MECKLENBURG.

Continuation of the Discussion on the Disputed Documents.

WHAT EX-GOVERNOR GRAHAM THINKS.

A Firm Belief in the Declarations of May 20, '75..

OPPOSING VIEWS.

Mr. Spofford Explains His Belief in the Resolves of the 31st.

EX-GOVERNOR GRAHAM'S LETTER.

HILLSBORO', N. C., May 7, 1875.

TO THE EDITOR OF THE HERALD:—

DEAR SIR—I received in due course of mail your letter of the 23d ult., requesting, for publication in the HERALD, my views on the subject of the Declaration of Independence in Mecklenburg county, N. C., in May, 1775, and desiring to have my opinion on this topic at some length for dissemination through your widely circulated journal, but regret that I have not found leisure for the task.

This disappointment, however, gives me the less concern, because I have not long since, at a mass meeting of the people of Mecklenburg, preparatory to their Centennial celebration, made to them an address upon the questions in dispute touching this Declaration, which has been published in the numbers of a weekly paper in Charlotte, and is now in a course of publication by Messrs. E. G. Hale & Son, in New York, in a form better suited for preservation. To this address, the issue of which, I presume, may be daily expected, I beg leave to refer you for the full discussion of the themes, and should be gratified to see the substance of it presented in the HERALD, though its length may preclude the whole publication.

But, since my opinions are called for by you, I cannot omit here to proclaim my belief in the authenticity of the Declaration of independence by the committee of the people of Mecklenburg on the 20th of May, 1775. I am a native of the adjoining county of Lincoln, and sprung from Mecklenburg parents. My father and other near relatives and sundry other Revolutionary characters, whom I knew in my youth (among them the Rev. Humphrey Hunter, long pastor of a congregation of which my parents were members), when most of them were of no greater age than I have now attained, gave their testimony of this event as a transaction at which they were personally present, detailing time, place and circumstances. In this they were corroborated by the tradition of the people of the county then its inhabitants, and by its emigrants in Georgia, Tennessee and elsewhere. This testimony was all taken and given by laymen, most of them widely separated from each other, and not marshaled and shaped by advocates to support the points in dispute. Governor Stokes, a Revolutionary officer himself, not a resident of or in any way connected with Mecklenburg, in 1830, ten years after the first newspaper publication on the subject, testified that he had seen a copy of this declaration in the handwriting of John McKnitt Alexander in the possession of Dr. Hugh Williamson in the year 1793. Williamson, a Pennsylvanian, came to the State during the war and about this time emigrated and settled in the city of New York. He published a work entitled "History of North Carolina," in 1812, the narrative of which terminates in 1771, saying in the preface that he had designed to bring it down to 1790, and to include the events of the Revolution, and that with this view he had collected much material from ancient citizens of the State; but he found the task arduous, and treated only of the colonial history to the period above stated. And, to show how carelessly this topic of the Mecklenburg declaration has been considered by those who have called it in question, so well informed a person as Mr. Jefferson, in his letter to Mr. Adams in 1819, mentions as a reason why it should be discredited, that Dr. Williamson forgot this event (of 1775) in the history he wrote of North Carolina. It should as well have been looked for in Lawson's so-called "History of North Carolina," which was written in 1712, or Brickell's in 1731, as in Williamson's, which ended with 1771.

The history of the Revolution in this State attracted no attention from the professed writers of history prior to the first publication on this subject in 1819. Even the instruction to her delegates in the Continental Congress to vote for independence on the 12th of April, 1776, in advance of the other Colonies had faded from recollection till revived about this time, and the most important military events in the region around Charlotte had never found a chronicler until the impulse given to historical inquiry about that time. Even yet, most of them have failed to receive justice from the pen of history. This declaration is as well authenticated as the action in Charlotte and the retreat on the Salisbury road between Davie's and Tarleton's cavalry on the 28th of September, 1780. We have the accounts from those who saw both, and better than those at Rocky Mount, Rowson's Mill and Cowan's Ford. They all rested in a common neglect and obscurity until a later day than the Mecklenburg Declaration of Independence.

The resolutions of the Committee of Mecklenburg, of the 31st of May, 1775, were not discovered or known to any one living, so far as we are informed, till 1838. It has invariably been asserted that there were numerous meetings of the people of that county on the momentous issues pending in the spring of 1775, and these resolutions furnish a very natural sequence to those declaring independence on the 20th of that month. They provide a government for a people who had discarded that to which they had been accustomed. They make no allusion to the battle of Lexington, the exciting topic of the day, which had no doubt been denounced already, but frame a code for the government of the inhabitants of the county. For aught that we know concerning them, they may have been adopted in a room with closed doors; and being municipal regulations, intending to subject those to imprisonment or exile who failed to submit to them, it may have been deemed humane as well as prudent toward timid or disaffected citizens to insert, as a term of their duration, "until the Legislative body of Great Britain resign its unjust and arbitrary pretensions with regard to America"—a term quite as defiant and offensive toward British authority as would have been conveyed by the word "forever," but affording to such citizens some distant hope of reconciliation. However this may be, the actual open and enthusiastic demonstration of the 20th is too well established by oral and documentary evidence to be rebutted by the expression in the series of resolutions of the 31st.

But I am transcending my design, which was simply to state my position, not to fortify it by argument, referring for that to the address mentioned in the outset.

I am, sir, very respectfully yours,

W. A. GRAHAM.

A. R. SPOFFORD'S VIEW.

TO THE EDITOR OF THE HERALD:—

In reply to your request for my views regarding the authenticity of the Declaration of Independence of Mecklenburg county, North Carolina, bearing date May 20, 1775, I have to say that I know of scarcely any subject of historical inquiry concerning which so many loose statements have been made as this one. In treating of it many writers have deemed themselves justified in ignoring established laws of evidence, taking things for granted which are unproven, and substituting insinuations and abuse for argument. Yet the question is one the elements of which are simple and the evidence clear. A calm and dispassionate sifting of it, applying only the same principles of historical criticism which govern any matter of record evidence can, it seems to me, lead to but one conclusion.

1. There is an authentic, undisputed and contemporarily published Mecklenburg Declaration of Independence. The "resolves" (as they style themselves) which embody it were adopted, and bear date the 31st of May, 1775. They were printed in the *South Carolina Gazette and Country Journal* of June 13, 1775; in the *New York Journal* of June 29, 1775; in the *Massachusetts Spy* of July 12, 1775, and in the *Cape Fear Mercury* of June —, 1775.

2. No other Mecklenburg resolutions than those of May 31, 1775, were ever published in any contemporary newspaper, nor has any contemporary record of any other come down to us. The Mecklenburg Declaration of Independence purporting to have been adopted May 20, 1775, first saw the light in the *Raleigh Register* of April 30, 1819.

3. The evidence of the genuineness of this declaration of May 20 is none of it contemporaneous, in the proper sense of that word. It all consists of the recollections of men who were present, or of the friends or relations of men present, at the meeting in Charlotte, in May, 1775. Less than half of these persons mention the date of the meeting, and John Davidson, the only surviving member of the committee who passed the resolutions, does not say that the true date was the 20th of May. Most of their statements are coupled with some expressions showing the uncertainty they felt in testifying to such facts after the lapse of half a century. That they should have mistaken the 31st of May for the 20th was natural enough.

4. The resolves of the 31st of May are attested by the contemporaneous reference to them of two royal governors. Sir James Wright, then Governor of Georgia, forwarded the *South Carolina Gazette* of June 13, 1775, containing the Mecklenburg resolutions of May 31, to Lord Dartmouth on the 20th of June, 1775. In like manner Governor Martin, of North Carolina, in a proclamation dated August 8, 1775, refers to the "Resolves of a set of people styling themselves a Committee for the County of Mecklenburg, most traitorously declaring the entire dissolution of the laws, government and constitution of this country, and setting up a system of rule and regulation repugnant to the laws and subversive to His Majesty's government." Now, the resolves of May 31 are put forth by the Committee of the County, signed by order of the committee by Ephraim Brevard, Clerk, and the word "committee" is eleven times repeated in them. But in neither of the copies of the resolutions of May 20 is there a word about any committee, but the resolutions are in the name of "We, the citizens of Mecklenburg county." Neither of the royal governors makes any allusion to resolutions of the 20th of May, 1775, nor encloses such resolutions.

5. The authenticity of the resolves of May 31 being established by the highest evidence—namely, contemporaneous publication and citation, and nowhere denied then or since, it devolves upon the supporters of any rival set of resolutions to prove their authenticity by at least equal evidence, and especially to show that the copies of them purporting to be preserved are consistent with the attested resolutions of May 31, and with each other. None of these things can be shown in the case of these resolutions, but the contrary will appear to any careful examiner.

6. The resolves of May 20 are palpably inconsistent with the general resolves of May 31. The former declare absolute and unconditional independence, while the latter say that these resolves shall be in full force "until the legislative body of Great Britain resigns its unjust and arbitrary pretensions with respect to America." The former claim to be a final dissolution of all connection with Great Britain; the latter declare that they are simply provisional and contingent. If independence had been unconditionally proclaimed on the 20th, is it credible that the same men who proclaimed it would have silently receded from it eleven days later? Moreover, there is in the genuine resolves of May 31 no hint or allusion to any previous proclamation of their independence. If such a proclamation had been made would it not have been in some shape referred to?

7. Men are to be judged in history by their acts as well as by their words. Four of the Mecklenburg patriots who, it is said, signed this absolute Declaration of independence of the British crown, signed only three months later (August 23, 1775) a test declaration with this preamble:—"We, the subscribers, *professing our allegiance to the King* and acknowledging the constitutional executive power of government," &c. This test of loyalty and of patriotism was signed by all the members of the Provincial Congress of North Carolina, and among them by Thomas Polk, J. McKnitt Alexander, John Pfiler and W. Avery, representing the county of Mecklenburg in that Congress. It is not credible that these North Carolina patriots should have so soon and so deliberately recanted their own repudiation of allegiance.

8. The Mecklenburg resolves attributed to May 20, are not only inconsistent with the later resolves of May 31, and with the conduct of the patriots who were said to have adopted them, but there are serious discrepancies between the rival copies of them which claim our credence. The first copy of them ever conclusively proved to have existed appeared, as we have said, in the *Raleigh Register* of April 30, 1819, forty-four years after the date when they are alleged to have been written. The second copy of them was published in 1829, by F. X. Martin, in the second volume of his "History of North Carolina." The discrepancies between these two documents are very numerous. The first, published in the *Raleigh Register* (which is that adopted by the State in the official pamphlet of 1831) contains only five resolutions; the second, in Martin's history, embraces six. The other discrepancies are indicated in italics in the following copy of both papers, which are placed side by side for the reader's comparison:—

THE RESOLVES IN THE RALEIGH REGISTER, 1819.

That whatsoever directly or indirectly *abetted*, or in any way, form or manner *countenanced* the *unchartered* and dangerous invasion of our rights, as claimed by Great Britain, is an enemy to this country, to America and to the inherent and inalienable rights of man.

That we, the citizens of Mecklenburg county, do hereby dissolve the political bonds which have connected us to the mother country, and hereby absolve ourselves from all allegiance to the British crown, renounce all political connection, and dissolve all societies with the nation, who have wantonly trampled on our rights and liberties, and inhumanly shed the blood of American *patriots* at Lexington.

That we do hereby declare ourselves a free and independent people; are, and of right ought to be, a sovereign and self-governing association, under the control of no power other than that of our God and the general Congress; to the maintenance of which independence we solemnly pledge to each other our mutual cooperation, our lives, our fortunes and our most sacred honor.

That we do hereby *declare* and publish and adopt as rules of conduct all and each of our former laws; and the crown of Great Britain cannot be considered *henceforth* as holding any rights, privileges, immunities or authority therein.

That it is further resolved that all, each and every military officer in this county is hereby reinstated in his former command and authority, he acting under the orders of this Congress, and that every member present of this delegation shall henceforth be a civil officer—viz., a justice of the peace—in the character of a committee man, to hear, process, hear and determine all matters of controversy, according to law, and adopt laws, and to preserve peace, union and harmony in said county, and to use every exertion to spread the love of country and fire of freedom throughout the land, until a more general and organized government be established in this province.

ABRAHAM ALEXANDER, Chairman.

JOHN MCKNITT ALEXANDER, Secretary.

MECKLENBURG RESOLVES, ACCORDING TO MARTIN'S NORTH CAROLINA, 1829.

Resolved, That whosoever directly or indirectly *abets*, or in any way, form or manner, *countenances* the invasion of our rights, as *claimed by the Parliament* of Great Britain, is an enemy to this country, to America and the rights of man.

Resolved, That we, the citizens of Mecklenburg county, do hereby dissolve the political bands which have connected us with the mother country and absolve ourselves from all allegiance to the British crown, *abjuring* all political connection with a nation *that has* wantonly trampled on our rights and liberties and inhumanly shed the *innocent* blood of Americans at Lexington.

Resolved, That we do hereby declare ourselves a free and independent people; *that we are*, and of right ought to be, a sovereign and self-governing *people* under the *power* of God and the general Congress; to the maintenance of which independence we solemnly pledge to each other our mutual cooperation, our lives, our fortunes and our most sacred honor.

Resolved, That we hereby *order* and adopt as rules of conduct all and each of our former laws; and the crown of Great Britain *cannot be considered henceforth* as holding any rights, privileges or immunities among us.

Resolved, That all officers, *both civil and military*, in this county, *be entitled to exercise the same powers and authorities as heretofore*, that every member of this delegation shall henceforth be a civil officer, and exercise the powers of a justice of the peace, in the process, hear and determine controversies according to law, preserve peace, union and harmony in the country, and use every exertion to spread the love of *liberty* and of country, until a more general and *better organized system of government* be established.

Resolved, That a copy of these resolutions be transmitted by express to the President of the Continental Congress assembled in Philadelphia, to be laid before that body.

What can the historical inquirer in quest of record evidence say to these rival documents? He must say, if a candid man, that both cannot be true copies of the original; indeed, would he not be justified, in view of their numerous unexplained discrepancies, in concluding that neither is a true copy of the original? Do they not irresistibly suggest an attempt to reconstruct the resolves from memory, and thus reducing the entire proof on which this famous Mecklenburg Declaration of Independence rests from record evidence to parole evidence?

9. All the authorities concur that the author of whatever Mecklenburg resolves were adopted was Dr. Ephraim Brevard. Now, Brevard was a cultivated scholar, a graduate of Princeton and a masterly writer, as the clearly expressed resolves adopted on the 31st of May attest. It is impossible to believe that the writer who composed the resolves of May 31 could have written either of the rival sets of resolves of May 20, with their numerous tautologies and bungling imitation of the language of legal instruments. It bears every mark (aside from its surprising borrowings from the Declaration of independence of July 4, 1776) of having been reconstructed after the fact by some one endeavoring to express the spirit of the period and to make it as strong as possible.

10. The theory that these resolves of May 20 were an afterthought, an attempted reconstruction of some lost original, does less violence to probability than any other. The original record, whatever it may have been, is declared to have been burned with the house of J. McKnitt Alexander in 1800. Even the newspapers containing the undisputed resolves of May 31 had so far disappeared as not to have been seen by any parties to the controversy prior to 1838. What could be more natural than the supposition that John McKnitt Alexander, striving to record without authentic documents before him the resolves which the Mecklenburg patriots of 1775 had adopted, should have fallen into the very ardent expressions which so well describe the spirit of the period, mingled them with a little law learning, and transfused into them those striking phrases of the Declaration of Independence which had stamped themselves in his mind?

11. As to the parole evidence, which is held to authenticate both the date and the substance of the Mecklenburg declaration of May 20, a careful sifting of it will show that what is called the "sworn testimony" of fourteen witnesses is in no single instance sworn testimony, being statements from recollection, not affidavits; that the witnesses differ materially, and that the only one of them who was a member of the Mecklenburg Committee does not claim that the Convention was on the 20th. No doubt they declared what they believed to be true, and it is no more surprising that they should have made a mistake of eleven days in forty years than that they should have failed to recollect closely the phraseology of a set of resolves which they had never seen in print, but had only heard read from the steps of a court house. It is no impeachment of the honor or the honesty of these men to hold that, judged by record evidence, they were mistaken. He knows little of history or of human life who has not learned that the easiest thing in the world is to be mistaken. Men instinctively accept and accredit as true what runs in harmony with their patriotic impulses and pride of neighborhood.

12. I attach little importance to the argument drawn from the similarity of these Mecklenburg resolves of May 20, 1775, and the Declaration of Independence, of 1776. Mr. Jefferson never claimed originality for the leading ideas or even expressions of that instrument. The phrases which are common in both, with one exception, are not the composition of Mr. Jefferson nor of Ephraim Brevard, but of Richard Henry Lee, of Virginia, who drew the resolutions passed by Congress July 2, 1776, "That these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and of right ought to be dissolved." Mr. Jefferson, chairman of the committee instructed to draw the Declaration, adopted this resolution, as he adopted many expressions from the Bill of Rights and constitution of Virginia, into that immortal State paper. But, let me ask, which is the more reasonable supposition—that the Continental Congress, through Richard Henry Lee, borrowed the phraseology declaring independence from certain Mecklenburg resolves, never heard of in print till 1819, or that the constructor of those Mecklenburg resolves borrowed some phrases of them from the Declaration of independence?

13. If we are to attach any weight to historical authorities, on which side will the balance lie? The late Peter Force, of Washington, whose half century of indefatigable and fruitful historical labors made his name familiar to the whole country, declared his belief of the unhistorical character of the Mecklenburg resolves of May 20, 1775. He went further and wrote, in publishing the genuine resolves of May 31 in the *National Intelligencer* of December 18, 1838:—

The authenticity of the resolutions of May 20, 1775, has been questioned, yet no others have been produced. I have met with another set of resolutions, expressed in somewhat different terms, and of a much wider scope than those heretofore published, being, in fact, a general declaration of independence of all the colonies.

The resolves of May 31, 1775, then follow. Mr. Force's characterization of the genuine "Declaration" (which will not be accepted by all) was doubtless based on the preamble, which declares, in substance, "that all laws and commissions derived from the authority of the King and Parliament are annulled and vacated, and the former civil constitution of these colonies for the present wholly suspended."

Mr. Bancroft, in the seventh volume of his "History of the United States," published in 1858, pp. 370, 374, does ample justice to the Mecklenburg resolves of May 31, and to their patriotic author, Ephraim Brevard, making no allusion to any other Mecklenburg Declaration of independence. Mr. Bancroft wrote in March, 1842, to Mr. Force, "The documents, as they existed before, prove to my mind conclusively that the people of Mecklenburg passed spirited resolutions, and that the set published by the Legislature were not the real ones."

The testimony of Thomas Jefferson and of John Adams to the fact that no such resolves as the alleged Mecklenburg Declaration of May 20, 1775, were ever seen or heard of in the Continental Congress is another link in the chain of historical evidence, and is uncontradicted by the testimony of a single member of that body, many of whom survived when this controversy began.

It may be added that writers of history, such as Professor George Tucker, Benson J. Lossing, Henry S. Randall and the late Hugh Blair Grigsby, have all concurred in accepting the Mecklenburg resolves of May 31, 1775, as the only historical ones.

Finally, no true son of North Carolina need apprehend the loss of a single laurel from the brow of a State whose history is so illustrious, even should the claim so persistently made of the authenticity of the Mecklenburg Declaration of May 20 be abandoned. Surely it is glory enough for a single State to have successfully resisted the Stamp act as early as January, 1766, through the daring patriotism of Colonel John Ashe and Colonel Hugh Waddell; to have antedated Virginia and New England by more than a month (namely, on the 12th of April, 1776), in empowering its delegates in the Continental Congress "to concur with the delegates of the other colonies in declaring independence;" to have fought so bravely, and with such animosity against the British as to draw from Colonel Tarleton the declaration that "the inhabitants of Mecklenburg were more hostile to England than any others in America;" and to have resolved, May 31, 1775, thirteen months before the Declaration of independence, that the authority of the King and Parliament was annulled throughout the colonies, that whoever attempted to exercise authority under them should be deemed an enemy to his country, and that the military officers of Mecklenburg county should hold and exercise their powers by virtue of the choice of the inhabitants of this county, and "INDEPENDENT of the crown of Great Britain."

A. R. SPOFFORD,

LIBRARY OF CONGRESS, WASHINGTON, May 6, 1875.

HOWARD MISSION.

ITS FOURTEENTH ANNIVERSARY CELEBRATION LAST NIGHT IN THE ACADEMY OF MUSIC.

The immense auditorium, platform and boxes of the Academy of Music were densely crowded last night upon the occasion of the fourteenth anniversary of the Howard Mission. The platform was occupied by a pleasing array of finely dressed, intelligent looking boys and girls, flanked on either side by many well known friends of the mission. Mr. Hatch, the President of the Mission, presided.

The family of William H. Vanderbilt filled a proscenium box, and many people of the best society in the city were present. The opening prayer was delivered by the Rev. Dr. Manning, of London. This was followed by a hymn of welcome, which was very creditably sung by the children's and infants' classes, under the direction of Miss Kate E. Stark. Mr. Wycoff, the Mission's Secretary, read his annual report. The following is a synopsis of his financial statement:—

Balance on hand May 1, 1874	$196 41
Received during the year:—	
From legacy	200 00
Board of Apportionment	1,000 00
General contributions	18,253 55
Total	$19,659 96
Paid out:—	
Interest and insurance on Mission property	$3,132 75
Money borrowed, 1874	200 00
General expenses and mission work	16,126 88
Total disbursements	$19,459 63
Money on hand May 1, 1875	171 33
Total	$19,659 96

During the past year there were distributed 5,000 garments, 544 pairs of shoes and 55 quilts, the value of which was $6,688. Of provisions, 414 baskets, 500 bushels potatoes, flour, meat, rice, tea and coffee, to the aggregate amount of $5,000, were distributed among the poor. No less than 122,000 meals were furnished to the necessitous poor at their own homes. There are over 800 families connected with and frequently dependent upon the Mission for the necessities of life.

During the evening addresses were delivered by George Sheppard Page, Vice President; the Rev. Dr. Gillies, of Edinburgh, Scotland; the Rev. J. T. Enger, pastor of the Madison avenue Baptist church; the Rev. George Mingins, of the City Mission, &c. The short intervals between the addresses were most agreeably filled up by the children's and infants' classes singing a series of hymns.

THE TRIAL OF REPUTATIONS.

Eighty-eighth Day of the Great Scandal Suit.

ALL THE EVIDENCE IN

Both Sides Rest and Prepare for the Closing Addresses.

SIX DAYS' REST TAKEN.

A Rapid Tying Up of the Fag Ends.

There will be general congratulation at the announcement that the Beecher trial is virtually over. The evidence is ended, and the Court has taken an adjournment until next Wednesday, when the summing up takes place. In regard to this Mr. Beach informed the HERALD reporter that Mr. Evarts and ex-Judge Porter will occupy five days between them in their addresses to the jury, Mr. Beach will take at the farthest three days, and Judge Neilson's charge will occupy about two hours. The jury is expected to return a verdict promptly, so that the final termination of the trial may be put down for the 28th of May. Judge Neilson, who has presided over the case so long and with such an uncommon degree of fairness and judgment, will be one among the many who feel like rejoicing at the somewhat unexpected ending of this trial. He has won unfading laurels as a judge by his conduct on the bench, and it seems proper at this particular point to draw attention to the singular good temper, the firmness, combined with suavity, that has characterized his course. When it is borne in mind that this case has excited

DEEP AND BITTER FEELINGS

in a very extensive community; that even the lawyers engaged on both sides have shared in the animus that welled up in behalf of the one or the other of the principals to the cause, it will be seen the presiding Judge had a difficult performance in holding the scales of justice so evenly balanced that neither side could accuse him of partiality. In the case of Tichborne, which, in point of popular interest, bore an analogy to this of Tilton vs. Beecher, we find that a great mass of the English people became filled with the belief that Chief Justice Cockburn threw the weight of his judicial influence against the claimant to the Tichborne title. Nobody will have grounds to accuse Chief Justice Neilson of leaning even a hair's breadth to one side or the other. Some may accuse him of giving more latitude of talk to the lawyers and witnesses than the necessities of the legal inquiry demanded, but the same people would more quickly complain if, pursuing an opposite course, he had inhibited the fullest pursuit of any fact calculated to throw light on the scandal. Respecting

ON THE CHARGE OF LEGAL BLACKGUARDISM

made against Mr. Fullerton by a contemporary, for uttering the remark to Mrs. Ovington, when she answered in her extra enthusiastic way, "It is false," to the Martin statement which was quoted to her, regarding the length of time Martin sat on her piazza, Mr. Fullerton said to a HERALD reporter:—"I was not examining the lady. She addressed herself to me, 'It is false, Mr. Fullerton,' and I responded, 'Well, you can repeat it, Mrs. Ovington, if you think it becomes a lady so to do.'"

Mrs. Ovington shook her forefinger at him, and he said, "You need not approach me in that style. If you forget you are a lady, others may forget it also."

BEECHER'S APPEARANCE.

Beecher had spent the previous day on his farm in Peekskill. He came down to the trial yesterday with a flushed face and a sore throat. He was in excellent humor, and he sat all the forenoon with his left hand clasped and resting in the right hand of his wife. His complexion was nearly as red as that of a boiled lobster.

THE FIRST WITNESS

on the stand was Mr. Calvin J. Mills, who was attached to the *Standard*. He was called to prove the fact that proof slips of the Woodhull scandal were shown in the *Standard* office long before it was published by Woodhull and Claflin. Ex-Judge Morris and ex-Judge Fullerton opposed the admission of the evidence, contending that it would throw the door open to endless testimony. Judge Neilson took the same view of the matter. Mr. Evarts, taking the hint from the bench, withdrew the inquiry, so that several witnesses in the same line of investigation were debarred from appearing.

MR. HENRY C. BOWEN

was recalled to deny that he had ever told Dr. Eggleston that Beecher said Bessie Turner had told Mrs. Beecher that Tilton carried Bessie Turner screaming from her bed. He denied that the arbitrators had ever spoken about the Woodstock letter at Mr. Moulton's house, that Mr. Claflin had ever said that Mr. Storrs would look out for that. On cross-examination he stated it was two days after the arbitration that Mr. Charles Storrs spoke to him about the Woodstock letter.

ANOTHER RECALL.

Mr. Augustus Storrs was another whose face was not unfamiliar to the witness stand. He was cross-examined with some intensity by Mr. Beach, who insisted, with his usual vehemence, on a categorical answer to the inquiry whether a paper could have been drawn up in his presence without his knowing it, referring to a document submitted to the arbitrators of the Bowen award by Frank Moulton. Storrs could only say that he did not think it possible.

THE CIRCUIT RIDER.

Rev. Mr. Eggleston was again called to the witness stand. He has changed his occupation since he was in court last. Then he was an author, lecturer and clergyman, living round loose generally. Now he is a clergyman altogether, pastor of the church of "Christian Endeavor," belonging to no particular denomination but "on its own hook," as he says himself.

Mr. Fullerton's cross-examination was aimed to show that a difference occurred between Eggleston and Bowen on account of the former having engaged to write a story for the *Independent* and afterward disposing of it in another quarter. The witness explained the matter in a way that made it appear he was a hard working employé of Bowen's who took advantage of an opportunity to make a little money outside of his regular employment.

PRYOR'S PRONUNCIATION.

General Pryor was criticised in this column the other day when he made an address to the Court in favor of the admission of certain evidence regarding his pronunciation. The General is sensitive on that point, and he holds that the proper accentuation of such words for instance as "precise" should be with the sound of "z" on the letter "s" in the word.

THE PROCEEDINGS.

Judge Neilson took his seat on the bench shortly before eleven o'clock.

Mr. Fullerton, before the proceedings commenced, said:—If Your Honor please, I desire to call attention to an editorial in one of the morning papers this morning. An article in the New York *Tribune* is headed as follows:—"As usual the Beecher trial was enlivened yesterday by some choice exhibitions of legal blackguardism." It then goes on to quote a question put to Mrs. Ovington while upon the stand and her answer; also an observation made by Mrs. Ovington to me and my reply. Mrs. Ovington's answer to the question was as follows:—"It is false," and then turning to me, when she was not under examination by me, and in an excited manner, and with a good deal of gesticulation and emphasis, said, "It is false, Mr. Fullerton;" when I replied, "Well, you can repeat it. Mrs. Ovington, if you think it becomes a lady to do so. You need not approach me in that style. If you forget you are a lady others may forget it also." Now, the writer of that article could not have understood that I was not examining Mrs. Ovington at that time, but that my friend, Mr. Shearman, was, and that she had no right to turn toward me and call me by name in such a loud tone and in such an emphatic manner. Why she did it I certainly did not at the time understand; but I did think, although she was a lady, that it was such a piece of impertinence, not to say anything harsher of it, that it required some observation from me by way of rebuke. If the lady had been under examination by me it would, of course, have been a very different matter; but as it was she had no occasion and no right to address me in a public court room in that kind of a way, calling me by name and repeating her answer in a manner which was very offensive, which she did.

Judge Neilson—I am sorry to see such an article appear in the paper. I remember the occasion, and recollect it as the counsel now states it, and regret that Mrs. Ovington should have at the moment so far forgotten herself as to make the remark she did, especially as the counsel was not then examining her.

Mr. Fullerton—She undoubtedly discovered her mistake, because she apologized in a moment and her apology was accepted.

Judge Neilson—The error of the article goes back beyond that. Will you be kind enough to repeat the first lines?

Mr. Fullerton—The language is this:—"As usual, the Beecher trial was enlivened yesterday by some choice exhibitions of legal blackguardism."

Judge Neilson—That will do, sir. I consider that the offensive part of the article. The reference to Mrs. Ovington no doubt proceeds in a measure from misapprehension—from the supposition that perhaps you were dealing with the witness at the time. The assertion that the proceedings yesterday or any other day have been characterized by any blackguardism is an unpardonable offence. I, in one way and another during my experience here and at the bar, have seen very many hotly contested cases, civil and criminal, but have never seen a case where counsel have treated each other and treated witnesses with more courtesy and circumspection than in this case. I think the remark of the editor of that paper was a most unpardonable offence and calls for an apology.

Mr. Evarts replied to the effect that he did not think that Mrs. Ovington intended any affront to him in what she said, and it must be regretted that there was an occasion for her speaking again in repetition of her answer, as a matter of evidence; but she was drawn into it by Mr. Fullerton's position and by his expression of countenance while preparing for cross-examination.

Judge Neilson—The act of Mrs. Ovington was accidental, and quite natural to a person not much accustomed to proceedings in court, and I think she has been treated very properly and with courtesy. But for the mention of the circumstance in the press, I think we may pass it over satisfactorily and pleasantly. I don't think even for a moment Mr. Fullerton had a wish to censure her.

TESTIMONY OF CALVIN J. MILLS.

Mr. Calvin J. Mills, journalist, was the first witness examined, and in reply to Mr. Hill testified to the fact of having read what is known as the Woodhull scandal.

Q. Mr. Mills, did you at any time prior to the reading or examination of that publication see in type the substance of that article, either in proof slips or in any other form, before November, 1872? Mr. Beach objected, and the admissibility of the evidence having been discussed at length, Mr. Evarts finally consented to withdraw the question.

TESTIMONY OF H. C. BOWEN.

Henry C. Bowen was next called and cross-examined by Mr. Shearman.

Q. Do you recollect at the last interview saying to Mr. Eggleston that Mr. Beecher had told you that an adopted daughter of Mr. Tilton had told Mrs. Beecher that Mr. Tilton had taken her screaming out of her bed at night? A. I have no recollection of anything of the kind.

Q. Do you recollect, after the signing of the arbitration, going with Mr. Claflin and Mr. Storrs? A. I recollect going with Mr. Storrs; it is probable Mr. Claflin and the others may have been there.

Q. Do you recollect saying to either or both of them that you desired to have the Woodstock letter returned to you? A. I said nothing whatever on the subject; I am positive I did not tell Mr. Storrs to look after it; nothing was said for two days after the arbitration on the subject.

To Mr. Fullerton—I don't recollect the precise hour at which I left Mr. Freeland's house; it was before six o'clock; I went there in the afternoon about four or five o'clock; the interview was prolonged for some time; Mr. Storrs called at my office afterward, and said he had some news for me to the effect that he was in possession of the Woodstock letter; I do not recollect whether he then gave it to me or went out and got it.

Q. Was that an unconditional delivery of the letter? A. Yes, sir, it was unconditional.

TESTIMONY OF REV. E. EGGLESTON.

Rev. Dr. E. Eggleston was examined by Mr. Shearman.—Since I was last on the stand I have changed my occupation; I was then a lecturer, author and clergyman; I am now a clergyman. In December, 1870, I had some business relations with Mr. Henry C. Bowen; I was employed by him as literary editor of the *Independent*; he made an appointment with me on December 26, 1870, at his house; I was there twice on that day; I first saw him in the afternoon.

Q. Did Mr. Bowen say to you, "If Tilton is as bad as they say he is, he had told a pretty plausible story?"

Mr. Beach objected and the question was ruled out.

Q. Did he say he had a letter from Mr. Tilton? A. I think he made a remark something like that; I returned to Mr. Bowen's house after dark; I was called upon with reference to this story by Mr. Ward; he asked for it, claiming that he had a right to it; I sold the story for $100; I am pastor of the Church of Our Christian Endeavor, corner of D and Hooker streets; it is not of any denomination.

Q. It is on its own hook? A. Yes, on its own hook, sir. (Laughter.)

To Mr. Shearman—I received no special pay for that story.

TESTIMONY OF H. B. CLAFLIN.

Horace B. Claflin was examined by Mr. Shearman.

Q. You were one of the arbitrators? A. Yes, sir.

Q. Look at this paper, the submission, and state whether you ever saw it before? (Handed to witness). A. I never saw it before.

Q. Were you informed in April, 1872, of the existence of such a paper? A. No, sir.

Q. Did you hear Mr. Bowen say he would decline to take any steps unless what was to be submitted were put in writing? A. I did not; there was an interval when the arbitrators were alone; we all went away together; on my way home Mr. Bowen addressed some of us, asking for the Woodstock letter, but I do not recollect to whom the question was addressed.

TESTIMONY OF CHARLES STORRS.

Charles Storrs was examined by Mr. Shearman.

Q. You were also present at the arbitration in 1872? A. Yes, sir.

Q. Examine this paper, being the written submission of Bowen and Tilton, and state whether you saw it before? A. No, sir.

Q. Did Mr. Bowen state he would decline to submit anything unless the submission were put in writing? A. No, sir; I left in company with Mr. Claflin and Mr. Cleveland.

Q. With whom did you go to Mr. Moulton's house that evening?

Objected to and ruled out.

Q. You took the Woodstock letter to Mr. Bowen? A. I did.

Cross-examined by Mr. Beach:—Do you assume to recollect all the proceedings and conversation before the arbitrators? A. Not all.

Q. Do you mean to swear positively that in the presence of the arbitrators—in presence of Mr. Tilton—Mr. Bowen and Mr. Moulton did not draw up the submission? A. I have no knowledge; I don't think it could have been done without my seeing it.

Q. Have you any recollection of any paper having been executed by Mr. Bowen or Mr. Tilton? A. No, sir?

Q. Have you any recollection of any paper having been drawn up after the award? A. There was some writing done; Mr. Bowen did not insist upon the drawing up of any paper; I did not hear him.

To Mr. Shearman—I think Mr. Bowen could not have said that he would decline to submit anything unless it were put in writing without my hearing it.

George W. Bowler examined by Mr. Shearman—I resided in Brooklyn in 1864; in 1870 and 1871 I was the owner of the house in which Mr. Moulton lived in Clinton street; I visited the house in the first part of 1871; I went into the parlor and saw a picture of Henry Ward Beecher hanging there; I saw it before the 1st of January, 1871; Mr. Moulton left the house in May, 1871.

Cross-examined by Mr. Fullerton—I don't recollect seeing any other portrait except that of Mr. Beecher in Moulton's house; did not see a portrait of Mr. Tilton there; was certain it was Beecher's portrait and not Tilton's.

The Court here took a recess.

THE RECESS.

The court room was pretty well filled in the afternoon. It became generally known that the end was near at hand as far as the evidence is concerned, and many were curious to be in at the close. Mr. Shearman made the announcement, greatly to the relief of the Judge and jury, that his side had only one witness to examine and that one had been telegraphed for. In the meantime the plaintiff called two "short" witnesses, as they are known in legal phraseology. The first was John E. Bowen, a younger son of Henry C. Bowen, who took a letter from his father to Mr. Freeland arranging for an interview with Mr. Beecher, and the next was a Mr. Morrow, who testified as to the way the sun shone on Mrs. Ovington's back piazza. The latter was cross-examined in a ridiculously minute way by brother Shearman as to how and when the sun shone; whether the old tree near the piazza was barren or in leaf, and so on, with a lot of questions having no significance or importance. The last and final witness was a Mr. Southwick, a young man of fashionable apparel, who mounted the witness stand with a brisk step took off his coat with much ostentation, and made himself extremely foolish, though evidently satisfied he was acting quite a smart and effective part. He was asked if he bet on the verdict, and he tried to be very brilliant in reply, saying that he always backed his opinions with money, and finally retiring with the air of a consummate sport.

The end of the evidence was hailed with general delight. Evarts made a quiet speech of ten minutes' duration, explaining to the Court the course to be adopted by the two chief counsel for the defendant. Beach said he would prefer that the resumption of the proceedings began on Monday, but in view of the length of the proceedings he was satisfied with an extension of the period of adjournment.

The Judge took his seat on the bench precisely at two o'clock, and the jury answered the call.

The Judge said—I think this would be a good time to rest.

Mr. Fullerton—There is no rest for the weary. (Laughter.)

The Judge—I take a portion of that to myself. (Continued laughter.)

TESTIMONY OF WALLACE R. CALDWELL.

This witness, who has been known as Floor Manager Caldwell during the trial, for the ushering in of the Beecherite party to the court room, was called as a witness for the defendant. He testified as follows:—I have resided in Brooklyn for twenty-five years; I am acquainted with F. D. Moulton; I became acquainted with him seven or eight years ago; visited his house in February, 1871, at Clinton street; I went into the parlor and saw there an oil painting of H. W. Beecher; it was hanging on the wall opposite the door.

Mr. Shearman said they had telegraphed and sent for their only remaining witness