

History on Trial

Episode 2

Theodore Tilton v. Henry Ward Beecher

Researched and written by Mira Hayward

PROLOGUE

On August 20th, 1874, Theodore Tilton strode into the Brooklyn City Court, his golden hair glowing in the sunlight. Nearly a head taller than most men, and famous to boot, Tilton drew attention wherever he went. But today, he wasn't trying to be recognized. He was here on private business. Private for now, at least.

Tilton was in the courthouse to find a notary public. The day before, his lawyers had drafted a civil complaint on his behalf against his former boss. Now Tilton needed to swear to the truth of his complaint in order for his suit to move forward. It wouldn't be easy for him - the contents of the complaint were humiliating, to put it mildly.

In the complaint, Tilton alleged that his former boss had engaged in an affair with his wife. The affair had ruined Tilton's marriage, his family, his reputation, and his career. He had suffered so greatly, the complaint claimed, that he now asked for one hundred thousand dollars in compensation, more than 2 and a half million in today's money.

It was an enormous sum, yes, but the wrongs that Tilton alleged were certainly grievous. After all, he and his wife, Elizabeth, had once shared a happy home, filled with laughter and bolstered by their shared faith in God. But now every day at home for Tilton was torture, and he was losing his faith. Rumors of his wife's affair were already circulating, with competing narratives popping up, and Tilton wanted the chance to tell his story. The legal system was his last resort.

What Theodore Tilton started that day, as he swore to the truth of his complaint, would snowball into one of the 19th century's most shocking trials, one with implications for not just Tilton but for all of New York City, the United States, and even the Christian Church. Because the man that Tilton had just publicly accused of, quote, "wrongfully and wickedly" seducing his wife was a man of God. He was none other than the most famous preacher, and perhaps the most famous man in all of America: Henry Ward Beecher.¹

¹ *Theodore Tilton vs. Henry Ward Beecher: action for criminal conduct. Tried in the City Court of Brooklyn, Chief Justice Joseph Neilson presiding: verbatim report by the official stenographer* (New York: McDivitt, Campbell & Co, 1875), Vol.1, p. 3. <https://nrs.lib.harvard.edu/urn-3:hls.lib:1045285>

Welcome to History on Trial. I'm your host, Mira Hayward. This week: Theodore Tilton v. Henry Ward Beecher.

ACT I

The man who allegedly had had an affair with Theodore Tilton's wife, Henry Ward Beecher, was born in 1813 in Connecticut. His father, Lyman Beecher, was one of the preeminent clergymen of the day. Few who knew young Henry thought that he was destined to follow in his father's footsteps. Lyman Beecher was a Protestant of the old kind, steeped in the puritanical Calvinist tradition. He raised his ten children on a steady diet of fire and brimstone, impressing upon them the idea that they were inherently sinful, and likely destined for damnation. Despite his rigid religious beliefs, Lyman was also a deeply loving father, who encouraged his children to develop empathy and compassion for others. All the Beecher siblings were well educated, including the girls, and the dinner table hosted lively debates over politics and theology.²

Henry Ward Beecher chafed against this moralistic, competitive environment. He was a rambunctious child, who struggled with both a stutter and an incurable impulse to break the rules. He knew that his father wanted him to enter the clergy, but Beecher felt deeply unsure of his own faith. Despite his doubts, he followed the path to preaching, attending college and then seminary. Along the way, he fell in love with one of his classmate's sisters, a young woman named Eunice. And then, one day, he had a revelation. What if God, instead of being the angry, vindictive figure of his father's theology, was actually more like his father at home: a loving, benevolent parent? What if being good, in a religious sense, and being happy, were not incompatible?³

As Debby Applegate writes in her fabulous biography of Beecher, titled *The Most Famous Man in America*, this idea might not sound so revelatory to many of us today: quote, "Mainstream Christianity is so deeply infused with the rhetoric of Christ's love that most Americans can imagine nothing else."⁴ But trust me – for the 1830s, Beecher's thinking was revolutionary. And Beecher was just the man to spread this new gospel. He was an enormously skilled orator who could bring his audience to tears or laughter with equal ease. His sermons were not based solely on the Bible – he drew from his own experiences, from the stories of those he met, and from the world around him. These sermons were emotional, exhilarating, empathetic, and provocative. "Somehow," Beecher reflected, "I have always had a certain sympathy for human nature which has led me[...]to see instinctively[...]how to touch the right chord in people, how to reach the

² Debby Applegate, *The Most Famous Man in America: The Biography of Henry Ward Beecher* (New York: Crown Publishing Group, 2007), 34-35, 42, 139. NB: Electronic copy of book; page numbers may vary by device.

³ Applegate, *The Most Famous Man in America*, 280.

⁴ Applegate, *The Most Famous Man in America*, 942.

living principle in them.”⁵ This sympathy, and his ability to translate it into words, were gifts that would serve him well all his life, both as a preacher, and, eventually, in the courtroom.

After seminary, Beecher honed his speaking skills in rural Indiana for more than a decade, building a reputation as a new kind of preacher, one who could win over even the most hardened cynics. And soon enough, the big time came calling. In 1847, Beecher was recruited to serve as the head pastor of Plymouth Church, a new congregation in Brooklyn Heights founded by some of New York City’s most prominent businessmen. It was at Plymouth Church that Beecher truly made a name for himself. With the backing of the church board, he began to radically change the nature of worship. Most Christians of the era had grown up like Beecher had, in austere churches, but at Plymouth Church, they experienced services overflowing with music and joy. Beecher literally redesigned the church, creating a space that looked more like a theater, and filled it with flowers every Sunday. Drawn in by the warmth of this atmosphere, the congregation grew rapidly, eventually boasting nearly 2,000 members – making it the largest church in America.⁶

Soon, Beecher took his talents on the road, joining the lecture circuit. Lectures were one of the most popular social activities of the day, and Beecher’s speaking skills made him ideal for the job. By the mid-1850s, he was lecturing up to four times a week at venues across the country.⁷ His fame grew even greater once he began writing a newspaper column, where he wrote boldly about current events and religion. It didn’t take long for people all over America to know his name.

Henry wasn’t the only famous Beecher. Many of his siblings had become well known public figures, including his sister Harriet, who married a man named Calvin Stowe and made quite a name for herself with the 1851 publication of a little novel she wrote called *Uncle Tom’s Cabin*. *Uncle Tom’s Cabin* became the second-best selling book of the 19th century, beaten only by the Bible, and had a profound impact on the anti-slavery cause.⁸

Henry had also gotten involved in anti-slavery work. Plymouth Church became a stop on the Underground Railroad, and congregants raised money to help enslaved people buy

⁵ Henry Ward Beecher, “Speech at the Assemblies of the Old and New Schools,” (1869) in William C. Beecher and Reverend Samuel Scoville, *A Biography of Reverend Henry Ward Beecher* (New York: Charles L. Webster & Company, 1888), <https://www.gutenberg.org/files/55330/55330-h/55330-h.htm>.

⁶ Applegate, *The Most Famous Man in America*, 19.

⁷ Applegate, *The Most Famous Man in America*, 444.

⁸ Harriet Beecher Stowe Center, “Uncle Tom’s Cabin: A Moral Battle Cry for Freedom,” <https://www.harrietbeecherstowecenter.org/harriet-beecher-stowe/uncle-toms-cabin/>.

their freedom.⁹ Many people did not like Beecher's politics, but his bold, progressive stances raised his public profile even higher.

There was something very modern about Beecher's fame. Many people didn't just see him as a public figure – they saw him as a friend. Today, we might call this dynamic a parasocial relationship. Donald Horton and Richard Wohl, who coined the term 'parasocial relationship' in 1956, wrote, "One of the striking characteristics of the new mass media - radio, television, and the movies - is that they give the illusion of a face-to-face relationship with the performer...The most remote and illustrious men are met as if they were in the circle of one's peers."¹⁰ Mass media in the 19th century, including newspapers and photographs, served a similar purpose. People all over America, wanting a small piece of their idol, begged Beecher for a copy of his photographic portrait, and Beecher sent out hundreds.¹¹

Beecher's particular brand of vulnerability and generosity made him especially relatable. Unlike preachers of the previous generation, he never mocked people for their doubts. Instead, he, "boldly proclaimed his own," as biographer Thomas Knox put it, and, quote, "painted in vivid colors the unhappiness of his thoughts, the terror of his fear, and produced in their minds the impression that Beecher and they were one and the same."¹² Debby Applegate describes his fans as having a, quote, "soul-affinity" for him, and their obsession made even the most mundane details of Beecher's life precious information: in an 1859 column, Beecher wrote with annoyed amazement about the life of a public figure, noting that, quote, "What you do, or say, or do not do or say; what you wear, where you go, with whom you walk, when you get up and when [you] lie down... all are diligently observed and reported."¹³ In other words, he was a 19th-century influencer. Henry Ward Beecher felt like America's friend, and America was always eager to see what their friend would do next.

Even those who knew Beecher personally engaged in a kind of hero-worship. He cultivated an inner circle at Plymouth Church filled with ambitious, intelligent, and successful young men and women who hung on his every word. The unofficial president of this fan club was Theodore Tilton. Tilton, an ambitious young man twenty years Beecher's junior, had been hired to help the preacher with his newspaper column. He spent his days immersed in Beecher's sermons, culling quotes that could be refashioned

⁹ Applegate, *The Most Famous Man in America*, 554.

¹⁰ Donald Horton and R. Richard Wohl, "Mass Communication and Para-social Interaction: Observations on Intimacy at a Distance," *Psychiatry* no. 19, 215. Accessed online. http://visual-memory.co.uk/daniel/Documents/short/horton_and_wohl_1956.html?LMCL=Hj34U8

¹¹ Applegate, *The Most Famous Man in America*, 582.

¹² Thomas W. Knox, *Life and Work of Henry Ward Beecher* (Syracuse: Bible Publishing House, 1887), 82.

¹³ Applegate, *Most Famous Man in America*, 569; Henry Ward Beecher in the *New York Ledger*, 6 August 1859.

into articles in case Beecher missed a deadline –which he regularly did– and growing ever more in thrall of his charismatic hero. “Mr. Beecher,” Tilton remembered, “was my man of all men.”¹⁴ The two men became extremely close, referring to one another as father and son. In 1855, Beecher officiated Tilton’s marriage to Elizabeth Richards, a bright, deeply pious woman. By this point, Tilton had even started dressing like Beecher, growing his hair out to his shoulders and adopting a Beecher-esque cloak and slouchy, wide-brim hat.¹⁵

But there’s a downside to this kind of hero worship too: even Henry Ward Beecher wasn’t perfect. And the higher the pedestal...the greater the fall.

ACT II

By the mid-1860s, the relationship between Theodore Tilton and Henry Ward Beecher had started to fray.

Some of the tension was political. After the Civil War, the Republican Party, which had led the charge to end slavery, split over how to approach Reconstruction. Some Republicans, including Tilton, advocated for temporary federal control of Southern states, complete equality for Black people, and punishment for former Confederates. Others, like Henry Ward Beecher, and President Andrew Johnson, preached forgiveness and reconciliation with former Confederates. Beecher was an enthusiastic supporter of President Johnson, which struck friends as strange: Beecher had spent years preaching against slavery, while Johnson, a former slave-owner, regularly vetoed civil rights legislation.¹⁶

Beecher’s changing politics rubbed many colleagues the wrong way, but few more so than Tilton. In the winter of 1866, a visitor to the Tilton house noticed that their plaster bust of Beecher had been turned to face the wall. When asked why, Elizabeth Tilton replied, quote, “Theodore says that our pastor has proved himself a traitor to the Republican party.”¹⁷

There were also professional tensions between the two men. In January of 1862, Beecher had been made Editor in Chief of *The Independent*, a popular newspaper run by a Plymouth Church founder. Beecher agreed to take the position on the condition that

¹⁴ *Tilton vs. Beecher*, vol. 1: 420.

¹⁵ Applegate, *The Most Famous Man in America*, 600.

¹⁶ Library of Congress, “The Travails of Reconstruction,” <https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/civil-war-and-reconstruction-1861-1877/travails-of-reconstruction/>, and Applegate, *The Most Famous Man in America*, 727-737.

¹⁷ *Tilton vs. Beecher*, vol. 2: 161.

Tilton became assistant editor – which may seem like a compliment to Tilton, but in reality meant that Tilton would do all of the work while Beecher got the credit. Tilton was gaining a reputation for himself in other arenas - he was a passionate lecturer, a courageous thinker, and an outspoken advocate for political reform – but he always seemed to play second-fiddle to Beecher. “As I grew older and mingled with the world and saw other men,” Tilton later said, “the fine gold of my idol gradually became dim.”¹⁸

And there was something else simmering too, something more personal. In November of 1866, Tilton had gone on a four-month lecture tour, leaving his family behind. Despite the growing distance between himself and Beecher, Tilton had asked the preacher to check in on his family in his absence.¹⁹ Beecher took to visiting Elizabeth Tilton regularly, consulting with her on his novel-in-progress, and bringing small gifts for the couple’s young children. Elizabeth wrote Tilton glowing letters about Beecher’s friendship. Tilton bristled. “I think she regarded Mr. Beecher,” Tilton would later say, “almost as though Jesus Christ himself had walked in.”²⁰

Plymouth Church was aware of the strained relationship between Beecher and Tilton, but it seemed like a private matter, at least for now.

In 1872, this private drama exploded into the public eye, thanks to the infamous suffragist, spiritualist, and first female candidate for president, Victoria Woodhull. Woodhull was a good friend of one of Beecher’s sisters, the prominent suffragist Isabella Beecher Hooker, but most others in the women’s suffrage movement kept their distance from Woodhull because of her radical positions, including her advocacy of Free Love. Here’s Woodhull herself summarizing the political philosophy of Free Love: “I am a Free Lover. I have an inalienable, constitutional and natural right to love whom I may, to love as long or as short a period as I can; to change that love every day if I please, and with that right neither you nor any law you can frame have any right to interfere.”²¹ This support for sexual freedom and non-monogamy might not sound particularly wild now, but for the 1870s it was deeply shocking.

When Woodhull announced her revolutionary presidential candidacy in 1870, she hoped that her friendship with Isabella Beecher Hooker would draw Henry Ward Beecher into

¹⁸ *Tilton vs. Beecher.*, vol. 1: 478.

¹⁹ Charles Marshall, *The True History of the Brooklyn Scandal* (Philadelphia, National Publishing Company, 1874), 257.

²⁰ Marshall, *True History*, 160.

²¹ Victoria Woodhull, “And The Truth Shall Make You Free,” (speech, New York City, 20 November 1871), Iowa State University Archives of Women’s Political Communication, <https://awpc.cattcenter.iastate.edu/2017/03/09/and-the-truth-shall-make-you-free-nov-20-1871/>.

her camp, but he kept away.²² Even for a progressive like Beecher, who believed that joy and pleasure were gifts from God, Free Love was a step too far.

Woodhull was furious at his lack of support, especially because she saw it as hypocritical. Hypocritical how? In a September 1872 speech, she hinted at her meaning, alleging that Beecher was a Free Lover himself. The speech coincided with Beecher's 25th anniversary celebration at Plymouth Church, which got considerably more attention than Woodhull's speech. Annoyed, she doubled down, saying, "I will make it hotter on earth for Henry Ward Beecher than Hell is below."²³ She began writing an article, set to be published in her own weekly magazine, an article that she claimed would, quote, "burst like a bomb-shell into the ranks of the moralistic social camp."²⁴

And boy, did it ever. Within days of its October 1872 publication, 150,000 copies of the magazine were sold.²⁵ New Yorkers could not believe what they were reading. In the article, titled "The Beecher-Tilton Scandal Case," Woodhull alleged that Henry Ward Beecher had had an extramarital affair with Elizabeth Tilton. Her sources, she claimed, were Beecher and the Tiltons themselves, as well as some of the most prominent political figures of the day, including the suffragist Elizabeth Cady Stanton. Her motivation in revealing the affair, Woodhull claimed, was not personal spite, but rather political passion: by revealing that the most famous preacher in America was in fact a practitioner of Free Love, she hoped she could get Beecher to preach what he practiced.²⁶

Sure, but most people who read the article could not have cared less about the politics. All they cared about were the dirty details. Henry Ward Beecher had had an affair? With the wife of his protege? And what's more, the article claimed that Theodore Tilton had learned of the affair from his wife five years earlier, and that the Tiltons and Beecher, aided by a mutual friend of theirs named Frank Moulton, had engaged in a cover-up so they could preserve their public reputations. It was nearly unbelievable. But more facts kept emerging. In December, Tilton released his own version of the story.²⁷ Papers across the country posted breathless updates. Suspiciously, Beecher did not immediately deny the story.

It wasn't until nearly seven months later that Beecher finally spoke out, writing in the *Brooklyn Eagle* that the story was entirely false.²⁸ The country went wild. And Plymouth

²² Applegate, *The Most Famous Man in America*, 828-834.

²³ Applegate, *Most Famous Man in America*, 827.

²⁴ Victoria Woodhull in *Woodhull & Claflin's Weekly*, 2 February 1872.

²⁵ Applegate, *The Most Famous Man in America*, 828.

²⁶ Victoria Woodhull, "[The Beecher-Tilton Scandal Case.](#)" *Woodhull & Claflin's Weekly*, 2 November 1872.

²⁷ Theodore Tilton in the *Brooklyn Eagle*, 27 December 1872.

²⁸ Henry Ward Beecher in the *Brooklyn Eagle*, 30 June 1873.

Church decided that they needed to get control of the story, commissioning an in-house investigative committee to look into the case. To Theodore Tilton, the investigative committee seemed to be more interested in silencing him than finding the truth, and his suspicions were confirmed when the church voted to excommunicate him in October of 1873.²⁹ Tilton called for an independent investigation of his excommunication, but this investigation - conducted by local churches - also seemed inclined to protect their star preacher, and only lightly censored Plymouth's practices.³⁰ Tilton fumed. Then, to add insult to injury, Beecher's friends went on the attack. Another Brooklyn preacher, Leonard Bacon, gave a public speech where he called Tilton a "knave" and a "dog."³¹ Tilton's fury boiled over, and he published several seemingly incriminating letters between himself, Beecher, and Elizabeth in the paper, in which Beecher begged for Theodore Tilton's forgiveness for an unspecified crime.

Elizabeth Tilton too, had reached a breaking point. She was sick of having her private life splashed across the newspapers. She wanted to tell her story, not just be a, quote, "nonentity—a plaything—to be used or let alone at will," as she told her brother.³² She had her chance that summer, when Plymouth Church convened yet another investigative committee. Testifying in a friend's home, Elizabeth vehemently denied the affair. She had only confessed to it, she said, because of her husband's constant harassment and abuse. Theodore had been so convinced of the affair, that Elizabeth eventually felt that it was just easier to give in and tell him what he wanted to hear. She described her husband as a vindictive, petty man, who was so jealous of Beecher's success that, quote "the determination to ruin Mr. Beecher has been the one aim of his life."³³ Less than a week after this testimony, she told Tilton that their marriage was over.³⁴

Now a whole new side of the story was unfurling. Elizabeth wasn't the only one questioning Tilton's credibility. Many wondered if Tilton's sudden willingness to discuss the alleged affair – after nearly five years of helping cover up the story – stemmed from his jealousy of Beecher. Though Beecher had squandered some popular goodwill with his controversial positions after the war, his star had again been on the rise in the 1870s. He was raking in money from appearances and publishing contracts. The greatest men in the country consulted him on personal and political matters. People stopped him in the street to express their admiration. Theodore Tilton, on the other hand, had been in a years-long downward spiral. His poetry was panned by critics, his lecture fees barely

²⁹ Applegate, *The Most Famous Man in America*, 868.

³⁰ Applegate, *The Most Famous Man in America*, 869.

³¹ Applegate, *The Most Famous Man In America*, 872.

³² Applegate, *The Most Famous Man in America*, 878.

³³ *Beecher-Tilton Investigation: The Scandal of the Age* (Philadelphia: Barclay & Company, 1874), 90.

³⁴ Applegate, *The Most Famous Man in America*, 881.

covered his expenses, and his reputation was in tatters. He would do anything for attention, some said. Could his accusations be just another ploy?

All across America, people clamored to know the truth. They were tired of the story trickling out in newspapers, of living off the scraps of a scandal. They were unsatisfied by the private investigations and behind-the-scenes verdicts. “They will insist,” opined the Albany Evening Journal, for a hearing to take place, in, quote, “the full eye of the public.”³⁵

And they were about to get their wish. On August 19th, 1874, Theodore Tilton commissioned the firm of Morris & Pearsall to draft a civil complaint against Beecher, alleging that Beecher had quote “alienated the affection of his wife,” causing personal and professional damages to the tune of \$100,000.³⁶ On August 20th, Tilton swore to the truth of the complaint at the Brooklyn City Court. A trial date was set. Five months hence, Theodore Tilton and Henry Ward Beecher would face off in court, in the bloodiest battle of their combative careers.

ACT III

January 11th, 1875 dawned cold and glittering, but the weather seemed to have no effect on the throngs of people gathered outside Brooklyn City Court. They rubbed their hands for warmth, puffed out steaming breaths, and haggled over tickets to the season’s hottest event: the Beecher-Tilton trial. Only those with tickets would be admitted to the courtroom, and the price reflected the demand: tickets went for as much as ten dollars, four times the average daily wage of an American worker.³⁷ By a quarter to eleven, those lucky enough to secure a spot had filed into the courtroom, alongside a bevy of reporters. The plaintiff’s table was just as packed as the courtroom, filled to bursting with Theodore Tilton, his friend Frank Moulton, and three of Tilton’s five lawyers. Beecher’s legal team was even bigger, consisting of seven men, but on this, the first day, only one lawyer was seated at the defense table. As the eleven o’clock hour approached, the door swung open and the crowd turned to see Henry Ward Beecher walk in – accompanied, to their surprise, by his wife.

³⁵ *The Albany Evening Journal*, date unknown, quoted in Marshall, *True History*, 223.

³⁶ Applegate, *The Most Famous Man in America*, 884, and Richard Wightman Fox, *Trials of Intimacy: Love and Loss in the Beecher-Tilton Scandal* (Chicago: The University of Chicago Press, 1999), 106.

³⁷ For ticket price, Applegate, *The Most Famous Man in America*, 896. For daily wage, see “Wages in the United States and Europe, 1870-1896,” *Bulletin of the Department of Labor* no. 18, ed. Carroll D. Wright and Oren W. Weaver (Washington, D.C.: Government Printing Office, September 1898), 8. https://fraser.stlouisfed.org/title/bulletin-united-states-bureau-labor-3943/september-1898-477571/wages-united-states-europe-1870-1898-498267?start_page=8

Like many wives past and present, Eunice Beecher had made the choice to stand by her man. She would attend nearly every day of the trial, keeping her face impassive as witnesses discussed intimate details of her marriage. At first, many observers found her presence disturbing – surely, they said, her place was at home, sheltered in the bosom of her family and friends. But eventually, they came to admire her dignity and strength – which only lent credibility to her husband’s case. Just, as more cynical commentators would say, as the defense team had planned it.

Before the trial could start, the lawyers had one concern: the courtroom was so crowded that they barely had enough room to make their arguments. They especially objected to the allocation of space to the press, who had been given more space than the lawyers themselves, in a symbolic illustration of the public’s obsession with the case. The judge agreed to a rearrangement of the courtroom. Once this was done, the real business could begin. Samuel D. Morris, attorney for Theodore Tilton, approached the jury box and started his opening argument.

Because so many of the facts of the scandal were already known to the public, neither side planned to introduce much in the way of new evidence. And I’ll take a moment to note here that because so much of the trial testimony was repetitive, exhausting, and ambiguous, I’m not going to go too much into the details of each witness. Instead, I’m going to focus on the competing stories of the plaintiff and the defense. As Debby Applegate puts it, “More than with most trials, the verdict [here] would depend largely on which side spun the evidence into the most believable story.”³⁸ Morris’s opening was the first chance for Tilton’s side to spin their story, and spin he did.

What Morris hoped to establish in his argument were the stakes of the trial, stakes that went far beyond a simple love affair. “This is no ordinary case that now engages the attention of this Court, and the attention of the entire community,” he said, “It is a trial the consequences of which reach to the very foundations of society. The home, the marriage relation, with all that is dear in that relation, is upon trial in this case. Upon the result of your verdict to a very large extent, also, will depend the integrity of the Christian religion.”³⁹

Hyperbolic? Absolutely. But Morris’s description wasn’t far off from the feelings of the public. America, in the years after the Civil War, was a lost country. Ravaged by violence, devastated by death, and reeling in the face of radical social and political change, Americans were desperate for something to cling on to. Henry Ward Beecher, with his warm and welcoming ways, his Gospel of Love, his preaching of acceptance – was just such a port in the storm. This trial forced Americans to ask if this man, their

³⁸ Applegate, *The Most Famous Man in America*, 889.

³⁹ *Tilton vs. Beecher*, Vol. 1: 19.

hero, was just as corrupt as the rest of the country. And if he was, what did that mean? “If you fall,” wrote a man named J.O. Smith in a letter to Beecher during the trial. “No more humanity for me. If you should prove guilty of the charges made against you I should never place confidence in any mortal being.”⁴⁰

Tilton’s lawyers knew that much of America, just like that letter writer, did not *want* Beecher to be guilty. By laying out the stakes in the way he did, Morris hoped he could convince the jurors that finding *against* Beecher would only *strengthen* their political and religious institutions. He was appealing to those who saw Beecher’s Gospel of Love as a slippery slope towards heathenism and hedonism.

To make his case, Morris used Beecher’s own words against him, beginning with a particularly damning letter that Beecher had sent to Tilton in January of 1871. This letter had come to be known in the press as the “Letter of Contrition.” In it, Beecher begged for Tilton’s forgiveness for an unspecified transgression, writing “I humble myself before him as I do before my God.” Morris hammered in on Beecher’s language with a level of sass that I absolutely love, saying, “A man comes to you and accuses you falsely of an infamous crime, and the next communication you have with him you say, “I humble myself before you as I do before my God[...][?!]” Gentleman, it is nonsense to argue that point, and I shall not pursue it further.”⁴¹

This certainly didn’t bode well for Beecher, but, as Morris himself acknowledged, the plaintiff’s case was almost entirely based on vague letters like this; that is to say, it was circumstantial. There was a natural reason for this, of course: Adultery, as Morris put it, is “a crime of darkness and of secrecy.”⁴² It was a crime committed out of sight, so unless one got very lucky – or unlucky, depending on your point of view – and happened to catch their cheating spouse in the act, all while accompanied by, say, fifteen unimpeachable nuns who could testify to what they’d seen, any trial would have to depend on more sketchy evidence. A judgment would have to rely on individuals’ subjective, and often highly differing, interpretation of words and actions.

And indeed, that’s exactly how the Beecher trial played out. Though the defense and plaintiff teams would each question dozens of witnesses – one hundred and eleven in total – over the course of the next six months, the verdict would ultimately come down to who jurors believed more.

⁴⁰ J.O. Smith to Henry Ward Beecher, undated, in the Beecher Family Papers, Sterling Memorial Library, Yale University.

⁴¹ *Tilton vs. Beecher*, Vol. 1, 25.

⁴² *Tilton vs. Beecher*, Vol. 1, 20.

Beecher's lawyers hoped that the question of credibility would be decided in his favor, a theme that lawyer Benjamin Tracy hit on in his defense opening. Tracy began by laying out just why the jurors should trust Beecher's account, saying that he would have no trouble getting, quote, "thousands upon thousands of witnesses" to testify to Beecher's character.⁴³ While he rejected Morris's idea that the fate of American Christianity rested on the verdict, Tracy wasn't shy about comparing his client to Christ himself, describing Beecher's suffering at Tilton's hands as a being like a crown of thorns.⁴⁴

Once he was finished building up Beecher, Tracy set about destroying Tilton. "An all-dominating, selfish egotism is the basis of [Tilton's] character," Tracy began.⁴⁵ And because of this egotism, he continued, Tilton became both enormously ambitious *and* enormously jealous. It was just as Elizabeth Tilton had told Plymouth Church – Theodore Tilton had been jealous and resentful of his mentor. In Tracy's words, Tilton saw Beecher as, quote, "the one man who had prevented him from reaching the topmost summit of fame."⁴⁶ If Tilton could not be famous, Tracy said, quote "he could at least be infamous, and he preferred infamy to oblivion."⁴⁷ Desperate for attention, running out of money, and rejected by the social and intellectual elite, Tilton made his play, capitalizing on his history with Beecher. "Mr. Beecher had long been his friend and the intimate friend of his wife," Tracy explained, "That friendship [Tilton] could pervert, and make himself the author, and at the same time the central figure, of the most famous scandal of modern times. If [Tilton] could not supplant Beecher in the affection of the people," Tracy continued, "he could scandalize him. If [Tilton] had made it impossible for any honorable pen to write his own biography, then was it worth any cost to have a line devoted to him in the biography of Henry Ward Beecher."⁴⁸

This kind of argument – that those who bring suit or charges against celebrities are simply doing it for attention – has uncomfortable modern parallels. We've seen the same claim made against countless people who told their stories of sexual assault during the #MeToo movement. And for the most part, it's an easy claim to rebut - few people would welcome the painful and invasive scrutiny that comes with a high-profile case. But Theodore Tilton may just have been one of those people. As Tracy brutally put it, Tilton was the kind of man who, quote, "if he could realize the sad truth that he was morally dead, would still rejoice in this post-mortem investigation of his character."⁴⁹ He had always welcomed controversy, thriving on backlash and scandal. To many

⁴³ *Tilton vs. Beecher.*, Vol. 2, 7.

⁴⁴ *Tilton vs. Beecher.* Vol. 2, 6, 92.

⁴⁵ *Tilton vs. Beecher*, Vol. 2, 8.

⁴⁶ *Tilton vs. Beecher*, Vol. 2, 8.

⁴⁷ *Tilton vs. Beecher*, Vol. 2, 8.

⁴⁸ *Tilton vs. Beecher*, Vol. 2, 8-9.

⁴⁹ *Tilton vs. Beecher*, Vol. 2, 5.

observers, it seemed entirely plausible that Tilton had invented, or at least exaggerated, the entire thing.

And Tracy acknowledged that Beecher may have unwittingly helped Tilton do just that, due to his own naivete. The defense's theory of the case ran like this: Beecher, a close friend of both the Tiltons, had become a confidant and spiritual guide to Elizabeth as she struggled in her marriage. In the process, unbeknownst to Beecher, Elizabeth had developed feelings for him. Eventually, concerned for her mental and physical wellbeing, Beecher had counseled Elizabeth to leave Theodore. It was for these sins – for not realizing what Elizabeth felt for him, for not consulting his old protege Theodore to get his side of the story, for counseling Elizabeth to leave– it was for these sins, and not the sin of adultery, that Beecher had apologized for in his letter of contrition. He had erred as a pastor, but not as a man. As Richard Wightman Fox notes in his book *Trials of Intimacy*, quote, “the supreme irony of the trial is that while it was convened to determine whether Beecher had “alienated the affections” of Mrs. Tilton from her husband, Beecher, in order to exculpate himself, conceded he had unintentionally done just that. He admitted his moral fault to establish his legal innocence.”⁵⁰

It was an argument that was not very flattering to Beecher - it made him look clumsy and obtuse. But it fit the facts. And it fit with what the public knew of Beecher – he was enthusiastic, emotional, impulsive. Such a man could easily get carried away by the vulnerability of a woman and trapped by the machinations of her husband.

There's a beautifully illustrative story about Beecher from some years before the trial that might help put the public's attitude into context. On one chilly January night back in 1857, Beecher had attempted to cross the ice of the frozen East River from Manhattan to Brooklyn. The ice broke, stranding him on a floe, from which he was eventually rescued by a boat. As the *New York Times* observed, quote, “Henry Ward Beecher never did a more thoroughly characteristic thing in his life...He acted then precisely as he does always—impulsively, courageously, rashly, and successfully...He is always ‘crossing the ice’--somewhere or other;--and though he has had some narrow escapes he has never yet ‘fallen in.’”⁵¹

Now, Beecher had finally fallen in. But would he be punished for it? That would be for the jury to decide. And with the conclusion of arguments on June 23rd, 1875, more than one hundred and sixty days after the trial began, they would have their chance to do just that.

⁵⁰ Richard Wightman Fox, *Trials of Intimacy: Love and Loss in the Beecher-Tilton Scandal* (Chicago: The University of Chicago Press, 1999), 106-107.

⁵¹ Applegate, *The Most Famous Man in America*, 567; *New York Times*, 20 January 1857.

For seven days, nothing was heard from the jury. Then, on July 1st, they sent a note to the judge: “May it please the Court: We think there is no possibility of our agreeing on a verdict, and we respectfully ask to be discharged.”⁵² Judge Neilson, who the *New York Times* had once described as, quote, “a man not to be trifled with,” was not pleased.⁵³ He summoned the jury into the courtroom, and lectured them on their responsibilities. After a six month trial, the judge said, it would be, quote, “humiliating” for no verdict to be rendered.⁵⁴ Especially in a case that had so much public attention. “It would be difficult to find any case,” Neilson said, “where an agreement by a jury would be so desirable; so imperative.”⁵⁵ Jury foreman Chester Carpenter responded that it wasn’t that they didn’t want to find a verdict, but that they couldn’t. “It is a question of fact, a question of the veracity of witnesses on which we do not agree, your Honor,” he explained, “and I would say I think there is not a possibility of an agreement in this jury.”⁵⁶ The judge asked them to try once more, and they did, but returned the next day still stumped. Finally, Judge Neilson agreed to discharge the jury, and the result was announced: in the case of *Tilton v. Beecher*, the jury was hung.

It wasn’t the verdict anyone particularly wanted, but it was one that was somewhat expected. After all, the jury foreman had put it well – it was difficult to judge just who was telling the truth. On the one hand, Theodore Tilton’s explanation of the facts seemed to make more sense. But on the other, Henry Ward Beecher was, well, Henry Ward Beecher, America’s best friend. As his defense lawyer William Evarts had put it during the trial, “I prefer to find in character the refutation of false evidence.”⁵⁷ And the jury seemed to agree – though they had failed to reach a verdict, a poll of the jurors found that they leaned 9 to 3 in Beecher’s favor. In his closing argument, Tilton’s lawyer William Beach had implored jurors to, quote, “judge [Beecher] as we would judge ourselves, or our fellow men generally,” but in the end they simply could not.⁵⁸ For three decades, Beecher had been internationally celebrated for his integrity, his courage, and his compassion. No courtroom is a vacuum. What the jurors and the public had learned in the course of the trial had been damaging to his reputation, but in the end, it didn’t seem to be enough to find Beecher guilty.

However, there are many things that were never brought up in the courtroom, including a few facts that, had they been known, might have made the world see Henry Ward Beecher in a very different light.

⁵² *Tilton vs. Beecher*, Vol. 3, 1040.

⁵³ *New York Times*, 12 January 1875.

⁵⁴ *Tilton vs. Beecher*, Vol. 3, 1040.

⁵⁵ *Tilton vs. Beecher*, Vol. 3, 1041.

⁵⁶ *Tilton vs. Beecher*, Vol. 3, 1041.

⁵⁷ *Tilton vs. Beecher*, Vol. 3: 654.

⁵⁸ *Tilton vs. Beecher*, Vol. 3, 1011.

ACT IV

Henry Ward Beecher had always been a ladies' man. If we want to be armchair analysts, we could trace this trait back to his childhood, when, in Debby Applegate's words, the "potent triangle of[...]an idealized absent mother; a distant, critical stepmother; and a bevy of smart, strong-willed sisters and aunts who doted on the boy but had little time to spoil him—bred in him a lifelong craving for the affection of attractive intelligent women."⁵⁹

He liked women, and as he grew older, and shed his childhood awkwardness, he was delighted to find that they liked him too. He might not have been the most handsome man in the room – Mark Twain described him as, quote, "as homely as a singed cat," but he had *it* – as Twain *also* said, "Mr. Beecher is a remarkably handsome man when he is in the full tide of sermonizing, and his face is lit up with animation."⁶⁰ He could turn on this energy in one-on-one settings too, to great effect.

When he fell for his college roommate's sister, Eunice Bullard, in the early 1830s, it hadn't taken him long to convince Eunice and her family to accept his proposal, even though it meant that she would have to endure a seven year engagement while he finished college and seminary. The engagement seemed, for a moment, to sate Beecher's desire for female affection – "If you wish true unalloyed, genuine delight, fall in love with some amiable girl," he wrote a friend – but this feeling didn't last long.⁶¹ When the couple eventually married, the newlywed glow wore off quickly: Beecher was an inattentive husband, constantly forgetting his new wife at train stations and events. And Eunice was not temperamentally suited to the life of a traveling preacher's wife. She was jealous and critical, prone to martyrdom and hypochondria. By the time the couple made it to New York, a decade into their marriage, they were both deeply unhappy.⁶²

Friends and family knew about the couple's troubles – which they mostly blamed on Eunice. Unfortunately, as Debby Applegate points out, "to outsiders[,] henpecking is more obvious than stealthy emotional neglect."⁶³ But few knew to what lengths Henry Ward Beecher would go to once again find the "genuine delight" of love.

In the late 1850s, Beecher had grown close to two of his congregants, Chloe and Moses Beach – yes, Beach, not Beecher, the names are annoyingly similar. Moses was an

⁵⁹ Applegate, *The Most Famous Man in America*, 72.

⁶⁰ Applegate, *The Most Famous Man in America*, 757, citing Mark Twain in a letter to the *Alta California*, San Francisco, 30 March 1867.

⁶¹ Applegate, *The Most Famous Man in America*, 174, citing Henry Ward Beecher to Chauncey Howard, 28 June 1833, from the Harriet Beecher Stowe Center.

⁶² Applegate, *The Most Famous Man in America*, 173, 292, 299, 330.

⁶³ Applegate, *The Most Famous Man in America*, 330.

unassuming, clever man who edited the *New York Sun*. Beecher liked Moses a great deal, but he seemed even more drawn to Moses's wife Chloe, a self-possessed, graceful woman. Soon, the two were spending quite a bit of time together... alone. Chloe and Beecher's relationship became so intense that Moses moved his family out of Brooklyn several times throughout the 1860s in order, he wrote "[to] cut off the associations which were constantly dragging me into a mire of unhappy thought and depriving me of an affection which it had been the one aim of my life to cherish and nourish."⁶⁴ Every time they left, though, Chloe would become so miserable that Moses would eventually relent. They would return to the city, and to Beecher.

In January of 1867, Chloe gave birth to a daughter named Violet. There is compelling circumstantial evidence that Violet was Beecher's daughter. At the time of Violet's conception, Moses was stricken with typhoid fever. The stomach problems and rashes associated with the disease make it unlikely that the Beaches would have been intimate during this time – and that's on top of the marital problems caused by Chloe's relationship with Beecher. When Moses learned of Chloe's pregnancy, he literally fled the country, and then spent most of the first year of his daughter's life away from his family. Beecher, by contrast, doted on Violet. He spoiled her with gifts, played with her constantly, and wrote to her often. Debby Applegate managed to uncover pictures of Violet and Beecher together, and the resemblance, at least in my opinion, is pretty striking.

And Chloe was not Beecher's only alleged mistress. His relationships with a number of female congregants had been so concerning, Plymouth Church founder Henry Bowen would later recall, that a group of the church's leading men had once sent a representative to the preacher's house to confront him about his behavior. According to Bowen, Beecher reacted to these accusations, quote, "like a guilty man," "was greatly embarrassed," and "promised that there should be no further occasion for such scandal."⁶⁵

Beecher's flirtatious behavior was not unknown to the public at the time of the trial. Newspapers had dug up stories of his close relationships with female students and congregants from throughout his clerical career. But explicit discussions of his pattern of adultery, of the type that we have access to today, weren't around in 1875. So the public could only judge on what they knew. All of which inclined them to give Henry Ward Beecher the benefit of the doubt when it came to Theodore Tilton's allegations.

⁶⁴ Applegate, *The Most Famous Man in America*, 698, citing Moses S. Beach, 1865, from the private collection of Mary Schlosser.

⁶⁵ Statement of Henry C. Bowen to the Examining Committee of Plymouth Church, quoted in the *New York Times*, 3 March 1876.

Yes, not everyone believed Beecher, but it's hard to ignore the way his celebrity skewed both public opinion and the trial itself. We've seen the same thing occur in modern celebrity trials, from O.J. Simpson to Johnny Depp. When we feel like we *know* a celebrity, it becomes that much harder to believe that they could be guilty of a crime that feels out of line with their perceived character. But every public figure has a private life, and no matter how strong our parasocial relationship with a celebrity is, we don't *actually* know them. Celebrities and the courtroom make for an uneasy mix – it's just as true now as it was in the 1870s. Though we often like to think of a trial as a form of objective investigation into a claim, how objective can that investigation be when the court of law is, despite best intentions, inevitably influenced by the court of public opinion?

The Beecher-Tilton case was a scandal in the truest sense – too messy and complex to be neatly captured or resolved by a court. When the historian Richard Wightman Fox began investigating the trial for his book *Trials of Intimacy*, he initially wanted to determine the truth of the case – which side had it right. But as he discovered, quote, “the whole idea of “two sides” was flawed. [It] was not a choice between guilt and innocence, but an interpretation of multiple competing stories, each of them[...]much too complex to be encompassed by the “side” metaphor.”⁶⁶ Our adversarial trial system, which requires two such distinct sides in every case, is not always the best fit for the irrational, chaotic reality of human life. Few trials illustrate this failing better than the Beecher-Tilton case.

That's the story of Theodore Tilton v. Henry Ward Beecher. Stick around after the break to learn how the main players from the trial fared in its aftermath, and to hear one final revelation on the affair.

EPILOGUE

After the trial, Henry Ward Beecher was welcomed back by Plymouth Church with open arms and a generous salary raise to cover his legal costs. For his first sermon after his return, he preached about compassion and forgiveness: “Don't believe that all men are bad because you have seen some of their weaknesses, or even their sins,” he admonished the crowd.⁶⁷

Despite his projection of confidence, the trial had shaken him. Friends recalled that he was colder and more distant after 1875. He was also broke. In early 1877, he went on a lecture tour to try to make money. Fortunately for Beecher, the trial had only increased people's desire to see him speak. Over the course of forty lectures in seven weeks, he

⁶⁶ Fox, *Trials of Intimacy*, 5.

⁶⁷ Henry Ward Beecher, sermon to Plymouth Church, quoted in the *New York Times*, 3 July 1875.

spoke to nearly 70,000 people. Using the proceeds of this tour, he built a mansion in upstate New York, telling his brother, “I have a pride in building the house, and earning every penny that pays for it[...]and that after the world, the flesh, and the devil conspired to put me down.”⁶⁸ Guess who supervised the construction from her own house next door? His alleged mistress, Chloe Beach!

Over the next decade, Henry Ward Beecher continued to be outspoken on both political and religious issues. Though the scandal had burned him, he had not lost his taste for attention nor his ideological fearlessness. He continued to publish, preach, and lecture across America, until he suffered a sudden stroke on March 2nd, 1887, dying six days later at age 73. 50,000 people gathered in the streets of New York to mourn Henry Ward Beecher, and City Hall was draped in black bunting.⁶⁹

Theodore Tilton’s reputation never recovered. He also tried to capitalize off the scandal with a lecture tour, but his audience was sparse. The world had lost interest in him when the novelty of the scandal wore off. He eventually moved to Paris, where he wrote poetry and lived a quiet life, before dying in May 1907.

Unlike her husband and Beecher, Elizabeth Tilton had not gotten to tell her side of the story at trial – the lawyers all agreed that she was too unreliable of a witness. She had tried to speak out, giving the judge a prepared statement that she asked him to read aloud. The judge had declined, but the statement of course made its way to the papers. In it, Elizabeth once again denied the affair, and implied that she had been forced by her husband to make a false confession. After the trial, she lived with her mother and children in Brooklyn, and shunned public attention. Up until 1878, that is.

On April 16th, the morning papers carried a shocking letter, written by Elizabeth Tilton to her lawyer. In the letter she swore that, “the charge brought by my husband, of adultery between myself and the Rev[erend] Henry Ward Beecher, was true.”⁷⁰ Two months later, she told a Plymouth Church committee, “I now repeat and affirm that the acknowledgement of adultery[...]was the truth and nothing but the truth; and that having previously published a false statement denying the charges, I desired to make the truth as world wide as the lie had been.”⁷¹

But she did not have the same platform as Beecher or her husband, and most people dismissed her statements. Though she was a central player in the scandal, Elizabeth

⁶⁸ Applegate, *The Most Famous Man in America*, 1,153, citing Henry Ward Beecher to Edward Beecher, 20 April 1877, in the Beecher Family Papers, Sterling Memorial Library, Yale University.

⁶⁹ Applegate, *The Most Famous Man in America*, 937.

⁷⁰ Elizabeth Tilton to Ira B. Wheeler in the *New York Times*, 16 April 1878.

⁷¹ Elizabeth Tilton to the Examining Committee of Plymouth Church, 10 June 1878, quoted in Applegate, *The Most Famous Man in America*.

Tilton was never taken seriously: she had become, just as she feared she would, only a plaything, the rope in a vicious tug-of-war between two powerful, egotistical men. After 1878, she never spoke out publicly again, and, according to one obituary, banned all newspapers from her home.⁷² She died on April 13th 1897, five weeks after Eunice Beecher.

Both women are buried in Greenwood Cemetery in Brooklyn. Elizabeth Tilton's headstone simply says "Grandmother."⁷³ Eunice Beecher shares a headstone with her husband. Her section of the stone bears only her birth and death dates; Henry got an epitaph: quote, "He thinketh no evil," from his favorite Bible chapter, First Corinthians Chapter 13.⁷⁴ But after muddling through the murky waters of the Tilton-Beecher scandal, the next verse might be a more appropriate conclusion to this episode: "Rejoiceth not in iniquity, but rejoiceth in the truth."⁷⁵

Thank you for listening to History on Trial. The main sources for this episode were the trial transcript, Debby Applegate's book *The Most Famous Man in America: The Biography of Henry Ward Beecher*, and Richard Wightman Fox's book *Trials of Intimacy: Love and Loss in the Beecher-Tilton Scandal*. For a full bibliography as well as a transcript of this episode with citations, please visit historyontrialpodcast.com.

⁷²"Mrs. Tilton Buried," *New York Tribune*, 17 April 1897.

⁷³ Elizabeth Richards Tilton, *Find a Grave*, <https://www.findagrave.com/memorial/5917923/elizabeth-tilton>

⁷⁴ Eunice White Bullard Beecher, *Find a Grave*, <https://www.findagrave.com/memorial/10004608/eunice-white-beecher/photo>

⁷⁵ 1 Corinthians 13, verse 6, King James Version.