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THE CASE OF MRS. SURRATT.

Weichmann's Testimony Did Not Convict Her of Complicity in Lincoln's Murder —A Letter From One of Her Judges.

TO THE EDITOR OF THE SUN—*Sir:* I notice in a recent issue of THE SUN that Mr. L. J. Weichmann, who was a prominent witness for the Government in the conspiracy trials of 1865 and 1867, has been made the object of an attack by Mr. J. P. Brophy of your city.

Mr. Brophy's statement is quite true that Mr. Weichmann had no information whatever that Mrs. Surratt or any member of her family were involved in the conspiracy in any way, and he has never said to the contrary. When he took the witness stand in 1865, he felt that his evidence would not criminate her, and that she was entirely innocent so far as he knew.

The remarkable cross-examination, which follows, is confirmatory of this, and I ask you in all justice to a very worthy man to publish it:

Cross-examination by Mr. Johnson: Q. During the whole of that period, you never heard him (Surratt) intimate that it was his purpose, or that there was a purpose to assassinate the President? A. Never, sir.

Q. You never heard him say anything on the subject, or anybody else during the whole period from November until the assassination? A. No, sir.

Q. During the whole of that period what was her (Mrs. Surratt's) character? A. It was excellent; I have known her since 1863.

Q. You have been living at her house since November? A. Since November.

Q. During the whole of that time, as far as you could judge, was her character apparently good and amiable? A. Her character was exemplary and ladylike in every particular.

Q. Was she a member of the church? A. Yes, sir.

Q. A regular attendant? A. Yes, sir.

Q. Of the Catholic Church? A. Yes, sir.

Q. Are you a Catholic? A. Yes, sir; I am a Catholic.

Q. Have you been to church with her? A. I generally accompanied her to church every Sunday.

Q. As far then, as you can judge, her conduct in a religious and in a moral sense was altogether exemplary? A. Yes, sir. She went to her religious duties, at least, every two weeks.

Q. Then, if I understand you, from November up to the 14th of April, whenever she was here, she was regular in her attendance at her own church, and apparently as far as you could judge doing all her duties to God and to man? A. Yes, sir.

By Doster: Q. You do not know of any conversation that passed between Atzerodt and Booth or between Atzerodt and Payne having reference to a conspiracy? A. No, sir.

Q. Have you ever heard any conversation having reference to Payne's assignment to the assassination of the Secretary of State? A. No, sir.

By Aiken: Q. What was your object in being so swift to give all this information? A. My object was to assist the Government.

Q. Were any threats made to you by any officer of the Government in case you did not divulge? A. No, sir; no threats at all.

Q. Any inducements? A. No, sir; no inducements at all. I myself had a great deal to fear. Being in this house where these people were, I knew that I would be brought into public notice, but as for myself being cognizant of anything of this kind, I had no fears at all for I was not cognizant. When I surrendered myself to the Government I surrendered myself because I thought it was my duty. It was hard for me to do so situated as I was with Mrs. Surratt and her family, and with John Surratt, but it was my duty, and my duty I have always regarded it since. I had not a word of private conversation with these people which I would not be willing to have the world hear.

Q. You state that all the prisoners at the bar were free and unreserved in your presence in their conversation? A. They spoke in my presence on general topics, and so on; but as to their private conversation they never spoke to me.

Q. Do I understand you as stating to the court that in all your conversation with them you never learned of any intended treasonable purpose or act or conspiracy of theirs? A. No, sir.

Q. You never did? A. No, sir.

Q. You were not suspicious of anything of the sort? A. I would have been the last man in the world to suspect John Surrat, my schoolmate, of the murder of the President of the United States. I looked upon Atzerodt, as did every one in the house, as a good-hearted countryman.

Q. And did you still profess to be a friend of his (John H. Surratt) at the time you were giving this information to the War Department that you speak of? A. I was a friend as far as he, himself, was concerned; but when my suspicions as to the danger of the Government, in any particular, were concerned I preferred the Government to John Surratt. I did not know what he was contemplating. He said he was going to engage in cotton speculation; he was going to engage in oil.

Q. If you did not know what he was contemplating how could you forfeit your friendship to him? What is the rationale of that? A. I never forfeited my friendship to him; he forfeited his friendship to me.

Q. Not by engaging in the cotton speculation? A. No, sir; by placing me in the position in which I now am—testifying against him.

Now let me say in all candor, and I speak by the record as a member of the commission, that it was not Weichmann's evidence at all that condemned Mrs. Surratt, and it is high time that the world should know it. Had it depended on what he said not a hair of her head would have been harmed.

The man who did the mischief was John M. Lloyd, who was charged by the Government in 1867 with being in the conspiracy himself. He had rented Mrs. Surratt's property at Surrattsville in December, 1864.

He testified that Mrs. Surrat came to his place on the afternoon of April 14, and had an interview alone with him in his back yard, near the woodpile; that she then and there gave him Booth's field glass, and at the same time told him to have the "shooting irons" ready (carbines) and two bottles of whiskey to be given to the parties who would call for them. Sure enough, at 12 o'clock, Herold and Booth came dashing down to Lloyd's Herold crying out, "Lloyd, for God's sake make haste and get those things," and Lloyd brought out the two carbines, the two bottles of whiskey and the field glass. "I can take only one of the carbines," shouted Booth, "I have broken my leg," and then as he rode away, he said, "Lloyd, I will tell you some news; we have murdered the President, and assassinated the Secretary of State."

That was the principal evidence, the one chief overt act of which Mrs. Surratt was shown to have been guilty, and in all these thirty years it has not been disproved, nor is it possible to disprove it. Who told her that those deadly shooting irons were secreted there? Who informed her that they would be wanted that night? Who but Booth who had met her in her parlor before she left for the country? What was she doing there at all?

The evidence further showed that three weeks before the assassination, about March 23, her own son, David Herold and George A. Atzerodt had secreted them at Mr. Lloyd's place, and against his protest.

Mrs. Surratt tells Weichmann that she is going down into the country to see about collecting a debt due her by one Mr. Nothy; yet she does not see Nothy at all, does not go near him, although he lived only three miles further away. She had seen him about this matter the Tuesday before, April 11, and had an interview of two hours with him.

Her excuse to Mr. Weichmann was a blind to deceive him as to the nature of her real business, and his answer to the Secretary of War, who questioned him very sternly about this, was that "She had told him that she was going down there about this debt due her."

But there was other evidence. It will be remembered that on the night of April 17 Payne returned to her house, with pickaxe on his shoulder and cap made from his shirt sleeve on his head, just at the time when she was about to be arrested, and when she was confronted with him, at a distance of only two paces, she denied with sacred oath and uplifted hand that she knew him. (Testimony of three War Department officers—Wemmerskirch, Morgan and Major Smith.)

Yet this very man, the brutal assailant of Mr. Seward with the red stains of blood still on his clothing, and standing in Booth's boots, had, according to the testimony of every one in the house, been there twice, answering to different names, and on the last occasion taking his meals at her table, and at her very side, for four days, and still she did not know him.

The very act of this red-handed murderer fleeing to her home at such a time, was in itself, the strongest and most damning evidence against her.

Take away these two items of evidence—the terrible story of the shooting irons and Payne's return, wipe them out, remove them from the record, and Mr. Weichmann's evidence as to what he saw and heard in Mrs. Surratt's house during the four months he was there falls harmlessly to the ground.

I do not know that Mr. Weichmann needs any vindication at my hands. Of him the prosecution said in 1865, that "the defence had not contradicted a single fact to which he had testified, nor had they found a single breath of suspicion against his character."

A higher tribute was never paid a man under such trying circumstances.

Is it not time, Mr. Editor, that these lies and misrepresentations about this case should cease? I remember reading in the papers at various periods how all the members of the commission had come to untimely ends; yet the truth is there is not a member of that commission who has failed to reach the age of 70. Gen. David Hunter died at the age of 82; Gen. Ekin at 71; Gen. Howe at 79; Gens. Kautz and Clendennin over 70.

Of the living, Lew Wallace is 75, Foster and Col. Tompkins over 70, and here I am at 88. Judge Bingham died last year at the age of 82. Judge Advocate General Holt died in 1894 at 87, and Judge Burnett, the only remaining Judge Advocate of the trial, is 63, and is doing splendid work as the attorney of the Southern District of New York.

I remember, how, too, for more than ten years the story was circulated that Stanton had cut his throat, a falsehood that had its run until Gen. Barnes, whose hand had rested on Stanton's last heart beat, contradicted it.

Then again came the story that Judge Advocate General Holt had suppressed the recommendation for mercy in Mrs. Surratt's case. That had its run for thirty years, and ended only when Holt was laid to rest.

It is only as Weichman's testimony is supplemented by that of other witnesses that it had any importance in the minds of the commission. A true and careful history of that trial has been published and is accessible to any who desire correct historical information in regard to that great tragedy in our national life.

I will close this paper by saying that one of the severest things in this whole case has been said by John Surratt himself. In a lecture delivered in December, 1870, he tells us how in March, 1865, he, Booth, Payne, Herold, Atzerodt, O'Laughlin and Arnold started out to capture the President at the Soldiers' Home, when a play purposely arranged, in which Lester Wallack, E. L. Davenport and John Matthews were to act, was to be given. He states how the President at the last moment was detained, but sent Mr. Chase, the Secretary of the Treasury, in his place. He tells us further how much they were disappointed; they did not want him, they wanted a bigger chase.

He informs us that the President was to be seized at the close of the play and that he was to be driven in his coach to lower Maryland, but he does not tell us that he was to do the driving. That was left for Atzerodt to reveal in his confession. Had John H. Surratt then done his whole duty in exposing the matter to Mr. Stanton the tragic occurrences of April 14 would have had no place in our history. Respectfully,

T. M. HARRIS,
Member of the Commission.