THE BROOKLYN CONTEST.

Mrs. Moulton's Testimony Plumply Contradicted by Several Witnesses.

MR. BEECHER'S ALIBI.

He Is Proved to Have Been at Peekskill When He Was Said To Be Confessing in Brooklyn.

TILTON'S CHANGE OF BASE.

What He Stated Before the Church Examining Committee.

The joyful spring weather of yesterday diminished the attendance at the Brooklyn trial. There was ample room and verge for everybody, and some ingenious hand had contrived to make the ventilation almost perfect. The condition of the skies appears to have an influence on the attendance. In the desolate days of winter the audiences were the largest. Now that spring has come and warm weather approaches the trial loses its stimulus. Nature becomes a more potent attraction. A walk along Fulton street, Brooklyn, where the fashion and beauty of the city stream up and down as long as the cheerful sunlight lasts, is far more exhilarating than even Judge Fullerton's cross-examination of a disingenuous witness.

NOT AN EXCITING DAY,

but a piece of evidence was established that in importance transcends any the defence has as yet produced. It will be remembered what a sensation the testimony of Mrs. Moulton created. She told in the hushed stillness of a crowded court room a story of thrilling interest. It was fluently narrated in good language and with skilful inflection of the voice. She pictured Henry Ward Beecher coming to her house on June 2, 1873, weary and worn out. How he threw himself like one tired of life on a convenient lounge; how the great preacher spoke in the accents of one despairing of salvation in this world or the next, how he confessed the crime with which he now stands charged, and how she advised him to go and make a clean breast of it to the people of his church. Their conversation she stated lasted for three hours, and when it ceased and he fell off to doze she covered him with an afghan. An incident that followed the giving of this testimony lent an additional interest. When the father of Mrs. Moulton was proceeding from the court room, and while in the act of stepping past Mr. Beecher, the latter stopped him to denounce the evidence that had been just given by his daughter, and unhesitatingly pronounced it a lie. Rumors followed that the defendant intended

TO PROVE AN ALIBI,

to prove he could not have been at Mrs. Moulton's house in Brooklyn June 2, 1873, when he was in Peekskill. Yesterday the alibi was established. Turner, a gardener on Mr. Beecher's farm at Peekskill, swore to having received a telegram on that day telling him to meet Mr. Beecher at the Peekskill depot with a horse and wagon. This evidence of itself would not stand, as the witness had not the original telegram to show nor an entry of its receipt on that day, but two telegraph operators testified, the one to the sending of the message and the other to the entry of it on a ledger under the head of June 2, 1873, message No. 8. Mr. Kittredge, a farmer of Peekskill, swore he saw Mr. Beecher near his house on the same day, and a Mr. Putnam swore that he saw him on June 4, 1873, on the cars bound for New Haven.

Mrs. Moulton gave the 2d of June as the date of one visit of Mr. Beecher and the 4th of June as the date of the second. Here was evidence proving an alibi for both days. Beecher left for Peekskill on the 2d of June at an hour that forbid the possibility of his being at Mrs. Moulton's at the time she stated. This alibi evidence created

SOME CONSTERNATION

in the camp of the plaintiff. Mrs. Moulton adhered inflexibly to her statement as to the date of June 2 when Mr. Beecher made to her the confession of his guilt. Women's memories are said to be exceedingly treacherous in the matter of dates. The law can't help that. Dates prop half the evidence of the trial. Where they prove to be surreptitious all the testimony built upon them falls ignominiously to the ground. To Mrs. Moulton's testimony great value was attached, as it affirmed a direct confession from the lips of the defendant. It was naturally supposed that anything so serious would not be offered without a well considered recollection as to the time of its occurrence. The defence felt jubilant over its victory, though it is only, after all, an outpost captured, the citadel being still strong and well defended. The forlorn hope destined to storm and destroy this must be led by Mr. Beecher himself, to whom all eyes now turn in the crisis of the struggle.

OTHER TESTIMONY.

The testimony of Mr. Winslow, ex-District Attorney of Brooklyn, and that of Horace B. Claflin, led up well in the attack on several positions assumed by the plaintiff. The one showed that while Mr. Tilton decried an investigation by the church committee Mr. Beecher was anxious that it should take place; the other witness made it appear that Tilton flourished the history of the scandal *in terrorem* to compel Bowen to pay him the money due him on his contracts. The testimony of Mr. S. V. White, while not materially valuable, exhibits the plaintiff in the light of a querulous complainer who is forever whispering the story of his wrongs, yet declines to speak out boldly when light is sought for and demanded. On the whole the defence began the week well and made a favorable impression. "Wait for the rebutting testimony," said one of the counsel for the defence at recess; "it will knock the case of the defence higher than Sam Wilkeson ever dreamed the 'Life of Christ' would go."

Moulton sat between Judge Morris and Tilton, pulling the ends of his flame-colored mustache, and at times very intently observing the various witnesses that ascended the stand. He exchanged an occasional remark with Mr. Morris that must have been intended for a joke, for both, as Scrub says, "laughed consumedly."

THE EVIDENCE.

David Dows, sworn, stated—I belong to the firm of David Dows & Co.; we have been in the produce business for the past two years; Miss Bessie Turner was in my employ for a short time—from the spring to the summer; I have no memorandum of the different times she was paid; my family made a trip during the summer to Omaha; I think they left on the 1st of May and returned about the 12th of June; the ladies of my family that went with the party returned with them.

A LAWYER WITNESS.

John Winslow, sworn, stated—I practise as a lawyer in New York; was formerly District Attorney for Kings county; I was a member of the Church Investigating Committee; I was present at the meeting when Mrs. Tilton was present; it took place on the 5th of July, at Mr. Ovington's; the committee adjourned from Mr. Ovington's to Mr. Storrs' and I believe Mr. Tracy went with them; Mr. Tracy was absent from Mrs. Ovington's for some minutes after the committee met; most of the questions put to Mrs. Tilton were by members of the committee; I was present when Mr. Tilton appeared before the committee, 10th of July, at Mr. Storrs'; he first said he did not think there was any necessity for the investigation; he said his case against Mr. Beecher was in writing—in documents and papers; I cannot recall at this moment what Mr. Tracy said; not a word was said by Mr. Tilton about any verbal confession being made to him by Mr. Beecher; I had an interview a few days after this meeting with Mr. Tilton; it was the same day that the card from Mr. Tilton appeared in the *Argus*, accepting Mr. Beecher's challenge for an investigation into the case between them by the church; I said to Mr. Tilton, "Theodore, I have just read your letter;" he said he would like to talk with me; he said this investigation was

ALL WRONG AND OUGHT NOT TO PROCEED;

he said he had drawn up two or three reports and he wanted the committee to accept one of them which would exonerate all three—Beecher, himself and Mrs. Tilton—and then they might all go about their business; I told him I did not know anything about the case either one side or the other, and that I did not intend to know anything about it until I heard the evidence, when I should act upon it as a judge upon the bench; I was present also when the sworn statement was produced; I was also present when Mr. Tilton attacked Mr. Tracy; there had been no regular session that day and we were on the point of separating when Mr. Tilton suddenly said, "Mr. Tracy you have no right to be here, you made me a promise that you would not appear against me;" Mr. Tracy said "yes, I made you a promise, but when you changed your ground of attack I notified you that I should not remain neutral any longer;" some further words passed between them; Mr. Tilton came back, looking very sweet and pleasant, threw his arms around Mr. Tracy's shoulders and said, "You are the best friend I have in Brooklyn;" quite a scene of reconciliation followed, and Mr. Tilton shortly after left; Mr. Tilton before leaving explained the peculiarities of his temper.

CROSS-EXAMINATION.

To Mr. Fullerton—There was no testimony taken at the first meeting of the committee; the evidence was afterward taken by a stenographer; I presume all the testimony was taken.

Q. How many statements did Mrs. Tilton make before the committee? A. She made two verbally; the first the 5th of July; I never saw that statement; I never saw them at all; I don't know whether they were written out or not; Mr. Richards was before the committee twice; he made two statements; the first was an informal affair; the committee met at that time at Mr. Storrs'; the statement, as far as I know, was never published; I am not sure if the stenographer took notes of it; I have not seen a copy of it ever since; I do not know where the members of the committee are; Mr. Sage was the chairman; we turned over everything to the church committee; I have not seen the minutes since they were turned over, except what I read in print; I had no personal supervision of the printing; I signed the report of the committee; I have seen that report printed; it was incorrectly printed in several instances; I made the first draft of the report of the investigating committee; I drew up the portion referring to Mr. Beecher's testimony; there is an error in the printed report; I remember, because I have since seen the testimony as it was taken down; I do not know in whose handwriting it was, but from what I remembered it was correct;

THE FIRST DRAFT

of the report was read over and discussed by the committee, all the members being present; this was about two days before its final presentation; I met Mr. Tracy in the street and we had a talk over the report; I saw Mr. Tilton when he came before the committee; he had been invited; he testified an unwillingness to give any testimony before the committee; he said there was no occasion for it; he did not mention anything about his family influencing him in withholding his evidence; Mrs. Tilton's name was not mentioned; we told him that we wanted to know everything we could, so as to get at the truth of the story; we said we would like to see those documents and papers, and he would not tell us at that time whether he would give them to us.

Q. Do you remember Mr. Tilton saying that his case did not depend alone on documents and papers? A. No, sir; he said his case depended alone on documents and papers; I saw no minutes of the conversation Mr. Tilton held with the committee; the stenographer may have been there taking notes, but I did not notice; the report Mr. Tilton wrote exonerated Mr. Beecher; he thought it best to do so; I understood his plan to be to exonerate all three—himself, Beecher and Mrs. Tilton—before the world and end the matter; my impression is that on the 2d of July Mr. Tilton came to Mr. Storrs and brought with him a bundle of letters and papers; he made one proposition that the bundle of documents should be turned over to Judge Reynolds' keeping; Mr. Tracy was saying nothing at this time when Mr. Tilton was present; Mr. Tilton said, "Mr. Tracy, you have no right to appear here before me;" Mr. Tracy said, "Yes, I notified you that when you changed your case I was no longer bound to keep my promise."

Q. Did Mr. Tilton say, "Mr. Tracy, you are prevaricating in this matter?" A. I don't think the word prevarication was used; they were radically opposite.

Q. Was the lie passed between them? A. Nothing so vulgar as that; I think the word false was used; I think Mr. Tracy said a number of Mr. Tilton's statements were false; Mr. Tilton said to him, "You have no right to appear here against me."

A GARDENER APPEARS.

Almost every walk of life has been represented in the roll of witnesses. After the lawyer came a gardener—Mr. Beecher's gardener on the famous Peekskill farm, where the pastor of Plymouth Church fondly hoped to pass his declining years in blissful serenity, watching the seasons come and go and attuning his great mind to the harmonies of nature. The gardener was a stout, dark-faced man, of eager purpose, who appeared to think the whole trial hinged on his evidence. He helped in his humble way to promote the fortunes of his patron.

Thomas J. Turner sworn, examined by Mr. Shearman—I have been in charge of Mr. Beecher's farm since 1873; I recollect a visit of Mr. Beecher to the farm on June 2, 1873; I am certain of the date; he came from New York by the two o'clock train; he was accompanied by Mrs. Beecher; he remained that day and part of the next; I am certain they were at dinner on the 3d of June; Mr. Beecher returned to the farm on the 10th of June; I was on the farm during that interval.

CROSS-EXAMINATION.

Judge Fullerton then commenced:—Knew about the time the train left through the telegram I received; I have not got the telegram; I think I have seen a copy of it; I saw the copy here in New York a few weeks ago; Mr. Hill had it in his possession; I did not remember the day Mr. Beecher came to the farm until I saw the date on the copy of the telegram; I have also seen the item of fifty cents down in my memorandum book that I paid for the telegram; I made my entries on slips and then copied them into the regular book; I am certain, to the best of my recollection, that I put down that fifty cents.

Q. Have you examined any other memorandum? A. Yes, sir; I have examined the butcher's books; I think I have named all the memoranda I have examined; it was on a Monday that Mr. Beecher visited the farm; he was there before on May 26; I have no memorandum of that visit; the train that leaves New York at two o'clock generally gets to Peekskill in an hour and forty minutes.

Here the Court took a recess till two o'clock.

AT RECESS

the Court was slow in assembling. The lawyers lingered in the bright atmosphere out of doors and the audience, for the first time, showed no impatience in returning to their places. Mrs. Beecher's face caught the glad complexion of spring and her winter paleness gave way to a more robust tinge of health. She conversed freely with her daughter-in-law, Mrs. Colonel Beecher, a sprightly lady of quiet taste in dress, who sat beside her for a long time. All the lawyers returned to Court much improved in looks.

AFTER RECESS.

Joseph S. Turner examined—I reside in Peekskill, N. Y.; I am son of Mr. Turner, who last testified; I am not at present in any employment; I worked for Mr. Beecher on June 2, 1873; on that day went to the two o'clock train from New York; went down to the depot at Peekskill and drove Mr. and Mrs. Beecher from the depot to his residence; Mr. Beecher left Peekskill on Tuesday, June 3, 1873; he went to New York.

By Mr. Fullerton—I have no memoranda to guide my memory as to the date; it is a mere matter of recollection; Sunday was not a working day; and this was the first day I drove out the bay horse, Billy, to meet Mr. Beecher and Mrs. Beecher at the station; Mrs. Beecher came up there with Mr. Beecher on Monday, June 2; she had been there with Mr. Beecher on the 26th of May; Sunday was the 1st of June; this was the first time I worked for wages; I drove them down to the depot on the 3d of June, when they were returning to New York.

TESTIMONY OF THOMAS ROCHPORT.

Thomas Rochort sworn:—I am twenty-five years of age; I am a receiving clerk of the Western Union Telegraph Company; I received a telegram on the 2d of June, 1873, from Henry Ward Beecher; the telegram is entered in a book; the message was sent by E. P. Dancer; the telegram was not dated when I got it; it was written on a white piece of paper.

Counsel read the telegram from Mr. Beecher, at Brooklyn, to Thomas J. Turner, Peekskill, to meet him at the train at Peekskill by the half-past two train.

Witness said the telegram was received and sent June 2, 1873.

By Mr. Fullerton—The date was put into the telegram two or three weeks ago.

To Mr. Hill—The message was No. 8, and when I received it it was written on a blank piece of paper; it is now pinned to a regular form of telegram and entered in the receiving book in the regular order of business; I am enabled to swear positively that the message was received on the 2d of June, 1873.

TESTIMONY OF A. B. DINZELL.

A. B. Dinzell sworn. He said:—I am a telegraph operator in the employ of the Western Union Telegraph Company, and was employed in their office in this city on June 2, 1873; I sent the telegram now handed to me from Brooklyn to the New York office; I saw this telegram taken from the files of the Western Union Telegraph Company about two weeks ago by Mr. Hughes; I can't tell the date of the telegram; this message was taken from the messages of June 2; it was received in the Brooklyn office at two minutes to nine in the morning, and sent to the New York office, Peekskill not being within call of our office.

A PEEKSKILL CHARACTER.

named Ben Kittredge, came on the stand after the telegraph boys were disposed of. He wore a standing collar, the points of which appeared to endanger the integrity of his jaws. He spoke with the precision of a professor of logic. He was clean shaved and resembled Jo Jefferson off the stage. He spoke of the "foliage of the trees mantling on the branches in the month of June," that obscured his view of Mr. Beecher's residence.

TESTIMONY OF BEN KITTREDGE.

Ben Kittredge affirmed. He said:—I am a farmer, residing at Peekskill; I am fifty-four years of age; I live about 300 feet from Mr. Beecher's residence in Peekskill; from my house you can overlook a considerable portion of Mr. Beecher's premises; Mr. Beecher has a summer residence at Peekskill; I can state as a positive fact that Mr. Beecher was at Peekskill on June 2, 1873; I was in New York on that day; I returned to Peekskill on the four o'clock train and got home about quarter-past five P. M.; I saw Mr. Beecher between five and six o'clock, near his residence, and distinctly heard him talking; I saw him again that day looking at his shrubs between his house and mine; after dinner I went out on the veranda and saw him alone in the shrubery; I was very anxious to see Mr. Beecher on the 24th of May, 1873; I knew that Mrs. Beecher had been there on the Thursday before, and I associated that with his coming there for the summer; I had gone there on the 27th to see him, and was disappointed to hear that he had gone to New York for a week.

Not cross-examined.

TESTIMONY OF THOMAS J. TILNEY.

Thomas J. Tilney, a lawyer, testified:—I reside in Brooklyn and was married in Brooklyn by Mr. Beecher June 3, 1873; he seemed to have come unprepared as to his dress; he did not appear to have come prepared for a wedding (laughter); he looked somewhat travel soiled.

TESTIMONY OF FREDERICK A. PUTNAM.

Frederick A. Putnam testified:—I practise medicine at No. 255 Fourth avenue; I recollect June 4, 1873; I left New York on that day; I went by the Harlem Railroad; on that day I met Mr. Beecher and Mrs. Beecher in the train between New York and New Haven.

THOMAS J. TURNER RECALLED.

Thomas J. Turner recalled by the defence.

Q. Please look at the telegram you received and say if it corresponds with the contents of the paper (original telegram) in your hand. A. Yes, sir.

TESTIMONY OF STEPHEN V. WHITE.

Stephen V. White testified:—I am a stock operator in New York; I am a member of the legal profession; I was a member of the Investigating Committee of the Plymouth Church; I heard Mr. Tilton speak before the Investigating Committee on June 10; Tilton said this case rested on written evidence; there was nothing said to sustain the charges but that he had the proofs; Tilton said, "Gentlemen, you think there is no case, but there is;" we asked him to give his charges, but he said that the charges were so terrible that, if the thing ever came to be proved, Mr. Beecher might be told to leave Brooklyn or the country; he said the committee was too large to tell the case to; he was urged to give the charges, but he said he did not want to hurt a hair of that old man's head; that he did not want to hurt Mr. Beecher; that if it ever came necessary to publish the charges, he wanted to give Mr. Beecher an opportunity in advance to leave Brooklyn.

Q. Did Mr. Tilton on that occasion say that he had any other evidence against Mr. Beecher but written evidence?

The question was ruled out as leading.

Witness—I have no recollection of any confession having been made aside from the written statement; Tilton said his letter to Dr. Bacon implicated him in the necessity of defending his honor; that Mr. Beecher was the creature of his magnanimity; that he would not publish anything more unless an attack was made upon him by Mr. Beecher and Plymouth church; he said he did not want any further investigation, and he deprecated it as unwise and uncalled for; he said, "Suppose Henry Ward Beecher has been guilty of a crime against Mrs. Beecher, do you want me to state it?" We said we did; after he read a letter from Mr. Beecher he said he would think about it and most probably would come before the committee again; Mr. Tilton's position appeared to be that he had been shielding Mr. Beecher and his family from exposure in respect to the relations which he had charged existed between Mr. Beecher and his w[illegible] Tilton); I asked him whether he [illegible] young man named Charles L. Blanchard; [illegible] he replied that he might have gone [illegible] or so; I asked him, then, whether he [illegible] winter of 1870, or the spring of 1871, [illegible] Blanchard that Mr. Beecher is a bad [illegible] he reached to his mistresses who [illegible] of his confession every Sunday; [illegible] whether he said to Mr. Blanchard, [illegible] a newspaper at the time, that he [illegible] to publish what he had said on the [illegible] and to give his name and authority in [illegible]; Tilton said in reply that he had [illegible] with Blanchard, but he did not remember [illegible] exactly what he had said to him.

Q. What else did Mr. Tilton say to the committee? A. He then said to the committee, "Gentlemen, [illegible] are not trying to get at the facts of this case; you have not asked me the questions to get at the facts; I haven't begun to tell you about this case yet; I have told you but a small portion of it;" I said we want to examine you in regard to the case, and as one member of the committee I call on you to state anything and everything that you may know in

THE INTEREST OF HUMANITY AND JUSTICE

that may throw light on the moral character of Henry Ward Beecher; after some further conversation Mr. Tilton seemed to lose his temper very suddenly, and turning to you, Mr. Tracy, he said, "And you promised me years ago, that if ever Mr. Beecher and I came in conflict with each other you would not appear as counsel for Mr. Beecher against me;" Mr. Tracy replied; Mr. Tracy was not angry apparently; at least he did not so impress me by his manner; he seemed to be inclined to reason the matter; Mr. Tilton charged him with unprofessional conduct in the things he was doing then, and he said to Mr. Tracy, "I will hold you to an accountability for your course;" Mr. Tracy said in reply to the charge that it was false, and that Tilton had said that Mr. Beecher had made improper approaches to Mrs. Tilton, and that at that time he (Tracy) had told Tilton "If he charged Mr. Beecher with adultery" he should feel exonerated from the promises made; Tilton said to this, "it makes no difference, you have got my case and you have got no right to appear here against me;" Mr. Tracy differed from him in opinion upon this subject and said, "I have asked, inquired upon this subject; I have consulted the best legal talent in New York and Brooklyn, and will do as I am doing now."

Q. Where did this interview of which you speak take place? A. It took place at No 34 Monroe Place, at Mr. Storrs' house.

Q. Were you present at the meeting of the committee on the day he brought the letters with him? A. Yes, sir; we started to read from them; he had a large folio of letters; he started to read from a letter of October, 1868, one of the letters in which Mrs. Tilton speaks of her wrong, or something of that kind; I asked him, "What does that letter refer to?" and he said to me, "Ask Mr. Beecher." It seemed that it was impossible for the committee to see the legal weight and significance of such matter in the case and we suggested that the letters be left to the inspection of a sub-committee; that he would take it to one person; it was agreed that Mr. Winslow was to be

THE EYE OF THE COMMITTEE.

and Mr. Tilton said he would show them to him.

Q. Did he ever show the committee the Griffith Gaunt letter? A. No, sir, I never saw that letter there.

Cross-examined by Mr. Fullerton. Witness—I am sure General Tracy was present at the quarrel; I am positive that he was present when Tilton declined to make a statement to the Investigating Committee.

Mr. Fullerton—That is all.

THAT TELEGRAM AGAIN.

Henry W. Hughes was then sworn and testified that he took a telegram on June 2, signed by Mr. Beecher.

HORACE B. CLAFLIN,

the merchant prince, was the next witness called, and testified that he knew Beecher, Tilton and Bowen.

Q. Were you present at the meeting at Mr. Moulton's house, at which Mr. Tilton, Mr. Wilkeson and Mr. Moulton were present, in the spring of 1873, where a statement or article was talked of between Mr. Beecher and Mr. Tilton? A. Yes, sir.

Q. What day of the week was that meeting held? A. It was on Sunday; I went to Mr. Moulton's house alone; I found at Mr. Moulton's house when I went there Mr. Wilkeson, Mr. Tilton and Mr. Moulton.

Q. Had Mr. Wilkeson any papers with him at that interview? A. Yes, sir; I don't know whether the paper he had was the one that was brought before the committee; a paper was shown me, called, "a personal statement;" it was a press proof.

Q. Press copy or proof? A. It was a proof; it was in print, and was subsequently embodied in the tripartite agreement.

Q. Do you know whether it is the same paper? A. I know that it was not the same one, but was the substance of it; it was considerably changed after that.

Q. I mean the printed slip? A. It was pasted on the tripartite agreement.

Q. Was the draft of the tripartite agreement read over? A. That draft was read over by Wilkeson and talked over that night for some time.

Q. At this time had you seen Mr. Bowen? A. No, sir; I had not.

Q. What was the subject of conversation that night between yourself, Moulton, Tilton and Wilkeson? A. The subject of conversation was the publication of this paper, which Mr. Tilton proposed to make in the next issue of the *Golden Age*, unless he got a settlement with Mr. Bowen; the contracts on which he wanted a settlement with Mr. Bowen were in connection with an agreement he had with him on the *Independent* and Brooklyn *Union*.

Q. Was there any amount stated which Mr. Tilton claimed to be due him by Mr. Bowen? A. I think Tilton said $7,000, $8,000 or $9,000; I am not sure as to the amount.

Q. Was anything said of the means he had taken to compel Mr. Bowen to pay him the amount claimed? A. He said he had tried very hard to get Mr. Bowen to pay, but that he still refused; I think he said he had commenced suit.

Q. What did he say he would do, if anything, unless Mr. Bowen made this settlement?

Objected to by Mr. Beach and admitted by the Court.

Mr. Tracy—Give what Tilton said he would do if Mr. Bowen didn't pay his claim. A. Mr. Tilton said he would publish the article in the next paper unless he got a settlement from Mr. Bowen; he said the money was due him and he ought to have it, and he would have it; I told him there was no occasion for its publication, and that Mr. Bowen would do what was right about it; the publication would do him no good, and it would be a great shame to make it public; I said I would see Bowen, and that I thought he would do what was right; that seemed to be satisfactory to Mr. Tilton and to all present.

Mr. Beach moved that the last answer be stricken out. The Court so ordered.

Q. Was anything said by anybody as to the facts of the article prepared for publication? A. Yes, sir; it was talked over by Mr. Wilkeson and myself; I said

IT OUGHT NOT TO BE PUBLISHED;

that no good would come of it, and it would be a great shame to publish such a scandal as that; there was a great deal said; it was generally about that tone.

Q. What did Mr. Tilton answer when you said it would be a great shame? A. He said he would publish it notwithstanding.

The witness said that Bowen consented to an arbitration.

The Court then adjourned until to-day.

ANOTHER SUPPRESSION.

What the Woodhull Meant to Say, but Didn't.

She Prepares an Article Benouncing Theodore, but Is Induced to Withhold It.

VERY IMPORTANT IF TRUE.

"If I should be Authority for it, I could not Live with Elizabeth Again."

Anything which will shed light upon the truth of the relations between Mrs. Woodhull and Messrs. Tilton, Bowen and Beecher will be looked for anxiously by the public.

The following card was prepared at the time Theodore Tilton gave his testimony in the court room and was meant to be published at that period in Woodhull & Claflin's newspaper. Circumstances modified the temper of the writer and prevented its publication.

A proof copy was, however, kept. As Mrs. Woodhull is not apt to be called by either side in the case, her testimony will tell loudest of all. This article, in particular, bears marks of her masculine spirit and clever mind. It is entitled:—

"WHOM THE GODS WOULD DESTROY."

TO THEODORE TILTON:—

"Whom the gods would destroy they first make mad" is a trite way of expressing a great fundamental truth, the destruction meaning a just retribution for deeds performed, and the madness meaning the lack of wisdom which makes the performance of the deeds possible. In this sense there was never, probably, a better illustration of the old adage than that now presented by one, if not both, of the principals to the conflict in progress in Brooklyn.

SHE BOUNCES BEECHER.

It was a symptom of madness foretelling destruction when Mr. Beecher used the terms "a hameless animal," "a chambermaid's slop-pail" and ——— to describe persons who had merely published facts of which he had been the active cause, and was at the time doing every possible thing to suppress.

Had he had any wisdom at all, any faith in the law of eternal compensation, he should have known that those terms would come home to him in due time and rest like blight upon his fame.

TILTON A PERJURER.

On the other hand, the shameless departure from truth by Mr. Tilton, in giving evidence under oath—this departure being possible of the most positive proof—to shield himself from the odium which he has conjured up in his own mind as existing on account of his relationship with me, is patently a symptom of madness also, on his part, assuredly to lead to destruction. I am astonished beyond measure, even when considering the source from which it emanates, at the foolhardiness that made it possible, and I wonder if he imagines that I shall remain silent under these new imputations as I have done thus far under others he has cast upon me.

HER PROPHECY.

Henry Ward Beecher may have done many unwise things, but he never did one so unwise as when he invited the destruction of the gods by attempting to make others bear the weight of his own folly. Theodore Tilton has done many an unwise thing, but he never performed one so foolish as when he recklessly invited the destruction of his own testimony. For let this trial end as it may, let the evidence that may be advanced be restricted as it will, the time must come when it will be known that the odium which he has attempted to cast upon me belongs upon his own shoulders, and there it shall, at last, come home to rest.

SHE IS NOT ASHAMED OF THE COMPARISON.

It has not been my purpose to interfere in the slightest way upon either side during the present controversy. Indeed, I have willingly rested under a number of imputations from both sides, which I could have readily removed rather than to even seem to wish to so interfere. I have an abiding faith that all this will eventuate in a perfect clearing up of all the mystery and hypocrisy under which it has been attempted to conceal the facts, and that each actor in the drama will eventually stand before the world in his or her true position. I can afford to wait until this time, and I shall not be ashamed of the comparison to which I shall be subject, when it comes.

SHE RECONSIDERS.

So much for my general present position. But, after reading the testimony of Mr. Tilton, given during the examination, I have reconsidered this course, and shall so far depart from it as to properly characterize portions of his evidence that relate to myself.

Passing for the time the theory upon which Mr. Tilton professes that our relationship was begun and maintained—which I will simply say here is just the reverse of the true one for the maintenance, at least—I shall take up the facts above which he has testified. His statement of them is a most ingenious development of the professed theory; that is, it would be ingenious if there were no one to question it; but unfortunately for his facts, as well as for his theory, there are those who can tear the latter to tatters and so change the former as to entirely reverse it. Whether their aid will be invoked upon this present trial or not, in the infinitely greater and more important trial before the bar of eternal justice the whole truth will be made clear.

WOODHULL NO INJURY TO TILTON.

I say that Mr. Tilton has recklessly courted his own destruction when there was no need to have done so. So evident a departure from the points at issue in the trial as he has made—as the Court has permitted him to make—for the purpose of transferring all the odium from himself upon me will not assist the jury in arriving at the truth or falsity of the alleged relations between Mr. Beecher and Mrs. Tilton, nor in assessing the damages in the event of its conviction of their truth, *because all the acts upon which damages can be claimed occurred before the relationship which he characterizes begun.*

So far as I am involved, I accept the part to which I am invited. If Mr. Tilton has thrown down the gauntlet of defiance he must not object to the unsheathing of the sword in reply and the casting away of the scabbard, as he has done when defied by Mr. Beecher.

I have not the space nor the time now to any more than call attention to his departures from truth by briefly outlining them, reserving the details of each, to be taken up *seriatim*, as my engagements shall permit. I wish him to learn now, however, that

I ACCEPT HIS CHALLENGE,

and also that I am prepared to maintain all that I have indicated or shall indicate regarding his evidence.

TILTON LIES.

Mr. Tilton's account of our interview brought about by the card in the *Times* and the *World* (newspapers), of May 22, 1871, is an utter perversion of the facts; his account of the time of and my conduct at the first interview with Mr. Moulton is also untrue; his evidence regarding his letter addressed to Mr. Sumner is a falsification, but a good illustration of his unbounded egotism; his statement about the writing of my biography, except in so far as the furnishing of the facts upon which it is founded is concerned, is utterly perverted. (No biographer manufactures facts. He obtains them from those who possess them as Mr. Tilton does in this case; and is not responsible for them, let them be what they may; but Mr. Tilton supplied everything outside them, and in this regard occupies the same position as any other biographer.) His testimony regarding the Steinway Hall lecture is almost wholly a series of unmitigated falsehoods; and so also is that about the

"TIT FOR TAT" ARTICLE.

The interview about this article of which he speaks was not the final one between us. The last interview was upon another and entirely different subject and occasion, occurring on the eve of his departure to attend the Cincinnati Convention. That article was written a month before, and the editorial in my own paper regarding it was printed three weeks prior to the nomination of Mr. Greeley. At this really last interview Mr. Tilton knows well enough that there was no display of attitudes on his part. *He had learned their inutility with me long before. He knew well enough that this interview was intended by him to be one of the most affectionate we ever had.* He knew well enough that I warned him against apostasy to the movement to which he had given his allegiance, and that I told him that

I SAW HIM IN A VISION

driving the last nail into Mr. Greeley's coffin by what he would do to nominate him at Cincinnati. *But the dazzling phantom of a secretaryship under Mr. Greeley* was more than his devotion to his pledges could withstand. He apostatized.

He exerted his utmost and succeeded in securing Mr. Greeley's nomination. *If he had not lent his aid it would probably not have been done.* It should be remembered that this was at the close of our relationship which he pretends, and which the defence pretends, did him such irreparable injury; but here he is seen exerting a controlling influence in a national convention upon one of the most important acts that a nation can perform. Badly injured by me, wasn't he? Poor boy! to have fallen into the hands of one who could so utterly undo him!

IT WAS GREELEY WHO SLEW TILTON.

No! Mr. Tilton's real downfall dates from the time the Greeley movement collapsed, and not when his intimacy with me begun. By his bold course during this intimacy he had won the admiration of the radical element of the whole country. *He had forfeited all claim upon the conservative element long before he knew me.* By his apostasy to the radical movement for the political and social equality of the sexes he lost all he had and all he had gained, and was left standing almost alone, *ready to be ground to death between the upper and nether stones of radicalism and conservatism.*

WOODHULL TILTON'S GOOD GENIUS.

At another time I shall consider further of his condition during the period of his relationship with me—shall show how he was complimented upon all sides for the piquancy and brilliancy of his editorials, and how a very dear friend and competent critic withal, then absent in Europe, wrote that his articles sparkled in every line like rare old wine, which was to be accounted for only upon the theory that *he was newly and madly in love*, for nothing else could have inspired him to write so grandly.

Mr. Tilton, knowing me as he does, ought not to have attempted to put the burden of his downfall—if downfall he has suffered, of which I know nothing—upon me.

TILTON'S PLEDGE.

He ought rather to have attributed it to his treachery to his own proposition, *and his desertion from a cause to which he had voluntarily pledged himself, which pledge, for a goodly time, he kept so well.*

TILTON ABJURES VIC AFTER THE LIBERAL CONVENTION.

I do not wonder that he never came to see me after the Cincinnati Convention. Had I played such a part with any one as he had played with me I should have been ashamed to have met that one again.

But to pass to a review of his professed theory for our relations. All through his evidence there is a strenuous effort evident to make it appear as if he formed my acquaintance and maintained it solely to suppress the scandal, and that he had to stand with his hand upon my mouth, constantly doing me some favor to keep me from making it public. *I wish to say as emphatically as I can that such a theory is utterly fallacious, utterly false, and has been concocted by Mr. Tilton, as I believe, not to assist him in his action against Mr. Beecher, but to satisfy certain "dear friends"* who are terribly shocked at the mention of my name, and whose virtue is of such an extraordinary and ethereal quality that the mere reference to free love casts a shadow of reproach upon it.

THE SCANDAL LED TO THEIR ACQUAINTANCE.

Under ordinary circumstances I should never have referred to this part of the subject, but Mr. Tilton must not expect that I shall willingly rest under his imputations and falsifications, when he knows so well as he does that I need not to do so for a single moment if I make use of the material I have at hand. *I grant that my threatened publication of the scandal first brought Mr. Tilton to me;* but I deny *in toto* that the fear that I would publish it was the reason of his action afterward. Mr. Tilton need not assume any dramatic positions about this. He knows that I have the most conclusive proof that *his relations with me were from an entirely different motive, and for an entirely different purpose;* indeed, that the suppression of the scandal, *except as its coming from him as its authority*, was no part of his motives for anything he did for me.

BOWEN TO BE MADE THE ACCUSER.

He would have consented to aid in its publication in any way that could have made Mr. Bowen responsible for its communication to me. "If I should be made to appear as the authority for it, I could not live with Elizabeth afterward," was his argument. Hence it was not the suppression of the scandal at all that concerned him. He knew well enough that I intended to publish it at the proper time, unless it should be made unnecessary by Mr. Beecher's coming to occupy a position publicly on the social question similar to that upon which I stood. And Mr. Tilton will scarcely dare to tell so barefaced a lie as to say that I ever even intimated to him that I would never make it public; or that he ever expected that I would not in the event of Mr. Beecher's failing to thus pronounce himself. *The only wish of his that I ever learned was that he should not be involved as authority.*

MRS. WOODHULL TILTON'S CONFIDANT AND COUNSELLOR.

A moment's consideration of Mr. Tilton's relations with me will show the improbability, if not the impossibility, of the truth of his theory. No man in the position with a woman in which he professes that he stood with me—that of constant guardianship and of kindly offices to suppress a scandal—would ever make that woman his confidant and his counsellor.

He would not lay bare his soul to her with all its imperfections as well as its beauties; he would not intrust her with his own inmost secrets and those of his friends, confided sacredly to him, and through her seek a solution for some of those friends' perplexities; he would not make her his sharer in the "foolish letters of silly women," as he termed them, who thought themselves and him deeply in love; he would not intrust her with the means to ruin his reputation, his honor, his all, as he has done all this with me. No! That were impossible. He might do such a woman favors, but such things as I have recounted are not favors. They are bestowed only when and where the most powerful of all motives move men and women to venture everything upon the cast of a single die, *transforming the cool, cautious, calculating man into the hot-headed, inconsiderate lover.*

TILTON'S "SCHOOLBOY SNIVELLING."

That he regrets all this I have no doubt, since his imaginary "palace by the Lake of Como" did not succeed with me. *That he now regards his action as having been "foolish and wrong" I have no reason to disbelieve.* I told him it was so at the time. But the attempt to make Mr. Beecher equally responsible with himself for that which made it foolish and wrong is preposterous and absurd. It is a little schoolboy's snivelling—"He made me do it; if it hadn't have been for him I shouldn't have done it."

To resort to such an escape, and to continue to pretend to retain any of the elements of manhood, ought to make him *a laughing stock for every true woman.* I have said before that I believed that *Mr. Tilton would make quite a man if he should live to grow up.*

I confess to considerable scepticism upon that point since reading his evidence upon this trial.

TILTON PROTECTING TWO NAMES.

Now, what is it of which Mr. Tilton is ashamed in his relations with me? Does he know of one unladylike act that I committed during the time that they were maintained, either with him or with anybody else? Come, Mr. Theodore Tilton, what is it that causes your innocent blood to mount your cheek and you to refuse to be defended for your relationship with me? I challenge the production of a single thing. You stand before the Court and humble yourself as did Mr. Beecher before you, as if I had been a contemptible creature, to associate with whom was an unpardonable sin! Come, come, Mr. Tilton, out with the facts that made me such a thing as you would have inferred.

You refer to the "Tit for Tat" article, and say that it was the cause of your breaking with me. Was that article, which you have fully justified by your own course "to vindicate your honor," a sufficient cause for your pretended agony about our relations? *Hadn't I the same right to retort directly upon those who were defaming me in the vilest way that you had to retort upon Mr. Beecher because Dr. Bacon had designated you as a knave and a dog?*

Or do you hold because I am a woman that I have no right to self-defence, and that I must tamely submit to whatever any set of women may deem fit to say? But why should I deal in suppositions when I have the fact that *you only objected to the publication of two names in that article.*

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