MR. TILTON'S SIXTH DAY.

THE WITNESS UNDER SEVERE CROSS-EXAMINATION.

MR. BOWEN'S BUSINESS RELATIONS WITH THE PLAINTIFF—THE EFFECT EXPECTED FROM THE LETTER OF DEMAND—OLIVER JOHNSON'S CONNECTION WITH THE CASE.

The cross-examination of Theodore Tilton was continued yesterday in the Brooklyn Court-house by Mr. Evarts. The business relations between the witness and Mr. Bowen were made the subject of a searching inquiry. The letter demanding Mr. Beecher's retirement from his pulpit was read, and the circumstances connected with it were examined into closely. Mr. Tilton's intimacy with Oliver Johnson was discussed, and some of the interviews between the plaintiff and defendant, subsequent to the writing of Mrs. Tilton's so-called confession, were reviewed. The reading of Mr. and Mrs. Tilton's correspondence was finished in the morning. The cross-questioning will be resumed to-day.

FURTHER QUESTIONS TO THE PLAINTIFF.

Mr. Tilton's sixth day in the witness-chair was one of the most trying ones for him of the examination. The first hour was devoted to gathering and reading the last scraps of the correspondence between Mr. Tilton and his wife previous to 1870. These letters, like the others before read, were mainly in regard to personal and family affairs, Mrs. Tilton's writing being always hopeful; her husband's generally despending. In the first letter which was read, the plaintiff discussed the career and character of Jesus Christ. Nearly all of his letters, in fact, contain some reference to religious subjects. In one epistle, written while lecturing in the West, Mr. Tilton deplores his disappointment in Mr. Beecher, and makes this resolve: "Henceforth I take no pattern after public men—great men—famous men." It is said that the lawyers for the plaintiff are puzzled to know why the defense have introduced these letters, and there has been some speculation on this point regarding the religious views of the jury.

After the reading of the letters, Mr. Evarts resumed the questioning by inquiring regarding the connection of the witness with Oliver Johnson. Mr. Tilton described Mr. Johnson as "an old gentleman living in New-York," and made no effort to hide his hostility toward him. This part of the examination led to a very sharp encounter between Mr. Evarts and the witness. Mr. Evarts seemed curt, as if intending to repel any familiarity on the part of the witness, while Mr. Tilton appeared inclined to argue questions with his examiner. Mr. Tilton's career on *The Independent* was next reviewed, Mr. Evarts questioning the witness as to whether the circulation of that paper had increased during his editorship of it, but he would only testify to what Mr. Bowen had told him, qualifying his reply with the remark that publishers "draw long bows" regarding the circulation of their newspapers. It would seem that the plaintiff expects that Mr. Bowen is to testify for the defense, for when asked what his salary on *The Independent* had been at various times, he said that Mr. Bowen could tell the counsel when they put him on the stand. After this the cross-examination proceeded for a short time in a more pleasant tone. The relations between Mr. Tilton and Mr. Bowen were thoroughly sifted, the interview between the two men on Dec. 26, 1870, being again reviewed. The scandals circulated about Mr. Tilton, which were the subject of that meeting, were inquired about, Mr. Tilton denouncing all of them as lies.

After recess the circumstances of the writing of the letter demanding Mr. Beecher's retirement from his pulpit and from Brooklyn, were related. Mr. Tilton said that he believed then that Mr. Beecher would be driven from Brooklyn, adding "as it will be." There was a very amusing descent from a high pitch to absurdity when the witness was under questions about the angry interview between Mr. Bowen and Mr. Tilton on the day subsequent to the sending of the letter of demand. Mr. Evarts became more vehement than he had been before since the beginning of the cross-examination, and, advancing toward the witness, and shaking his long finger toward him, he asked in harsh voice: "Did you at your house that day, your first visit to it after this interview with Bowen, say to the nurse and others there, others than your wife, that you were ruined?" "No," replied Mr. Tilton, firmly; and then, soon after, he asked, "Who was the nurse, Mr. Evarts?"

The witness was obliged to again repeat the names of the persons whom he had informed of Mr. Beecher's alleged impurities, before they became a matter of general circulation. During the examination on this point, all the pleasant humor which had been shown before seemed to have suddenly gone out.

Mr. Evarts made an exceedingly searching inquiry regarding the so-called confession of Mrs. Tilton, and the copy of it made by Mr. Tilton, both of which, the latter says, were destroyed—the first by his wife, the copy by himself. No question touching this topic was left unasked, and the witness positively asserted that the original "confession" and its copy were destroyed. The conversation between Mr. Beecher and Mr. Tilton on the night that the former first saw Mrs. Tilton's "confession" was referred to, and Mr. Evarts was questioning the witness regarding his wife's health at that time when the hour of adjournment arrived.

COURT-ROOM JOTTINGS.

The counsel are becoming less prompt, both in beginning their labors in the morning and in resuming them after recess, than they were during the first week of the trial. Nearly 15 minutes were lost yesterday forenoon, and almost as many were wasted before the afternoon session. Judge Neilson is a good example for the stragglers, as he is always on the bench several moments before the hour of opening. Mr. and Mrs. Beecher and Mrs. Tilton and her friends were in court all day, and as usual manifested their deep interest in the case. Mr. Tilton entered the court-room, as he almost always does, at exactly 11 o'clock. The trial-room was cold all day, and the plaintiff sat with his coat buttoned tightly about him during the entire examination. He looked more flushed than usual, and in the afternoon complained of severe illness, but continued in the witness chair.

There were eight strange ladies in court during the day. Four of them came together an hour before the opening of the proceedings and sat together several seats behind Mrs. Tilton. They were apparently young and were fashionably attired, but their faces were covered with heavy vails tied closely about the head. No one seemed to know them, and they escaped without recognition.

Soon after the opening, ex-Judge Comstock and E. W. Stoughton entered, and were guided to the bench, which they occupied with Judge Neilson over an hour. On leaving Mr. Stoughton bowed to Mr. Tilton, and shook hands with Mr. Beecher. Mr. Tracy is still absent. He has now done no work in the court-room for nearly ten days. Mr. Tilton's lawyers did not take a single exception yesterday, and were not even on their feet to speak. Once or twice Mr. Beach interposed some suggestion for the benefit of the witness, but there was no discussion.

Mr. Tilton appears to be somewhat captious at times, as when Mr. Evarts asked him if he was "sure," etc., and he answered that he was "certain," etc., following his reply with an explanation of the difference between the meaning of the two words. If these criticisms annoyed Mr. Evarts, his conduct did not indicate it. At other times Mr. Tilton's exactness was amusing, and caused Judge Neilson more severely to admonish the audience than he has had occasion to do for several days.

THE PROCEEDINGS—VERBATIM.

STILL ANOTHER FLOOD OF LETTERS.

The Court met at 11 a. m., pursuant to adjournment.

Theodore Tilton recalled. Cross-examination continued.

Mr. Evarts—Our learned friends have produced us, I think, all the letters we have asked for, excepting one that we can read from the book, they say, and which they do not find, but one of them is somewhat imperfect. First a letter of Mr. Tilton to his wife. [Reading]:

MR. TILTON SPECULATES ON POSSIBILITIES IN THE LIFE OF JESUS.

OSKOSH, WIS., Feb. 14, 1867.

MY DEAR ORTHODOX WIFE: I have been speculating considerably lately on the character and career of Jesus, and I wonder whether you will be shocked when I mention one of my meditations. It is this: How would He have appeared in the character of a married man? Certainly, even to your reverential and adoring view of Him as "God manifested in the flesh," there ought to be nothing profane in the supposition. If He consented to be born of a woman, why might He not have consented to be married to a woman? And, if He was the son of an earthly parent, why might He not have been the Father of a mortal child? He loved some of His disciples better than others, as, for instance, John. He undoubtedly loved some few women devotedly, perhaps passionately. Now, why might He not have loved one, chief and chosen among those women, on whom He might have poured the whole fullness of His heart, and on whose finger He might have set a marriage ring, making her, indeed, like the Church, the "Bride of Christ?" I confess that if a new historic investigation should reveal the proof that Jesus was a married man, instead of an unmated lover of all the world, I would see an additional glory in the most wonderful of all historic characters. Nor do I know of any evidence to show that He was never married.

If either Mary or Martha, or any other saintly woman, had been His wife the fact would probably have been mentioned, and yet what would we have known of His friend Peter's wife except for the fact that her mother was once sick of a fever? Men's wives are not necessarily known to history. Of course, the probability is that Jesus was never married; yet this is by no means a certainty.

And as there remains a possibility that he was, it is a pleasing reflection for me that, while he was living in Capernaum, in the house of Peter (one of His disciples), He might there have enjoyed also the still sweeter companionship of a wife of His own. I know that even Renan says, "Jesus never married." Even admitting the fact, however, this does not deny the *propriety* of His marrying, if he had chosen to marry.

But, if Jesus had taken a wife and fathered a family, I believe that this fact would have so completely humanized Him in the eyes of all the world that He never would have been regarded as God, or the Only-Begotten Son of God. And yet, if, as the son of Mary, He had become the husband of a Galilean girl, and these twain had dwelt in a cottage by the Lake of Genessaret, and unto them had been born children like those of whom He said, "Suffer them to come unto me," let me inquire whether or not you would love the character of Jesus any less than you love it now? Answer. Your Heterodox husband,

THEODORE TILTON.

[Marked "Exhibit D, 65."]

MR. TILTON LAMENTS PERSONAL AND FAMILY EXTRAVAGANCIES.

Mr. Evarts—I read a letter of Mr. Tilton to his wife:

AKRON, O., Jan. 15, 1869.

MY DEAR WIFE: Ever since last October I have been lecturing every week,—sometimes every night, and the proceeds have all been swallowed up in my extravagant debts. If this spendthrift tendency of mine is ever to be curbed it must be by your helpful criticism of it—not by a pained liberality of outlay by yourself. I am putting myself daily to as much fatigue as human nature can endure, in order, if possible, to clear off my obligations to my creditors, and to keep afterwards abreast with the world. Your letter, a few days ago, stating that you could not live on your salary, made me sick at heart, and temporarily I felt like giving up my journey and going home. To-day you send me a bill of $58 for Carl's clothes—an amount which I regard as so great for a family of our moderate resources as to be almost as wicked as my own outlays for pictures. In all the three weeks of my last absence I have not made, above expenses, $400. Not one penny of all my lecture earnings for years has ever yet gone into a bank. I look upon our money-spending tendencies as cruelly wrong. At this moment I am well-nigh broken down in voice, and know not how I shall get through with to-night's lecture. Am I wrong when I say that I cannot look with equanimity on squandering so much money in fine dresses for the children? My heart suffers a pang in saying this, but I cannot help saying it. We must either sell our establishment in Brooklyn or else manage it on a less expensive scale. I have made a vow to buy not another picture, and not another unnecessary article, during the present year. It is with something like a shudder that I look forward to the prolonged slavery of public lecturing every Winter, and if the proceeds are to be freely thrown away by both of us I may as well stop it now. I have suffered for ten days past an agony of remorse at the fruitless exertions I have made by three years of speaking—fruitless, because their harvest has been unprofitably spent. Judging by all the families I visit, *I know that we are literally throwing away our inheritance.* At last I am aroused; and I appeal to you to put a peremptory check upon any and every unnecessary expenditure which *you see we make.* Dress the children in calico for a year, and let me get out of my misery.

Yours in dust and ashes, THEODORE TILTON.

[Marked "Exhibit D, 94."]

MRS. TILTON GRATEFUL FOR CONFIDENCE.

Mr. Evarts—I now read a letter from Mrs. Tilton to her husband:

FRIDAY, Jan. 31st, 1868—11 o'clock P. M.

MY DEAR HUSBAND: I have just returned from Mattie's, and saw your bust; loved it, and could not bear to leave that precious head behind me. I felt a sense of cruelty. Oh, Theodore, darling, I am haunted night and day by the remorse of knowing that because of my harshness and indifference to you you were driven to despair—perhaps sin, and these last years of our happiness. I sometimes feel it to be the unpardonable sin, God cannot forgive me. But if you only may be restored to your former loveliness, I shall be content to live my life in penance, yea, in disgrace. I am the chief of sinners! I understand perfectly how you have felt. I carry in my soul this burden black of sin, yet appear to my children and friends calm and happy. "Woe unto you, whited sepulchre." I hear perpetually. I will carry these agonies gladly, for I know a life of happiness awaits you.

To return to the bust. The spirit of your face is caught in its earnestness; the eyes do not quite suit me, but this must ever be the fault of statues. I received this morning your letter from Syracuse enclosing check for $100. It makes me *very happy* that you give me an exact statement of your affairs. I appreciate the confidence, after all you have suffered through me, to the depths of my soul, and shall try to follow your wishes *in every particular*, and the I'm a poor housekeeper and provider, I never felt so great an impulse to see my judgment and all my faculties to help you. If the past were not ever present, I believe I might yet bless you. You are the only human being I have harmed! Oh! wretched woman that I am!

I learned from Mattie that Mrs. Gibson was left entirely destitute, Mr. G——having even sold his life insurance a few weeks before his death. Mrs. Gibson and all the family are visiting at Mr. Beecher's since the funeral. I have not seen him since you left, nor do not wish to unless he believes in and loves you perfectly.

Darling, we must both cultivate our self-respect by being what we seem—then will be fulfilled my ideal marriage—to you and you only a wife—but contact of the body with no other—while then, a pure friendship with *many* may be enjoyed, ennobling us. Let us have not even a shadow of doubt of each other—tho' all the world are weak yet will *me* be strong.

God accept and bless us *both*.

Now are we *one*.

By bye. Faithfully yours.

Be not offended that I iterate and reiterate my love. I *must*, but destroy all my letters.

[This letter was marked Exhibit D, 95.]

Mr. Evarts—I now read a letter from Mr. Tilton to his wife, dated Dec. 30, ('66 in pencil). [To witness.] Mr. Tilton, here is a memorandum in pencil, as of the year, which does not form part of the original. Is that your memorandum? A. I cannot say it is mine, but it is probably mine. It is marked "'66" in the same manner in which other letters have been marked; that is to say, on referring to the almanac I saw that Sunday night fell on Dec. 24, in the year 1866.

Q. And that is your mark as the year this letter was written? A. I presume it is.

MR. TILTON TIRED OF PUBLIC LIFE AND PUBLIC CHARACTERS.

Mr. Evarts—[Reading]:

SUNDAY NIGHT, AKRON, OHIO, December 30, 1866.

MY DARLING:

I have just been moved to write a long letter to Mrs. Bradshaw about May. It is chiefly about having a purpose in life, and how to carry it out. Of late, I have been thinking much of my own life. You know that I don't attach as much importance as many do to certain churchly ideas of the Christian life. It seems to me that the truest method, and the surest, of developing a Christian character, is never to swerve from one's own inward ideal of right, whether or not this ideal be in conformity with the prevailing conventional notions of good men, or of the best of men. I have been looking back upon my ten years of public life, and judging of its motives. Looking back thus, I can see that I have been always earnest and straightforward, but always too much in the interest of myself, and too little willing to be counted as nothing in comparison with the work which I have been set, as an instrument, to perform. Lately I have been endeavoring to ascertain what are my earthly ambitions, to struggle with them and conquer them. I have no ambition to be rich—and never had; none to be in political office; none for social or fashionable pre-eminence; none, that I can detect, for oratorical distinction; and not a great deal for a literary reputation. My rather notoriety occasionally flushes me with pleasure. But on the whole, I believe I can truthfully say that I have in great measure put aside the idols which I used to worship. I once believed, judging by my personal experience, that public life—particularly such a life as that of a young man prematurely famous—was bad for the character; crippling to the soul. I used to feel this at times in many keen self-reproaches. But when one has at first tasted the sweets of reputation, and at last of their insipidity, I think he gets a more sober, philosophical and just view of what is valuable, and what is valueless in life, than in almost any other way. As a consequence, many of the men of great fame whom I intimately know, make no such ruling impression on my mind as many of my private friends do. But if I had no reputation myself, I should still be dazzled with them, as I was once dazzled years ago. For instance, I like Mr. Beecher in many respects as well as I ever did. But he has ceased to be my soul's prompter—ceased to inspire me to my best life. I believe he is not as morally great as he once was. I do not now refer at all to his political views. His political views have made no change in my feelings toward him as a friend. But there was an older virtue which has since gone out of him—an influence which used to brighten my life when I came under its ray; an influence, however, which became gradually quenched like a vanishing sunbeam. Henceforth I take no patterns after public men—great men—famous men. They are not so good as my wife and children. Half an hour's talk with Mrs. Bradshaw makes me a better man than a half dozen sermons could do. I have had a sweet Sabbath day—one that has baptized my soul. I spoke to a thousand children this afternoon, and I have been in a glow ever since. This will account for the fact that I have written two such sermonic letters. But now I send, good-night.

Forever yours, THEODORE.

MRS. TILTON GLAD TO BE RELIEVED OF BESSIE TURNER.

[This letter was marked "Exhibit D, 96."]

Mr. Shearman—I read a letter from Mrs. Tilton:

SATURDAY, A. M., Mar. 6, 1869.

MY DARLING: I *have* looked with great annoyance and pain on the map to learn your whereabouts, and realized the immense labors you were going through before your letter just now rec'd, desired me to do so. Don't make a Western tour again; with your salary and the engagements near home, we will try to pay off our debt and educate our children. Besides, the little new baby will reward us both for our labors I feel sure. The snow is falling fast; how full of happiness I should be, could I comfort you to-day!

Kitty Belcher is visiting Flory, and they are making caromels in the kitchen.

The note from Philadelphia is very serious. Bessie is all right. She comes to Sunday-School every Sunday, and visits me once a fortnight; is boarding at the Home, and has fallen in with some rich families in Fifth-ave., where she has found enough to do sewing by the day, and they pay her amply. She has been to several concerts in New York, and received a very gay valentine, and on the whole appears quite contented. She does all the playing for the institution, every evening, for the girls to dance. Has had but one sick headache. I feel thankful daily that I am relieved of her care.

Do you not know when I may look for you? I have come to the end of my printed list; now only the few changed appointments remain.

Mother's affairs stand at *status quo*. She sleeps well. This change I never expected. All under my roof seems marvellous to me.

That luxurious ride in the cars was followed by weariness, vexation and disappointment. How very, very often has it been thus with us in our life.

And I am impotent to help you. Farewell.

Your dear WIFE.

I mailed a hasty line to you last night to Kokomo—so did Frank Moulton. I only now discovered the mistake.

[This letter was marked "Exhibit D 97."]

Mr. Shearman then asked for a letter of August 28, 1869, from Mr. Tilton to Mrs. Tilton.

Mr. Morris—You have read that letter.

Mr. Shearman—No; we have read everything we could get.

Mr. Fullerton—There is no objection to their reading it again if they wish to.

Mr. Shearman—That was another letter, New York, Aug. 28. This letter I want is dated, "Saturday Night, Brooklyn, Aug. 28, 1869."

Mr. Morris—We have no such letter as that.

Mr. Shearman—Oh, yes; there is such a letter.

Mr. Fullerton [searching in his side pocket]—The reason they could not find it is, I had it. [Produces letter.]

MR. TILTON UNFASTENS THE FLOODGATES OF HIS LOVE.

Mr. Evarts—I will now read this letter:

SATURDAY NIGHT, BROOKLYN, Aug. 28, 1869.

MY DEAR WIFE: I find myself alone, but hardly lonesome, wearier but not sleepy, restless but not without peace of soul to-night; and so I turn my thoughts to you and the children in your mountain nest.

My letters of late have been so hurried and barren that I have sometimes wished I had not sent such and such a one. I know your sensitiveness to my words, and I have been chiding myself for allowing you to see by pen and ink that I have been greatly driven day and night, for two or three weeks past, to the apparent neglect of you and your cares. But to-night, although my table lies covered with unfinished work, I end it with abruptness for the sake of expressing to you some thoughts which have lately been occupying my mind, or rather some feelings which have been stirring my heart, in reference to our married life.

I will confess frankly that I have passed the most wretched Summer of all my life, and no one knows it but myself—indeed, no one who has been with me has seen me otherwise than outwardly gay and cheerful. All the exhibitions which I have made of myself to my friends have been of unusual hilarity. This has been the utmost shallowness of superficiality. *One* thing I *have* enjoyed, that is, my work. It has been unusually heavy, and therefore unusually benificent. But, leaving my work aside, all my other pleasures have been pains. For two or three weeks I resolutely repressed all allusions to my feelings, when writing to you—not wishing to mar your vacation. But as the time of your home-coming cannot be very far off, I open the floodgates to-night. I will therefore say that I have missed you for the past month with something of the same awfulness and heartbreak as if I had lost you forever by death. The idea has haunted me that perhaps I should never see you again, and this has prostrated my spirit to an agonizing humility, and led me into ten thousand self-reproaches for the past. Of course I do not lay any stress on any superstition. I expect to see you again, and hope to do so as soon as you think advisable for the children to return. But I have discovered, by searching the depths of my soul, *that I love you more than any human ought to love another.* I have seen some noble women this Summer—whom I admire, and whom, in a certain way, I love. All my life I have known something of the nature and experience of true friendship. From my early years I have loved and loved *you*. But all the past experiences of my heart's affections have been as nothing compared with the unusual and solemn sense which I have had during all the hilarious of this Newport week, that the only human being who touches my highest nature is yourself. This being the case, I am filled with distress to think that I must keep you uninformed, for the sake of your own tranquillity, of many of my thoughts, and of some of my conduct. I would to God I were a man worthy of your goodness, your self-denial, and your singleness of heart. Occasionally, in some supreme hour, I am your fit mate; but at all other times you are high above me. But if you could know the inward reverence which I have borne toward you for many days past, even while appearing to be absorbed in the companionship of other ladies, and particularly at Newport, I am sure you would almost dread to be so much loved by any human (and, therefore, infirm and wayward) creature like myself. I have several times tried to keep myself from writing you any such letter as this, because it is unlike most of my past correspondence. It is my request that no other eye shall ever see it except your own. Indeed, after this letter is in the mail, I shall probably grieve to think I wrote it. But, on the other hand, I shall never feel content until I have in some measure confessed to you that, all Summer long, I have trembled at the thought that you are almost as much to me as God himself, and yet that I am constantly treating *you* as ungratefully as I treat *Him*.

One thing more, but I do not urge it, or even request it. I only state it. If you could come here and stay with me two or three days in this house, with no other person to intrude upon our communion, I would bless you for it as long as I live. I want to show you my heart, and its too great load.

Yours in frankness, THEODORE.

During the reading of this letter Mr. Porter handed a printed edition of the letters to Mr. Evarts, telling him he would find it easier to read.

Mr. Evarts—There are some words in the original, which appear to be omitted in the printed copy.

Mr. Evarts here puzzled over a word, which he read "codicil," and Mr. Tilton said: Bring it to me, Mr. Evarts, and I will interpret it.

Mr. Evarts—Oh, the language is clear enough; it is only the writing I find difficulty with.

Mr. Tilton—It is not a codicil, it is my will. (Laughter.)

[This letter was marked, "Exhibit D 98."]

MORE ABOUT THE PUBLICATION OF THE LETTERS.

Mr. Evarts—Mr. Tilton, you have said something about the publication of these letters having been arranged to be made at a remote point, rather than here? A. Yes, Sir.

Q. Do you remember making an application to one of the leading papers in this city to republish them, here in New York, from the Chicago papers? A. No, Sir; I made no such application. One of the leading daily newspapers of New York made such an application to me for permission to print them, which I refused.

Q. What paper was that? A. THE NEW-YORK TRIBUNE.

Q. Do you remember making an application to *The Herald*? No, Sir; I remember *The Herald* making an application to me for my sworn statement; that also I refused.

Mr. Evarts—Yes, well, I am not talking about that, and I ask if your Honor please to have that struck out.

Judge Neilson—Yes, Sir; strike it out. It was not called for by your question.

Q. And you are quite sure that you did not make any application or suggestion to a New-York paper to republish from the Chicago paper these letters? A. To republish?

Q. Yes. A. Oh, that is quite another matter; I trusted——

Q. That was my first question, I think. A. Or I didn't understand you, Sir. After the letters were published in Chicago it was my wish, or rather it was Judge Morris' wish, that they might be republished here, and when Mr. La Fontaine, then the managing editor or city editor of *The Herald*, told me that he was going to republish part, but not the whole, he requested me to use my judgment in the selection of such parts as I would prefer to have printed. I made that selection; I think about one-half of the letters were republished in *The New-York Herald*, the selection being made by myself in connection with Gen. Pryor, Gen. Prior and I went over to *The Herald* office one night and did it.

MR. TILTON'S RELATIONS WITH OLIVER JOHNSON.

Q. Who is Oliver Johnson, and what relations had he to you in business, or in personal intimacy or family friendship? A. Well, Sir, that is a pretty long question, it will require a pretty long answer.

Q. Yes. A. Who is Oliver Johnson, I begin with that?

Q. Yes. A. Oliver Johnson is an old gentleman, living in New-York, who used to be editor of *The Anti-Slavery Standard*, who afterwards became my associate editor in *The Independent*, and whom I afterward put into *The Christian Union* to help Mr. Beecher carry his case, so that the public eye could not see it, and who is now on that paper.

Q. That is not my question? A. I thought you wanted to know his connection with this case.

Mr. Evarts—I ask to have that struck out, please. I have asked who Oliver Johnson was.

Judge Neilson—Yes.

Mr. Evarts—That is the head that he is now on, and argumentative observations about——

Judge Neilson—That last remark about getting him into *The Union* is not necessary. Strike that out.

Mr. Beach—It already appears in evidence.

Mr. Evarts—It does not appear as part of my evidence.

The Witness—Mr. Evarts, you will excuse me. I understood your question to refer to Mr. Johnson in his connection with this case.

Mr. Evarts—I have not said a word about his connection with this case; not a word.

The Witness—Well, Sir, if you wish then to know who Mr. Johnson was I can answer that very accurately by giving you a written biography of him which he has prepared for me to use; to print after his death. [Laughter.]

Judge Neilson—That is not an answer to his question. You have already stated what he was.

Q. Is that the best answer you can give to my question who Oliver Johnson is? A. You asked me who he was, Sir, not who he is. *Carthago fuit.*

Q. Tell us, if you can, who Oliver Johnson is, what his relations were to you in business, what in personal intimacy and what acquaintance with your family—which is my original question? A. Well, Sir, didn't I answer it?

Mr. Evarts—Don't ask me whether you have answered it. Go on and answer it now. A. Well, I think I have answered it. I told you that so far as Mr. Johnson was related to me, he was my associate editor in *The Independent*. What else do you wish to know about him?

Q. I want to know your personal intimacy with him. A. For a number of years Mr. Johnson and I were very intimate.

Q. When did that intimacy begin? A. I think when I was about twenty-one or two years old.

Q. And have you been acquainted with him ever since? A. Yes, Sir.

Q. And are you acquainted with him now? A. I think not, Sir; I should not recognize him in the street if I met him; for that reason I should say I am not acquainted with him.

Q. You would know his person, wouldn't you? A. Oh, yes, Sir; that is all I should care to know. [Laughter.]

Q. Now, how long did the intimacy which began when you were twenty or twenty-one years old continue? A. Continued until after I put him in *The Christian Union*.

Q. Until you put him into *The Christian Union*? A. Yes, Sir.

Q. Which was about four years ago? A. No, Sir.

Q. Three years ago? A. That comes of the error of using the word "about." I recognize the correctness of your criticism the other day; it was about two years ago.

Q. About two years ago—well, you are now about thirty-nine; this was about two years ago—37—21—that would be sixteen years of intimate acquaintance you had with Mr. Johnson? A. Well, Sir, you are better in figures than I am. I will take your word for it.

Q. Now, Sir, what was Mr. Johnson's employment in connection with newspapers, and what your association with him during that period of time? A. When I first became acquainted with Mr. Johnson he was then the editor of *The Anti-Slavery Standard* in New York; he afterward became my associate in the editorship of *The Independent*.

Q. From what date this latter fact? A. Well, Sir, I cannot give it to you exactly; I think Mr. Johnson was about seven years with me in *The Independent*; we retired about the same time; he lingered two or three weeks longer than I did, but we practically retired at the same time; he went out because I did; that retirement was at the close of the year 1870. My impression is that he remained with me about seven years, though I won't be positive as to that.

Q. Now, part of that time you were assistant editor under Mr. Beecher, and part of that time you were editor-in-chief, were you not? Part of those seven years that you speak of you were editor of *The Independent* under Mr. —— O! no; you date from 1863 when you commenced; you were editor-in-chief the whole of the seven years? A. Yes, Sir; Mr. Johnson was not in *The Independent* while Mr. Beecher was there.

Q. No; he began then with you? A. Yes, Sir.

Q. Began with you and left with you? A. Yes, Sir; he did not begin with me; I began many years earlier in *The Independent*.

Q. I mean began with your being editor-in-chief? A. I don't think that is true either; still it may be.

Q. You have already told us that you began as editor-in-chief after Mr. Beecher's return from Europe? Yes, Sir.

Q. Very well, that was in 1863? A. I think you are correct.

Q. Very well, Mr. Johnson came in in 1863 and went out—— A. I don't say that he did.

Q. You said seven years? A. I said seven years, perhaps; I wish to be accurate.

Q. Well, as far as you recollect, Mr. Johnson came in with you, and went out with you? A. No, Sir; I don't recollect that at all. I had been fifteen years in *The Independent*. Mr. Johnson about seven years.

Q. Well, I mean came in with you when you became editor-in-chief, and went out when you left it? A. Well, that may possibly be so, but as I am under oath I will not swear to what I do not accurately know.

Q. Now, during that period what degree of personal intimacy, outside of business relations, did you also have with him? A. Very great.

Q. And how frequent and how acceptable a visitor was he in your house? A. I always liked him, but Mrs. Tilton never did; never wished to have him come.

Q. Well, did he come? A. He came very frequently; yes, Sir.

Q. Very frequently, notwithstanding? A. Well, I say very frequently—no, not very frequently, for I was away lecturing most of the time, and he came occasionally. She thought he was a heretic in religion and did not wish me to bring him there.

Q. Now, when he left *The Independent*, at the same time that you did, what employment did he then go into? A. He became the editor of THE WEEKLY TRIBUNE, under Horace Greeley.

Q. And your friendship and intimacy continued with him during that time? A. Yes, Sir.

Q. And then, in 1872, about two years ago, you had some hand, as you have stated, in placing him in *The Christian Union*? A. Yes, Sir; I think it was about the beginning of 1873; that is my impression; I wont be accurate as to the date.

Q. Well, about two years ago—and has he remained there ever since? A. I don't know anything about that, Sir.

Q. Now, Sir, in these lecturing tours of yours that preceded 1870—that is, preceded the season of 1870 and 1871—take, for instance, the last two years 1868–'69 and 1869–'70, what was the aggregate of your receipts or emoluments from that source of income? A. You mean each season?

Q. Yes? A. Well, I don't know that I can answer from memory. When't there some statement in one of the letters read this morning? My impression is, in the rough, that for a number of years in succession I received from my lectures about $8,000 or $9,000, from which my traveling expenses had to be deducted. I don't know the net increase.

Q. Well, it would leave $7,000 or $8,000 or something? A. I should think so; yes, Sir.

Q. Each year? A. Yes, Sir; I think so; about that.

THE INDEPENDENT UNDER TILTON.

Q. Now, when you took possession of *The Independent* as editor-in-chief, and Mr. Beecher left it, what was its strength in circulation, and its credit and repute in the country? A. It had a very good circulation, and had a very fair repute, except in orthodox circles. Mr. Beecher had cast over it a reputation for heresy, and I had cast upon it a reputation for extreme radicalism in the anti-slavery movement. Still, as both those reputations were in my judgment good, I think I may say *The Independent* stood well.

Q. And can you give us about what its circulation was? A. I don't remember, Sir; that is Mr. Bowen's secret.

Q. You have some notion about it, haven't you ——did you know at the time? A. I haven't any means of fixing the circulation of *The Independent*.

Q. Did you know at the time? A. I presume I did, from time to time.

Q. You have forgotten, have you? A. Forgotten, I think.

Q. Now, can you remember whether its circulation was increased under your administration? A. Yes, Sir.

Q. Wasn't it very largely increased? A. Mr. Bowen always said so; whether or not that was exactly true I don't know.

Q. What made you doubt?

Mr. Beach—He does not say that he doubted.

Mr. Evarts—He says he does not know whether it is true or not.

The Witness—Well, the publishers of newspapers always draw a long bow, Mr. Evarts, in making their prospectuses.

Mr. Evarts—Well, I don't know how that is I have never published a newspaper.

The Witness—*The Independent* was always put——

Q. You were editor, and you must tell us, if you can, whether it did not rise very largely under your administration from the subscription list as it stood when Mr. Beecher left? A. Why, Sir, I think *The Independent*, for the last fifteen years, under Mr. Beecher, under Dr. Thompson, under myself, has had a steady growth, until the time when the anti-slavery movement was settled and the war was over. After that I don't know anything about it.

Q. Well, but you know it from the time of 1863 to 1870 while you were the principal editor of it, do you not? A. Yes, Sir.

Q. Well, now, that is the very period, and the only period I am asking you about. A. I remember this—this I have a distinct recollection of, that just at the time of my retirement, either that week or the next, Mr. Bowen published in *The Independent* a highly flattering article concerning the prosperity of his paper, in which I remember he gave a long list of 10,500 post-offices to which it had gone; pointed to that fact as an instance of its unparalleled prosperity. I happen to remember that.

Q. What was its circulation when you left? A. That I do not know, Sir, except that it went, as I say, to 10,500 post-offices.

Q. Then you cannot tell us whether the paper had gained in strength and circulation under your administration or not? A. Yes, Sir; I know that it had; I know from constant proclamations which the publisher made year by year. He had a habit of occasionally putting before the reader the past history of the paper, comparing the receipts of the first six months of this year with the first six months of last year; and all these showings always made for the prosperity of *The Independent*. That journal was like a revolution which never went back; at least, according to the statements made by its publisher.

Q. And yet you cannot give us any notion of what its real strength and circulation was, or what you suppose it to be, at or about the time that you left it? A. I don't think I ever asked any question about it, Mr. Evarts. I was in the——

Q. And your own observation and interest as an editor of the paper did not lead you to have any knowledge on the subject? A. I unquestionably, from time to time, knew something about the circulation of the paper, but it was constantly fluctuating; and as I have been out of it for four years, I would not undertake to say what the circulation was. I have an indistinct recollection that when I first went into *The Independent*, Mr. Bowen then told me that the circulation was 17,000. I remember these figures; but what it was when I left I do not know. I suppose, perhaps, it was 50,000; 60,000, perhaps; I don't know; but that is a very rough guess, and I may be doing great injustice to much higher numbers.

Q. Well, that was something of a growth, then; from 17,000 to 50,000, wasn't it? A. Well, I think I might say so; yes, Sir; I agree with you in that.

Q. What was your contract or relation with *The Independent*, securing or providing for your position as editor? A. Well, Sir, I had a great many contracts with *The Independent*. I went into *The Independent* on a salary of $700; I left it on a salary of $7,000.

Q. No; as editor-in-chief—editor-in-chief, if you will listen to my questions——. A. I did not hear you say "editor-in-chief."

Q. As editor, what was your contract with *The Independent*, in which your position and emoluments were provided for, from the time that you became the chief editor, in 1863? A. When I was editor-in-chief, in 1863, I do not remember what my salary was; it was not a very large one. From time to time during the following seven years my salary was increased; I do not remember the successive steps.

Q. Well, what had it come to be at or before December, 1870? A. At or before?

Q. Yes, Sir? A. It will require two answers, because at December, 1870, was one thing, and before that was another.

Q. Well give us both answers if you please, then? A. In the early part of December, 1870, Mr.—— Perhaps I ought to go back a step earlier than that. During most of the seven years of my chief-editorship of *The Independent* I had an arrangement with Mr. Bowen, by which I was permitted at the same time to lecture; my nights were free; the duties which my contracts compelled me to perform did not exceed the writing of the leading article every week, together with the general supervision of the paper, so that I was free to lecture; and during a number of years my income from my lecturing under that liberal arrangement of the public,ier was about the same as my salary. Then, when I came home——

Q. Now, as my only object was to get at your salary, will you be so good as to state what it was? A. Well, Sir, I do not understand what you mean by getting at my salary.

Q. You have given me an answer that your salary was about what you got from your lectures? A. Yes, Sir.

Q. Now, will you tell me what your salary was; I care nothing about your lectures? A. Well, Sir, you differ in that respect from most of your fellow-citizens.

Q. I have got through with it; I have asked you about your lectures, and got through the $7,000; now, will you tell me what your salary was? A. I will, if you will tell me at what time you want to know it.

Q. Before December, 1870? A. Well, Sir, my salary was at various points, fixed at various times before this.

Q. Give me all of them? A. Well, I told you a little while ago that I went into that paper on a salary of $700; it was variously increased——.

Q. Now, as editor-in-chief, what were your respective salaries through that period of your editing? A. That I do not remember; you will have to refer to Mr. Bowen when you get him on the stand.

Q. Do you mean to say that you can give no information to us concerning your salary at different periods during the seven years of your editorship? A. Mr. Evarts, I mean to say exactly that I do not remember what my salary was in *The Independent* ten years ago; I remember that it was advanced by successive steps until it came to be, from $700 a year to $7,000 a year; that is what I remember.

Q. When did it come to be $7,000 a year? A. I think in the year 1869, but I won't be certain of that.

Q. Now, what was it immediately before it was changed to $7,000? A. That I don't remember; I think it was about $5,000, together with some percentage of the profits, though I won't be certain of that.

Q. And how long did that arrangement continue—$5,000 and a part of the profits? A. I don't know; it is so long since I have had any such income as that, that all is a dim haze and fog in my mind. It is a pleasure to me, Sir, to have you revive it, even in that unsubstantial way.

Mr. Evarts—Well, it would be a greater pleasure to me if I could revive it a little better.

The Witness—Well, Sir, if you could make it actual it would be a supreme delight. [Laughter.]

Mr. Evarts—I am afraid the community must do that for you.

Judge Neilson—I really wish the audience would be quiet.

Q. Now, what was it at the stage before it was fixed at $5,000 and a share of the profits? A. Well, Mr. Evarts, I have already told you I don't know; I can tell you again I don't know.

Q. Didn't it, when you became editor-in-chief, in 1863, then become $5,000 and a share of the profits? A. That is my impression, but I will not be certain—you say in 1863, $5,000 and a share of the profits.

Q. When you became editor-in-chief? A. No; I don't think at that time it was as large as that.

Q. What do you think it was