

POOR DOCUMENT

and that in 1876 Oliver went to Mrs. Damon and wanted to rent a house from her to live in. To Mrs. Damon he represents that this very lady here in court is his wife, and Mrs. Damon repeatedly saw them in Lynn in the house living as man and wife. They could have no doubt, he thought, but what they believed that they were lawfully married when the ceremony was performed by Rev. Dr. Packard, and when they appear in Lynn they have children, who bear the name of Oliver. The Statutes of Massachusetts relating to marriage lay down no form of marriage ceremony; they provide who shall marry—justices of the peace, and, in certain circumstances, and ministers of the gospel, and set out that a marriage ceremony performed by any one professing to be a minister is a valid one. He thought that they had proven satisfactorily that they were married according to the Statutes of Massachusetts, and had established the identity of the parties to this marriage. Then there was the second marriage. This is proven indisputably by Rev. Mr. Mowatt, who married them, and who identified both the parties; and by Mrs. Thos. Barker and by Rev. Mr. Mowatt and John Grievess who have established the identity of the parties to this second marriage, and by Mrs. Grievess also that they lived as husband and wife. Mr. J. L. Barker proves that Lily G. Barker was his daughter, and was a single woman until she married Oliver, and the misfortune is gentlemen, she is a single woman yet. They had proved that Mrs. Oliver No. 1 was alive; here she was in court; and her identity as the woman who married Oliver and with whom Oliver had lived was shown. The identity of Oliver had been distinctly shown. The credibility of the witnesses was then touched upon, and their disinterestedness in coming down here from the United States. The fact that they came here, said the learned counsel, without being compelled to do so, that they were people who were willing to help in the preservation of law and justice in communities other than their own. There was nothing in the facts of their coming down here to give evidence, or in the evidence they gave, which showed that they were suborned or perjured witnesses. You have nothing at all to do with the question whether or not Miss Lily Gertrude Barker wants this trial to go on. You are not called together for the purpose of vindicating Miss Barker's character; you are here to look out for the vindication of the laws of this country, and the punishment of this prisoner in the dock for a violation of them by him. He did not wish to be understood as saying anything harsh about Miss Barker; on the contrary, he sincerely pitied her in her present unfortunate position. She has been wronged, and brutally deceived by this man, but she is not the only person. There are her parents, the happy home desolated, and the prospects of a once happy daughter that have been marred and ruined by this wretch who sits in the dock; and you, gentlemen, as the contractors of the law of this country, are called upon to stamp out this violation of the law. We have also proved that the marriage ceremony was celebrated according to a form of the country in which it took place, and the difference of the two witnesses in regard to the Christian name of Mr. Haws is a matter for your consideration.

Mr. Gregory's Address.
Mr. Gregory then rose to address the jury in behalf of the prisoner. He said that his learned friend had rightly stated the points to be proved in order to establish a bigamy, and rehearsed them; and he says that he has established the legality of the first marriage. He then drew the attention of the jury to the fact that it was a settled principle of the law that the case of the prosecution should be made out so that there is no reasonable doubt in the minds of the jury, and if such does exist, then the prisoner should have the benefit of the doubt. It appears, he said, that Oliver's first wife was married to a Mr. Haws before she married Oliver, and the prosecution claims that they have shown that this Mr. Haws died. They have shown by the Rev. Mr. Dimock that the reputed husband for Mrs. Haws died in Truro; but they do not show that they were married; they bring no witnesses who saw them married. Mrs. Haws, it appears left this husband Haws, and went down home to Nova Scotia, ostensibly on a visit. It was necessary to prove Haws' death before the fact that a valid marriage had been contracted between Mrs. Haws and the prisoner. Unless Augustus and Gustavus Haws were one and the same person, or that it is shown that he was known by both names, Mrs. Oliver here is still Mrs. Haws or Miss Hamilton. You, gentlemen, must weigh this evidence and criticize it. You must not be overcome by the impression of guilt which seems to have got abroad, or be influenced by any impressions you may have received from reading the papers. That is not according to your oath, and the liberty of this prisoner here is at stake. The Rev. Mr. Dimock had not shown that the man Miss Hamilton had married was dead; and this being the case, the fair presumption is that he is still alive; and therefore her marriage with Oliver in 1864 was not a good one. Mr. Gregory then sifted the evidence given in connection with this first marriage of Oliver, and said that while it would be sufficient proof of marriage in ordinary life, the evidence of these witnesses could not be accepted in a criminal case like this. The prosecution submits two witnesses of this marriage, and claims that their evidence is good. He (Mr. G.) held differently. One of these witnesses was a Universalist, and the other was an Orthodox Congregationalist, and what did they know about the Church of England marriage service? He reviewed what they had said in regard to the mode and form of the marriage, as given in court, and their descriptions of Dr. Packard's personal appearance were touched upon. They say, went on Mr. Gregory, that Dr. Packard was an Episcopalian. Now, Episcopal ministers never perform the marriage ceremony without putting on their robes or vestments, and the form of ceremony therein set down. They perform no ceremony without a surplice, and, he thought, never at a house, but always in church. The account given by these two ladies did not mention this, nor give the salient points of the ceremony that would have struck them had an Episcopal minister married them, particularly in the case of Miss Clark,

who was young then, and said it was the first marriage she had ever seen. There is also a lack of testimony to show that Dr. Packard was a minister ordained according to the Statutes of the State. If Oliver practiced deception, it was upon the first woman, and there is no presumption that because Dr. Packard had been officiating in Grace Church, that he was a minister of the Episcopal Church. These witnesses could say nothing about this, as they did not belong to the Church; they could only give hearsay. There is no proof of Dr. Packard's residence in Lawrence, although there is that he officiated in Grace Church in that town; but there is a difference between where a man lives and where he officiates in a church. If any people ever acted or appeared as if they were not married, surely Mr. and Mrs. Oliver No. 1 did. Does it not look so when Mrs. Oliver here says that she does not want him, and does it not look so in the face of the fact that they separated so easily? True, some of the witnesses here tried to show expressions upon the prisoner Oliver, and say that he found fault with her, but there is nothing here to show but what he had cause to find fault with her. We cannot show that he had a case. There were three first child when she was Mrs. Haws. The Rev. Mr. Dimock says nothing about having seen this child when she was in Nova Scotia in 1861, and a period elapsed of nearly two and a half years before she came away from there. The Rev. Mr. Dimock was with Haws when he died, and had attended the family as a minister, and yet he did not remember having seen the child. Mrs. Haws was left a widow, alone and in trouble, and from his position as a minister the Rev. Mr. Dimock must have felt a sympathy for her in her bereavement, and being attendant on the family as a minister, and having his attention and sympathy thus attracted, he was surely in a position to know if there was such a child. He makes no mention of it, and three and a half years after, when she marries Oliver, she is still separated from this child; and when it does turn up some time afterwards, with the name of Haws (and the name of Haws is easy to get), Mrs. Leighton says that it was about two years of age. He would call the attention of the jury to this circumstance; to the fact that she had left her first husband Haws, and had gone down on a visit to her people in Nova Scotia, an exhibition of indifference on her part; and to the appearance of this child bearing the name of Haws some time after Oliver's death. The question is, May not Haws and this woman have lived temporarily together and then separated merely as a matter of mutual convenience? And is it not natural, in view of their having separated that some one of them should think that he or she was the aggrieved party? Their actions while living together show as much one way as another, and perhaps more so. These were the general points he had to present and he would now turn his attention to some points raised by the learned counsel for the prosecution. The marriage here is to be strictly proved. If the first marriage is invalid, then Lily Gertrude Barker is Mrs. Oliver. He would not dispute the second marriage in Frederickton, but he would state as an exception to it that the law of this country requires a credible witness to this second marriage. The certificate here in court are "Mrs. Piche" and "Mrs. Thomas A. Barker." These were not names. It has transpired since in court who this Mrs. Thos. A. Barker was, but there is nothing but presumption as to who Mrs. Piche is. We are told that she is the wife of an American staying in this town; these facts may be of use to a detective or a person seeking to establish her identity, but do not show that she is a credible witness. If the marriage is not strictly proven you can say that the prisoner is guilty of bigamy. In proving it, it must be first proved that Mrs. Oliver's first husband, Haws, is dead, and it must be proved that she was legally married to Oliver in the State of Massachusetts in 1864. The laws of the State of Massachusetts for 1860 are produced and put in evidence, but there is nothing put in to show the state of the law on matrimony in that State in 1864 and there may have been some amendments to the laws in the interim. The learned counsel for the prosecution has observed, and truly enough, that there is an offence against the public morals and an offence against the young lady; but the public is indifferent as to which of the two marriages is not binding, or if the last one is binding in the event of the first one having been bad. It appears that Mrs. Oliver No. 1 does not want Arthur W. Oliver and that Mrs. Oliver No. 2 does want him, and has formed an attachment for him. This is obvious in the last case. Mrs. Oliver No. 2 does not thank these people for coming down here and making all this trouble, as she has the natural sympathy of the laws in the interim. The learned counsel for the prosecution has observed, and truly enough, that there is an offence against the public morals and an offence against the young lady; but the public is indifferent as to which of the two marriages is not binding, or if the last one is binding in the event of the first one having been bad. It appears that Mrs. Oliver No. 1 does not want Arthur W. Oliver and that Mrs. Oliver No. 2 does want him, and has formed an attachment for him. This is obvious in the last case. Mrs. Oliver No. 2 does not thank these people for coming down here and making all this trouble, as she has the natural sympathy of the laws in the interim. 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His Honor's Charge.
The Court met again at 2 o'clock, when Judge Steadman delivered his charge. He said:
Gentlemen of the Jury.
The prisoner, Arthur W. Oliver, stands before you charged with the crime of bigamy—that is, that on the 24th day of November,

1864, he married one Rhoda S. Haws in Lawrence, Mass., and that on the 23rd of November last he married in Frederickton one Lily Gertrude Barker, while his first wife was still living. It will be necessary for you to be satisfied that the first marriage was contracted according to the laws of the State of Massachusetts, and also as to his identity—that he is the man who married Rhoda S. Haws in 1864—and that he married Lily Gertrude Barker in Frederickton. His Honor said he thought that it was due to Mrs. Oliver No. 1 (who was present, having come down from the United States), on account of what had been said here, for him to say in regard to the child that had been mentioned, that it appears that this child is the lawful issue of her and Mr. Haws, and that the inferences to be drawn from the conduct of the prisoner were that she was a true wife and a pure woman. The evidence goes to show that Arthur W. Oliver married her and then left her, after having lived with her for nearly 14 years. He married the children with her, and he—married a man and a husband—would never have done this had he not felt sure that she was a good, pure woman. The inferences to be drawn from the prisoner's conduct are all in favor of Mrs. Oliver. For what cause Arthur W. Oliver left his first wife is a matter of no consequence here, you could not consider it even if there was a cause; and you must dismiss it from your minds entirely in considering the evidence. Whether or not he would care to live with him again, or whether or not Lily G. Barker cares to live with him, are matters of no consequence in this case. All this must be dismissed from your minds, and you must take the charge and judge of it by the evidence bearing on it. His Honor then commenced reading the evidence from his notes. The testimony of the Rev. Mr. Dimock, he said, was given to show that the first husband of Mrs. Arthur W. Oliver, Mr. Haws, was dead, and if there was anything in the point raised by the defense that she leaves shortly for New Haven, Conn., and that she has already procured her ticket for the trip.

A Bold Robbery.—Last night, shortly after eleven o'clock, some person deliberately entered the front door of the Brayley House, wrenched off the post office box and carried it away. Mr. Phillips, the proprietor, who was in the office and heard the noise, but thought it was caused by some one closing the door. The robbery would have been very successfully carried off if Mr. B. Coulthard had not left the house to post a letter in the box at half-past eleven. As he came out of his door he met a man who had a box under his arm, who seemed somewhat alarmed, and at once began to enquire for the residence of Mr. George Lugin, who lived in that neighborhood two years ago. Mr. Coulthard, who lives in the house, told the man that he had been up to some mischief, and on reaching the hotel and finding the box gone, knew he had encountered the thief. He gave the alarm at once and was joined by Messrs. McCulland, McCredie, Neales and Belyea, who set out at once. Messrs. McCulland, Belyea and Coulthard, encountered the guilty party on King street, near P. McGill's. He proved to be Charles Orr, a dealer in tin, who had first been given him by some one else, that he supposed he would be sent up for it, out that he would not "squeal." He was not detained by the officers, who took him to the Police Office. Word was sent to Mr. McKeen, Postmaster, who went to the Police Magistrate's house and made a complaint, and a warrant was at once issued for Orr's arrest. Orr was arrested this morning and his examination proceeded with.

YORK COUNTY AGRICULTURAL SOCIETY.—The annual meeting of York County Agricultural Society was held Thursday afternoon at 3 o'clock in the Temperance Hall, York street, the president, John H. Reid, in the chair. It was resolved that the Executive Committee take such steps as may be necessary to establish a factory in this city, and that the same committee be empowered to make all arrangements for an importation of stock during the coming summer. It was also resolved that the Executive Committee be empowered to make all necessary arrangements for the holding of an Agricultural and Mechanical Exhibition in the Fall of 1882, and to provide suitable sports on the track. A resolution directing the President and Secretary to call on His Honor the Mayor and request him to become Patron of the Society, was also adopted. The following officers were elected:—John H. Reid, President; John Pickard, M. P., Vice-President; John Richards, Secretary; Arthur Limerick, Boies Clements, and Joseph Phillips, Executive Committee; John Edgewood, William Wheeler, and William J. Edgcombe, Audit Committee. Adjourned sine die.

CHURCH FESTIVAL.—The annual festival of the congregation of the Free Baptist church, Rev. J. McLeod, pastor, will be held on Monday evening next, in the vestry of the church. All who wish to spend a pleasant and sociable evening should attend. We have no doubt Rev. Mr. McLeod will be cheered not only by seeing so many old true and tried friends about him, but also by receiving many substantial tokens of their friendship.

O. L. ELKINGTON.—Springfield Lodge, No. 41, has elected the following officers for the ensuing term:—James H. McLean, W. M.; Thomas Prescott, D. M.; George Howard, Chaplain; Henry Prescott, Secretary; Alexander Love, D. S.; Charles Hersey, F. C.; Wesley Tucker, 2nd do.; Benjamin Howell, 3rd do.; Alexander McLaughlin, 4th do.; Whitfield Prescott, 5th do.

SUNDAY ACCIDENT.—A boy named Kitchen, son of George Kitchen, railway contractor, was kicked in the side by a horse, Thursday afternoon. Drs. Atherton and Curtis attended to his injuries. He is not expected to recover.

ACCIDENT.—Dr. Coburn's eight year old daughter had one of her thigh bones broken on Saturday last at Macataquack. The bones was set by Drs. Coburn and Coulthard.

THE SWENK CARGO.—John Swenk, who had both his feet amputated on the 1st inst., has been found very well since and is to be removed to the General Hospital, St. John.

TELEGRAPHIC.

To-Day's Despatches.

Robbery in St. John

(Special to THE HERALD.)
ST. JOHN, N. B., Jan. 14.
Last night thieves entered the hat and cap store of Messrs. Magee & Co., King street, by a back window, and stole \$100 worth of seal skin caps.
The same parties afterward effected an entrance, by breaking in a door, into the jewelry store of W. C. Gibson, next door to Messrs. Magee & Co.'s. They took two dozen meerschaum pipes, a large assortment of jewelry, silver spoons and knives, amounting in value to probably \$100 more. No clue to the perpetrators of the bold robbery has been discovered.

Triple Hanging.

(Special to THE HERALD.)
WESTWORTH, N. C., Jan. 14.
A triple execution of two men and one woman was witnessed here to day by an immense multitude. The malefactors were the murderers of Nash Carter, colored. Their names were Jo. Hay, Eldridge Seales and Matilda Carter—all colored. The latter was the wife of the murdered man.

Railroad Disaster.

NEW YORK, Jan. 13.
The Chicago express train leaving Albany at 2.40 this afternoon, with many members of the Legislature on board, was run into by the Tarrytown special train, about one quarter of a mile east of Spuyten-Duyvil, at the junction with the Harlem main line. The two rear cars, Wagner's drawing-room cars of the Chicago express, telescoped and set on fire. It is reported that seven bodies were taken from the wreck. Senator Wagner, it is feared, is burned. Every available ambulance was sent to the scene of the accident from Bellevue, 29th Street and New York hospitals. It is reported that Mr. Spinney, of the New York Times, is killed.
LATER.
(Special to THE HERALD.)
NEW YORK, Jan. 14.
The following are the names of those killed at the railroad disaster last night:—Mr. Webster, Senator Wagner, aged 65; D. L. Ransom, Maud Brown, New York; Oliver P. Kelly, Spring Valley, Pa.; Park Valentine and wife, Bennington, Vt., married on Thursday, and two young ladies from North Adams, Mass. Four other bodies lie in Killbuckan Hotel at Spuyten-Duyvil and four others in the 33rd Precinct Station House unidentified.

WASHINGTON, Jan. 13.
Mr. Davidge continued his argument for the prosecution in the Guiteau case, to-day. Guiteau apologized to Mr. Davidge for his denunciations of the letter, but declined to withdraw anything he had said of Corkhill. Davidge dwelt upon the fact that the prisoner, when on the stand, had shown wonderful memory, logic, reason and intellectual ability, all tending to refute the theory of insanity. He reviewed that portion of the testimony bearing upon the prisoner's moral character as evidenced in his past life. "All this time," said Mr. Davidge, "no one accused him of insanity. In the estimation of his friends and family he was sane enough for all transactions of life, but when his hand is red with blood and an outraged law claims him as a murderer in the face of justice, we first hear of insanity." During the argument Guiteau made constant interruptions, which were adroitly turned by the counsel with telling effect upon the prisoner.

WOODSTOCK WATER SUPPLY.
(Special to THE HERALD.)
WOODSTOCK, Jan. 13.
A mass meeting was held in the Town Hall last evening to discuss the question of water works. Mayor Jettis acted as Secretary and James Watts acted as Secretary. William M. Connel was a lengthy speech in favor of the town being supplied with water by some efficient system. He quoted largely from George E. Fenwick's pamphlet and instanced the water works of several towns, in estimating the expense of a supply for Woodstock, ample enough to afford the necessary protection against fire. The following officers were elected:—William Lindsay, M. L. C., followed with a long speech, in which he opposed most vigorously and in unmeasured terms the introduction of water into the town. Branching off from this he paid a glowing tribute to that venerable and moribund institution, the Legislative Council, and then came down upon the banks with undiminished vigor. This brought James Forgan, manager of the Bank of Nova Scotia here, to his feet, who replied very effectively to the belligerent M. L. C. Mayor Jones, James Watts, Samuel Watts, and William Drysdale then addressed the meeting. Their speeches were favorable to the introduction of a good water supply. They thought that steps should be taken to procure all the information possible upon the subject before adopting any scheme, and that it would also be desirable to secure the legislation necessary to enable the wishes of the citizens to be carried out. These ideas were adopted by the meeting in the form of a resolution asking the Town Council to take the matter in hand.

THE P. E. I. BANK.
(Special to THE HERALD.)
CHARLOTTEVILLE, Jan. 13.
The meeting of the Bank of P. E. Island, held on Thursday, was not very satisfactory. Hon. John Longworth presided. The Directors submitted a report, which admitted a loss of \$300,000, and suggested the appointment of a committee to investigate the affairs of the Bank and formulate a scheme to meet the emergency. The liabilities of the Bank at the present time are—Capital, \$120,000; notes in circulation, \$254,000; due depositors, \$465,000; due other banks, \$212,000; surplus, \$48,000. Total, \$1,108,000. The total assets of the Bank are, according to the books, \$1,100,000, of which \$11,000 only is in cash.

After the presentation of this report a lively discussion followed. Many of the shareholders present denounced the management of the Bank and commended the Directors for their negligence. It was stated that the Directors saw that the books had been falsified and that they could not (?) be held responsible for the acts of the Cashier. The Stockholders were unanimously of the opinion that before any Committee was appointed the Directors should say how much they would contribute towards the \$300,000 which had been lost. Counting in the amount of the absconding Cashier's security, \$25,000, and the surplus \$48,000, the sum to be made up would be \$216,000. The Directors offered to pay \$70,000 which would leave the sum they are liable for as Shareholders. This offer was ridiculed and the meeting adjourned for an hour to give the Directors time to think the matter over. When the meeting was resumed the Directors agreed to make up \$70,000 outside of their liability under the Bank charter. If the Bank should resume business the payment of this sum would reduce the amount to be made up by the Shareholders to \$146,000.

A. N. B. Bark Burned at Sea
(Special to THE HERALD.)
NEW YORK, Jan. 13.
The bark "Mary Rideout," of St. Andrews, N. B., was abandoned at sea and set on fire. She had a cargo of sugar. The crew was brought here.

The Death Penalty.
(Special to THE HERALD.)
RIMONCO, Jan. 13.
Moreau, the wife murderer, was hanged here to-day. He admitted his guilt to his spiritual advisers.

General News.
(Special to THE HERALD.)
LONDON, Jan. 13.
Boyd has commenced training for the race with Hanlan. He shows wonderful improvement in form.

The Sultan Aroused.
(Special to THE HERALD.)
CONSTANTINOPLE, Jan. 13.
A protracted meeting of the Calvinists has been held, and it is believed that the Sultan will address a protest to the powers in reference to the Anglo-French management of Egypt. The Sultan is jealous of his prerogative being interfered with.

A Cool Suggestion.
(Special to THE HERALD.)
MADRID, Jan. 13.
El Libertador publishes a letter from Francis of Bourbon, cousin to King Alfonso, suggesting that England should cede Gibraltar to Spain if she declines to restore that city to Pope.

THE COUNTY MARKET.
The principal feature of the Phoenix Square Market during the past week was hay and cowdung. The latter lowered somewhat in price this week.
The following were the prices ruling in the County Market during the past week and on Saturday:

MARRIAGES.
At the residence of the bride, on the 6th inst., by the Rev. W. Harrison, Mr. John Cooper, of Tasquetown, to Miss Ellen A. McLean, of French Lake, Sunbury County.

DEATHS.
At the residence of her son, James McNeely, near St. Thomas' church, Cliff Lake Settlement, parish of Canterbury, N. B., on the 24th ult., Mrs. Margaret, relict of the late John McNeely, a native of Donegal, Ireland, aged 72 years, leaving two sons and three daughters, and a large circle of relatives and friends to mourn their loss.

NEW ADVERTISEMENTS.
Farm for Sale.
THE subscriber offers for sale a valuable Farm, which are under cultivation. There are two new barns, and a large quantity of timber. The land will be sold in block or in lots to suit purchasers.
For particulars enquire of
GEORGE A. PERLEY,
Second Railway Crossing, Gibleon,
Gibleon, Jan. 14, 1882.