THE TILTON-BEECHER TRIAL.

Continued from Fourth Page.

Thursday on, was he ever absent from your sight long enough to have gone to New-York? A. No, Sir.

Q. Was he ever absent long enough to have gone half way to New-York? A. No, Sir.

This closed the direct examination of Mrs. Perkins.

Mr. Fullerton—I have nothing to ask, Madam.

Judge Neilson—That is all, Madam.

Mr. Shearman—If your Honor please, the witness we have counted upon next stepped out, thinking he would not be wanted until after recess.

The Court here took a recess until 2 o'clock.

THE AFTERNOON SESSION.

The Court met at 2, pursuant to adjournment.

Judge Neilson—Proceed, Mr. Shearman.

Mr. Tracy—Is Mr. Freeland in Court?

Mr. Freeland—Yes, Sir.

Mr. Tracy—Take the stand, Mr. Freeland.

TESTIMONY OF JAMES FREELAND.

James Freeland was then called on behalf of defendant, and being duly sworn testified as follows:

Mr. Tracy—Where do you reside? A. No. 140 Columbia-st., Brooklyn.

Q. How long have you been a resident of Brooklyn? A. Thirty odd years.

Q. Are you a member of Plymouth Church? A. I am.

Q. How long have you been such member? A. Twenty-five or twenty-six years.

Q. Do you know Mr. Beecher? A. I do.

Q. And Mr. Tilton? A. Yes, Sir.

Q. And Mr. Bowen? A. And Mr. Bowen.

Q. How long have you known Mr. Bowen? A. Well thirty years.

Q. Were you formerly a merchant, engaged in business in New York? A. I was.

Q. You are now Collector of Internal Revenue of the First District? A. I am.

Q. How long have you been such Collector? A. Six or seven years. I am not exact, you understand, as to dates.

Q. It has been stated that you were one of the arbitrators in this difference between Mr. Beecher, Mr. Tilton and Mr. Bowen? A. I was.

Q. You met at Mr. Moulton's house? A. We did.

Q. How long before that arbitration actually occurred were you informed that you were to act as arbitrator? A. I could not tell.

Q. You went around to the house that night with whom? A. Mr. Claflin and Mr. Storrs.

Q. When you arrived there whom did you find there? A. I don't remember exactly. I know that shortly after I got there I noticed that Mr. Bowen and Mr. Tilton and Mr. Moulton were there, and Mr. Claflin and Mr. Storrs and myself.

THE HACKNEYED STORY OF THE ARBITRATION.

Q. What was done after you arrived? A. Well, Sir, I think we prepared to go to business.

Q. Do you remember anything said by Mr. Storrs about his not acting as an arbitrator? Yes, Sir, I think I do.

Q. What did he say on the subject of declining to act as an arbitrator?

Mr. Fullerton—One moment; we object to that.

Judge Neilson—It is proper, if it was in Mr. Tilton's presence.

Mr. Tracy—Oh! he has sworn that Mr. Tilton was present, and the whole evidence shows that he was present.

Judge Neilson [to the witness]—What did he say? A. Well, now, I cannot repeat the language, but I remember that he spoke of retiring in consequence of Mr. Beecher—some words in regard to Mr. Beecher—that he did not understand that he was to come into this arbitration—something of that kind, something of that nature, I don't remember particularly; and then Mr. Claflin spoke up.

Q. What did Mr. Claflin say? A. Mr. Claflin said that it was all well arranged—it seemed to be, from him—that Mr. Beecher and the whole matter was to come in the arbitration before us. I cannot remember the language that he used, but that was the effect of the whole thing—all that was said. Then Mr. Storrs, as I understood, excepted. Mr. Storrs said a good deal, but I could not repeat fifteen words, or ten words, that he said.

Q. But whatever it was, it was said in the presence of Mr. Tilton and Mr. Moulton and Mr. Bowen, was it? A. All the parties.

Q. After that did the arbitration proceed? A. It did.

Q. What did the parties do before the arbitrators? A. I think Mr. Tilton made a speech, but I don't remember a word he said. [Laughter.] And I think Mr. Bowen made a speech, but I can't repeat a word they said.

Q. Well, we have not asked you to repeat anything they said yet? A. No, Sir.

Q. We want to find out what they did. After they had made their speeches, what was done? A. I think they withdrew, and we went on with the arbitration.

Q. The arbitrators? A. Yes, Sir, the arbitrators.

Q. And made up your award? A. Yes, Sir.

Q. Did you agree upon your award that night? A. We did.

Q. After that award was agreed upon, what was done? A. We came in and asked the parties, I believe, to come before us again.

Q. Was the award announced by any one of the arbitrators? A. Yes, Sir, Mr. Claflin was the spokesman.

Q. Mr. Claflin announced the award? A. He did.

Q. What did he say the award was? A. Well, in substance, he said first that the papers were all to be burned relating to the scandal.

Q. Well? A. The next was—let me see, I don't exactly—that was the first, I remember, that was spoken of. Then the award, I think, came.

Q. What was the award? A. $7,000.

Q. Well, what next? Was there anything said about signing any paper? A. Yes, Sir.

Q. What was said about signing a paper? A. The Tripartite—that hard name that I cannot pronounce very well.

Q. Very well; we know what you refer to. A. That was to be signed.

Q. By whom? A. Henry Ward Beecher, and Mr. Tilton and Mr. Bowen, I think.

Q. Bowen? A. Yes.

Q. After Mr. Claflin had announced the award, what was said by either of the parties, if anything? A. I think they were satisfied; I think they seemed to be pleased; I recollect that Mr. Tilton laughed and smiled.

Q. Well, Tilton probably smiled at the amount; but what did he say about signing the "Tripartite Agreement?" A. Well, he said there was something there that he wanted to change—the phraseology or something—something in regard to that.

Q. Well? A. Well, I think Mr. Claflin replied—let me see now, I am a poor hand to recollect conversations, very.

Q. Well? A. I will give you the substance as near as I can. He said, "Mr. Tilton, you agreed to sign that—all satisfactory."

Q. What did Tilton say to that? A. Well, I think he said that he did, but he wanted it altered. Well, the amount of it at the end was that he did alter it. I think Mr. Claflin wanted to know if he was satisfied after it was done. I think he took a piece of paper and wrote on it, and it seemed to be attached to it.

Q. He did alter it, any way, and the alteration was accepted? A. I so understood it. It was all quiet; we were all very good-natured after we got through. All pleasant all around.

Q. No doubt of it; you were a very pleasant set of gentlemen. What was done about the Woodstock letter? A. I remember Woodstock was mentioned, and about a letter, and I think that Mr. Bowen wanted to have that returned to him.

Q. And not burned? A. And not burned.

Q. Well? A. And I think there was something about a letter of apology that was to be burned.

Q. What was said about a letter of apology that was to be burned? A. I think that was to be burned. All the papers as I understood were to be burned connected with the scandal.

Q. What particular papers were mentioned, if any? A. I think the apology, if I remember right, was mentioned, and this Bowen letter, and there was another letter, I think, but I don't remember what it was.

Q. Whose apology was it that it was said was to be burned? A. Mr. Beecher's.

Q. Mr. Beecher's letter of apology? A. Yes, Sir; I recollect that Mr. Claflin—Mr. Claflin was the spokesman.

Q. Where was that said, that that letter of apology was to be burned? A. Right there on the spot.

Q. In the presence of whom? A. All of them.

Q. What did Moulton and Tilton say in regard to burning the letter? A. I understood that they assented to it; I didn't hear any objection, not a word.

Q. Well, did they, or did they not assent to it? A. Yes, I understood so.

Q. Well, after that was done, what occurred. After you had altered the "Tripartite Agreement" to suit Tilton, and it was agreed that Bowen should have the Woodstock letter returned to him, and that the papers were to be burned, what then occurred? A. Then, I think, Mr. Bowen wanted to settle the matter up and give his check.

Q. Well? A. And he spoke to Mr. Claflin—I heard the conversation—he asked Mr. Claflin, says he, "Mr. Claflin, suppose I should not have money enough in my bank account to-morrow morning, will you lend it to me for this check? I want to close this matter up;" and Mr. Claflin said he would.

Q. What was done then? A. Well, I saw the check passed around, but I did not see who it was delivered to.

Q. Was the check filled out there? A. I think it was, I saw it lying on the table, but I did not take it in my hands.

Q. Did you actually see it pass to Tilton? A. No, I don't think I did.

Q. After the check was filled out, what was done or said? A. Well, I have got pretty near the end of my rope.

Q. Did you separate then soon after the filling out of that check? A. Yes, sir; we had a pleasant chat.

Q. How long were you there, at Moulton's house, from the time you went there until you left it? A. I am not well versed in time; about three or four hours; I could not state.

Q. You don't remember? A. I don't remember the time; there was considerable time.

Q. Don't you remember about the time that you broke up that night and went home? A. Well, I think it was pretty late; it was late for me, surely.

Q. Do you remember whether you were afterward consulted by Mr. Storrs in regard to this "Tripartite Agreement" being deposited with Mr. Moulton? A. Oh, yes; there was some talk about that, and I said right off, "Mr. Claflin must keep that Tripartite"—I remember now I suggested Mr. Claflin.

Q. What was said, if anything, about Mr. Claflin's taking this Tripartite Agreement, after it had been altered by Mr. Tilton to Mr. Wilkeson, to have a fair copy made of it? A. Yes, Sir, that is so; Mr. Claflin was to take it and have a fair copy made of it.

Q. And did he take it away with him that night? A. Yes.

Q. When did you next see it? A. I don't think I ever saw it after that.

Q. You don't think you ever saw it? A. No

Mr. Tracy—You may examine, gentlemen.

CROSS-EXAMINATION OF MR. FREELAND.

Mr. Fullerton—Mr. Freeland, when was this arbitration? A. Well, now, the best I can get at it is that it was the 3d of April, 1872—the 3d of April, 1872; it might have been—well, I think it must have been that time. I would not swear to it positively; it might have been a few days more or less, but that is my impression, as far as I can get at it.

Q. It might have been a few days before or a few days after? A. It might have been, but that is my impression. Well, I get at it in a measure from that check—the 4th.

Q. Have you seen the check? A. I saw the check there; but I heard it spoken about—I will tell you exactly—

Mr. Fullerton—Ah!

The Witness—Oh! I will stop, Sir, when you say so; I don't want to tell more than you ask.

Q. You say you will stop, but you don't? A. I'll shut my mouth up.

Q. But you don't; you are at it again. Did I understand you to say that you saw the check? A. I think I saw it on the table.

Q. Did you read it? A. I did not.

Q. Or any part of it? A. No, Sir.

Q. Then how does that enable you to get at the date? Now you can talk. A. Will you allow me?

Q. Yes. A. Well, Sir, I heard there was a check of Mr. Bowen's—I will tell you another thing—

Q. No; tell me that first. [Laughter.] A. I will; I am glad to see you laugh; I don't like to see cross folks; that is the best way to get along.

Q. Well, laugh after you explain that. A. I will.

Q. If you did not read the check, how does the check enable you to fix the date? A. I am afraid you will stop me if I undertake to tell you.

Mr. Tracy—Well, try it.

The Witness—[After a pause.]—I know Mr. Bowen very well, and I never knew him to give a check after 3 o'clock that he didn't date it the 4th; now, that is one of the strongest points in the matter.

Judge Neilson—That is, he would date it the next day?

Mr. Fullerton—Oh! your Honor—

The Witness—Yes; the next day.

Mr. Fullerton—He always dates them the 4th? A. So far as I know him.

Q. If he draws a check after 3 o'clock, he always dates the check the 4th? A. From my experience in business with him; I have had a good deal of experience with him in business.

Q. You say if he draws a check after 3 o'clock he always dates it the 4th? A. Yes; after 3 o'clock.

Q. Suppose it was the 30th day of the month, would he date the check the 4th? A. I guess he would take the day after, then.

Q. And not the 4th? A. I cannot say as to that. I want to tell you what is right. Don't ask me to talk too much if you please.

Q. Did you ever see him draw a check? A. Oh! yes.

Q. And you read it? A. He and I have exchanged checks.

Q. Have you seen him draw a check? A. Yes, and he and I have exchanged checks a great many times.

Q. Have you seen him draw checks after three o'clock? A. Yes, Sir, I think I have.

Q. Is there any other way that you can get at the date of that arbitration except by the date of that check which you did not see? A. My memory is very poor for dates; I cannot remember dates; it is the most difficult thing for me.

Q. That will be a good reason for your saying that you cannot do it? A. Well, I cannot say.

Q. That is an answer to the question. Is your recollection good in other respects than dates? A. Associations, they are my best—

Q. How? A. My remembrance comes through associations.

Q. Is that the way you recollect what took place before the arbitrators? A. No, not that; I am sure I was at the arbitration; that is firm in my mind.

Q. That you are sure of? A. I am.

Q. Are you equally sure of what took place after you got there? A. I am equally sure that I know the verdict we brought in.

Q. Are you quite sure that you remember what was said after the arbitrators came in? A. No, Sir; I could not say that I could repeat the language at all; I could give only the substance.

Q. What papers were before you as arbitrators? A. I think the article of agreement between Mr. Bowen and Mr. Tilton.

Q. What other papers were before you? A. I think the Tri-par-tite.

A. The Tripartite was before you? A. I think it was—yes, I am sure it was.

Q. Was it signed? A. I don't remember.

Q. Can't you tell me whether it was signed or not? A. I don't know whether it was or not.

Q. You looked at it? A. I saw it, but I didn't read it.

Q. Didn't you see whether it was executed? A. I did not.

Q. They did not sign it there in your presence? A. That I cannot say.

Q. How? A. They might have signed it there, but I did not see them sign it.

Q. You have no recollection on the subject of signing it at all? A. No, Sir.

Q. One way or the other? A. No, Sir.

Q. Did you see Mr. Tilton draw what purported to be an alteration of the Tripartite, there? A. I saw him take a pen and write there.

Q. Did you understand at the time that he was drawing an amendment to the "Tripartite Agreement?" A. I heard him say what he wanted to do, and he took his pen, and I saw him writing.

Q. What did he do with that which he wrote? A. It was on a paper, and it was put on that paper that he was examining—this Tripartite.

Q. It was annexed to the "Tripartite Agreement," was it? A. Yes, Sir; as I saw it.

Q. How was it annexed? A. I cannot say as to that. It seemed to be a piece of paper put on the larger paper.

Q. Was it pinned fast? A. I cannot say as to that.

Q. Was it annexed to that paper? A. I cannot say.

Q. Now, were there any other papers before the arbitrators? A. Not that I remember.

Q. The agreement between Bowen and Tilton, and the "Tripartite Agreement" were the only papers? A. I think they were, so far as I know. There may have been other papers that I did not see.

Q. You recollect none other? A. No, Sir.

Q. Well, were there any papers relating to the scandal there? A. No, I don't remember that there was.

Q. How? A. I don't remember that there was.

Q. Was there nothing attached to the "Tripartite Agreement" relating to the scandal? A. Not that I remember.

Q. Was that read over after you met? A. I think part of it was by somebody, but I remember very little about the papers; I don't think I took them in my hands.

Q. What part was read over? A. I cannot say.

Q. Cannot you repeat anything that was read over? A. I could not repeat one word.

Q. Not a single word? A. Not a single word, because I didn't read the paper myself or take it in my hand.

Q. Well, it was read over for the purpose of having you hear it, was it not? A. Very likely it was.

Q. So that you might know what it contained? A. Possibly.

Q. But whilst you can recollect the conversation, you cannot recollect anything that was in the paper? A. What conversation do you speak of?

Q. After the arbitrators came in? A. No, Sir. The substance of it I remember.

Q. Answer my question. Why can't you remember the substance of the paper as well? A. Because my memory is not good for repeating language; words I cannot use; I have no faculty, I think, in my head for words.

Q. I think you have a pretty good one. Won't you tell me the substance of that paper? A. I could not tell you.

Q. You cannot tell the words nor the substance of it? A. No, Sir; I cannot—I cannot tell what the substance was; I didn't take the papers in my hands; I only know that the papers—it was said all—should be burned and destroyed; all that had this scandal—that related to this scandal in any form.

Q. The scandal between Mr. Bowen and Mr. Beecher? A. All the parties, Mr. Beecher, Mr. Bowen, Mr. Moulton, and-so-forth.

Q. Mr. Moulton, too? A. I don't know that Mr. Moulton's name was mentioned about the scandal papers, but all the papers were going to be burned.

Q. That you remember very distinctly? A. I do; because it was impressed very strongly on my mind.

Q. Yes. Now, what was said about signing the paper there in your presence? A. Mr. Claflin repeated that remark, as I said to you he did in my direct. When they came to sign it, Mr. Claflin said—

Q. But you don't recollect that they did sign it? A. No, Sir; I do not recollect, but, so far as regards—no, Sir; I do not recollect any signing of a paper; it was not signed there, as I understood it—the Tripartite—because the conversation was only about Mr. Claflin getting it—

Q. Taking it to Mr. Wilkeson? A. Yes, Sir.

Q. What was said about the Woodstock letter? A. Mr. Bowen or somebody said something about the Woodstock letter.

Q. Was it delivered up that night? A. I don't know.

Q. Didn't you see it delivered up? A. No, Sir.

Q. If it had been delivered up you would remember it, would you not? A. No; I don't think I should. I paid very little attention to the papers in any form.

Q. Did you hear any scandal spoken of there that night except the one that was contained in the letter of Jan. 1, 1871, called the "Personal Statement?" A. What we arbitrated upon so far as the scandal was concerned—

Q. What you arbitrated upon— A. So far as we arbitrated, you observe, Mr. Fullerton—

Q. I observe that you don't answer my question. A. Well, Sir?

Q. Was there any scandal talked of there that night, except that— A. No, Sir; I don't remember that the scandal was named.

Q. You have not heard half the question yet. Was there any scandal talked about there that night except that which was embodied in the "Tripartite Agreement," and contained in the paper called the "Personal Statement?" A. I don't think there was.

Q. Was it not the papers relating to that scandal that were to be burned? A. I did not so understand it—*all* papers.

Q. Relating to that scandal? A. To the scandal, so far as it had been going on.

Q. Had you heard of any scandal at that time? A. I think I had, before I came there.

Q. What was it; anything except what was in the letter of January 1, 1871? A. I cannot say as to that; I did not read it.

Q. You did not know what was in it that night? A. Mr. Fullerton, I have avoided reading everything I could.

Q. Now, you are sure that they spoke that night of the apology being burned? A. I am sure.

Q. You recollect that distinctly? A. I think it was called for, and seemed to come in some form—I think Mr. Bowen—

Q. Mr. Beecher was not there, was he? A. He was not.

Q. Who asked you to become an arbitrator? A. I don't know.

Q. Have you no recollection upon that subject? A. Not a word.

Q. Do you know how you came to go there? A. No, I do not. I only know that somebody sent word to me—whether it was Mr. Claflin, or Mr. Storrs, or whoever it was—the first thing I knew I was notified to meet at Mr. Moulton's, and I do not know who nominated me; I cannot say.

Q. You say you have been a member of Plymouth Church for about twenty-five years? A. Yes, Sir; I think I have.

Q. Have you filled any offices in that church? A. Yes, Sir.

Q. What offices have you filled during that period? A. I have had the honor of being President of the Board of Trustees; I think that is all of the offices I ever held there.

Q. Were you ever a Deacon? A. Never; ain't fit to be a Deacon. [Laughter.]

Q. Were you ever a member of the Examining Committee? A. I think I was for the first one or two years.

Q. A member of any other committee during that period? A. I don't remember, Sir.

Q. Can't you recall the fact now whether you were a member of any other committee? A. No, I really could not.

FUN BETWEEN COUNSEL AND WITNESS.

Q. Do you recollect being at Mr. Tilton's one night in company with Andrews—Pearl Andrews? A. No, Sir; I do not.

Q. You have forgotten that, eh? A. Yes, Sir; I have.

Q. Do you recollect being there one evening when Stephen Pearl Andrews was there, and Miss Augusta Moore? A. Very likely I was; but I do not remember it.

Q. That is what I asked you? A. I don't remember it; very likely I was; I have been to Mr. Tilton's a number of times.

Q. But you don't recollect that occasion? A. I don't; still I might have been there.

Q. Well, have you ever attended any of Mr. Stephen Pearl Andrews's lectures? A. I don't remember that I ever did.

Q. Did he ever lecture at your house? A. Never to my knowledge.

Q. You cannot tell me now whether you ever heard him deliver a lecture? A. I really don't remember.

Q. You cannot remember? A. No; I cannot.

Q. Mr. Andrews is a noted lecturer, somewhat? A. He may be, as far as that is concerned.

Q. I don't ask what may be; I ask the fact whether he was or was not, within your knowledge? A. No, not within my knowledge, he has not.

Q. You never heard that he was a noted lecturer? A. Oh! I heard of his lecturing, and I may have heard him—may have heard him two or three times, but I don't remember at this moment of having heard him lecture, but I have heard him talk quite frequently.

Q. Where? A. He has talked at my house.

Q. At a gathering of people there? A. No.

Q. How? A. No, Sir.

Q. Well, did he deliver a lecture at your house? A. No, not to my knowledge; he never did.

Q. Can you not recall the fact that you were at Mr. Tilton's one night when there was a talk upon the subject of affinities, and spheres, and atmospheres, and all that sort of thing, when Miss Augusta Moore was there? A. I don't wish to swear as to that. I can remember that I have been to Mr. Tilton's house several times.

Q. I want to know about that particular occasion? A. Mr. Fullerton, I cannot accommodate you in that matter; my memory won't consent to it. [Laughter.]

Q. Have you no impression upon the subject? A. I have not, not a particle.

Q. Don't you recollect your son was there that night? A. My son—no, I don't remember that; I have not the least conception. Since I have heard Miss Moore testify here I have tried with all my might to bring that to my mind, and found it an impossible thing to do it. I never tried harder to do a thing in my life than to bring that to my mind, but I could not do it.

Q. Is it not your best impression that you were not there? A. Now, what do you want I should say in answer to that question? [Laughter.]

Q. I want you to answer according to your best impression. A. Haven't I given it to you?

Q. Your best impression is that you don't remember it. I want to know if you don't think you were not there at all. I will put the question in another form. A. Now, my dear friend—[Laughter.]

Q. Don't you think if you had been there that you would have remembered it? A. I would be just as likely not to remember it as to remember it. I discovered that things do slip out of my mind wonderfully.

Mr. Fullerton—Yes.

The Witness—I want to tell everything just as it is exactly. If I could remember it, I would give you the pleasure of remembering it, if that would be any pleasure to you.

Q. Do you remember whether or not you are a Spiritualist? A. Yes, Sir; I am a Bible Spiritualist.

Q. A Bible Spiritualist? A. Yes, Sir; I believe in ministering spirits—guardian angels—I believe in.

Q. Do you believe that you communicate, or that any one else communicates, with the spirit world? A. Now, had you better go into that subject? Is it wise now to go into that subject? What is the benefit of it? [Laughter.]

Mr. Fullerton—I may be wiser by having your explanation of the matter.

The Witness—You won't be; you have got to experiment for yourself, if you want to be wiser.

Mr. Fullerton—Let me ask you this question.

The Witness—My dear friend, you can ask me any number of questions you choose. [Laughter.]

Q. Do you think you can communicate with the spirits in the other world? A. I have not made up my mind fully on that subject; I believe that spirits do communicate with this world; ministering angels are about. Most certainly I do; I certainly do, and I think it would be well for you to— [Laughter.]

Mr. Fullerton—Well, I am communicating with a spirit of this world now, and that is quite enough for my present occupation.

The Witness—The time will come when you will want a better one.

Mr. Fullerton—I want to ask you—

The Witness—My dear friend, the way for you to do is to go. Your friend Tilton there will take you. He has had some experience.

Mr. Fullerton—Well, I shall not go until I get through with you. Have you visited Spritualists in the City of New-York? A. I don't know that I have visited a Spiritualist in a good many years.

Q. I didn't ask you within what time; I ask you if you have visited a Spiritualist in the City of New-York? A. I have; I believe in the phenomenon of Spiritualists.

Q. According to the significance of the term as now held. A. Not exactly.

Q. In what respect does your belief differ? A. Don't ask me to explain that, if you please; you don't want me to go into that.

Q. Why not? Why can you not explain it? A. I could not satisfy you or myself either.

Mr. Evarts—If your Honor please—

Judge Neilson—I think, Mr. Fullerton, I would not pursue that any further.

Mr. Fullerton—Well, we will try another subject. Do you believe in the divinity of the Savior? A. Yes, Sir.

Q. Have you always believed in it? A. Now, you will want to ask me to go into a definition. I could not answer you that.

Q. Do you believe in the divinity of the Savior? A. I do.

Mr. Evarts—We submit that that is not a proper subject of inquiry.

Mr. Fullerton—It was a proper subject of inquiry when our witnesses were upon the stand.

Mr. Beach—It was a proper subject of inquiry when Mr. Tilton was on the stand.

Mr. Evarts—It was a proper subject of inquiry bearing upon his wife's feelings.

Mr. Fullerton—And bearing on his connection with them.

Mr. Beach—It was a proper subject of inquiry when Mr. Moulton was on the stand.

Mr. Fullerton—It was a proper subject of inquiry then for the counsel.

Mr. Evarts—I didn't inquire of Mr. Moulton in regard to that.

Mr. Beach—Yes, you did.

Mr. Fullerton—Do you believe in the deity of the Savior? A. Yes, Sir, I do.

Q. And has that been your belief for some years past? A. My belief has varied very much.

Q. In what respect? A. I cannot answer that.

Q. Why not? A. Because I cannot explain it to myself. I cannot answer you what I cannot explain to myself.

Q. Do you believe in the deity of a Savior as it is held by orthodox churches?

Judge Neilson—I think he has answered that; still I think you may pursue it.

The Witness—I have answered all I shall.

By Mr. Fullerton—Answer that question. A. I cannot answer it.

Q. Why not? A. I am a Liberal Christian. As to orthodox churches—when you come to talk about them, I believe in loving your neighbor as yourself.

Q. I am not talking about that. A. I have answered all I can on that subject.

Mr. Evarts—If your Honor please, it is a matter of some importance, but may not be in this case.

Mr. Fullerton—Inasmuch as Mr. Freeland cannot tell us, that is a good objection to not proceeding any further.

Judge Neilson—[To the witness]—That is all, Mr. Freeland.

The Witness—I am very much obliged to you, Mr. Fullerton.

Mr. Fullerton—You are very welcome, indeed. [Laughter.]

Judge Neilson—Officer Rogers, you will have to take charge of this audience; I cannot permit this to continue. Perhaps the reporters had better all retire, and we will then have a little more quiet time.

Mr. Shearman—Mrs. Moore.

TESTIMONY OF JENNIE MOORE.

Jennie Moore, called and sworn on behalf of the defendant.

Mr. Shearman—What is you husband's name? A. Robert F. Moore.

Q. Where do you reside? A. Hoyt-st., Brooklyn.

Q. Have you formerly resided in Smith-st.? A. No, Sir; Pacific-st.

Q. Where is your husband's place of business? A. Corner of Smith and Pacific.

Q. What is his business? A. Tea and grocery.

Q. Grocery business? A. Yes, Sir.

Q. How long have you been married? A. Eighteen months.

Q. Did you ever have a woman in your employ by the name of Kate Carey, or Kate Smith? A. Yes, Sir.

Q. Under which name was she employed by you? A. When she came to me first she gave her name as Smith—Kate Smith.

Q. When she came to you first she gave her name as Kate Smith? A. Yes, Sir; and afterward told me—

Mr. Fullerton—One moment.

Mr. Shearman—Go on.

Mr. Fullerton—No; she won't go on.

Judge Neilson [to the witness]—Tell what she told you? A. Afterward she—

Mr. Fullerton—One moment.

Judge Neilson [to Mr. Shearman]—You can shape the question so that the witness can understand, if you want the name simply.

Mr. Shearman—She first came by the name of Kate Carey, and afterwards tells the witness—

Judge Neilson—If she afterwards gave some other name, that you can ask.

Mr. Shearman—Talk about technicalities!

Mr. Fullerton—Well, you will learn something every day you live.

Q. Did she give any other name after? A. Yes, Sir.

Q. What name did she give? A. Carey.

Q. Kate Carey? A. Yes, Sir.

Q. Did she ever say anything to you about having been employed by Mrs. Tilton? A. Yes, Sir.

Q. Did she ever say anything to you upon this subject—as to whether there was anything wrong between Mrs. Tilton and Mr. Beecher?

Mr. Fullerton—One moment.

Judge Neilson—[To Mr. Shearman.]—Do you find that in the book?

Mr. Shearman—Yes, Sir.

Judge Neilson—Turn to it, and put the precise question to her.

Mr. Shearman—Did you ever ask her whether there was anything wrong between Mrs. Tilton and Mr. Beecher?

Mr. Fullerton—One moment.

Mr. Shearman. Page 755. [To the Witness.]—Did you ever ask her that question?

Mr. Fullerton—One moment.

Judge Neilson—How does it read?

Mr. Shearman—It is printed "Mr. Moore." That is a mistake. [Reading.] "Do you remember telling Mr. Moore while there that you never saw anything wrong between Mr. Beecher and Mrs. Tilton? A. The same never was mentioned at Moore's."

Mr. Fullerton—I object to that.

Judge Neilson [to Mr. Shearman]—I think you can put that question.

Mr. Fullerton—How, Sir?

Judge Neilson—That question was put to the witness.

Mr. Fullerton—If it was put as he read it he has no right to ask it. The question was put to Kate Carey as to whether she had ever told "Mr. Moore" about it.

Mr. Shearman—We will satisfy you on that point by calling Mr. Moore also.

Mr. Fullerton—The more you call the better.

Mr. Shearman—We intend to call him.

Mr. Fullerton—If we are to abide by the record—

Mr. Beach—There is no doubt about it; it was asked.

Judge Neilson—The question was asked as to Mr. Moore.

Mr. Fullerton—Then they cannot give any evidence by this witness.

Judge Neilson—I don't know whether counsel believes it was a mistake or not.

Mr. Shearman—The witness went further. If there is any question about this, I won't dispute Mr. Beach's word, if he is positive, but the witness says the name never was mentioned at Moore's. [Reading.] "You are quite sure of that? A. I am sure of it, Sir. Q. You did not say anything of that kind? A. I did not, Sir." The natural person for a servant to converse with is a lady. The presumption is it would be Mrs. Moore.

Mr. Fullerton—Then you should not have asked her about Mr. Moore.

Judge Neilson [to Mr. Shearman]—I think you will have to pass that. It is a very technical point.

Mr. Beach—I submit it is not technical.

Judge Neilson—I say pass it. It is a thing that ought to be technically adhered to, the question put to the former witness.

Mr. Beach—If I am sought to be impeached as a witness, and am asked if I made a declaration to A B, can they prove that I made one to C D?

Judge Neilson—No; therefore I suggested Mr. Shearman should pass it; that it must be technically adhered to.

Mr. Evarts—It is purely a question of fact. Our proposition is that the question was whether she had so stated to Mrs. Moore.

Judge Neilson—Yes.

Mr. Evarts—And the print does not conclude us from proving that fact if there be a mistake in the print as to Mr. and Mrs. Moore, as well as upon anything else.

Judge Neilson—Do you see any way to correct it? I don't.

Mr. Evarts—By appealing to the recollection of counsel.

Judge Neilson—I have no recollection.

Mr. Evarts—By appealing to the recollection of counsel? Our friends don't profess to say that they recollect it was Mrs. Moore and not Mr. Moore.

Mr. Beach [to Mr. Evarts]—Do you pretend to say you recollect it?

Mr. Evarts—I don't personally recollect it.

Mr. Beach—They don't make any stronger pretentions than we do.

Judge Neilson—That leaves us on the record, therefore.

Mr. Evarts—The answer, however, is given that nothing was said at the house to anybody. I agree that we must lay the foundation for asking the question.

Judge Neilson—I don't think that general statement lays the foundation.

Mr. Evarts—I agree that we must lay the foundation for asking the witness the question. It is a question of fact we will have to look at the record for.

Mr. Shearman—In case it should turn out that this should not be Mrs. Moore, we will make an offer to prove by this witness that Kate Carey or Kate Smith did say to Mrs. Moore, when in her employ, that she never saw anything wrong between Mr. Beecher and Mrs. Tilton, and that whoever said so was a liar. We make that offer.

Judge Neilson—If you find on the record the question was put to Mrs. Moore, instead of her husband, you can recall the witness at any time.

Mr. Shearman—But otherwise it is ruled out?

Judge Neilson—Yes.

THE WITNESS, KATE CAREY, IMPEACHED.

Mr. Shearman—Are you acquainted with the character of Kate Carey, or Kate Smith, for truthfulness and veracity? A. Yes, Sir.

Q. What is her character?

Mr. Fullerton—That is objected to.

Q. What was her character at the time she was employed by you?

Mr. Fullerton—I object to it.

Mr. Beach—That calls for personal knowledge.

Mr. Evarts—It is the ordinary question.

Mr. Beach—No, it is not.

Judge Neilson [to the Witness]—The character inquired about is the speech of people.

Mr. Fullerton—The general character.

Judge Neilson [to the witness]—Not your own knowledge—but what you heard other people say about her.

The Witness—As to her truthfulness?

Judge Neilson—Yes, the question is whether you know what her general character for truth and veracity is among other people? A. Yes, Sir.

Q. Independent of your own personal knowledge? A. Yes, Sir.

Judge Neilson [to Mr. Shearman]—Go on, Sir.

Mr. Shearman—What is her character in that respect?

Mr. Morris—She has not said she knows it yet.

Mr. Beach—Yes, she has.

The Witness—What was it?

Mr. Shearman—What was it at that time? A. Those that I have talked to about her would not believe her under oath in regard to her truthfulness.

Q. Would you yourself believe her under oath? A. No, Sir.

Q. You say No? A. Yes, Sir.

Mr. Beach—That is not the question.

Mr. Shearman—It is the uniform question.

Mr. Beach—It is not the uniform or the legal question. [To the Witness.] The question is whether, judging from that reputation, you would believe her under oath.

Mr. Shearman—Then I will ask her that now.

Mr. Beach—You have got it now.

Judge Neilson [To Mr. Shearman]—I have been studying practice under you, Mr. Shearman, a long time. I think you understand it, if any one does.

Mr. Fullerton—He wrote that practice for others.

Mr. Shearman—I asked each time the precise question which has been ruled a good many times by the Court to be the proper question, and the only proper question. [To the Witness.] When Kate Carey, or Kate Smith, was in that place—was employed by you—was she intemperate?

Mr. Fullerton—Objected to.

Judge Neilson—That is immaterial; besides she cannot testify at large.

Mr. Fullerton—When did she come to live with you Mrs. Moore?

Mr. Porter—There are some authorities on the subject of the former question, your Honor. In Abbott's recent addition to the Digest there is an abstract of a decision in the 36th New-York. [Reading.]

It is not strictly necessary that the name of the person to whom he is alleged to have made the inconsistent declaration should be mentioned. While he is under examination it is enough if his attention has been called to the time, place and circumstance of the alleged conversation.

Rockwell agt. Brown, 36 New-York.

Judge Neilson—Yes; I see it.

Mr. Porter—Your Honor will remember that the witness was specifically interrogated as to her conversation upon that subject while she was in the employment of Mrs. Moore; she stated that there was no such conversation; that the name of Mr. Tilton and Mrs. Tilton was not mentioned. Now, we offer a witness in the person of the lady who employed her, with whom the conversation occurred, and ask her to state it. We submit that, according to the decision, we are entitled to the benefit of the rule.

Mr. Beach—If your Honor please, that decision announces, preceding the statement which is made by Mr. Porter, that the name of the person must be given; but if that is impossible, it is then admissible to ask the question without it. [To Mr. Porter.] Do you remember what number you read from, Mr. Porter?

Mr. Porter—Here the name is given.

Mr. Beach—Given wrongly.

Mr. Porter—The question is whether the inquiry was made by the husband or by the wife, and, if made by either, or both included, we are not concluded as to the witness, but we may prove the contrary. It may have been on a public occasion. We may only name the occasion and identify it sufficiently to call the attention of the witness to it, and then we may prove by every bystander that on that occasion the declaration was made.

Judge Neilson—Doubtless; but when you do name the particular person—Mr. Moore—and get your answer in respect to that question, can you depart from it? I don't know how the record is, in fact. Anything more from this lady?

Mr. Fullerton—Yes, Sir.

Mr. Beach—I am inclined to waive the objection, Sir, and let them take the evidence.

Judge Neilson—If you think the inquiry was made of Mrs. Moore—

Mr. Beach—It would only result in this, that Kate Carey would be recalled, and she would deny it, the same as she does to Mr. Moore. It seems to be making unnecessary trouble.

Judge Neilson—Then repeat your question, Mr. Shearman.

Mr. Shearman—Mrs. Moore, will you state whether you ever asked Kate Carey, or Kate Smith, whether she ever saw anything wrong between Mr. Beecher and Mrs. Tilton? A. Yes, Sir.

Q. What did she answer to that question? A. She answered me that she never had seen anything wrong, and whoever said so were liars.

CROSS-EXAMINATION OF MRS. JENNIE MOORE.

Mr. Fullerton—When did Kate Carey commence living with you, Mrs. Moore? A. In the Fall of 1873.

Q. In the Fall of 1873? A. Yes, Sir; October.

Q. October, 1873? A. Yes, Sir.

Q. How do you recollect the month? A. Well, it was just after I was married.

Q. How long did she reside with you? A. Two months, and two days over her two months.

Q. Did she come with a recommendation? A. She had several recommendations.

Q. Several? A. Yes, Sir.

Q. Did you go to make inquiries in regard to her? A. No, Sir.

Q. Did she have one from Mrs. Tilton? A. No, Sir; not that I saw.

Q. Didn't she refer you to Mrs. Tilton? A. No, Sir.

Q. You are quite sure of that? A. Yes, Sir; she told me she had been living with Mrs. Tilton after she had been there a week or so.

Q. And she left in November sometime, did she? A. Left where?

Q. Left your employ—or December? A. December.

Q. Of the same year? A. Yes, Sir; two months she was with me.

Q. Did you know her before she came there? A. No, Sir; I answered an advertisement in the paper, and got her.

Q. Did you make any inquiries in regard to her whilst she lived with you? A. Whilst she lived with me?

Q. Yes. A. No, Sir.

Q. Did you make any inquiries in regard to her after she left you? A. After she left me?

Q. Yes. A. In what way? I don't understand you.

Q. Did you make any inquiries in regard to Kate Carey in any respect after