

POOR DOCUMENT

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CHARLES H. LUGRIN, Editor and Proprietor.
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CHAS. H. LUGRIN,
Editor and Proprietor.

THE BIGAMY CASE.

COUNTY COURT.

The County Court opened on Tuesday morning at 10 o'clock, Judge Steadman presiding.

The Grand Jury list called was as follows: James Sutherland, Patrick Dever, Jackson Adams, William Mackay, E. F. Dunn, Peter McFarlane, Michael Ryan, Benjamin Close, James W. Clark, Wm. Hawthorne, Joseph Phillips, Thomas Howell, Robert Sutherland, Sr., Percy True, Moses White, David Barker, Andrew Anderson, Alexander Mackenzie, John Johnston, Henry E. Sypher, Aaron Smith, George Sewell, Charles E. Friel, George Long. All answered to their names, except Alexander Mackenzie and George Long. Benjamin Close was chosen Foreman.

The Judge then delivered his charge to the Jury. There was, he said, one case of a painful nature for their consideration; it was that of a charge of bigamy against one Arthur W. Oliver. His Honor excited the facts and said that if the evidence which would be brought before them should fairly establish these facts, then they should find a true bill. The same evidence that would answer for the proof of marriage in a civil case will not do in this case. In a civil case the fact of a man and woman living together for any length of time in a community as man and wife and being accepted as such by that community, would be sufficient proof of their being man and wife; but in this case it must be proved that there was a marriage contract entered into between Oliver and his first wife.

It is not for the jury to consider if it is a good and legal marriage contract, but if they entered into that contract, believing it to be a legal and a good one, and afterwards cohabited and lived together as man and wife, whether it was good or bad, is a question for the Court to consider. If it appears from the evidence which shall be laid before you that Oliver and his alleged first wife were married, believing it to be a good marriage, and lived together as man and wife in the belief that it was a good and legal marriage, then you should find a true bill. You want also to be satisfied that this man Oliver is the same man who is alleged to have married the first Mrs. Haws; his identity must be proved to your satisfaction.

Another case was one of assault and wounding, which appeared to have resulted from too much intoxicating liquor. Two young men, Virtue and Morgan, were charged with assaulting and wounding one Shinnick. Shinnick says, and he is corroborated by another young man, that they struck him, knocked him down, and beat him about the head and face, cutting him, or that one or more of them assaulted or beat him from the evidence, you must find a true bill.

Mr. Wetmore, Q. C., opened the case of Oliver, charged with bigamy, by swearing the Rev. A. J. Mowatt, a witness for the Crown, and the grand jury retired to their room.

G. F. Gregory, Esq., moved for judgment as in the case of *non est* in Alexander Torson vs. H. J. Blair. Granted.

A batch of interesting witnesses were then sworn in the bigamy case. Mrs. Leighton, Mrs. Damon and Miss Clark. They were accompanied by Mrs. Haws or Oliver, Oliver's first wife. The first Mrs. Oliver is a tall, stylish looking woman, dressed in black, with dark hair, fine dark eyes; the only relief to a dark complexioned, regular featured and handsome face, being a white tie knotted under the chin. In court she was self-possessed and lady like in her manner and deportment.

At ten minutes past 12 the jury returned into Court, and through their foreman, Mr. Close, presented a true bill against Arthur W. Oliver, on a charge of bigamy. His Honor here drew attention to a fact that he had overlooked in his charge in the assault case, that the doctor's evidence was to the effect that the wound in the head was not inflicted by a list, but by some sharp instrument. If it appeared to them that this was the case from the evidence, it constituted a felony, showing intent to cut or wound, and the prisoner was liable for a felony.

Court adjourned until 2 o'clock.

Oliver in Court.

The Court met again at 2 o'clock. The witness in the assault case of Shinnick against Virtue and Morgan were sworn and sent to the Grand Jury, and on motion of Mr. Wetmore the prisoner, Oliver, was brought into Court and arraigned on a charge of bigamy.

Oliver came into Court in charge of a constable. Every one, of course, turned round and looked at him, as he stood in the dock at the entrance to the dock, while the constable was unfastening the door. Miss Clark, the new witness to his first marriage, who sat immediately in front of the dock, partially rose in her seat the moment he came in to peep over the dock at him, but sat down again and smiled when she noticed that the attention of a great many was attracted to her. While he was standing outside the dock, nervously chewing a large quid of tobacco, which has been a pretty constant occupation of his while on trial, it was noticeable that his face was thinner and more drawn and sallow in appearance than before; while his eyes were wilder and a more marked feature of his face. He stepped into the dock and the door closed behind him. He flashed one glance down at the witnesses in front of the dock and received a stare from Miss Clark; then he glanced around the Court room.

"Arthur W. Oliver," broke in Mr. Wetmore, the Crown officer, from beside the Clerk's table, and Oliver stood up and looked toward Mr. Wetmore and His Honor; "harken to the Bill of Indictment preferred against you by the Grand Jury."

Mr. Wetmore then read the indictment, and said:

"Have you anything to say? Guilty or not guilty?"

"Not guilty," said the prisoner in a muffled tone, which evidently did not reach Mr. Wetmore, as a pause of several seconds followed, after which Oliver repeated in a loud and clear voice,

"Not guilty!"

Mr. Wetmore—"Are you ready for trial?"

"Yes, sir."

Mr. Wetmore—"When will you be ready?"

Prisoner—"Mr. Blair is away and I want time to procure counsel."

His Honor—"The prisoner can have until to-morrow morning."

The Prisoner—"Your Honor, I am in rather a bad position to get counsel; I have no money." (Oliver smiled unpleasantly and uncomfortably.)

His Honor—"Is there any gentleman here who will defend this prisoner, who has no money?"

His Honor looked around the Court quite pleasantly, but no one replied to the invitation, and Oliver, who remained standing all this time, showed for the first occasion signs of nervousness and apprehension since his arrest. The silence was at last broken by His Honor, who said—

"Arthur W. Oliver, you will have to put yourself in communication by some means with counsel before 10 o'clock to-morrow morning. The case must go on."

His Honor was here interrupted by Geo. F. Gregory, Esq., rising to his feet and stating that he would undertake the defence of the prisoner. To this His Honor agreed, and gave Mr. Gregory until this (Wednesday) morning at 10 o'clock, to prepare for trial. Oliver was remanded to jail.

THE DOCKET.

The following docket was made up—

Criminal Cases.

1. The Queen vs. Arthur W. Oliver—Bigamy—E. L. Wetmore, Q. C.

2. The Queen vs. Virtue and Morgan—Wounding with intent—E. L. Wetmore, Q. C.

Bastardy Doct.

1. The Queen on the information of the Overseers of the Almshouse of the Parish of Queensbury, vs. John Carson.

2. The name in the Parish of St. Mary's vs. Aaron Henry.

Civil Cases.

1. The Queen vs. Benj. Close—Attorney General.

2. Newman Cassett and Newton Cassett vs. J. S. W. Scott and J. S. Dingle—J. A. W. Van Wart.

3. The Queen vs. Delaherty against James McCann—Fisher, Fisher & Russell.

The bastardy case of Queen, et. vs. John Carson was set down for trial at the March sitting of the Court. In the other bastardy case Aaron Blaney was arraigned and pleaded not guilty. The case was set down for trial on Friday next.

In the case of Morgan and Virtue, charged with assaulting and wounding one Shinnick with intent, the Grand Jury returned a true bill, and the prisoners, who had been out on bail, were remanded to jail pending the trial of the case which comes on after a conclusion has been reached in the bigamy trial.

Court adjourned.

SECOND DAY'S PROCEEDINGS—OLIVER ON TRIAL.

The Court opened at 10 o'clock this morning. The first case on the docket was the case of *non est* in Alexander Torson vs. H. J. Blair. The following jury was empanelled: John T. Christie, James Wisley, William A. Barker, Humphrey Lawrence, Geo. E. Coy, Thomas Peppers, John Kyle, John Moore, Wm. H. White, Justice Gill, John Edmunds, Charles Bidden.

Some little difficulty was had in procuring a jury. A good many were challenged peremptorily by Mr. Gregory in behalf of the prisoner; the result of them turned out to be the relations of the Barkers, and a few of them were disqualified for cause. All this occupied much time. For instance, Mr. William J. Edgecombe was called. Mr. Gregory and Mr. Wetmore tried him; then they had an argument as to who should have the last word. Then his Honor ruled in the matter, after which Mr. Wetmore read an authority to the effect that having called no witnesses, he was entitled to the reply. To this Mr. Gregory assented, and so and Mr. Wetmore addressed the triers. His Honor delivered a like charge to the triers; the two triers conferred for a moment, then retired to an anti-room for a further conference, and returned in a few moments, when the spokesman said they thought that Mr. Edgecombe was not disqualified. "Then," said Mr. Gregory, "I will challenge him peremptorily." That settled it, but over three-quarters of an hour were consumed.

Mr. Wetmore then read the indictment, and said that the prisoner, Arthur W. Oliver, was charged with a crime generally known as bigamy, and he was glad to know that, although we had a good many other crimes, offences against the laws of marriage were few. It was a serious crime, an offence against the law of God and society. It was a bad thing, especially when the victim is a woman. It ruined her social prospects, and Mr. Wetmore enlarged upon this and the necessity for stamping the crime out in this country. Oliver, he said, came here three years ago. He boarded at Jacob L. Barker's. Barker had a daughter, Lily Gertrude, mentioned in the indictment, who was teaching school at Stanley; and Oliver and she were married on the 22nd November. Mr. and Mrs. Barker had, it seems, some suspicions that all was not right, and made some inquiries. They found they were only too true, and that he had a wife and two children in Lynn, Mass.; his wife had formerly been a Rhoda Selina Haws, a widow. We will show that Haws died in Nova Scotia; that on November 24th, 1864, Oliver and Mrs. Haws was married; that Oliver lived with her some time, and then left her. "We will show the marriage law in Massachusetts, and that their bearing in this marriage makes it a legal one. If we can show these things and prove them we have a right to ask for a verdict."

Rev. W. D. Dimock, of Truro, N. S., a clergyman of the Baptist denomination, was sworn and said—"I have resided in Truro for about 35 years. I was acquainted with one Gustavus Haws. He is dead. He died in Truro, and in March he will have been dead 20 years. His second wife was with him, I saw him die, and performed his funeral obsequies. His wife was with him up to the time of his death. She is in Court. [Witness indicates her.] She remained a short time in Truro after his death and then went to her parents.

Cross-examined by Mr. Gregory—I was acquainted with Miss Hamilton before her marriage; she was a daughter of Archibald Hamilton, of Brookfield, Cumberland County. I did not know where her husband lived before he married Miss Hamilton, except from her parents. Mr. and Mrs. Haws resided in Truro previous to Haws' death but a short time; he was an invalid. I am a Calvinistic Baptist. Mr. Haws was not a member of this church. His wife was not a member of my church; she was an attendant in my church. She only came occasionally to my church before her marriage, as it was some distance from her father's house. From the time she left Truro a single woman until she returned a married woman I cannot say what time exactly elapsed. I have no recollection of Gustavus Haws having any other name or initials. While in Truro they lived on Prince street. I have no recollection of what family they had. I distinctly remember Mrs. Haws.

MARY LEIGHTON, of Somerville, Mass., who gave testimony at the preliminary examination, was sworn and repeated her evidence which was in substance the same as that given by her at the examination.

Mr. Gregory objected to witness stating that she saw a marriage ceremony, and Mr. Wetmore asked her what was done at the solemnization of the marriage.

Witness said they joined hands at the direction of the minister, who repeated the words "whom God hath joined together let no man put asunder," and then pronounced them man and wife. This was what she remembered of the service. The way Oliver and Mrs. Haws came to be married at witness' house was because she was an assistant there; she was a cousin of witness'. Mrs. Haws was not in mourning then; she had been in mourning the year before. Mrs. Haws was in Lawrence a week before her marriage. After Oliver and his wife removed from Lawrence, witness did not see Oliver again until she saw him at the Police Court, F. T. on. She saw Mrs. Rhoda S. Oliver there; she left home to come down here.

Mr. Wetmore—"What did you understand this ceremony to be between these parties?"

Mr. Gregory—"I object; it may or may not have been a legal marriage, and witness' impressions or opinions of it can in no way affect its legal status."

Mr. Wetmore—"Had you ever seen a marriage celebrated here in Massachusetts?"

Witness—"Yes, sir."

Mr. Gregory—"I object to that, too. The marriage will have to be strictly proven in this case."

His Honor said he was of that opinion. Court adjourned until two o'clock.

The Court opened at 2 o'clock. A little sensation was caused among those in Court by the entrance of Oliver's second wife, Mrs. Lily Gertrude Oliver, accompanied by Mrs. Thomas Barker. Mrs. Oliver No. 2 was very neatly and carefully dressed, and looked well, both as regards appearance and physical health. When Oliver entered the dock and the door was closed with a bang, she did not apparently notice it; nor did she notice the arrival of her husband, a man just behind her of wife No. 1, Rhoda Selina Oliver; who came into Court with Mrs. Jacob Barker, and took up her seat in front of the dock.

Mr. Wetmore then continued his examination of Mrs. Leighton in regard to the marriage. Witness said—"When Dr. Packard asked them if they would take one another as man and wife they said 'Yes.' Before the marriage I heard him tell Rhoda Selina Haws that he preferred to have an Episcopal minister. I had resided in Massachusetts for 10 years before the marriage."

Mr. Wetmore—"During that time had you seen any persons married?"

Mr. Gregory—"I object on the ground that it is no proof of the legality of the marriage."

Witness—"Yes, sir."

Mr. Wetmore—"Was or was not this ceremony in accordance with the other ceremonies you witnessed? (Objected to.) Mr. Wetmore contended that it was a proper question, as showing that the ceremony was performed according to the customs of the country and a particular church, as she observed in other cases."

Mr. Gregory called the witness could not speak of such a matter, as it was for an expert in the rights of particular churches to decide.

His Honor overruled the objection.

Witness—"I was solemnized in the same manner that I had seen before in Episcopal churches."

Cross-examined by Mr. Gregory—My mother's name was Hamilton and she married a man of the same name. I believe Rhoda's mother name was Stevens, and belonged to Stewiacke. I was about ten years of age when I left Nova Scotia. Rhoda was younger than I was—about three or four years, I believe I saw her next in Boston, but I do not recollect when, it might be ten years after. I do not remember having seen Rhoda particularly before I saw her in Boston; I believe she was not married, and did not see her from that time until she was a widow. She told me that she had been married to Augustus Haws. I never heard anything else but Augustus; when I met her the second time, I think we were not introduced. I can not say how long the time was between when I saw her in Boston, and when I saw her a widow; it was many five years or not less than that.

I was not married when I first saw her in Boston. When I first saw her in Boston I knew her. She came to my house with other people; there was a little company at my place. I saw her once in Littleton after I saw her in Boston, and in Nova Scotia while on a visit there. She was married then; her husband was not with her, he was in Lynn, Mass. I don't remember how long she was in Nova Scotia on that occasion; she was down on a visit to her folks, I saw her at her father's. I never saw her husband. I saw her in Nova Scotia in August, 1860. I have nothing particular to fix this date in my mind. I only remained there a few days; was on a visit too. I think that Rhoda remained there at her father's until her husband came down. When I saw her at this party she was a widow. I did not know Oliver then; I only came to know him when he came there with her a year after. I was living at the same place. Her child was then in Salem. I first saw this child after she was married to Oliver. The child was about two years old when I saw it. She was living in Lawrence when I saw the child; she and Oliver had been married about two months then. Oliver and Rhoda Selina Haws were married in November 24th, 1864. I remember this because it was the year before the war closed. I remember the war because my first child was 11 years old the next March. Miss Clark, who is here, was a witness to the marriage. She was about 16 or 17 years of age then; she was living with Mrs. Johnston. When I saw Oliver I recognized him immediately. Mrs. Barker got me to come down. The Mrs. Barker is in court. This was a week before Christmas. She was to pay me for coming down. Mrs. Barker went to see Rhoda and I went with her. I have had some talk with Rhoda about Oliver; she said she was glad to get rid of him. (Mrs. Oliver No. 1 laughs, so does the prisoner, and every one else.) Rhoda said they had parted 3 or 4 years ago. She said nothing about their coming to an understanding before separating. She told me that he had been finding fault with her—finding fault with her account of unfaithfulness. She did not tell me anything at all about the complaints he made against her; she was annoyed and cross with her. She said she did not want to see him again. In regard to the second marriage here, she said she felt sorry for the family and for the girl, and she did not want him. I have not seen the second Mrs. Oliver that I know of. I remember distinctly when Rhoda and Oliver were together. Dr. Packard, I remember distinctly that he gave his name as Arthur W. Oliver; and I remembered as distinctly before the magistrate. I think Oliver came from Nova Scotia. At the marriage the minister put the ring on her finger, the minister held Rhoda's hand and Oliver put the ring on her finger. I do not remember that the minister had a white robe on. At that time Oliver had a low, retreating forehead, a dark skin, grayish-blue eyes. He was nearly six feet high, slightly round shoulders, and not what one would call a stout man. He was well dressed. He looked somewhat like he does now, with the difference that he looks older and is scarred up. I cannot see them across the court house. I saw them when here before. He is preserved very well. I saw the learned prosecutor up my way on Saturday last in Somerville.

Re-examined by Mr. Wetmore—I am not sure that Rhoda told me her husband's name was Augustus or Gustavus. She told me her husband was dead. Oliver married his wife on Thanksgiving day. Mrs. Barker promised to pay me \$5 and expenses for coming down. This \$5 was for hiring a woman to keep house for me. Mr. Oliver said to me, when she told me her husband found fault with her that she struck her and kicked her, too, and that she got along better when he was away; and that he did not provide for her.

MISS SARAH L. CLARKE, of Lawrence, Mass., was sworn and said—"Seventeen years ago last November I was residing in High street, Lawrence, with Mrs. Johnston. Mrs. Leighton, the last witness, resided in the same house I did. I have certainly seen the prisoner in the dock before. I knew him as Arthur W. Oliver. I saw him at Mrs. Leighton's in 1864, not long before she was married. I was present at a marriage ceremony between him and Mrs. Haws on November 24, 1864. Mrs. Haws is now in Court. [Indicates Mrs. Haws.] The marriage took place at Mrs. Leighton's and was performed by Dr. Packard."

I remember that part of the ceremony of the ring as the most impressive—"with all my earthly goods I do endow and with this ring I thee wed," and the ring was put on her finger. Oliver said this. I think there was an expression of assent on the part of the parties, but I would not care to state what it was. He said "I, Arthur W. Oliver, take you (mentioning her name) to be my wedded wife," &c. He repeated this after the minister. Mrs. Haws, said something like the too—"I Rhoda Selina Haws do take thee, Arthur W. Oliver, to be my wedded husband," &c. After this Dr. Packard pronounced them man and wife.

Cross-examined by Mr. Gregory—I was sixteen years of age when this took place, and had seen the parties a short time before, about two weeks. I lived in the house and was asked to see the ceremony by Mrs. Leighton. I have been living ever since with Mrs. Johnston; she is my cousin. Dr. Packard was a tall, gray haired, reverent looking gentleman, with glasses, a gentleman full of respect. I could not say that his complexion was very light or dark; he was gray. Oliver's appearance was not very pleasing. I cannot attempt to describe him. I think he had a moustache; I would not like to say how tall he was. While he stayed in Lawrence, about two months, I saw him occasionally; I have not seen him since until I saw him here—in this prisoner's box. I recollect the time because it was Thanksgiving Day—quite a day with us—and it makes an impression on the youthful mind. I was 16 then; I remember the year because it was before the war closed, and I took quite an interest in it and events transpiring then. I know that it was the 24th of Nov., 1864, because the people have spoke of it. I could have told the year at any time, because we had just moved into that place. I am quite confident of this. I belong to no church; I attend the Universalist Church. I was not attending the church then. I am a singer in that church choir. I would sing in any other church choir that was more remunerative. I went occasionally to Dr. Packard's church. I remember distinctly that Oliver said he would take Rhoda for his wife; and she said she would take him for her husband. It was not put in the form of a question to which they assented, but they repeated it after the doctor. I know Dr. Packard very well. I saw your learned friend in Lawrence on Friday last.

Re-examined by Mr. Wetmore—I do not recollect that Mary Hamilton was present at the marriage.

MARY A. DAMON, of Lynn, Mass., who was one of the witnesses at the preliminary examination, was sworn, and said: I recognize the prisoner. I first saw him at my residence, in Lynn, 22 Jackson street. In April, 1876, he hired a house from me. I afterwards saw him in this house. He had a wife and three children. He lived there for 5 months; I see his wife in court now. [Indicates Mrs. Rhoda S. Oliver.] He then moved into a house of his own in Old Chatham street. They moved into their home in September, and he left in April, two years after. Mrs. R. S. Oliver lives in Lynn still, with two children, a boy of 14 and a girl of 7. One died after Oliver went away. One is named Ernest; the other Helen Oliver; Blanche is deceased.

Cross-examined by Mr. Gregory—I have talked but very little with Mrs. Oliver about her husband. She did not tell me that he had found fault with her. She told me that she had not enough to eat, and that he had been unkind to her. Before this I came down at the instance of a Mrs. Hamm; Mrs. Oliver was with her. I did not see Mr. or Mrs. Barker until I had been in court. I have seen and talked with Mrs. Oliver No. 2; I saw your learned friend up my way on Friday last at my place.

The way Mrs. Hamm and I understood it, that it came down would see this girl's reputation, and all this trouble. Mrs. Hamm told me this. I do not know who told her. I thought nothing about this prosecution; I knew I would have to give my evidence. I did not discuss with Mrs. Oliver No. 2 my own life. I did not tell Mrs. Oliver No. 2 that I felt for her, because I had myself married a man who was already married. I told her that I was charged with being married twice, but it was some of Oliver's getting up I told her that I had been deceived in a man, but not that I had married him, or that my case was like hers at all. He had another wife, but I did not marry him or go through any form of marriage. I have never been married but once. I was married 28 years ago the first of last January.

The Rev. W. J. Mowatt, of St. Paul's Presbyterian church, Fredericton, was sworn and testified to having married Arthur W. Oliver and Lily Gertrude Barker on the 23rd day of November, 1861. They were married by license [license produced, identified by witness and offered in evidence by Mr. Wetmore who read it.] A Mrs. T. A. Barker and Mrs. Piche were present at this marriage. The same certificates were made out and one given to Oliver and one to his wife, and one given to the Clerk of the Peace.

Jacob L. Barker, the father of Lily Gertrude Oliver, was sworn—I am the prosecutor in this matter. Lily Gertrude Barker is my daughter; she is about 22 years of age. Cross-examined by Mr. Gregory—Mrs. Piche was the wife of an American boarding at my place. Oliver also boarded at my place last fall; my daughter was at home, but not continuously; she was teaching school at Stanley, came home on Saturday, and went up on Sunday.

John B. Gieves, of the Waverly Hotel, Regent street, was sworn, and gave very much the same evidence that he did in the preliminary examination—that Oliver and Miss Barker came to his boarding house on the evening of the 23rd November last, where they lived with the exception of a day or two in St. John, as a man and wife, until the time of his arrest.

When Mr. Gieves' evidence was concluded, a halt ensued for some paper Mr. Wetmore had sent for, to be used in Rev. Mr. Dimock's examination. When that gentlemen stood aside for a moment, Mr. Wetmore called for Mrs. Thomas Barker, who had gone home. He sent a constable, who returned very shortly to say that Mrs. Barker would not come unless a conveyance was sent for her, as it was snowing. Mr. Wetmore said if he sent a conveyance for her she would find it a rough one, and she could get her head that he would bring her, but not continuously; she was teaching school at Stanley, came home on Saturday, and went up on Sunday.

Mr. Gregory held the names of the witnesses were signed "Mrs. T. A. Barker" and "Mrs. Piche," which were no names. Mrs. Wetmore thought that it did not make much difference.

The certificate was read and Mr. Gregory's objection noted.

Mr. Wetmore then called for Mrs. Thomas A. Barker, but she had not had much effect. A constable, it was found, had gone for her, and the court waited, as Mr. Wetmore was desirous of having her on this evening. Then they gave her up after waiting ten minutes.

Mr. Wetmore said he would offer the General Statutes of Massachusetts, certified to by the Secretary of the Commonwealth and under its seal, under Chapter 46 Section 12, of the Consolidated Statutes; the Acts of 56, 19th Victoria, Chap. 41, Sec. 5, p. 112; and 21st Vic. Chap. 3, Sec. 4, Acts of 58, p. 14. These he read, and said they had a bearing on state or other papers produced in British Courts issued in foreign countries. The Statutes of Massachusetts submitted had a bearing on solemnization of his marriage.

Mr. Gregory asked for adjournment until to-morrow morning to consider the case, but Mrs. Thos. A. Barker happening along about this time, Mr. Wetmore put her on the stand. She was a witness to the marriage of Arthur W. Oliver and Lily Gertrude Barker, and gave much the same testimony as she did at the examination.

THE THIRD DAY'S PROCEEDINGS—THE CONCLUSION OF THE BIGAMY TRIAL.

The Bigamy Case was continued in the County Court, Judge Steadman presiding, on Thursday morning at 10 o'clock, when argument was resumed on the admission in evidence of the General Statutes of the Commonwealth of Massachusetts, submitted by Mr. Wetmore the evening before.

Mr. Gregory, in opening, contended that these Statutes of Massachusetts were not admissible in evidence, as the section under which they were submitted by Mr. Wetmore

only makes them admissible where the original of them could be received. This certified copy would be admissible were the original of it admissible, and he claimed that the original was not Mr. Gregory then went on to contend that the written law of a foreign country—such as these Statutes—must be proved by competent and skilled witnesses. He cited Taylor on evidence p. 1195 to 1198 in support of his proposition that the laws of a foreign country must be proved as facts, and by the testimony of experts or officials of such State or foreign country. For instance if a British Court of Justice wanted information upon a certain French law they should not go through the Code Napoleon for themselves, but ought to obtain a skilled official or expert to explain the law to them in its legal aspects. Such a witness may be allowed to refresh his mind on the subject while on the stand by reference to the Statutes, but the Statutes themselves are not legal evidence. He also cited Roscoe's Criminal Evidence, page 304, which sets out that in proving a marriage, the laws of a foreign country must be proved by an expert. After reading further from the authorities he said common sense and dealings between man and man, should make the state of affairs be contented for right and proper. Here the Statutes of Massachusetts of 1859 were admitted, fully certified; but if there was a witness here on the stand, he could have the opportunity of cross-examining the witness on doubtful points of wording and construction, which could not be done in the manner the prosecution wished to prove these written laws of the State of Massachusetts. Mr. Gregory then cited 22 Law Journals, Magistrate's Cases, p. 19, the case of the Queen against Hulton.

Mr. Wetmore said that the case made out by Mr. Gregory was ingenious, and his Honor said he thought that the Statutes submitted were admissible, but he would not give a decided opinion on the point raised by Mr. Gregory just now.

Mr. Wetmore claimed that the original document could be put in evidence here, and then went on and cited section 14 of the Consolidated Statutes compiled from the old Provincial Statutes of 1859, and concluded that they rendered the evidence offered by him admissible.

His Honor said he was of the same mind as set forth in the authority cited by Mr. Wetmore. He would admit the statutes, and would hear Mr. Gregory on reserving a case before they closed.

Mr. Wetmore then read the law of marriage as set out in these Statutes, page 528, of the Commonwealth of Massachusetts.

Mrs. Thomas A. Barker was then cross-examined by Mr. Gregory. She had been present at a conversation between Mrs. Damon and Lily G. Oliver.

Mr. Gregory—"Did she tell Lily G. Oliver that she (Mrs. Damon) had married a man who was already married; that she had been fooled, badly fooled; and that she had lived with him and his sister, who had said nothing, and had never discovered the fact until the first wife came with a child in her arms and claimed him; and that then she left him; and in the sight of God she considered that she had only one husband?"

Mr. Wetmore—"I object. (To witness.) Don't answer till the Judge tells you. His Honor—I cannot see that this has anything to do with this case, Mr. Gregory."

Mr. Gregory contended that he had a right, as this would be in contradiction of Mrs. Damon's testimony and would affect her credibility.

His Honor—I disallow the question. I do not think the question would affect the witness' credibility.

Mr. Wetmore—"This closes the case for the Crown."

Mr. Gregory—I will call no witnesses.

Mr. Wetmore's Address.

Mr. Wetmore then summed up the case for the Crown. The evidence, he thought, was sufficient and abundantly clear. He spoke of the difficulties of proof met with in bigamy cases. The Crown has established that there was a legal, valid marriage between Oliver and Mrs. Haws in 1864. More proof was needed in this criminal case than was necessary for the proof of marriage in a civil suit, and witnesses had to be put on the stand to prove this marriage contract. The Crown had shown that both of the parties to this marriage were agreed to it. It has been shown that Mrs. Haws, in widow's weeds a year before she met Oliver, and the Rev. Mr. Dimock has testified that Gustavus Haws and Mrs. Haws lived in Truro as man and wife, and that Gustavus died there.

The Rev. Mr. Dimock identified Mrs. Oliver as Mrs. Haws. It has been shown that she was single, and before competent to marry Arthur W. Oliver in 1864, and that Mrs. Haws and Oliver's marriage was a legal one. Oliver himself sent for Dr. Packard to come to the house and marry them, and he could not afterwards challenge Mr. Wetmore recited the facts of the marriage ceremony given by the witnesses, and said the necessary for the proof of marriage in a civil suit, and witnesses had to be put on the stand to prove this marriage contract. The Crown had shown that both of the parties to this marriage were agreed to it. It has been shown that Mrs. Haws, in widow's weeds a year before she met Oliver, and the Rev. Mr. Dimock has testified that Gustavus Haws and Mrs. Haws lived in Truro as man and wife, and that Gustavus died there.

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