 1864 in West Virginia.

In spite of a war record which proved Everton was a brave and heroic soldier who sustained three wounds, history has proven time and again it takes little talent to be wounded in war, and distinction is sparse for those destined to meet that fate.

Destiny, however, had greater things in mind not only for Everton, but for two of his brothers. Omar was a powerful fixture in Michigan and national politics, serving as a U.S. Congressman, Senator and even mentioned in some circles as possible presidential timber.

The youngest in the family, Chauncey, would be less famous nationally, but just as powerful in late-19th century White County politics, serving as a member of the state legislature during the Civil War and later as Judge of the Second Judicial Circuit. He also served as county chairman of the Democratic Party in White County.

But while the three brothers, all of whom would wear the moniker "Judge Conger" in their later years, knew power and glory, they also felt more than their share of tragedy and sorrow.

Omar lost both his power and Senate seat after crossing his political mentor. He would die in Michigan, a broken and obscure man.

Chauncey would be branded by his political enemies as disloyal and as a tool of the Copperheads allegedly expressing the venomous sentiments of those northerners opposed to involvement in the Civil War.

Life's sharpest stings, however, were reserved for Everton.

Denied at first a proper share of the reward money for capturing Booth in spite of a provable leading role, Conger would see his case argued on the floor of both the House and Senate. Later he would, by some accounts, see a large chunk of that money disappear-eaten up in the failed dreams of a man he once called his friend.

Abandoning his earlier training as a dentist, Conger would study law while living in Carmi, and in six short years rise to the position of associate justice of the Territorial Supreme Court of Montana.

Shortly thereafter he would be suspended, in part due to territorial politics, but also because of a morphine addiction and bouts with alcoholism brought on by

the wounds he suffered during the war.

Forced by the conventions of the day to live in an unhappy marriage with a socially-ambitious wife, Conger doted on his only daughter, whose untimely death from pernicious anemia would hasten his own demise a few months later. He would lose one son to drowning while another would die as a result of suicide.

No matter what the circumstances, though, Conger always seemed to draw on an inner strength likely inherited from his parents. He persevered, up to July 12, 1918 when a stroke accomplished what two Confederate minie balls and a saber could not.

In 1835, ground was broken by future President William Henry Harrison in Upper Sandusky, Ohio for a railroad which would eventually link Lake Erie in the north with the Ohio River far south.

In his book "River To The West: Three Centuries on the Ohio" Walter Havighurst described the excitement when "twenty-four cannons boomed over the harbor" and "the ranks of the Sandusky Rifle Corps and the shuffling chiefs of the Wyandot nation marched officials of the Mad River and Lake Erie Railroad" to the groundbreaking site.

Just a year earlier, however, in 1834, a local family celebrated another type of excitement-the birth of a baby boy.

Everton J. Conger was the eighth of ten children born to the Rev. Enoch and Esther West Conger on the remote landscape of Ohio territory known as the Western Reserve. His family would later move to Fremont.

Conger's earliest roots can be traced to the French province of Alsace, near the German border where a family named Koeniger (anglicized to Conger) moved to Holland and later to England.

John Conger apparently emigrated from England to America in 1665, according to family historian and descendent Ethel C. Heagler in her 1944 pamphlet "Conger History, 1664-1941."

Maxine Crowell Leonard, another descendent who in 1972 privately published "The Conger Family of America" asserts that the Koeniger claim is "purely supposition."

Leonard writes that the entire Conger family descended from John Conger and

his six sons, with her research showing only 37 broken genealogical lines.

One of the six sons, Job Conger married Mary Keziah Thorp (although she was referred to by some sources as Mary Percy or Pierce) and moved to the Schoharie Valley in New York where the family barely escaped a massacre carried out by the French and Indians.

The couple's fourth child, Uzziah, was born in 1758 and served during the Revolutionary War on the Colonialist side.

His son, Enoch (Everton's father) was born in Albany County, New York in 1792 and served as a chaplain in the War of 1812 before becoming a Presbyterian minister.

During his service in the War of 1812, Enoch was captured during the Battle of Queenstown. He escaped later that night, thanks in part to the help of his older brother Job, who had been pressed (forced) into the British army.

In her Conger history, Leonard writes that Job and Enoch didn't see each other until after the battle, and that "as the pressed men were set to guard the prisoners, it may be explained why Enoch made his escape."

Enoch married Esther West, also a native of New York, and moved his family to the Western Reserve in Ohio, where he began his service as a missionary.

Enoch had charge of several churches, so the family constantly moved about. As a result, their first three children were born in different towns. It wasn't until 1824 that they settled in Upper Sandusky.

Little is known of Esther West, although a letter in the collection of the White County Historical Society provides a revealing glimpse, showing a woman who was reverent, yet one who was independent, introspective and quite literate-qualities she no doubt passed on to her children.

She had traveled to New York to visit her family in 1836 and was headed back to Ohio. The 11-page letter to her brother describes in vivid detail how tortuous that journey was.

Unable to read her Bible on the coach headed to Buffalo because of darkness, she soon "gave myself to my own reflections. I thought of the past and the future and the hope of soon meeting my beloved family from which I had been so long absent. Had some tendency to disipate (sic) the painful recollections which crowded on my mind when I thought of those dear friends I had just left, perhaps forever."

Passage after passage reveals the level of faith which Esther held. When she arrived at Buffalo to go back to Upper Sandusky via Lake Erie, she was astonished as to how crowded the boat was. What space wasn't taken by baggage and freight was heavy with passengers.

"I was advised to wait for another boat, but felt as if I could not stay among strangers and upon expense over the Sabbath," she wrote. "To start on Saturday with the certainty of being out on the Sabbath my husband charged me not to do." She later wrote "I felt somewhat discouraged but commended myself to him who never slumbers nor sleeps, and laid me down with some hope of finding myself in Sandusky the next morning."

The boat docked in Cleveland after it nearly capsized on the choppy waters. On its first attempt out, it was forced to return to port to avoid sinking.

"There were women and children of all ages, from the infant at the breast to the aged matron exposed to the driving rain and the chill night wind-sheltered overhead to be sure, but the wind and rain beating in upon us from every side-and most of them so sick as to be hardly able to hold up their heads, and groaning and vomiting and the crying of babes were sounds which saluted my ears without intermission," she wrote.

When she finally arrived in Upper Sandusky "I now learnt what I had indeed expected-that my friends had been very anxious about me. My husband had been down twice Saturday and Monday again, and left Tuesday noon, rather sad."

With few letters and no diary left behind, very little is known about Conger's life growing up in Erie County. Interviews Conger gave later in life spoke only about his role in capturing Booth.

While in his early 20s, Conger boarded with a family named McCullough, whose patriarch was a druggist, according to the 1860 census.

He apprenticed himself to a dentist, and in April of 1856 an ad appeared in the Fremont Journal announcing "Dentistry. E.J. Conger, Dental Surgeon, respectfully tenders his professional services to the citizens of Fremont and vicinity. Teeth inserted on pivot, gold or silver plate, and in the neatest manner. Office in Sharp and Shoup's Building, front room up-stairs."

Dentistry, at the time Conger began his practice, had undergone a revolution of sorts in America, with the creation of dental schools and the founding of the American Society of Dental Surgeons, although from the available evidence there

is no proof that Conger did anything other than apprentice himself to a dentist already practicing.

On Oct. 16, 1861 Conger married Emma K. Boren, daughter of Fremont postmaster Levi Boren. As postmaster, Boren was a very prominent citizen in the community since he was one of the few links citizens had with the federal government. Usually the office was also very lucrative to its occupant. From all accounts, Conger married well.

At the outset, their marriage was happy. As the rising conflict between the North and the South swept the nation, another kind of conflict arose between Emma and Conger which soon put a damper on that excitement.

Emma was 17 on her wedding day while Conger was 27. That difference in age put a strain on their marriage, according to their granddaughter, Helen P. Morgan, who at 97 lives in Honolulu, Hawaii.

"Anytime Granddad asked a man if he was married, and the man would say he was, Granddad would say 'oh that poor man'," Morgan joked. Turning serious, she said "I guess their marriage wasn't the best."

From what letters have survived at the time of their marriage, Emma Conger was a bright, vivacious child-bride who enjoyed gossip but who maintained a social-climbing persona which would make her unpopular with many who knew her, especially to the stuffy Washington, D.C. society she would never quite fit into.

On her 18th birthday in 1862, Emma wrote to Conger, who was in Wheeling, W.Va., "Your wife is eighteen years old today and as usual it is a very unpleasant day. I am so sorry to hear that you are not well, you poor boy. It is so hard to be a wife and away from the care we want and need. Be very careful and do not work too hard or expose yourself unnecessarily for you are my husband now and are missed."

In an undated letter, but one probably written about the same time, Emma wrote of a neighbor who had just paid her a compliment-of sorts.

"When I started away, Mrs. Ameden said "Emmie, what is the matter [with] you! You look so well today. Tell your husband when you write to him tomorrow

for me that you ought surely to have been here today to see you look so pretty.' Was that not quite a compliment from one who never flatters."

"Katie," as Conger called her, was steadfast in her devotion to her husband, even declining to travel with a friend because of his wishes she stay in Fremont.

"Mrs. M[offord] expects to go home in the morning and insisted on my going [with] her and only staying two days if I cannot stay longer," Emma wrote, "but I remembered your wishes and told her 'twas impossible. Still, she was determined and wants me to promise to come next week but I [w]on't or will not without you are willing."

Only one letter has been uncovered which Conger wrote to Emma. On May 25, 1864, just a month or so before Conger would receive his second battle wound, he wrote to her at 1 a.m. from Bermuda Hundred, Va.

"My darling wife," he wrote. "I have just received orders to go to City Point with the dismounted men of the Reg[iment] for the purpose of repelling an attack at that Point, so I write this hasty note to let you know. It's only two miles from here. You will hear a good report from us so goodbye and God bless and keep my darling little Katie and babie boy. Pray for me. Good night. Ever your loving husband, Everton."

Between establishing his practice and family, the world around Conger swirled with intense excitement. The greatest question of the day was about slavery and whether the South would leave the Union.

Without anything from Conger's own hand, it's difficult to get an accurate picture of his views on racial equality. One can, however, by using available evidence, make certain inferences and suppositions, but that must be done with caution.

The closest thing to an autobiography attributed to Conger was taken from an interview he gave to a friend in Dillon, Mont., in 1916. The transcript was used by the interviewer in a college class and in 1958 was published by William L. Reuter in a book with the odd title *The King Can Do No Wrong*.

In recounting an incident which Conger claimed helped in Booth's capture, he told of a Union soldier supposedly held in a jail in Port Marlborough, Md. Conger

was sent by Secretary of War Edwin M. Stanton to investigate, found the prisoner and effected his release.

During this time, Conger met a black man who in the same jail with a number of other ex-slaves.

"Why are you people held here in jail," Conger asked.

The ex-slave man replied "to keep us from going away."

Conger asked the crowd if they didn't know they were free.

The man said they did, but added some white men said they were keeping them locked up.

Conger ordered the doors unlocked and said "you are all free and may go when and where you want to."

Making preparations to return to Washington, Conger was approached by the same group of blacks.

"Why are you coming back to town? You have been released and are free to go on your way," Conger said.

"We done went, Colonel, but a group of men down there wouldn't let us go," was the reply.

Conger and another officer rode down to where four men were holding some of the blacks prisoner and ordered them to release the ex-slaves.

Conger ordered the four to lay down their weapons, release their prisoners and move on. Only one started to obey.

"The other three men stood in a group and made no effort to comply with Colonel Conger's order," Reuter writes. "They had arrived at their own decision and the next move was up to the colonel."

Conger said if they did not move, he would take the men to Washington by force and "God only knows when you will get back. You know, or ought to know, that the Emancipation Proclamation has been issued and you have no more right to hold these people than you have to hold me."

The other three decided against challenging Conger's authority, and the ex-slaves were released.

While this story goes more to the role one of the ex-slaves would allegedly play in capturing Booth, if true it would also show Conger's willingness to use the might of the U.S. military to enforce the Emancipation Proclamation.

Yet another factor in shaping Conger's racial views would be his Presbyterian

background. The record is clear that Conger was very active in the church while living in Carmi, and the record is equally clear that Presbyterianism, especially the kind practiced by Conger's parents, was clearly anti-slavery.

Some insight on Conger's views can be found in the ideas of other family members. While it would seriously overstate the case to infer that a brother's views represented the other, Omar Conger was very liberal in terms of race.

Historian Bruce Rubenstein writes that Omar was a strong supporter of the right of suffrage not only for the black man, but for the Native American as well.

In a biographical sketch in *Michigan History* magazine, Rubenstein quotes Omar saying he wanted to "extend the right of suffrage to the African race, boldly and manfully, without a slur and without a reproach."

There is some evidence, however slight, that Everton's views didn't always extend to all races.

Historian John Wunder believes that Conger, while serving on the Montana Supreme Court, co-authored a decision which deprived a Chinese man named Ah Tong, among others, of a mining claim which a white man had supposedly sold him a year before.

Wunder's article, published in the *Journal of the Montana Historical Society*, points out that the record isn't clear that Conger joined in writing the majority opinion which was authored by Chief Justice Decius Wade. He did, however, not cast a dissenting vote.

Whatever his views, no doubt exists that when President Abraham Lincoln made his April 15, 1861 call for 75,000 three-month volunteers to bring back the "errant sisters" of the South back into the Union, four days later Conger was in a Union uniform.

Chapter Two

"The prospect then was dark and gloomy"

Washington D.C. is famous for its unbearable summer heat. On July 4, 1861, it reached full boil.

Abraham Lincoln, recently installed as 16th president of the United States, sent a message to what remained of the Congress-less the former members who had pledged their allegiance to the Confederate States of America-an entity whose name Lincoln never publicly used.

"Our popular government has often been called an experiment," Lincoln said. "Two points in it, our people have already settled-the successful establishing, and the successful administering of it. One still remains-its successful maintenance against a formidable internal attempt to overthrow it...."

Two months earlier, after the fall of Fort Sumter, Lincoln issued a proclamation calling for 75,000 men to take up arms for 90 days to end the rebel insurrection. Later, realizing the 90-day deadline was impractical, he would ask for another 42,000 to join for three-year terms.

One source estimates that by 1862, around 700,000 men had joined the Union cause. Just how many men joined the Confederacy is hard to determine, but most agree it was around 450,000 to a half-million men.

When Lincoln issued his first call for troops, Everton J. Conger was earning a living in Fremont (earlier known as Lower Sandusky) which is situated in the northwestern part of Ohio. He would later describe the scene after Sumter's fall in the June 30, 1865 *Fremont Journal*.

"This carries me back to the time when the fall of Sumter cast a gloom over the whole country," Conger said. "I see before me now the faces of valiant men from Fremont. I call to mind the sad hearts and countenances of those who gathered on the night of its fall in groups upon the street corners, with hearts too full for utterance, and could only speak with the eye. The prospect then was dark and gloomy."

Ohio, like many northern states, far exceeded the quota set for it by the War Department. Much of the success was due to former Gov. Jacob Cox, then-Gov. Edward Dennison and two men who would go on to greater prominence in the war-Generals William Rosecrans and George B. "Little Mac" McClellan.

So many troops were arriving in Columbus and Cincinnati that, according to Cox, they were put up wherever room could be found.

"Going to evening work at the State House, as I crossed the rotunda I saw a company marching in by the south door, and another disposing itself for the night upon the marble pavement near the east entrance," Cox wrote. Some were holding prayer services while others were "writing their farewells to mothers and sweethearts, whom they hardly dared hope they should see again."

Since many members of the volunteer units had come from the same town, they held elections to determine who their officers would be. Conger was elected second lieutenant of Company F of the 8th Ohio Infantry.

The 8th Ohio was enrolled into federal service in Cleveland on April 24, 1861, and on May 2 was dispatched to Fort Dennison in Cincinnati. The average age of soldiers in the unit was 23.

Military life for Conger and his compatriots was much less glamorous than many imagined. Franklin Sawyer, who would rise to the rank of general in the regiment, reported in his 1881 *A Military History of the 8th Regiment Ohio Volunteer Infantry* about the early misery the unit endured.

"Late the next day, on the third of May, we arrived at Camp Dennison in the midst of a cold, dreary rain storm and were ordered into a wheat field, on low bottom land, to camp for the night," Sawyer wrote. "The mud was knee deep, the wheat quite tall, and a more disconsolate set of men were never looked upon."

Although the unit officers worked hard to "fit the regiment for service at front" it was never called to duty, and on Aug. 18, 1861, Conger and his comrades were mustered out.

Most were immediately called back to service when the regiment was re-formed as a three-year unit. Conger, however, was assigned temporary duty as assistant quartermaster for the Tenth Ohio Infantry. While spending time in Virginia, Conger had an encounter with a fellow Fremont resident who would later play an instrumental role in his life.

"Have met here divers[e] Cincinnati acquaintances, and Lieutenant Conger

and Dr. Rice of Fremont," future president Rutherford B. Hayes wrote in his diary. On July 30, 1861, Hayes wrote his uncle, Sardis Birchard "I have seen Conger, acting assistant quartermaster of [the] Tenth Regiment. He wishes a place. I ventured to suggest that he could perhaps raise a company in your region by getting an appointment from the governor. All here praise him both as a businessman and as a soldier. His reputation is so good with those he is associated with."

Rosecrans sent Conger back to Ohio to raise two companies of cavalry units. Assisting him was his brother, Seymour B. Conger, who would remain with the newly-formed Third West Virginia cavalry until his death in 1864.

On Dec. 27, 1861, Everton J. Conger was officially commissioned as captain of Company A, Third West Virginia Cavalry. He had 85 men in his command.

The western region of Virginia had been a hotbed of pro-Union activity due mainly to its geographic locale, which was closer to Ohio and Pennsylvania. Few people in that region owned slaves and most had opposed secession.

Ohio's Gov. Dennison had kept a watchful eye on the situation, organizing nine more units than had originally been needed under Lincoln's first call.

He placed those troops near Wheeling, Parkersburg and the mouth of the Great Kanawha Valley so if the Confederate army advanced to some point there, the troops could be called into action at a moment's notice. It was from one of those units that the Third West Virginia was formed.

In one of the few written histories which include details of the Third West Virginia, it was Conger's brother Seymour who received more attention.

In *Loyal West Virginia From 1861 to 1865*, published in 1895, author Theodore F. Lang wrote "The several companies and battalions in the Third Regiment rendered conspicuous service. As early as June 1862, Company C, Capt. Seymour B. Conger was attached to General [John C.] Fremont's command. When in pursuit of 'Stonewall' Jackson in his retreat up the Shenandoah Valley, Captain Conger and his company frequently engaged the enemy, and received special mention from General Fremont upon the occasion of a splendid dash made by the company at the bridge near Mount Jackson; when the retreating enemy had fired the structure,

Captain Conger's gallant charge saved the bridge...."

Most of Everton's actions came in raids and scouting expeditions, designed more to harass the enemy by burning down buildings and "confiscating" anything which wasn't nailed down. It was on one of these scouting expeditions where he received his first battle wound.

On Oct. 23, 1862 Conger, at the time a Captain, was on a reconnaissance mission near Catlett's Station in West Virginia.

At 4 p.m. on the 23rd, Conger was coming from Catlett's Station with about 40 men when he was attacked by a Confederate force of 125 soldiers. During the short but furious skirmish, both Conger and his horse were shot.

The ball entered Conger's right side between his hip and ribs. It lodged in his side, knocking him off his horse. Lying on the battlefield, a rebel soldier charged Conger with a saber. He raised his left arm in an attempt to ward off the blow, but was struck on the wrist by the cold steel.

According to his pension application records, Conger remained on the battlefield overnight, left for dead by his comrades and exposed to the elements. During the next day it was discovered, however, that Conger was still alive.

Conger was taken to the home of a Dr. Osmond, who treated his wounds. He was later shipped to Emory Hospital in Washington for further treatment.

There is no record as to the treatment Conger received, however some generalizations can be made. In his book *Battle Cry of Freedom* Princeton University historian James McPherson said during the time of the Civil War, America was emerging from the "medical Middle Ages" although most soldiers dreaded a visit to the doctor, whose main tools remained the saw and the whiskey bottle.

An Alabama soldier is quoted by McPherson saying "I beleave the Doctors kills more than they cour. Doctors haint Got half Sence." Much of the time the only things the doctors could do for those fortunate enough to survive was to prescribe large doses of morphine. Conger, like scores of other soldiers from both the North and the South, became addicted.

Because of their large caliber and low muzzle velocity, bullets tended to stay in the body rather than exit (as was the case with Conger). Doctors determined it

would do Conger more harm if they tried to retrieve the minie ball.

It is known Conger received a medical furlough which lasted at least until March of 1863. He spent some of the time in Ohio where he received a dressing down from his mother because he didn't write her as often as she had wanted.

Exactly when Conger returned to active duty is not known, but on Sept. 10, 1863, he was promoted to major and was transferred to the First District of Columbia Cavalry, where he would stay for the remainder of the war, putting him in position for the capture of Booth.

In the chronicles of the Civil War, it's doubtful there was a man more universally despised by his own side than Lafayette Charles Baker.

One Senator remarked after the war he thought it doubtful Baker could have ever told the truth, "even by accident." In her 1909 book *The Death of Lincoln*, Clara Laughlin described Baker as "a pious old fraud who left a most malodorous reputation in Washington" and as "one of the worst leeches in the Government employ."

While one of the reasons Baker had this reputation was due to a general lack of character, yet another (and much more important) explanation was Baker's role as chief of the National Detective Police (NDP), which was under the umbrella of Edwin M. Stanton's War Department.

Baker arrested people with little or no evidence against them. While heading the Provost General's office, it was Baker's duty to root out corruption and war profiteers, all the while engaging in the very practice himself.

In 1863, Baker was given command of a unit formed "for special services under the command of the War Department." The main reason for the creation of the First District of Columbia Cavalry was to provide Baker a mounted force to back his numerous investigations.

Other commanders sneered it was also to give Baker a regiment of men who would spy on them and use that information for Baker's (and Stanton's) own gain.

In *The United States Secret Service in the Late War*, a version of Baker's memoirs published in 1902-34 years after his death in 1868-(the original was published shortly before his death), Baker recalled an encounter with a major general who

told him "Your men are a set of damned spies, and ought to be killed; and the officers of the regiment are detectives in disguise, reporting to you whatever is said by the army commanders."

Although the regiment was known as "Bakers Mounted Rangers" Lafayette Baker rarely, if ever, actively commanded. When it was first organized, his cousin Joseph Baker claimed command, as he was the ranking captain.

"The Colonel came up from the city not oftener than once a week," Joseph wrote in his memoirs, which were privately published, "but always with much flourish. He ordered the entire command to 'fall in' and stand at attention while he made a little speech to them in short, nervous sentences, all quite unimportant."

In the fall of 1863, the First D.C. was expanded to a full regiment numbering around 800 men. Added to it were eight companies originally raised as the First Maine Cavalry.

It was about this time that Conger arrived, much to Joseph Baker's consternation.

"Lt. Col. Everton J. Conger came into the regiment at about that time to take charge while Col. L.C. (Lafayette) Baker continued on detached service with the Detective Bureau in Washington," Joseph Baker wrote. "Conger already had a significant army record."

Joseph Baker mistakenly believed that Conger received his commission through the influence of his brother, Omar Conger. "I believe it was by political influence that he obtained his appointment in our regiment," Joseph wrote. However, Omar Conger was not elected to the House of Representatives until 1868 and then didn't get into the Senate until the 1870s.

Just how Conger got his commission isn't immediately clear from the available records. Most likely, after he recuperated from his wounds, he was simply transferred to the First D.C., which was in desperate need of experienced cavalry officers because of the increasingly important role it was to play in the war.

One of the distinguished characteristics of the First D.C. was its use of "Henry's Repeating Rifle." In his 1866 book *The Campaigns of the First Maine and First District of Columbia Cavalry*, Samuel H. Merrill described the rifle. "It is cocked by the same movement of the guard that opens and closes the breech-the exploded cartridge being withdrawn and a fresh one supplied at the same time and by the same movements.

"Fifteen shots can be given with it in ten seconds. Thus, a regiment of one thousand men would fire 15 thousands shots in ten seconds. After having witnessed the effectiveness of this weapon one is not surprised at the remarks said to have been made by the guerrilla chief, Mosby, after an encounter with some of our men, that 'he did not care for the common gun, or for Spencer's seven-shooter, but as for these guns, that they could wind up on Sunday and shoot all week, it was useless to fight against them'."

Given its proximity to the nation's capital, it's not surprising that much of the First D.C.'s action took place around Virginia.

As he had done in the Third West Virginia, much of Conger's role in battle was to harass the enemy, burning bridges and destroying railroad lines.

One of the most famous engagements in which Conger played a role, and where he received the battle wound which would end his military career, was during what would become known as the Wilson-Kautz raid, so named for its commanders, Generals James B. Wilson and August V. Kautz.

As the Union army began to surround Richmond, supplies for the rebel capital had to be brought in from the south and the west. Every railroad which was destroyed or bridge that was burned was one less avenues for supplies to enter.

On June 22, 1864 the raiding party reached the Roanoke Bridge, which crossed the Staunton River. Wilson ordered Conger to destroy the bridge, which was heavily guarded on the opposite side by cannons both above and below it.

In his 1887 book, *History of the First Maine Cavalry*, Edward P. Tobie said "The undertaking was a perilous one. Its wisdom the reader will be likely to question."

The regiment given the task of burning the bridge was green with raw recruits. Conger, never one to suffer new troops with much joy, once told his men they were "a damned sight worse than. . . stragglers."

The mission proved suicidal. "The hills presented a line of fire and smoke, and the earth trembled with the terrific concussions. Shells screamed across the horizon, bursting into deadly iron hail..." Tobie recorded.

Conger, mounted on his war-horse, "Barney," was shot through the hip during the engagement. Loaded into an ambulance, he was taken to City Point, Va., for

treatment. "The wound discharges fatty pus freely," Dr. H.O. Mack recorded in his report. Doctors also said Conger's right leg was partially paralyzed.

One of the nurses treating Conger was Clara Barton, who would later found the American Red Cross. One reason she would be successful was due to Omar Conger.

After the war, Barton took it upon herself to push for the creation of the Red Cross. Met with roadblock after roadblock, she visited Omar Conger, who had become a powerful Senator from Michigan.

At first the Senator only politely listened to Barton. Recognizing his last name, she asked if he was related to Col. Conger. Saying he was his brother, Barton told the amazed Senator that she was the nurse who treated Conger after his second battle wound.

From that day forward, Omar Conger became a staunch supporter of the Red Cross, as did his wife.

Given a 30-day leave to recover, Everton Conger later asked that it be extended another 30 days, which was approved. He spent some time in Ohio recuperating and on his return to Washington was declared unfit for service. He was officially mustered out of the Union army on Nov. 22, 1864.

Impressed with the service he performed in his unit, L.C. Baker immediately put Conger to work in the NDP as either a detective or some type of manager. Conger lived in Washington with his wife, Emma during this time. Although his wounds would continue to cause him great pain throughout his life, Conger was a capable employee.

Conger enjoyed the social scene in Washington, although Emma was never quite accepted. They both took pleasure from the theater, attending as often as possible. Conger also frequented several gambling halls in Washington, albeit under the guise of "investigation."

Although it was the nation's capital, Washington was still in many ways a provincial Southern town. Most everyone who lived there became acquainted with everyone else, and the Congers were no exception.

Occasionally in the gambling halls, Conger became familiar with a man whose charm was only exceeded by his presence on the stage.

The journalist George Alfred Townsend said this man was "one of the best exponents of vital beauty I have ever seen." Newspaper throughout the country

described his acting ability as "genius."

Well-known throughout the capital-and highly sought after by the ladies-this man would in just a few short months change Conger's life-and the fate of the nation-on April 14, 1865 when, according to the poet Carl Sandburg, it appeared as if there was "blood on the moon."

At the time though, the only thing Conger knew about John Wilkes Booth was that he enjoyed watching his performances in the theaters of Washington, D.C., and that he was quite lucky at the gaming table.

Chapter Three

"Blood on the moon"

Everton J. Conger sat on his front porch in Dillon, Mont., studying the big blue sky which had greeted him every morning since 1880.

"The aged man leaned forward upon his hand and was silent for several minutes," recorded a reporter for the *Butte (Mont.) Evening News* who was visiting Conger in 1910. "Before his view in kaleidoscopic rapidity, spread the eventful occurrences of the morning of four and a half decades ago."

Those events, the reporter remarked, were just as clear in Conger's mind as they were at the moment they happened. Many times before, Conger had told the story of capturing the most hated man in America-the beast who forever silenced "Father Abraham"-still considered to be America's greatest president.

It was a story Conger was often called on to tell. Hesitantly, almost with certain deliberateness, he would comply. But his listener was likely to see the same thing each previous listener had witnessed.

In repeating the details of the capture of John Wilkes Booth and the assassination of Abraham Lincoln, Conger would always weep. "He could never get through it without crying," said Conger's granddaughter, Helen P. Morgan.

On that morning in 1910, no record exists that said Conger cried. If he did, the reporter saw fit to ignore that detail. Maybe it was in deference to the hero which Conger had become. Maybe it was because Conger had asked him not to. Maybe Conger's eyes remained dry. No one knows for sure.

But what the seasoned jurist told the reporter was sure to shock readers who had grown up with the notion that Booth was a cowardly monster, fit only for the gallows and grave.

"If there was anything in the assassin's career which prompted admiration, it was his courage," Conger said. Later he added "I was twice wounded in the Civil War, was under fire at many of the most disastrous battles and led my command right through the teeth of almost certain annihilation, yet this exhibition of sublime courage, with death lurking in every corner, was a lesson to me."

As if trying to negate the shocking statement, Conger added he thought Booth was either a maniac or the bravest man he had ever seen. "I am inclined to think that the former was nearer the exact situation with him than the latter."

John Wilkes Booth had originally wanted to kidnap Abraham Lincoln. He had planned to take his prisoner across the Potomac River to Richmond where Lincoln could be traded for rebel prisoners of war.

However, when the only attempt was made, Booth and a motley band of hangers-on commonly referred to as his "conspirators," failed miserably. In a lecture given in Rockville, Md., years after the assassination, "conspirator" John H. Surratt tried to minimize his role in the plot, although he knew he had no choice but to admit involvement.

"I confess that I stood aghast at the proposition and looked upon it as a foolhardy undertaking," Surratt said. To capture Lincoln in a city surrounded by federal troops appeared to him "a foolish idea." However, after two days reflection, Surratt agreed to participate.

The only attempt on record happened when the group found out Lincoln would be visiting the Seventh Street Hospital to enjoy a performance with the wounded soldiers. He never appeared, sending Treasury Secretary Salmon P. Chase instead. "It was certainly a bitter disappointment, but yet I think a most fortunate one for us," Surratt said. "It was our last attempt."

Booth, however, had decided on a more radical course. If he could not capture Lincoln, the only plausible alternative was to murder him.

Booth took some of the "conspirators" from the kidnaping plot and built up a grand scheme to destroy the union and its leadership. He would kill Lincoln. Lewis Thornton Powell, aka Paine, would kill Secretary of State William Seward while George Atzerodt, a German immigrant, would murder Andrew Johnson. Booth and Powell/Paine were the only ones to keep their appointments. While Seward survived his attack, Johnson was never in danger as fear got the best of Atzerodt.

By the time the assassination neared, Booth was consuming a quart of brandy a day. Around 9 p.m. on April 14, Good Friday, Booth was in the Star Saloon,

drinking more but not seemingly getting intoxicated. At 10:15 p.m., the time which had been agreed upon to commit the crimes, Booth made his way into Ford's Theatre and up to Lincoln's box.

Well known by the theater-going crowd, no attempt was made to stop Booth, who was surprised that no one was standing guard at the presidential box. When he entered the anteroom to the box, Booth propped a heavy wooden stick behind the door so no one could enter. Earlier that afternoon, Booth had drilled a hole into one of the two doors which emptied into the box.

From his vantage point he could see the back of Lincoln's head. Booth effortlessly and quietly opened the door behind Lincoln, entered the box, raised his derringer and fired a single bullet which entered Lincoln's skull and came to rest behind the president's right eye.

Major Henry Rathbone immediately grabbed Booth and the two struggled but the actor used a knife he was holding in his other hand to slash Rathbone's arm. Booth leapt from the box, but not before his spur became caught in some bunting surrounding the box. He fell awkwardly onto the stage breaking his left leg, although some now believe Booth's leg was broken not in that dramatic (one befit for an actor) exit, but rather when his horse ingloriously landed on him during the escape.

"Sic Semper Tyrannis" Booth cried, which is Latin for "Thus Always to Tyrants" and which happened to be the Virginia state motto. Forever after tied to Booth, the state changed the motto out of respect for Lincoln.

Booth had immediately become the most wanted man in America.

Although it was known shortly after the killing that Booth was the man responsible, it would take 12 days after the murder before he would be found. Escaping out the back of Ford's Theatre and leaving on horseback, Booth bluffed his way out of the city despite orders that all exit roads be sealed.

After he caught up with the addle-minded David Herold, another "conspirator," Booth and his partner eventually stopped at the home of Dr. Samuel Mudd, whose family to this day remains convinced that their ancestor had no prior knowledge of Lincoln's assassination. Dr. Mudd at first admitted he had met

Booth once but later information revealed Mudd had actually spoken with Booth in Washington.

While Mudd, who was certainly no Union sympathizer, probably played some role in the kidnaping plot, most historians agree, he had no knowledge that Booth had just murdered Lincoln. He set Booth's broken leg and allowed him to sleep in his upstairs bedroom. After finding out about Lincoln's assassination, Mudd ordered the two off his farm.

Over the next few days, Booth and Herold made their way further south, aided by sympathetic southerners and keeping to the swamps. Virginia was their destination but Booth's broken leg and pursuing Federal troops made it difficult to travel.

Eventually under the guidance of a Confederate agent named Thomas Jones, Booth and Herold crossed the Potomac on either April 20 or 21, well over a week after Lincoln's death. However, as fate would have it, instead of landing in Virginia, the two headed nine miles west instead of south and ended up again in Maryland.

After staying in a small frame house for a day, the pair attempted to cross the river again. This time, they made it to Virginia under the guidance of two men who had been sent by sympathetic agents to help them. However, not all of the people the pair encountered were as helpful.

One doctor refused to treat Booth's leg and ordered him out of his house after only a short time. Another person, a black man, had to be forced at knife point to take care of Booth and Herold, and then Booth had to give him $20 to allow the man's son to take them to the Rappahannock River. Booth became despondent because instead of being universally praised as a hero, the northern press was calling his bold move an act of cowardice and the very people he hoped to inspire with the shooting were turning on him.

When they reached the river, the ferry was on the opposite shore and no one was available to bring it back. A fisherman named William Rollins declined Herold's request to bring him and his friend to Port Royal, which lay on the opposite shore. The shad were running and Rollins had work to do, but after he finished, he said he would row over and bring the ferry back. Seeing no alternative, the two sat and waited.

Three Confederate soldiers rode up to where Booth and Herold were sitting.

The three, who claimed to be from Mosby's Rangers (troops which Conger fought during the war), were Willie Jett, Absalom Ruggles Bainbridge and Mortimer Bainbridge Ruggles. Herold blabbed to Jett that he and Booth were responsible for Lincoln's assassination.

After the five men reached the other side, Jett took it upon himself to find Booth and Herold a place to stay. After being rejected by one woman, she suggested they take the fugitives to a tobacco farmer's house. The men set out for Richard Garrett's farm.

After reaching their destination, the party split, with Booth being welcomed into the home. Herold rode with his new-found friends, but returned to Booth's location two days later. Booth was known to the family as "John W. Boyd," and Herold claimed to be his cousin.

Just shortly after Herold's arrival, Ruggles and Bainbridge (who had just taken Herold to Garrett's farm) excitedly rode back and told them that federal troops had just entered Port Royal. The two men scampered into the woods while Ruggles and Bainbridge skedaddled in another direction.

One of Garrett's sons became suspicious, and when Booth and Herold emerged from the woods, told them they were no longer welcome on their farm. Just earlier, the family had heard the news of Lincoln's assassination and despite dreams of a large reward, the greater fear of being arrested for harboring a fugitive caused them to realize the two could not stay.

Booth and Herold pleaded that they had no horses and Booth was unable to walk. Relenting, the family allowed them to sleep in a tobacco shed, which the Garrett brothers locked so the horses wouldn't wind up missing.

The two didn't know it, but their long journey was almost at an end.

For the first week or so after Lincoln's murder, hundreds of people made attempts to find Booth and Herold. While it would be mistaken to say the government didn't have concentrated efforts going on to find the pair, journalist George Alfred Townsend said it best when, writing in 1865, he pointed out "they were treading on each other's heels, and mixing up the thing so confoundedly, that the best place for the culprits to have gone would have been in the very midst of

their pursuers."

Secretary of War Edwin M. Stanton had taken charge of the search and called upon his chief detective Lafayette Baker, to find the two. Lafe, as he was known, had been in New York with his cousin Luther Byron Baker, known to most as Byron, looking for bounty jumpers. Both men returned to Washington immediately.

Baker visited the provost marshal's office but was rebuffed. Soldiers who knew Baker also knew of his salacious reputation toward their brethren. To say that Lafe Baker was disliked by the soldiers was like saying acid in the eyes is an irritant. He was detested.

Before he left, however, Baker caught wind of a telegraph report from Major James O'Bierne, the provost marshal, that two men had been spotted going across the Potomac at Port Tobacco. Although the report later showed the two men were not Booth and Herold, Baker seized upon it as the place to begin looking.

Lafe, Conger, and Byron Baker would all go to their graves claiming that an "old Negro" provided the information which put them on the right track. While Townsend accepted this version as truth, very few others did, including Lafe's own attorney.

Lafe first sent for a cavalry unit of 25 men, and then sent for Conger and Byron. Both had served under him in the First District of Columbia cavalry and were now two of his detectives. He told them he had information that the fugitives had crossed the Potomac and showed them where they were to start searching. Around that time, Lieutenant Edward P. Doherty entered the office. He was in immediate command of the 25 soldiers who had made their way to Baker's office.

"You are going in pursuit of the assassins," Lafe told Doherty. "You have the latest reliable information concerning them. You will act under the orders of Colonel Conger." This would be an important order, because after the capture had been effected, there would be conflicting statements as to who was actually in charge (and who was entitled to a larger portion of the reward money).

"Conger," Townsend wrote, "is a short, decidedly indomitable courageous fellow, provincial in his manners, but fully understanding his business, and collected as a housewife on Sunday. Young Baker is large and fine-looking-a soldier, but no policeman-and he deferred to Conger, very properly, during most of the events succeeding."

PLANNING THE CAPTURE OF BOOTH AND HAROLD.—[Photographed by Gardner, Washington, D. C.]

The party boarded the steamer John S. Ide, which made its way to Belle Plain, which is located about 70 miles from Washington on the Potomac. They arrived there about 10 p.m. that evening.

Conger and Byron rode ahead of the party, pretending at various times to be rebel soldiers lost from their unit (they were in plain clothes, hence no one would have been suspicious at their story). Unsuccessful in these actions, the two rejoined the soldiers.

The next day, the party reached the Port Royal ferry. They found Rollins and showed him pictures of Booth and Herold. Rollins said he recognized the pair as the men he had been asked to take across the river. He told them of the meeting the two had with Jett and his fellow soldiers. Rollins said he knew that Jett's girlfriend lived in Bowling Green, Md., and that he probably went there.

Rollins agreed to guide the party to where Jett was, provided they would put handcuffs on him and place him under arrest. Apparently for Rollins, helping out Union soldiers was worse still than any threat the federal government could have placed on him.

In traveling to the hotel, Conger, Baker and the party had actually passed Richard Garrett's farm. Only after rousting Jett out of bed (and under the threat of Conger's revolver) did he tell Conger he would take him to Booth.

The party arrived at Garret's farm between midnight and 1 a.m. on April 26, 1865. Both Rollins and Jett were with the soldiers, who were so exhausted they fell off their horses and went to sleep.

After the soldiers were re-awakened, Conger ordered them to surround the house. He and Baker went up on the porch and banged loudly on the door.

Richard Garrett, an elderly man at the time, opened the door.

"Where are the men who are hiding on this farm," he was asked. At first he said they had gone to the woods, but when Conger threatened to hang him from one of the locust trees in the yard, John Garrett rushed to his father's side and told Conger that Booth and Herold were locked in their tobacco house.

Conger and Baker took John Garrett to where he said the two men were and ordered him inside to get Booth's weapons and to talk him out so the barn might be saved.

When he came in, the party outside heard Booth say "Damn you, you have betrayed me. Get out of here." The younger Garrett bolted to the front of the barn,

begging to be let out. After he was, Conger ordered him to pile up some brush at the corner of the barn to make it appear the soldiers were planning to burn Booth out.

Conger later recalled that "Mr. Garrett told me that Booth came to the corner of the barn and told him if he valued his life to go away from there; if he did not, he would shoot him, or something of that kind."

Baker and Booth began to talk. Booth demanded to know who was outside, saying it was possible he was being taken by his friends. Baker said it didn't matter who they were, but that Booth had to surrender.

Booth replied that he was lame and asked if Baker and the troops would go back 50 yards, he would fight them. Baker said that was out of the question and once again ordered Booth out.

After a while, Booth said that Herold wanted to surrender. "Let him hand out his arms and come out," Baker replied. Booth said that Herold was unarmed, and that he (Booth) planned to keep the weapons for himself.

Conger told Baker to quit talking and get Herold out, which he did. With Booth on his own, he once again said to Baker, "Captain, I consider you to be a brave and honorable man. I have had a half a dozen opportunities to shoot you." Baker put the candle down and told Booth if he didn't come out, the barn would be burned.

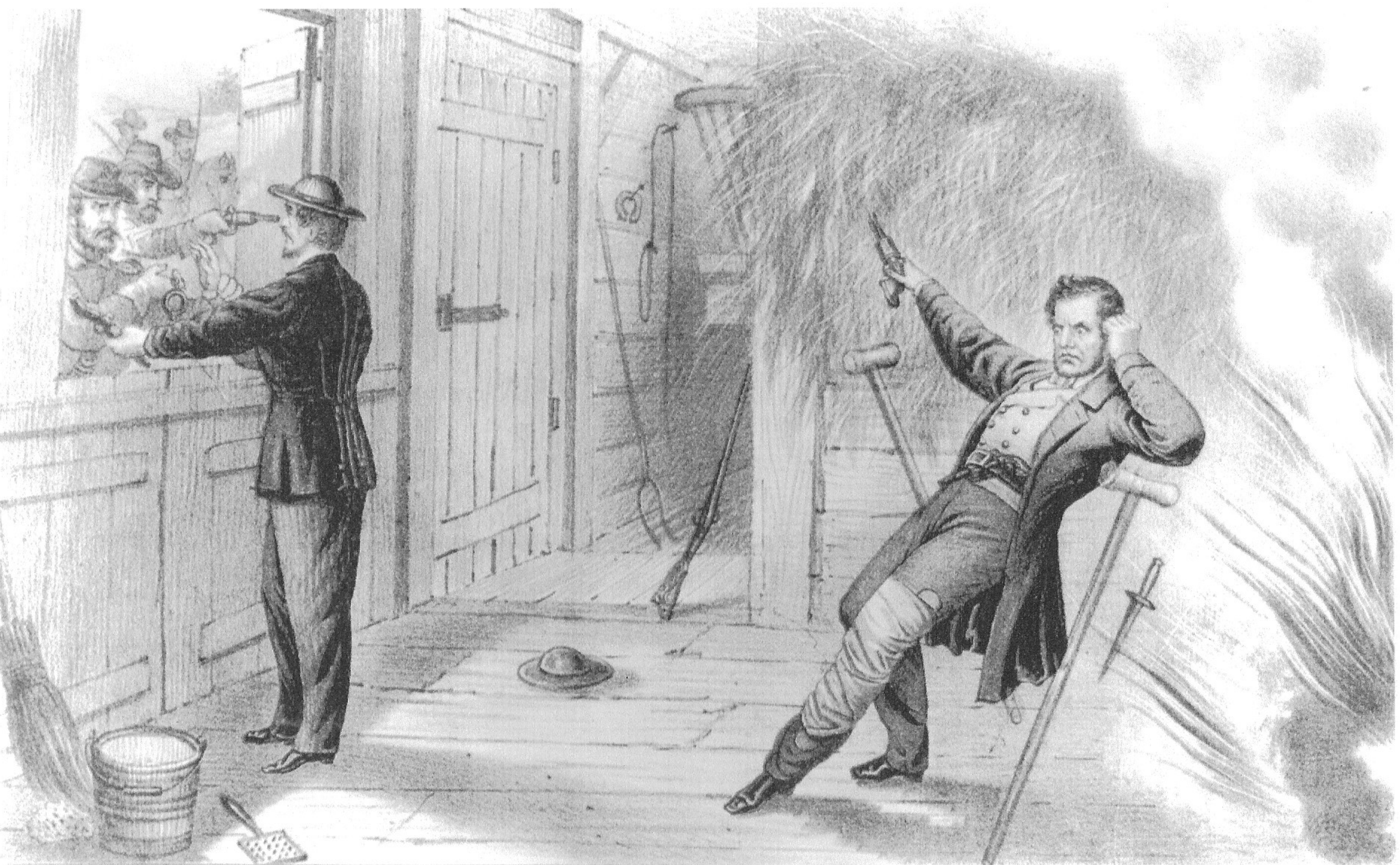
"Well, my brave boys, you can prepare a stretcher for me," Booth replied.

Conger went to the back of the barn and made a little rope of straw, setting it on fire. He the placed it on a pile of straw, which immediately engulfed the barn in fire. Booth turned quickly toward the flame and started to raise his pistol.

He walked over to the fire to see if he could put it out. Satisfied that he couldn't, Booth dropped his gun and walked away. Conger began to walk around the barn to the front when he heard the single crack of a pistol.

When he got to the front, he found the door open and Baker inside. Conger said "he shot himself." Baker said he didn't and asked Conger why he shot him. Conger denied shooting Booth and again said he must have killed himself.

Baker, who had full view of Booth, knew he hadn't killed himself. "The man who did this goes back under arrest," Baker shouted. It turned out to be Sergeant Boston Corbett, a religious fanatic. When Conger asked why he shot booth, Corbett replied that "Providence directed me."



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THE MURDERERS DOOM. MISERABLE DEATH OF J. WILKES BOOTH, THE ASSASSIN OF PRESIDENT LINCOLN.

Shot through the head by Sergeant Boston Corbett in a barn on Garrett's Farm, near Port Royal, near the Rappahannock April 25, 1865.

When Booth was dragged from the barn, he lapsed in and out of consciousness. At one point he begged to be killed, but either Baker or Conger said they wanted him to live. Booth asked that his hands be brought up in front of his face, the bullet having paralyzed him.

"Useless, useless," he muttered.

After Booth died, his body was sewn up in a saddle blanket and he was taken back to the John S. Ide. Conger had already taken out ahead of the party, carrying back with him Booth's personal effects, including a date book which has often been referred to as Booth's diary. It was Conger who first told Stanton the news of Booth's death.

Conger would testify in the trial of the conspirators, at the trial of John H. Surratt and later during the congressional impeachment investigation of President Andrew Johnson.

Since Fremont at the start of the Civil War, Conger had been nearly killed and proclaimed by man to be a hero because of his meritorious service on the battlefield.

But unbeknownst to Conger after Booth's capture, the real battle was yet to be fought.

Chapter Four

'Hooey and flapdoodle'

Just who shot John Wilkes Booth?

History has recorded it as Boston Corbett, a member of the cavalry unit sent to capture Booth. Corbett, whose activities before and prior to the shooting can rightly be described as "nutty," seems the perfect foil.

Too perfect, at least for one writer.

Otto Eisenschiml was an Austrian chemist who published a book in 1937 which to this day has given researchers fits.

Why Was Lincoln Murdered never actually came out and said that the person behind the trigger was Lincoln's Secretary of State Edwin Stanton, but several "questions" asked by Eisenschiml gave that definite impression.

Eisenschiml took various inconsistencies which always surround an investigation and built them into a grand conspiracy worthy of anything television can offer today.

Because of that book, and several others written later, Eisenschiml became the accepted authority on Lincoln's assassination despite never proving one of his so-called "facts."

With a solid reputation (much of which was earned because university historians refused to study Lincoln's assassination in detail), Eisenschiml became the authority on Lincoln's murder, often speaking to various groups and providing articles to various publications, including what was then called the *Journal of the Illinois State Historical Society* (later changed to the *Illinois Historical Journal*).

His popularity was so great that Wilbur Kurtz, who provided technical advice to David O. Selznick during the production in the late 1930s of "Gone With The Wind" even praised it.

"I'm positive your work as a historian has set new standards in this respect," Kurtz wrote. "Another reaction is that it was time someone without bias in the American scene who could and would brush aside all the hooey and flap-doodle [and] get down to the bed-rock evidence and publish the findings."

In the autumn of 1950, Eisenschiml published an article in the *JISHS* called "Addenda to Lincoln's Assassination" in which he asks who really shot Booth.

Citing two letters written by Corbett as his only proof that Corbett didn't do it (because Corbett failed to take credit-an act Eisenschiml finds incredulous) Eisenschiml immediately jumped to the conclusion that it had to be someone else.

Attempting to methodically eliminate suspects, Eisenschiml came to the conclusion that Conger had to be the one to shoot Booth in order to keep him quiet and from being questioned.

Why would that be necessary? Let Eisenschiml explain.

"Conger was the only one in the pursuing party who was in the confidence of Colonel Lafayette C. Baker, the head of the secret service, and that officer, in turn, was in the confidence of Secretary of War Stanton. If anyone had been given secret instructions to close Booth's lips, it was Conger. But had such instructions been given?"

Again, Eisenschiml fails to provide any real evidence other than the assumption that *IF* Stanton was involved in Lincoln's murder and *IF* he had told Baker to make sure Booth couldn't talk that Baker told Conger to make sure and shut him up.

Eisenschiml tries to make it appear that Byron Baker (who was with Conger when Booth was killed) backs up this statement by his testimony in 1867 during the impeachment investigation of Andrew Johnson.

He told the committee that he had believed Conger shot Booth, and that if indeed he had "it better not be known."

Eisenschiml pointed out that Conger got $15,000 of the reward money, implying that somehow Lafe Baker and Stanton paid him well for his silence and marksmanship, but completely missing the true history of the rewards battle, which will be discussed later.

He failed to also mention that Byron Baker got only $3,000 of the money, a fact that Baker resented for the rest of his life. Indeed, in later accounts by Byron Baker, Conger's role is completely diminished, to the point where Byron Baker had Conger begging him to let him come along.

Also, in one of the articles attributed to Byron Baker published years later, he omits that portion of his testimony in 1867 that said if Conger had shot Booth, it better not be known. Given the intense dislike which developed between Conger

and the Bakers, that seems a striking omission.

Most of Eisenschiml's work has been completely debunked by William Hanchett, who in the early 1980s wrote the groundbreaking book *The Lincoln Murder Conspiracies.*

But proof that Eisenschiml's work made a large impact came in the 1970s, when Sunn Schick Classics produced a movie based on a spurious book by David Balsiger and Charles E. Sellier Jr., called *The Lincoln Conspiracy* which claimed new evidence pointed to Stanton.

Conger's role in the book was that of a common thug, meeting with Booth often in the planning of the assassination.

The movie and the book proved to be very popular with audiences during a time when many people distrusted the government due to the Vietnam War and the Watergate era.

The damage done by Eisenschiml and Balsiger and Sellier is evident to this day, as many people continue to believe that Stanton, and through him to a lesser extent, Conger, played a role in Lincoln's murder.

Chapter Five

"Tall oaks from little acorns grow"

Most Americans have heard of Horace Greeley, or at least are familiar with his most famous saying-"go west, young man."

Fewer people know of the University of Wisconsin historian who at the turn of the century attempted to explain why so many people listened to Greeley. In examining the life of Everton J. Conger, it helps if one has an understanding of what developed into the "Frontier Thesis" of Frederick Jackson Turner.

In its simplest form, the "Frontier Thesis" attempted to show that as the frontier opened from the Tidewater to the Piedmont to the nation's interior, Americans were constantly forced to reinvent themselves in order to adapt to their new surroundings. Well enveloped in this idea was the notion that if a man failed at something in one town, he could pack up and go further west and begin again in a situation more conducive to success, or at least where no one knew of his past troubles.

Turner referred to that as the safety valve of the frontier.

The life of Conger can, in many ways, be seen almost as Turner's theory in practice. Born to missionary parents who preached throughout the then-unsettled Ohio region known as the Western Reserve, the roots of migration were planted deep and early in Conger's mind.

In the spring of 1865, one might wonder why Conger, who has just gained the love of his country as one of the captors of John Wilkes Booth, would need such a safety valve? While he never quite achieved the hero status deserved of such an act, Conger was showered with praise and two revolvers from the citizens of Fremont.

On a more material plane, Conger had also received a cash windfall for his work in capturing Booth. Careful investigation reveals it was an incident which happened with the money that most likely sent Conger and his family in search of a new life.

Proof of this can be found in an article in 1874 in the *Carmi Weekly Times*. It was

reprinted from the *St. Louis Democrat* which announced the men who had been admitted to the Illinois Bar.

"Among the foregoing names will be found that of E.J. Conger, a name with a story appended, he being the identical Conger that effected the capture of John Wilkes Booth, the assassin of President Lincoln. His history since that time is an eventful one. Having received $12,000 as his reward for the capture, he loaned it to a friend, Col. Baker, who secured the loan by a mortgage on a piece of land in Michigan. Shortly after the execution of the mortgage Baker died, and Conger, after the maturity of the debt, proceeded to foreclose. Unfortunately the land was not correctly located in the mortgage, and the Baker heirs contested the foreclosure. After a protracted series of efforts to recover, Conger was finally beaten and left penniless. In this condition he removed to Carmi, Illinois to reside, and since then has prepared himself, by long and errant study, to fit himself for the profession he entered yesterday."

Although the amount of the reward was incorrect (Conger actually received $15,000) his financial records after that lend credence to the theory that he lost a major portion of the money.

Given the battle Conger faced in obtaining the rewards, such a loss must have been a bitter blow, causing him to feel a fresh start might be in order.

When Lafayette C. Baker offered $100,000 for the capture of John Wilkes Booth, the thought of such a windfall "filled the whole country between Washington and Port Tobacco (Maryland) with detectives," according to Baker's cousin Byron.

While the reward was geared toward making someone betray Booth, it had the effect of making sure his capture was delayed for at least 12 days, after which it was later judged the reward had little, if any, effect on Booth's eventual apprehension.

After a military commission's recommendation that Lt. Edward P. Doherty get the largest portion of the reward was rejected by the Congress, the House Committee on Claims suggested that Lafayette Baker and Conger should both receive $17,500 since it felt both had a share of the command of the expedition

(Baker back in Washington and Conger in the field).

After the Committee on Claims issued its report, the matter was turned over to the full House. At first, Conger's share was cut to $15,000 while Lafayette Baker's share was decimated to $3,750. Baker's unpopularity was beginning to manifest itself.

Later, Conger's share was cut even further to $4,000.

Rep. Giles Waldo Hotchkiss, chairman of the Committee on Claims, said he didn't care one way or the other about Baker, but added he wouldn't sit by and see Conger's share cut.

"If personal sympathy was to be allowed to have anything to do with this matter, I should say that Lieutenant Colonel Conger was the most meritous man who had aught to do with this whole affair," Hotchkiss said. Given his two battle wounds, the least the country could do for Conger was to "allow him what is called an 'enormous sum...'"

While the drama was unfolding on the House floor, behind the scenes a deal was being cut. Future President Rutherford B. Hayes, who at the time was a congressman, told Conger if he would be patient, he could get him $15,000. Hayes and Conger knew each other from their days in Fremont, Ohio.

By now tired of the whole affair, Conger agreed. The deal was cut and the final bill included his $15,000 reward.

After Senate approval, thanks in large part to the work of Ohio Senator John Sherman, Conger left Washington and returned to Ohio where he became a farmer. Historical records show that he did loan Lafayette Baker a sum (probably $12,000) to invest in a hotel venture Baker had going in Lansing, Mich.

The venture was a bitter failure. In addition to losing his own life savings, Baker lost the investments of many people, including Conger's. Just shortly after the hotel's failure, Baker caught meningitis and died in Philadelphia. Along with him died any hope Conger had in getting his fortune back.

In 1877, Carmi was home to 2,500 people. Like most small communities in rural areas, it was self-sufficient when it came to the everyday needs of its citizens.

That was just as well because according to one source, it took a horse and rider

two days to get from the southern end of the county to the northern end.

An article which appeared in the July 3, 1877 edition of the *St. Louis Dispatch* painted a picture of Carmi for its readers.

"The churches of six different creeds point upward to the 'Universal Father,' [and a] school house, mills, two railroad stores filled with various goods, [and] private dwellings adorned with beautiful grounds attest what has been done in the last half-century in Carmi. The old line is true. Tall oaks from little acorns grow."

The only down side to Carmi-it needed a park.

Two newspapers served Carmi residents, *The Carmi Weekly Courier*, was the organ of the Democratic party while *The Carmi Weekly Times* served the GOP. Newspaper wars between the Joy Brothers (owners of the *Times*) and William Francis Palmer (owner of the *Courier*) were as bitter as any big city experienced.

"Reform is necessary," the editors of the *Times* opined, "and it is a pity that poor little Willie has no ability, and is forced to get someone to do his writing for him." Democratic officials in charge received no mercy from the paper. In the same column it was reported that "a little less whisky and a little more business would help matters with certain Democratic officials."

Of course, *The Courier* lambasted the Republicans and *The Times* at every possible opportunity. "*The Times* made a hue and cry about the county coal pile a short time ago and every time it opened its mouth on the subject it put its foot in. It lately told *The Courier* its information, and just to test the matter and see if there really was any milk in this coconut of corruption that was supposed to exist, we made some inquiries in the direction indicated. What we learned was a lamentable failure supporting the charges of *The Times.* We did learn, however, that certain Republican contractors in reconstructing the jail made [free] use of the county coal to warm the building...."

Many might figure Carmi to be backward in terms of entertainment. They would, however, be wrong. Susan B. Anthony made an appearance at Berry's Lecture Hall while the greatest showman on earth brought his circus to Carmi. Phineas T. Barnum didn't appear, but local residents still had a good time. Some people might have even traveled to Evansville to see actor Edwin Booth, who was an acquaintance of Conger, and who, of course, was the brother of the man Conger helped capture.

Ads from each paper pointed to the various goods and services one could

receive from local merchants. Mrs. Mary Lindsay bragged about "rare bargains" for Singer Sewing Machines at the Old Singer Office in Carmi.

Either F.J. Foster or E.L. Stewart were offering the finest patent medicines on a cash only basis, but if the cure failed, John C. Slocumb was ready with the finest hearse in town "always ready for use."

Anyone unhappy with the services they received could find representation with one of a number of lawyers who proudly advertised their expertise on the same pages.

Much of the information for the St. Louis newspaper article, which was reprinted in the July 10, 1877 edition of *The Courier*, came from Conger, who at the time was practicing law and also was a police magistrate.

Of Conger, the *Dispatch* correspondent wrote "He is at present acting as Police Justice. Your correspondent passed a half hour away very agreeably with him and is indebted for much of the information contained in this article."

That Conger moved to Carmi because of his loss of the bulk of the reward money can never be proven conclusively. But once he arrived in Carmi, the picture of his life begins to clear considerably.

According to the 1870 census, Conger's brother Chauncey had a personal fortune valued at $5,000 in real estate and $1,000 in cash. It is likely that for some time, Everton lived with Chauncey because according to the census, Everton owned neither land nor a house. Everton and Chauncey's mother and father already lived with Chauncey, whose house was described as one of the grandest in town.

On Aug. 8, 1870 Everton purchased three lots for a total of $560. He built his home there, although no picture of it then survives. The home is currently occupied by Brian and Holly Kirkpatrick and is located on Main Street across from the Carmi-White County Middle School.

Falling back on his training as a dentist, Conger established a partnership with J.T. Spicknall, which remained in effect until 1874. He was also elected as street commissioner but for some reason was removed from the post.

The one constant of Conger's life in Carmi was his continual battle to earn money.

When Chauncey announced on Dec. 26, 1873 that he and his family were moving to Peoria, another announcement followed about six months later that

Everton would be joining John M. Crebs, who was Everton's instructor in the law. If one follows that Conger lost a bulk of his fortune in Baker's hotel venture, it is interesting to note that in his debut ad, Everton said he would give special attention to "the sale, leasing and renting of real estate."

But Conger's most famous White County case was one which would be suitable tabloid fodder in today's media.

During the mid 1870s, Charley Davidson was by most accounts the most eligible bachelor in White County.

The *Mt. Vernon, Ill., Register* reported on Feb. 27, 1873 that "rich indications of lead have been discovered by Charley Davidson on his farm in White County...near the Little Chain. The specimen of ore showed us is remarkably pure, and we should think, contained 85 percent of pure ore."

The gossipy *Courier* reported that Davidson "drives the fanciest buggy in the city." Part of his wealth came from a hardware store he owned.

By all definitions, Charley Davidson was a catch.

When George Gold and Marie Amatie Funk exchanged vows in April of 1874, Marie's sister Amelia, described later as "a handsome but inexperienced girl of 18 summers" and Charley were called upon to be bridesmaid and groomsman.

Whether it was Amelia's heart that drew her to Charley or her father's greed would become the subject of a lawsuit filed in White County Circuit Court. *The Times* sneeringly referred to the case as "Bleeding Hearts At A Discount" which would cost them Conger's advertising for the remainder of his time in Carmi.

Conger and James McCartney were hired by Amelia's father in the breach of promise suit, while Davidson hired four lawyers of his own. Amelia filed papers to sue as a poor person, which was approved by the court.

"The evidence, as produced by the plaintiff, showed that Mr. Davidson, before he had ever seen Miss Amelia, except at one time as she passed him on the street, and before she had ever seen him, called at Dr. Funk's house and told Mrs. Funk that he desired to see her girl," according to *The Times*.

When told that Amelia couldn't see him unless he had marriage on his mind, Davidson supposedly replied that marriage was indeed his intention. Although

Dr. Funk was out of town at the time, upon his return he gave his blessing to the alleged union.

According to the plaintiff's side, Charley had then began to call on Amelia almost constantly, even one time greeting her "mit a kiss, yoost like a croom vould do mit a pride" satirizing Funk's thick German accent.

When the defense began their case, several holes were punched into Dr. Funk's claim. Although he had claimed his daughter didn't know Davidson before the alleged proposal, it was clear he was lying because Davidson had been his son-in-law's groomsman.

A material witness also corroborated Davidson's story. The jury deliberated for a short time before jury foreman Israel Turner announced that Davidson had never proposed to Amelia.

Conger and McCartney appealed the verdict, but were unsuccessful.

The Times attempted to absolve Amelia of any responsibility, saying that "the general opinion is that she is not to blame for the bringing of the suit, but that it is the work of her father, who has failed in all other attempts to make over a bare living, and hoped by this means to bleed Charley to the tune of $5,000."

Almost four years later, *The Courier* reported that Amelia had filed suit for $10,000 against Henry Whitney of St. Louis for--one might guess--breach of a promise of marriage.

Despite his Republican politics, Conger was well-respected by the citizens of Carmi, as was his brother, Chauncey.

The Courier supported Conger's run for police magistrate in 1877 (which he would win). However, it should be pointed out that the election was non-partisan. Still, for a Democratically-controlled paper to say "the office would be well-filled" with Conger's election was quite a strong indication of his popularity and the power his capture of Booth had.

While *The Courier* was careful never to offend Conger, it never missed an opportunity to blast what it called "that degenerate party."

The Times supported Chauncey in 1879 when he ran for judge, but in doing so, it saw fit to bring up charged which apparently had dogged him for years.

According to the paper, during the Civil War, when Chauncey served in the

Illinois legislature, he allegedly said "Not another dollar nor another man to carry on this unholy war." After Conger won the election, *The Times* editorialized "*The Courier*, with its usual disregard for the truth, says that we used 'all efforts to defeat' Mr. Conger. Will *The Courier* please mention in what instance we ever fought him? Was it when we neglected to produce his war record, and thus did not drive your 'truly loyal' Democrats to his support? Was it when we kept mum about his trying to prevent soldiers from voting, so that you would have a chance to try and rally the old copperhead element?

"Was it when we failed to record the many reports circulated about him, and thus did not give you chance to raise and hue and cry about oppression? As a Democrat, it is true, thank God, but few Northern men have such a dark record, but why should we unveil it when with but one exception, his opponents were rather weak-kneed in standing by their country and their flag? We hoped for Mr. Conger's success–not on account of his politics–but because we were certain two of the Democratic nominees were bound to win."

It took Conger four years to win the office of police magistrate after being defeated in his first attempt by 15 votes. *The Times* reported that more voters might have turned out had the whole area not been feeling the effects of a cholera epidemic.

Since White County Court only met for two sessions a year, day-to-day justice was meted out by a police magistrate, which most people now refer to as a justice of the peace.

When Conger was finally elected to the position, one of the things which he set out to do was to clean up Carmi's notorious "red light" district.

A man named Ed Buckner and "three women of easy (if any) virtue" were arrested and charged with prostitution. Conger fined each of the women $20 plus costs and put them in jail. What happened to Buckner is not immediately clear.

While applauding Conger's efforts, *The Courier* suggested that "the frequenter of such places are [sic] equally as guilty as the cyprians and punishment should be dealt out impartially."

But despite of his abilities and reputation, Conger couldn't seem to keep out of trouble himself.

Under an article titled "City grumbling," *The Times* printed an assertion from Mayor Leroy "Leo" Staley that the reason lawbreakers aren't "oftener arrested [is]

that the Police Magistrate can seldom be found in his office to attend to fining offenders." Although holding back judgment as to the veracity of the statement, the newspaper said if it was true it should be investigated.

Conger came into the newspaper's office clearly upset by what he felt was the paper's affirmation of the charges. "...we simply [aimed] to give the statement as it came to us," the paper reported. It felt it was necessary to add "Mr. Conger of course does not claim to ALWAYS be in his office, but he says that he is there much of the time of business hours as would be expected of anyone."

Although it has never been proven by documentation, it wouldn't take much to figure that Conger, who enjoyed fishing and hunting immensely, also was going through problems enhanced by his drug and alcohol addiction. After being wounded twice, Conger, like many Civil War veterans, became addicted to morphine. From all accounts, he was also quite handy with the bottle, so much so that he would be removed from the bench of the Supreme Court in Montana, in part of because of his drinking, although much of it had to do with territorial politics as well.

It didn't help matters when on Nov. 18, 1878, Conger was injured when he busted the cap off a shell, causing it to explode. While the bullet was aimed downward, the flash burned one side of his face very badly, injuring one of his eyes.

Conger decided in 1879 to take to the lecture field concerning the capture of Booth. Much of the reason Conger began to talk about his experiences was because Byron Baker and Edward Doherty were beginning to tell their story to publications expanding their role while diminishing Congers.

However, he didn't undergo a national tour, preferring to stay in the Tri-State area. His first lecture was in Mt. Vernon, Ind. He also went to McLeansboro, Mt. Vernon, Ill., Nashville, Ill., and finally Carmi.

Conger's association with Carmi was broken in 1880, although readers of the *Weekly Times* might have sensed something in the works when five months before the paper reported that Conger's brother, Sen. Omar Conger of Michigan, was visiting his brother. Omar's visit was to bring the news that President Rutherford B. Hayes, who was instrumental in getting Conger's reward, would be appointing Everton to the territorial Supreme Court of Montana.

Easily confirmed by the Senate, Conger sold his house and on Feb. 20, 1880, he

moved to Virginia City, Mont.–yet another step west, and another chance to re-invent himself.

Chapter Six

Conger in winter

In front of Everton J. Conger's former Carmi home stands a plaque marking the location where the captor of John Wilkes Booth lived while in Southern Illinois.

Included on the plaque is a statement that later in life Conger moved to Hawaii where he spent his final years as an advisor to Queen Liliuokalani, famous to most as the author of the song "Aloha Oe."

That would seem a fitting end to the life of a man who put public service, honor and dedication to duty above all else. It was no more than proper that Conger spend his golden years giving the benefit of his knowledge to Hawaii's last queen.

If only it had happened.

Much of the information about Conger which had previously been known was written by local historian J. Robert Smith. Smith, who published Conger's story in the Evansville newspapers was an able historian. But there were serious gaps in his stories about Conger, including Conger's life in Hawaii.

Proof that what had been surmised about Conger and Liliuokalani was wrong can easily be confirmed by dates. Conger left for Hawaii on April 29, 1917 when his son-in-law, Joseph B. Poindexter was appointed a federal judge by President Woodrow Wilson. Conger died there on July 13, 1918.

Liliuokalani was deposed from the throne in 1893 and died of a massive stroke on Nov. 11, 1917, just 196 days after Conger arrived. While it was possible that Conger, still known by some as the captor of Booth, might have met Liliuokalani (although there is no evidence such a meeting took place), it is highly unlikely he would have been an "advisor."

It is also unlikely that Liliuokalani, overthrown with the assent of the U.S. government, would have even met with someone representing that government, especially someone with such a low stature as a federal judge.

Despite the error, it remains true that between the time Conger left Carmi in 1880 and his trip to Hawaii 37 years later, he persevered in what continued to be a difficult and sometimes tragic journey.

Why anyone would ask to be come a territorial judge was a question with no easy answer.

"The judges came into an un settled region, sparsely settled, the towns far apart, travel between arduous, mostly by stage coach," Llewellyn L. Callaway, a former judge himself, remembered. When the first courts were established in the 1860s, trial was often held in the dining room of a hotel or in whatever room was available.

Later, a Montana news paper described one "courtroom" as "devoted promiscuously to justice, dances, sermons, itinerant shows, and other useful and ornamental institutions."

Many who "rode the circuit" often had journeys lasting two days between towns. "In the flush days one had to keep his seat in the stage coach or he would lose it," Callaway wrote. Conger himself complained in 1883 that his district was "fully one half of the area of the territory" adding he had to travel 3,000 miles a year to hold a total of 12 terms.

Just how difficult judicial life could be was illustrated in a story Callaway told in 1943.

A jury had been seated for a trial, and the judge was explaining what he expected of the jurors. Seeing one juror without a coat, the judge asked the man if he realized it was improper to be on a jury sans wrap.

"Have you got no coat?" the man was asked.

"Yes sir," he replied.

"Where is it?' the judge asked.

"At home," the juror said.

When ordered to get it, the man dutifully left and got on his horse. After 30 minutes, with no juror in sight, the judge asked the sheriff where the juror went.

"The last I saw of him he was on his horse, said he was going home for his coat," the sheriff said. "Where does he live?" asked the judge. "About 40 miles from town," was the reply.

Most of the applicants for territorial judge were obscure lawyers who had the favor of either a United States Senator or someone close to the workings of government. Many were former Civil War soldiers, like Conger, and many were also from Ohio, as was Conger.

Any man who held the minimum qualifications could apply to the Justice Department asking that his name be placed on a list of candidates.

It certainly didn't hurt if one had the ear of a congressman or senator, which Conger did, in the person of his brother Omar, who was at the height of his power serving as senator from Michigan. But Everton was doubly blessed in that he knew the man who would make the appointment—President Rutherford B. Hayes, who Conger first met when

the two men lived in Fremont, Ohio, and who was instrumental in getting Conger the largest portion of the reward for capturing Booth.

Conger applied in 1879, and soon a barrage of letters came from supporters throughout Southern Illinois, re marking on Conger's superior legal ability and qualifications.

Carl Roedel, a lawyer in Shawneetown, wrote that Conger "is a man ... of quick perception, sound judgment, good sense and possessing incredible legal attainment."

On Dec. 9, 1879, the bar association of White County passed a resolution "heartily endors[ing]" and recommending him "as eminently well-qualified to perform the duties of the office to which he aspires."

Conger's dedication to the Republican party was also stressed. W.H. Johnson, chairman of the Republican Central Committee of the 19th Congressional District, said "any appointment your excellency can give Col. Conger will be highly appreciated by the entire Republican party of this district." Johnson, who lived in Carmi, called Conger a "zealous, earnest Republican."

Several letters made mention of Conger's war service and the wounds he received, but one interesting note—none of the letters mentioned Conger's role in capturing Booth. What, if anything, that means isn't entirely clear.

While the letters held some interest to Republican officials, politics played the strongest role in Conger receiving his appointment. His legal acumen, while certainly enough to pass the bar, could only be called average compared to most lawyers who read the law.

Conger's nomination, made by Hayes to the Senate on Jan. 12,1880, was approved seven days later, although the Senate record-keeper referred to Conger as Overton, while the *Washington Post* obliterated his identity, calling him E.T. Cooper.

Before Conger could take his position, there were some matters to be settled in Carmi.

First, Conger had to resign his position as police magistrate. On Jan. 27, 1880, the *Carmi Weekly Times* reported on the large number of those interested in his seat. "One would think the office of Police Magistrate was the stepping stone to a seat on the Supreme bench, judging by the way candidates are coming out before any vacancy occurred in the office."

Conger also had to sell his house as well as some of his personal property, including his

household furniture. "The residence of Col. Conger is one of the most desirable in this city, and will doubtless bring a good price," the *Carmi Weekly Courier* editor wrote.

He received $2,501 for his property and left for Virginia City, Mont., toward the end of February.

Callaway recalled Conger's arrival, which caused quite a stir.

"He arrived in Virginia City in 1880," Callaway wrote. "His advent may have been interesting to the lawyers, but it was more so the boys in their teens, for in his family was a lovely daughter about 15. She was a pretty, hazel-eyed, fascinating girl. The boys were wild over her, but she had a level head, which is more than can be said of some of her boy admirers."

What Conger found in Montana was surely disappointing. In addition to the large distances he had to travel just to hold court, Conger's pay (as was the case with most of the federal appointments there) was ridiculously low. Even a territorial governor was forced to raise sheep to make ends meet.

What made matters worse, according to Clark C. Spence, who has written the definitive account of Montana during the territorial period, was that the salaries were rarely paid on time. Several attempts to get Congress to raise the salaries of the territorial officers were rebuffed by Washington.

As a territorial judge, Conger was also called upon to handle the lower courts in his district, which meant traveling to each outpost to hold trial. Given his wounds received during the Civil War, along with a constant addiction to morphine and alcohol (not uncommon to those wounded), the wear and tear began to show as Conger trudged along by stagecoach.

He detailed his life in Montana in a letter to his mother, dated Dec. 5, 1880, which the *Carmi Weekly Times* published 23 days later.

Traveling from city to city, Conger had been slowed by a snowstorm.

"It took two nights and one day to get thirty miles, with four and six horses on account of the snow drifts," he wrote.

Since he arrived, Conger had "held eight terms of Territorial Circuit Court, two terms United States District Court, one Supreme Court, traveled about 4,000 miles (since March!)~and have commenced again, which will be continuous until some time about the last of January."

Even though he worked very hard, Conger was able to get in some hunting and fishing, taking advantage of the great outdoors.

In the same letter to his mother, Conger reported seeing "40,000 buffalo within 1/4 of a mile to as far as I could see—and two days after, the coach coming along there had to stop for two hours as the herd was running across the road."

At the end of each of the judicial terms, the Chief Justice of the Supreme Court, in this case Decius Wade, assigned opinions to either himself, Conger or the other judge on the bench at the time. There are five or six written decisions which can be attributed to Conger.

Most of the decisions written by Conger involved either mining claims, land disputes, and in one case, a murder. Another case involved a man who, while riding a stagecoach, jumped off because the horses had been spooked, causing the man to believe his life was in danger. Most of the cases, however, were relatively dull, and Conger's opinions, while not unsound, certainly were as lifeless.

Given his life to that point, it's not a stretch to believe the 48-year-old jurist enjoyed it that way. While not traveling the back-breaking circuit he was assigned to, Conger took to the great outdoors, hunting and fishing whenever possible.

But as was often the case in his life, Conger's world was about to be torn apart.

In 1882, Territorial Governor B.F. Potts discovered that a county commissioner in Custer County was not a legal resident. Residents urged Potts to get rid of the entire commission, but he said he had no legal power to act.

When John Schuyler Crosby was appointed governor in 1883, he rammed a measure through the territorial legislature that vacated the Custer County offices and appointed three interim commissioners before another election could be held.

Democrats were furious at what they felt was the usurping of power by the Republican Crosby. For reasons unknown, the incumbent Custer County Commissioners also had a Republican supporter—Conger.

Crosby never saw a problem with fighting anyone who got into his way, Conger included. So Crosby and Wilbur F. Sanders, who themselves fought over political appointments, conspired to remove Conger from office using the one issue they could exploit—his drinking and morphine addiction.

In 1883, they got their wish. Conger was removed from the bench by President Chester A. Arthur while charges of "incompetence, neglect of duty, gambling, drunkenness and

keeping companionship of low, vile people" were to be investigated.

Conger's enemies were elated. "A meeting of citizens here today thank you most heartily for the removal of Judge E.J. Conger...are hunting a cannon to fire a salute," read a telegram to Arthur.

Conger, however, was not without his supporters. "Important suits pending...jails of district full of prisoners. If courts are not continued, public interests will suffer. Please have suspension of Judge Conger revoked pending investigation of charges," read yet another telegram sent to Washington.

Conger's friends in Carmi read of his problems, thanks to an article sent to the Carmi paper (most likely by Conger). The Montana paper, controlled by the Democratic party, said the charges against Conger were "hasty and ill-advised and the agitation which brought it about had its origin with certain parties who have been unable to fashion his course according to their own chart, and could not use him as a stepping-stone to their individual benefit and profit."

A resolution passed by a grand jury in Virginia City praised Conger, and was also printed in the Carmi paper.

Conger determined he wouldn't go without a fight. On March 28, 1883, he wrote a letter to W.W. Dudley, who Conger knew while in Carmi and who now was with the Bureau of Pensions. Conger was planning to send J.E. Callaway, who was formerly a territorial secretary and at one time was acting governor of the Montana territory, to Washington to argue Conger's case.

Dudley forwarded the letter to U.S. Attorney General B.H. Brewster. Callaway's pleas must have worked because in June of 1883, an unprecedented hearing began in Bozeman to decide Conger's fate. According to John D.W. Guice in his book *The Rocky Mountain Bench* the hearing lasted the entire month, produced 880 pages of testimony and saw 62 witnesses either praise Conger to the heavens or condemn him to the depths of hell.

Shannon, who appeared to pity Conger (who according to Clark Spence had just a few supporters) decided that Conger should be shown mercy and put back on the bench. Just a few days before his term was to expire, Conger was allowed to retain his seat. Wanting to restore a reputation sullied in the name of politics, Conger asked President Arthur in January of 1884 to re-appoint him to the bench.

Admitting that at one time he did drink to excess, Conger claimed his drinking had "ceased and been discontinued prior to the time when [the] complaint was made, and ha[s] in no way been resumed. And I do assure the President on the world of a soldier and a

gentleman will never again be resumed."

Whether Arthur even got Conger's letter is doubtful, since it was located in the files of the Attorney General's office in the National Archives. However, just before his death, Arthur's descendants destroyed most of his correspondence, so there's no way to know with any certainty if a copy was sent.

Whatever happened, Conger's request was never approved, and in 1884, he was out of a job.

Not long after that, however, Conger did what most federal appointees did after losing their job. He opened a law office in Dillon, which was located in Beaverhead County. In 1887 Conger was elected Prosecuting Attorney of Beaverhead County and served up until the admission of Montana as a state.

In 1892, Conger was re-elected to the office and served for an undetermined amount of time.

It wouldn't be hard to imagine that Conger, now nearing 60, was looking to slow down. A lifetime of struggling to live with the pain his wounds caused would have gotten the best of any man. Sometime during his life in Beaverhead County, Conger bought 320 acres of ranch land, which between that and his military pension gave him enough money to live on.

Around 1905, Conger's wife, Emma died. After her death, Conger's daughter and son-in-law, Joseph Poindexter, moved in with him.

Helen P. Morgan, who was Conger's granddaughter, said one of the few memories that stood out during that time was in 1912 when Conger was run over by a car. She said the car was high enough that it didn't drag him (which would have likely killed him) but did break his back.

Much of Conger's days now involved telling the story of Booth's capture to just about anyone who would listen. In 1915, while Conger's daughter, Margaret was in Long Beach, Calif, where she was recuperating from what later was discovered to be pernicious anemia, Conger told his story to an audience in Los Angeles.

In 1917, Conger's son-in-law received the news that President Woodrow Wilson was appointing him to be a federal judge (Poindexter would later be appointed territorial governor of Hawaii). The family left for Hawaii, but in March of 1918, Margaret died. A

year earlier, he had lost his first-born son, Charles, who fell down a 200-foot well.

"He said that after mother died he had no reason for living," Morgan recalled. Just two months later, at the age of 84, Conger suffered a massive stroke which claimed his life. A funeral service was held for Conger in Honolulu, and his body was later returned to Dillon, where he now lies.

How can one sum up Conger's life? He was by many accounts a pitiful soul, yet he never surrendered his dignity, preferring to open his life to intensive and likely painful scrutiny rather than accept dismissal from the territorial bench because of politics.

He never achieved the fame which capturing Booth might have bestowed on him had historians decided that studying Lincoln's assassination wasn't worth the time.

However, it must not be forgotten that he never chose the spotlight, until deciding he wanted his story told, and then it was only because he felt he was being slighted because of receiving the most in reward money.

By then, others, especially the Bakers and Edward Doherty, had reached a national audience with their lectures and articles.

As historians begin to study Lincoln's assassination, and the role those mostly obscure people played, it's possible Conger will get the recognition he deserves.

Until then, he will likely remain as he is now—a forgotten hero of the American Civil War.