THE BROOKLYN MISERY.

Conclusion of Mr. Beecher's Direct Examination by Mr. Evarts.

A FORCEFUL DENIAL OF CRIMINALITY.

Mr. Fullerton Puts the Defendant Into the Crucible of Cross-Examination.

SHARP SPARRING ON POLEMICS.

Beecher Thinks Kissing a Pleasant Subject for Remembrance.

RIDING WITH ELIZABETH.

Why the Pastor Neglected the Friday Evening Prayer Meeting at Tilton's Demand.

The direct examination of the great witness in the Brooklyn trial is over and the cross-examination has begun. It will continue, in all likelihood, for many days more. Mr. Evarts sat down at ten minutes past twelve yesterday, after reaching his final climax. Beecher's *tour de force* as a witness was accomplished the second day, when he made his solemn and startling denial of ever having had any improper intercourse with Mrs. Tilton. It was a remarkable day in court, and was hardly thought capable of being repeated. Mr. Evarts left to the last the re-enumeration of those questions which struck at the vital issue of the case, and then taking them up and spreading them out one by one in close order, so as to cover the whole ground of the scandal, he demanded the reply of the witness.

THE VITAL INQUIRIES.

Did he ever have improper intercourse with Mrs. Tilton at any time from December 30, 1870, to the present hour?

Did he ever have improper intercourse with her at any time before?

Did he ever have improper intercourse with her at any time in his whole life?

Was he ever, by accusation, imputation or intimation, charged by Mr. Tilton with having improper relations with his wife at any time whatever?

Was he ever, by accusation, imputation or intimation, charged by Mr. Moulton with having improper relations with Mrs. Tilton?

To all of these pregnant and comprehensive questions the witness returned a direct and emphatic negative, and the examination ended.

FOUR HOURS LATER

a change of sentiment seemed to have stolen over the court room. Mr. Beecher was under cross-examination. When it ended for the day the face that descended from the witness stand was not the same as that which went up there in the morning. The hair was smoothly brushed back from the brows, the color was even and healthy, the eye was clear and beaming and the general expression confident and easy in the morning and at noon. The eyelids are heavy now, the blood gathers in blotches over the face, the hair is tossed forward, confidence of look is gone and nervousness plays around the lips. A singular mutation in a few hours. The cross-examination chair has not been a bed of roses. Its terrors have not been exaggerated. It is the rack where not the body but the mind is put to the torture. Innocent and guilty have more or less experienced its horrors.

AN OPPORTUNE CHIME.

The bell never tolled its noonday chime to a more appropriate step in the proceedings than when the witness firmly and solemnly answered for the third and last time, "No; none whatever," to the final question of a series as to whether he ever had any sexual intercourse with Mrs. Tilton. This was the signal for a lively stir in the audience. The great moment was at hand that everybody present was impatient to enjoy—the opening of the cross-examination.

FULLERTON'S OPPORTUNITY.

At a quarter-past twelve Mr. Fullerton stood up to begin the cross-examination. He was allowed plenty of room at the table where he customarily stands. Mr. Beach sat opposite to him and out of his accustomed place. Deep interest was depicted in every face as Fullerton rose to his feet. He spread a quantity of papers before him, took his glasses in his right hand, straightened himself up, and with a distinct pallor stealing downward from his forehead and with evident nervousness of manner and voice started his first question as to the motive of the witness declining to swear upon the Bible. Beecher met the first crucial moment with some degree of nervousness. He had evidently dwelt long and uneasily on the terrors of a cross-examination. Both men, it must be said, exhibited a mutual tremulousness, but it wore off, to all appearance, in perhaps ten or twenty minutes. Beecher, as he regained his confidence, rose higher as a witness than ever before. All his faculties gradually came into active play. Fullerton was slower to recover complete command of his powers. He cast his voice in a low and almost tender key, which was sustained for nearly the whole day.

NO GAIN YET.

Fullerton gains nothing in the start. The witness is clear and convincing. His answers with force, precision and effect. Tilton was conducting the *Independent* in a manner that excited the warm indignation of the congregationalists of the Northwest. "His views on marriage were too loose. He had enlarged the facilities for procuring divorce." Counsel pushes witness closely for a definite answer as to whether he thought Tilton unfit to conduct a paper like the *Independent*, holding such views as he did. Finally the witness replied, A man who is young may, if he chose, teach crude doctrines. He believed age would correct that.

TILTON LOOKS ADMIRINGLY.

Tilton, sitting near Fullerton, his face thrown back, fixes his eyes with what seems a look of admiration on his quondam friend and teacher in the witness chair. Beecher rises above the plane of the cross-examiner as he proceeds. A great intellect appears to have been aroused and is actively at work. Brilliant things are expected. There is a mind that rusts and decays in the absence of opposing elements. Sharp, active mental attrition keeps up the shining surface, and makes the sparks of genius fly. Recess comes, and Beecher is congratulated on all sides.

AN HOUR LATER

he is again on the stand, and the two men are changed. Fullerton is in his full vigor. His nervousness has disappeared. The color is restored; the voice—ever low, melodious and insinuating—is in prime and effective tone. The witness has grown older; a reaction has occurred. The vigor and brightness of the forenoon are diminished; the voice is weaker. Fullerton lifts himself on his toes, looks at the witness searchingly, and inquires who invited him to visit Mrs. Tilton? From this point forward to the end

THE ADVANTAGE

is with Fullerton. Three or four times the witness loses his temper; three or four times he loses his head, and where he might have met and routed the enemy by a trifling exercise of thought and patience, he falls back upon the painfully monotonous plea easy to anybody.

THE EVIDENCE.

At a quarter past eleven Mr. Evarts resumed the direct examination of Mr. Beecher, eliciting the fact that Henry A. Bowen, who brought to him a message from General Butler, was a son of Edward Bowen and nephew of Henry C. Bowen. He was simply a messenger in the matter. Mr. Beecher proceeded, under questioning, to contradict Moulton's testimony in reference to Tilton's action after his wife had appeared before the committee and in reference to the $5,000 handed by Beecher to Moulton for Tilton.

Q. Now, Mr. Beecher, do you remember a conversation which you had with Mr. Moulton, in which this matter of the $5,000 was spoken of? A. I do.

Q. When did it take place? A. I think it occurred, sir, on that same Sabbath, afterward, when I came to his house, but I cannot be definitely certain about the time, but it was in that neighborhood; he asked me suddenly, after we had been talking on one and another topic, if I had named that $5,000 subject to anybody, and I said to him I had; he wanted to know to whom; I mentioned whom; "Well," he said, "that is not very fair;" but I must not mention that and that he should deny to anybody the charge that was made—that he should deny it.

Q. Did you tell Mr. Moulton what you had said about it and to whom? A. I did; I said I mentioned to Oliver Johnson that I did so, because Mr. Johnson, when he had visited at the house of Mr. Curtis, in New York, had heard censures reflecting my course to Mr. Tilton, and I told him that it was not so; that I would always do anything within reasonable bounds, and that I had recently advanced $5,000 to set the *Golden Age* afloat.

A GENERAL DENIAL OF CRIMINALITY.

Q. In the early part of this examination when I brought these matters to your attention down to December, 1870, in relation to those parties, I inquired of you whether there had been any improper relations between Mrs. Tilton and yourself. I now ask you whether since the 1st of December, 1870, and up to the commencement of this suit, there had been any improper relations between Mrs. Tilton and yourself? A. None at all.

Q. Did you ever ask any improper favor from her? A. Never.

Q. Have you received any? A. Never.

Q. Have you had any sexual or carnal intercourse with her from the period I have named? A. No, sir.

Mr. Evarts—Will the stenographer read the last few questions I have asked?

Mr. Andrew Devine, one of the official stenographers, read the questions as asked.

Mr. Evarts—Now, Mr. Beecher, I will ask you this question—Whether, from your first acquaintance with Mrs. Tilton until the present, you have ever had any improper relations with her, or received any favors from her unsuitable for her as a woman to grant, or whether you have ever asked her for any? A. No, sir; I never have. There has never been anything between her and me answering to anything implied or stated in your question. [This answer produced in court a distinct murmur of approval, but there was no attempt at actual applause.]

Q. Mr. Beecher, Mr. Tilton was asked this general question at the close of his direct examination—"Now I want to ask you this general question, whether, from first to last, Mr. Beecher ever denied criminal intercourse with Mrs Tilton?" and he answered "No"—I ask you with reference to that question and that answer, whether Mr. Tilton ever used to you or in your presence any language of accusation or imputation or intimation that there had ever been criminal intercourse between yourself and Mrs. Tilton? A. He never did.

Q. Now, the answer of Mr. Tilton proceeds with this statement:—"I would like to amend my answer in regard to that by saying that when Mr. Beecher spoke of it he always said that the criminality attached to him alone and not to Mrs. Tilton, or insisted that she was not to blame." Did you ever make any statement of that kind or effect in connection with any accusation, imputation or intimation of criminal intercourse between yourself and Mrs. Tilton, or in any answer that you made to any such accusation, imputation or intimation? A. No, sir, I never did.

Q. Mr. Moulton was asked at the close of his redirect examination, "There is but one other question, and it is this—in any of the conversations your attention was called to on cross-examination by the other side"—conversations between Mr. Moulton and Mr. Beecher—"did Mr. Beecher ever deny his sexual intercourse with Mrs. Tilton?" Now, sir, did Mr. Moulton, in all his intercourse with you, or in any of his conversations with you on the subject of your relations with Mrs. Tilton, or on any of the subjects connected therewith, that formed topics of conversation between you, at any time make any accusation, or imputation, or intimation of sexual intercourse between yourself and Mrs. Tilton? A. He never did.

This ended the direct examination, and at ten minutes past twelve o'clock Mr. Fullerton began

THE CROSS-EXAMINATION OF MR. BEECHER.

The witness said:—When the Bible was presented to me on the stand I declined to swear upon it and I swore with uplifted hand.

Q. Has that been your custom? A. There has been no custom about it, sir; I never took an oath until this suit began, except to swear to a document, and then I always swore with the uplifted hand.

Q. Did you appear before the Grand Jury, sir? A. I did.

Q. Did you not then swear on the Gospels? A. I presume I did; I do not recollect distinctly that I did, but I presume I did.

Q. You did not then state you had conscientious scruples to be sworn upon the Bible? A. I have no recollection; I have no recollection whether I was then sworn on the Bible.

Q. What were your conscientious scruples when you were asked to take the oath on the Bible? A. It did not happen to me until after I had come into court, and heard the various witnesses, to examine into the oath, and when I came to swear I felt it was unwilling to swear except by that form which was my private right, if I swore in the ordinary sense; to swear by God and not by any lower symbol of the divine presence.

Q. Do you know how you swore to that document? A. What document, sir?

Q. I refer to your answer in this case. A. I do not take your meaning, sir.

Q. In the answer that you put in in this case, did you not swear on the Gospels when you affixed your name to the paper? A. I think not; I recollect when and where I was sworn, but I do not recollect swearing on the Gospels; I cannot recollect the form of the oath; I have a recollection of every form, but I cannot recollect the form in which I took the oath; I took the oath in New Hampshire, and whatever was the form of oath there I suppose it was administered to me according to that form; my wife may have gone South in the early part of January, 1871.

Q. Don't you recollect Mr. and Mrs. Tilton met your wife in Florida in January, 1871? A. Mr. Moulton spoke to me of meeting Mrs. Beecher in the South; Mrs. Beecher went out there early in the year; Mr. Moulton told me, in March or April, 1871, of meeting Mrs. Beecher South, but I can't tell precisely the time she left for the South; if you let me look at my memorandum I think I can tell you (looks at memorandum); I think Mrs. Beecher returned in May, but I can't be certain; I cannot say who was my housekeeper in May, 1871.

Q. Was it not your sister, Mrs. Perkins? A. Mrs. Perkins kept house for me during two seasons, but I cannot give the date or the time.

Q. Was she the only sister who kept house for you during the absence of Mrs. Beecher? A. She was.

Q. Can you now state Mrs. Perkins did not keep house for you while Mrs. Beecher was in the South? A. I cannot make any definite statement; it may have been in 1872 or 1873, but I do not remember; my daughter kept house for me one season and Mrs. Perkins for two seasons.

Q. When did you first hear that Theodore Tilton had fallen from the orthodox faith? A. In that broad form I do not know that I heard it until a late period, but I heard suggestions as to his loose and dangerous tendencies as early as 1865.

Q. Loose in what respect? A. Loose in regard to his theological views.

Q. Did you hear it talked about? A. Yes, as early as 1865; I only thought he was going through that fermentation of mind which every good and ingenuous man ought to go through when his traditionary beliefs are changing to his personal beliefs.

Q. When did you believe that he had got through? A. I never heard it; I have heard he was not orthodox in his faith, and you ask me when he got through that fermentation.

Q. Did you not hear that he had settled down to infidel notions? A. No; I heard that some of his articles in the *Independent* had excited comment in the Northwest.

Q. Did you hear what those articles were? A. I never read the articles since they were published; they were giving the ideas of the catholic notions of the *Independent* and the largeness of its catholicity, and the comprehensiveness of the minds it meant to include, and I recollect very distinctly saying that I regarded Mr. Tilton as stating what probably was true and safe in expressing only what would excite the prejudices and the alarm of a great many good men; I thought his sentiments unsound as sentiments of policy; it was a question of the policy of the paper; I did not think the criticisms of Dr. Edward Beecher sound, because his criticisms fell upon me; he thought I was responsible for the paper to a degree; I did not approve of the criticism, so far as any connection was imputed to me; I do not recollect now that I ever met in the *Independent* or had my notice brought to any article in that paper discussing doctrines opposed to me; I do not recall any article except that which I criticised on the ground of the injudiciousness of the conduct of the paper or a partial or unfair statement of truths which I thought he could have stated conscientiously better; I had an impression that what are called the rigorous orthodoxy of New England and the orthodoxy of the Northwest were opposed to Mr. Tilton, and that there was a growing disfavor to his teachings; that was my general impression; I had an impression that the more rigorously orthodox were still being set against him, and that Mr. Tilton was being taken up by what was called the progressive wing of the Church; I should not have said that I thought him to be a safe public teacher on doctrinal matters, but from the time he assumed the chief management of the *Independent* in 1864 or 1865 I did not think of him in the light of a doctrinal teacher; I thought of him in the light of one who applied ethics to practical life; he was editor of the *Independent*; it was not a religious paper in the sense of being theological; it was in some sense a religious paper; it passed as a religious paper, undoubtedly, among a class; it promulgated the special doctrine of Christianity when it was under the control of Dr. Bacon, Dr. Storrs and Dr. Thompson; afterward it had fallen from the grace of doctrinal teaching; it assumed a position of far more vital ethics, and discussed living questions from the standpoint of Christian truth; I regarded Mr. Tilton as being in a transition state, and as holding imperfect views, which would gradually ripen and become hurtful, but I had hope of him in his career, however much I might think certain parts of it were impolitic and crude; undoubtedly I think he expressed his real sentiments in the articles in the *Independent*; I think I first heard complaint against him in regard to his religious doctrines in 1865 or 1866; between 1865 and 1869 Mrs. Tilton consulted me as to whether it was safe for her to bring up her children under such influences as Mr. Tilton exerted; I learned from her at that time more or less of the disappearance of his faith in the divinity of Christ, and I learned also from him that he was inclined to what might be called an unbelief in the inspiration of the Scriptures, and what is called a loose doctrine of inspiration; I regarded his notions about the doctrine of the divinity of Christ as worse than loose; I thought it to be heretical; I learned this prior to 1869, but I will not be positive; I thought if he was at the head of a theological magazine he was the last man fit for such a position, but that at the head of a paper that did not undertake to expound theology but apply Christian ethics, I did not see anything objectionable in that; I did not think it was well enough, but it was tolerable—it was a thing to be endured.

Mr. Fullerton then read a statement made by Mr. Beecher to the effect that Tilton's opinions in the *Independent* had caused a storm of indignation in the Northwest and led to the starting of the *Advance*.

Mr. Beecher said this was substantially true; there was a storm of indignation among the Congregationalists in the Northwest regarding Tilton's views in the *Independent*; I disclaimed all responsibility for Tilton's views to my brother Edward, who wrote me a very severe letter; my brother Edward was then living in Illinois; he was indignant at Mr. Bowen for the course taken in his paper; I heard no remonstrance except from my brother Edward; I was indignant at the fact, knowing that there was an uprising throughout the Northwest on the subject; my brother Edward in a letter to me undertook to hold me responsible for Mr. Tilton's views and for the publication of them in the paper; I should be indignant at being held responsible for anybody's views and being held blameworthy for them; if I am rightly informed the *Advance* was started only partly for the purpose of superseding the *Independent*, partly growing out of the dissatisfaction with the *Independent*.

Mr. Beecher was then interogated briefly in regard to Mr. Tilton's views upon marriage and divorce. He stated that he regarded those views as being in their tendency very mischievous, much too loose; from what he heard in the community he regarded his doctrines as dangerous; he began to shadow forth loose views on morals and doctrines; "if," continued Mr. Beecher, "understood he had loose notions on some subjects; Mrs. Tilton consulted me as to whether it was safe for her to bring up her children under such doctrines of marriage and divorce, but I don't think that that came up very frequently."

Mr. Beecher was then questioned as to whether he had not gone out to ride in a buggy with Mrs. Tilton. He said he had on two occasions; he thought it was in the early part of 1872; the ride in each instance was, he thought, in a buggy; he did not remember that either he or Mrs. Tilton alighted from the buggy during the ride; on both occasions he thinks they drove to the Park; before that he thinks he had taken some rides with Mrs. Tilton, but he had no recollection of them definitely; he did not think they went to Greenwood; he could not say where he got the carriage from nor could he say who the driver was; he did not recollect if any other person accompanied them; he recollected two rides in the buggy with Mr. Tilton and none others; he believed he made other rides, but could not recall them; he did not recall riding out at any time when any of the children accompanied him; does not recollect riding out in 1868 in a close carriage with Mrs. Tilton; has no recollection of Mrs. Tilton leaving the carriage at any other than her own residence; thinks Mrs. Tilton never visited him at Peekskill—certainly not while he was there; has a vague recollection that Mrs. Tilton accompanied him to a photographic gallery; has no recollection that she was present while his picture was being taken; had spoken of a visit to Mrs. Tilton in August, 1870; fixes the date by having investigated it; thought it was in July, but found it was in August—early in August; received a note from Mrs. Tilton requesting him to visit her; had looked for that note, but could not find it; had no doubt it was lost; in that note Mrs. Tilton informed him that she was ill; that she would be glad to see him if he was coming to the city; his impression was that he was coming down from Peekskill the next day, and that he came on the joint errand; was in the habit of visiting some of his parishioners during vacation—Mr. Chadin and others; would visit them if there was a funeral or sickness; in his visit to Mrs. Tilton he found her on her couch in the receiving room on the second story; the visit lasted about half an hour; could not say if he returned to Peekskill the same day; thinks he must have returned the next day; called to see her more than once—about the same hour next day—but did not see her; has not in his possession, that he knows, a single one of Mrs. Tilton's letters that have not been produced in evidence; he had searched his house with his eyes and found none; had not returned, to his knowledge, any letters that Mrs. Tilton wrote to him; she had not returned any letters to him, to his knowledge; he had not received any; on the second occasion when he called on Mrs. Tilton she sent him down a scrap of paper on which there was writing; he did not preserve that; he did not know what became of it, as he was not a preserver of letters or papers.

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

AFTER RECESS.

The news that Beecher was under cross-examination brought many more than the audience of the forenoon back to the court room. Moulton, who had been absent in the morning, came in and took a seat next to Tilton. The witness ascended the stand promptly on returning, and Fullerton went to work with a much cooler method than before. He plunged directly into the heart of the case by asking the witness who was it invited him to visit Mrs. Tilton in December, 1870. The witness answered, "Mr. Tilton," and corrected himself the next moment by saying he mistook the question as referring to the year, not the month. In that month he had been invited to see Mrs. Tilton by Mrs. Morse. Fullerton was gradually settling himself into the saddle and the witness for the first time was beginning to feel the sharp spur of cross-examination. "Give us that interview between you and Mrs. Tilton and Mrs. Morse." Fullerton returned a hundred times to the charge, cooler, brighter, sharper than ever he showed himself before. The witness did not shine at this crisis. His voice lost its firmness and acquired a slightly plaintive tone. For a moment he was combative and turned on his interlocutor, who would insist on repeating a question several times. "I cannot, sir, give you any other answer." This with an angry growl, like a lion at bay.

INTERPRETING MRS. MORSE.

The witness received a letter from Mrs. Morse, which contained several allusions to the "crushing trouble" under which Mrs. Tilton was laboring. Counsel read it clause by clause, pausing, and, with significant looks and emphasis, asking the witness if he knew what this sentence and that meant. The answers were invariably, "I cannot say," or "I do not know," but he had a theory. "We don't want theories." "Well, then (angrily), I cannot give you the answer."

THE CROSS-EXAMINATION OF MR. BEECHER RESUMED.

Q. I now come to your visit to Mrs. Tilton in December, 1870; by whom were you requested to make that visit? A. By Mrs. Morse, through Bessie Turner.

Q. Where did Bessie come to you with that request? A. To my house.

Q. And what did Bessie say? A. She said she had called at Mrs. Morse's request, who wished me to come to her house and see her, that Mrs. Tilton was there and that she had left her husband.

Q. Was that all? A. No; I then expressed my astonishment at such a state of affairs, and she proceeded to speak in strong and positive language, of the injustice done to Mrs. Tilton.

Q. What did she say? A. She said that Mrs. Tilton had been so treated by Mr. Tilton that she thought she ought to take some such steps, that she was justified in taking such steps, that Tilton had abused her and that Tilton had struck her, Bessie describing the passion she was accustomed to see him in——

Q. Give the words. A. I cannot give the words.

Q. Give the substance. A. I have been giving the substance.

Q. You are giving a description. A. I was giving a declaration that Tilton in his passion on one occasion struck her—that he had done more—that he had made solicitations of an improper character to her, Bessie, and that he had on two occasions done so; I said something to her, that there must be a mistake; she gave me some description of the nature of those solicitations; some statement of it, that Tilton came to her bed, and told her that the matter of his solicitation was no more than this, that it was just as much an expression of love and affection as kisses and caresses; I think that phrase is very nearly in her own language, but generally I don't give her language.

Q. Give all that was said at that interview. A. I don't at this moment recall more than this in substance.

Q. You said in your direct examination that Bessie gave this information with downcast looks? A. Yes.

Q. With modesty? A. Yes.

Q. Did she state anything else? A. I don't now recall anything more; I cannot give further the particulars or the language.

Q. Did she not tell you what she had herself seen? A. She told me she had seen Tilton treating his wife with great rudeness and cruelty; it was all about his house of her.

Q. Do you remember that at that time you were greatly shocked at it? A. Yes, I was shocked.

Q. Did you believe all that Bessie Turner told you? A. Yes, I supposed it was so.

Q. Did you believe it was true? A. I believed it just as a man believes what he has not yet proved; I believed generally it was so.

Q. Did Bessie Turner visit you more than once at that time? A. I cannot say as to that, sir; I recollect distinctly but one visit.

Q. Did Bessie Turner tell you anything that Mr. Tilton had said to his wife? A. She may have done so, but I cannot recall it.

Q. What did you do when you received that message? A. I told her I would come, and I went either that day or the next.

Q. Where did you find Mrs. Tilton when you called? A. At her mother's.

Q. Had the relations between yourself and Mr. Tilton been friendly at that time? A. I can hardly say we had been intimate; there was an external friendliness; that external friendliness was sincere on my part; he had my best wishes and my kindest wishes; I felt friendly to him.

Q. When did you last see him previous to that visit? A. I don't recollect that I had seen him to speak with him for some six months previous to that; I passed him once upon the street, but I did not stop to speak to him.

Q. There had been no open rupture between you? A. No.

Q. No expression of ill-feeling? A. No.

Q. On the occasion of your visit to Mrs. Moulton who did you find there? A. Mrs. Morse and Mrs. Tilton; I think they were together, if not when I entered they were very soon after.

Q. That was a memorable visit was it not? A. Yes.

Q. It impressed itself on your mind? A. Yes.

Q. Can you give the particulars of what occurred? A. I cannot.

Q. Do the best to recall the particulars of that visit from the time you entered till you left. A. I entered into some conversation with them; I stated what had brought me, and expressed some regrets.

Q. State what you said. A. I cannot recall all; I expressed regret at the occasion of my visit—that there should be any misunderstanding between Mrs. Tilton and her husband; Mrs. Morse did the most of the talking, and she, in her practical, incisive, earnest way, gave me some statement.

Q. What was that statement? A. I cannot give it.

Q. The substance? A. I am proceeding to give the substance; the substance was that her daughter had lived a life of great unhappiness; that she was subjected to great cruelty and privations, and that her life with Tilton had become intolerable to her, and that she had come to the conclusion to separate from him.

Q. What did she say the cruelty consisted of? A. I cannot say.

Q. Did she say the cruelty consisted of blows or words? A. I don't know that she charged him with having struck her.

Q. Can you recall what she said with respect to the nature of the cruelty? A. Violence of temper—that he failed to be a good provider for her family—it ranged——

Q. Give us the particulars: we will take the range ourselves? A. I would be glad to recall the particulars, but I cannot.

Q. Make an effort. A. I will endeavor to do so.

Q. In that conversation did not Mrs. Morse say that Tilton charged her (Mrs. Tilton) with conduct unbecoming a wife? A. I don't recollect any such language.

Q. Was anything said by her about the housekeeper? A. I cannot say whether I heard anything about the housekeeper on that occasion or afterward.

Q. What did Mrs. Tilton say on that occasion? A. She said very little.

Q. What was that like? A. It was an accusation.

Q. What did she say? A. I don't recollect a single sentence that she spoke; Mrs. Morse was the spokeswoman.

Q. What was the subject of conversation at that interview? A. They wanted advice from me.

Q. On what subject? A. On the subject of perpetuating the separation that had begun; that is all I can recall of the conversation.

Q. Did you remain in the room with them throughout the interview? A. I did; as to the extent of the interview I don't think it exceeded half an hour.

Q. Did you believe what Mrs. Morse told you? A. Yes.

Q. And what Mrs. Tilton told you? A. The impression on my mind was that they had told the truth; I suppose I believed it.

Q. Did not that impression amount to the dignity of belief? A. Not to absolute certainty; when I hear one side of a story I judge of it by its probabilities, and it is an approximate belief.

Q. Did you predicate any advice to what you had heard? A. Yes; that she should see my wife, who was a much better adviser on domestic affairs than I was.

Q. Did she see your wife? A. Yes, the next day; I don't know what passed at that interview; I can't recall any complaints that were made either by Mrs. Morse or Mrs. Tilton.

Q. What occurred as the result of that interview before you left? A. Nothing but that I prayed with them; we also concluded to go home and talk the matter over and decide upon what advice we should give them.

Q. You did go to them after? A. Yes; my wife went alone; we talked the matter over more or less, I holding it best not to break up the family relations, she inclining, from what had been told her, to believe that Mrs. Tilton ought not to continue living with her husband, and that was a matter of some considerable interchange of views between us, but at the last moment, when she was about to go, she asked me what my last word was; there was company in the room and I wrote on a little scrap of paper and handed it to her.

Q. This is what you wrote, "I am inclined to think that your view is right, and that a separation, with settlement and support, was the wisest?" A. That is it, I think—a part of it.

Q. Now, what did Mrs. Beecher state to you Mrs. Morse had told her with regard to this disagreement? A. I don't think my wife told me the details; I know she did not tell me the details of her conversation with Mrs. Tilton; I gave my advice for the separation on account of what Mrs. Morse had told me the previous day and my wife's judgment.

Q. And you acted on your wife's judgment without getting all the facts on which that judgment was predicated? A. I did in a very considerable degree; I had very great confidence in her judgment on such things.

Q. How long had you been acquainted with Mr. Tilton? A. Some twelve or fifteen years, I think.

Q. Before giving that advice you had not been Tilton? A. No; I had not seen him nor did I communicate with him in any way.

MRS. BEECHER AND MRS. TILTON'S INTIMACY.

Q. What degree of intimacy had existed between Mrs. Beecher and Mrs. Tilton up to that time? A. No great intimacy; they were on friendly relations.

Q. Had Mrs. Beecher been in the habit of visiting Mrs. Tilton at her house? A. Her health was such that she could visit but little anywhere.

Q. Had Mrs. Tilton been in the habit of visiting Mrs. Beecher? A. Yes; she called upon her several times; can't say that she visited her in 1870 or 1869; I can't give any date as to any of her visits; I have no record of the time; can't say that Mrs. Beecher had visited Mrs. Tilton within three years prior to this interview at her house.

A SHARP CROSS-EXAMINATION.

"That is not an answer to my question, Mr. Beecher," said Mr. Fullerton, with painful acerbity. The mass of listeners thought the witness had given a reasonably direct answer. It was plain that counsel intended this should be no rosewater inquiry, but a terribly cold-blooded inquisition.

Q. You had some conversation with Mrs. Tilton at the house at this time? A. Yes.

Q. Do you recollect giving her counsel as to bearing and continuing patient? A. I recollect saying to her that I thought, with the blessing of God, she would be able to bear up yet; she was very despondent.

Q. Did you say this to her, "Let patience have her perfect work?" A. I don't remember that I did.

Mr. Fullerton (reading)—"I have a recollection of only one single thing I said to Mrs. Tilton when alone, 'How is it that I have been so long with you and you never alluded to me about the distress in your household?' and she said she concealed it because she thought it would pass away; I gave her counsel, telling her to exercise patience, and said, 'Let patience have her perfect work;' and I joined with her in prayer;" is that true? A. That is true.

Q. That was after you heard what Mrs. Morse had said? A. Yes, sir; and what was said the next day.

Q. And notwithstanding that advice you the next day counselled separation? A. I did.

Q. I will now call your attention to Mrs. Morse's letter (reading)—"I did not think for a moment when I asked Mrs. B. as to your call there, supposing she knew it, of course, and she said you would not go there without her;" do you know what call Mrs. Morse refers to in that passage? I read further, "I was innocent of making any misunderstanding, if there was any?" A. I do not recall what it meant.

A PIVOTAL POINT

seemed to be reached. The witness apprehended it. He called for a satchel of his containing a memorandum, and taking it out at the same moment as counsel took up a letter of Mrs. Morse's, began to busy himself with its pages. The letter was shown him:—"Is that memorandum on the back in your hand writing?" "I think not; part of it is in Mr. Moulton's and part of it is in mine, and both look bad enough." Counsel was aiming to make it appear that the witness, in place of recommending Mrs. Tilton to separate from her husband was advising a contrary course, but the witness put in a *non mi ricordo* plea and nothing was gained.

Q. Does Mrs. Morse there refer to Mrs. Beecher? A. I presume so.

Q. Had you advised Mrs. Morse to keep quiet as to any call of yours upon Mrs. Tilton? A. I don't recollect; I never asked her to be quiet concerning any call of mine.

Q. Can you not explain her language in this respect? A. I cannot.

Q. You don't understand it as referring to the call made in pursuance of the communication by Mrs. Morse through Bessie Turner or to the call by you and Mrs. Beecher on the following day? A. I don't understand any part of Mrs. Morse's letter.

Q. The letter of Mrs. Morse got into the hands of Mr. Moulton? A. Yes; it got to him; I either sent it to him or carried it myself.

Q. Are you able to state from your indorsement when it was received by you or when it was sent? A. I can't tell whether this is my writing or not; there is so little of it; part of it is in Mr. Moulton's and part in mine, and they both look bad enough.

Q. Are you able to state whether subsequent to this date, December 30, and prior to the writing of the letter of Mrs. Morse, you called on Mrs. Tilton? A. No.

Q. Could it be possible for you to call upon her in those troublous times and not recollect it? A. I might.

Q. Had not Mr. Tilton about this time refused you the house? A. I cannot recall that he did, but I have an impression that such was conveyed to me; my impression is it was simply an injunction; if I ever called at the house after that injunction I have certainly forgotten it.

Q. You recollect saying this in the same letter of February—"Of course I can never speak to her again without his permission, and I don't know whether it would not be better not to do so?" A. Yes, because either at the time of that letter from Mr. Bowen or in the immediate vicinity of it, Tilton, as I have an impression of it, sent me word by Mr. Bowen, though I am not certain of that, forbidding me ever to enter his house again.

Q. You say you took this letter to Mr. Moulton? A. Took it or sent it.

Q. Did you have any conversation with Mr. Moulton in regard to it? A. I have no recollection of a conversation with him on the subject of the clause of the letter you referred to.

Q. Do you recollect making a complaint to Moulton that Tilton had done what was imputed to him by Mrs. Morse, that of having told twelve persons of this most crushing blow? A. I do not.

Q. Was that clause of the letter the subject of consideration between you and Moulton? A. I don't recollect that it was.

Q. Did not Tilton explain to you and give you the names of the persons to whom he had told the story? A. No, sir, neither as to his having told it to Mrs. Bradshaw, Oliver Johnson or Mr. Richards.

Mr. Fullerton—I now call your attention to Exhibit No. 6. Now, I ask you whether you think you understood, at the time of the reception of Mrs. Morse's letter, these allusions, therein made—"to this recent and most crushing of all the trouble," and the fact, it was alleged, that Mr. Tilton had told it to twelve persons? A. What?—did I understand your question?

Q. Did you understand at the time of the receipt of that letter what Mrs. Morse alluded to? A. I can't say from my recollection that I did.

Q. Have you any doubt at the time of the receipt of that letter you understood her allusions? A. Have I now any doubt?

Q. Yes, now. A. I presume I did understand them—that is, not correctly, necessarily, but that I had an understanding.

Q. Did you refer to them in the answer to the letter? A. I can't say that I did.

Mr. Fullerton—I will read it.

MRS. JULIE MORSE:—

MY DEAR MADAM—I should be very sorry to have you think I had no interest in your troubles. My course toward you hitherto should satisfy you that I have sympathized with your distress. But Mrs. Beecher and I, after full consideration, are of one mind—that, under present circumstances, the greatest kindness to you and to all will be, so far as we are concerned, to leave to time the rectification of all the wrongs, whether they prove real or imaginary.

Mr. Fullerton—I believe that is the last; the rest is stricken out.

Q. You didn't ask her for any explanation of anything that she had inserted in her letter to you? A. Do you ask me whether I did?

Q. Yes. A. I did not, to my recollection.

Q. I will ask you one other question in regard to this letter. "He (meaning Tilton) swears so soon as her breath leaves her body he will make this whole thing public, and this prospect, I think, is one thing that keeps her living." Did you know at the time what she referred to there? A. I presume I did, but I can't say I recollect I did.

Q. Did you know a servant in the employ of Mrs. Tilton by the name of Kate Carey? A. I did not.

Q. You didn't know one of that name? A. I did not.

THE SCENE RICHARDS SAW.

Richards, the brother of Mrs. Tilton, swore he visited the house one day and caught Mr. Beecher and his sister in an embarrassing situation or something to that effect. Suspense filled the court room as witness answered the question did he see Richards on an occasion of that kind? "I did not." "Will you swear Richards never saw you with Mrs. Tilton?" "I will not." (Sensation.)

Q. Mr. Beecher, were you in the habit of visiting Mrs. Tilton in the absence of Mr. Tilton? A. Yes, sir.

Q. How frequently did you make such visits? A. I can't say how frequently.

Q. Well, give us an approximate idea of the number or their frequency. A. I should say in general that, with the exception of one season, I went to see her once in two or three weeks, unless there was some special reason for going oftener; there was one season in which I was requested to, and that season I went oftener.

Q. Do you recollect calling upon Mrs. Tilton on an occasion immediately subsequent to your calling upon a family by the name of Wheelock? A. I don't think I can say I do, and yet there is something in my mind after all about it; I can't tell precisely what it is.

Q. Perhaps I can recall it to your recollection; I read from "Exhibit 91":—"To-day has been a quiet day; Mr. Beecher called; he is in fine spirits making calls; he devotes Wednesdays and Thursdays till further notice; has 300 to make; made twenty to-day; enjoys it immensely; called on the Wheelock's to-day and kissed them all round, Lucy Wood included;" do you recollect of the circumstance? A. Yes, sir.

Q. Did you kiss her in the presence of the servants? A. Not that I ever recollect.

Q. Is it true that you did not kiss her in the presence of the children and servants and did kiss her when neither were present? A. No, sir, it is not true as I understand your question.

Mr. Beach—It calls for a mere fact.

Mr. Fullerton—I don't know how you understand the question; it's about as plain as I can make it. Did you not purposely omit to kiss her in the presence of the children or the servants? A. No, sir, I did not; in the presence of the children certainly not.

Q. Did you ever kiss her in the presence of Florence, the eldest daughter? A. I don't recollect ever having seen Florence there, but I have no doubt I have done it.

KISSES AGAIN.

When and where and how and in whose presence he kissed Mrs. Tilton. Well, he kissed her many times. Never, as he could recollect, in presence of the servants and children. He might have kissed her in presence of Florence. Every eye is now on the witness. There is pity for him in many faces. The cross-examination is no child's play. It differs from the other examination as the gentle ripples on a summer lake differ from the storm-lashed billows of an angry ocean.

Q. I read to you from "Exhibit 74," being a letter of Mrs. Tilton to her husband, dated December 28, 1866. In speaking of yourself (Mr. Beecher) she says:—"During these early years the mention of his name, to meet him, or, better still, a visit from him, my cheek would flush with pleasure—an experience common to all his parishioners of both sexes. It is not strange, then, darling, that on a more intimate acquaintance my delight and pleasure have increased." Do you recollect of any instance in which these things were apparent on the part of Mrs. Tilton when you visited her? A. What things?

Q. That

HER CHEEK WOULD FLUSH WITH PLEASURE?

A. Yes, sir.

Q. You did not construe that into any undue affection for you? A. I did not.

Q. I read from exhibit 100, August 15, 1869, dated at Monticello—"Mr. Beecher wrote me a very summery characteristic letter, which I would enclose save for the fear that you would lose it"—do you recollect that incident? A. No, sir; I don't recollect any part now.

Q. Have you any doubt that that was true? A. Not if Elizabeth Tilton said so.

Q. I understand you to say, Mr. Beecher, you were in the city of Brooklyn on the 10th of October, 1867—1868 I mean, 1868. How do you recollect that you were in town on that day? A. Well, I only recollect now because my attention has been called to it and refresh my memory by conversations and documents, and my refreshed memory is that I was in town.

Q. And you recollect, I believe, of being in town also on the 17th of the same month? A. In the same way I remember it.

Q. DID MRS. T