

"HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE."

The case of Gibbon vs. Rowley was begun in the circuit court Friday before His Honor Judge McLeod. This case, which is for breach of promise, in which the plaintiff sues the defendant for \$10,000, promises to be somewhat interesting, although it did not attract this morning the usual number of spectators to the court, which cases of this nature generally do.

Shortly after ten o'clock the defendant entered. Mr. Rowley is a man well along in years, with grey beard and silver hair. The plaintiff appeared shortly before the opening of court accompanied by her father and sister. Miss Gibbon gave her evidence in a straightforward manner, only hesitating slightly and naturally when asked to give a description of the love-making scenes which had taken place between her and the defendant. Her voice being somewhat weak, however, it was not always possible to catch her words.

Dr. L. A. Currey appeared for the plaintiff and J. B. M. Baxter for the defendant. Dr. Currey opened the case. He showed that there were two counts in the declaration. He would prove that there had been a definite agreement of marriage, and that the date had been set for Thursday, 16th of Nov. last; that the minister had been engaged for that date and that the defendant had failed to appear. He would prove that in September, 1904, the defendant had first proposed to plaintiff at the home of her brother-in-law on Duke street. He came back the next day and renewed the proposal. When she went away there was considerable correspondence between them on the marriage question, and finally she agreed to marry him and came to St. John on 7th of November last with that intention.

THE PLAINTIFF ON THE STAND.
The first witness was the plaintiff, Miss Ethel Grace Gibbon. She said she was a daughter of Capt. Chas. Gibbon of Bayswater, where she formerly lived. She was a trained nurse by profession, and had been engaged for a year in a Boston hospital. She was getting \$21 a week at the hospital last October and November. She had known the defendant for years. She first met him on Main street, St. John, at the home of her aunt. She went there to visit and was introduced to him by her aunt. She next met him at the home of her sister, Mrs. Wm. Baxter of St. John. On that occasion Mr. Rowley asked her to marry him. He told her if she would remain here and marry him he would write to the hospital and say she couldn't go back. She told him she couldn't do that, as she must be held to the hospital by Oct. 25. Next morning she came back to her sister's house. He again asked her to marry him, and she gave him the same answer. That morning she left for the hospital, after promising to write him on the matter later.

HE SEEMED TO RECOVER.
When she went outside she looked in the window and saw him walk across the floor as if nothing were the matter with him. He had told her for 20 years, and had never felt better for 20 years, and he appeared to be well. He promised when she visited him in Carleton that he would write her every day and tell her how he felt. She only told him about the letter from him after that, in which he said he was better. She wrote him asking him to come and explain to her why he had acted as he did but she never saw him after, until he appeared in court. She had been willing to marry him after that if he had explained the matter satisfactorily. She did not remember having offered to release defendant from the contract subsequently.

LETTERS PRODUCED.
Dr. Currey then produced a letter dated Nov. 25th from plaintiff to defendant. This letter was written by Miss Gibbon after she returned to Boston. The last line, and appears to be the only one, said Dr. Currey, by which defendant hopes to be exonerated. Another letter was produced written by plaintiff to defendant on Dec. 11th. The next was a post card dated Dec. 18th, December 25th was the date of the next letter, also from plaintiff to defendant.

GAVE HER ABOUT \$100 ALTOGETHER.
Continuing her evidence witness said defendant had made her a present of a watch chain on the Saturday on which they fixed the date of marriage. He sent her a Bible from St. John to Boston previous to that. In Sept., 1904, the morning she left for Boston, he gave her a \$5 gold piece. She did not want to take it, but he said he had lots of money.

HE CALLED HER HIS DARLING.
Witness said he addressed her as Grace. He told her how much money he had, and where it was placed. The defendant remained at Bayswater about seven days. He spent much time in her company.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Witness remained a couple of months at Bayswater, and spent about a week at her sister's on Adelaide road, St. John. When she left for the hospital Rowley accompanied her to the boat. Once he took her for a drive, and talked to her in the most affectionate terms.

TOLD HER HE WAS VERY LONELY.
He had often told her how lonely was his life. She asked him why he didn't go and live with his relatives. In answer to his proposal of marriage she told him she would think it over and let him know.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Mr. Rowley's visits were all paid to her at the home of her relatives. She never had any secret meetings with him. When she left he told her he didn't want her address because some of his friends would be asking him where she had gone. She wrote him several letters and received a good many from him. She had some of his letters. Those of 1904 were destroyed. Witness returned to St. John.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
On arriving in St. John by boat last November, witness said she was met by the defendant, her father, and her brother-in-law. Defendant was the first to greet her in the gateway at the boat. He went to her sister's home and remained there a couple of hours. While there the defendant invited her sister that he and plaintiff were going to be married. He told her he had between \$5,000 and \$6,000 in the savings bank, which was going to make over to her. There was also exactly how much he was worth himself. He said he owned nobody a cent.

THEN SHE SAID SHE WOULD MARRY HIM.
Plaintiff told him she liked him and respected him and was willing to marry him. She promised to take good care of him. Witness had given up her position in the hospital precisely for the purpose of marrying defendant. Two days later he returned and asked her if she was perfectly willing to marry him. She said she was.

DID NOT INTEND TO LIVE TOGETHER.
They then talked about where they would live. She expressed a desire to live on this side of the harbor, and he said he would see what could be done, but he couldn't do it. She then said she didn't need a rest, but he said he wanted to be married as soon as possible. Two days later on Saturday he returned and asked her if she could not board with her sister through the winter after they were married and let him live in his own house during the winter, as he had laid in provisions there for the winter. She agreed to this and her sister offered to board her.

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They set the date of the wedding for the following Thursday, and defendant told her he had engaged Rev. Mr. Marr of west side to perform the ceremony. It was to take place at her sister's house.

ROWLEY FAILED TO APPEAR.
In the meantime defendant did not show up. On the date set for marriage, witness was ready and willing to be married and the minister came, but he didn't arrive. She waited all day thinking he might be ill, and in the evening witness and her brother-in-law went to Carleton and saw defendant at his home on Prince street. He was sitting in the window reading a paper. When he came to the door he walked as though he were going to faint. He told her then he could not think of being married, and he did not feel as though he would live through the night. He told her to go back to Boston and he would send her some money. She told him it was not money she came after. She came to see why he had used her in this manner, after promising to marry her.

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The breach of promise case was resumed yesterday afternoon, and Miss Gibbons, the plaintiff, was on the stand all the afternoon, the greater portion of the time being occupied by Mr. Baxter in cross-examination. Miss Gibbons admitted that the defendant had agreed to make over all his money to her before the marriage. In one of the letters introduced other conditions known to unusual in marriage agreements were stipulated. She also in reply to a question by Mr. Baxter stated that her father had suggested that the action be brought.

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The case will be resumed at ten o'clock this morning, when another witness for the plaintiff will be called. At the opening of the afternoon session, Mr. Currey offered in evidence the letters, numbering twenty-two, written by the plaintiff to the defendant. The first was written Nov. 20th, 1904, Dec. 4th, 1904, was next in order, followed by one dated Dec. 20th, 1904.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
The letters began with: "I received your welcome letter." The remainder were produced and marked for identification, dated March 10th, March 22nd, April 7th, April 25th, May 14th, June 4th, June 19th, June 29th, July 7th, July 14th, July 27th, Aug. 11th, and Aug. 25th.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
This closed the direct examination. The witness was then subjected to a searching cross-examination by Mr. Baxter, counsel for the defendant. The letters were partially read over and the witness was asked to explain their contents.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Mr. Baxter witness said: "I first studied as a nurse in August, 1892, taking a two years course, and graduating as a general nurse. I had two attacks of pneumonia and my father sent me home to come home. I felt that I needed a rest."

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Q.—"About how long have you known Mr. Rowley?"
A.—"I could not say just how long."
Q.—"I have called him uncle?"
A.—"I have heard him spoken of as uncle when quite little."

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Q.—"You saw him at Bayswater often?"
A.—"Not very often."
Q.—"When he got well was up?"
Mr. Baxter, "I suppose he did not go up for you?"

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Q.—"When did you first meet him?"
A.—"I was near as I can remember I met him about five years ago."
Q.—"How old is the defendant?"
A.—"I believe he is in the vicinity of eight-four years."

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
Q.—"Did you ever have other offers of marriage?"
A.—"Yes, I had an offer of marriage from a man 50 or 60 years older than myself. I did not accept one of these offers."
Q.—"Did you not wish to marry other than Mr. Rowley?"
A.—"When was your most recent offer?"
Witness—"My most recent offer was some time in 1903, before I went to the hospital. I had undertaken to care for Mr. Rowley professionally."

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Q.—"Not unless he would pay me?"
A.—"You would get pretty high pay?"
A.—"I get \$21 a week."
Mr. Baxter then read from the letter dated Nov. 20th, 1904, written by the plaintiff to defendant, in which the plaintiff wrote in effect: "You must not care for me too much, the reason is I have made up my mind not to marry. We are so different in every way that life would be unhappy for both. I respect and care for you, but should be held very sacred and the parties should be suited to each other."

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Resuming his cross-examination Mr. Baxter said: "As the defendant was old enough to be your grandfather, did you not feel that it was very ridiculous by marrying him?"
A.—"No."
Q.—"Why were you not suited? Was it on account of his temper?"
A.—"I did not know much about his temper."

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Q.—"You would be sweet enough I suppose?"
The witness made a non-committal reply.
Q.—"Why did you not wish to marry?"
A.—"I did not think I could give up my work."

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Mr. Baxter drily remarked that the defendant would have needed some care and nursing.
Q.—"Do you swear you had no thought of the difference in age?"
A.—"As far as I know I could not say, I do not think I thought of it."

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Q.—"What unhappiness was it going to cause you?"
A.—"Living with him I would not have my freedom."
Q.—"That would apply in any marriage," remarked Mr. Baxter.
Referring to the letter again Mr. Baxter read another extract near the end of the letter as follows:—"We will be just the same good friends. As you say it is no harm to have a little fun once in a while, I agree with you it cheers a person very much."

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Mr. Baxter could not get the witness to state what she meant by "a little fun."
A letter dated Dec. 4th, 1904, was next produced and read by Mr. Baxter in which the plaintiff referred to how lovely the stores looked and how badly she felt that she had no money to buy presents with.

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"I suppose," questioned Mr. Baxter, "you thought a little like that that would be followed by a remittance?"
A.—"No."
Q.—"When the money came then it was a complete surprise?"
A.—"Yes, I never thought of such a thing."
Mr. Baxter next read from two letters, one dated Dec. 22nd, and the other Feb. 2nd. In the former the plaintiff wrote to Mr. Rowley saying that he should not make her such presents when he knew she could not return his kindness. In the latter she began by saying: "I received your letter and the money you sent me. Next Thursday is my birthday, and they are going to make a birthday for me at the hospital so you see I have some friends here. How can I repay you for all your kindness to me?"
Q.—"You are paying him now," observed Mr. Baxter, as he paused in the perusal of the letter.
A.—"He forced me to it."
Q.—"Did he force you to bring this suit?"
A.—"He forced me to bring this suit."
Q.—"Has not your own father forced you to bring this suit?" sharply questioned Mr. Baxter.

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A.—"He wished it brought to clear my name."
Q.—"Did not the suggestion come from your father?"
A.—"Not altogether from my father; other people advised me to bring the action."

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Q.—"When you wrote Mr. Rowley that birthday letter, telling him of your sickness, did you not expect it would bring money for you?"
A.—"No, I did not. I never thought of it."

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Q.—"You are not at all a dull young lady, either."
Q.—"Why did you say anything about it then in your letter?"
A.—"Just for something to write."
Q.—"I must say it was happily chosen," remarked Mr. Baxter.
Q.—"As a matter of fact that birthday letter produced a registered letter in return, did it not?"
A.—"Yes, it did."

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Mr. Baxter then read a letter of March 4th, and said it witness, "Perhaps you will remember that letter was also followed by a remittance?"
A.—"Yes, it did."

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Q.—"Did you not think I would not live in Carleton?"
A.—"I did not say to you you should have said that before?"
A.—"I don't recollect that he did."
Q.—"Was it about this time you got the gold chain out of him?"
A.—"I got that the following Saturday."

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Q.—"When was the talk of taking money out of the savings bank?"
A.—"On Saturday. He wanted to put the money in my name, and I declined. I told him he could draw the money out of the bank and give it to me."
Q.—"Did you not want that done first before you would marry him?"
A.—"Yes, I wanted that done."

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Q.—"And until it was done you would not marry him?"
A.—"No, I did not say that. As to the house in Carleton, I told him he could do as he wished with that."
Q.—"What preparations did you make for the wedding?"
A.—"Preparations usually made."

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Mr. Baxter confessed that he did not know what the usual preparations were and wished the witness to explain more fully.
Q.—"How much did you spend?"
A.—"I spent more than \$50 on clothing."
Q.—"Did you buy a jacket?"
A.—"Yes."
Q.—"What did it cost?"
Witness—"\$10."

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Q.—"Would you have bought it if you had not been going to be married?"
To this question witness admitted that she might have.
Q.—"Had you bought what is ordinarily called a wedding cake?"
A.—"I had partly purchased one, but not altogether."

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Mr. Baxter, continuing, asked what stopped the wedding preparations, to which the witness replied:
Q.—"Mr. Rowley not coming over. He promised to come over on Tuesday."
To the judge witness said: "The money was to be drawn and the hour was set, and the minister chosen on Tuesday."
Mr. Baxter—"For all you know, Mr. Rowley might have been a corpse. You made no inquiry, and a corpse could not come over, could it?"
Q.—"When he did not come over on Tuesday, did you think he had backed out?"
A.—"No, not on Tuesday. I thought he might come on Wednesday."

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Q.—"Did you not get your clothes then?"
A.—"I had things ready enough to be married."
Q.—"What stopped you from buying?"
A.—"He needed to not come over on Tuesday. I did not know the hour."
Q.—"Would the kind of clothes depend on the hour?"
A.—"He told me he was a man of his word. I did not come over on Tuesday. The marriage on Thursday would depend on whether he came over on Tuesday."

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Q.—"He promised to come over on Tuesday, and he depended on his coming Tuesday with the money, did it or did it not?"
A.—"I would have been worried on Thursday just the same if he had come on Thursday."
Q.—"His coming over on Tuesday did not make any difference with the marriage, what did it make a difference with?"
A.—"He said he was a man of his word. He was to come over and make arrangements about the hour and bring the money."
Q.—"Had you required this promise at all?"
A.—"He promised to bring it to me if I wanted it. I did not say I would not have him without he gave me his money."

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Q.—"You did not expect George Rowley would come on Thursday?"
A.—"I expected either he or word would come."
Q.—"You were not very anxious?"
A.—"I was not my place to go to him."
Q.—"Didn't you think that people were trying to influence him not to marry you?"
A.—"I thought so, but not to that extent. I suspected Mrs. Gibbons was influencing him against me."
Q.—"You and your brother-in-law visited him the next night. You looked in the window before going in?"
A.—"We did not know the house. I told him he should be alone there. I told him he should have someone with him."
Q.—"Would you have nursed him?"
A.—"Under the conditions I would not stay there. I would have taken care of him had I married him."
Q.—"You looked in the windows on leaving?"
A.—"I looked through the window as I left. I suspected he was only acting."

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Q.—"In this bridal week it was only on Thursday that you spoke of the money question?"
A.—"Saturday also."
Q.—"You said you would never occupy the same rooms as he did at night in a letter dated Oct. 28th. You doubtless recognize that expression?"
The witness made no response to this question.

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At this stage Mr. Baxter called the attention of the witness to a letter written Nov. 25th, in which she wrote very feelingly of his being sick and hoped he would be better."
Q.—"You wrote that letter," asked Mr. Baxter, "having in mind that he would not marry you, did you not?"
A.—"I hoped he would change his mind and come and marry me. You can see from the letter that I was very much in love with him."

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Mr. Baxter next directed Miss Gibbons' attention to a letter dated Nov. 30th, in which she wrote as follows: "I heard from someone that you were shamming sick and that you had never cared for me."
Q.—"Was that true?" asked Mr. Baxter.
A.—"I wrote things that were not true. That was one of them."

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A letter of the 2nd of December which Mr. Baxter perused reads as follows: "I am going away Thursday and I leave that chain you gave me with you. I will give it back to you. I would not wear your old chain. You are too contemptible to live. Now you can give the chain to Aunt Mary, as I would not wear it."
Q.—"Dec. 15th a letter from plaintiff to defendant read: 'I am only going to write you a few words to tell you to come over to Mrs. Baxter's and get the chain and something else I think you will be glad to get.'"

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Q.—"What did you write that letter for?"
A.—"I wanted him to come over. I wanted him to tell me why he had broken his promise."
A letter of the 25th Dec. was read by Mr. Baxter, in which plaintiff writes for her letters and photos. This letter also contained the information that she knew the defendant had been lying to her to fool her and ruin her character.
Q.—"What lies had he told anyone about you?"
A.—"I told you before I wrote things that were not true and that is one of them."

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Continuing the reading of the letter Mr. Baxter came to a sentence in which the writer says there is a just God who will judge us all, which brought forth a remark from Mr. Baxter that there is a lie in one part of the letter and in another the writer is calling upon God.
Q.—"You had no thought of bringing a suit at that time?"
A.—"No."

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This closed the cross-examination. To Mr. Currey the witness stated that the sum total of all Mr. Rowley's gifts of money and presents would not amount to more than \$100.

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SATURDAY MORNING'S SESSION.
On the opening of the County Court this morning, Dr. Currey for the plaintiff called Miss Alma Gibbons, sister of the plaintiff, who gave evidence of the conversation between the parties when the plaintiff is alleged to have given her consent. This closed the case for the plaintiff, and Mr. Baxter then moved for a non-suit. The judge reserved leave.

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Mr. Currey—"Do you know defendant, Mr. Rowley?"
Ans.—"Yes."
Q.—"On September, 1904, did you see plaintiff and defendant anywhere?"
Ans.—"At my sister's on Duke St."

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Q.—"What time?"
Ans.—"In the afternoon."
Q.—"They were both in the house?"
Ans.—"Yes."
Q.—"What conversation did you hear relating to marriage?"
Ans.—"I heard Mr. Rowley ask her to marry him."
Q.—"What did she say?"
Ans.—"No, I have to go back to my duties in the hospital."

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Q.—"Is that all that was said about marriage?"
Ans.—"Yes."
Q.—"Next morning did you see them?"
Ans.—"Yes. In morning quite early."
Q.—"What did you hear concerning the marriage?"
His Honor—"What did he say?"
Ans.—"He asked her to marry him."
His Honor—"Use his words."
He said, "Ethel stay home and marry me."

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Ethel—"I cannot leave my work."
Q.—"Was that all that was said about marriage?"
Ans.—"Yes."
Q.—"What room was the conversation held in?"
Ans.—"The kitchen."
Q.—"Did you see the plaintiff and defendant together last September?"
Ans.—"At my father's place at Bayswater."

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Q.—"What did you hear about marriage there?"
No answer.
Q.—"What did he say?"
Ans.—"He said he would like to see me but he had to go back to work."
Q.—"Last November did you see them together anywhere?"
A.—"At my sister's."

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Q.—"Tell what was said about the marriage at that time."
A.—"It was in the dining room. He said he was glad she came home. Witness gave her evidence slowly and was evidently suffering from nervousness through she stated she was not. After close questioning by the defendant's lawyer and his honor the witness was coaxed into saying, she heard them speak of marriage. Mr. Currey—"You did hear something did you not?"
A.—"Yes."

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
His Honor (Impatiently)—"What was Mr. Currey's 'please tell'?"
His Honor (Finally)—"Will you answer the question or not?"
No answer.
A white witness said, "He asked her to marry him and she said she would."
J. B. M. Baxter then began the cross-examination.
Q.—"Were you in the building long?"
A.—"Yes."
Q.—"Were you in the dining room with Mr. Rowley and Ethel?"
A.—"No, I was in the kitchen."
Q.—"You was not paying particular attention to what they said were you? Just a word now and then?"

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At the close of this witness' examination which is the last of the plaintiff, J. B. M. Baxter moved for a non-suit. His grounds were: (1) That a contract for marriage generally has not been proven; and (2) that a contract was not made for marriage on a certain day.

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On the first ground," said Mr. Baxter, "in such a contract as in any other contract the parties must be id. idem. There is only one kind of marriage and people can not contract for a marriage by which she only meant to go through the marriage ceremony."
Judge McLeod—"There is no doubt that even if they go through the marriage ceremony and one of the parties refuses to cohabit with the other the marriage may be annulled. There is no doubt about this proposition."

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The judge reserved leave, saying that he had already these points in his mind.
Mr. Currey said that before he would proceed with the defence he would call the aged defendant, then took the stand. Examined by his counsel, Mr. Baxter, he swore that Miss Gibbon had absolutely refused to marry him unless he gave her \$3,000 the day before the consummation of the event. He said he had agreed to give the money to her the day after the wedding, but this was not satisfactory to her. Mr. Rowley was still on the stand when the paper went to press.

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He also stated that one of the conditions upon which plaintiff was to accept his marriage proposal was that he would move over to Portland to live. Witness told of going out Mahogany road with plaintiff for a drive, and her refusing to marry him on that occasion. He then told her that he wanted to hear nothing more from her and didn't want to know where she went when she returned to the States.
Mr. Rowley was the only witness for the defence.

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Mr. Currey asked to have the case called on rebuttal but was refused.

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HANTS COUNTY HAS TRAGEDY
Boys Quarrel at School Meeting—One is Dead
Went Home Suffering From Staggering Blow, and Died Early in the Morning

TRURO, N. S., June 23.—A district school meeting in Selma on Monday night developed a tragedy to add to the already large list placed on the records of Hants county's fair fame. A young man of twenty years of age named Frank McDuffie, engaged a quarrel with another, ink from named Stanley Weldon, with the result that the latter's funeral occurred yesterday afternoon, and tonight McDuffie was taken by the Midland train to Windsor Fall, charged with having caused his death.

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The participants in this tragedy employed themselves during the school meeting Monday night throwing various articles at each other, ink from bottles forming part of their horse play. At the end of the meeting McDuffie attacked Weldon outside, and both started to fight it out. Weldon suffered a staggering blow, but he went home apparently all right. Tuesday night he was taken with convulsions and died early in the morning.

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Coroner Creelman performed an autopsy and at the inquest held late last night the jury found a verdict of death from concussion of the brain, caused by a blow delivered by McDuffie. The funeral was held yesterday afternoon was attended by a large concourse of people, amongst whom was McDuffie and his parents. Weldon's parents are well to do. The father is a stonemason, and has been engaged in his occupation in and about Selma for many years.

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CLEVER DOCTOR
Cured a 20 Years Trouble Without Any Medicine.

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
A wise Indiana physician cured 20 years stomach disease without any medicine as his patient tells:
"I had stomach trouble for 20 years, tried allopathic medicines, patent medicines and all the simple remedies suggested by my friends but grew worse all the time."

HE CALLED ME HIS DARLING ALL THE TIME, AND SAID HE LOVED ME BETTER THAN ANYONE ELSE.
"Finally a doctor who is the most prominent physician in this part of the state told me medicine would do me no good only irritating my stomach, such making it worse—that I must look to diet and quit drinking coffee."
"I cried out in alarm, 'Quit drinking coffee' why? What will I drink?"
"