LOOKING FOR A VERDICT.

Sixty-Third Day of the Great Scandal Case.

BEECHER'S SAYINGS AND DOINGS

He is Advised to Let the Tilton Family Alone.

"KISSING ALL ROUND."

"I Didn't Burst Into Tears for That."

THE JUDGE CAUTIONS THE WITNESS.

Mortification of the Defendant at the Reproof.

HOW THE BIRD SUNG.

The number of people present yesterday at the Tilton-Beecher trial did not show the slightest falling off from the attendance of the day before, when the rush for places was very great. It was the fourth day of Mr. Beecher's direct testimony. Mr. Evarts took him through an explanation of several of his letters to Mrs. Tilton, and the great preacher gave explanations which, no doubt, will be regarded with satisfaction by those who, through good and evil report, look upon him as one assailed, but able and willing to beat back the imputations of his accusers by the use of skilfully constructed phrases and sentences. When Mr. Beecher is to be taken out of Mr. Evarts' crucible is not positively known. Fullerton looks as if he would like to have an encounter in the way of cross-examination with Mr. Beecher right away; and, indeed, it would seem, from some words already dropped by the lawyer, that he intends to "go for" the divine. When he does get him in his hands the conflict will be an interesting exhibition of talent between two men well versed in the application of words.

Toward the close of yesterday's proceedings Mr. Beecher was questioned in regard to his acquaintance with Mrs. Woodhull, and how it came about. By reference to the testimony it will be seen what he said on this subject. The substance, however, of it was that this acquaintance was, as he said, intruded on him.

At this stage of the proceedings in the great Brooklyn trial there is naturally an absorbing interest. Mr. Beecher himself is on the stand. He is known to all the world. His sermons have been of that handy, transmissible kind that, next to the works of Dickens, have passed current in every Christian land.

Beecher's appearance on the stand was nothing singular. He sat at times a little back and answered with ease and deliberation. When the question happened to be of a more than unusually exciting character he lifted himself by his arms a few inches above his chair and projected his reply. Beecher's present appearance personified, as did that of every one else among the audience, an anxious expectant of the verdict of the jury. Mr. Beecher was a reminder and an example. In his looks and demeanor he presented an embodiment of twenty-five years of American history and of Brooklyn society, and all of this the witness had the vanity to think was his work and authorship.

Mr. Beecher as a witness falls below Tilton in fluency and scholarship. Neither Tilton nor Beecher has been educated in the sense of those men who go forth into the world from the great universities of Europe.

THE JURY.

The twelve good men and true who occupy the jury box, attract the attention of the spectators. The people who are admitted to the court look at them generally with a gaze of wonder. Men who are certain to pass down to posterity in the columns of the daily press of the United States are not to be met with every day. It is not at all times that you can set your eye on a Beecher, a Tilton, a Moulton, or a Beecher-case juryman. Yet there they are, twelve of them. They have received the first instalment of their pay, and hope to live and draw more, and to give a verdict. That is all the casual visitor sees, knows, or cares.

THE EVIDENCE.

Mr. Evarts—Referring to your testimony yesterday, on the occasion when you received an invitation from Mrs. Tilton, when the question of separation from her husband was raised, at that period—December—did you, besides taking your wife into the consultation, also refer to any gentleman of the church or apply to any gentleman of the church in this matter? A. I did; to Mr. George A. Ball.

Q. What position did he at that time hold in the church? A. I can't say what position he held; he had been a faithful member of the church, one way or another, ever since I can remember; he was then Superintendent of the Bethel, was a near neighbor, a dear friend, and one of my chief counsellors.

Q. Did he take part in the conference with you? A. I made a statement to him at the time of the facts, and I made the inquiry what had better be done in respect to Mrs. Tilton's case, which, under the circumstances, appeared to require wise counsel, and if it might be submitted to the deacons of the church, in the proper exercise of their functions, and he persuaded me against it, and he said emphatically that it was a case for silence.

Q. And that was the end? A. That was the end of it; I don't mean to say he used the word "silence," but his counsel was to let it alone.

Q. How early after these first weeks of the year 1871 did any conversation occur between Moulton and yourself in respect to the use or application of money in connection with Tilton's affairs? A. Among the earliest conversings was how standing ground could be got for Tilton—for his household—so that he could be at peace and go on with his work, so that his household should be in an assured position; I recollect one conversation quite early within the first two or three weeks on the subject of a mortgage on Tilton's house, and Moulton said he thought that mortgage ought to be removed, and that he thought he could then persuade Tilton to transfer that property to his wife and to make it over to her, and I said whenever any movement of that kind was made I wished to be counted in to do my share.

Q. Did he say anything about the amount of the mortgage? A. I understood it to be $7,000; he never mentioned the matter to me again, but I mentioned it to him once or twice after, but I can't tell in what intervals; it was at later periods; I believe I asked Moulton on those occasions what was done in the matter or what was going to be done.

Q. Now do you remember conversations you had with Moulton in reference to any bills or payments on account of Bessie Turner. A. I do recollect the fact of one.

Q. About what time was that, and had it reference to any bill that was presented in connection with her? A. My impression is that it was some time in the summer of 1871; he said to me one day that he was expending

A GOOD DEAL OF MONEY FOR TILTON,

and here was a bill, he said, that he thought it would be well I should pay just to help Tilton—that it would be a great assistance to Tilton, or something to that effect; there was no formality or no arrangements; he presented it to me and I said, "Certainly. I will do that or anything that will help the family; let me know any time, and I will be glad to help."

Q. Was there a bill at that time presented to you? A. The conversation was in connection with a bill, but I don't recollect that it was in his hands; there was a statement or an account there, with a definite sum; but whether I saw that account or not I could not say; I don't think I saw the account, but whether I saw any paper or not I don't know.

Q. Before this introduction of the matter to you in the form of contribution had you any knowledge or had you heard anything of the Bessie Turner arrangement? A. Nothing whatever; I should say, perhaps, that at this time Mrs. Morse had made some allusion, I think by letter, to her being absent, but I didn't know where she had gone to—whether the visit was for good or for how long; I knew nothing about her being at school till this matter came up.

Q. Had you taken any part in providing for her schooling or making any arrangements about her? A. None whatever.

Q. In regard to this Bessie Turner matter, after this first introduction of it to you, how did matters go on? A. There was some arrangement made about it, and from time to time Mr. Moulton would say, "I wish you to give so much;" I would pay the amount either by giving it at once or sending a check for it; I made no inquiry further about it than that I understood it would be a relief to Tilton.

Q. Was any account rendered of these expenditures? A. I don't recollect any.

Q. Did you keep any account or memorandum of these various accounts or payments in the aggregate? A. I don't think I ever kept an account of any moneys ever expended by me on the earth, and I certainly did not make an exception in this case.

Q. In connection with this conversation about money and about the mortgage or otherwise was anything said between you and Moulton about Tilton going to Europe? A. Oh, nothing serious; I remember the subject spoken about among the many other subjects referred to in connection with what he was to do.

Q. What did Moulton say upon that subject? A. I can't recall what he said except I do recollect the subject coming up and being talked about, but what was said made no impression upon my mind.

Q. On the occasion of your visit to Tilton's house in February was there an occasion during the interview between yourself and Tilton and Mrs. Tilton, an occasion on which you expressed grief and misery, and you burst into tears? A. I can't say; I will not say I did not; I made

NO RECORD OF MY TEARS

in my memory; I certainly don't think the interview was a very hopeful or reassuring one; I don't recollect the occurrence you refer to.

Q. At the close of the interview was there any such occurrence, just before you left the house at the close of the interview? A. Why, sir, the last thing we did on that occasion

WAS TO KISS ALL THREE ROUND;

I didn't burst into tears for that. (Laughter.)

Judge Neilson intimated to witness, through his counsel, that the answer called for by the question would be better given by the simple yes or no without interjecting other matter, and would conduce to better order in the court.

Q. You mentioned in the course of yesterday's testimony that you had one other interview at Tilton's house with Mrs. Tilton, and that you were alone with her on that occasion. Do you recollect all the circumstances of that interview? A. Yes.

Q. And, as you stated, it was as near as you could recollect in the latter part of the year 1871? A. That was my impression.

Q. Now, how did that interview take place? A. I can't say positively from my own knowledge; I have only an impression that I was sent for.

Q. And you went there and found her there? A. Yes; I found her alone.

Q. Now, sir, what passed between you and her at that visit?

A LONG DISCUSSION

here ensued between counsel and the Court on the question whether the occurrences in the interview should be admitted. Mr. Evarts wanted to show what occurred in order to show exculpation, as the plaintiff had shown accusation. If the evidence was suppressed it was a hardship for the defendant. The Court ruled that counsel for the defendant could not prove the acts of the parties to the interview without admitting the conversation. He thought the plaintiff had been already quite liberal in the admission of testimony for the defence. While the big bell tolled its peaceful chime Beach spoke, and his eyes dilated and his voice gradually rose as step by step he went on with the argument that the declaration of an adverse party could not be given in evidence. "Should Beecher be allowed to manufacture excusatory evidence?" Beecher looked askance at Beach as he spoke. Occasionally he looked up at the clock, down at the stenographer and over at the foreman of the jury.

Beach was very powerful in his plea. As plain as two and two make four, he made clear the law of evidence, showing that there were limitations on the law of evidence, and that private acts between Mr. Beecher and Mrs. Tilton of which they (the plaintiff) had no knowledge could not be admitted under any rule of equity or law. Mr. Beecher hung his head part of the time. Beach continued speaking.

THE COURT RULED,

after some further discussion, saying:—"As intimated at the earlier stages of this case, the correspondence between husband and wife and the correspondence with other persons are deemed admissible. They seem to be introduced by the plaintiff to show the harmony of his household and to indicate what he has lost in the supposed disturbance. On the other hand, equally, the defendant is at liberty to show by correspondence and conversation prior to the supposed offence a want of harmony and disturbance in the household, all of which goes to the question whether the plaintiff suffered much damage; and, as I have on more than one occasion intimated, that class of questions goes to the question of damage; I understand that to be the law of evidence; and the correspondence and acts prior to the supposed offence are to be received, showing the condition of the household the plaintiff alleges to have been disturbed, but as to events and conversations subsequent to the alleged offence the law makes the marked distinction, and for obvious reasons. But still, where the defendant is charged with improper conduct alleged to have taken place in October, I think he is at liberty, in reference to any interview with this lady at any time, to state what occurred and to be interrogated as to what did not occur, and perhaps the general statement would cover it; but I cannot see that the conversation can be received. There is no rule that I know of that would admit it. As for example when a wife abandons her house and determines to live apart, her declarations at the time of leaving may be received as evidence in her favor to show why she left; but it is because it is part of the act—part of the res gestæ. In this case the legal point does not appear."

The Judge made a very careful argument. His words were listened to with profound attention. Moulton sat beside Tilton well back among the lawyers and almost directly facing the witness. The contrast between these two men was very noticeable. Moulton is neither young nor old. He has a head of hair that defies description. It is neither red nor brown nor black nor auburn. It is worn as few other human beings wear their hair.

EXAMINATION RESUMED.

Q. Do you remember what time of the day the interview was? A. I do not.

Q. Was the occasion of that interview suggested to you, or suggested by you? A. It was suggested to me.

Q. What was the occasion and what the subject then suggested?

Mr. Fullerton—That comes within our objection and Your Honor's ruling.

Mr. Evarts said that the point we have in view is to show that this interview had only a bearing upon occurrences of the moment. I shall confine myself to the examination of anything in the way of a recital if anything of the kind occurred. I also will show that this interview was in no way a renewal of confidential intimacy. I propose to show that this interview on both sides was of the utmost reserve, and apart from what the plaintiff essays to prove.

The Judge said that he did not think that the conversation was admissible as evidence; but it might be shown how long it was, where it was, and you can also ask whether the nature of the interview was of religious service.

Mr. Beach said, Your Honor's advice we admire as a fine piece of legal perspicuity, but unfortunately, it will hardly exclude what the defence are so anxious to get in. We have given no evidence of this interview. What is the position? We charge, that both these persons have confessed their adultery, and now, a year later, they come out with a fabricated interview which they claim to be moral and pious in all its intents. Is there any rule of evidence which justifies accused parties in getting up an interview between themselves to answer the charges made against them? The law requires evidence of a certain character, of a nature that shall leave to each the right to prove the truth or falsity of the alleged transaction. The law does not permit proof to be manufactured.

Beecher closed his eyes and his head drooped upon his bosom as Beach thundered along, asking, in the course of his argument, "Shall the fabricated testimony of this man and his mistress be admitted?" and a pause ensued and the blood mounted to the counsel's face and his eyes shot forth a fire of more than professional earnestness.

Mr. Evarts—We only desire to show the position and intent.

The Judge—I think you are at liberty to prove what occurred at the interview.

Mr. Evarts—It is only to show that nothing about previous or subsequent matters occurred at this interview.

Mr. Beach was not quite satisfied and made another argument, concluding by suggesting that the witness should be asked the simple question that the counsel for the defendant claims is all he wants to know.

Mr. Evarts was going to answer, when the Judge said, "Ask what occurred at the interview."

Q. What took place at the interview? A. I went into the parlor, I sat down, I listened, I marked a passage in the Bible, I got up and went home.

Q. What was the passage in the Bible you marked? A. From the fourth to the seventh verse of the thirteenth Corinthians.

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

Q. Will you read it now?

Mr. Beach—I object.

After considerable legal discussion, Mr. Evarts requested to have the verses read, but the Judge would not admit them at present.

Q. That closed that interview? A. Yes, sir.

BEGINNING AGAIN.

When the lawyers had been disentangled Mr. Beecher related in a few words the interview with Mrs. Tilton. He went into the parlor, bowed and marked a passage in the Bible. "What passage?" asked the counsel. Mr. Beecher took a gilt clasped copy of the Bible and was about to read it when the plaintiff's counsel objected and the objection was sustained by the Judge.

Q. Under what circumstances have you met or been in the company of Mrs. Tilton since 1870? A. I have the recollection of meeting her once at Mr. Moulton's house in December 1874, and I met her once last summer, in 1874.

Q. Have you met her on the street or at your own church? A. I have met her twice on the street; I do not recollect any other meetings.

Q. Do you remember the date of these meetings? A. No; I have only a remembrance of a meeting.

Q. How long were those meetings? A. In one case I think I walked about a block with her and in the other case I walked with her as far as her house, but did not go in.

Q. In connection with the Sunday school, do you recollect any meeting? A. I do not recall any.

Q. Did you meet her at any of your visits to the Sunday school? A. I do not recall any.

Q. At your Friday evening meetings? A. I do not recollect any interview, but I fancy I met her.

Q. Did you speak? A. I do not recollect, except the ordinary greeting.

Q. On Sunday, at church? A. I may have met her, but I do not recollect any conversation except, perhaps, passing a few words coming out of church.

Q. Have you met her often at your house? A. I have seen her at my house since the time you refer to, but not to have any long conversation.

Mr. Evarts then asked Judge Morris for some documents, and as soon as he received them he gave one to Mr. Beecher and asked him if he received it? A. I don't remember, but I suppose I did.

Q. Was that letter from Mr. Tilton preceded by any communication on your part? A. I have no recollection of anything.

Q. Do you remember any suggestion? A. I remember no suggestion, but I remember a habit of mine.

Q. What habit do you allude to? A. I carried to Mr. Moulton all letters that I thought proper, as I thought it was right he should know everything bearing on the case.

Mr. Evarts—Please read that letter through; do you remember receiving it? A. I do.

Q. Was this letter from Mrs. Tilton? A. Yes, sir.

Q. Was that preceded by any communication? A. I do not recollect any.

Mr. Evarts—I will read this letter.

MORE NEST-HIDING.

The document was the famous "nest hiding" letter, where Mrs. Tilton speaks of her weapons of love, untiring generosity and nest-hiding. After Mr. Evarts had read the letter in his measured method of elocution, he dived into the heart of the matter by asking if the compound word was of Mr. Beecher's invention. "No, sir; it is not my word in any sense or way," said the witness, in a positive tone. Then came another leading question. "What did you understand by that word when you received this? Mr. Beach objected twice, but the Court admitted the answer, which was that Mr. Beecher understood it to be simply hiding her domestic troubles. This ended the morning session, and the Court rose for recess.

AFTER RECESS.

the same large audience came together. Ex-Speaker Blaine sat beside the Judge, and looked out on the audience and on the counsel with a curious interest. He had a good opportunity to pick out the best man for Attorney General of the United States when he becomes President, as an argument happened to be going on at the time between the three great counsel—Evarts, Beach and Fullerton.

Here the Judge gave a decision such as might be expected from Solomon. The point in dispute was the construction of a letter from Mrs. Tilton to Mr. Beecher. The counsel for the plaintiff protested against the witness giving his construction of the letter. The Judge said, in effect, that Mr. Evarts was a competent judge of the English language, and that he could construe a simple question of words as well as the witness.

MORE LETTERS.

Q. Did you receive that letter and make a memorandum of the date on which you received it? A. It looks like my writing when I wrote very poorly; I think it is, and that I made it at that time.

Q. It has no date? A. No, sir.

"THE BIRD HAS SUNG IN MY HEART THESE FOUR WEEKS."

WEDNESDAY.

MY DEAR FRIEND—Does your heart bound toward all as it used? So does mine! I am myself again. I did not dare to tell you till I was sure; but the bird has sung in my heart these four weeks, and he has covenanted with me never again to leave. Spring has come." Because I thought it would gladden you to know this, and not to trouble or embarrass you in any way. I now write. Of course I should like to share with you my joy; but can wait for the beyond!

When dear Frank says I may once again go to old Plymouth I will thank the dear Father.

Q. Now, Mr. Beecher, had any letter passed from you to Mrs. Tilton except that letter of the 7th of February from her to your receiving this letter? A. None that I know of, sir.

Q. Do you remember the letter of February 9 that was spoken of yesterday? A. Yes.

Q. This is the first letter, as far as you know, that you received from her after your letter of the 7th February? A. Yes, sir.

Q. Which has been given in evidence sent to her husband? A. Yes, sir.

Q. Now, sir, is there anything in the expression of the letter, is there any reference which you recognized then or now, any special or covert meaning? A. No, sir.

Q. What was your understanding of that letter then?

ANOTHER OBJECTION.

Mr. Beach expressed his disagreement with the learned counsel of the other side, in the proposition that this letter is evidence and is admissible only from the manner in which it was received and understood by Mr. Beecher. That was not the question. The letter, to be sure, as the act of Mrs. Tilton, was only made evidence by the circumstance that it was communicated to Mr. Beecher, addressed to and received by him, but the important point connected with the letter was what were the sentiments of Mrs. Tilton as expressed and repeated in the letter as communicated, not as a communication to Mr. Beecher; not how he understood it nor how he felt when he received it, but how Mrs. Tilton felt and what her feelings were at the time as represented in the letter. Mr. Beecher may state any act of his at the time he received the letter. He might give any expressions of approbation or dissent at the time he received the letter as a part of the act of receiving it, but it is not open to him as a witness to express what he understood of the language in the letter. To give it his construction and effect I submit is simply inadmissible.

The Judge—What act, if any, was connected with the letter?

Mr. Fullerton suggested that there was no need for this discussion. They had lost sight of the fact that there was an answer to Mrs. Tilton's letter by Mr. Beecher, and this letter was in evidence. The interpretation of that letter was to be governed by what Mr. Beecher wrote at the time, and not by anything that appeared in the letter now. The Court would remember that, after sealing that letter, the witness replied, and in that reply there is such an intimate correspondence between the two letters as shows that one is the answer to the other.

Mr. Evarts observed that he only contended for the fact of any covert or secret meaning in the letter.

Mr. Fullerton—The answer he made will show how Mr. Beecher understood and appreciated the letter.

Mr. Evarts—That answer has been put in evidence. This we will duly show when the right and proper time arrives.

Mr. Fullerton—You may produce that yourself, so as to arrive at the fact what the letter was.

Mr. Evarts—They are in evidence. Each letter can, I suppose, be taken up by itself.

The Judge—You can show by this witness what he said or did on receipt of the letter.

Mr. Evarts—Well, sir, I will say——

The Judge—You can get at the fact in this way.

Mr. Evarts—I suppose I have a right to get at it in a plain and straightforward manner.

Mr. Fullerton—That way has been pointed out by me in the written answer to the letter.

Mr. Evarts—What knowledge have you that it is a written answer to the letter? It is not any part of my case.

Mr. Fullerton—There is something I know which is not part of your case.

Mr. Evarts—You know, I suppose, what you have undertaken to say, and I am aware of what I am going to prove.

Mr. Fullerton—I am well aware of what I have proved.

Mr. Evarts—What you think or suppose you have proved, until it is searched into by some one else.

Mr. Fullerton—Don't grow too scriptural.

Mr. Evarts—I ask whether the letter conveyed to Mr. Beecher any special or covert meaning growing out of any previous relations existing between himself and Mrs. Tilton.

Mr. Beach—Well, sir, if that letter had not been already answered I should object to it.

The Judge—I think the question may be answered.

Mr. Beecher—It conveyed to me a special but no covert meaning; it was a letter which——

Mr. Beach—Only answer the question.

Q. (By Mr. Evarts). What did you understand from the expressions of the letter?

Mr. Beach—That is just what we have objected to.

The Judge—In this you come to a construction of the English language.

Mr. Evarts—I do not ask him what a single word means, but I ask him what the expressions meant, looking to the situation of events between them.

Mr. Beach—Establish the circumstances, give the parts, and then he can tell what the expressions have reference to.

The Judge—The imputation has been denied by the witness.

Mr. Evarts—An imputation is made of a meaning.

The Judge—You can, then, ask him the meaning.

Mr. Evarts—No; I have asked Mr. Beecher what meaning the letter conveyed to his mind.

The Judge—He has answered that it conveyed no covert meaning.

Mr. Evarts—I think such an imputation cannot be drawn from it.

The Judge—I think, from the construction and meaning of the English language, that you are mistaken.

Mr. Evarts—I admit that.

By Mr. Evarts—When I say there was no covert meaning in any of the expressions of this letter, Mr. Beecher, do they refer to any matters of private intelligence between yourself and Mr. Tilton? A. They do.

Q. Which are they? A. The whole letter.

Q. What were those? A. The words of the letter.

Mr. Beach—Wait a moment, sir

Q. What were those matters?

Mr. Beach—What letters are you alluding to?

Mr. Evarts—This one, sir.

Mr. Beach—The only and proper way is to show the circumstances out of which this matter arose, and then leave the construction to be drawn by the Court and jury—let them draw their own conclusions. If there is no special relation or effect connected with the writing of the letter, it is then within the province of the Court and jury to assign significance to the fact.

The Judge allowed the question and the stenographer read it as follows:—

Q. What are those matters? A. There had been former efforts made by Moulton, Tilton and myself to bring about a more wholesome state of feeling in the household of Mr. Tilton; about four weeks had elapsed when I received this letter stating the change that had taken place; when Mr. Moulton came back from the South I took him to my library and talked with him about this letter, showing the happy state of things existing as the result of his final clearing up effort; I don't remember that I made any answer to this letter; I have the last clause of the letter before me.

Q. When Frank says, "I can once again go to old Plymouth, and thank thee, dear Father," what did you know or understand between Frank and herself? A. Nothing about it; it was their own business, and I don't recollect that it came to me at all except from the letter; I saw there was something in it; I don't know what it was.

Q. Did Mr. Moulton speak to you concerning that clause of the letter? A. I don't recollect.

Mr. Beach—Is that the same memorandum?

Mr. Evarts—It is a new memorandum of dates. It is the same which we have offered to show you.

Mr. Beecher—I have likewise here the printed copy of documents and letters, upon which I have made suggestions. These are printed copies of the letters.

Mr. Beach—Well, sir, as I had supposed, this turns out to be something more than a memorandum of dates. There are subjects classified and arranged so as to suggest the subject matter spoken of, under particular heads. I think this is incompetent.

Mr. Evarts—How incompetent?

Mr. Beach—It is not competent for a witness to reduce his testimony in writing wholly or in part.

Mr. Evarts—The paper I am referring to is the paper spoken of at the outset; it was offered to you and you made no objection.

Mr. Beach—I didn't, but when I thought there was in it something of substance, I made inquiries in regard to it.

The Judge—It may be a too full memorandum.

Mr. Beach—Can Mr. Evarts use it if it be a too full memorandum.

The Judge—Yes.

Q. Look at No. 13, which is one of your letters; look at the passage, "I am now at home here with my sister." Does this passage refer to the period when Mrs. Perkins was your housekeeper in your wife's absence? A. Yes sir; this letter was written during that period; that was the period at which Mrs. Perkins was at my house; she was with me in the winter season; the winter and spring seasons of 1872 and 1873.

Mr. Evarts—One of them 1872 and 1873, and was the other in 1871 and 1872? A. If I recollect right she was there with me in the spring of 1872 and 1873.

Q. But not in the spring of 1871? A. That is my impression; I think she was not.

Q. Well, it is in evidence. The evidence is exact as to the time. A. Well, that must be the evidence of somebody else.

Q. Well, during this period of the interviews that took place in the early winter of 1871, between you Mr. Moulton and Mr. Tilton, was your sister then your housekeeper? A. No, sir.

Q. This letter you have in your hand must have been written in 1872 or 1873? A. 1872.

Q. Has this letter which I have here any relation to the letter of Mrs. Tilton to you of March 8, 1871? A. No, sir; none.

Q. It is not, then, an answer to your letter? A. It is not.

Mr. Evarts read the letter, as follows:—

The blessing of God rest upon you! Every spark of light and warmth in your own house will be a star and a sun in my dwelling. Your note broke like spring upon winter, and gave me an inward rebound toward life. No one can never know—none but God—through what a dreary wilderness I have wandered. There was Mt. Sinai, there was the barren sand, there was the alternation of hope and despair that marked the pilgrimage of old. If only it might lead to the promised land, or, like Moses, shall I die on the border? Your hope and courage are like medicine. Should God inspire you to restore and rebuild at home, and while doing it to cheer and sustain outside of it another who sorely needs help in heart and spirit, it will prove a life so noble as few are able to live! and, in another world, the emancipated soul may utter thanks!

If it would be of comfort to you now and then to send me a letter of free inwardness—the outcome of your inner life—it would be safe, for I am now at home here with my sister, and it is permitted to you and will be an exceeding refreshment to me, for your heart experiences are often like bread from heaven to the hungry. God has enriched your moral nature. May not others partake?

Q. To what relation or situation between yourself and Mrs. Tilton does that letter relate?

Objected to. Overruled.

Mr. Beecher went on to say that this letter related to the condition of Mr. Tilton's family, in regard to which himself, Mr. Tilton and Mr. Moulton were engaged in attempting to harmonize and restore confidence between husband and wife; he thought he had seen an improvement when he labored seduously to restore peace to the household, and he encouraged Mrs. Tilton, as her pastor and her friend, to use every means within the compass of her power, to remove the sorrow that surrounded her.

Q. The latter part of the letter, Mr. Beecher, contains these words, underscored:—"*Send me a letter of true inwardness.*" Was there any special or conventional meaning in the words? A. No; only whether she could write to me of her religious feelings, as distinguished from her external sentiments.

Q. There is another phrase in the letter—"It would be safe, for I am at home with my sister." Was there any special or covert meaning in that? A. No; out that by agreement there would not be any hindrance to our social relations; that was in February, 1871.

Q. Do you remember whether this letter was written subsequent to an interview which has been spoken of in the testimony of Mr. Tilton—an interview you had with him in the cars at Springfield? A. I do not know that I can; I remember that I had an interview with him in the cars at Springfield.

Q. Can you say that letter was written in 1872, subsequent to your interview with Mr. Tilton in the cars? A. I cannot recall anything about it.

Q. Do you know how early in the winter of 1872 your wife left your house to travel for her health? A. She left it at different times and at different seasons.

Letter handed to witness. He said, "I have a recollection of writing this letter."

Mr. Evarts then read the letter. It is dated 20th January, 1872, and addressed to Mrs. Tilton. In this letter Mr. Beecher says he is standing on the edge of another life; that he shall be away next week giving a course of lectures; that his wife had taken the boat for Florida; that he had called on Mrs. Tilton on Wednesday, but found she was out; and that he hoped that she was now growing stronger and happier.

Mr. Beecher said that letter must have been written when he was at home with his sister.

Q. Now, sir, here is a strip of paper put in evidence? A. That paper is in my handwriting.

Q. Can you connect that slip or memorandum with any other letter, or can you say it was inclosed in any other letter? A. I can't remember.

Q. Does it connect itself in your mind or memory with any other letter? A. No, sir.

Q. State on what occasion that letter was written—the same one I read last to the jury? A. Why, I don't understand what you mean exactly, sir. Do you mean that——

Q. What event or circumstance occurred in the family of Mr. Tilton? A. The death of Mr. Tilton's mother occurred about that time; I didn't attend the funeral.

Mr. Beach—Was this letter written with respect to that circumstance?

Witness—No, it was during that period.

Mr. Beach—I understood him to ask what circumstance gave cause to the letter.

By Mr. Evarts—That event had just happened in the household of Mr. Tilton? A. It was near that time.

Q. Well, within what time? A. I can't say, sir.

Q. Was it very near, indeed? A. Yes, it was near.

Q. Within a few days? A. Well, I should say within a week or a fortnight.

Q. Now, in looking at that letter, do you recall any special circumstance to which that referred or which led to the writing of that quotation and the residue of the letter. A. Well, it was a letter written, as near as I can recollect, sir, in furtherance of the same line of efforts, that I have spoken of again and again and again, to keep heart and courage in Mrs. Tilton, and from time to time to let her know that I thought of her and prayed for her and was looking to see the good fruit of her own endeavor. This was written on Saturday, and I was going to be gone week after week, right straight along, and I wrote to tell her that I had called to see her.

Mr. Beach—I submit, sir, that——

Mr. Evarts—You did tell her you had called to see her? A. Yes, in the letter.

Q. So stated in the letter? A. Yes, in the letter.

Q. Well, that speaks for itself, of course. Did you know at the time of writing this letter of the care or attention that Mrs. Tilton has given to the nursing of Mr. Tilton's brother? A. I did.

Q. You had been informed of that? A. I had.

Q. Now how had you learned of that? A. I had learned it from Mrs. Morse, I think, principally.

Q. But you had heard of it? A. I had heard of it.

Q. Was it a prolonged illness and nursing? A. I can't say about that very definitely; but I remember his being a feeble person, and I had seen him there for years before, from time to time, and knew him to be a very delicate and feeble person. I heard of his being in the hospital, or in the "Retreat," and I heard of his death, and I heard also of Mrs. Tilton's great kindness to him.

Q. Now, you had called upon her, had you, when this letter was written? A. Yes; called at her house.

Q. And didn't see her? A. I didn't see her; she was out.

Q. She was out? A. So they said.

Q. You said you had to leave town for a considerable absence? A. It would be an absence that would run to spring, taking out the heart of the week.

Q. It was a prolonged occupation of certain days of the week? A. I had twelve lectures to deliver in New Haven, week by week.

Q. Now, there is a reference to your wife's leaving for Havana—was there any special occasion or purpose for mentioning that?

Mr. Beach—I object to that, sir.

Mr. Evarts—It is a proper subject of information here that there was a special occasion and purpose.

Judge Neilson—You might state the fact that she was to leave.

Witness—She was to leave.

Mr. Evarts—The imputation has been, if Your Honor please, that this was

AN ADVERTISEMENT TO MRS. TILTON

that it would be safe for her to make visits to his house because his wife was to be gone. That is the length and breadth of the imputation made, and I ask him the distinct question whether that statement was made with any special purpose or intent.

Mr. Beach—And that is objected to, because that is to be derived from the language of the letter.

Mr. Evarts—I think not.

Mr. Beach—Well, sir, take the extreme instance, that Mr. Beecher had written a note in direct terms to Mrs. Tilton inviting her to visit his house, for the reason that it would be safe, his wife being absent. Can he come forward and deny the language of the letter or saying what his purpose or intent was? Are we not to derive it from his acts and from his declarations made at the time, and not from any interpretation he may choose to place upon it now?

Mr. Evarts—Why, if your Honor please, if this language has any possible significance other than its own forms, and when it is imputed that in a letter from a gentleman to a lady a statement of a domestic fact—that Mrs. Beecher was to leave at a certain time—is brought in for the purpose of making an imputation that it was advance information to cover an assignation, and the party that wrote it is on the stand—why, then, it is competent, by every rule of evidence, to show he had no such meaning. I ask your Honor's attention to the case of Mickey vs. Burlington Insurance Company. (Here the counsel quoted the decision of the Supreme Court of Iowa in this case, which, he argued, sustained him in his right to ask the question.)

Mr. Beach—The question reaches much further than that.

Mr. Evarts—All I ever claimed, as I understand it.

Q. Now, Mr. Beecher, in this announcement of the fact of the proposed day of your wife's leaving was there any intent or purpose in respect of any visits of Mrs. Tilton? A. None whatsoever.

Q. And, as a matter of fact, was she at your house thereafter? A. No, sir; she was not.

Q. (Showing paper.) That little note refers to your seeing Mrs. Tilton "next Friday" if you don't see her to-morrow, "if I don't see you to-morrow I will see you next Friday." A. "If I don't see you to-morrow night I will next Friday."

Q. Now can you from that memorandum recall any circumstance or date or day of the week on which that was written? A. I can't fix it as to time definitely; I recollect the circumstance; I know Mrs. Tilton wished to see me about her mother, and I dropped this hasty note to say if I didn't see her Friday night I would the next Friday night.

Q. Yes; well, the first Friday night was a future prayer meeting? A. Was to-morrow.

Q. So that your view is that note was written on Thursday? A. On Thursday; I know there was such an occurrence, and I suppose this to be the note referring to it.

Q. Where on Friday night would you have seen her? A. In the lecture room, or after the lecture.

Q. Is that the reference to Friday night? A. That's what I understand it, sir.

Q. At that time, as now, Friday night was regular lecture and prayer meeting? A. It has been any other—the regular prayer meeting night; and it is the night of errands, [illegible] and so on at the close.

Q. Well, now, what is the habit at the [illegible] changes between you as pastor and those of your congregation who present themselves; [illegible] any privacy about them? A. No, sir; they all take place in the front; in the cluster of people.

Q. Yes; in the public room? A. Always.

Q. And in the presence of such as are there? A. Yes, sir; they stop from twenty to fifty, one hundred sometimes, and generally there are from ten to twenty little errands or engagements, or people that want specially to see me and ask what day they can come and see me; there are persons to know if I can attend to baptisms and some persons want to know if I have received a note or if I will come and take tea with them and a thousand little things of that kind; I am out of town so much

IT IS DIFFICULT TO GET AT ME.

Q. (Showing witness a paper) Please look at this letter (letter from Mrs. Morse, October 21, 1871), say if you remember receiving it and delivering it to Mr. Moulton? A. Is it in 1871?

Q. October 21, 1871, it seems to be dated. A. It is her handwriting; if you will allow me to read it in print, it is so much easier.

Q. Yes, you can turn to it. The date seems to be fixed in some way satisfactory to all of us. Oh, it is dated October 24; it has always been printed as October 21. I don't know as it is—whether it is the 21st or 24th. Well, it is at the close of the passage, have you found it? A. Yes, sir; I have it in print.

Q. Well, sir, at the other end of it—"Do you know I think it is strange you should ask me to call you son." What does that refer to? A. A conversation I had with her at a wedding; she was under a great deal of feeling and felt she was——

Mr. Beach—I ——

Mr. Evarts—Said something to you about her feelings? A. She did.

Mr. Beach—Well.

Mr. Evarts—I think it is quite competent for us to show what had passed between him and Mrs. Morse which led to that expression of her—that she thought it strange he should ask her to call him son.

Judge Neilson—If the witness answers it was an interview between him and Mrs. Morse which led to this, would it be necessary to enter into conversation?

Mr. Evarts—We introduced the letter for nothing else but this, that it was the imbroglio of the family that gave rise to this; now I want to know what that was—what passed between him and Mrs. Morse.

To witness—Now, what arose between you and Mrs. Morse? A. Well, it was, simply, she had no counsel; no one she could go to; she could not go to her daughter, and I said to her, "take counsel of me, as if I were your son;" it was a complimentary and courteous statement, made offhand, without any particular considerations, but in all kindness, and she seized upon it and after——

Mr. Beach—No, no.

Mr. Fullerton—That won't do.

Judge Neilson (to the witness)—You understand that to be the meaning of the expression. A. Yes, sir, that was.

By Mr. Evarts—What wedding was this? A. I don't know.

Q. Do you remember whether it was Miss Bradshaw's wedding? A. I think not, sir; it may have been that wedding.

Q. It may have been Miss Bradshaw's? A. Yes, sir; but I can't affirm it at present.

Q. You say she spoke of trouble and of having no counsellor. What trouble was it she referred to? What trouble was it she referred to in reference to this? A. Trouble in the family of her daughter, and her own troubles came up also.

Q. Were they matters of pecuniary consideration that she referred to? A. It was only in part that, sir; it was——

Mr. Beach—One moment.

Mr. Evarts—That gave the origin to the phrase used by her, concerning which she writes you?

Mr. Fullerton—I object to it.

Judge Neilson (to witness)—so far as you know?

Mr. Evarts—So far as you know?

Witness—So far as I know——

Q. Well the letter speaks of it; her phrase is, "I know it is strange that you should ask me to call you son;" did you at any time ever ask her to call you son in any other way than you have now stated? A. No, sir.

Q. And to take counsel with you? A. No, sir.

Q. Mr. Beecher, do you remember in May, 1871, or thereabouts, anything arising in reference to a card of Mrs. Woodhull that appeared in some of the New York papers? A. I do.

TILTON'S ACCOUNT OF HIS VISIT TO MRS. WOODHULL.

Q. How was that brought to your notice and by whom? A. I don't know, sir; I saw it in the paper.

Q. You saw it yourself? A. Yes, sir.

Q. In the paper? A. Yes, sir.

Q. About the time it appeared? A. Within a day or two.

Q. When did it become a matter of conversation between Mr. Moulton and you and Mr. Tilton and you? A. I think it was within a day or two; I have the impression the day following, but I can't say quite certainly.

Q. Now what occurred between you and Mr. Tilton and Mr. Moulton, or both, then consequent upon the appearance of this card? A. The only thing I recollect was an interview with Mr. Tilton after; a day or two afterward, in which he gave me an account of his visit to Mrs. Woodhull.

Q. Well just state how he described that interview? A. Well, sir, he said that as soon as he saw that card he was satisfied that it had reference to him and his household, and that determined he