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MR. BENN PITMAN'S

OPINIONS ON THE EVIDENCE

IN THE LINCOLN TRIAL

MAY 16---JULY 5, 1865

That Mrs. Mary Surratt, who was hanged with the three male conspirators who were concerned in the plot to assassinate President Lincoln, Gen. Grant, Sec. Seward, and Vice President Johnson, was entirely innocent of any prior knowledge of, or participation in those crimes, is, in my mind beyond question. My conviction is based upon the facts, that as official Recorder of the trial, as having heard every word of the testimony, as compiler of the published volume of the "Assassination Trial", and perhaps, more than all, in having, before the trial, written down, from the lips of the principal witnesses, their story of what they knew, or about which in their employment as Spies, they lied,---a synopsis of which was submitted to Sec. Stanton, and to Judge Advocates Holt, Bingham, and Burnett at the close of each day---, I had the best opportunity of forming a correct judgment of the guilt or innocence of Mrs. Mary Surratt.

Her execution was due solely to the testimony of the drunken Tavern Keeper, John M. Lloyd, and to the implications of Louis J. Weichmann. Lloyd was fuddled when on the witness stand, and his testimony, on cross examination was, "I was right smart in liquor that afternoon, and after night I got more so", referring to Mrs. Surratt's accidental visit to Lloyd's tavern on the afternoon pre-

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ceeding the fatal day; his mixing"those shooting-irons" with the "Field glass", and the fact that Lloyd, during the rest of his life, and on his death-bed, avowed his firm conviction of Mrs. Surratt's innocence, seems to show the utter insufficiency of his testimony to convict Mrs. Surratt of any complicity in the assassination plot. Weichmann, who was the principal witness for the prosecution, did not utter a word that directly implicated Mrs. Surratt as having any knowledge of the actual conspiracy. That she knew of the attempted or projected abductions, I think is probable, and her words, "something was going to happen", and "When Richmond fell and Lee's army surrendered; when Washington was illuminated, Mrs. Surratt closed her home and wept", as stated by Weichmann after the trial, is no proof of complicity in the plot for which she was hanged.

Another fact in this sad history, not generally known, is, that after the trial, when the prisoners were awaiting their doom, Payne sent for certain high officials at Washington, and to them conveyed his full conviction that Mrs. Surratt had nothing whatever to do with the assassination plot.

The following curious circumstance seems to show that I was the means of saving Weichmann's life. He was a lodger at Mrs. Surratt's house; had been a fellow student with John H. Surratt at St. Charles' Catholic College, and was, like all the Surratt family, intensely southern in feeling. In this light must be interpreted such testimony as "I am resigned. I think that John Wilkes Booth was only an instrument in the hands of the Almighty to punish this proud and licentious people". Among the seizures made by the Washington authorities at the Surratt home, was a carpet bag, belonging to Weichmann. All such things, together with the "exhibits" introduced at the trial were in my keeping.

On examining the contents of Weichmann's bag, I found a copy of my "Phonographic Manual", also my "Reporter's Companion", and what to me was very significant, a quantity of exercises in Phonography written with unusual care and correctness; and all dated right up to the time of the assassination. This discovery I communicated to Col. H.L. Barnett, Assistant Judge Advocate, in whose room at the War Department I had my desk. To him I stated my firm conviction that a student who could prepare such exercises, at the home of Mrs. Surratt, was not a party to so dire a plot as the assassination of the nation's President. This discovery and my belief were conveyed to Sec. Stanton, Judges Holt and Bingham and the result was that Weichmann escaped hanging and was held as principal witness for the prosecution.

Another matter that gave a misleading bias to the assassination trial was the firm belief of the Washington authorities and the whole Military Commission, that Jefferson Davis and the Southern government were the instigators of the plot. This belief was almost entirely due to the testimony of that terrible liar Richard Montgomery, who pretended to know many leading Southerners connected with the confederate government, "who were ready and willing to go any lengths to serve the cause of the South." When this fellow's capacity to invent plots and swear to them as accomplished facts became known to the government, he was prosecuted for perjury and sentenced to a long term of imprisonment.

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