THE EXHAUSTING TRIAL.

One Hundred and Eighth Day of the Scandal Case.

BEACH STILL SPEAKING TO THE JURY.

Following the Defendant's Counsel Over the Whole Ground.

FIERCE BURSTS OF ELOQUENCE.

"The Secret the Man Possesses Finally Possesses Him."

CONSCIENCE TOO POWERFUL TO RESTRAIN.

Yesterday was the sixth day of Mr. Beach's address to the jury. His original intention was to confine himself to a period of two or three days, but Messrs. Porter and Evarts wandered so far and so long into the desert wastes of the scandal that Beach concluded the duty was imposed upon him of following these truant lawyers through all their wanderings, and of charging down and capturing every position they assumed. Had Porter and Evarts been satisfied with a joint term of six days, Beach would have been satisfied with three; but as they extended their plea and stretched it over a period of two weeks, he thought the least he could claim would be half the time consumed by his adversaries. Beach made

A PLAIN, FORCIBLE APPEAL

to the jury yesterday, on behalf of his client. He did not stir the same depth of feeling as on other days, but to those who followed his argument he presented a strong chain of reasoning. He dealt with the letters now so familiar to the public of Mrs. Tilton and Mr. Beecher, dissecting them in a way that made their intrinsic meaning stand out as clear as a beacon light. Especially lucid did he make it appear that Moulton acted as a sincere friend of Beecher's. "It was his hand that tied up the storm that was about to burst on both our heads," wrote Beecher to Mrs. Tilton. And yet this man, said Beach, is called by the counsel of the defendant a conspirator, a blackmailer and a traitor.

MR. BEECHER'S APPEARANCE.

Mr. Beecher was present in the morning and absent in the afternoon. His appearance and behavior are different from what they were when Evarts and Porter spoke. Then he looked cheerful and paid close attention to every word uttered, but now that Beach fills the air of the chamber with the burning language of unsparing denunciation the great preacher is nervous, uneasy and plainly anxious to be anywhere else on earth than where he is. He reads while Beach speaks, and turns his head away, but somehow he is constantly returning his glance to Beach, and as constantly taking it away.

WHAT COUNSEL PRESENTED.

Mr. Beach continued his great speech by referring again to the retraction Mrs. Tilton gave to Mr. Beecher, and dwelt on the phraseology of the paper, calling special attention to the word "inculpating," as it occurs in the following sentence:—"Wearied by importunity and weakened by sickness, I made a statement inculpating my friend Henry Ward Beecher." Counsel insisted the word "inculpating" was not a woman's word, and they had evidence that the phrase was used by Mr. Beecher in his letter of contrition. Beecher swears that the letter of retraction was written by Mrs. Tilton at her own dictation; yet we find that Tilton next day goes to Moulton and tells him that Beecher extorted a letter of retraction from his wife, which he dictated himself. How did Tilton know that? He knew it from that paper his wife left for him before she went to sleep, in which she tells him that she gave Beecher a retraction, to defend him from accusation in a council of ministers from all but her husband. Counsel held that the conduct of Beecher—in the way he went to work to extort that retraction, and, after getting it into his possession, neglecting to show it to her husband—was unmanly,

COWARDLY AND DISHONORABLE.

Several clear admissions of Mrs. Tilton to her husband of having done wrong were read by counsel and criticised. Mr. Beecher said he had only extended parental affection to this lady, and yet she declares when she suffered her love to break into a passion it was then only that she felt her crime. She sees now as she never saw before the wrong she had done to her husband. Henry Ward Beecher taught her that there was no sin in the act, and she had come to believe under his teachings that three persons could be united in a kind of trinity, after the fashion of the Godhead itself, by a sort of identity of interests, while at the same time all three gratified all their spontaneous desires. To this letter Mr. Beach gave a large share of attention, and dwelt especially on the expression that she was now prepared to renew her marriage vows. Counsel alluded to the

INCONSISTENCIES OF BEECHER,

admitting at one time that Tilton had shown him the highest proofs of friendship and the next moment accusing him of perjury, conspiracy and blackmail. Mr. Beach referred to the destroyed statement of Mrs. Tilton, in which she confessed her guilt to her husband, and held that even if they had it in their hands now it would throw no more light on the case than what they had. The other side would still insist that it was written under subjection to the will of her husband. Beach cried out, "What means this outcry of my friends on the other side against Moulton?" He gave back to Mrs. Tilton, to be destroyed by her, the very paper that would most damage the character of Mr. Beecher, and he retained the one (the retraction) which would serve for his defence. Counsel referred to the confession which Mrs. Tilton made to Mrs. Martha Bradshaw, in August, 1870. It was that confession which convulsed Plymouth church, and there has been

NO PEACE IN THAT CHURCH

up to this hour. Why all this scheming and subterfuge on the part of Beecher to keep the charge against him still? Beecher smiled very pleasantly when counsel asked if all the brazen declamations of the counsel on the other side and the high-sounding assertions of "this potentate of the pulpit" (pointing to Beecher) should be allowed to sweep away the inexorable facts they (the plaintiff) had presented of the guilt of the defendant. Mr. Beach called the attention of the Court to the question of Mrs. Tilton testifying as a witness, and insisted that, though the rules of evidence exclude confidential communications between husband and wife, the parties to an action can waive the rule and the evidence of a wife become as competent as that of the husband. If the parties to this action were willing their wives could be produced and their evidence admitted. It was not their place to produce Mrs. Tilton. She had identified herself entirely with the other side, and the other side could have produced her. "That woman on the witness stand, with a voice that would have penetrated the conscience of the world, would have pronounced herself and Beecher innocent." Beach continued to dwell upon the strange fact that the other side withheld Elizabeth R. Tilton from the witness stand when she of all others could have established the innocence of the defendant.

THE LETTER OF APOLOGY.

Resuming after recess Mr. Beach took up the famous letter of contrition for analyzation. "Shakespeare might as well have denied the authorship of the soliloquy in Hamlet as Beecher deny the authorship of this letter of contrition." Counsel asked the jury to imagine Beecher consciously guilty of the crime attributed to him, and could there have been a more appropriately worded letter of apology? Counsel got off a few very eloquent passages on the power and the operations of conscience. He spoke of the murderer whose guilty soul cannot keep its own secret. The heart feels that a vulture is devouring it, and the secret the man possesses finally possesses him. It breaks down his courage and conquers his prudence. The secret must be confessed. It is too powerful to restrain, and there is no escape from it but suicide. He ponders with strong emphasis on

THE ADMISSION OF BEECHER

that he would step down and out from his pulpit and his church if Theodore Tilton could be helped. Then he read the "ragged edge" letter, in which Beecher speaks of dwelling in the horror of great darkness, and asked if they were to be imposed upon by the explanation that this man (Beecher), who was suffering all this horrible prostration of soul, never uttered in words of so much feeling and power by a human heart before had for their cause the knowledge that a woman had given him her unsought love. Counsel apologized to the jury for taking up so much of their time. So much time was taken by him in answering the arguments of his learned friends that very little is left him for other matters. He then read from the Songs of David the remorse of the prophet for his sin against Uriah in debauching his wife. David not alone confessed his sin before God, but before men. Beach's reading of the Scriptures was up to the pulpit standard. Beach ended his day's work by reading a strongly suggestive passage from Hawthorne's "Scarlet Letter," wonderfully like in substance, if not in language, the "ragged edge" letter by Henry Ward Beecher.

ON THE BENCH

with the Judge were General George W. Tibbetts, Troy; Phillip M. Pryor, James E. Cory, John G. Saxe, General Siegel and Barney Williams, who kept a sharp eye on the jury, as if he were on trial himself.

MR. BEACH'S ADDRESS.

Shortly after eleven o'clock Mr. Beach resumed his address by calling attention to the retraction made by Mrs. Tilton, which he submitted was dictated by Mr. Beecher. "If gave a letter inculpating my friend, Henry Ward Beecher," formed part of that retraction. That term, "inculpating," is not a woman's word. It is rather an unusual phrase. It is very uncommonly used among professional men, although by no means inappropriately used by women. Under all the circumstances it does not belong to the phraseology of the household or to the ordinary style of expression among women; and when we find that the letter of contrition, as it is called, contains a somewhat similar phrase, rather suggests the probability that Mr. Beecher had something to do in framing this retraction. Mr. Beecher, in that letter of contrition, uses this expression:—"I will die before any but myself shall be inculpated." Mrs. Tilton says:—"I gave a letter inculpating my friend, Henry Ward Beecher." This is rather singular. I told you a while ago that we identify persons as much by their style of rhetoric and their ordinary forms of expression as we do by their handwriting, and Mr. Beecher has some peculiarities of language which I have shown to you. When we find in one document the use of a word uncommon to female lips and in another document by Mr. Beecher the use of the same phrase it rather suggests, I think, that Mr. Beecher had something to do with the declaration of Mrs. Tilton. It is not proved by Mr. Beecher that when he returned from Mr. Moulton's he communicated to anybody that he had obtained this retraction. How was it that on that same night on Mr. Tilton's return to his house he learned that Mrs. Tilton had given that retraction? Moulton did not know it. Beecher had not communicated it to either Moulton or Tilton, and yet we find on that same night this woman, as said on the other side, under the domination of her husband, makes a reassertion of the original accusation. Now the force of this is not to be avoided. We must assume as certain that Beecher gave no information upon the subject. There was no other source from which Mr. Tilton could learn of its existence except from Mr. Beecher or Mrs. Tilton. None of the inmates of the house were present at this interview between Mr. Beecher and Mrs. Tilton. Is it not obvious, gentlemen, that when Mr. Tilton had that night returned to his house his wife communicated to him the fact of the visit of Mr. Beecher and that Beecher had extracted from her the retraction? Is it not perfectly clear that Mrs. Tilton acted upon her own voluntary impulse, communicating to her husband what had transpired at the interview with Beecher? She made

A VOLUNTARY STATEMENT

to protect her husband from the consequences of that retraction, and as explanatory of the circumstances under which she had made it. It seems to me strange that Mr. Beecher should have gone to the house of Mr. Tilton under the circumstances without insisting that some third person should accompanying him. Take his picture of the interview between him and Tilton. Accept his theory that he was perfectly innocent; that there had been no act upon his part which produced disturbance in the house of Mr. Tilton, or which, according to his impression, tended in any degree to alienate the affections of the wife from the husband. Now, what would be your conduct under such circumstances? Accused of a vile and degrading offence over the signature of a lady upon whom his artifices were said to have been exerted; when brought face to face with the husband, holding the confession of the wife, and the man represented to be frank, noble and brave, and armed at the same time with the consciousness of innocence—should Beecher, judging by your own observation and experience, have gone privately and alone to the bedchamber of the sick lady and held with her a private interview and gained from her in writing a document exonerating him, and holding that document secret from the parties with whom an hour before he had been in conversation on this very subject. What would have been the impulses of an honorable man under such circumstances? Why, he would have said to the husband, "This is a grievous mistake. This lady is suffering from a hallucination. I have never been guilty of it. It is a shocking and terrible charge. Go with me to the presence of your wife. Let us have an interview. Let us examine the motives of this declaration. Let us see what are the influences, if there be any unworthy or improper, what is the misconception under which this woman labors and under which she makes this false accusation." This would have been the language of a noble and brave and honorable man, as Mr. Beecher was represented to have been. But if he were consciously innocent, being deep loaded with mortification, astonishment and apprehension which the accusation an hour before had thrown upon him, had been hinted, why he would gladly and cheerfully have gone into the presence of Tilton and presented him with the retraction. "Here, sir, is the declaration of your wife. You have charged me with an infamous offence. I believe you were honest in making that charge. With your permission I have seen your wife; I appealed to her justice, integrity, her regard for my position and character, and this is the result—a full and complete vindication, and I ask you to believe that I am innocent and retract the charge you made."

IS THERE ANY DOUBT,

if Mr. Beecher had been the character he is represented to be, or had pursued what would have been the proper course, he would not have gone to Mr. Tilton that night and communicated with him?

Counsel then proceeded to refer to the testimony of Mr. Moulton and Mr. Tilton in reference to the points he has submitted. He read the "Gaunt letter" with powerful effect, pausing at times in order that the force of his comments should be fully weighed by the jury. In this letter, counsel urged, the eyes of Mrs. Tilton had at last been opened, and that she begged forgiveness from her deeply wronged husband. In that letter she hoped he would never be deceived by a good woman as she had been deceived by a good man. She was ready to renew her marriage vows and keep them as the Saviour demanded they should be. The counsel at this stage became exceedingly pathetic, and throughout the crowded court room silence reigned supreme. He then read the letter of Mrs. Tilton to Mr. Storrs, in the summer of 1870, in which he claimed Mrs. Tilton acknowledged to her husband the sin of adultery, and that six months after that she was induced under a mistaken impression to take sides with Mr. Beecher against her husband. Counsel subsequently alluded to the non-production of Mrs. Tilton as a witness upon the stand.

She knows the truth, continued counsel, if she be innocent; but if her written and oral declarations are lies she was the party to satisfy justice upon the points at issue. There is no escape from this. The subtle sophistry and legal errors of my learned friends cannot diminish its moral force. And I repeat again and again with emphasis, in the hope it will be impressed upon the judgment and conscience of each of these jurymen, why was not Elizabeth R. Tilton permitted to state to you what her conscience would permit her to say?

Counsel here proceeded to quote several authorities upon the law bearing upon the point, submitting that the law did not preclude her testimony, both parties consenting.

Mr. Tilton swears that his wife confessed adultery to him; that he communicated on the 30th of December to Beecher the fact of that confession, charging adultery; that Beecher denied it, limiting it to improper solicitation. Mrs. Tilton was the competent witness to contradict the fact whether she made any such confession or whether there was any criminality between herself and Beecher; yet the defence failed to present her. You would not ask the plaintiff to call her. We were accusing; we were asserting. We gave proof, and it rested upon them to contradict the conclusive issue. When you see from the proof that the fact of that confession had been communicated to various responsible and respectable persons do not you see the reason why Elizabeth R. Tilton was not produced as a witness? And why? In the solemnity of this occasion and with the sanction of an appeal to her Maker she dared not stand as a witness and deny what she had already solemnly asserted. I desire, gentlemen, that under the proof you will believe the confession was one of adultery communicated to Mr. Beecher, and that it derived its significance and force from the recognition which he gave to it. Next we consider the confession of Mr. Beecher.

Counsel was about to discuss this important point when the usual hour of recess arrived.

AFTER THE RECESS.

There was less of a throng in the afternoon than in the morning. The delightful weather drew away hundreds who might otherwise have spent the day fruitlessly waiting for admission in the gloomy corridors of the Court House. Mr. Beecher stayed away as usual, but his wife and daughter-in-law faithfully returned. The lawyers on both sides, except Pryor, were present. Beach covered a great deal of ground, and presented numerous quotations from the Tilton-Beecher correspondence to prove that the crime suggested in all these letters was adultery and nothing else.

Mr. Beach continued—In commenting upon this letter of apology of Mr. Beecher, whatever designation was given to it, Mr. Evarts remarked that it was originally called a letter of apology, and that in the Bacon letter elsewhere Mr. Tilton had spoken of it as a letter of apology. In my judgement no significance is due to the particular appellation attached to the paper, whether it is called a letter of apology or a letter of contrition. Its value and effect are to be determined by its contents. It might very properly be called either. Mr. Shearman, when this instrument was produced, ventured to intimate that it had been prepared with different ink, rather conveying the imputation that it had been an entirely fabricated document, from the fact of the difference in the ink, the style of punctuation, which would suggest the idea of fabrication. That has not been continued by the arguments of my learned friends. These differences in ink were caused by exhaustion of the pen, by circumstances which very often occur in the course of writing. It is pretty plain that Mr. Moulton did not have either a very good pen or flowing ink. By the appearance of the paper it would seem that the ink is rather thick and dark. The important question arising upon the evidence regarding this paper is whether it is

THE PRODUCTION OF MR. BEECHER,

whether it really expressed his sentiments at the time it was drawn; and you remember the general circumstances which were related by Mr. Beecher and Mr. Moulton, under which it was written by the statement of both. Mr. Beecher was profoundly moved from some cause or another not important now to consider; his whole being was disturbed, agitated. He was expressing himself in the most emotional manner; he was grieving and sorrowing over something; his heart was unreservedly poured out in the extremest language of regret, if not of penitence. He represents that Mr. Moulton was making a memorandum of the conversation, or of his utterances, for the purpose of submitting, communicating them in some form to Mr. Tilton, as expressive of the feelings and sentiments of Mr. Beecher toward Mr. Tilton in regard to some subject of some character which was disturbing them. Mr. Moulton swears that he drafted this writing from the expressions made by Mr. Beecher at the time, inditing his language, writing it after his dictation. Well, there is no serious disparity between the two witnesses in this respect, whether this was written in the strict sense of dictation—that is, word for word as it fell immediately from the lips of Mr. Beecher—or whether it was an accurate representation of his language as it was caught by Mr. Moulton at the time, is not of very great importance. The question is, is it the language of Mr. Beecher? It is said the paper is not good English; a great master of English and a perfect linguist like Mr. Beecher, would not have produced a document of that character. Well, the paper has excited very extensive comments, not only here, but elsewhere. After my learned friend, Mr. Porter, I may say that when that instrument, or its copy, was read to one of the most cultivated and distinguished editors of the city of New York, he broke out with the exclamation,

"THAT'S BEECHER—IT IS BEECHER ALL OVER."

Shakespeare might as well deny the authorship of the soliloquy of Hamlet as Beecher deny that paper. Mr. Porter thinks it an awkward and an un-English document, neither lofty in sentiment or powerful in expression. But personally I differ with him, and I think I have the opinions of the educated world with me on the subject. I want your opinion if I can get it. "I ask through you Theodore Tilton's forgiveness, and I humble myself before him as I do before my God." Well, there is not much Moultonism in that. (Laughter.) This man who is represented as an egregious sinner, this heathen, they say, not only in profession but in practice, if he was originating a document of this character it is not very probable that he would open it with such an expression of intense sorrow and humility. "I ask through you Theodore Tilton's forgiveness, and I humble myself before him as I do before my God; he would have been a better man in my circumstances than I have been." That Mr. Beecher admits and accepts that expression, and he says that he undoubtedly expressed his sorrow and undoubtedly in some form expressed a desire for the forgiveness of Mr. Tilton, the substance of this instrument so far is Mr. Beecher's. "I can ask nothing except he will remember all the other hearts that would ache." That is not denied by Mr. Beecher. "I will not plead for myself. I even wish that I were dead." That, if I am not mistaken, Mr. Beecher also admitted—that he might have used that expression, "But others must live and suffer; I will die before any one out myself shall be inculpated. All my thoughts are running towards my friends, towards the poor child lying there and praying with her folded hands. She is guiltless, sinned against, bearing the transgressions of another. Her forgiveness I have. I humbly pray to God that He may put it into the heart of her husband to forgive me. I have trusted this to Moulton in confidence." Now, imagine Henry Ward Beecher oppressed with a sense of guilt, accused and conscious of an offence against his nature and character, and expressing all the emotions which would be awakened in a nature like his when contemplating the baseness of his offence, and the consequences which would follow upon the heel of discovery and publicity. Can you conceive—is there a man in this room who can conceive a more appropriate, expressive declaration to be addressed to a man whom he had wronged, than that letter of contrition, more natural in its sentiment, more forcible in every word, in every phrase and sentence than that paper? No man need be ashamed of it, and if Moulton is

THE LITERARY SHAM AND PRETENDER

that he is represented to be by Mr. Porter, is it conceivable that he could originate and draft a document of that character? Give him his true qualities as a cultivated gentleman, as Mr. Beecher swears he was; a man of literary taste, yet he was an active man of business, not accustomed to literary writing or literary address; he was not a prayerful man; he was a little profane in his expressions, according to the evidence; he was a bold, active, aggressive worker in the affairs and struggles of life. Could he have written such a document as that in his best estate? Would it not have been more concise, business like, practical, not dealing in that exalted sentiment and that force of religious expression and thought it breathes from every paragraph of that document? Well, if too, Mr. Moulton be a conspirator, if that letter never was submitted to the inspection of Mr. Beecher or read by him, if in careless confidence he attached to it the certificate of his name under the declaration that it was delivered in trust to Moulton, and there being plenty of space between the writing of the body and Mr. Beecher's name, if Moulton be so depraved and arrant a scoundrel, so faithless and malignant toward Beecher why didn't he put into the letter something unequivocal and distinct and explicit? Why didn't he so fashion it as to meet these imputed purposes and to qualify this imputed spirit of rascality and meanness?

THE IDEA OF CONFESSION.

Mr. Evarts ridicules the idea of confession. He says criminals never confess their guilt; it is against nature to make a confession. He recognizes none of the influences of the human conscience and he disregards the whole experience of the world. In answer it must be said that this was not a voluntary confession. He was confronted with evidence he could not stand against. It was not the bold and manful denial of innocence, but it was the effort of a consciously guilty man in the presence of proof to pacify his accusers. But how often is it that confessed criminals are driven by the harrowing agony of their own hearts to confess their guilt? Who shall control the operations of conscience? Who shall comprehend all the mysteries of Divine Providence? Who shall tell how His spirit works upon the guilty heart, bringing it to confession of sin, and driving it, by the piercing tortures of remorse and sorrow, to open confession? Mr. Webster in his speech—referred to by my learned friend by a quotation from it—upon the trial of Nap for the murder of Captain Joseph White, most graphically speaks of this operation and power of conscience—describing the movements, the writhings, distortions of the criminal under the power and force of his own conviction and the dread of discovery. Of course it is applicable as in this case to the example of a man charged with murder. After speaking of the direction of every eye and every thought upon the occasion of the murder and the detection of the offender he says:—"The guilty soul cannot keep its own secret, its faults to itself, or rather it feels an irresistible impulse of conscience to be true to itself. It labors under its guilty possession and knows not what to do with it. The human heart, not made for the residence of such an inhabitant, finds itself preyed on by a torment which it dares not acknowledge to God or man. A vulture is devouring it, and it can ask no sympathy or assistance either from heaven or earth. The secret which the murderer possesses soon comes to possess him, and, like the evil spirits of which we read, it overcomes him and leads him whithersoever it will. He feels it beating at his heart, rising to his throat and demanding disclosure. He thinks the whole world reads it in his face, reads it in his eyes and almost hears its workings in the very silence of his thoughts. It has become his master; it breaks down his courage. It conquers his prudence. When suspicions from without begin to embarrass him and circumstances to entangle him the fatal secret struggles with still greater violence to press him forth. It must be confessed, it will be confessed. There is no refuge from confession, but suicide, and suicide is confession."

Well, how does the doctrine of my learned friend, Mr. Evarts, stand against

THIS PORTRAITURE OF NATURE

by the great orator of America, and founded upon the vast knowledge of human nature? We have some prominent teachings from a higher source than Mr. Webster in regard to the tendencies and operations of the human conscience. St. Paul recommends confession.

"CONFESS YOUR FAULTS"

is his injunction; and did he misapprehend human nature? Did he think, with Mr. Evarts, that it is contrary not only to human nature, but to human experience for men to confess their faults or their crimes? And in that parable of the Prodigal Son, intended to express the duty of repentance and reform, the contrite and wandering son is made to say, "I will arise and go to my father and say, Father, I have sinned before heaven and in thy sight." It is the teaching of Scripture, it is the teaching of nature, it is the teaching of human experience. But, gentlemen, I recall your thoughts again to the idea that Mr. Beecher was not making a new and a sudden confession, the revelation of his fault; he was doing it not only in the presence of accusation and in the presence of conclusive evidence, and it was the natural result and sequence of the transactions of December 30; it was the obvious thing the man was bound to do for his own protection, for the salvation of the family he would otherwise have destroyed. Look at the condition of things. See what was the obvious policy which an honorable and a wise man would adopt under such circumstances. Mrs. Tilton declared to her husband, "We are both pledged to an avoidance of publicity." Mr. Beecher bowed, and suffering beneath the discovery of his offence, tendering to the wronged husband his contrition, and remorse and his prayer for forgiveness, confessing without reserve the whole extent of his sin, and yet, appealing to his charity, cunningly suggesting that there are other hearts that must suffer; that it is the sick and the afflicted, and the wronged wife, lying with her folded hands, white as marble, as if in a trance; she, too must suffer. These three spirits, all considering in the idea of silence. What should the offender do but make just such a declaration of his sin, of his contrition, just such an appeal as this, not only to those interested, but to the Christianity and magnanimity of the man he had erred; and this done, this done under the promise made by a most intimate friend of the parties, that that would secure the forgiveness and the kindness of Theodore Tilton. That is the plea addressed by Moulton to Beecher at the time this instrument was dictated, addressed to an angry husband, when, as Mr. Beecher says in his statement, he supposed and believed from the tempestuous anger of Tilton, the accusation was to be pressed, and he was to be

CHASED TO A PUBLIC EXPOSURE.

Now it concurs with all these circumstances. It harmonizes with the condition of things and the condition of the parties at the time. See how this construction is confirmed by other productions of Mr. Beecher. Counsel then read the letter of February 7, 1871.

Mr. Beecher had been guilty of no offence, according to his own consciousness and oath. What was there to harm Beecher—Mr. Beecher? Why did he fear church investigation? What was there in all the surroundings of this transaction, its possibilities, that could trouble Mr. Beecher if he was so pure and innocent as he represents himself to be? True, according to his idea, he had unconsciously won the affection of Mrs. Tilton, but nothing had come from it. There had been nothing but the most ordinary and friendly intimacy, according to Mr. Beecher. There had been no vulgar relations between them. There had not been anything beyond those ordinary civilities of friendship and pastoral regard which Mr. Beecher was accustomed to bestow upon members of his church. What created this most terrible emergency in the life of Mr. Beecher? Why does he write to Mrs. Tilton, the alleged victim of his lust, that Moulton had been to him his best and ablest and most willing friend to help him "in this terrible emergency of my life." Gentlemen, please consider this voluntary and free expression of Mr. Beecher and contrast it with the self-representation he gives:—"His hand it was that tied up the storm that was ready to burst upon our heads." This is written to Mrs. Tilton, not to Mr. Tilton. "It is a storm," says he to that woman, "rising in this most terrible emergency of my life. It is a storm Moulton has tied up which was ready to burst on your head and mine." What is the sense of this letter—that is, its expression and substance? Why does Mr. Beecher, on February 7, 1871, immediately after these interviews of December, 1870, and the apology of January 1, 1871—pray answer me, gentlemen, in all the solemnity and with all the candor of your judgment—what was it, at that rate, which induced Henry Ward Beecher to write a confession of his peril, and that gratitude to the friend who had protected him and his confederate from the storm ready to burst upon them? Who was it that tied it up? Who was it that intervened? Who was it that suppressed all these tendencies to evil? Counsel then commented on the letter and read further extracts.

If there was no hidden meaning, if there was no implied confession, if it expressed no improper—no unjust sentiment, why should Mr. Beecher in this single instance be desirous of

SUPPRESSING HIS OWN DECLARATION?

Everything about these letters, gentlemen, speaks the condition of the man, and they are eloquent declarations of the character of his offence.

I come down now to February, 1872. I will not trouble you with reading just now all of this entire letter, but there are expressions in it which reveal the true condition of things. "My position was profitable. I came back hoping that the bitterness of death was past; but these troubles brought back the cloud with even severer suffering. But chronic evils require chronic remedies. If my destruction would place him (Theodore) all right, I shall not stand in the way. I am willing to step down and out. No one can offer more than that; that I do offer. To sacrifice without hesitation, if you can clearly see your way to his safety and happiness thereby. I don't think that any man would be governed by it. I should be destroyed, but he would not be saved. He, Elizabeth and the children would have their future clouded. In one point of view I could desire the sacrifice on my part." I have constantly to call your attention to the character of this man and his position in connection with declarations of this character and similar import. Why did Mr. Beecher, in 1872, declare that he was willing to be sacrificed for the benefit of Theodore Tilton; that he was willing to "step down and out" from his high position and his pulpit if Moulton could see that that was to produce safety to Mr. Tilton and his family? Assuming Mr. Beecher to be the man that he declares himself to be—conscious of no offence, never addressing an impure thought or proposal to the wife of his friend, yet dwelling in this bitterness of death, with the horror of a great darkness brooding over him, willing to step down from this glorious attitude as the leading preacher of the day, conscious of all his great powers and his ennobling influences, feeling past achievements and their glory and benefit, and conscious that the future was full of the same career of glory and of benefaction to his fellow men; that man offering to step down from his pulpit, abandon his great mission, offering himself a ready and a willing sacrifice if Theodore Tilton can be helped, Elizabeth can be saved and her children protected—protected from a dishonoring and a withering blight. I cannot, gentlemen, elaborate a topic of this kind. I cannot make it more emphatic, more appealing to all the sympathies and the sentiments of our being than the mere expression itself connected with your recollection of the character of this defendant and the circumstances by which he was surrounded. I shall come to speak by and by of the idea which he presents of interference in the family relation, of advice to Bowen, of an unconscious winning of the affections of Mrs. Tilton. Suppose it all to be true, what was there in it that caused this great preacher to tender himself a sacrifice for the woman who had unsought bestowed her affections upon him, to satisfy the wrongs of advice to a separation, which was never followed, and to repair the injuries produced by the advice to Bowen, which came after the injury had been produced? And this is the only apology and excuse which is presented for this solemn offer of sacrifice by Mr. Beecher.

REMORSE AND DESPAIR.

"Remorse! Despair! The horror of great darkness! The bitterness of death!" In this condition this man was dwelling and suffering and yet he says there was no adequate cause for it. "I have done nothing. It is true, when I looked up to Mrs. Moulton I said to her, Mrs. Moulton, I am a good man." Is it conceivable, gentlemen? Are we to adopt any such theory in regard to the conduct of Mr. Beecher and these declarations coming from a great minister, from a master of our language, from a teacher in all the ways of human nature, with thirty years of experience in the discipline and control of the human mind and the culture of the human heart. This man dwelling in darkness of spirit, on the ragged edge of despair and remorse and yet sinless.

Why, did you ever consider the force of that expression, "But to live on the sharp and ragged edge of anxiety, remorse, fear, despair, yet to put on the appearance of serenity and happiness, cannot be endured much longer?" Never was there a more pathetic or appealing description of

HUMAN SORROW AND HUMAN SPIRIT SUFFERING.

It was an excess of feeling and prostration of soul, an acknowledgment of bitter anguish and emotion never uttered by human heart in words of more appealing and significant power, and yet they mean nothing. Uttered in the progress of this transaction, expressive of its condition, descriptive of the relations of these parties to it, characteristic of what it was, we are yet to be told, when we come to an examination of it, that it is senseless and unmeaning. Mr. Webster defines "remorse" to be the keen pain or anguish excited by a sense of guilt; compunction or conscience for a crime committed. We are sorry for a wrong committed against another that has not the qualities and the consequences of a crime, its moral character and its intensity, but when we speak of remorse we speak of it as sorrow for crime. Philosophers, poets, orators, teachers, all use it in that sense. Such is its legitimate meaning by a skillful scholar, by an acknowledged master in the use of terms.

I think I have had at least, gentlemen, half a dozen letters from all sections of the land desiring me to draw attention to a similarity, parallel, supposed to exist between the case of David in the treatment of Uriah and his wife and the expression of his penitence, the manner in which his confession was made and the poetic and expressive song of David over this, his offence, in his Psalms. And just here, gentlemen, allow me to say that I am endeavoring to shorten, abridge my argument. It has been most enormously extended, and very unexpectedly to me, and I feel painfully that I am trespassing very considerably upon the time of the Court and against the ideas I entertained as to the character of the argument which would be submitted to you on the part of the plaintiff. I hoped and believed that in the course of a couple, or, possibly, three, days I might have presented to you that argument; but I have this apology, that the able and learned address of my adversary presented so many topics for consideration which it was concluded I could not, without disrespect to them and possibly injury to my cause, omit to consider that I have been led into a line and extent of discussion that is afflicting to me, and I am very certain it is oppressing to you. But I am urged by my associates and by my client, not by an abridgement of my scheme of argument to lessen what does not appear to them its force, and although I am determined not to follow out to the extent of their wishes the course of thought which had occurred to me originally, yet you must pardon me for troubling you with a little of detail upon topics which we suppose to be important, because, gentlemen, so much time was spent by me in the attempt to answer the addresses of my learned friends, that I have reserved but little time to myself for the presentation of suggestions which appeared to me to be pertinent in the first instance. Therefore I read David or Samuel—(laughter)—and it is done to gratify Christian ministers—Christian men. They think the Christian mind of this country thinks that something should be said in this case, and that what should be said ought to be exemplified by some proof derived from the writings and teachings of Mr. Beecher. The Christian world, I believe, thinks that something should be said to disabuse all minds that this man, however grand and great in his intellectual attributes, is not a useful or a distinguished public teacher of morals and religion; and I am determined to say it—however unwillingly and however disagreeable it may be to my own personal feelings; yet it is a duty to the character of this case—that this man who appears upon the witness stand in single and open defiance to the three oaths of respectable witnesses, in opposition to his own declarations and confessions and in his hostility to all the circumstances which surround this transaction; that this man should be taught that no pride of place, that no conspicuousness of character, that no grand or great intellectual and physical qualities can enable him to overturn the rules of law and evidence and to consign to infamy numbers of our most respectable citizens. (Symptoms of applause.)

BEECHER AND DAVID.

Mr. Beach then read the story of David's adultery with the wife of Uriah, as contained in Second Samuel, chapter nine, and continued:—In the Thirty-second Psalm David speaks of the effect of remorse, I don't think any more poetically or pathetically than Mr. Beecher:—

Blessed is the man unto whom the Lord imputeth not iniquity, and in whose spirit there is no guile.

When I kept silence, my bones waxed old through my roaring all the day long.

For day and night thy hand was heavy upon me; my moisture is turned into the drought of summer.

But in the Fifty-first Psalm David, with his great poetical talent, addresses his prayer of remorse and contrition to God, and it is said in the heading to the same, that it is addressed "To the Chief Musician, a psalm of David, when Nathan, the prophet, came unto him after he had gone in to Bathsheba." Nathan, the prophet, reproached him with his sin and imprecated divine vengeance upon him.

Have mercy upon me, Oh God, according to thy loving kindness; according unto the multitude of thy tender mercies blot out my transgressions.

Wash me thoroughly from mine iniquity, and cleanse me from my sin.

For I acknowledge my transgressions; and my sin is ever before me.

Against thee, thee only, have I sinned, and done this evil in thy sight; that thou mightest be justified when thou speakest, and be clear when thou judgest.

Behold, I was shapen in iniquity; and in sin did my mother conceive me.

Behold, thou desireth truth in the inward parts: and in the hidden part thou shalt make me know wisdom.

Purge me with hyssop, and I shall be clean; wash me, and I shall be whiter than snow.

Make me to hear joy and gladness, that the bones which thou hast broken may rejoice.

Hide thy face from my sins and blot out all mine iniquities.

Create in me a clean heart, O God, and renew a right spirit within me.

Cast me not away from thy presence, and take not thy Holy spirit from me.

Restore unto me the joy of thy salvation and uphold me with thy free spirit.

Then will I teach transgressors thy ways, and sinners shall be converted unto thee.

Mr. Beecher was familiar with that. He knew the history of David and of Uriah and of Bathsheba. And he had often read with admiration this psalm of David, so beautifully expressive of a godly repentance, of that contrition of soul which recognizes its own impurity and stretches out its hands to God for forgiveness, mercy and love. Again and again he preached from that psalm and enforced the duties taught from that psalm, and pressed upon humanity the example of David. It was in the same spirit I believe, gentlemen, it was with the same sense of contrite and repentant guilt, that Mr. Beecher wrote these words of pitiful agony and remorse. He did not use them unmeaningly; he was speaking from that condition of emotion which disregards expression, yet uttering in the intensest language the emotion burning and boiling and scorching in the

AWAKENED NATURE OF A GUILTY MAN,

and he cries out "in the bitterness of death," looking through "the horror of a great darkness" to the pacified and forgiving countenance of a God, and confessing to Him, not only his suffering, but his despair and remorse, that which ever accompanies the outspoken heart of the convicted and the contrite sinner. Oh! have you not seen hearts like that, writhing in the first convictions of sin, struggling with its consciousness, its despair and remorse? and have you not seen it when the forgiveness of God has beamed upon it with smiles, lighting up the inexpressible joy of a redeemed and forgiven soul? Yes, sir, you have. So have we all. This is the experience Mr. Beecher passed through, and it explains, not only the despair and remorse he felt when the greatness of his offence was first made apparent to him, and when this pitiful and long train of consequences was opened to his sensibility, and by and by you will see him with the load from his heart rising up in the joy and the gladness of a forgiven man and appearing here, and appearing there, and appearing yonder, Sunday after Sunday, the blithest and gladdest man in all creation. But there is this difference between David and Mr. Beecher. It was not enough that David was penitent toward his Redeemer; it was not enough that he confessed his sin to his Father and Judge, he confessed it before men, and I think that is one of the conditions to an honest and effective confession, for the guilty and convicted sinner who dares not confess his sin before men has not risen to that exaltation of being which entitles him to the forgiveness of his Maker. There is the fault, there is what this pure, Christian spirit, Mrs. Moulton, pressed upon him, "I believe you have repented, Mr. Beecher, I believe you have reformed, but your duty to God and to humanity is to confess to your church. Hide not your sin. Live not in this duplicity and deceit. Confess and you shall be forgiven, and even in the eye of man you shall be redeemed from the filthiness of your offence."

Counsel then read a quotation from Lord Byron's "Giaour."

THE SCARLET LETTER.

Very many of you, probably all, my honored friends have read Hawthorne's "Scarlet Letter," which represents the seduction by a minister of a member of his congregation, and the judgment passed upon her in the early puritanical days by the elders and deacons, and in the beautiful language of Mr. Hawthorne, expressing the feeling of that conscious and godly minister of all outward appearance—yes, conscious and godly, although he had sinned, for he had repented—which it seems to me exceedingly appropriate to the condition of Mr. Beecher.

Mr. Beach then read the lengthy interview between Rev. Mr. Dimsdale and the adulteress, Hester Pyrne.

Mr. Beach then continued as follows:—And that is just the difference between the repentance of Henry Ward Beecher and David—penitent and repentant toward God, but defiant and lying toward men. That is not the penitence that saves. It may cheat and delude the heart upon which it operates. It may soothe it to a temporary peace, but it is not that sort of tranquillity which springs from a deep and a soul-felt contrition, from an outspoken and irresistible sense of anguish born of guilt and created by a truthful repentance toward God. This, then, is the remorse Henry Ward Beecher felt, and it would seem as if with the proph