THE TRIAL OF REPUTATIONS

Ninety-first Day of the Great Scandal Suit.

PROGRESS OF MR. PORTER'S ADDRESS.

The Intrigues of Tilton Set Up as a Bar to a Verdict.

The Speaker Yields to the Sudden Heat.

AN UNEXPECTED ADJOURNMENT.

Interesting Scene Between the Opposing Counsel.

The scope of Judge Porter's remarks in the trial yesterday was limited to the intrigue of Tilton in the matter of securing his settlement of the contract salary with Henry C. Bowen. And there was such a question suggested later on in the address, "If Beecher was guilty why did Tilton have to resort to the agency of a letter and of Moulton to secure an interview with Beecher?"

The Beecher people were in better spirits than ever. They were satisfied Judge Porter had done his best, and that his heart was in the right place. A number of ladies were in the same old familiar seats that have been devoted to the fair sex by the gallantry of Judge Nelson since the beginning of the trial. The premature ending of the proceedings was a delight to some and a disappointment to others. Quite a number had become enamored of Judge Porter's address. True, the "old man," as some called him, was infirm in delivery, but it was a treat to hear an honest man discourse. And this was an honest lawyer, apparently, telling his tale with an overflowing consciousness of its truth and justice. Nothing could redeem and excuse the provoking eccentricity of the man's manner of delivery except some such thought that he was in earnest. Now that much of the argumentative part of the case is over, and that the public have received the chief share of impressions left by the defence, opinion throughout the land will be rapidly formed and, in a measure, more or less forestall the verdict of the jury, which is looked forward to with extraordinary anxiety. In these columns it has occasionally been suggested that a disagreement of the jury is the thing most likely to occur, but the idea is now gaining ground that a verdict will be rendered one way or the other. The court room was less crowded than on the day before, but the heat was oppressive and everybody felt it. Mrs. Beecher was early in court, and Mr. Beecher, cheerful and buoyant, followed her very soon after her entrance. Among the audience and on the bench were Rev. Reuben Jeffrey, Judson Jarvis, E. N. Taft and Professor Robert Raymond and others. In the opinion of the miscellaneous audience that poured out from the court room at one o'clock, Judge Porter had made the most effective jury appeal of his life, but yet one lacking the electric spark that fires, inflames and carries away the convictions of a popular assemblage. Hence his address, while wanting nothing in purity of expression, in dignity of style, in ingenuity of logic, yet needed the one paramount element of persuasion.

THE SUMMING UP.

Judge Porter, in opening, called attention to the testimony of Mr. Bowen. He briefly stated that he and his associates, although Mr. Bowen had been called as a witness for the plaintiff, did not consider Mr. Bowen's testimony in any way injurious to their client. In fact he considered the statement which had been made to Mr. Beecher by Mr. Bowen, wherein he declared that Tilton was an immoral and tainted man, to be flagrantly injurious to the character of Tilton. Judge Porter went on to show that Bowen's testimony fully confirmed the statements made by Mr. Beecher, and that Bowen's statements and conduct were of a character valuable only to his own interests and not intended as evidence of his sincere friendship or fidelity to the cause of Tilton. Was that the only point upon which his testimony was material? Henry C. Bowen, instead of contradicting the editor of the *Christian Union*, confirms him, and that confirmation is made still stronger when we come to the report, and he made that note on his return to his own house to his associ te editor in which he recounted the transaction to Eggleston as Mr. Beecher five years afterward recounted it to you, and without comparison of notes. There is, however, in this connection a matter that should not be overlooked. Mr. Bowen undertakes to contradict Mr. Beecher as to the locality of that conversation. Its utterly immaterial for every purpose in this case, except as a simple means of ascertaining the truthfulness of witnesses. It strangely happens that Mr. Beecher is corroborated even in that regard, not only by the affirmative evidence, but by that circumstantial evidence which, to the intelligent mind, is more satisfactory and conclusive, even, than affirmative evidence. Where was that interview? Mr. Bowen had promised Tilton he would take that note right up to Mr. Beecher's and present it immediately after the interview. What more do we find? It was in the afternoon that the promise was made. What more? It was in the afternoon that the promise was fulfilled. Mr. Bowen says that. Why not go? Bowen either meant to be true to Tilton or to be false to him. In either case his road lay right straight before him. If he meant to betray him, as Frank Moulton told him, the moment he stated he had sent this letter, he went on, it was to secure an alliance with him, Henry C. Bowen, on that winter day, as he was rushing with his important message to

BREAK THE BOND OF FRIENDSHIP

between Tilton and Beecher, and to secure the bond of friendship which was to be made between Beecher and Bowen. If his purpose was hostile, Henry C. Bowen went as in pursuit of an enemy or with a weapon of death. When he went to the house of Henry Ward Beecher, intending to stab him to the heart, he didn't want to be seen by him or any of his household; he went to deliver a mere letter, the delivery of which would, if Beecher was a guilty man, paralyze him upon the instant. If Henry Ward Beecher had been guilty with Theodore Tilton's wife, as he would have him believe, and that had been brought to him by the hand of Henry C. Bowen, his bitterest enemy, have you any idea of what would be the effect? When Bowen started with that message he didn't know what the truth was; of course he didn't suppose adultery, as Tilton hadn't charged that, but he charged guilt that was just as fatal to the minister of the Gospel. He had charged improper and dishonorable proposals by a clergyman to the wife of a communicant in his church. Bowen didn't know whether it was true or false. He gives his account of the interview, and it is perfectly preposterous. Bowen knew nothing of the matter; he was only to deliver a letter, and he promises to perform his part.

HE HAS NO END TO GAIN;

he has no doubt about dismissing this man; he told him on Monday that he was going to dismiss him; he didn't want to know of any more stories against Theodore Tilton; he had heard enough already to act. Bowen tells you that that letter was put in Beecher's pocket. "What about that letter, Mr. Beecher?" "Why, the man is crazy." That settled the question with Bowen; it is one of Theodore's lies; there is no truth in it. If this man were guilty such a message as that would startle him and blast his very eyes as he read it; but he was as cool and as calm and as indifferent as if it had been a message from a maniac of a madman, and his only comment is, "Why, the man is mad." Why didn't Bowen go away? His errand was accomplished; he had carried the letter to Beecher and delivered it. Why didn't he go? We forget; his memory is treacherous. Somehow or other he stayed; somehow or other, as he admits, he gets to talking about Theodore Tilton, and somehow or other he does tell Mr. Beecher that since he dismissed him from the editorship and retained him only as contributor he keeps getting from all quarters admonitions against retaining him even in connection with the Brooklyn *Union* or in correspondence with the *Independent*. But then! Now he has certainly got through with this letter. Why don't he go? He don't; he stays. He thinks he didn't ask any question, but he does remember there was talk.

THE CONSPIRACY.

"Something should be done to turn Beecher against Bowen," exclaimed the counsel, and he proceeded to tell the methods put in practice. The jury is attentive, Tilton is busy writing, Beach is reading numerous pages of manuscript, from which he occasionally looks up to throw a glance at Porter when he hammers the table and threatens the integrity of Beach's silk hat.

Mr. Porter now proceeds to vindicate Beecher from the charge of cowardice made by Morris. He shows that in place of meeting the crisis in a cowardly spirit he exhibited a noble fearlessness, never once dincoing before the relentless enemies who pursued him. True, he did not rush recklessly into a contest with these men, for he had everything to peril and they had nothing to lose.

THE JUDGMENT OF THE JURY.

Without going further into details, gentlemen, I am content to submit to your judgment whether it is not perfectly apparent that Theodore Tilton, on the Monday of that week, felt that his destruction was imminent; that it was to come at the hands of Bowen; that Bowen had entrapped him into making a charge against Henry Ward Beecher, under the false promise that he would sustain him in the charges and then furnish the proof, and then taking that charge to Mr. Beecher had made it the occasion of putting Tilton in the power of Beecher, so he could destroy him even if Bowen did not. He felt that that letter, written to Mr. Beecher, was a letter of destruction to him, unless he had some means of reclaiming it from Mr. Beecher's hands, and putting Mr. Beecher himself in terror for his own reputation. Now, let us look at the action of the parties. If Mr. Beecher were guilty when he received that letter what then? You know what he would have done. He might not have left Plymouth church, he might not have left the city of Brooklyn. He did not. The first thing he would have done would be either to write to or appeal orally to Theodore Tilton. My friend, Judge Morris, says that Henry Ward Beecher is a coward when he is in the wrong. All men are. Why was this man calm, fearless—fearless, though threatened by a relentless enemy—fearless, though the message was borne by an enemy almost equally relentless? Why was he fearless? He goes on with the duties of the week; he seeks neither Mr. nor Mrs. Tilton. His Friday night comes and he meets his congregation that assembled there to join him in worship. Every duty of the week is discharged as usual—no, not discharged, for on his way to the place of worship, or just as he was leaving for it, enter Frank Moulton.

THE MOULTON-BEECHER DIALOGUE.

He, too, found his way to Columbia Heights, and for the first time in his life, in the storm of that winter night, Frank Moulton crosses the threshold of the pastor of Plymouth church to see him. "Don't go to your church; come with me, for Mr. Tilton desires to see you." "What about?" "He will tell you." They walk down together, and then occurs this dialogue:—"Bowen is a very treacherous man—a very treacherous man to you, Mr. Beecher; very treacherous to Theodore; Bowen can't be trusted." "What does Theodore want of me?" "He will tell you when you get there." "How it snows!" "Bowen is a very treacherous man. Did it ever occur to you, Mr. Beecher, what a treacherous man Mr. Bowen is?" Now, gentlemen, he was paralyzed when it was put into that bold and naked form. On that night Frank Moulton took Henry Ward Beecher down to Theodore Tilton's, and carried him afterward into that room, with a view of Mr. Bowen's destruction. It meant the destruction of Henry C. Bowen and the reinstatement of Theodore Tilton on the throne from which he was cast down. You do not expect that we can show just what were the particular means these men used and the particular purposes they had in view; this, that and the other arrangement; but we know they made all work together like the machinery of a watch until it should produce the one result, and they brought that machinery to bear so that Henry Ward Beecher from that time for the next three years was as completely under their control as the hour hand of the watch is under the control of the manufacturer who puts together the machinery that moves it. They were practising upon a true but a simple-hearted man; they were practising upon one accustomed to confide in his fellow men; they were practising upon one sensitive to every part of his nature, one full of generosity, one who in any other line of life, like Mrs. Tilton, was always ready to take reproach upon himself; always ready to give life and strength, vigor and hope and prosperity to others. Gentlemen, if there was

A SHADOW OF TRUTH

in this story do you believe Henry Ward Beecher, when he was consulted as to the separation between Theodore Tilton and his wife, would have sent that wife to his wife to tell her story? Now, that is a question addressed to your intelligence. What probability is there in it in the ordinary course of human affairs? Do you believe it? Innocent? nothing more natural. Guilty? It is utterly and absolutely impossible. Another. If it were true as a matter of fact that on the 3d of July Mrs. Tilton came down from the country, as a volunteer, to confess to the unsuspecting husband that she had been guilty of adultery, and with her pastor, do you believe that Theodore Tilton and she would have slept together that night, the next night, the next week, the next month, the next twelve months, the next four years? Again, if on the night of the 3d of July she had come and told such a story of her pastor, do you believe, when he afterward was in her house in the month of August, when she was sick, and by her request they had a private interview together in her bedchamber he and she were guilty? She had confessed her guilt and been his accuser, and to a man of the vindictive malice and the terrible power of hate of Theodore Tilton she would have given him one solitary warning. Do you believe that for six months after that she would have permitted her husband and him to meet in the streets of the city of New York—nay, at his own house, which Mr. Beecher might at any moment have casually entered and without the knowledge that this man held in his hand the power of life and death over him? One more question—out of the order of time and yet within the range of facts. If it were true that she was a confessed adulteress and that he would live with her for four years after writing and receiving letters like those which have been read in your hearing, and if this were true and the time came when they were finally to separate, to whom would you look for the separation? Would you expect the injured husband to drive off the wife, or would you expect the criminal wife to leave the husband? Leave him, not to join the paramour; leave him to live alone; leave him to depend upon the charity of those who owed her no thing; leave the man to whom she should look for support and trust herself to strangers? Here it is the guilty wife turning her back upon the innocent husband, and won't return—the guilty that won't forgive the innocent. Again, another of these questions which arises out of the incidents of this case has a peculiar significance. We have all known something, seen something, heard something and read something of the history of our fellow men in ancient and later days. Where, until Theodore Tilton set the example, is the instance to be found in the whole world's history of a husband who had forgiven his adulterous wife, who had children by her, who professed to love her, taking from her a certificate in writing that she was an adulteress? Mark it, gentlemen; this man never did, but he swears he did.

"Where is there an instance in the whole world where a husband forgave his adulterous wife?" cried the speaker, wheeling on his heel and looking over the audience. Mr. Beach took a note of this and will perhaps remind Judge Porter of the very familiar instance of Daniel E. Sickles taking back to his bosom a wife of whose adultery he had the clearest evidence.

THE FALSE CERTIFICATE.

It is because I wish to expose the falsity of this that I call your attention to it. He takes from her a false certificate; a certificate not reflecting upon herself, but accusing another. He took from her a false certificate that Henry Ward Beecher had made her indecent proposals; but he tells you that though he had forgiven her; though he had pledged himself never to injure the man who had wronged him; though the world did not know of his guilt or of hers; though even the adulteress did not know of his exposure; yet he, who needed no further assurance of his own dishonor, called upon his wife to write a certificate for Frank Moulton that she had been prostituted and debauched. It is utterly incredible. The man has done many mean things, many base things, but that was so base and mean that even he would have revolted from doing it. But again, there was a letter. It was a letter addressed to him. It was a letter, not of confession, but of accusation; it was a letter accusing Mr. Beecher of having made indecent proposals to her. Now for proof of it. In the first place, gentlemen, we have most explicit and over-conclusive evidence of it in the fact that that document, important as it was, was the subject the night after it was written of a conversation most memorable between Theodore Tilton and Henry Ward Beecher, of which both have given full and minute descriptions at different times, on different occasions, to different parties and in entire harmony; and both agree that that document was not a confession of adultery. Both agree that it was a charge of improper proposals. Mr. Beecher gave it to you on this stand in all minute particularity. Theodore Tilton, in December, 1872, according to his own confession and with the aid of his own notes made at the time—phonographic notes of the conversation contemporaneous with it—gave a written statement, which was not signed by Mr. Beecher, was not accepted by Mr. Beecher; when read to Beecher aroused his indignation because of its perpetuating that indecent charge of indecent proposals. Now, gentlemen, the same man who then wrote a statement of what was in the paper she signed on the night of the 29th of years now that that statement was a confession of adultery. That night he said—in that statement he said the language of the paper was:—"Mr. Henry Ward Beecher, my friend and pastor, solicited me to be a wife to him, together with all that this implies." He says that statement, when made to him on the night of the 30th, Mr. Beecher repelled with a royal negative. But, gentlemen, we have better evidence than that of what was in that paper. Then the paper—the original was in Frank Moulton's pocket; the copy was in the hands of Theodore Tilton. But he destroyed the ineffaceable memory on the mind of Henry Ward Beecher of the contents of that paper. Beecher mistrusted him, and Tilton said, "My house is but a few squares off; go down there and ask Elizabeth; she will tell you." He asked Elizabeth; she confessed the fact that she had made the statement—she admitted the falsity. She recognized his appeal to her and recalled the falsehood. She traced with her hand in writing a revocation of what she had threatened of that provocation made by her, the writer of the paper made to Beecher, the person charged in it. She recites the charge and recites it as a charge of improper solicitations—"Wearied with importunity and weakened by sickness, I gave a letter incriminating my friend Henry Ward Beecher, under assurances that that would remove all difficulties between me and my husband," pointing, as you perceive, to the same conspiracy alluded to in the subsequent letter:—"That letter I now revoke. I was persuaded to it, almost forced, when I was in a weakened state of mind. I regret and recall all statements. E. R. TILTON."

Then, feeling that she had not made it sufficiently and frankly, she adds further:—"I desire to state explicitly that Mr. Beecher has never offered any improper solicitations to me, but has always treated me in a manner becoming a Christian and a gentleman."

When the clock struck twelve the Judge cried, "Wait a moment;" but Porter heard neither the big bell above nor the command of the Judge, but rattled along as before, too full of earnestness to take heed of anything or anybody but the jury right before him. His voice has considerably improved since the first day. He can now be distinctly heard in all corners of the room. His manner is also better.

THE MISSING PAPER.

Now, gentlemen, that paper, whatever it was, was confessedly in existence all through 1871. Whatever it was, it was confessedly in existence during a large part of 1872. It was the only paper on the face of the earth that charged Henry Ward Beecher with adultery. If the charge was anywhere it was there. There was the man who sought to fix upon him adultery. There was the man who was through 1871 insinuating to his confidential friend, and to those whom he supposed to be the enemies of Mr. Beecher, that he committed adultery. Where is the copy? When was this paper destroyed? There was the man who hated him and would destroy him. There was the man who threatened the exposure of the apology, who threatened him with the exposure of his own letters—not to his face, but to others; and yet to no man on the face of the earth did he ever show a paper signed Elizabeth R. Tilton, charging Henry Ward Beecher with adultery. Mr. Tilton, who has not hesitated to say that he would take Henry Ward Beecher's life, if he could do it with the concurrence of a single person; Moulton, who has sworn in the spirit of a fiend; Moulton did not pretend that he ever saw any paper anywhere, a statement by Elizabeth R. Tilton that Henry Ward Beecher committed adultery with her. Tilton tells you that paper was in Moulton's keeping. If it was in his keeping do you believe he did not read it? The paper, he says, is destroyed. When destroyed? After the $7,000 was obtained from Bowen, not before. Was this important paper destroyed without even keeping a copy of it?—for a copy was there taken. Where is that copy? Even Theodore Tilton don't undertake to swear to you what that paper contained, except the implication and characterization, he called it "a confession"—or, rather, they make Beecher call it a confession. Confession of what? Where is the paper? Where are your shorthand notes of it? When Moulton came in from a visit to Henry Ward Beecher Tilton proceeds at once to enter the conversation in shorthand for future use. Would that man neglect to take a copy of the most important paper that ever was written in connection with this controversy? Frank Moulton, you remember, stated that Mr. Beecher was fool enough to think, after the tripartite agreement and the contemplated burning of the papers, that the apology was burned. "I was not such a fool," he says, "as to burn that paper; if I burned it Beecher might turn upon Tilton and rend him." But the same man, who was not such a fool as to burn the apology, tells you that he was such a fool as to burn the confession. That paper was an accusation; it was for a purpose; they felt that they could not get Mr. Beecher to an interview without the use of that paper. He went cheerfully; he met Theodore Tilton, and Tilton met him with this accusation. He denied it. Tilton referred him to his wife; he went down and found her; he made his appeal to her; she said the accusation is false, I recall it; he left. The next day he told Tilton that the woman who had made the false accusation had retracted it. He had received it; and that was on that remarkable 1st of January, 1871. I pass over all intermediate. On that day what is the condition of things? Not stopping to refer in detail to the conversation of the 30th or of the 31st, we come at once to the occasion when Moulton obtained the apology, and under what circumstances was that obtained? I only allude to that in brief for the purpose of introduction to another.

Two of the most patient and sympathetic listeners to the speaker are Mrs. Beecher and lawyer Shearman. The former is the beau ideal of an attentive listener. Her woman's heart feels that every word of vindication dropped from the pleader's lips on her husband's behalf is the truth itself, and that the world should know it. If the jury be not convinced by the lawyer's logic of Beecher's innocence the woman is. Shearman is a placid listener, with a humid eye.

THE LETTER OF RETRACTION.

Tilton had assured Mr. Beecher in that interview on the night of the 30th of December that Mrs. Tilton's affections had been alienated from himself, and had been centred in him, her pastor, as their centre and sun. This, to Mr. Beecher, was a great surprise. He was charged with having interfered in Mr. Tilton's family affairs, and having advised his wife, whose affections were so alienated, to leave her husband. He was filled with remorse. He was told that he and his wife had made charges against the moral character of Mr. Tilton, that were base and wanton imputations. He was told more—that he was charged with soliciting her dishonor. Then came the challenge, and he obtained the retraction from her. On the 30th, after the retraction had been obtained, Moulton comes to him and demands that the retraction be returned. Why should he return it? To vindicate him? I can vindicate my own honor from a false accusation. That paper does more—that paper declares that Theodore coerced his wife into making the accusation; that read:—"That his importunity had almost forced me." She had given that. "What good is that paper to you, Mr. Beecher?" "Why it at least serves to vindicate me and my memory. If I die, from the assaults that may be made upon it; it is due to myself and my honor, due to the honor of my family." "Why, Mr. Beecher, what value is that paper to you? The same woman can renew the charges to-morrow; besides, you don't know Theodore; he has a great many good points, but also a great many weak ones; his temper is unconvertable; he is perfectly unreasonable; but you appeal to his magnanimity, his generosity, his good feeling, and he is one of the best fellows in the world; all you have to do is just to meet him in the spirit of frankness and do what he wants and you will find he will not pursue this controversy with you, but he will be the best friend you have on earth. He hates Bowen, but he really loves you; all you have got to do is just to make peace. Return that paper." "Well, take it." The next day he gives to him what is the occasion of the apology. He talks the matter over, and there are one or two features about that that I want to call your attention to. On that occasion Moulton devotes himself to establish to the satisfaction of Beecher, first the entire and absolute innocence of Theodore Tilton. "Why, you know how treacherous Bowen is; these stories started with Bowen."

THE MOTHER-IN-LAW.

"There has been something to confirm them, but they grew out of that mad woman, his mother-in-law's actions. Why, Mr. Beecher, you know what Mrs. Morse is. There is where this trouble has originated. She no doubt really believes Tilton to be one of the worst men in the world. If you credit her stories you would suppose that he was the veriest adulterer that roamed in the tree pastures of Brooklyn. There is nothing in it. Why, there is Bessie Turner; she is his adopted child. Theodore loves her, and would no more think of wronging her than you would of wronging your daughter, Harriet Scoville. Why, as to Bessie, undoubtedly there was little fondling caresses, which she never would have thought anything more of than any child, any daughter, any schoolgirl, except for Mrs. Morse. Mrs. Morse put it into her head that it was the purpose of Tilton to destroy her. There's nothing in it." "Well, but Moulton, Mrs. Tilton herself talks about Theodore. She told Mr. Beecher so and so, told me so and so of his irregularity." What said Moulton? "There is nothing in that; don't you know a woman like Elizabeth Tilton, haven't you seen enough of them to understand them; she is sick? She is nervous, she is easily influenced by her mother, she is nervous, she is half the time in the family way, she has a great deal of trouble with Theodore, she has trouble with her own children, and the whole of it is, that the poor woman don't know on which end she stands half the time. Why, her mother comes and makes her believe anything, then Theodore comes and makes her believe anything. The woman means no harm; but the truth of it is, Beecher, she is perfectly crazy about you." "Why," says Mr. Beecher, "I never saw any evidence of that." "Why, Beecher," says Moulton, "she loves your little finger better than she does the whole body of Theodore Tilton. Well, you see this woman who has told stories about Theodore which you credited is just as ready to charge you with the same things. You go to her, and she retracts; Theodore goes to her, and she retracts that. What did you tell Bowen?" "I told him," says Mr. Beecher, "what Bessie Turner told me, that he was too tainted to be connected with those two papers." "Well," says Moulton, "you see just where he is; you have slandered him, you have done him great wrong; you have had him turned out of the *Independent*—the formal notice came last night. Here is a man who was in receipt of $15,000 a year from those two papers. If you had come to him and asked him about these stories he would have explained them, or you might have come to me. You have destroyed Theodore; you have destroyed his reputation; you have destroyed Elizabeth; they have an unhappy home; you have been the means of breaking them up, and now what you have got to do is to join hands with me and in some way or other reinstate them." Now, it was just in that condition Mr. Beecher found himself in the early part of 1871, and Mr. Beecher says, "The woman is broken down; she is crazy; there is something wrong about her; I ought to have been more careful; I have been the means of breaking up his family if I have slandered Theodore, who was for so many years my friend; if I have brought discord in the house of one of my own congregation; if I permitted this poor, sick, broken-hearted woman to fasten her affections upon me to her own destruction and the destruction of her household."

Porter is not the best of readers. He read the famous letter of retraction given by Mrs. Tilton to Mr. Beecher in an indifferent way, and people are not aware that the most important document in the whole scandal has been taken up for criticism. The letter was dwelt upon at some length, and in the interest of the defendant it was made to appear an unanswerable argument. Mrs. Tilton, according to the counsel, had no mind of her own. "You go to her, and she retracts this; Theodore goes to her, and she retracts that."

ANOTHER APPEAL.

What would you have done in his place? Now, gentlemen, these are things not to be dodged. We feel, we know that it would have affected even us, we, hardened and of the world, accustomed to battle with life, to look things in the face, not treated as clergymen are, who are flattered by women and praised by men; who are admired and loved; who are surrounded by friends, and whose enemies are kept at bay; who are unused to the warfare of life; when trouble comes would be perfectly unprepared for it, unless it be or that order of trouble to which they are better prepared than we are to sustain it. When these things happened what should be expected of them? Now, let such a denunciation of trouble surround a man in our profession and of mature years, accustomed to affairs, fearless, self-reliant, resolute, ready for peace and equally ready for war; calm, self possessed, what then? Suppose any such attempt were made upon a man like my friend Beach? You can see that eye flashing with a fire that would not be content unless it was seconded by a blow. But, just look around this audience, and see whether you cannot see even from where you sit men of worth and character exceedingly impressed with the feeling that this is a serious matter. "What shall I do? Shall I talk to my wife? What! to my wife about being charged with dishonoring another man in his marital relations?" It is very easy for us to say what we could have done. It is not quite so easy for us to know what we would have done, but above all, it is difficult to say not what we would have done but what any other man would have done. There are twelve of you. One would have acted one way. Another another. Perhaps no two alike, even among you twelve. How shall Henry Ward Beecher act? Well, if we had in our midst 12,000 Henry Ward Beechers, we should have the means of judging, because we could judge by the way one acted how the other would; but we have no more 12,000 Henry Ward Beechers among us than we have 12,000 Theodore Tiltons among us. [Laughter.]

Closing up to recess Porter becomes conversational in his manner. His voice drops low and keeps at a pretty even level. He addresses himself entirely to the jury. His sketch of the difference between the lawyer and the divine, the one accustomed to battle his way through the world, mingling chiefly with men, the other flattered by women and praised by the other sex, beloved and caressed and thrown into all kinds of temptations, interested the audience considerably.

A CONTRAST.

They are men greatly unlike, as opposite as the poles; but they are men each of them who have few parallels. You can't say, with absolute certainty, that because you know how General Tracy would act, or how Mr. Shearman or Mr. Howard would act under the circumstances—you are not quite sure that either Mr. Beecher or Mr. Tilton would have acted in precisely the same way. And yet it seems that there is some sort of Procrustes' bed which must be made to fit. Whatever Theodore Tilton would have done under those circumstances, unless Mr. Beecher did it Beecher is guilty. Well, what did he do? That's the question. Did he write anything? Yes, he wrote something—not much. All that he wrote that day was not those three sheets; Frank Moulton wrote them. The only lines Henry Ward Beecher wrote, so far as we know, on the 1st of January, 1871, are these:—"I have trusted this to Moulton in confidence. H. W. Beecher." That is the record of that. Does that mean that Henry Ward Beecher denounced Theodore Tilton's wife? It don't say so, does it? Now, the man who took that paper and cherished it, kept it in his tin box, secured it in his safe, carried it around in his pocket, showed it here, there and everywhere, had it photographed, used it as a weapon, used it for the destruction of Tilton's enemies—that man who has something much better than those two lines, if Theodore Tilton tells the truth, all he had to do was to put his hand in his pocket and take out the paper signed by Elizabeth R. Tilton, one of the most respectable women in Brooklyn, that she had committed adultery with Henry Ward Beecher on the 10th and 17th of October, 1868, and was in adulterous intercourse with him from that time for a period of sixteen or eighteen months; and yet they would have you believe that, having evidence like that they needed, and having no evidence but this, they burned that.

Judge Nelson—It is one o'clock.

Mr. Porter—Yes, sir.

AN ADJOURNMENT.

A consultation here ensued between Messrs. Evarts and Beach, which lasted a few minutes.

Mr. Beach—If Your Honor please, in the report of the argument made by Mr. Porter yesterday, it bears some observations upon the letter of the 31st of January, 1868. It is the letter which commences, "My Dear Husband—I have just returned from Mattie's to see your dust," &c. My friend, Mr. Porter, commented upon, or interpreted, a quotation from that letter; and this paragraph appears in the report of the *Tribune*. "And she, appealing to that earlier age and that pure man which she in her woman's simplicity describes as your former loveliness," says, that I, by my indifference and coldness, and rebuking of your sins, have brought you to abandon the Saviour whom you loved, to go after strange gods and strange women; yet I can accept that destiny even without the forgiveness of God, if it will only restore you, my beloved husband of my youth, if it will only restore you to your former loveliness and reconcile you to that Being who is the God of your children and of mine, and to whom they must look for mercy, forgiveness and salvation." That appears in the report, sir, and I think properly, by the board of publishers, put into the report as a quotation, because my friend there follows with an apparent quotation of the language. It was an inadvertence into which my learned friend fell, I think. There are no such expressions in the letter, such as are here assumed to be given. It was evidently intended by my learned friend as a paraphrase upon the spirit of the letter. I called the attention of Mr. Abbott to the circumstances, and he kindly referred me to the original letter, and says the passage should not have been printed as a quotation. It was a mere statement of the substance or spirit of the passage itself from actual reading, as I see from actual reading of the portions of the letter as placed before me by my friend.

Mr. Porter—I am obliged to my learned friend for mentioning it, for my eye happened this morning to fall upon an entirely different sentence in another paper, in which I find I am made to impute to Mr. Tilton language which I was using myself, and also on another occasion where language which was really used by Mr. Tilton in the letter appears to be my own. Everyone understands how utterly impossible it is for the reporter to know at what precise point the speaker stops reading and takes his own language. I think the jury are able to distinguish; but my voice being in the condition in which it is difficult for them to hear, they cannot at the same time be looking up to see when I am reading and when I am talking.

Mr. Evarts—I asked my learned friend and associate, Judge Porter, how he feels in regard to strength, in view of the sudden heat. As Your Honor may readily appreciate, it is somewhat debilitating, and Mr. Porter does not feel so adequate to proceed after the recess as to make him wish to proceed. Unless Your Honor should think otherwise, we might adjourn now, it being the last day of the session. Your Honor has always been so considerate and disposed to grant all proper requests that we submit it would not be improper, in view of the way Judge Porter feels, to ask Your Honor to grant us this recess.

Mr. Beach—If Your Honor please, I am resigned to the fatality of this case. Wherever it goes, I must go with it, and bear all the pernicious consequences of its tedious prolongation. I know how difficult it is to speak consecutively several days. I realize the fact that the sudden but agreeable change in the weather has made it still more oppressive to do so. If my learned friend, Mr. Porter, feels the slightest inconvenience, I am resigned to the adjournment, but to the unnecessary prolongation of the trial I must certainly dissent.

Judge Nelson—Then, gentlemen of the jury, we adjourn until Monday morning at eleven o'clock. Please be here at that time.

HOW MUCH LONGER?

Mr. Beach—Will Your Honor give us some intimation as to the length of time we will occupy. We have an intimation that my friend Mr. Evarts will probably occupy five days. I don't mean to say that Your Honor ought to exercise your discretionary power in the limit of the debate; but it seems to me there should be some understanding and limitation as to the extent of the discussion. I am very sure I shall not be obliged to trouble Your Honor more than a couple of days, and we have already occupied two days and a half, and I think it is due to us that we should have some intimation as to the continuance of this discussion upon the part of my learned friend. I certainly feel that it was a very unequal discussion with my two distinguished friends occupying so much time with their great ability, and as they are to be met only by what little I can say.

Mr. Evarts—I assure my learned friend that we don't take the same view of our opponent that he has expressed. I think I can promise that the two hours that are now given by Your Honor, and with the concurrence, I hope, and the indulgence of the jury, will not procrastinate the close of Mr. Porter's argument by that time. No additional length of time will spring from these two hours being given. I think I can promise that, but beyond that I cannot very well say.

Mr. Beach—That gives whatever of the length of time which our friends ask for the discussion of this case. Your Honor is very well aware that by the ordinary rules of the court, applied to ordinary litigations before it, but an hour, or two hours, are assigned or permitted for counsel for the discussion of the most important case. I had not supposed that Your Honor would make any arbitrary rule restraining counsel in the debate in this case. But it has reached now a position where it seems to me that we ought to have some intimation as to the time that is to be occupied on the part of the defence.

Judge Nelson—It would be very desirable, certainly, and it would be perhaps convenient to you. I have an impression—I don't know where I got it—that Mr. Evarts might occupy next week, and though I may have made a mistake, I wrote to a friend in the country, who is anxious to hear Mr. Beach, stating to him that his time to begin was week after next. (Laughter.)

Mr. Evarts—I will add to that that I have refused to make an appointment at the end of next week, because it would deprive me of the pleasure of hearing Mr. Beach's response. I have reserved the next week for the purpose of a very important engagement at Washington, which will take me from the trial.

Mr. Beach—My friends are very gracious in compliments, indeed, but I can't get any satisfaction on the main point. We don't even get the assurance of my learned friends that they will close in the coming week, and I think we are entitled to it.

Judge Nelson—I think I can answer that they will close next week. I think I will see that it is done by Saturday. (Applause.)

Mr. Evarts—Or Sunday. (Laughter.)

Judge Nelson (to the jury)—Gentlemen, we will separate until Monday morning, at eleven o'clock.

PLYMOUTH PRAYER MEETING.

DEATH AND IMMORTALITY—THE AUTUMN AND THE SPRING OF THE SOUL.

Last night there was a perceptible increase in attendance at Plymouth prayer meeting on last week. Before the talk Mr. Beecher gave notice of the death of two of the church members. One an old man, between sixty and seventy, Mr. Worth; the other, Miss Sheppard, a young lady of nineteen. Mr. Beecher's mood was very serious and his whole discourse of death. Before commencing he gave out hymn 1,230, and said:—This hymn is always associated in my mind with a certain memory. When I lived in Indianapolis, about forty years ago, I was called to go to Jacksonville and deliver an address. It was a long journey. I took my wife and child, and we were gone two weeks. On returning we had got within a few miles of Indianapolis, and were as elate and merry as you can imagine, when we met one of my elders riding out from the city, and he stopped and said, "Have you heard the news?" "No," said I. "Your brother George has killed himself." I did not say one word, nor did my wife, nor did he say any more. I rode along thinking, "Killed himself," "Killed himself." It was nearly an hour before I got home, and then I learned that the accident occurred while he was shooting birds in the garden. He had a habit of blowing out the barrel after firing, and the other barrel had caught in a twig, and the contents had entered his head, killing him instantly. It was a great relief when I learned that "killing himself" did not mean suicide. That evening we sat around the piano and sang this hymn among ourselves. Well, years have passed since my brother George entered into rest (for he was a holy man), and he sings higher songs but this hymn remains to me and is full of associations. The hymn began as follows:—

What is life? 'Tis but a vapor,
Soon it vanishes away.
Life is but a dying taper.
O! my soul, why wish to stay?
Why not spread thy wings and fly
Straight to yonder world of joy?

After this hymn had been finished Mr. Beecher began by saying:—I recollect an article of Dr. Cheever's some years ago, in which he intended to show the difference of effect produced upon us by morning and evening light. He probably had not become aware that the light itself was very different, yet although there are physical reasons of difference, there is a good deal of truth in the idea that we are impressed by morning and evening differently. Now the difference between autumn and spring in the year is worthy of some such like consideration. I hardly know how you feel, but the times of year most exquisite to me are June and October. It is not until June in our latitude that nature gets herself fully agoing, and it is in October that being begins to cease. Trees are clothed in colors, the grass grows slowly, everything seems getting ready to stop, and over it all there is a dependent heaven-holiday atmosphere. It is the way of dying. Trees are getting bald and are packing up their ends till at last some rain comes and takes all the leaves, and

THE HORIZON IS ENLARGED BUT BARREN.

This is dying, looked at from one side. When men die they shed off all that which we are accustomed to see. There is nothing now visible to us. Death seems the winding up for man. Along the road leading to my house in Peekskill is a double row of maple trees. There is not a branch or twig that has not a prophecy of another year. What that prophecy is you will find out next June. All that you see now was in readiness last November, and they were waiting, and all that seemed desolate is but seeming. For now there is but one impulse to be seen in the country—all things are speaking about life and ministering to life. Now, when I go into the country at such a time I wish that the great events of Christianity could be put into some such relation. Take the month of June to be typical of the resurrection of Jesus, and these days, to me, are all full of spiritual meaning. I don't say form and color and fragrance have no physical effect on me; they have; but the heavens declare the glory of God and the earth declares Thy handiwork, and I look on all these things as

AN UNWRITTEN SCRIPTURE.

When you die, I don't forget you, but I don't cry for you; I rejoice, for when you die you live. I give you heed now, companions and friends, when you die I shall shed no tears of sorrow if called to your funeral; I shall go as God's joyful minister. Thank God that autumn means spring. Paul has some idea of this; I got it from him. "They are sown in corruption." Some people see in a dead body only the corruption; they hide all the pictures and looking glasses, and put a

STREAK OF NIGHT

on the door, and I feel it is a duty to be unhappy. They want a sexton looking like an imp from darkness—(laughter)—black hearse, black plumes. So Paul says, "sown in corruption;" but when we die we begin life; though we are "sown in corruption we are raised in incorruption." I hear time and the world saying "it is sown in dishonor;" I hear Heaven shout, "it is raised in glory." Earth says "it is sown in weakness;" Heaven says, "it is raised in power." I hear earth say "it is sown a natural body;" Heaven says it is raised a spiritual body." Don't let anybody cry when I go. Clap your hands. Let no one dare stand at my grave and say, "Here lies Henry Ward Beecher," for I won't be there. Stand with your feet on my turf and look up.

CHURCH OF ST. MARY THE VIRGIN.

THE RITE OF CONFIRMATION ADMINISTERED BY BISHOP POTTER—THE SERVICES LAST EVENING.

There was a very large attendance at the Church of St. Mary the Virgin, Forty-fifth street, near Broadway, last evening, on the occasion of Right Rev. Dr. Potter administering the rite of confirmation to twenty-eight persons, the greater portion of whom were young ladies. The congregation were noticeable for the great attention given to the solemn services, their