THE NEW YORK HERALD.

WHOLE NO. 7029. MORNING EDITION—SATURDAY, JANUARY 24, 1852. PRICE TWO CENTS.

DOUBLE SHEET.

THE FORREST DIVORCE CASE.

Continuation of the Argument on the Part of the Plaintiff.

Superior Court.
Before Chief Justice Oakley.
CATHARINE N. FORREST VS. EDWIN FORREST.
THIRTY-FIRST DAY.

JANUARY 23.—Mr. and Mrs. Forrest were in Court, accompanied by their respective friends.

Mr. O'Conor arose and continued his summing up this morning. He said:—I had arrived at the state of some of the circumstances occurring about an important period of the case—upon the day of their actual separation—the 1st May, 1849. I have there shown you that Mr. Forrest was anxious at that period of adopting a cheap mode of disposing of his lady—a mode cheap in one sense, according to his views, and very dear in another view—and I should say a very costly mode of exposing the fact of the marriage desecration to general observation. He desired to place her in a boarding-house at a moderate rate of charge. I advert to this circumstance, in order to mark a fact which I shall seek to establish—that at this period Mr. Forrest had no belief of any guilt on the part of his wife, and had no doubt of her perfect chastity, and never intended to make any charge impeaching her. The boarding house project failed in consequence of the remonstrances of Mrs. Forrest—remonstrances which may be considered to have amounted to an absolute refusal. The next step, gentlemen, was to settle an alimony. Mr. Lawson was Mr. Forrest's agent in this matter—a sort of "go between"—to settle a proper allowance on Mrs. Forrest. Whatever feelings of liberality actuated him on the occasion, in his decision, I know not; I am unwilling to introduce an unnecessary issue in this case, or even one word upon the subject. You can't say how far I have practised forbearance. I have said nothing upon the subject, nor have I offered one word; but whatever liberality there may have been exercised, it certainly was a liberality that needed a stimulus. Mr. Lawson admits that the treaty was going on for a considerable length of time after the separation; that Mr. Forrest offered to settle on his wife various sums, beginning at the sum of $500 and a house to live in worth $375 a year. Did it show even a reasonable spirit on the part of Mr. Forrest to desire to put his lady into a brick house of two or three stories, with her young sister, who occupied the position of a daughter to her—a woman who was in the habit of living like a lady, and having servants—to put her in such a house upon $500 a year? Why, it was something approaching to meanness—the opposite of liberality. But at all events, that was the proposition that was made, and attempted to be foisted upon Mrs. Forrest by the mild persuasiveness of Mr. Lawson. She peremptorily—if I may use so strong a term—in substance and in effect, refused the acceptance of this allowance. She claimed more, and her claim had been gradually conceded, until it reached the sum of fifteen hundred dollars a year, she having required two thousand dollars. With such an allowance she could not live in a manner at all approaching that position which was due to the character of her husband, and during her own former mode of living whilst under his protection, without spending that amount. You remember Mr. Lawson's letter, and that he denies "the soft impeachment" about the allowance of two thousand dollars; but if he did not suggest, he acquiesced with it, and recommended that the matter might be adjusted. Thus we see this fond and liberal husband making the hardest terms in his power. She insisted, until the amount came up to nearly that which was sufficient to support her during the period of their separation—which might not perhaps be very long; I call attention to that stage in the proceedings, Mrs. Forrest, a repudiated harlot, according to the statement of her husband, put away in consequence of her impurity, and then tenderly treated by her husband, and protected from shame by acts upon his part which, should they ever have reached the public ear, would have covered him with shame—to wit.: the concealing of her infamy—placing her in the bosom of a respectable family, and lying in the same bed with her four months after her dishonor. This lady, who ought to have been trembling with gratitude and fear, if guilty she had been, insisted on a respectable regard being paid to her just rights as a wife. She insisted upon having such an allowance as she would be content to take; she made her own terms, and she insisted upon and received them against his will. Well, I add another circumstance, for the purpose of showing that no such idea existed at that time in the mind of either party, of any imputation on her chastity. I call attention to a most satisfactory piece of evidence—the most satisfactory in the whole case—I mean the letter to her father, John Sinclair, written by Mr. Lawson, closing with these words—Mr. O'Conor then read the concluding portion of Mr. Lawson's letter, which has been published. This is the man who comes here to speak upon a mere form of speech, and says that he got his daughter to write the letter for him while he was away. This is equal to the gross slander, in broader terms, pronounced by a country woman of his—Mrs. Underwood. I invite attention to this letter, written by James Lawson on the 1st of May, 1849. It is not written at the dictation of Mrs. Forrest; she merely requested him to write to her father, to break the unpleasant news to him, and to convince his judgment. But there is one important statement which has a tendency to contradict the view of the case taken by the other side, to wit, the statement that her honor was unsullied. Her chastity demanded no certificates; so proud was she of her integrity that that portion of this letter alone commanded her reputation. When she heard of it, after it was sent, she says: "I object to that letter—to your certificate of my honor, which no one has ever impeached." Is that, I ask—said in a moment of private confidence, and spoken to a supposed friend—was that the language of a woman who was conscious of guilt, and that her husband had repudiated her for her guilt, and who was hanging upon him for permission to live in honor, or to be whelmed in the pool of infamy? Would she not have been most anxious to receive from a bosom friend and associate a certificate in writing that her honor was unsullied, and particularly when it came accompanied with a note from Mr. Lawson? Was such a woman not conscious of her innocence, and desirous to shield herself against public condemnation? I ask, is it possible to believe otherwise, with these irrefragable evidences? But the position of her first explanation—"why did you say anything about that which no one has ever impeached?" But, gentlemen, I return to that letter: what does it say? It gives the direct lie to every word uttered against her. [Mr. O.Conor read the letter, which has been published, and continued.] And that letter is from her best friend, and approved of by Edwin Forrest, with the knowledge that it was to be sent across the Atlantic to her father, and to stand as a testimony at a future time. And it does stand as a testimony against him. Gentlemen why is this testimony not to have its effect? Have men lost their reason? Are the subjects of these questions to have no part in the administration of justice, and in the common sense of mankind? Now, let us follow up a little further the next stage in the matter. We find Mr. Lawson attempting to bring about a reconciliation between the parties. He was Mr. Forrest's man of business. On all occasions we find him in constant communication with Mr. Forrest, engaged in an effort to bring about a reconciliation. That he acted for the benefit of Mrs. Forrest is beyond earthly doubt, and it is clear enough that an intimacy existed between Mr. Stevens and Mr. Forrest, and that he acted in co-operation with Mr. Forrest. She tells him, "I did not seek your interference and I fear evil consequences will arise from your interference. You have produced mischief and evil." I must here call attention to times and places. Mrs. Forrest spent a short time with Mr. Godwin's family. She then went into the house of a friend—Mrs. Willis. She afterwards went to board with her sister in Great Jones street, and finally took up a residence in Sixteenth street, and then Mr. Lawson's letters of reconciliation were written. They terminate in a manner unsatisfactory. Mrs. Forrest about the middle of December, 1849, wrote to Mr. Lawson the following letter. (Mr. O'Conor read this letter, which has been already published in the proceedings of the 31st December, and continued.) Gentlemen, this is the language of a shameless woman. We find that this letter denounces him as insincere and treacherous, and telling him to his face that she refused him as a friend, and was quite willing that he should become an enemy—that he should appear in his true guise. Was this the conduct of a woman who was apprehensive of her condition? Gentlemen, a little of the native characteristic stole out in Lawson's note; you see that there is a fair amount of the feature of the Scotch character, and of which even Scotchmen are not ashamed. Gentlemen, the first blew follows this with wonderful rapidity. This letter must have been written as late as the 16th December. I think Mr. Lawson states that he received it on the 20th; by the 24th December, 1849, you find that the first blow is struck. (The learned counsel read Mr. Forrest's letter of this date, which has been already published, and continued.) It is answered at once, and the answer is confined to just where it is intended it should be—to answering the question whether she had impeached Mr Forrest's conduct in the matter of her separation. (Mr. O'Conor read Mrs Forrest's answer, which has been published, and continued.) I call attention to the candor which calls that answer a confession of her guilt. An emissary was sent, and directed to keep a copy of it, that he may be able to swear to it, and to call for an immediate answer, which he receives. I would ask, does not her letter give a full answer, and in precise language, when it is considered that it comes from a lady unaccustomed to trials of this description? And if it do not answer all the imputations in an accurate manner, it must be recollected that it was not drawn "under the advice of counsel," but was dictated under sentiments of a more proper kind than the dictation of counsel, and is now sought to be turned against her. [Mr. O'Conor read extracts from the letter in support of its sincerity, and with reference to Mrs Forrest's statement that some one had poisoned her husband's mind, and proceeded:] How can a man's mind be poisoned except by imputing that the mind was impressed by an erroneous belief in respect of the guilt of a party against whom the effort was made? Is that a confession that she was guilty of infidelity with a vile and subordinate actor, whom even to have noticed would have been a reproach to her? But Mr. Forrest himself brought the poor creature into her society. This would be a confession that she had stooped to the last dishonor to which it was possible a woman could stoop, and with one of the lowest of the human family. Great God! is such a construction to be put upon the language of a suffering woman! Was she to address herself in reply to such an epistle as the Consuelo note? (Counsel referred to various portions of Mrs. Forrest's letter and declaration, and asked if they could be construed as a confession of guilt, and continued)—I will now call attention if you please, to circumstances in proof of what is detailed in her first affidavit, as to the circumstances under which that letter was sent to her, which has been read to you. Mr. Forrest has made a reply to that affidavit, and of which I was quite willing that he should read to us all those matters that are relevant, and I offered them to read any part of it that was an answer to to any portion of Mrs. Forrest's affidavit. It remains unanswered. Andrew Stevens cannot now be found; he is now the Lord knows where! Now, gentlemen, what is the next step in this matter? Mr. Sedgwick was employed about that time. The next step in this affair is Mr. Forney's commission. The date of Mr. Forney's letter was the 25th January, 1850. Mr. Forney gives Mr. Forrest's statements, and it is argued that because there is a certain degree of conflict, Mr. Forrest could not have approved of every word of it. I don't know that that is the right conclusion. We have produced written statements of Mr. Forrest, under oath, and they conflict with each other. Mr. Forrest denies that this man, Jamieson, whom he knows to be a poor creature, was induced to make an admission in evidence against Mrs. Forrest, and in the evidence to be adduced before the State Legislature—for he could not hope it to stand in a court of justice, though it might pass as evidence before a Legislature. He is fond of fools, and he made his suggestions to Mr. Forrest, as I will read to you. (Mr O'Conor then read Mr. Forney's letter, which has appeared in the HERALD, and continued:) Now, next to the 25th January, 1850, came part of the admission from Mr. Forrest, relative to the "half fortune" placed in the market as an inducement to every vagabond in the community to come forward to contribute his mite for the accomplishment of the desired object. That, we have in black and white from no less a person than the editor of a newspaper—a friend and admirer of Mr Forrest—and who swears to you that he wrote that letter upon the authority of Mr. Forrest. That a man, nearly crazy, with seventy-five thousand dollars at his command, and with his Philadelphia friends in abundance should have induced Catherine Ingersoll, is not to be wondered at; and which was ready to be given to those who would be instrumental in relieving him from his hateful bond,—though it might not be literally true, it strikes me that the party would try to keep back some part of the seventy-five thousand dollars, and would rather hold them out, by way of temptation, to parties to induce them to come forward for his purpose—yea, even at ten per cent of the amount, it would be enough to bring an army of Ann Flowers to deliver half the ladies of New York. (Laughter.) Well, now, gentlemen, on the 24th, or the 27th January, but two days after that, Mr Forrest and his Philadelphia lawyers arrived in the city of New York, and took lodgings at the Astor House; they go to the house of Mr. Sedgwick, and he subsequently writes to me two letters inviting a conference at his house, for the purpose of showing me such affidavits as he might think proper to present, and to apprise me of the course he intended to pursue, and as to obtaining the assent of Mrs. Forrest to this proceeding. I received that letter on Monday morning, and I answered it on Monday evening. I came to the meeting instructed by Mrs Forrest to do everything to make her husband happy. If Mr. Forrest wanted a divorce, he was welcome to it, but she would not submit to be dishonored. She required me to take such measures as would preserve her honor untarnished. I acted with caution in the case, knowing that an application had been made in a court of justice. She gave us notice of a violated agreement, by making an impeachment of her honor. Whatever her lord wanted he was welcome to, except her honor, which she would not allow to be impeached. And now, what mighty and strenuous efforts were made in the case to falsify the affidavit of Mrs. Forrest, to prove this state of things—that she was willing at that time, and had been for a length of time to allow a divorce to be obtained from her, founded upon charges upon which to impeach her fidelity. In consequence of the advise I gave her she dissented, and was induced to change her views in that respect. The attempt was to show that for a length of time previous to this meeting, Mr. Forrest had been in treaty with Mr. Bryant and another party to have the matter adjusted; that things went along agreeably to Mrs. Forrest, and that she was ready to submit, but that, unfortunately, she fell into the hands of an individual who would not allow her to slide down the slough of destruction; that it was my improper interference, if you please, which prevented the matter from being amicably adjusted. The letters have been produced, and Mr. Bryant has been produced. The learned counsel has on several occasions endeavored to argue that Mrs. Forrest did not follow the advice of her early friends, but was led by the advice of counsel to adopt a different course. What had I to do with Mrs. Forrest or Mr. Forrest previously? Has it ever been proved that I ever spoke to either of them? It has not been proved—and if proved by somebody, would not have been true. I did not know Mr. Forrest off the stage, and I knew Mrs. Forrest only as a client. Will it be said that I was so hardly pressed for business that I was anxious for that of a poor woman, with $1,500 a year?—that I was anxious to have her lawsuit in Pennsylvania, in order that I might have the advantage of getting her business? There is no ground for supposing anything of that kind, but that I undertook the execution of her orders, and would have submitted to anything and everything but her dishonor; that she was willing to do so, and I communicated it just as it was. Now, gentlemen, what is the fact? Has Mr. Bryant interfered with the matter previously? Now, when Mr. Sedgwick came to be examined, he tells you, that "after we found all treaty with the counsel by whom the matter had been commenced had been broken, in consequence of its being necessary to make some impeachment against the character of Mrs Forrest, in order to obtain a divorce, we agreed that we should call in Mr. Bryant." His first interference appears to have been on the sixth of February, when he addressed a letter to me. It is very clear and pointed. (Mr. O'Conor read the letter, which has appeared.) Mrs Forrest agreed to this letter, having seen the petition to which it refers. The learned counsel then detailed the negotiations which had been carried on, and the acts in connection with them. He referred to the statement which had been made of his (Mr. O'Conor) having been seen pacing up and down Twenty-second street, in search of Barney McCabe, the witness, and ridiculed the assertion. He derided the evidence of Anna Flowers, and the corrupt manner in which it was sought for and obtained. He produced a copy of a letter, written by Mr. Forrest, in reference to the Aster Place riot, in which he exulted over the destruction of the people, and asked, what are the lives of a mob compared with the life of a superior man? The demon of massacre! Could any individual be found on this matter, daring to advance a single step in invoking the shield of justice in favor of the victim of his diabolical malignity, without exciting a desire on his part that their blood might flow, and that their reputation might be blasted? Referring to Mr. Lawson, he considered him to be a man who had played to the very letter the character of MacSycophant to his lord, and that he had done his bidding in all things. It has been said that truth spoken with any injurious purpose of deceiving the hearers, is put in the nature and clothed in the guilt of falsehood; there is not a man living who could not coin words in such a way as to pervert the truth, in the meaning of them; and I see no escape for Mr. Lawson at all—for to put down the meaning which he endeavored to convey to the court, we have the very best evidence—that of Mr. Forrest having seen and approved of the copy of that letter, immediately after it was written. Why was this course taken? Why, Lawson did it merely for the purpose which he made in his statement, and which statement, we say, cannot be true in one particular, to which I desire to call your attention; but I am willing to have the rest taken for granted. The part we object to is where Mr. Lawson states that Mrs Forrest at some period after their separation had taken place, told Mr. Lawson that she had obtained from Mr. Forrest a promise to keep secret the cause of their separation—that is, that she had obtained. This is all I care about in the testimony of Mr Lawson. That we say, is not so; his statement is not at all material, except as it helps to support the implication that it was some crime on the part of Mrs. Forrest which was the cause of the separation. Now, in the first place, this is a mere repeating of Mrs. Forrest's words, and these words might easily have been forgotten, or mistaken or varied, without being very guilty. In that former affidavit of Mr. Lawson's, there is no such statement as that to be found. We have always asserted, and now assert, that the demand for secrecy was on the part of Mr Forrest. It is impossible that Mrs. Forrest could have said so. Mr. Lawson also tells you that Mrs Forrest said another thing, which she denies—that she asked Mr. Forrest whether he had any fault to find with her as a wife; and that Mr. Forrest answered, "No, Catharine; no. Would to God I had, for then I should not feel as badly as I do." That we deny, and the gentlemen of the jury are perfectly aware that we might admit it, without any prejudice, and therefore we might as well admit it if it was true; but we deny it. His honor, the Judge, put a question to Mr. Lawson, for which we thank him, (in respect to what Mr. Forrest informed us—that it was the same conversation in which Mrs. Forrest said this thing about her and her husband—that he could find no fault in her.) and Mr. Lawson answered that it was in the same conversation when she told him that she had requested Mr. Forrest to keep the cause of their separation secret. Now, gentlemen, if it was, why what did Mrs. Forrest tell him at that time? She told him, in the first place, that there was no fault on her part. She told him, in the next place, that Mr. Forrest himself admitted there was no fault on her part. And she told him, in the third place, that the cause of their separation was kept secret at her request. Now, suppose it were all true, would the implication arise that she acknowledged to Lawson that the cause of the separation was culpability on her part? Certainly not—certainly not. The communication would necessarily be to the effect that even though she had desired it to be kept secret, still there was no fault on her part; but the fact is, she did not make these communications, or either of them. They are just like Mr. Edwin Forrest's affidavits as to his residence in Pennsylvania, made in February and August, 1850, which neutralize and contradict each other. It is apparent that such statements could not have been made at the same time. I am now, gentlemen, done with Mr Lawson, and will direct your attention to December, 1849, when Mr. Forrest changed his note, and determined to seek for a divorce for the purpose of vindicating his character. It will be seen that Mr. Willis did not prove it according to counsel's own admission, that Mrs Forrest said nothing against the character of her husband. Nobody proves it, nor is there any testimony of it, except the miserable little bit of evidence coming from Mr Burr, of the office of Burr & Stevens. He comes and tells you that a lady who never has been proved to have used indecent terms to anybody else than to him—a total stranger—came and told him about living in a state of prostitution, though he did not pretend to have had any intimacy with her; and also tells him that, up to the Macready affair, there never had been a kinder husband. And this is the little bit, or scrap, of evidence on which, and on which alone, they rely to justify the assertion on their part—contained in the letter of December, 1849, and asserted here—that Mrs. Forrest endeavored to injure his character by imputing blame to him. And this, gentlemen, comes from a polluted source—from a man whose character may be judged by the company he keeps. And it is so slight, so evanescent, in itself, that it is impossible to attach any importance to it—particularly as Mr. Burr states he never repeated to any person the substance of this conversation. This is all the evidence that she ever had attempted to impeach the character of Mr. Forrest in relation to their separation. When Mr. Forrest commenced these proceedings, had he become satisfied that, to protect his reputation, it was necessary to obtain a divorce, and to set forth the grounds on which he obtained it? And if so, why did he offer to bind himself to keep the proceedings private? It is the testimony of Mr. Bryant that he did so—it is the testimony of Mr Sedgwick, his own counsel, that they offered solemnly to pledge themselves that he would not give any publicity to the charges, or to the testimony on this application, and would prevent any publicity being given by any other, now or hereafter. This was his solemn promise. Now, this was rather an odd way of vindicating a man's character, to make interest with a judicial committee by the force of his personal influence. On further reference to the evidence upon this point, Mr O'Conor remarked upon the proposition to pass the bill through the Pennsylvania Legislature, without the charges being made public. Now, he would ask, was there any evidence of her guilt when Mr. Forrest determined to proceed against her? At the time of the interview which took place between Mr. Sedgwick and himself (Mr. O'Conor), there was existing that Consuelo letter. Now, as to that Consuelo letter, he had shown the jury that it was not the cause of the separation. As to that letter or that poetry, it was not shown that it was ever in her possession, except by her own admission. In the next place, it is addressed to a sort of divinity, and in the next place, it has no individuality; it has no name, no signature—no adopted signature by which it could be known as the homage of a particular individual. It might be copied from some book, and in all probability it was—for those gentlemen who profess to write extemporaneously generally borrow their ideas, and it would require very extensive reading to be able to detect the plagiarisms. And what is the character of Consuelo? In Mrs. Forrest's affidavit, in the printed book, page 266, she says:—

"Consuelo," the heroine of a modern French novel, is therein represented as a woman characterized by the highest degree of amiability, chastity and purity that the mind could conceive or language portray. The word signifies "consolation," when rendered into English. No reason could exist for the adoption of that address in said letter, except a most fancied resemblance between the character of the person addressed and the heroine.

But they had been told, by way of taking off the effect of that, that the lady who wrote the work adopted a male designation in her writings. He, however, found in *Hewitt's Journal*, vol. 1, page 129, the following:—

It is a gross mistake to confound George Sand with the depraved writers of the Balzac, Janin and Sue school; for she never makes vice beautiful—never rewards crime—never strews roses over corruption: virtue is by her always surrounded with the glory of art, and the blessedness of well-doing is represented as the highest aim and reward of life.

Mr O'Conor then referred to Story's life of his father, in which, in order to convey the highest conception that he could conceive of his most excellent father, he compares him to Consuelo. Somebody—George Jamieson, if they pleased—wrote this rhodomontade which the counsel read, and he said he would read it well and no doubt he did, for he had read it often enough, and if he could read nothing else well, he ought to be able to read that to perfection. (Laughter.) Well Mrs. Forrest did not burn that letter, and on its romantic terms she is to be denounced as an acknowledged base woman. If Jamieson had criminal intimacy with Mrs. Forrest, would he not have written letters of a different description?—some plain language, containing matters of fact, and naming time and place of meeting? A woman who had betrayed her husband would not certainly be addressed in this strong and warm language: a man loses all respect for a woman after her dishonor, and it is not when she is sunk, such language as that is addressed to her. If Mrs Forrest was that guilty woman, would she have placed that letter in a drawer which it was shown could be easily opened? The fair construction is, that this man having entertained high admiration for Mrs Forrest's character, as every one who comes within the sphere of her acquaintance entertains for her—even Mr James Lawson tells them he admired and respected her—that man (Jamieson) sat down, perhaps, in a drunken fit and either wrote this rhodomontade or copied it from a book. The greater part of it appears to be the most monstrous nonsense. As to the poetry—he meant the rhyme, which is much less poetic than the prose, as is often the case—now, he thought that in speaking of Mrs Forrest the writer might have spoken of her charms, and not confined them to one. He says:—

"Of calling back, with fancy's charm,
These halcyon hours when in my arm,
Clasped Consuelo."

This he (Mr O'Conor) supposed was a poetic license, and that the writer used but one arm in his rhapsody, to rhyme it with charm. (Laughter.) Now, he might have used thy word enjoyment; but then he should have made it rhyme with—what? Employment. That would not do—fancied happiness is a bliss—and then, of course, what word is there to rhyme with it but "kiss?" (Laughter.) After a few further remarks upon the prose and poetry of the letter, he continued to say that it was vain to descant at length on this sort of poetical stuff, which gentlemen please indulge in. It was speaking "of" a lady, rather than "to" her. Mrs. Forrest is a lady whose very looks and presence—he said it with confidence—command at once the respectful distance of any man, be he ever so great a libertine, and towards whom, during twelve long years of intimacy, even Edwin Forrest himself, with all the rights and privileges of a husband, had never dared (when he did speak) to address her in any other language than that of the most deferential and respectful character. They knew nothing of his speaking, except by his letters, and they all speak of her as the "Consuelo" of his life, which life could be of very little value when he banished Consuelo from his side. But how is it to be supposed that Mrs Forrest should have received that letter, and gone into a pucker like Dame Underwood, and put it out of the way, instead of keeping it as a curiosity to show her sister *al fresco*? It fell into the hands of her husband; it was brought before the Pennsylvania Legislature, and was pronounced utterly inconclusive as to the guilt of Mrs Forrest; it was apparent that Mr. Forrest was aware that that letter could be of little avail, and he therefore endeavored to get out of Jamieson, when drunk, through the agency of John W. Forney, a bravado admission of his intimacy with Mrs. Forrest—the evidence required to be fulfilled by an admission extorted from Jamieson in an hour of intoxication. Again, they find that Mr. Forrest, by the advice of his counsel—though in the possession of this letter, and the testimony of Garvin and Mrs. Underwood—took a solemn oath that, without the evidence of Anna Flowers, he could not safely go to trial. Mr. Forrest, in his affidavit of 21st May, 1851, says:—

He has fully and fairly stated this case to Van Buren and Robinson, of the city of New York, his counsel therein, and that he has a good and substantial defence in said cause on the merits, as he is advised by his said counsel, and verily believes; that he expects to be able to prove by Anna Flowers, who is not a resident of this State, but resides in the city of New Orleans, an act of adultery committed by the plaintiff with one William A. Howard; that this deponent has fully and fairly stated to his said counsel what he expects to be able to prove by the said Anna Flowers and he is advised by his said counsel, and verily believes, that she is a necessary and material witness for deponent on the trial of this cause, and that without the benefit of her testimony, deponent cannot safely proceed to the trial of this cause.

Now, with the Consuelo letter, and all the other testimony, he swears he cannot go to trial without the evidence of Anna Flowers; and it would be for the jury to say what additional proof he has got by the testimony of that witness. He (Mr O'Conor) submitted that the whole of Mr Forrest's conduct, from January, 1849, to the close of that year, was most conclusive that he never could have considered the Consuelo letter but as he (Mr. O'C.) did, a piece of rhodomondade, which his lady had incautiously, but certainly not imprudently, retained. Mr. O'Conor then referred to Mrs. Forrest's declaration of innocence, which had been written by Mr Forrest, and signed by her, and was proceeding to state what was said by Mr Forrest in his affidavit respecting it, when

Mr. Van Buren objected, as Mr. Forrest's affidavit was not permitted to be read in evidence.

The Chief Justice said that the affidavit of Mr. Forrest had not been read, and certainly could not be commented on. It could only be referred to so far as it was introduced in Mrs Forrest's affidavit.

Mr. O'Conor said he only intended to refer to it so far as it had been noticed in Mrs. Forrest's answer. Mr. Forrest charges Mrs. Forrest with signing the declaration in a scoffing and contemptuous manner. Mr. Forrest cannot say—there is no ground for saying—that that declaration changed the character of the Consuelo letter. If he believed her guilty, why did he separate from her? Why, on account of her guilt? Mr. O'Conor again read the declaration, which has been already published in the proceedings of the 3d January, and also that part of Mrs. Forrest's affidavit in which she said she supposed it had been ante-dated by Mr. Forrest. They would recollect that this document was suddenly started on her—she had forgotten its precise language, and she was called upon under oath to reply to it, and she says her recollection was that it was only in reference to charges of a very venial nature; and yet how perfectly true her affidavit seems to be! Mr. O'Conor here pointed out to the jury the manner in which the document was written, and said that it was commenced differently from Mr. Forrest's usual mode. The latter portion of it is in these words:—

All this, in the presence of Almighty God, I swear, and if it be not true, may peace, comfort and happiness, forsake me in this life, and forsake my soul for ever in the life to come.

Now he, (Mr. O'Conor,) charged that this had been added after Mrs. Forrest signed it. Looking at the whole paper, the internal evidence is that Mr. Forrest, when he wrote it, began in the middle, in these words:—

I have never been unfaithful to the marriage bed; I have never, at any time, permitted any man whatever to take a liberty with me that might not be warrantable in the conduct of the purest wife; that no man whatever has for a moment caused me to falter in my fidelity to my lawful husband; that the solemn vows of duty, and affection, and obedience to him, have, with the best of my ability, been faithfully observed; I have never permitted the caress, or caresses, the embrace, or embraces, of any other man than my lawful husband. I call God to witness and attest that no man has ever, by word or action, with the least assent or countenance on my part, proposed, offered, or accomplished anything that might not have been said and done in the presence of my lawful husband. I never have, by intent of word or action, given any man cause to suppose that I could fail in my allegiance to my husband, or that my love for my husband had in any degree diminished.

Mrs. Forrest signed it, and then the first paragraph was afterwards inserted—

With the sincere and awful conviction that I now stand in the presence of Almighty God, I call him to witness and record the truth of what I now utter, and also that I utter it without mental reservation.

He submitted that it was, and that the general habit of falsification in this case fortifies this view.

The Court took a recess for a few minutes. On resuming, Mr O'Conor resumed, and said that he did not suppose that when the declaration was written it had any date—that it was written *currente calamo*, and the difference of the ink shows that the date and the other portion were written at different times. He left that branch of the case, asserting that it was most clearly made out that Mrs. Forrest did not ask her husband to keep the cause of their separation secret. He had not the slightest suspicion that Mrs. Forrest was guilty of any criminal act, or supposed that she had been incautious—which implies no criminality at all on her part—in not destroying this very foolish poetic effusion of Jamieson. I will now proceed to the subsequent events in this case; and it is with reluctance that I feel obliged to say a word in relation to a matter occuring earlier than the proceedings by suit in Philadelphia, for the purpose of showing that among the many bad qualities of Mrs. Forrest she has inherited that of lying; all the proofs in support of which I have answered, except one. The learned counsel says that in speaking of the Macready controversy, she says she did not encourage and sustain her husband, and that her letters show she did. Now, her statement upon that subject assuredly says that she did not disapprove of Mr Forrest hissing Mr. Macready in England, and Mr. Lawson confirms what she said. Mrs Forrest says she disapproved of his saying constantly that he would drive Macready from the stage; but there is no proof that he ever said that, beyond what she admits in her own affidavit. She further says that she did disapprove of the epithets contained in his card; that she disapproved of them in conversation with him in Philadelphia, when she went to see him there; and that he then turned upon her and charged her with insincerity in the letter which she had previously written to him, and in which she, in general terms, approved the card—which letter has been read here, but which does not contradict her affidavit. She says he was under a violent excitement, and she thought whatever she had to say against his course should be said to his face, and not written to him. She still further says that, although she disapproved of these things, yet, when Mr Macready came out against Mr. Forrest, in a very offensive speech, that, as his loyal wife, and standing by him, right or wrong, her feelings were excited against Macready. She felt strongly against him, and with her husband, and she did in her letter apply to him, by way of encouragement to her lord, the expressions, copied from his own letters to her, such as "superannuated," "Mac," "old woman," &c. Now, that, in brief, is her statement; and how it is falsified? Is it not the most natural thing in the world for her to have acted as she did in this matter? Her statement that she did disapprove of the language in the card, is confirmed by the last witness, Mr. Smith, the builder, who says that, in January, 1849, after he knew of the separation, he asked Mrs. Forrest what was the cause of it, when she replied it was not a difference about Macready, because she approved of his course with him. Mr. O'Conor here proceeded to comment at some length on the Macready difficulty, and then continued as follows:—We have now Mr. Forrest defeated in his suit before the Pennsylvania Legislature, his proofs set at naught, and standing upon the soil of New York with these proofs in his hand, and the privilege of commencing a suit here if he chose. It would seem he formed the determination of commencing an action in the Court of Common Pleas of the city and county of Philadelphia; but he was not quite ready after the adjournment of the Legislature. He had already in his proceedings before that body implicated nine persons, viz:—George Jamieson, N. P. Willis, Samuel Marsden Raymond, Richard Willis, Captain Granby Calcraft, William H. Howard, John B. Rich, Henry Wyckoff, and poor Professor Hackley, whom the counsel insinuates by his cross-examination of Mr. President King has been scared out of town to save himself from the trouble of coming to vindicate from the charges of Dame Underwood. That may be true, and, indeed, it is not at all improbable, for such charges would scare a great many people besides Professor Hackley. He had implicated all these persons except William H. Howard. He wanted some more testimony, so he set himself to think and enquire, under the influence of those principles that governed him in the Forney letter, for a witness who could implicate this person, or somebody else more easily reached; and it would seem that, in looking about to cull a flower to add to his bouquet, he thought of Anna Flowers. He found out her reputation, and he proceeded to her mother, to inquire for her, communicating to her his object. But what does that good old lady say? She said she would not tell him where she was to be found, and left him in entire ignorance of her whereabouts. He next furnishes another precedent for the letter they say I wrote to Barney McCabe. He puts in the New Orleans *Picayune*, an advertisement for Anna Flowers; on seeing which, she goes to the office of that paper and is sent to New York. Well, she comes to this city, and she furnishes him with a new accusation, and makes a deposition at the Irving House, on the 16th of June, 1850; and on the 9th of August, Mr. Forrest files his libel in the Court of Common Pleas of the city and county of Philadelphia, charging all these same persons over again, with the exception of Professor Hackley, whom he left out, and whom he admits was entirely innocent—he leaves him out, and puts in William H Howard. Well, here is a ground of complaint. It is said that, on the filing of this complaint in Philadelphia, Mrs. Forrest should have gone there, and did not; and great fault is found with what was done to defeat that suit. The complaint is, that all the enginery of the law was made use of to prevent this suit from proceeding in Philadelphia. Now, the Court will tell you their action in this respect was a violation of law and justice—an attempt to make this lady go from her own country to a foreign State, where she did not reside, and where she had no friends—to submit herself to trial on the charges alleged against her. Mr O'Conor here alluded to the course pursued by himself to restrain Mr. Forrest from continuing his suit in Philadelphia; and, proceeding to the consideration of the charges made against Mr. Forrest of associating and keeping late hours with persons unknown to her husband, it seems, said he, that Mr. Richard Willis, who had spent six years in Germany for the purpose of studying music, and who came home highly accomplished in that art, was at a party—certainly a respectable one—at the house of Mrs Forrest, and that after the party was over, he and Miss Margaret Sinclair, who had a great taste for the acquisition of musical knowledge—she and this young professor, thus brought together, naturally were most anxious to cultivate each other's acquaintance, that by so doing they might thus receive a mutual benefit. The nights stole on in this manner; the hours passed away unobserved, and broad daylight found them yet in the enjoyment of this musical treat. Could there be anything more chaste, or refined, and delicate, than the manner in which that night was spent, according to the irrefragable testimony of the pure and virtuous lady we have produced? And while Mrs. Willis was on the stand, I must say that from my very heart I pitied this defendant. It was the only stage of the case I felt pity for him, to think he should have been compelled, after bringing his kitchen witnesses on the stand to hear the whole matter to which they testified, fully described by a lady who partook of that evening's enjoyment. I felt pity for him at the contrast presented between that lady and himself before the jury—he who hated set parties and who delighted himself in sitting and smoking and holding a certain species of conversation with such men as Messrs. Stevens and Lawson, and spending his days at his prisons in Caroline Ingersoll's. He must have felt debased in his own estimation, and said, "My God, how I must appear before this community! Am I not like some obscene animal which has escaped from its slough, and looks out from its place of concealment at the refined and delicate society from which he shrinks, lest his presence should contaminate it?" Is Mrs. Forrest to be condemned for acting like a lady towards her guests? Why, how otherwise could she, or should she act? It has been said in this connection that she allowed persons to come about her, who were odious. Where is the evidence of that? The only evidence is the assertion of counsel, that he had forbidden her sister, Mrs. Voorhies, to come into the house. But when this assertion was made, it was in reference, doubtless, to her supposed admission that it was gentlemen who were disagreeable to him. Was Mr. N. P. Willis disagreeable to him? He introduced that gentleman and his wife to Mrs. Forrest, and they exchanged parties, and continued on amicable terms with him down to the month of January, 1850, when he commenced his proceedings in the Pennsylvania Legislature, and down to which time he never had insinuated anything to the disparagement of Mr Willis. Never, in a single instance, does she appear to have received any person into her house, man or woman, who was, in any respect, disagreeable to him, unless, as I have already said, it might be her sister Margaret; and, I trust, it is not adultery in a woman to keep up connection with her own sister. True, he didn't know Mr. Richard Willis who was only here a short period, and that during Mr. Forrest's absence. But, gentlemen of the jury, he was not disagreeable to Mr. Forrest, for he had never expressed any dissatisfaction against him; and, therefore, any attempt to show that she was guilty of bringing any of the male sex who were disagreeable to him into the house, is unsupported by a shadow of proof. Since Mr. Forrest commenced his proceedings against his wife, she has not considered herself bound to quarrel with everybody he quarrelled with. It seems to have been part of his game to charge with adultery every man standing on friendly relations with her, and thereby exclude her from all society. You see how extensive these charges are, and that they are evidently brought in bad faith, because he brings them in one day, leaves them out the next, then again brings them in on the third and so on. Evidently his intention was to slander and falsify this lady, and place her in such a position that no one would even offer any aid. But from the moment he commenced this suit against her, she was no longer bound to pay any attention to his charges to repudiate her friends because they did not suit him. Gentlemen of the jury, you observe that his own witness, Mrs. Underwood, whom the counsel examined himself before this trial, stated expressly, on the stand, there was nothing improper between Mr. Richard Willis and Mrs. Forrest. Robert Garvin swears on this trial, point blank, to adultery committed between Raymond and Mrs. Voorhies. Now, do you believe that Mr. Raymond corrupted the virtue and chastity of both these women? For what purpose was this charge made but to deprive her of her friends, by degrading her before the public, and thus force them from her side? It requires a degree of firmness and moral courage surpassing that of ordinary men to stand by a friend under such circumstances; and the object of Mr. Forrest was what I have already intimated it to be. Any human being, who ever dared to assert her innocence, was to be considered as interfering in Mr. Forrest's matrimonial concerns; and thus she was to be left as the victim to be immolated by him as he might in his sovereign will determine. Now, the general charge that she associated with persons even charged with crime is not sustained. Well, what other charge have we against Mrs. Forrest? That she was addicted to drinking, and smoking segars. Now, as to smoking segars, the learned counsel said that from the manner in which Mrs. Underwood was cross-examined, that charge had fallen to the ground. You will bear in mind that Mrs. Underwood talked in dashing terms of the boxes of these segars that came to the house for Mrs. Forrest's use; yet, we proved that she never saw her smoke a segar at all. She introduced these segars, it is true, and made a present of one small one to Mr. Lawson's little boy, and gave another, at Mr. Voorhies farewell party, to Mr. Godwin. She smoked one herself; and it was one of those little playful matters in which there might have been some personal indulgence; but all this was done in presence of her husband's personal friends. Well, now, as to her drinking. Can anything be more