

**THE BEECHER TRIAL: A REVIEW
OF THE EVIDENCE. REPRINTED
FROM THE NEW YORK TIMES OF
JULY 3, 1875. WITH SOME
REVISIONS AND ADDITIONS**

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The Beecher Trial: A Review of the Evidence. Reprinted from the New York Times of July 3, 1875. With Some Revisions and Additions by Theodore Tilton

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THEODORE TILTON

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THE BEECHER TRIAL.

THE jury in the Beecher case, after deliberating eight days, came into court with the announcement that they were unable to agree upon a verdict. The conflicting views which prevailed among twelve men who had the advantage of hearing all the witnesses examined and cross-examined have been shared by the public at large. But as we pass beyond the reach of those potent local influences which necessarily pressed heavily on the jury—for a man was under trial who in Brooklyn had been treated almost as a god—the divisions of opinion are found to be more strongly marked. There are many who will always hold that the plaintiff's case was fully proved. A second class will continue to believe Mr. Beecher innocent; while a third will consider that the Scotch verdict of "not proven" would have been the only just conclusion to reach. And there are comparatively few who will not in their hearts be compelled to acknowledge that Mr. Beecher's management of his private friendships and affairs has been entirely unworthy of his name, position, and sacred calling.

The evidence in the case has been so voluminous that we should ill discharge our duty if, before taking leave of the trial, we neglected to review it with some little care. The case naturally divides itself into four parts. There is, first, the charge itself, and the train of circumstances surrounding it. This must be considered, secondly, in connection with Mr. Beecher's acknowledged relations towards all the parties. Thirdly, it will

be necessary to recall the manner in which Mr. Beecher met the charge. Lastly, we shall have to examine the answers to the charge. We shall endeavor to present a connected narrative of the case observing strictly the order of events; and in doing this we propose to confine ourselves exclusively to the documents or evidence produced on the trial, and to disregard all outside narratives or statements. The sole exception to this rule which we shall make is in reference to the "Marietta letter," the authenticity of which is not disputed, although it was not admissible as evidence on the trial.

I.—*THE ORIGIN OF THE CHARGE.*

The defense reposed in a great degree upon the theory that the charge of adultery was never brought against Mr. Beecher throughout the negotiations and correspondence which preceded the trial. In order to maintain this, it is necessary to assume not only that all the witnesses for the plaintiff committed perjury, but that Mr. Beecher was ignorant of what went on in the internal government of his own church. For Tilton swears, and Mr. and Mrs. Moulton swear, that Mr. Beecher explicitly confessed the adultery to them—confessed it with tears and anguish, and with passionate entreaties for forgiveness or pity. And the "Examining Committee of Plymouth Church" called Tilton to account in October, 1873—a year before the great public disclosures—for having, in August, 1870, accused Mr. Beecher of adultery, in the presence of Mrs. Bradshaw. Both Mr. Beecher and Mr. Tilton were present at a church meeting held on the 31st October, 1873. Tilton stood accused of slandering his pastor. He rose and challenged Mr. Beecher to accuse him. But Mr. Beecher, with the charge of adultery there in writing before him, made by this very man to members of Plymouth Church, preferred no complaint against his accuser. "He asks me," said Mr. Beecher, "if I have any charge to make against him. I have none. Whatever differ-

ences have been between us have been amicably adjusted, and, so far as I am concerned, buried. I have no charges." Mr. Beecher knew at this time that Tilton had accused him of adultery; but he merely declared that he had "buried" all "differences." The paper recapitulating the charges of adultery is, as Mr. Evarts stated on the trial, "in the archives of Plymouth Church."^{*}

The direct testimony of the plaintiff and his witnesses cannot, however, be totally shut out from consideration. To take it for granted that all the witnesses on one side are perjurers would, no doubt, be an easy method of settling the case; but to accept that view without question would settle something else besides—it would practically abolish the system of trial by jury. The duty of weighing evidence would no longer be deemed necessary. The wealthy or the popular would be able to commit any offenses they pleased, and afterwards escape responsibility by saying that their accusers were perjurers. The maintenance of justice, blind to all distinctions of wealth, intellect, or position, is of much greater importance to a nation than the preservation of any individual reputation, however valuable that reputation may be. In this case, then, as in any other, the evidence on both sides must be fairly collated and examined, and the direct testimony of witnesses, where it is conflicting, must be considered in close connection with the indirect and circumstantial evidence. We must see how far the admissions, the letters, and the general conduct of the chief personages involved tend to support or refute their own personal statements. The defense trusts much to a particular set of probabilities which they place before the public. Is it likely, they ask, that a man in Mr. Beecher's position would have committed this crime? It might be deemed sufficient to ask, in answer to that, is it likely that Mr. Beecher, being innocent, would have written the letters which he did write, and would have pursued the general line of conduct, after a monstrous and unjust charge had been brought against him, which he un-

^{*} Abbott's *Report of the Trial of Henry Ward Beecher*, 1., 409.

questionably did pursue? The construction of different sets of hypotheses cannot enable us to form a judgment on an issue of this kind. It is the actual conduct of the persons involved in the case, the evidence of their own acts and admissions, which must guide us to a decision.

The counsel on the part of Mr. Beecher have treated the charge as one which originated entirely with Tilton and the Moultons. They apparently overlooked the fact that the real accusers are not Theodore Tilton and the Moultons, but Mrs. Tilton and Henry Ward Beecher. It is these two persons who have supplied the evidence which has produced the deepest impression upon the public mind.

Mrs. Tilton made the first confession of her guilt on the 3d of July, 1870. The paper signed by Mrs. Tilton on the 29th of December, 1870, was a partial repetition of her original confession, and it is alleged that this—the only “confession” acknowledged by the defendant’s counsel—was extorted from Mrs. Tilton by her husband. The improbabilities which surround the coercion theory are overwhelming. As a general rule, a husband would find it no easy task to compel his wife to take any course which would bring the slightest discredit on herself or her household. But that the mother of several children, a deeply religious and pious woman (as she is represented by Mr. Beecher to be), should be coerced into writing a charge against her pastor that he had “solicited her to be a wife to him, together with all that this implied, there not being the slightest ground for such an accusation—such a story will seem to every woman in the world to be unnatural and monstrous. But, apart from theories or conjectures, it is clear that, if any undue influence was brought to bear upon Mrs. Tilton, it was when she was made to *retract* her confession. This statement we have from the woman herself, in a document which has never been challenged. It incidentally admits that the original confession was made, not in December, 1870, but in the previous July. The statement is so important that we must print it entire. It is dated December 16, 1872 :

"In July, 1870, prompted by my duty, I informed my husband that H. W. Beecher, my friend and pastor, had solicited me to be a wife to him, together with all that this implied. Six months afterwards my husband felt impelled by the circumstances of a conspiracy against him, in which Mrs. Beecher had taken part, to have an interview with Mr. Beecher.

"In order that Mr. B. might know exactly what I had said to my husband, I wrote a brief statement (I have forgotten in what form), which my husband showed to Mr. Beecher. Late the same evening Mr. B. came to me (lying very sick at the time), *and filled me with distress, saying I had ruined him*—and wanting to know if I meant to appear against him. This I certainly did not mean to do, *and the thought was agonising to me*. I then signed a paper *which he wrote*, to clear him in case of a trial. In this instance, as in most others, when absorbed by one great interest or feeling, the harmony of my mind is entirely disturbed, and I found on reflection that this paper was so drawn as to place me most unjustly against my husband, and on the side of Mr. Beecher. So, in order to repair *so cruel a blow to my long-suffering husband*, I wrote an explanation of the first paper and my signature. Mr. Moulton procured from Mr. B. the statement which I gave to him in my agitation and excitement, and now holds it

"This ends my connection with the case.

(Signed,)

"ELIZABETH R. TILTON."

This remarkable statement seems, in itself, sufficient to settle three things—first, that the woman retracted her confession unwillingly, and then not because it was untrue, but because Mr. Beecher had worked upon her feelings; secondly, that Mr. Beecher taxed her with having ruined him, which it is scarcely supposable he could or would have done had he been an innocent man; thirdly, that even at this late date Mrs. Tilton regarded her husband as "long-suffering," and repented of a "cruel blow" she had dealt him. Would it have been a cruel blow to have withdrawn a wholly unjust charge against her pastor, which had been extorted from her? Or would a wife, who had been the victim of her husband's cruelties and base conspiracies, be likely to describe him as a "long suffering" man?

That the retraction which she gave to Mr. Beecher was actually *dictated* by him is proved by another highly important document. It is a letter from Mrs. Tilton to her husband, dated Dec. 30, 1870—the night of the day on which Mr. Beecher obtained the retraction of the original charge :

“ MIDNIGHT.

“ MY DEAR HUSBAND: I desire to leave with you before going to sleep a statement that Mr. Henry Ward Beecher called upon me this evening and asked me if I would defend him against any accusations in a council of ministers, and I replied solemnly that I would, in case the accuser was any other than my husband. *He dictated the letter, which I copied as my own, to be used by him against any other accuser than my husband.*

“ This letter was designed to vindicate Mr. Beecher against all other persons save only my husband. I was ready to give him this letter because he said that upon that matter the letter in your hands addressed to him, dated Dec. 29, had struck him dead and ended his usefulness. You and I both are pledged to do our best to avoid publicity. God send a speedy end to all further anxieties.

“ Affectionately,

“ ELIZABETH.”

Mrs. Tilton not only made the charge against Mr. Beecher, but she invariably adopted a tone of penitence for her own crime and sympathy for her husband when he was at a distance from home. In one of these letters she says of Mr. Beecher : “ He has been the guide of our youth, and until the three last dreadful years, when our confidence was shaken in him, we trusted him as no other human being.” A letter which makes a still more unmistakable reference to some terrible event in her life, known and admitted by herself and her husband, is that dated from Marietta, Ohio, November, 1870. It is impossible for any person to read it carefully without seeing that it involves an admission of her own grave misconduct in every line. She is writing to her husband :

“ When, by your threats, my mother cried out in agony to me, ‘ Why, what have you done, Elizabeth, my child?’ her worst suspicions were aroused, and I laid bare my heart then, that from