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In Appendix No. 1, page 125 is incorrectly numbered page 25.

APPENDIX  
TO THE  
TENTH VOLUME  
OF THE  
JOURNALS OF THE SENATE  
OF  
CANADA.

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SESSION 1876.

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Printed by Order of Parliament.

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1876.

## CAMPBELL DIVORCE BILL.

*Report of the Select Committee of the Senate on the Bill intituled "An Act for the relief of Robert Campbell," together with the Minutes of Evidence.*

THE SENATE, OTTAWA, 8th March, 1876.

The Order of the Day being read for the second reading of the Bill intituled: "An Act for the relief of Robert Campbell,"

The Honorable Mr. Reesor then moved, seconded by the Honorable Mr. Leonard,

That the said Bill for the relief of Robert Campbell be now read a second time. The said Bill was then read a second time accordingly.

The Honorable Mr. Reesor moved, seconded by the Honorable Mr. Leonard,

That the said Bill be referred to a Select Committee composed of the Honorable Messieurs Aikins, Leonard, Dickey, Haythorne, Dickson, Cornwall, Seymour, Kaulbach and the mover, to report thereon with all convenient speed, with power to send for persons, papers, and records, and that the exemplification of the proceedings to final judgments in the Court of Queen's Bench for Upper Canada, now the Province of Ontario, in the case of Campbell vs. Gordon, and the exemplification of the proceedings in and decree of the Court of Chancery refusing allowance for Alimony to Eliza Maria Campbell, presented to the Senate on the reading of the Petition of the said Robert Campbell, be referred to the said Committee, and that all persons summoned to appear before the Senate in this matter appear before said Committee, and that the said Committee have leave to sit on Saturdays and other non-sitting days.

### REPORT.

THE SENATE, COMMITTEE ROOM,  
31st March, 1876.

The Select Committee to whom was referred the Bill intituled: "An Act for the relief of Robert Campbell," to report thereon with all convenient speed, with power to send for persons, papers, and records, and to whom were also referred the exemplification of the proceedings to final judgment in the Court of Queen's Bench for Ontario, in the case of Campbell vs. Gordon, and the exemplification of the proceedings in and decree of the Court of Chancery for Ontario refusing allowance for Alimony to Eliza Maria Campbell, presented to the Senate on the reading of the petition of the said Robert Campbell, have the honor to report as follows:—

In obedience to the order of reference of the eighth day of March instant, and to the seventy-ninth of the Rules and Orders of Your Honorable House, Your Committee heard on oath the witnesses brought before them by the Petitioner for the Bill and by his wife the said Eliza Maria Campbell, opposing the same, and also examined the said Petitioner on oath, as well generally as in regard to any collusion or connivance between the parties, in compliance with the instruction from Your Honorable House to that effect; and the evidence of the said witnesses and the petitioner was taken down in writing, and is hereunto annexed, together with the said two exemplifications of proceedings and all vouchers and exhibits adduced before Your Committee.

And having duly considered the said evidence, vouchers and exhibits, and also the exemplification of proceedings to final judgment, and the exemplification of

proceedings and decree referred to them, Your Committee have come to the conclusion that the allegations contained in the preamble of the Bill have not been proved.

And on the reference made to Your Committee, on the tenth day of March instant, of the petition from the said Eliza Maria Campbell, presented to Your Honorable House on that day, Your Committee report that the prayer of the said petition was complied with by them to her satisfaction, and that of the Counsel who appeared for her before Your Committee, as Your Committee have reason to believe.

And on the reference made to Your Committee on the twenty-ninth day of March instant, of the petition from the said Eliza Maria Campbell, presented to Your Honorable House on that day, praying that the Bill referred to Your Committee may not be passed without certain amendments, Your Committee have come to the conclusion to report that they find themselves unable to consider the question of amending the Bill in the way prayed for by this petitioner without instructions from Your Honorable House to that effect.

And Your Committee have agreed to recommend that, in the event of no decision upon the said Bill being come to by Your Honorable House during the present Session, further proceedings thereon may be suspended, in order that the same may be proceeded with next Session.

All which is respectfully submitted.

R. B. DICKEY,  
*Chairman.*

Minutes of Evidence heard on oath on the thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, twentieth, twenty-second, twenty-third, twenty-fourth, twentieth-fifth, twenty-seventh, and twenty-eighth days of March, A.D., 1876, before the Select Committee of the Senate on the Bill intituled: "An Act for the relief of Robert Campbell" taken down in writing by short-hand writers, together with vouchers and exhibits adduced before the said Committee.

MONDAY, 13th March, 1876.

PRESENT :

The Honorable Mr. DICKEY—*Chairman.*

The Honorable Messieurs

AIKINS,  
HAYTHORNE,  
CORNWALL,  
KAULBACH,

LEONARD,  
DICKSON,  
SEYMOUR,  
REESOR.

JAMES CAMPBELL, called and sworn.

Examined by Mr. *Wm. H. F. Walker*, Barrister:—

Q. Where do you reside?

A. At Whitby.

Q. What relation are you to the petitioner?

A. I am his brother.

Q. Are you acquainted with the respondent?

A. I am.

Q. Were you present at the marriage between the petitioner and the respondent?

A. I was.

Q. Where were they married?

A. In Whitby.

Q. By whom?

A. Reverend J. T. Byrne.



Q. A clergyman of what denomination ?

A. Congregational.

Q. Did he bear any relationship to the other parties ?

A. He was respondent's father.

Q. Is Mr. Byrne still living ?

A. No he is dead.

Q. Do you know who signed the certificate of marriage ?

A. Yes.

Q. Who ?

A. William Spence, of Toronto, and John Anderson, of Whitby.

*By the Chairman :—*

Q. Where did the circumstance take place ?

A. At the clergyman's own house.

*By Mr. Walker :—*

Q. Is William Spence still living ?

A. He is dead.

Q. John Anderson is still living ?

A. He is here.

Q. The marriage took place at the house of Mrs. Campbell's father. Will you look at this paper, and say whether you compared it with the books in the office of the Registrar, County of Ontario. (Exhibit No. 1 produced.)

A. I did. Exhibit "1" is a correct extract from the registry book of the County of Ontario.

Q. Look at this photograph, and state whose it is. (Exhibit No. 2 produced.)

A. That is the photograph of Mrs. Robert Campbell ?

Q. The respondent in this case ?

A. Yes.

Q. When did the marriage take place ?

A. In April, 1863.

JAMES CAMPBELL.

JOHN ANDERSON called, sworn and examined by Mr. Walker, deposed :

Q. You reside at Whitby, Mr. Anderson ?

A. Yes, sir.

Q. Do you know the petitioner, Robert Campbell ?

A. Yes, sir.

Q. And the respondent, Eliza Maria Byrne ?

A. Yes, sir.

Q. Were you present at their marriage ?

A. Yes, sir.

Q. Where did it take place ?

A. At the residence of Mr. Byrne.

Q. What Mr. Byrne ?

A. The Rev. Mr. Byrne.

Q. To what church did Mr. Byrne belong ?

A. The Congregational Church.

Q. At Whitby ?

A. Yes, sir.

Q. Who performed the ceremony ?

A. The Rev. Mr. Byrne.

Q. When did it occur ?

A. I think on the 6th of April, 1863.

Q. Are you the John Anderson referred to in that extract (Exhibit No. 1 shown witness) as a witness ?

- A. Yes, sir.  
 Q. Where is the other witness, Robert Spence?  
 A. I heard he was shot.  
 Q. Where is the Rev. Mr. Byrne?  
 A. Dead.  
 Q. Look at Exhibit No. 2 and state whose likeness it is?  
 A. It is that of Mrs. Robert Campbell, the respondent in this case.

JOHN ANDERSON.

(Exhibit No. 1.)

ABSTRACT from Marriage Return, No. 22,554, for the year ending 31st December, 1863, and Registered 2nd January, 1864.

BRIDEGROOM.

Name.	Age.	Residence.	Place of Birth.	Name of Parents.	
Robert Campbell...	29	Whitby ...	Forres, Scotland.....	James Campbell .....	Janet Finlay.

BRIDE.

Eliza Maria Byrne..	19	Whitby.....	L'Original, U. C.....	Jas. Thomas Byrne.....	Henrietta Holmes.
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Witnesses.	Residence.	Date of Marriage.
William Spence.....	Toronto .....	6th April.
John Anderson.....	Whitby .....	

(Signed),

JAMES T. BYRNE.

*Congregational Minister.*

WHITBY, 2nd January, 1864.

ONTARIO REGISTRY OFFICE,  
 WHITBY, 15th January, 1876.

JAMES DRAPER,  
*Deputy Registrar.*

ROBERT CAMPBELL, sworn, was examined by Mr. Walker, as follows:—

- Q. You are the petitioner in this case?  
 A. Yes.  
 Q. You reside in Whitby?  
 A. Yes.  
 Q. When were you married to respondent?  
 A. I was married to respondent on the 6th of April, 1863.

- Q. Where ?  
 A. At Whitby.  
 Q. By whom ?  
 A. By the Rev. Mr. Byrne, my wife's father.  
 Q. How long did you live with your wife ?  
 A. About ten years.  
 Q. When did you separate from her ?  
 A. I separated from her on Monday, the 25th of August, 1873.  
 Q. Had you been in England during the year 1873 ?  
 A. Yes; I went to England that year.  
 Q. When did you return to your home in Whitby ?  
 A. I returned on the 18th of August, 1873.  
 Q. How long were you absent ?  
 A. I left about the end of June and returned on the 18th of August—about two months, I should think.  
 Q. Did you on your return make any discovery ?  
 A. Yes.  
 Q. What did you find ?  
 A. I found a letter on the 19th of August when I went down to my office in the morning, addressed to my wife; it was lying on my desk, and I opened it.  
 Q. Please look at this letter and the envelope in which it was contained (Exhibit No. 3), and see if it is the one referred to ?  
 A. Yes; this is the letter and the envelope.  
 Q. On receiving that letter, what did you do ?  
 A. On reading this letter, I took a while to consider what to do; I had it about two hours before I made up my mind what to do, and then I showed it to my brother, James Campbell. The following day or the day after I went to my wife's drawer, and I found some letters in answer to communications of this young man.  
 Q. Are these the papers you referred to as having discovered in your wife's drawer—three in number ? (Exhibits Nos. 4, 5 and 6 produced.)  
 A. Yes.  
 Q. After the discovery of these letters in your wife's bureau, what did you do ?  
 A. After receiving these letters, I heard that George Gordon was in the way of going to my house during my absence.  
 Q. George Gordon, is that the party against whom you have obtained a verdict ?  
 A. Yes; I learned that he was in the habit of coming to my house during my absence.

*By a Member of the Committee :—*

Q. Is that the first time you heard of it ?

A. Yes; this was the first time.

*By Counsel :—*

Q. How long was this after your return ?

A. I think that it was two days after I returned; or it might be a day longer.

Q. Could you understand that these were letters referring to letters received and found.

A. Yes; the letters were of such a suspicious nature that I could not shut my eyes to them.

Q. They aroused suspicions which caused you to make enquiries ?

A. Yes.

Q. The paper writings last handed to you, and numbered 4, 5 and 6,—in whose handwriting are they ?

A. In my wife's handwriting.

*By a Member of the Committee :—*

Q. Are they in the condition in which you found them ?

A. They are just in the condition in which I found them; and they are in my wife's handwriting.

Q. Do you know from your wife, whether directly or indirectly, that she carried on a correspondence with a man by the name of Parks?

A. In the Chancery trial, my wife was examined, and admitted that she had been carrying on a correspondence with Parks.

Q. Did you hear the admission at court?

A. I heard it at court.

Q. You say you found those three papers in your wife's bureau?

A. Yes.

Q. Do you know what those writings are?

A. They are copies of letters.

Q. Written by whom?

A. By my wife.

Q. To whom?

A. Godfrey Parks.

*By the Honorable Mr. Reesor:—*

Q. From personal knowledge, how do you know they are copies?

A. I know it from my own knowledge in reading the letters, and from my wife's statement in court.

*By Mr. Walker:—*

Q. Did you see the original letters, of which these are copies?

A. I did not; but these are copies of letters my wife says she made herself.

Q. You say from your own knowledge, and also from your wife's statements, that these are originals of letters which she wrote to a man named Godfrey Parks?

A. Yes.

Q. Where did he live?

A. In Concord, Township of Vaughan, Ontario Province.

Q. Do you know this man Parks?

A. Yes.

Q. Had he always lived in Vaughan?

A. No; he lived in Whitby for a short time.

Q. Whilst there did he visit your house?

A. Yes.

Q. Were you aware your wife was corresponding with him?

A. Not until I received this letter.

Q. On discovering these letters did you tell your wife what you had found?

A. I did not.

Q. What did you do?

A. I considered, on getting those letters and on hearing of Gordon's visits, that she was not a fit guardian for my children, and I took them away.

Q. When did you take them away?

A. On Monday, the 25th of August.

Q. You took all the children?

A. Yes.

Q. Where did you go?

A. To Southampton.

Q. Did you take the children with you?

A. Yes.

Q. Before going did you leave any instructions?

A. I left instructions with my brother and brother-in-law to watch the house.

Q. When did you return to Whitby?

A. I think on Wednesday evening, Aug. 27th.

Q. Did anything occasion your return so soon?

A. I returned in consequence of receiving a telegram from my brother.

Q. From the witness, James Campbell ?

A. Yes, sir.

Q. Did you from that time cohabit with your wife ?

A. I did not.

*By the Honorable Mr. Kaulbach :—*

Q. From what time ?

A. From the 25th August.

*By Mr. Walker :—*

Q. Do you know this man Gordon ?

A. Yes, sir.

Q. Where did he reside at the time of the discovery ?

A. He lived with his father about a mile and a half from where we lived---about a mile out of the town of Whitby.

Q. Is he a farmer ?

A. Yes, sir.

Q. Did you ever see Mr. Gordon in your house yourself ?

A. Yes, sir.

Q. When ?

A. He was at one or two parties in my house during the spring of 1873, or perhaps, during the winter about January.

Q. Were those the only times you noticed him being there ?

A. I noticed him specially another time. He came into the house when we were sitting down to tea, and my wife got up and left the table, and the children and I finished tea. Afterwards, when I was getting ready to go to business, my wife, who was in the parlor with Gordon, came out and met me in the hall, and said, "George Gordon was there, and I had better go and speak to him." I just went in and said that I was going to business, and he would excuse me from not remaining longer. Then I went to business, and returned between nine and ten at night, and he was still there.

*By the Honorable Mr. Reesor :—*

Q. When was this ?

A. This was in the spring of that year, 1873. It might be March or April. When I returned from business he was still there, but left immediately.

*By Mr. Walker :—*

Q. Did any unpleasantness occur in connection with that visit ?

A. My wife told me after he had gone that they had had tea together.

Q. Never mind about that. I want to know if any unpleasantness arose between you and your wife ?

A. When we retired to bed I commenced to chaff her about Gordon being there, and told her it was very imprudent to have a young man like him there.

Q. Were you in the habit of visiting England each year ?

A. Yes, for the last few years.

Q. Do you make arrangements for parties remaining in the house during your absence ?

A. Yes, sir; parties have always been in the house until this last time.

Q. Was there any question as to who should be in the house during the last time ?

A. It was arranged, when I left, that her nephew and niece were to stay in the house.

Q. Did either of them stay ?

A. No, sir; they did not.

Q. From what you heard at Whitby, did you take any proceedings against Gordon; and who did mention anything to you about Gordon ?

A. In consequence of the information given to me by James Campbell and John

Anderson, I brought an action against George Gordon. I also received information from Martha Newsom and Jane Newsom, servants.

Q. You obtained judgment; did you get any damages?

A. I received a verdict of \$1,500, but did not collect them. I was beaten on execution.

Q. Did you issue an execution?

A. Yes.

Q. To the Sheriff of what county?

A. To the Sheriff of the County of Ontario.

Q. Was the execution against goods and lands as well?

A. Yes.

Q. Are these the executions, with the Sheriff's return endorsed. (Exhibits No. 7 and No. 8.)

A. Yes; these are the executions.

Q. Subsequent to the recovery of the verdict against this young man Gordon, was there a suit brought against you by your wife for alimony?

A. Yes.

Q. Before Vice-Chancellor Blake, of Ontario?

A. Yes.

Q. What was the result of that suit?

A. The Bill was dismissed.

Q. Is that the original decree in your hands? (Exhibit No. 9.)

A. Yes; this is the decree.

Q. Is this photograph a view of your house in Whitby? (Exhibit No. 10.)

A. Yes; that is the front view.

Q. What is this? (Exhibit No. 11.)

A. This is the east view.

Q. What is this? (Exhibit No. 12.)

A. This is the west view.

Q. What is this? (Exhibit No. 13.)

A. This is the south-west view.

Q. And what is this? (Exhibit No. 14.)

A. This is the inside view of the parlour.

Q. And what is this? (Exhibit No. 15.)

A. This is a view of the street showing my place of business.

Q. Did Mrs. Campbell and yourself live on good terms during ten years?

A. Yes; we lived on good terms up till about the New Year of 1873.

Q. Was there any change in your conduct towards her, or her conduct towards you.

A. I noticed about that time that she was very much dissatisfied with the house, and her lot, and her children.

Q. In what way?

A. She seemed to be quite estranged from me.

Q. Did she make any statement to you?

A. She said, during that spring, that she wished that the children were dead. I will not say that it was in January, but during the spring; at all events, it was before I went away. She said that if they were dead, she would leave me; and on one occasion she asked me what I would give her to leave me. It must be about the time these letters were written to Parks; I should judge so by these letters.

Q. Is there any collusion between you and your wife as to this divorce?

A. No; there is not.

Q. Have you ever met your wife since your separation?

A. The only occasion when I met her was at the request of Vice-Chancellor Blake. He requested me to meet her.

Q. You never met her otherwise?

A. I never met her otherwise.

Q. Then from the 25th August did you occupy separate apartments from your wife?

A. From the 25th of August I never lived in the house with her.

*By a Member of the Committee :—*

Q. Or anywhere else?

A. I never went back to her.

*By Counsel :—*

Q. You never occupied the same house or the same room?

A. No.

Q. How many children have you.

A. There are four children; three of them were born before the trouble and one since.

Q. When was this child born?

A. This child was born, I think, either in December or January after I separated from her. I think it was some time in December, 1873.

*By a Member of the Committee :—*

Q. You do not know at what date in December?

A. I do not.

*By Counsel :—*

Q. Did you pay alimony up to the time of the decree?

A. Yes, I paid alimony.

Q. What was the amount of the alimony?

A. Fifty dollars a month.

Q. How long did you continue these payments?

A. For nearly two years.

Q. You say that up to the spring of 1873 you and your wife had lived on good terms?

A. Yes.

Q. It was then that you first noticed the estrangement on her part?

A. I must say that we did not live on bad terms up to the hour of our separation—not really on bad terms.

Q. The first real difference arose, you say, in the spring of 1873 when she said that she wished that the children were dead, and that if they were she would leave you?

A. From that time forward she seemed to be quite estranged from me and from the children.

Q. Were her habits of life quite the same?

A. No; at this time she was a good deal more out, and she neglected the house.

Q. She was fond of society?

A. Yes.

Q. Had she acquired any particular tastes?

A. Yes.

Q. What were they?

A. Well, she was given more to going out on the street, and she seemed to be taken up more with frivolous people.

Q. Had she any different tastes in the house?

A. I could not say.

Q. Did you keep liquors in the house?

A. Well; we kept liquors from about the time I speak of. No liquors were kept in the house before that; that is, it commenced about January, 1873.

Q. Well; who drank these liquors? Do you know?

A. Well; I drank liquor, and so did my wife, and friends who came into the house; before that none were used; at least very little was used.

Q. Is this photograph (Exhibit No. 2) the portrait of your wife?

A. Yes.

Q. Do you know when it was taken?

A. I could not say. It must have been about three or four years ago.

Q. That is while she was with you?

A. Yes.

Cross-examined by the Honorable *Wm. McDougall*, C.B., Barrister:—

Q. On the occasion when you discovered this letter that led to your suspicions, did you make any communication to your wife with reference to it?

A. I did not.

Q. Did you make any communication to her after you left for Southampton through other persons as to these letters? I speak now of the letter of Parks?

A. Yes.

Q. Before an action was commenced?

A. O yes; I read the letter to her father and her brother, and I gave copies of the letters to her father; they took them home, read them and, I think, copied them.

Q. You speak of letters! What letters do you refer to besides the letter of Parks?

A. Those letters.

Q. The letters you found in the desk?

A. Yes.

Q. You furnished the copies of those letters and the letter of Parks?

A. Yes.

Q. Did you ask for any explanation of that letter from her or through any person?

A. I never did.

Q. Did you ever receive any explanations from her of that letter, or with respect to its contents?

A. I did not. I think I received a letter from her.

Q. In her own handwriting?

A. Yes.

Q. About what time?

A. It was after her father and brother were acquainted with the charge that she wrote me a few letters.

Q. That was after you returned from Southampton, and before you took proceedings against Gordon.

A. Yes.

Q. How long after?

A. I returned on Wednesday, and I think it was the Monday afterwards.

Q. Was it addressed to you?

A. Yes.

Q. Was it delivered to you or sent through the post?

A. I could not say.

Q. Was it a lengthy letter or a mere note?

A. It was two or three pages, I dare say.

Q. Was the letter ever read in Court?

A. There was one letter read in Court, and I dare say that would be an example of them all.

Q. I want to know about this particular letter you received from her—was it read in Court at any subsequent proceedings?

A. I was served with a notice to produce the letters which were produced.

Q. This letter among the rest?

A. Yes. There was one letter read, which one I will not undertake to tell.

Q. Then you will not undertake to swear that this letter was or was not read in the judicial proceedings?



A. No ; there were so many asked for, I could not tell which one of them was read.

Q. You have seen the *Whitby Chronicle*?

A. Yes.

Q. You have read the reports in that paper from time to time in the proceedings?

A. Yes.

Q. In those reports certain letters or copies of letters were published?

A. These letters I allude to were not published, so far as I know.

Q. Was the letter of Parks published in the *Whitby Chronicle*?

A. I think so.

Q. I wish to know whether you can say, this letter to you was published?

A. I am not sure it was published

Q. You have not that letter with you in town?

A. I could not say.

Q. What do you think?

A. It is possible I have them all.

Q. Other letters are spoken of; when did she write you again?

A. All the correspondence took place in those few days before proceedings were taken.

Q. Did she write you a second or third time within those few days?

A. In those two days she wrote me three or four letters and that was all I got from her.

Q. After the charge and before the action was brought, she wrote you the letter we have been speaking about, and three or four altogether?

A. Yes.

Q. Were they written to you in a friendly way, or what was their tone? What were they about?

A. They were about the charge, and begging me to come and see her.

(Mr. Walker submitted that this was not evidence.)

(Mr. McDougall contended there was no criminal act proved; when they came to what the correspondence was then his learned friend might raise an objection.)

Q. These three or four letters which your wife wrote to you asking you to come and see her; did you answer them?

A. I did not.

Q. Did you go to see her in answer?

A. I did not.

Q. Between the 25th of August and the following Monday you neither answered the letters nor did you comply with the request made in the letters?

A. I did not.

Q. Let me ask you whether in the suit for alimony a particular letter was referred to by the Vice-Chancellor in the course of his remarks on the evidence?

A. I cannot tell.

Q. Was that letter referred to or discussed in that case? (Witness did not answer.)

Q. I want to know what were the circumstances which led the Vice-Chancellor to ask you to have an interview with your wife?

A. I don't know, except that he felt it was a very hard case, and it might be better for us to make it up.

Q. Did he express that wish?

A. No; he did not, but he expressed a wish that we should meet.

(Mr. Walker submitted that nothing which the judge might have said during that time was evidence except the result.)

Q. Did the Vice Chancellor request you to meet her, and what was his object?

A. The Vice-Chancellor asked me to go and meet her in the ante-room in the Court House; this was just before she was examined.

- Q. Had you been examined ?
- A. I had been examined.
- Q. Had your brother and Anderson been examined and others, to establish your case ?
- A. Yes.
- Q. In fact you had put in all your evidence when this request was made by the Vice-Chancellor ?
- A. Yes ; the case was finished. The way that I understand it is this :—Mr. Blake felt ; he had expressed himself that he would recommend us to meet as we had not met since we parted. He said he did not give that as his judgment, but he wished us to consider it in that way as his judgment might be different, but he did it to spare the wife's feelings from going through the ordeal of a trial.
- Q. What was the result of that interview ? What took place ? Did you meet your wife ?
- A. I did.
- Q. Was any other person present ?
- A. No.
- Q. Where did the meeting take place ?
- A. In an office in the Court Room.
- Q. What time was occupied by the meeting ?
- A. It might be half an hour or an hour.
- Q. Tell us what took place at that interview. What did your wife say to you with reference to the charge made against her ?
- A. She said, "Do you believe the charge ?" I said, "Certainly, I do, or I never would have taken the position that I have taken."
- Q. Well, she said something else ?
- A. I asked her to explain the Parks' correspondence.
- Q. Do you mean the letter that was put in here ?
- A. I asked her about her letters to Parks, and she said those letters were not proved, and I said, "Eliza, do you mean to say that they are not in your handwriting ?" The strain in which it was spoke was something in that way.
- Q. You must be particular as to what she said. She is not present and it is important in my view to know just what took place at that interview. She told you those letters were not proved. Did she deny that they were letters to Park ?
- A. That was all that was said in reference to the letters.
- Q. She said they were not proved ?
- A. Yes, sir.
- Q. Well what took place next ? Did you say they were proved, or what did you say ?
- A. I just said, "Eliza do you say you did not write those letters ?" That was all.
- Q. What was her answer ? Did she make any explanation ?
- A. No, sir.
- Q. Do you mean to say that she did not go into any explanation with regard to the papers found in her desk ?
- A. What I have said was all that was said on that occasion.
- Q. Did she admit the charge made against her ?
- A. No, she did not ; she asked if I believed it.
- Q. To what charge did she refer ? There are two charges here ; there is the charge with regard to Mr. Parks, which is not alleged in this bill ; or if it is, in very general terms. Was it the charge with Gordon or with Parks ?
- A. I think it was the charge about Gordon.
- Q. You think that when she asked you if you believed the charge it was the charge of improper conduct with Gordon ?
- A. Yes, sir.
- Q. Did she deny that charge ?
- A. I don't think she admitted it or denied it. She asked me if I believed it.

Q. Do you mean to say that she did not deny it openly or strongly at that interview?

A. I have told you what I believe occurred.

Q. Are you understood to say she admitted or denied the charge?

A. I mean to say, that she did not admit it, or deny it. She asked me, if I believed it, and I said—"certainly I do; for if did not, I would not have taken the steps I have."

Q. See if you can remember using a statement of this kind, on that occasion; (of course if you do not, the question goes for nothing.) Did you, in answer to her denial say, "If an angel came down from Heaven and said she was innocent, you would not believe it?"

A. No such word was used on that occasion.

Q. You deny having used any expression of that kind?

A. I do.

Q. Have you seen it in any newspapers with reference to your case?

A. I have not.

Q. Did she ask you to take her back and forgive her, on that occasion?

A. I cannot say that she did.

Q. It was so unimportant a matter that you have forgotten all about it? \*

A. No; I have stated everything that occurred.

Q. Will you swear that she did not say so?

A. I will not swear it, because I have no recollection of that having been said in any connection whatever.

Q. You will not swear then, either that she did or did not ask to be taken back; and you will not swear that she did or did not deny the charge. You recollect nothing of the kind having occurred. Is that your evidence?

A. I do not think that either of those events occurred.

Q. The fact is, however, as you have already stated, that you did not take her back?

A. I did not take her back.

Q. The fact is, also, that you did not come to the conclusion, or arrive at the end which the Vice-Chancellor expected, when he invited you to this interview?

A. Yes, sir.

Q. What was the answer you made when you came out to him. In court, was there any statement made about this interview?

A. There was no deliverance about it.

Q. We have your statement, with respect to the letter that you opened. That letter was addressed to Mrs. Campbell?

A. Yes, sir.

Q. Do you know in whose handwriting it was?

A. Yes, sir.

Q. How do you know it?

A. The way I traced the letter was this: The young man applied to us for a position as a book-keeper. I think it was in February of that year, and we had his letter of application on file. I turned it up, and identified the two writings.

Q. You had no other correspondence with this Parks?

A. None, except this one letter.

Q. Have you brought that letter with you, also?

A. It was amongst the Exhibits in Toronto, but I do not see it now.

Q. I notice that this letter is written with a back hand, as if it were disguised—that is shown by the writing?

A. This hand is a feigned hand; but there was sufficient resemblance between the two letters that I could easily identify it.

Q. Then, although it is written in a disguised hand, and although you had only one short note asking for a situation from this young man, you can swear to it? This is not signed by any one, I observe. You could not make anything out of the J. H. which appears as the signature. These are not his initials?

- A. No.
- Q. It was merely by the faint resemblance of the handwritings and the evidence you had to go upon up to that time that you came to this conclusion?
- A. Yes, sir.
- Q. Your suspicions were excited by this letter; were they excited by any other circumstances up to that time, the 25th?
- A. From the fact of her conduct in the spring of the year.
- Q. Her conduct with whom?
- A. With Parks and Gordon.
- Q. Before you went to England?
- A. Yes. After receiving the letter I was shocked, but not surprised.
- Q. The occurrences which then came to your memory were occurrences with Parks as well as Gordon?
- A. Yes.
- Q. Against which of them was your suspicion the stronger at that time?
- A. I cannot say that I had particular suspicion of either of them. I had no idea that my wife would lower herself with either, until I got this letter.
- Q. At the time you got the letter, in point of fact, you had heard nothing about Gordon?
- A. Nothing at all.
- Q. Nothing that excited any suspicion in your mind in regard to Gordon?
- A. Certainly not.
- Q. Then the letter pointed to Parks?
- A. Yes.
- Q. It was with reference to Parks that you thought the impropriety occurred?
- A. Yes, sir.
- Q. At what time was your suspicion first excited with regard to Gordon?
- A. After getting this letter of Parks, I searched my wife's drawers and found these letters. My suspicions were then aroused that everything was not all right between her and Parks. On that very day or the day following I heard of Gordon's visits.
- Q. Who did you hear that from?
- A. I heard it from my brother, or his wife, that a neighbor called in and told them that Gordon had been going frequently to my house in my absence.
- Q. That is, they told you that a neighbor had called in and said that Gordon had been frequently going to your house late at night?
- A. Yes.
- Q. Well, did you make enquiry into that.
- A. The inquiry I made was this; I had three children, two boys and a girl, and the feeling that came over me was this—that under such circumstances my wife could not be a proper guardian for these children; and I took the children away so that there should be no scene.
- Q. Then we are to understand that upon your being told by your brother that some other person had told your brother's wife that Gordon came to your house, in your absence, frequently, without enquiring of her, or asking an explanation from her, you decided to take your children from her?
- A. Yes.
- Q. Did you then proceed to make further and more particular enquiries into Gordon's visits?
- A. Yes.
- Q. And into the numbers of them, &c.?
- A. Yes.
- Q. That is after you took the children away and returned?
- A. No; it was before. I sent them away on the 25th. I intended to have gone away the moment I got the information; but I was prevented from going because my little daughter had not the clothes ready to go, and of course I had to wait until Monday.

Q. That was from Saturday till Monday. You were to have left on Saturday ?  
 A. I intended, when I discovered the letters, to leave at once, and not to wait an hour, but I could not go without the children.

Q. Then for two or three days, as I understand from your present statement, you remained at home, with the determination in your mind of taking your children to Southampton, but you deferred it until Monday in consequence of unreadiness ?

A. Quite so.

Q. Did you during the interval remain on good terms with her, as usual ?

A. Yes.

Q. Did you on parting with her give her the customary salute, the kiss which husbands are in the habit of giving their wives ?

A. I did.

Q. Then you separated from her on friendly terms ?

A. Yes.

Q. Did you disclose to her your object in taking the children away ?

A. No ; the excuse I made was—this is after getting the letters—I really got so paralyzed that I could not eat or sleep ; and the consequence was, that I was perfectly miserable. I told her, that as I was unwell, I would take the children to Southampton and stay for a while.

Q. You had a relative there ?

A. My father and sisters were there.

Q. That was the excuse which you gave her ?

A. That was the excuse I gave her.

Q. Then you left her under the impression that all was as usual ?

A. That all was right—yes.

Q. No suspicion was excited in her mind as to the reason for your proceeding ?

A. No.

Q. You say that you returned from Southampton earlier than you intended in consequence of a telegram which you received. Is that telegram in your possession or not ? But perhaps you can give us the purport of it ?

A. It was just to come home ; that was the only statement it contained.

Q. And when you came home, what information was given you respecting the watching which had been going on ?

A. I met my brother at the station and we went to his house, where he told me what had occurred during my absence.

Q. What were you told by your brother ?

A. Well, he told me that according to my request he had gone and watched the house during my absence ; and that the night after I went away he discovered that Gordon had gone there. He entered the house about nine o'clock in the evening, and he (Gordon) left about three o'clock in the morning.

Q. He told you that ?

A. Yes ; and he told me what had occurred there.

Q. Did he tell you anything that he had seen ? Did he make any statement as to what he had seen ?

A. He did not state what he saw, but what he heard.

Q. Therefore what he told you was respecting something he had heard ?

A. Yes ; it was more particularly as to what he had heard.

Q. And in point of fact, he did not tell you, that he had seen anything himself—with his own eyes ?

A. No.

Q. Then the conclusion, at which you arrived with respect to what took place on that occasion, was founded on the statement of your brother, as to what he had heard in the room ?

A. Yes ; and upon the statement of the girls.

Q. That was subsequently, was it not ? You did not see the girls on the same day ?

A. No ; I saw them during the week, I think.

Q. And your conclusion was predicated on what your brother said, with reference to what he had heard between your wife and Gordon?

A. Upon the letter I received, and what he had heard.

Q. With reference to this particular case of Gordon---the particular charge as to impropriety between Gordon and your wife---you acted upon, and had no other evidence than the statement of your brother as to what he had heard?

A. I had the statement of my brother and of Anderson.

Q. Then what was the action you took after receiving this communication from your brother? What was the next step?

A. Well, this was the next step; I got home about six o'clock in the evening, I think that it was between six and seven; and I sent for her brother, and I asked him to go for his father.

Q. They lived in the neighborhood, I believe?

A. They lived quite close; both of them came down, and of course, at first I began to read the letters to them, that is, the letters I discovered.

Q. The letters which we have before us?

A. Yes; I read them to them, and I found as I was going on, that I was so much exhausted that I could not proceed, and I asked my brother to read them. He had read these letters before; and after he read them, he also read a statement which he had written out, as to what had occurred the night before---Tuesday night.

Q. Your brother read a statement?

A. Yes.

Q. Was that statement produced in Court subsequently---the statement he wrote out on that occasion?

A. Yes.

Q. And did Mr. Anderson write out a statement at that time?

A. Yes.

Q. And you read this statement?

A. No; Anderson's statement was not written at the time?

Q. But it was written subsequently?

A. Yes.

Q. What followed the reading of this statement, and the reading of these letters?

A. I asked Mr. Byrne to take her away; also to go and see my wife. I told him that I did not think she would deny it. I had not the least idea that she would deny it, and I asked him to take her away from the house.

Q. You assumed that she would confess it?

A. I assumed, of course, that she would confess it. I never doubted that.

Q. What did Mr. Byrne do or say?

A. He went away, and I really do not know what more occurred.

Q. What period elapsed from the time of your interview with Mr. Byrne as representing your wife and your asking him to take her home?

A. I think I said with regard to Mr. Byrne that is all that took place that night. I may have seen Mr. Byrne later, or her brother; it is possible that I did.

Q. Did he agree to take her; did he assent to your proposition, or did he refuse?

A. He said he would see her, and that is all that occurred.

Q. Did he communicate with you after he had seen her?

A. After he had seen her, next day, he came into my private office and he said she denied the charges.

Q. Anything else?

A. I think he urged me to go and see her and forgive her.

Q. Did you go and see her and forgive her?

A. I did not; I think he told me on the first or second occasion that Mrs. Ham, his other daughter, had written a letter to her reproving her on her course of conduct. He said "Mrs. Ham is a decent woman." I said "Certainly, if there is one living, she is one."

Q. Was she charged with any criminal offence in that letter, or did you take any pains to enquire what it referred to?

A. I understood him to say that Mrs. Ham observed her conduct with Mr. Gordon, and it was of such a nature that she felt it was her duty to write and reprove her.

Q. Did you enquire what particular acts were referred to ?

A. No ; that was all.

Q. Might not that letter have been in reference to her walking in the street with Mr. Gordon ?

A. I cannot say what Mrs. Ham had seen.

Q. Did you find or see the letter which she wrote ?

A. I did not.

Q. What was the next step after Mr. Byrne refusing to take your wife back ; what did you do ?

A. The next thing I did was to go to Mr. Harrison's, now Chief Justice Harrison, at Toronto. My brother and I went to take legal advice.

Q. How long was that ; the next day after this interview ?

A. This was on the following Monday, the 3rd or 4th of September. I returned on the Monday night.

Q. Where was Mrs. Campbell all this time ?

A. She was living in my house.

Q. Where were you living ?

A. I was stopping with my brother.

Q. When did you return from Toronto after seeing Mr. Harrison ?

A. The same night.

Q. What did you do with reference to your wife ?

A. I let her occupy the house for a certain length of time.

Q. How long ?

A. I should say she occupied it about a month.

Q. That was after the discovery of the alleged offence ?

A. Yes.

Q. How did you put her out ?

A. I went with two constables and put her out.

Q. Did you turn her out on the street ?

A. No ; I did not turn her out on the street, but I drove a carriage to the door and led her down to it and had a man to drive her to her brother's or anywhere she liked. Her brother was there to take her to his house.

Q. That ended her connection with you from that time ?

A. Yes.

Q. From the time of your suspicions having been aroused to the time the constables drove her from the house, had you any evidence of misconduct on her part except the letter of Parks' and the statement of your brother of what he heard on the night of the 26th ?

A. And what the girls told me, that was all.

Q. How many girls were there—there were two of the Newsomes ?

A. Yes ; Martha and Jane.

Q. One was for the kitchen and the other for the parlor ?

A. No ; they were not there at the same time.

Q. Which was there on the 26th ?

A. Jane Newsome.

Q. Was it the evidence of Jane that corroborated the suspicions in your mind ?

A. In the first place it was Martha, and afterwards Jane.

Q. But Martha was not there ?

A. I saw her in town.

Q. But she was not in the house. I want to know what other evidence of criminality there was that affected your mind besides the letter of Parks' and the statement of your brother of what took place on the night of the 26th. What other evidence besides that induced you to turn your wife out of the house and take legal proceedings ?

A. It was just the fact of the girls telling me of Gordon's visits to the house in my absence and remaining to late hours.

Q. Was that all the evidence you had ?

A. That was all.

Q. Was there any other statement made by them except the fact of Gordon having been there ?

A. There were several facts which the girls can relate.

Q. It was their statements then ?

A. Yes ; with the letters and what my brother told me.

Q. Now, with regard to Gordon. You say that he was at your house before you left for England, on two or three occasions, at parties. Was he friendly with you ?

A. He was friendly enough with me, but never so much so that I asked him to my house alone. He had been at two or three parties at my place previous to this time. Those were all the times he was ever at my house.

Q. On the occasion you refer to of his coming to your house while you were at tea, you say he was admitted to the parlor, your wife saw him, and you remained at tea ?

A. Yes.

Q. On going out you excused yourself for not remaining with him, and, therefore, he must have been a man you regarded with respect ?

A. Yes.

Q. He was the son of a respectable farmer of that neighborhood ?

A. Yes.

Q. Was he not a native of that part ?

A. Yes.

Q. Was he not a school-fellow of your wife's ?

A. I have learned since he was.

Q. I want to know if he was not one of the social circle of that neighborhood—a family acquaintance, in fact ?

A. Yes.

Q. You say you thought nothing of this visit on that occasion. You chaffed her on going to bed ?

A. I thought nothing of the visit in the afternoon, and I did not enquire what brought him there or anything about it. But I was surprised to see him still there when I returned.

Q. At what hour did you return ?

A. From nine to ten o'clock.

Q. Did you make any remark expressing your disapproval that night ?

A. Only to her.

Q. And that in a jocular manner ?

A. Yes.

Q. Did she make any reply to that either, in joke or otherwise ?

A. I was chaffing partly in fun and partly in earnest. I do not wish you to understand I suspected anything wrong, because I did not ; I merely said " Eliza, I believe you are behaving most imprudently ; you should not have allowed that young man to stay with you so long ; I know if it had been any of your neighbors who had conducted themselves in that way, you would have been the first to speak of them."

Q. Did she say it was wrong ?

A. She felt it so much she cried, and asked me to forgive her ; she wished to sleep with me that night to be good friends.

Q. What did you say ?

A. I said " No, Eliza, this thing seems to be too serious, and I will not."

Q. Now, was this before or after the time you noticed your wife was dissatisfied ?

A. It might be after or before.

Q. Try and recollect whether she made the remark about her children before or



after you refused to sleep with her as an evidence of your disapproval. Was it before or after?

A. I am not prepared to say.

Q. You say the last child was born in December of the same year?

A. Yes.

Q. That would be four months after this alleged criminal act occurred?

A. Yes.

Q. Then at the time of the alleged criminal connection she must have been some five months in the family-way?

A. Yes.

Q. You were asked something about her tastes and habits in the house in reference to liquors; now was there anything in her conduct to show she had a particular fondness for liquors, or, that it accounted for her conduct?

A. I cannot say she was a drunkard; but from about January, 1873, liquor was kept in the house, but never before.

Q. Then you brought liquor into the house?

A. No; she ordered it.

Q. You did not restrict her from ordering any?

A. Allow me to explain. The liquors that were kept in the house before were always locked up, but after this time the liquor was always open on the sideboard.

Q. Did you object to that?

A. No.

Q. There was nothing remarkable in it?

A. No.

Q. And you drank with your friends, your wife along with you?

A. Yes.

Q. You never objected?

A. No.

Q. Since the Bill for alimony was dismissed, you have not contributed anything to her support?

A. No.

Q. Then she has no means of support?

A. Not that I am aware of.

*By the Honorable Mr. Kaulbach :—*

Q. Were you in the habit of taking offence at her conduct before that night you refused to sleep with her?

A. That was the only time I remember.

Q. When did you allude to it again?

A. I did not allude to it again.

Q. Was it only that night you left her?

A. That was all.

*By the Honorable Mr. Aikins :—*

Q. Had you been in the habit of opening your wife's letters?

A. No I had not. I had only returned from the old country, and I thought it so strange to see a letter in a man's hand that I opened it. That is the only explanation I can give why I did it.

TUESDAY, 14th March, 1876.

PRESENT :

The Honorable Mr. DICKEY, *Chairman.*

The Honorable Messieurs,

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON,
CORNWALL,	SEYMOUR,
KAULBACH,	REESOR.

Cross-examination of ROBERT CAMPBELL continued by *Mr. McDougall* :—

Q. Do you remember what date it was upon which you found and opened this letter?

A. I arrived on Monday, and of course it was on Tuesday morning.

Q. What day of the month?

A. The 19th of August.

Q. The date of the letter is August 14?

A. Yes.

Q. And by the post-mark it appears to have been posted on the 15th?

Q. Yes.

Q. What date do you say you went to the office?

A. The 19th.

Q. That would be four days after it had been posted?

A. Of that I know not.

Q. Did it come with the postal delivery of letters that morning?

A. I found the letter on the desk, and that is all I know about it.

Q. Is it not the fact that this letter was given to you by your brother, or received by him and detained?

A. I will explain that: I had not spoken to my brother on the subject of the letter until two hours after I got the letter. When I went into the office the letter was lying on the desk.

Q. That is hardly an answer to my question; what I want to know specially is this: Did your brother give you this letter, or place it in your way; or did it come to you in the first instance in the office?

A. My brother had nothing to do with the letter at all; I found it lying on my desk and opened it.

Q. Then you never afterwards asked about the delay, which had apparently taken place in its passage?

A. The contents of the letter appeared to be of much more consequence than that; I did not look at the date; I could not credit that it was for her.

Q. You have sworn that from your own knowledge that from reading those letters and scraps found in your wife's desk, and hearing your wife's statement in court, you knew they were letters to and from Godfrey Parks. What statement of your wife's do you refer to?

A. When she was examined in the Chancery Court she admitted writing Parks five or six letters, and having received that many or more from him, and admitted those were drafts of letters she had written.

Q. Do you mean to swear she admitted those scraps were drafts of letters written to Parks?

A. I do.

Q. I find it reported in the newspapers, which you state you read, that she gave evidence that she never saw Parks since he left Whitty, and as to the scraps in her handwriting found by her husband in her desk, she gave the same evidence as at the former trial, and said they were mere memos to be used in a romance she had

intended writing for her friends and her own amusement? (*Mr. Walker* objected to this question: objection overruled.) I have read you what is reported to have been her evidence, and I now ask you is this true within your knowledge or untrue?

A. In the first trial, in examination she said they were scraps for a romance, but in her last trial, in the Court of Chancery, she admitted they were drafts for letters to Parks.

Q. Do you mean these three here?

A. Yes; in explaining them she explained the meanings of terms, used there. For instance she was asked what "guardian" meant. She said it meant me. They knew me by the word "guardian."

Q. I want to know if this report is correct?

A. It is not correct.

Q. Is the fact so, or is it not? Did she explain in one or both of those trials that those letters were scraps or memorandum of a romance?

A. One she said was a draft of a letter, and the other she said was not for a letter, but for a romance. If you will read the two I will explain which is which.

Q. Which trial are you speaking of?

A. I am speaking of the Chancery trial.

Q. What is the scrap which begins "I have been very remiss in answering yours, etc.?"

A. That is one which she admitted was a draft of a letter to Parks.

Q. Then there is one beginning, "Come when thou wilt I have a welcome for thee." It is No. 4. What was that?

A. She said it was a memorandum for a romance.

Q. Then she said, in the Chancery Court, No. 4 was a draft of a romance?

A. Quite so.

Q. I want to know whether she did not in her evidence deny that she had sent any letter to Parks of which this was a draft?

A. To the best of my belief, I think she did not. I understood that in her evidence in the Chancery suit she admitted it to be a draft of a letter to Parks.

Q. You will not swear it positively?

A. That is my understanding of it. The way I understand that letter is that she admitted it was a draft of a letter which she had sent to Parks, and she explained the meaning of the different terms in it, and in what sense they were used.

Q. Was not the reference to "the guardian" in the letter which the abbreviation, "G-d-n" is found?

A. It had reference to this letter I think.

*Re-examined by Mr. Walker:—*

Q. Was Mrs. Campbell in the habit of writing romances?

A. I never knew she was in the habit of writing romances until this misfortune occurred.

Q. This is the only scrap of this romance which she wrote as far as you know? Did she contribute to any of the local papers, the *Ladies' Journal* or anything of that kind?

A. Not that I am aware of.

Q. Do you know what was the name of the romance which she said she was writing?

A. I cannot say.

Q. Was Gordon ever at your house by your invitation?

A. Never.

Q. Where is this Mr. Parks?

A. I understand he joined the Mounted Police, and died in the North-West.

Q. On the occasion when you found fault with your wife, because Gordon had been in the house, and declined to occupy the same bed with her, was this for that night only?

A. It was for that night only.

Q. You did not afterwards sleep separately ?

A. I do not think that the matter was ever mentioned again.

Q. You only occupied separate beds during that one night ?

A. Yes.

Q. Great stress has been laid on your not having seen your wife,—did you send any message to her, offering to see her; and if so, where ?

A. Oh ! yes; Mr. Byrne wanted me to go and see her, either in his house or to see her in my own house, but, owing to the state I was in, I felt quite unfit to bear the scene I knew would happen if I met her in her mother's house. I did not feel that my strength was fit for the ordeal, and of course I declined. I took the same position with regard to an interview in my own house; and for that reason I said that if she wished it I would see her at my brother's house.

Q. You offered to meet her at your brother's house ?

A. Yes.

Q. Did she come ?

A. She did not come.

Q. You offered to meet her, in order that she might make explanations, and she did not avail herself of that opportunity ?

A. Yes.

*By the Chairman :—*

Q. You told her father ?

A. Yes.

*By the Counsel :—*

Q. I understood you to say that before you consulted Mr. Harrison, you had the evidence of the Parks' letters and of your brother and Anderson as to what they saw on the evening of the 26th ?

A. I had this evidence, together with her own letters, in her own handwriting.

Q. Was Mrs. Campbell prepared to leave the house ?

A. She had packed up everything, and was ready to move.

Q. Her things were packed up by whom ?

A. By herself.

Q. What did she take ?

A. She took almost everything that was in the house.

Q. Then she was not driven off by two constables ?

A. No. I had a carriage at the door, and I led her gently down stairs and out of the door. I expected that she would get into the carriage, but her brother was there and he took her away to his house. I merely had the constables there to see that there was no rudeness or anything improper done; and these men were able to testify that my conduct at the time was all that was right.

Q. Mrs. Campbell had all her clothing packed up, and, besides, had pretty well stripped the house before leaving, to your knowledge ?

A. My house was completely stripped; I had not sufficient left to furnish a bed. Of course the carpets and furniture were not taken.

Q. You do not know when this letter of Parks' arrived ?

A. I do not know anything about it.

Q. Were you in the habit of smoking in your parlor ?

A. No; and no one else was in the habit of smoking in the parlor with my knowledge and consent.

*By the Honorable Mr. Kaulbach :—*

Q. Witness was merely referring to the wearing apparel of his wife and children ?

A. She took the bedding and everything.

Q. Sufficient for herself and family ?

A. She took pretty much all that was there.

*By Mr. Walker :—*

Q. And left not even enough to make up one bed ?

A. Yes ; principally.

*By the Honorable Mr. Kaulbach :—*

Q. She confined herself to wearing apparel and bedding ?

A. Yes.

*By the Honorable Mr. Reesor :—*

Q. Not your wearing apparel ?

A. No ; not mine.

Q. How was it got away ?

A. It was taken away in trunks. It was arranged before she went that her things were to be sent over the following day.

Q. Did you make any objection to what was taken in the trunks ?

A. No.

*By Mr. Walker :—*

Q. You did not examine the trunks ?

A. No.

Q. You did not examine the house ?

A. I examined some things, but not all.

Q. You made no objection ?

A. No.

*By the Honorable Mr. Aikins :—*

Q. Might she not very justly have considered those things belonging to herself as part of her marriage portion ?

A. She took a large number that could not come under that heading.

*By the Honorable Mr. Reesor :—*

Q. Still you made no objection to what she took ?

A. Oh no.

Mr. Walker put in rough plans of the upper and lower portions of the house which were numbered 16 and 17.

Q. Was the evidence referred to by Mr. McDougall as given by your wife at the chancery trial—given on the examination in chief, or in the cross-examination ?

A. It was brought out in cross-examination.

Q. That she had been corresponding with Parks ?

A. Yes.

Q. And what this paper referred to was a copy of the letter written ?

A. Yes.

Q. Did she state that she was writing over her signature or *incog.* ?

A. She said she was writing under a fictitious name.

Q. Did she make any admission as to with whom she was carrying on correspondence *incog.* ?

A. She said that she was carrying on correspondence with Mr. Parks.

Q. And only with him ?

A. And only with him.

*Re-cross-examined by Mr. McDougall :—*

Q. You spoke of your wife's education and literary habits. Was she not, within your knowledge, accustomed to writing for newspapers, or writing with a view to publication. Was she a person of superior education ?

A. She had a moderate education, not a superior education.

Q. Was she in the habit of reading romances ; did you furnish her with books of that kind ?

- A. There were books of that kind—a number of books.
- Q. Novels and light literature?
- A. Yes.
- Q. And she was accustomed to reading those books?
- A. Yes.
- Q. Was she not accomplished in other ways; in music for instance?
- A. Yes.
- Q. Performed on the piano?
- A. Yes.
- Q. Very nicely?
- A. Yes.
- Q. Did she not attract the company of young people very frequently for the purpose of enjoying her music; was not that common?
- A. Not very common.
- Q. It occurred sometimes?
- A. Yes, sometimes.
- Q. Upon the whole, was she not rather superior to the ordinary young women of the neighborhood when you married her?
- A. I suppose I thought so when I married her.
- Q. I did not expect you to deny that; but was she not superior with respect to literary attainments?
- A. No; I don't know that she was; I do not think she had any special attainments.
- Q. Let me make a comparison; was she not superior to your brother's wife for instance?
- A. I cannot say that she was; I suppose she was superior as far as being a better singer and player.
- Q. Could your brother's wife play at all?
- A. Yes; she could, and she could sing, but I do not think she could sing as well as my wife; and as far as a literary education is concerned one would be about equal to the other.
- Q. Was it not a fact that when you searched your wife's drawers there were a great many extracts in them in her own handwriting, or were these the only ones you found?
- A. There was a whole drawer full of papers and letters, many in her own handwriting, and I think I read every one of them.
- Q. Was there any date to these letters marked 3, 4 and 5?
- A. I can fix the date of one letter, for she refers to a visit of mine to Toronto, and I can fix it from that.
- Q. Were you not in the habit of going to Toronto frequently?
- A. Yes, but it was not often I stayed two days at a time. On this occasion I had to go to Toronto, and had some business in the Parliament House, and it is to that visit she alludes in the letter to Parks, and says "I suppose you had not the extreme felicity of meeting him," meaning me.
- Q. Is there, from the beginning of that letter to the end of it, any reference to Parks, whatever, by name or by any indication that you can swear to?
- A. There is one expression here which I cannot put any other construction on "The guardian was up for two days last week, but I suppose you had not the extreme felicity of beholding him."
- Q. You say that is one evidence. Was Parks living at Toronto at that time?
- A. He was; and he met me at the station and spoke to me.
- Q. Is there anything else in the letter?
- A. Yes.
- Q. Mention any other circumstance that fixes Parks as the person referred to in the correspondence.
- A. Yes, where she says "I am not certain the guardian will take the journey you spoke of or not; if it is taken it will be in the beginning of June or July." I fix

this as alluding to me. When I started to England I did not expect to return before November, on account of a friend being sick there. And Parks in his letter says he is coming to meet her, I think, in the first or second week in the next month, in time to escape the "G—d—n."

Q. You say he wrote he was coming?

A. He says there he was coming.

Q. I read it, "he thinks he will come." He does not propose it in anyway, and because he says he thinks so, you jump to the conclusion he was coming?

A. You are putting one construction, and I am putting another. He was thinking of coming in time to escape the G—d—n. In one of the scraps I find, she says "I am not certain if the guardian will take that journey you spoke of or not, but if it is taken it will be sometime in June or the beginning of July."

Q. Then I understand you to say that was an answer to this?

A. Oh! no; she admitted having written five or six letters to Parks.

Q. Prior to the date of this?

A. Yes.

Q. Then it is merely from these references in the letter you come to the conclusion that it was addressed to Parks?

A. I do not mean to say absolutely this letter was addressed to Parks, but I mean to say Mrs. Campbell said this was the original from which the letter to Parks was copied.

Q. And you say she admitted that?

A. Yes.

Q. You spoke of a meeting at your brother's and of having been willing to meet your wife and confer with her at your brother's, but you declined to meet her at Mr. Byrne's or your own house?

A. Yes.

Q. You say she did not go?

A. She did not.

Q. Was there not some hostility between her and your brother's wife?

A. I am not aware of any hostility between them.

Q. Were they on friendly terms?

A. Yes.

Q. Up to when?

A. Up to the time of this occurrence.

Q. Up to the day of your return from Europe?

A. Yes; they had always been on friendly terms.

Q. Then although she was aware of the visits of Gordon, she still continued her friendly visits?

A. My brother's wife first knew of my wife's conduct after my return from Europe.

Q. How do you know that?

A. That is what I heard from her.

Q. But you told us yesterday it was the statement that Gordon had made those visits, communicated to you by a person who heard it from your brother's wife that led you to suspect her?

A. I said so; but I said the information was given about the time I discovered the letters in my wife's drawer.

Q. And up to that time your brother and his wife were in the habit of visiting your wife so far as you know?

A. I have absolute proof of that up to then. About a fortnight before my return from England my wife and my brother and his wife were on the most intimate terms, because my wife wrote me a letter on the 31st of July, telling me she was speaking to my brother about his wife having met with an accident. My brother had been speaking to her and they were quite friendly.

Q. I understand you to swear, that as far as you know, up to your return, your wife, and your brother's wife were on ordinary friendly visiting terms?

A. They were on good terms.

Q. There were no jealousies or complaints existing between them that you are aware of?

A. There were none.

Q. Now, with regard to the constables, you say that you took them with you, not in their official capacity, but to see that you were courteous towards your wife?

A. I took them in this way: as witnesses, and also to render assistance if I should require it.

Q. Then they came in a double capacity?

A. Yes.

*By a member of the Committee:—*

Q. Did you so act on the advice of Counsel?

A. I did ask advice as to whether I had the power of doing so. I enquired of Mr.—now Chief Justice—Harrison, and he said I had a perfect right to do it.

*By Counsel:—*

Q. To do what?

A. To put her out.

Q. By force?

A. Yes.

Q. Did he advise you to take the constables with you.

A. As to that I am not prepared to say.

Q. In point of fact, did she not refuse to go out; did she not lie on the bed and refuse to move?

A. Yes.

Q. And in point of fact were you not two or three hours in getting her out of the house—constables and all?

A. Before I went to put my wife out, I requested the family doctor to come and see if she was well—to see what state she was in. I did not tell him what my object was. He said that he went in and found her perfectly well and active, and that she seemed to enjoy herself with her friends. Then I thought that if she was really well—

Mr. *McDougall* at this point suggested that the witness should confine himself to simple facts.

The *Chairman* ruled that these should be more closely followed.

Q. I wish to know whether on that occasion she went away voluntarily, or only after two or three hours of discussion and resistance?

A. She at first refused to go.

Q. At what hour of the day was that?

A. I went to put her out at between seven and eight o'clock in the evening.

Q. Did you take the constables with you on the first occasion?

A. Yes.

Q. At what time did you put her out?

A. I could not say.

Q. Give an approximate idea?

A. I should say that two hours elapsed between the time I first went to her and the time she left the house.

Q. Did you take the constables into the room and represent them to be officers of the law?

A. I took them into the room, but I did not represent them to be officers of the law.

Q. You were further asked about the house being stripped of goods,—how could your wife have done so if she went out on compulsion from the constables?

A. An agreement was made about these goods.



Q. It was a sort of agreement between you after two hours open treaty ?

A. It was a condition between her and one of the constables that she should be led out quietly; and that her things should be sent over on the following day to her brother's house; which was done.

Q. And you assented to that ?

A. I assented to that.

ROBERT CAMPBELL.

(Exhibit No. 3.)

CONCORD, August 14th, 1873.

DEAR MARIE,—I wrote to you from here three or four weeks since, but have never had an answer. I was thinking of coming about the first or second week in next month, should I be in time to escape the G—d—n. I asked in my last for some envelopes, will you write by return and send me a few; I have been very busy all day and have hardly a minute to spare, and have to walk to the post with this as I cannot allow anyone to see the address. Be sure and write by return. In haste.

Believe me to remain,

My Dear Marie,

Yours in sincerity,

J. H.

I think if you have written to me, your letter must have gone to the States as there is a place of the same name there.

Please address to me at,

Concord Post Office,  
County of Vaughan,  
Ontario.

Tell me where you think the suspicion is.

MRS. ROBT. CAMPBELL,  
R. & J. Campbell,  
Whitby,  
Ontario.

(Exhibit No. 4.)

"Come when thou wilt I've a welcome for thee" (song).—If you should ever come over these, would you come to see us? I should be most happy to see you, so understand that if you please your reception would be princely; do you understand? Do not keep me in such fearful suspense, but send me a line expressive of your feelings—I hope you will not forget our last fond meeting so reft with bliss. Oh, that it could be renewed; what rapture fills my mind to think no pleasure on earth so exquisite. Think me not flighty, it is only the outpouring of a deep passionate love which I bear for you, a love which so few comparatively feel for one another—Adieu cherished one.

(Exhibit No. 5.)

I have been very remiss in not answering yours ere this, but I have been out so often in the evenings that really I've not had time. I hope it has not seriously affected you though. "Incognito" came safely and was delivered into my own hands at the office. I thank you for the interesting letter. I have just come in from a "ramble" with two or three other girls. I think if you ever honor this fair town with your

presence again, you might find some one to take a ramble with you as of *yore*; a great deal may have been thought, but I have never had a word hinted to me of the past. How happy I should have been to have complied with your request, in coming to give you a drive, and then having you drive me home again. That dream is too sweet to indulge in. I haven't the slightest idea when I shall come up to Toronto. The "Guardian" was up for two days last week, but I suppose you had not the extreme felicity of *beholding* him. I am not certain if the *Guardian* will take that journey you spoke of or not, but if it is taken it will be sometime in June or the beginning of July. I am glad you enjoy attending Holy Trinity. You say it is what you like, a little "High." I would much prefer attending something a shade or two lower in the same denomination; there are too many Ritualistic performances there to suit my liberal views. I should go with you though if I came up. You suggest the probability of some one giving me a walk after service. I assure you, on my honor, nothing of the kind has occurred. I do not so easily forget those I *like* as to run with another the moment they are out of sight. You seem to have had some trouble in your mind as to whether you should write.

You seem to have thought by J. Casell.

BOOK-KEEPER.

(Exhibit No. 6.)

Here I am vacillating between two opinions, whether shall I stay here or stray afar off—Duty says stay.

(Exhibit No. 7.)

FI. FA. ASSUMPSIT.

ONTARIO. }  
To wit. }

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.

To the Sheriff of the County of Ontario—GREETING:

WE COMMAND YOU, that of the Goods and Chattels in your Bailiwick of George Gordon (Defendant) you cause to be made One thousand seven hundred and ninety-eight dollars and seventy-one cents and interest, which Robert Campbell (Plaintiff) lately in Our Court of Queen's Bench, before the Justices of Our said Court, at Toronto, recovered against him for his damages, which he had sustained, as well as by reason of certain grievances then lately committed by the said Defendant to the said Plaintiff as for his costs and charges by him about his suit in that behalf expended, whereof the said Defendant is convicted as appears of Record; and have that money before our Justices aforesaid, at Toronto, immediately after the execution hereof, to be rendered to the said Plaintiff, and in what manner you shall have executed this our Writ, make appear to our Justices aforesaid, at Toronto, immediately after the execution hereof; and have you there then this Writ.

WITNESS, the Honorable Robert Alexander Harrison, Chief Justice of Our said Court, at Toronto, the Twenty-seventh day of October, in the Year of Our Lord One thousand eight hundred and seventy-five.

ALAN CAMERON.

Issued from the Office of the Clerk of the  
Crown and Pleas, in the County of York,  
ROBERT G. DALTON,  
Clerk.

MR. SHERIFF,—Lay the sum of \$1,500, being the damages, and the sum of \$298.71, being the costs taxed in this cause, with interest on both sums, from the twenty-seventh day of October, A.D. 1875; also the sum of \$5 for this writ, together with your own fees, poundage and incidental expenses.

F. OSLER,  
*Plaintiff's Attorney.*

Received October 28th, 1875, at  
10 a.m.

B.R.

CAMPBELL

v.

GORDON.

317.

FIERI FACIAS.

This Writ was issued by  
FEATHERSTON OSLER, of the  
City of Toronto, in the County  
of York, Attorney for the  
within named Plaintiff.

BETHUNE, OSLER AND

The within named Defendant hath no goods or chattels in my County whereof I can cause to be made the damages and costs above mentioned, or any portion thereof.

The return of  
NELSON G. REYNOLDS,  
*Sheriff, C.O.,*  
Per U. S. P.

SHERIFF'S OFFICE,  
WHITBY, 8th November, 1875.

(Exhibit No. 8.)

FI. FA. ASSUMPSIT.—LANDS.

ONTARIO, }  
To Wit. }

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain  
and Ireland, QUEEN, Defender of the Faith.

To the Sheriff of the County of Ontario—GREETING:

WE COMMAND YOU, that of the Lands and Tenements in your Bailiwick of George Gordon (Defendant), you cause to be made One thousand seven hundred and ninety-eight dollars and seventy-one cents, and interest, which Robert Campbell (Plaintiff), lately in Our Court of Queen's Bench, before the Justices of Our said Court, at Toronto, recovered against him for his damages, which he had sustained, as well by reason of certain grievances then lately committed by the said Defendant to said Plaintiff as for his costs and charges by him about his suit in that behalf expended, whereof the said Defendant is convicted, as appears of Record; and have that money before Our Justices aforesaid, at Toronto, immediately after the expiration

of twelve months from the day of your receipt hereof. And in what manner you shall have executed this Our Writ, make appear to Our Justices aforesaid at Toronto, immediately after the execution hereof; and have you there then this Writ.

WITNESS, the Honorable Robert Alexander Harrison, Chief Justice of Our said Court at Toronto, the Thirteenth day of January, in the year of Our Lord One thousand eight hundred and seventy-six.

ALAN CAMERON.

Issued from the Office of the Clerk of the Crown and Pleas, in the County of York.

ROBERT G. DALTON,  
*Clerk.*

MR. SHERIFF,—Levy the sum of \$1,500 being the damages, and also the sum of \$208.71 being the costs, taxed in this cause, with interest on both sums, from the twenty-seventh day of October, A.D. 1875; also the sum of \$10 for this and another writ, together with your own fees, poundage and incidental expenses.

F. OSLER,  
*Plaintiff's Attorney.*

Received 11.30 a.m., 14th  
January, 1876.

Q.B.

CAMPBELL

v.

GORDON.

326.

Fl. FA. LANDS.

This Writ was issued by  
FRANKLIN OSLER, of the  
City of Toronto, in the County  
of York, Attorney for the  
within-named Plaintiff.

REYNOLDS, OSLER AND MOSS.

The within-named Defendant hath no lands or tenements in my County whereof I can cause to be made the damages and costs with<sup>n</sup> mentioned, or any part thereof.

The return of

NELSON G. REYNOLDS,  
*Sheriff, C.O.,*  
Per U.S.P.

SHERIFF'S OFFICE,  
WHITBY, January 22nd, 1876.

(Exhibit No. 9.)

IN CHANCERY,  
Blake. }

Wednesday, the 15th day of September, A.D., 1875.

Between—ELIZA MARIA CAMPBELL,  
Plaintiff,

AND

ROBERT CAMPBELL,  
Defendant.

Amended pursuant to Order in Chambers dated 23-11-1875, this 23-11-1875.

This cause coming on to be heard before this Court at Whitby, on the twenty-first day of April, in the year one thousand eight hundred and seventy-four, for examination of witnesses and hearing in presence of Counsel for the plaintiff and defendant. Upon opening of the matter and hearing the evidence adduced and upon hearing what was alleged by counsel aforesaid, this Court was pleased to direct that this cause should stand for further arguments, and the same coming on for argument before this Court at Toronto on the fourteenth day of May last, past, in the presence of Counsel for both parties. Upon opening of the matter and hearing what was alleged by Counsel aforesaid, this Court was pleased to direct that this cause should stand for judgment, and the same coming on for judgment this day.

1. This Court doth order and decree that the bill of complaint of the said plaintiff be and the same is hereby dismissed out of this Court.

2. And it is further ordered that the defendant do pay to the plaintiff's solicitor the amount of the cash disbursements, property made by him in this suit forthwith after taxation thereof.

A. GRANT,  
Registrar.Entered 4th November, 1875.  
D. B. 26, Fol. 324.

IN CHANCERY.

CAMPBELL

vs.

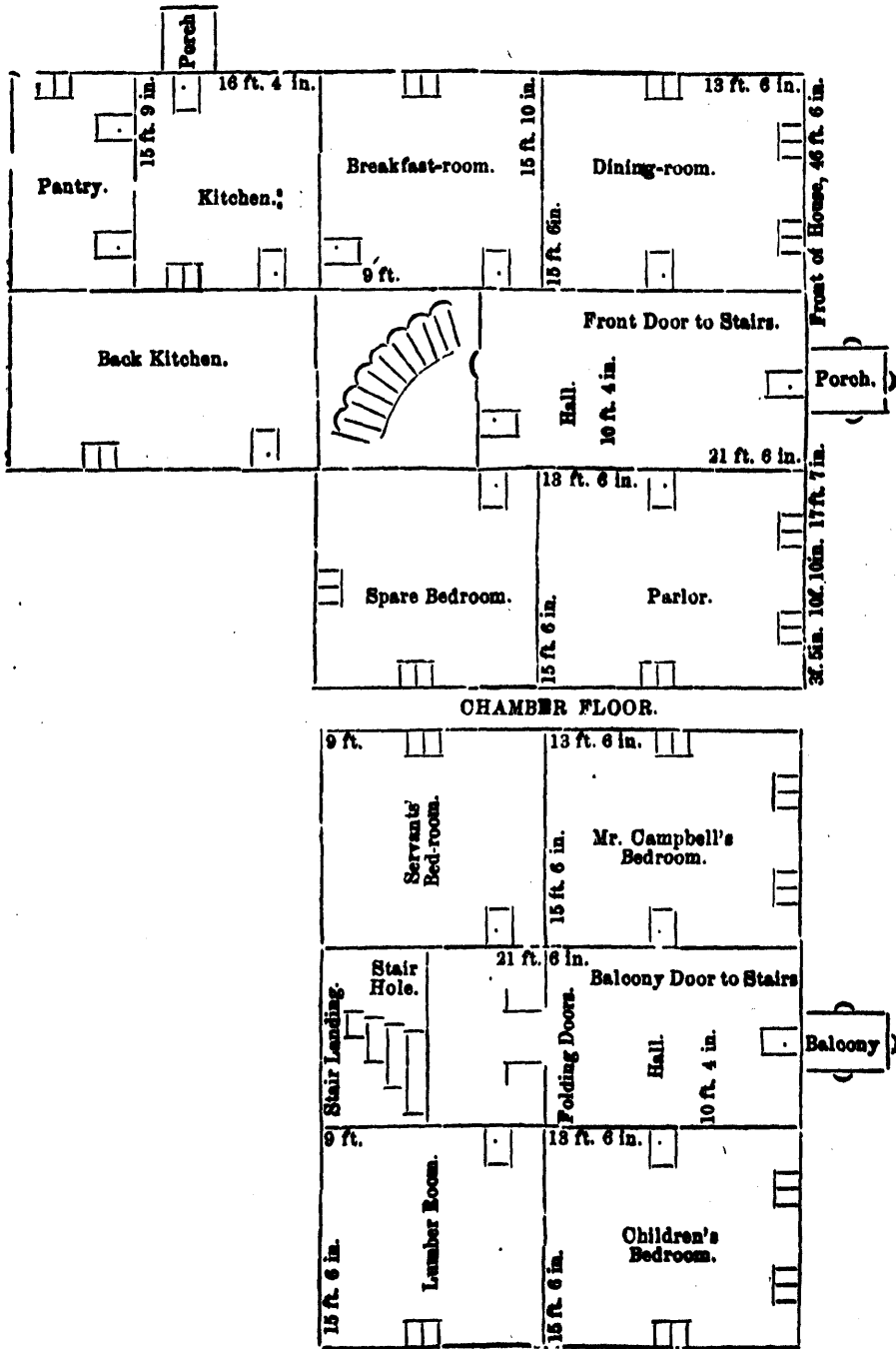
CAMPBELL.

DECREE.

BETHUNE, OSLER & MOSS,  
Solicitors for Defendants.

(Exhibits Nos. 16 & 17)

GROUND AND CHAMBER FLOORS OF THE RESIDENCE OF ROBERT CAMPBELL,  
MERCHANT, WHITBY, ONTARIO.



WEDNESDAY, 15th March, 1876.

PRESENT :

The Honorable Mr. DICKEY—*Chairman*,

The Honorable Messieurs

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON.
CORNWALL,	SEYMOUR,
KAULBACH,	REESOR.

MARTHA NEWSOM was sworn, and, being examined by Mr. Walker, said :—

I reside in Whitby; I know Mr. Robert Campbell and his wife; I was in their employ at Whitby as general servant; I left their employ, August 15th, 1873. At that time I had been in their employ about a year and eight months. I know Geo. Gordon; he lived at Whitby. I have seen him at the house of Mr. Campbell; he was a frequent visitor there when Mr. Campbell was absent. He was in the habit of remaining long in the house when he came; he usually came in the evening; his first visit on which he remained late in the evening, was, to the best of my recollection, on the second of August. I remember him coming about the last week of March; he came about five o'clock in the evening when Mr. Campbell was in the house; Mr. Gordon stayed until about nine or ten; Mr. Campbell was taking tea when Mr. Gordon came. After taking tea Mr. Campbell left the house and Mr. Gordon remained. Mrs. Campbell wished the children to go to bed, but they did not want to go; Mrs. Campbell offered them a copper to go, and I then took them to bed; Mrs. Campbell and Mr. Gordon were in the parlor while the latter remained that evening; I am generally in the kitchen myself.

The witness having been shewn views and plans of the house, stated that they were correct in her recollection of the house, and continued:

The visit I mentioned was the first; Mr. Campbell returned while Mr. Gordon was there; the latter soon afterwards left the house. The second visit occurred sometime about the first of July; Mr. Campbell was not there that day; the visit took place in the evening; Mr. Campbell had left for England at the time; he had not been gone very long, but I cannot say how long; it was several days after his departure. Mrs. Campbell had been in the kitchen during the day, and had not dressed herself; between eight and nine o'clock she dressed herself as if she was going out, and I asked her if she was going to do so; she told me that she was not; also that I might go out; I was surprised to see her dressed up so nicely. During the time I was getting ready to go out, Mr. Gordon opened the door—Mrs. Campbell in the meantime had been singing and playing—and he said: "I heard you singing, and I thought that I would come in." I went out; the children had retired at the time; I cannot say when I returned, but it was some time afterward at any rate; Mr. Gordon was still there in the parlor; I cannot give the hour when I retired, but it was shortly after I came in; I think it was somewhere between ten and eleven; Mr. Gordon left shortly after that. He made another visit on the second of August; before that time Mrs. Campbell attended a party and Mr. Gordon accompanied her home; I cannot say as to the exact hour she came home, but it was late, between one and two in the morning; I was up stairs lying on my bed at the time, but I did not go down stairs; I was not undressed; I do not know how long Mr. Gordon remained that night; I stayed awake only about half an hour; I cannot remember the exact date of that visit, but it was sometime before the second of August, during the month of July. Previous to this there was a concert given in Whitby, shortly after Mr. Gordon had left for England—it was the same day that he left—and Mrs. Campbell went to the concert; Mr. Gordon accompanied her home, and I opened the door to admit Mrs. Campbell after Mr. Gordon had gone; I heard them come to the porch door, and I thought I would go and admit Mrs. Campbell, but I heard another voice

and I did not admit her; it was an hour afterward when I met Mrs. Campbell; she had remained in the porch, and Mr. Gordon with her. This was the evening of the day that Mr. Campbell went to England.

I recollect the night of the second of August very well. Mrs. Campbell went down town for a walk, and she gave me a permission to go out; when she came back Mr. Gordon was with her. I was then ready to go out and I went down stairs; the children were up stairs. As I was going out I saw Mr. Gordon and Mrs. Campbell in the summer house, which was a short distance from the veranda in front of the house; as I was passing the summer house, the children called to Mrs. Campbell to come and put them to bed; she told them to be good children and go to bed; I did not hear any more. I returned between 9 and 10 and they were sitting in the summer house still; a short time after that I was in the back kitchen—Mrs. Campbell rang the bell and I answered it, and she came in accompanied by Mr. Gordon; I went back into the kitchen, and they went into the parlor; I heard no singing or playing; I cannot say what time Mr. Gordon left that night; he had not left when I retired, which was just 12 o'clock; I was awake for about 20 minutes or half an hour after I got to my room and he had not retired by the time I fell asleep. I went into the children's room next morning and found that they had been only partly undressed. The next occasion on which Mr. Gordon visited the house was the following Saturday evening, the 9th of August. I had been out and was standing by the front gate when Mr. Gordon came; I noticed him pass on and wait at the English Church corner; I walked part of the way up the path, and on coming back I met Mr. Gordon on the walk; I cannot say who admitted him, because I had been out; he was in the parlor when I returned; no one was in the house besides Mrs. Campbell on that occasion. I retired for the night between 11 and 12 o'clock and Mr. Gordon had not left the house at that time; he was in the parlor all the time; there was no singing or playing on the piano. Mr. Gordon visited the house again on the 13th. These were the circumstances connected with this visit; I had been out: I do not know when Mr. Gordon came; I found him in the house when I came back; this was between nine and ten o'clock in the evening; Mr. Gordon was in the parlor with Mrs. Campbell, who was singing when I came up the walk; I did not go into the house, but I went on the other side—the west side of the house—and sat down; I do not know when Mr. Gordon left the house; he had not left when I retired, which was between eleven and twelve o'clock; Mrs. Campbell came out and asked me who passed through the gate; this was on the night of the 13th; the gate mentioned was situated on the west side of the house, next to the parlor, and almost directly under the parlor window; it did not open easily; it had a spring, and made a noise when it was opened; this gate could be used to go to the kitchen, but it was not the gate which I generally used. I told her that it was Mr. James Campbell, Normanham, and another little boy; Mr. James Campbell is Mr. Robert Campbell's brother. I cannot give the time when she spoke to me, but it was while Mr. Gordon was in the house, she said that Mr. James Campbell was always prowling about; I told her that he had come to look after the horse, which the boys had just brought in; Mrs. Campbell was annoyed because they had kept it out so late; this was Mr. Campbell's horse; I think that it belongs to both the brothers; "prowling about" were her own words; I do not know when Mr. Gordon left; I made up the parlor and dusted it the next day; I found the green rep curtain pinned across the lace curtain on the window nearest the porch; there was a stool put at the bottom in order to keep them across; I found Mrs. Campbell's boots in the parlor on two occasions. Mr. Gordon visited the house on the next occasion on the 15th, the day I left; I had been away that day at Oshawa, at a pic nic; I had a sister named Jane, and she was with me; we returned together, and arrived at Mr. Campbell's house about nine o'clock in the evening; Mrs. Campbell was then with Mr. Gordon in the parlor; I did not hear any music, I only remained a few minutes; I came to bid her good-bye, but I heard Mr. Gordon in the parlor, and I did not go in; I did not see her that night; my sister remained in my place; I thought that Mr. Gordon had been smoking in the parlor, because I found in it the stump of a cigar, and I smelled the odor of the smoke; Mr. Campbell was



not in the habit of smoking in the parlor; refreshments were taken into the parlor at night; I found a wine glass in it, and the crumbs of some cake; I never on any occasion, other than the one I have mentioned, found the children in bed with their clothes on; on all other occasions to which I refer, the children were either in bed before Mr. Gordon arrived, or I put them to bed myself after he arrived; the only occasion when I put them to bed after he arrived, was at the request of Mr. Gordon and of Mrs. Campbell in March; Mr. Campbell was then at home; there was a spare bedroom on the ground floor; its position was next to the parlor; there was no door connecting between them; I thought that the bed was unnecessarily mussed up at times, but I cannot say that it had been used; the counterpane had been mussed on two occasions, on the mornings following Mr. Gordon's visits, I found articles of her dress in the parlor; these articles were her boots; I never at any other time found her boots in the parlor; on the occasion of all the visits except the first; Mr. Campbell was away; I cannot say how far the kitchen was from the parlor; there was no direct communication between the kitchen and the hall; the breakfast-room, which is small, was between them; the stairs leading to my room were placed just as you come out of the breakfast room; this door was at the other end of the hall; I heard Mr. Gordon and Mrs. Campbell say something about euchre; I cannot say what the words were; I heard other words that passed between them; on one occasion Mrs. Campbell returned from a party at her mother's, between one and two o'clock in the morning, in company of Mr. Gordon; I felt very suspicious of Mrs. Campbell, and I thought that I would listen to hear what they said; I did not listen however, I only went to the door and shut it; it had been open, and I heard Mr. Gordon ask Mrs. Campbell if she was sincere; he was asking a question; but these were the only words which I heard; I did not hear her answer; I do not know what the question was about, I was in my own bedroom; I did not come down stairs. Mrs. Campbell had spoken to me of Mr. Gordon; she spoke to me about him sometime after his first visit in March, and asked me if I did not think Mr. Gordon was a fine looking man. Mrs. Campbell was not an early riser; she did not rise as early after the visits of Mr. Gordon, she would not get up until between 10 and 11 in the morning; when I first went there, she used to get up about 8. I thought Mrs. Campbell did not attend to things as she should have done that summer; she left everything to my care; I left Mrs. Campbell's employ on the 15th of August and I did not return again prior to the 26th. During the time of Mr. Campbell's absence there was no person else in the house but Mrs. Campbell, the children and servants; I was in the employ of Mrs. Campbell the previous year during Mr. Campbell's absence and Mrs. Campbell's niece remained in the house. Since the discovery of the alleged criminal connection, Mrs. Campbell sent to my mother's house and asked me to go up and see her. She sent several times, and I went to see her once about 8 o'clock in the evening; Mrs. Campbell, was up stairs and I went up to see her. I did not stop longer than half an hour; she asked me if Mr. James Campbell had come to see me, and she asked me if I had received a subpoena; I told her no.

Q. Was there anything said about the trouble?

A. There was very little said, but there was some allusion to it. I was not surprised when I heard of this trouble.

*Cross-examined by the wife's Counsel:—*

I was not in the house after the 15th of August as a servant; prior to that date I made no allusion to these matters except to my sister. I cannot say as to the exact time when I spoke to her, but it was some time before the 2nd of August; my sister was then living with Mrs. Campbell's brother, Mr. Byrne. I mentioned to my sister, who formerly lived with Mrs. Campbell, that I thought there was a change in Mrs. Campbell's conduct; she said she had noticed it herself for some time, and she spoke of Gordon's visits and other things in connection with Mrs. Campbell's conduct generally. I thought Mrs. Campbell was careless in her house and manner of speaking to people; she was formerly a person who spoke with great care. On one occasion

I had been out on Sunday evening and did not return just as soon as usual, she was ready for church when I returned; when she came back from the church, my sister and I went to the door together, and Mrs. Campbell said "You scalliwag, you!"; I thought the remark was funny because she had not made use of such language before; this I consider carelessness in her manner of speaking to people. She did not talk very familiarly with me about household affairs, but she was not a grave or severe person; I knew she was in the family-way, but I do not think that should make any difference in her housekeeping or manner. My sister Annie, who was with me when Mrs. Campbell used the word "scalliwag," remarked to me it was a very strange word for her to use. I think it was a remarkable circumstance for Gordon to offer the children coppers to go to bed, because Mrs. Campbell was not in the habit of bribing her children to go to bed; the offer was made by both of them; I cannot say who offered the money first; I do not know that I thought it very remarkable she made that offer; the children were only promised the money; I took them to bed. They did not go to bed willingly; I think they went in consequence of the promised bribe; I think that was a remarkable circumstance; I did not think that it indicated an undue familiarity between the two; I mentioned it in my evidence because I thought they wanted the children out of the way very badly; that was between eight and nine o'clock; they had been in the habit of going to bed even earlier than that, but they were in the parlor and wanted to stay; I thought Mrs. Campbell would take them to bed herself; she was in the habit of doing so; I had taken them to bed before, but not often. I thought Mr. Gordon had been there long enough to leave; I used to have visitors, and occasionally young men, but I had no husband to dispute it; the young men would sometimes stay until ten or eleven; I do not think there was any impropriety in that; very often my sister was present when a young man visited me, but on other occasions no one was present; I was not guilty of any impropriety, and I did not think being alone with a young man was an impropriety. I did not know Mr. Gordon before going into Mrs. Campbell's employ; I had heard of him; I did not know that he was an old friend of her's, and I made no inquiries about him; I read in the paper, after the first trial, that Mr. Gordon was an old friend of Mrs. Campbell's, but I still think his visits were a matter for suspicion. I do not remember the time Mr. Campbell went to England; on the occasion of one of Mr. Gordon's visits, in July, Mrs. Campbell was singing; I was at the top of the stairs when he came in; he said, "I heard you singing and thought I would come in;" Mrs. Campbell stopped singing right away, and she did not resume; I was just on my way out then, and I do not know what occurred afterwards; I thought it remarkable that he should open the door himself and come in; it was dusk of evening when he came. I cannot state the distance of the house from the road; it was quite a walk, probably more than three times the width of the street; there is a long field in front, and a walk up to the house; the front gate spoken of was the gate on the street; Mr. Gordon went away on that occasion when I came back, which was about ten o'clock; there was no other impropriety; I did not speak to my sister about that; I cannot fix any date for this occasion. On another occasion Mrs. Campbell and I had been preserving during the day, and in the evening she dressed herself up; I thought she was going out, and asked her if she was; she said she was not, and I asked her if I could go out; she said yes, and I went out; Mrs. Campbell did not suggest it—I asked her; it is customary for ladies in that town to dress themselves in the evenings, but I thought Mrs. Campbell dressed herself expressly for that occasion; I thought it was remarkable, as she was not in the habit of dressing herself so particularly, and that was the reason why I thought she was going out.

On another occasion Mrs. Campbell came home from a party which had been given at her mother's; the party broke up late, and Mr. Gordon accompanied her home; he came into the house with her, and I thought it very remarkable that he should do so; I will not swear that he stayed longer than ten minutes; there was a light in the hall, but they lit the parlour lamp; I thought it very strange and improper for a gentleman to come in so late after accompanying a lady home from a party.

On the 2nd of August, when Mr. Gordon came, I went out about 8 o'clock; and on both occasions—going out and coming back—I saw Mrs. Campbell and Mr. Gordon sitting in the arbor; it was a moonlight night; the arbor was open lattice work, so that anybody could see them; I do not know how long they remained there after I came home, but I should think not more than half an hour; Mrs. Campbell rang the bell, and I admitted them, and they went into the parlor; I don't know how long they stayed, as I went up to my bedroom just as the clock was striking twelve, Mr. Gordon was still there, as I heard them speaking on my way upstairs.

When they were in the arbor the children called out from the balcony and asked Mrs. Campbell to put them to bed; she did not go; I do not know who put them to bed, but in the morning I noticed that they had only been partly undressed.

The next Saturday, the 9th of August, there was a large picnic in Whitby. Mrs. Campbell was not at the picnic; my sister and a friend had been at it, and they called at the house coming from there and asked me to go for a walk; I walked with them until about nine o'clock. On coming back I said I wanted to go and see my mother, as I did not wish the person who was with me to come to the gate. We passed Mr. Gordon, and we stood at the corner for a few minutes and he went into the house; I do not know who admitted him; it was about nine o'clock; it was a moonlight night. Mr. Gordon spent some time there; I did not retire immediately on coming back; I retired between eleven and twelve—I will undertake to say it was nearer twelve; I heard Mr. Gordon and Mrs. Campbell speaking after I went upstairs, but I went to bed shortly afterwards and I heard nothing more of what took place downstairs; I cannot say that my suspicions were excited on that occasion by anything I saw.

On the 13th, Mr. Gordon came to the house between nine and ten; I did not see him when he came on this occasion; I was out, and when I came back he was there; as I passed under the window I could hear them speaking; Mrs. Campbell was singing when I first came up the walk; I passed through the gate and sat down on the back kitchen steps on the west side; this was somewhere between nine and ten o'clock; I was waiting for my sister. I cannot say how long I remained; while I was sitting down Mrs. Campbell came out and asked me if James Campbell had passed through the gate; Mr. James Campbell had occasion to come about the house; he was in the habit of doing so, but he did not go into the house; he went to the stables; he had an interest in the horse which was kept there, and he used to come after night; he came every evening, I cannot say that any evening passed without his coming; he did not go into the house and see Mrs. Campbell on this occasion; I do not consider that he prowled about the house, but he was always about the place looking after the horse. It struck me, as very remarkable, that Mrs. Campbell should have asked me such a question; I thought that a guilty conscience needs no accuser; I did not think that she was guilty further than she did not wish anyone else to know that Mr. Gordon came to the house; I thought that her conscience was troubled with regard to that; my conscience does not trouble me when their is no guilt, but I think that if I had any person in the house, and did not wish any person to know it, my conscience would trouble me a little then; she did not tell me that I was not to say anything about it; I was outside when Mr. James Campbell came in; he spoke to me; he did not ask me who was in the house; I heard talking going on in the parlor; I thought from what I saw in the parlor next morning, that a desire for secrecy was shown; I did not think, during the evening, that there was any desire for concealment on their part; the lights were burning, and talking was going on; I thought that Mrs. Campbell was guilty as far as this: she did not wish that anyone else should know of Mr. Gordon's visits; I do not think that Mrs. Campbell wished Mr. James Campbell to come into the house, because she asked me so particularly who had passed through the gate; the next morning I discovered that the curtains were pinned together, and I thought that this was a remarkable circumstance, because they had never been pinned together before; one could not, during the evening, see the light from the outside, I thought that it was remarkable, that they should wish to exclude

the light; she was in the habit of putting down the blinds at night; my opinion was this: that Mrs. Campbell did not wish that people passing the house should see a light in the parlor at so late an hour; they had prevented the light showing through the end window, the other window was obscured from the street by the shrubbery; the light shining from this window could not be seen through the shrubbery from the street. I think that this arrangement of the curtains completely excluded the light from showing on the street; the lace curtain was on one side of the window and the green rep curtain on the other side, the latter did not completely cross the window at the top, but at the bottom it did; the top, however, could not be seen from the street owing to the position of the verandah; I did not try the experiment, but I formed this opinion from seeing the curtains pinned; the rep did not cross the whole window; I would not swear that it would exactly exclude the light, but this could not be seen from the street. She did not attempt to conceal the fact of Mr. Gordon's visits from me; she could not, because I was in the house. She never cautioned me or told me not to speak to any one of these visits; I think that she wished to conceal Mr. Gordon's visits from other people; she knew that I would not speak of these things to any one outside; she relied upon my reticence; I do not think that she had any other purpose in view. The stool I mentioned was a foot-stool, it was usually placed anywhere in the parlor; I thought that it was remarkable to find it placed before the curtains; this was not required to keep them in place at the bottom; it was put there, however; it was used to keep them down, but they would not have otherwise crept up, as they were pinned together; I thought the fact of this foot-stool being there was a remarkable circumstance; I remembered it and mentioned it before; I am not sure whether I mentioned it in the first trial, but I know I did in the defamation of character suit and the chancery suit also; I did not mention it in the first trial; I did not go into the service of Mr. James Campbell; I never lived with Mrs. James Campbell, and never was in her house but twice; I was visiting my sister after the 15th of August, and James Campbell came there the Wednesday after the 28th; He simply asked me if Gordon was in the habit of visiting his brother's house, and other questions that I did not answer. I said if Robert Campbell came and asked me I would tell him what I knew, but I simply said at that time that Gordon was in the habit of visiting the house. Mr. Robert Campbell did not call on me then, but after I went home that time; that was before the first trial; I engaged myself with him; he was living in Mr. James Campbell's house; he did not take up housekeeping until after the first trial, and then he went to his own house which his sister managed for him; I was living with Robert Campbell when the second trial occurred; it was then I first gave my evidence with regard to the foot-stool; I cannot state as to the time when I found the stump of a cigar in the parlor; I found it on the floor; it was just a small piece of a cigar about an inch long, right at the foot of the table; it might have fallen from the table and there was an odor of smoke in the room as if somebody had been smoking there; I am sure there had been smoking in the room; I do not think the part of the cigar which was lying there would account for the odor in the room; I thought that so remarkable that I mentioned it to Mr. Robert Campbell, and it was one of the questions asked me on the trial; the statements brought out on this occasion are all I know about this alleged adultery; I know no other fact; I am in the employ of Mr. Robert Campbell now.

*Re-examined by Mr. Walker :—*

I cannot say when Mr. James Campbell came in the evening when Mrs. Campbell spoke of his prowling about; he was later than usual this time; the gate that clicked that night is almost directly under the parlor window on the west side of the house; I was asked on the first trial if I knew whether there was a pane of glass broken in the parlor; Mrs. Campbell and Mr. Gordon had tea together on the occasion that he visited the house when Mr. Campbell was present.

MARTHA NEWSOM.

JANE NEWSOM was sworn, and being examined by Mr. Walker, said:—

I live in Whitby; I am the sister of the last witness; I know Robert Campbell and his wife; I know George Gordon, the party with whom the alleged trouble arose; I went into Mrs. Campbell's employ on the evening of the 15th August, when Mr. Campbell was in the old country; I went between eight and nine at night; Mrs. Campbell and Mr. Gordon were there when I arrived; no one else; they were in the parlor; I had been at a picnic that day with my sister, who left on the evening of the 15th; when I retired Mrs. Campbell and Mr. Gordon were in the parlor; I do not know when Mr. Gordon left; he had not left the house at one o'clock, because I was waiting to see Mrs. Campbell to learn what I had to do next day; I did not see her after I was admitted to the house; I went to sleep after one o'clock; he again visited the house on the evening of the 26th August, between nine and ten o'clock; Mrs. Campbell and he were together in the parlor; I retired that evening about a quarter past eleven, when Mr. Gordon was still there; I cannot say when he left that night; I know he had not left at one o'clock; some time during the night I heard some one walking on the gravel at the east end of the house, which is the end on which my room is situated; I cannot say what hour that was; it was after I went to bed, but I had not been asleep when I heard the noise; there was no light in my room; afterwards I was awakened by hearing some person call out that George Gordon had not left the house at three o'clock; I do not know whose voice it was, but the words were uttered in a loud tone: the sound seemed to come from the front part of the house; before retiring I saw some person on the verandah, about eleven o'clock; the person had no hat on; I thought it was Mr. James Campbell; he was on the west side next to the parlor, a short distance from the porch; the house had venetian blinds outside; they were fastened from the inside; I could not say whether those of the parlor were closed that evening; there were curtains and blinds inside the parlor; the curtains were of lace and rep; during that evening Mrs. Campbell came out of the parlor for water; I asked her if her beau had left; she said "no," but nothing more; that was between ten and eleven o'clock; I saw Mrs. Campbell next morning in the balcony in front of the house; I rose about six that morning, and saw Mrs. Campbell as I went down stairs; I thought it unusual to see her at that hour; she is not in the habit generally of rising at such hours; she appeared as though she had not been undressed more than removing her dress; I noticed the clock when I went down stairs; it had been stopped; it was just at the foot of the stairs, right by the breakfast-room door, in the hall; I never knew it to stop before; it had stopped between a quarter and twenty minutes to two; it had not run down; after the 26th I had a conversation with Mrs. Campbell; she told me there was some disturbance between her and her husband, and she did not think they would ever live together again; that was on the 28th of August; nothing was said that evening about her affection for Mr. Campbell, but at other times she told me she did not love her husband; some time after the 28th, and before the Thursday following, she told me she expected there would be a trial; she spoke to me about the noise on the night of the 26th, and said James Campbell had called to her; "George Gordon had not left the house until three o'clock," I understood her to say he was on the ladder by the verandah; it was opposite her bedroom, but she did not sleep in that room that night; she said she was in the east bedroom, she put out the light and went to the bedroom on the west side when she heard this voice; she said she looked out of the window and saw two men; she said one was James Campbell, and she thought the other was Mr. Anderson; I think there was music on the night of the 15th in the early part of the evening; on the night of the 26th there was no singing; there was music, but there was no tune played; somebody ran their fingers over the keys of the piano; the door was partly open on that occasion; I was in the kitchen during the evening.

I do not think that Mrs. Campbell spoke to me about the trial any more than to say she expected there would be one.

*Cross-examined by the Hon. Mr. McDougall:—*

I lived with Mrs. Campbell about a year before this difficulty; I was two years in Mrs. Campbell's employ previous to this last engagement; I had seen Mr. Gordon before that time; he called at the house on one or two occasions; there were parties given at the house; I did not see him at any of them; I think he called for some ladies who were visiting at Mrs. Campbell's house on one occasion.

When I saw him at the house on the 15th I thought it very strange for him to remain so late; that was about ten o'clock; I did not make any observation to my sister about it; she had left; I thought it was so strange that I have spoken about it several times since, and have sworn to it; I went upstairs and went to sleep; this was about one o'clock; he had not left the house before one o'clock; I heard the clock strike one; I was then well acquainted with the clock; I had been there in the morning, and I saw the time I know that I heard it strike; I had not retired to bed at twelve o'clock; I heard it strike twelve and also one; this is the way I fix the hour; I had not gone to sleep in the meantime; I went to sleep myself immediately after one o'clock; I cannot say how much longer Mr. Gordon was there; he was in the house at one o'clock; I cannot speak of anything further that occurred on the 15th; on the 26th I went upstairs a little after eleven o'clock—a few minutes after; I had not gone to sleep at one o'clock; I was reading for a while; I heard the clock strike both twelve and one, and this is how I fix the time; I was awake at one o'clock; I knew then that Mr. Gordon was there because I heard the murmur of their voices; there was no one else in the house, and Mr. Gordon must have been there; voices on the verandah could not have been heard from where I was, but I could hear them in the parlor with my room door closed; the parlor door was not quite closed when I went upstairs, and I think that I would have heard it shut had they closed it afterwards; my own door was not open; I slept in the north-east room, in the opposite corner of the house; the stair-way comes up just to my bedroom door; I swear that the voices I heard were those of Mr. Gordon and Mrs. Campbell; this continued until one o'clock at any rate, but I could not say that it continued any longer; I heard a noise before I went to sleep; this was about one o'clock, I think; when outside, I saw some one on the verandah; the hour was about eleven o'clock; I thought at the time that this person was James Campbell; Mrs. Campbell told me that he called to her afterwards; I heard the words, but I could not distinguish the voice; I was two sleepy, I guess; I cannot state when I heard the call, it was certainly later than ten or twenty minutes after one, I am quite sure, because I had been sound asleep; I was awakened by the noise; I heard these words, "George Gordon did not leave the house until three o'clock;" if this were true, I expect that it would be after three o'clock when I heard them; I have no means of fixing the hour, save that I know it was later than one o'clock; in the morning I found Mrs. Campbell on the balcony, which is situated above the entrance; it opens into the hall; I was coming from my room at the time I saw her through the doorway; the doors were open; she had removed her dress; and she wore a loose jacket; she was not in her night dress; I spoke to her, but I did not go up to her; I told her that I thought she was very smart; she did not make any reply to me; I did not repeat my question, and went at once down-stairs; I made no further enquiries about her early rising, and I asked no explanation, neither did she volunteer any explanation; on the evening of the 28th, or rather on the night of the 28th, Mrs. Campbell told me that James Campbell and John Anderson had been there on the night of the 26th; this conversation was between eleven and twelve, or between twelve and one o'clock.

She was in the kitchen. The conversation arose out of the fact of a constable having been sent to the house. She said there was some trouble between her and Mr. Campbell, and she did not think she would live with him again; she made no further remark. Her manner was about the same as usual, and I asked her no questions, for I expected she would tell me, and I left her to continue the conversation if she pleased.

I left Mrs. Campbell on the Thursday following the 28th; Mr. Campbell sent me orders to leave, and I obeyed him and went home.

I have been to Mr. Campbell's since; I took my sister's place there. I have not lived with Mr. James Campbell; I am now in Mr. Salkeld's employ in Whithy: I understood some person to say there was singing in the house on the evening of the 25th, but I know it is not true, there was nothing more than the running of fingers over the keys of the piano.

I never heard Mrs. Campbell say anything about the charge made against her; I never told her that people were talking about her and I never told anybody else; I never saw anything suspicious more than Mr. Gordon's visits to the house.

JANE NEWSOM.

THURSDAY, 16th March, 1876.

PRESENT:

The Honorable Mr. DICKRY—*Chairman.*

The Honorable Messieurs

ATKINS,  
HAYTHORNE,  
COENWALL,  
KAULBACH,

LEONARD,  
DICKSON,  
SEYMOUR,  
REESOR.

JAMES CAMPBELL further examined by Mr. Walker said:—

I am a brother of the petitioner. I remember my brother going to England in the summer of 1873; he left about the end of June, and returned on the 18th of August. I visited my brother's house on the evening of the 26th of August. I went there the first time about seven o'clock and returned at nine; I did not go into the house; I know who was in the house when I got there at nine o'clock; George Gordon was there with Mrs. Campbell. I recognized him by his voice; I was at the west end window of the parlor, and was right up to the sill of the window. I remained there for a short time and then I went for Mr. John Anderson, who is a brother-in-law of mine. We returned together to Robert Campbell's house; when we entered the gate I suggested the propriety of taking off our white Panama hats at the entrance of Robert Campbell's front gate. The front gate was distant about 200 yards from the front of the house; there is a shrubbery close to the house, we could not see the light from the road until we got very near the window—I mean the west window—at that particular time I did not go to the front window. At the front gate we could not see any light in the front parlor; when we got right up to the west window we could see a light; we went straight to the west window after taking off our boots, and I took no notice as to the front windows. We listened at the window; Anderson went with me and both of us went to the west window. We remained there I should judge about half an hour in our stocking feet and bareheaded. At the end of half an hour I went on the verandah, and I left Anderson at the west window. I listened at the south-west window on the verandah, the one farthest from the porch; I remained there until 3 o'clock in the morning—I think I got off twice; George Gordon and Mrs. Campbell were in the parlour during all that time. I remained on the verandah until between 11 and 12 o'clock at night, when I went round to the front of the house to see if the girl had gone to her room, which was on the north-east corner of the house. The light was shining in the girl's bed-room at this time. As I was going round the front of the house Anderson told me she had just taken the light up stairs a few minutes (planning the position of the front of the house and position of the girl's room was produced and identified by the witness as correct.) I returned then to the south-west

window of the verandah, and continued my listening. After 12 o'clock at night I heard Mrs. Campbell say to Gordon "Robert might suspect" Gordon asked her if Robert had anything to do with her since his return, and she said "only the first night."

"All right, then," said Gordon. "Robert cannot suspect." I then left the verandah, went round to the front of the house and turned to a woodpile to get a stick. I think there was no gravel walk about that part of the house. I got a stick and returned with it to the house to break the window in. As I was raising the stick to do this, Anderson persuaded me not to do so. Then I laid the stick down and listened at the window, where I heard conversations. I heard her say: "I have no pleasure in life only to take a walk down town," that "a man makes a woman unhappy, and if I were unmarried I would not marry again." I heard her say: "Robert Campbell married me for my beauty, and I married him for his money." I heard her ask Gordon: "If you were married and your wife entertained a young man as I am doing you to-night, what would you think of it?" Gordon replied: "All married women do it." I heard her ask Gordon: "Will you come half way if I go the other." Gordon said: "yes, I will," and she said: "Well, do you come then, George?" "No," said Gordon, "you proposed; do you come first and I will follow." I could hear them kissing one another at this time. Gordon said: "The floor is as good as a bed." I heard her crying or wheezing; Gordon asked her: "What is the matter?" "You are hurting me, she replied." I heard Gordon asking "What is that?" "That's my navel" she replied. I heard Gordon say: "Those are nice breasts you've got, Eliza." I could hear them rustling on the floor, and the springs of the sofa and the castors of the sofa, as it was being shoved along the floor. I heard both springs and castors all at the same time. I heard her say: "If you give me all that it will hurt me." I heard Gordon reply: "I will only put it in half way." I heard her wheezing again, and in a minute or so I heard them both laughing. Gordon got up several times to leave, after the conversations I have related. I could see part of his arm opening the parlor door with the knob in his hand. Mrs. Campbell called him back: "Come back, George." I heard Gordon say: "If there is anything wrong, its your fault, not Robert's."

Mrs. Campbell said, "Why do you think so." "Well," Gordon said, "you have asked my opinion and there it is." I heard Gordon say "I want to go away; I have a hard day's work to do to-morrow, and I want a few hours rest." I left the verandah. This was at three o'clock in the morning. Anderson was all this time at the west window at the end of the house, and he left the same time as I did. This completes the conversation. From where I stood on the verandah I could not see Anderson without turning round; I turned round several times, and he was there when I looked; the conversation was conducted in a low tone in the early part of the evening and up to 12 o'clock, but after that they spoke louder; they spoke low before the girl retired and louder after she had retired; it was a very calm still night; it was about nine or ten feet from the sofa where I stood; the photograph of the parlor and the plan showing the size of the parlor (produced) are correct; the sofa was in the north-west corner of the parlor I should judge; there was a light in the room, and the windows were closed with Venetian blinds outside; they were shut, but I could not say how they were fastened. The slats were fixed and could not be moved; inside there is a rep curtain on one side and a lace curtain on the other; there is an inside blind of striped linen; the blinds were down that night; I could see the light between the slats; I was standing in all positions during the night, and I stood up against the window with my ear close to the shutters; when I got the stick I passed it under the girl's bedroom window; I heard Gordon call Mrs. Campbell his "dear love" during the evening, and I frequently heard them kissing each other during the evening after 12 o'clock.

*By Mr. McDougall:—*

Q. What were the words used?

A. I heard Gordon say, "Eliza, you are my dear love."



By Mr. Walker:—

Q. Did anything occur immediately proceeding the rustling on the floor?

A. I cannot think of all at the present moment.

Q. From what you heard could you state what position they were then in. Were you close enough to distinguish what position they were in at the time of the rustling on the floor?

A. From the sounds I heard I judged that they had criminal intercourse on the floor alongside of the sofa. The sofa was shoved on the castors on the floor. That is the position in which they were; the springs and castors of the sofa being moved at the same time; I heard them during the evening speak about eloping together to California.

Q. What did Mrs. Campbell say? Give her own words?

A. "George, I want you to take me to California?" Gordon said: "Why do you want me to take you to California?" She replied: "Because I have not lived happy with Robert now for two years, and I am bound to leave him." This conversation took place considerably after one o'clock—I should judge so at least; the criminal intercourse occurred after this conversation. Mrs. Campbell, when Gordon referred to the "breast" and the "navel" was sitting on the sofa; Gordon was also on the sofa; I heard her ask Gordon: "Which way do you like it best, George?—Sideways, topways, or bottomways?" "Oh! bottomways is the best," Gordon replied. Later on in the evening, I heard her say to Gordon: "Why are you so crazy to-night, George?" He said: "Well, you know you asked me to come here on Sunday night to-night;" that was his reply. That was all she asked—why he was so crazy that night; and this was after the creaking of the sofa a considerable time, she asked him: "Why are you so crazy to-night?"—and he said he was crazy for it; this was after the last conversation; and towards three o'clock in the morning; he had had it already, and wanted it again. She said: "Why are you so crazy to-night?"—and he said: "You asked me to come on Sunday night to-night." He said: "Why did you ask me on Sunday night to come to-night?" He said that he was crazy for it. Mrs. Campbell said: "Why are you so crazy to-night, George?" And George replied that he was crazy for it. She only asked the question "Why are you so crazy to-night" once; George replied: "Why did you ask me to come here on Sunday night to-night?"—And Gordon said: "I am crazy for it. These are their own words. The servant girl residing there on the 26th August was Jane Newsom. When I left the verandah with Anderson we went to our place of business; that was three o'clock in the morning. I returned to the house a short time, not more than five to ten minutes, after I first left; the distance from the shop to the house is about 400 or 500 yards; I looked at my watch before I left the house and told Anderson to go and bring our hats and boots from the gate, and we then went down to the shop of the firm of R. and J. Campbell. Just as we were turning the corner to go to the shop we heard Robert Campbell's front gate on the street slam; we were then about three hundred yards distant; we heard a footstep coming down the walk after the gate slammed, and we waited until that step came right opposite to us. I walked over to the person, and it was George Gordon coming from Robert Campbell's house; he must have left two or three minutes after we left to go to the shop. I walked right up in front of him as he was going along the sidewalk, and put my hand on his breast; I told him: "You are a black-hearted scoundrel! You are a double-dyed villain! You have had criminal connection with my brother's wife this night!" He replied to me: "It is not my fault; I could not help it." I said: "I will arrest you as soon as daylight comes;" John Anderson was with me then. We went into the shop, and then back to the house; I went immediately below her bedroom window; by this time she had got a light and gone into her bedroom. The window I stood beside was the south-west window in her bedroom, on the second floor of the east side of the house; Anderson and I put a ladder up to the window. I called to Mrs. Campbell, before doing so, from the ground, five or six times: "Eliza, I want to speak to you!" She never answered me; I could see her

shadow on the window blind between the light and me; I could see her looking down at me. We put the ladder to the window, and I went up; as I was going she saw me and put out the light: I tapped at the window and told her: "Eliza, I have been here since nine o'clock last night, and it is now past three this morning; I have heard all your criminal conversations and your actions, and I will report you to my brother in the morning." My brother was in Southampton at this time; I telegraphed to him in the morning, and told him to come home by the first train.

*By the Honorable Mr. Kaulbach:—*

Will you undertake to say there was no light in Mrs. Campbell's bedroom up to the time Gordon left?

*Witness.*—I will undertake to say there was not; I could see the parlor door from the window where I was listening; it was almost three inches from being shut; I never was able to open my brother's front door, as it shut with a spring lock, and could not be opened without a key.

JAMES CAMPBELL.

FRIDAY, 17th March, 1876.

PRESENT:

The Honorable Mr. DICKEY—*Chairman.*

The Honorable Messieurs

AIKINS,  
HATHORNE,  
CORNWALL,  
KAULBACH,

LEONARD,  
DICKSON,  
SEYMOUR,  
REESON.

*Mr. McDougall* proceeded with the cross-examination of JAMES CAMPBELL:—

Q. You visited your brother's house on the evening of the 26th of August?

A. I did.

Q. At whose request?

A. At the instance of my brother.

Q. When did he request you to visit this house?

A. On Monday night, August 25th.

Q. He requested you to watch his house?

A. Yes; to watch it nightly until his return.

Q. Did he tell you the reason why he asked you to watch it?

A. He did.

Q. What was the reason?

A. He told me he wished to know who all the parties were that went to his house and came from it, and he wished me to watch the house for that purpose.

Q. Did he ask you to take any persons with you?

A. I do not recollect whether he did or not.

Q. Try and recollect.

A. I went for Anderson.

Q. Did your brother suggest to you or instruct you to go for him?

A. I cannot say.

Q. Will you swear that he did or did not?

A. I will not swear.

Q. Did you have any conversation with him on the 25th as to the propriety or prudence of taking any person with you?

A. No.

Q. You made no reference to Anderson on that occasion?

- A. Not that I think of.
- Q. Did your brother mention Anderson's name on that occasion, or on any occasion, as a person suitable for the purpose of watching?
- A. I am under the impression he did, but I am not positive on that point.
- Q. Then, on the occasion he asked you to watch his house he mentioned Anderson's name?
- A. Anderson's name was mentioned some way or other.
- Q. Who is Anderson?
- A. A brother-in-law of mine and my brother's.
- Q. What way does he become your brother-in-law?
- A. He is married to my sister.
- Q. What hour in the evening was it when you went for Anderson?
- A. Between nine and ten o'clock at night.
- Q. How far does Anderson live from your brother's house?
- A. He lives three blocks off, in a north-easterly direction.
- Q. When you went for Anderson, did he accede to your request willingly?
- A. Yes.
- Q. Quite willingly?
- A. Yes.
- Q. Had you any conversation before that as to the object of watching?
- A. I had not.
- Q. You had not spoken to him up to that time of the condition of affairs at your brother's house?
- A. I had not.
- Q. It was an entirely new suggestion?
- A. Yes, so far as I was concerned.
- Q. Did he express any surprise at being asked to go and watch your brother's house?
- A. I told him to come down, and he put on his coat and came with me.
- Q. Without any reason being given?
- A. I told him I wanted him to come with me and watch my brother's house, as George Gordon and Mrs. Campbell were then in the parlor.
- Q. Did he express any surprise at such a proposition?
- A. I don't think he expressed any surprise, but he came with me.
- Q. Did he ask any reason for such a proceeding?
- A. I told him I wished him to come with me and watch my brother's house, and he came.
- Q. What did he say to you when you told him?
- A. He was astonished.
- Q. But how did he express his astonishment?
- A. I could not say that he said anything.
- Q. How did he evince his astonishment? by holding up his hands, or opening his eyes?
- A. Oh, no; he just came with me.
- Q. Is that the way you express astonishment?
- A. He asked me how I knew, and I told him.
- Q. What did you tell him?
- A. I told him George Gordon and Mrs. Campbell were together in the parlor, and I wanted him to come along with me, and he put on his hat and coat and came along with me.
- Q. And yet you said a little while ago he appeared to be astonished at such a proposition?
- A. A man would naturally be astonished, but there was no conversation between him and me from the time we left his house until we came to my brother's gate.
- Q. Then you mean to tell the Committee that you went to your brother-in-law, Anderson, and proposed to him to watch your brother's house, because Gordon and

Mrs. Campbell were together; that he evinced astonishment, and you walked to the gate together without saying a word to each other?

A. I do not swear that we did not say a word, but I do not know that any conversation passed between Anderson and me until we reached my brother's gate, when I said: "Let us take off our boots and hats before going up!" That is the first word I remember passed between us from the time we left the house until we reached the gate.

Q. Then it was a sort of Quaker meeting travelling between his house and the gate—nothing was said, you say?

A. Nothing was said that I know of.

Q. But these events have been brought to your recollection frequently since?

A. Oh, yes, frequently.

Q. Several trials have occurred?

A. Yes; several trials.

Q. And you have been a witness several times?

A. Yes; several times.

Q. And yet you cannot remember referring to any such conversation?

A. I never was asked about any conversation.

Q. Never?

A. Not about that conversation.

Q. And yet you tell us now that on making that proposition—

A. I do.

Q. He appeared astonished?

A. Yes.

Q. How did he express his astonishment?

A. I cannot say particularly.

Q. What are the ordinary signs of astonishment in your judgment, when a man is made an extraordinary proposition?

A. Different men and different temperaments show different astonishments, but he really did not show any particular astonishment so far as I could see. My object was this—

Q. I want to know how it struck him—this willing co-watcher of yours?

A. I did not ask him how it struck him; I merely asked him to go along with me.

Q. Had you spoken previously to him about Gordon's visits?

A. Never in this world.

Q. You had never talked to your brother-in-law about Gordon's visits to your brother's house when you made this proposition in the first instance?

A. I never mentioned Gordon's name to my brother-in-law that I recollect of in my life.

Q. Previously?

A. Previously; not that I know of.

Q. And on this occasion you asked him to come to your brother's house because Gordon was there?

A. Because he was there.

Q. What did he say?

A. Nothing, that I know of.

Q. That is your answer?

A. That is my answer; he said nothing to me until we got up to the gate. I repeat that I have no recollection of saying anything to Anderson from the time we left the house until we entered Robert Campbell's gate. At the entrance of the gate I told Anderson to take off his white Panama hat and boots; I did the same. Anderson put our boots at the foot of a tree, and he took our hats and threw them across into a field—into one of my brother's fields.

Q. Now, Mr. Campbell, you have given your narrative of the matter, I want to know, when you proposed taking off your hats and boots, did he make any remark?

A. He did not, and said nothing, but took his boots off; he took his boots off at my suggestion.

- Q. A little while ago you said that he made a remark—did he, or not ?  
 A. The only remark I made from the time I left—  
 Q. I do not ask about your remarks ; but did Anderson made any remark ?  
 A. I say none that I know of.  
 Q. Then he made no remark ?  
 A. None that I know of ; I told him to take his boots off, and he took them off.  
 Q. He asked for no reason ?  
 A. He asked for no reason.  
 Q. He obeyed you directions at once ?  
 A. He obeyed my directions at once.  
 Q. Then what did you do ?  
 A. We walked up the walk together.  
 Q. Did any remark whatever pass between you as to the object of the visit ?  
 A. No, not that I know of ; we went straight to the west window.  
 Q. Not a word passed between you as to your object ?  
 A. Not that I know of.  
 Q. Or as to the disposition of the watching ?  
 A. Not that I know of.  
 Q. When you got to the verandah, did you begin to lay out your plans ?  
 A. I did not go to the verandah at once ; I went to the west window.  
 Q. First ?  
 A. First.  
 Q. Did Anderson accompany you ?  
 A. He did.  
 Q. Did you say what you would do ?  
 A. All I said to Anderson was this : " Do you identify the voices in the room ? "

He said : " I identify the voice of Mrs. Campbell." I said again. " Do you identify the voice of George Gordon ? " " Not quite," he said, but in a few minutes he added, " I identify the voice of George Gordon." He was satisfied that George Gordon and Mrs. Campbell were in the room. I waited until he could tell the voices. I stayed with him perhaps for half an hour.

Q. You indicated to him that the object you had in view was to identify the persons in the room ; but there was no necessity to take him there in order to identify Mrs. Campbell. He knew her voice, and you knew it ?

A. I knew it.

Q. Then there was a stranger there, and you took him there for the purpose of identifying the stranger ? So that was your object ?

A. I took him there for the purpose of identifying the two—both Mrs. Campbell and Gordon.

Q. You thought that she needed it as well as the other ?

A. I thought that he had a right to know.

Q. Whether it was Mrs. Campbell, or some other person ?

A. I obeyed my brother's instructions, and I carried them out. He instructed me to watch the house, and I did so.

Q. Did he say anything about identifying people ?

A. He said nothing about that. I took it upon myself.

Q. You thought it important in view of the object of your watching, to identify Mrs. Campbell as well as the other person ? Did you, or did you not ? Did you think it important ?

A. I thought that I had a right to know from my brother's instructions to me ; I carried them out.

Q. Well, then, you did tell Anderson to identify Mrs. Campbell ?

A. I asked him if he could.

Q. What did he say ?

A. He said that he did.

Q. He recognised Mrs. Campbell as one of the parties ?

- A. Yes.
- Q. And you asked if he identified the other voice?
- A. No; I asked him if he recognised the voice, and he said: "That is George Gordon."
- Q. You had suggested previously, that George Gordon was there?
- A. I told him when I went to his house.
- Q. The first remark you made was that George Gordon was there, and that you wanted him to go and watch, you said; and the next time that you mentioned George Gordon was when you went to the window together, and you asked him this question?
- A. Yes; I did so.
- Q. So far, then, no reference was made to George Gordon until you got to the window?
- A. I told him when I went for him.
- Q. I understand that?
- A. There was no conversation; Gordon's name was not mentioned, that I know of, from the time we left.
- Q. We are asking you with reference to your knowledge?
- A. I have no recollection of the mention of Gordon's name from the time we left Anderson's house until we got to Robert Campbell's gate.
- Q. And then you asked him if he could identify the voice of Gordon?
- A. I asked him if he could identify the voices in the room, and he said "that he could identify Mrs. Campbell's voice, and a short time afterwards George Gordon's voice.
- Q. Did he then ask you what particular object you had in identifying them?
- A. The man never asked me.
- Q. Was he not curious to find out what was the reason you wished to identify them?
- A. He was not.
- Q. After you had recognized the voice of Gordon, did you ask him to notice that he and Mrs Campbell were there?
- A. I asked him to listen to what they were saying.
- Q. And note what they said?
- A. I did not ask him to note what they said, I told him to listen at the window.
- Q. What object had you in view in asking him to listen?
- A. I had no object in view; I wanted to know what they were doing.
- Q. Did you tell him it was important that he should hear what they were saying in order that you might know what they were doing?
- A. All I told Anderson was this: that George Gordon was with Mrs. Campbell in the parlor, and I wanted him to come down and identify them; when we got there I told Anderson to listen at the window; I did not say for what object.
- Q. How long did you remain with him at the window?
- A. About half an hour.
- Q. While you were there together did any conversation take place between you and Anderson?
- A. No conversation took place between us; we were listening together, and we may have spoken and passed a trifling remark, but I don't recollect.
- Q. Did you hear anything while you were listening at that window?
- A. During the time I was there we heard their voices; we could hear parts of sentences, but I cannot say we got the chain of their conversation at that time.
- Q. Did you hear nothing up to that half hour?
- A. No; we heard nothing during that time; after that half hour I went round to the verandah.
- Q. Did you say anything to Anderson when you left him?
- A. I have no recollection of it.
- Q. Then, although you were the chief party in this affair, you went away without saying anything to your co-listener?

A. I deny that I am the chief party in the affair; I went of my own accord, and I was merely carrying out the promise that I made to my brother.

Q. What instructions did you give to Anderson?

A. The instructions I gave to Anderson were to listen at that window.

Q. Was there a gravel walk between the house and the gate?

A. There is a gravel walk or burned cinders going in from the east end of the house, going north towards the wood pile, but in front of the house it was tanbark.

Q. How long were you on the verandah?

A. I was off it two or three times between that and 3 o'clock in the morning.

Q. Did you go round to Anderson's window after you left the verandah?

A. I have no recollection of going back to Anderson's window after I left it; I could hear better at the south window.

Q. Then Anderson could have heard better at the south window, too—could he not?

A. I cannot say whether Anderson could or not; I know I could.

Q. Has Anderson good hearing?

A. I think Anderson has very good hearing.

Q. Why could you hear better at the south window than the one Anderson was at?

A. I would say that the window I was at I could hear very much better for this reason: the verandah I stood on was on the same level as the parlor floor, while the window that Anderson was at was about three feet and a half or four feet above the walk.

Q. The window that Anderson was at then was an inconvenient one to listen at?

A. No; the sill was three feet and a half from the ground; but I judged I could hear better from being on the same level.

Q. How tall is Anderson?

A. He is a taller man than I am; I should judge he is very nearly six feet high, but I was two feet higher than him, being on the verandah.

Q. But, Anderson being a tall man, would not his ear be closer to the window where he was?

A. No.

Q. Did you not ask Anderson to go round and listen at the window where you were?

A. No; I did not.

Q. But you could hear better at the south window than the one Anderson was at?

A. I could hear perfectly well at the west window, but I went on the verandah because the night was cold at that season of the year, and as I was accustomed to office work, I thought I would be more comfortable on the verandah.

Q. Then you did not go there because you could hear better than at the other window?

A. I found when I went to that window the air suited me better, and I was more comfortable.

Q. It suited your acoustic faculties?

A. Yes.

Q. You could hear as well at the other window?

A. Oh, perfectly; but it was more comfortable at the other.

Q. What is your evidence,—that you heard better there or found it more comfortable?

A. My object, in the first place, was, I wanted to get inside of the verandah where the roof would shelter my head from the cold dew, and I found I could hear so well there I remained.

Q. Did you hear better or worse there than at the other?

A. I could not say; I heard very well at both.

Q. That is not an answer to the question?

A. At the time I went on the verandah they were speaking in such a low tone

voice, and there was so much noise outside, I could not hear what they said; I could hear them, but could not make any sense of the conversation.

Q. At either window?

A. I could not hear distinctly at either.

Q. How long did that continue?

A. Up to twelve o'clock.

Q. Was it precisely at twelve o'clock your hearing became so acute?

A. I looked at my watch very shortly before twelve, and that is why I place it at that hour.

Q. Was it a moonlight night?

A. No, it was starlight; there was no moonlight.

Q. Then it was pretty dark?

A. It was a starlight night.

Q. Could persons on the street see you on the verandah?

A. I should think they could not see me.

Q. When you looked at your watch how did you see what time it was?

A. I got off the verandah to see if the girl had gone to bed, and looked at my watch.

Q. Then you had no advantage from the light from the window?

A. I looked at it before I left the verandah.

Q. You said you did not look at your watch until after you left the verandah?

A. I looked at it before I went round to the north-east end of the house to see if the girl had gone to bed. I saw a light in her room, and it was some time afterwards before I heard the conversation so as to understand it.

Q. Where were you standing when you looked at your watch?

A. On the verandah, and then I got off the verandah.

Q. I suppose the verandah roof comes down pretty close from the house?

A. It is a large verandah.

Q. But it has a steep roof?

A. No, not very steep.

Q. What is about the size of the verandah?

A. I really could not say.

Q. Then you could see better under the roof of the verandah in the shade than outside?

A. I should say probably you could see better if you were up to the reflection of the light than outside.

Q. That is not the point. Suppose you had no reflection of the light, could you see your watch better than outside?

A. The roof of the verandah is painted white, and I don't know but the reflection would give better light.

Q. I want to know the fact. Could you see better under the verandah than outside of it?

A. I really could not tell you.

Q. That is your answer?

A. My answer to the question is "I don't know."

Q. Was there any artificial light on the verandah?

A. There must have been.

Q. Was there?

A. There was.

Q. You swear there was?

A. Yes, there was light through the shutters.

Q. But you said you could not see light from the road, nor approaching the house?

A. There are bushes between the road and the house, and you could not see the light until you got up to the verandah.

Q. Then the light was very faint?



A. The shutters are bevelled downwards, and the light would shoot down and not up.

Q. Then did you go up to the shutters and hold your watch to the light to see the time?

A. I was at the shutters all the time. The window is two or three feet from the end of the house, and, of course, I stood either with my face or my ear to the shutters, and I would not be more than a foot or two away from the building at any time.

Q. Your object was to catch anything that was said?

A. My object was to know the conversation inside.

Q. Did your brother instruct you to take care and hear the conversation inside?

A. He asked me to watch his house, but did not say how I was to do it.

Q. Did he tell you not to go into the house?

A. No.

Q. Did he give you any instructions how you were to act if you discovered anything?

A. No.

Q. What instructions did he give you?

A. He merely said to me when he left home, "James, I want you to promise me you will watch my house every night until I come home," and I said "I will do so."

Q. That is all the instructions he gave you?

A. That is all.

Q. He never said to you what you should do if you saw A, B, or C enter the house?

A. He did not.

Q. Did he not mention Gordon?

A. He did not.

Q. Did he mention anything about Gordon's visits?

A. Not to me.

Q. What do you mean by that?

A. I mean to say I told him I had heard of Gordon's visits by rumor. I heard it from my wife, and she heard it from a neighbour.

Q. Then you knew of Gordon's visits?

A. I knew nothing of them myself; it was just a rumour that Gordon had been seen there, going early in the evening, and coming out late in the evening; that was all I heard, and it was mere rumor got from a neighbouring woman across the street.

Q. And you communicated that to your brother?

A. I did.

Q. When?

A. On the Wednesday or Thursday of the week before he went away.

Q. What day of the month?

A. I should think I told him about the 21st or 22nd of the month.

Q. What did you tell your brother?

A. I told him what I had heard.

Q. What was the rumor?

A. That Gordon had been seen going there during the summer early in the evenings, and coming away late at night.

Q. Was that all?

A. That was all.

Q. Was any hour at night mentioned?

A. No; it was just the gossip going.

Q. When did you first hear this gossip?

A. The day I told my brother.

Q. You had never heard it before?

A. Never before.

Q. Up to that you were ignorant of Gordon's visits?

A. I had no knowledge of Gordon being in my brother's house until the 26th of August.

Q. You know Gordon well ?

A. I knew him for about 20 years.

Q. He lives in the neighbourhood ?

A. About a mile and a half distant.

Q. He was reputed to be a respectable man until this rumor got abroad ?

A. For my part I never knew anything against him before that.

Q. He was an officer in the volunteers ?

A. Yes.

Q. He was an active young man ?

A. Yes.

Q. A sober young man ?

A. I will not say that.

Q. You will not swear to the contrary ?

A. I will not; I never was much in his company, and I could not tell you anything about him; I know of nothing against him before the 26th of August.

Q. Then, for anything you know he was a respectable citizen ?

A. Yes.

Q. Don't you know he was a family acquaintance of Mrs. Campbell's ?

A. I never knew that she was acquainted with him.

Q. You were so ignorant of your brother's affairs you did not know that ?

A. I did not see him there.

Q. Do you go to church ?

A. Yes.

Q. Did Mrs. Campbell go to the same church ?

A. Yes.

Q. Did Gordon ?

A. Yes; we all went to the same church.

Q. Did you never see him in Mrs. Campbell's company ?

A. Never.

Q. Were you at parties in your brother's house ?

A. Yes.

Q. Did you see Gordon there ?

A. No.

Q. Nor about the house ?

A. Never.

Q. You were surprised when you heard this rumor ?

A. Yes; and I did not believe it.

Q. Were you in the habit of going to your brother's house ?

A. Yes; for the last twelve or thirteen years we have been in the habit of visiting the old country alternately. In his absence I have been in the habit of calling at his house almost every evening after closing the office; it is just half-way to my place, and I called there on the way to see if his garden was all right, and to see that the pony was properly attended to.

Q. And you would meet Mrs. Campbell there ?

A. Yes; say five nights in the week, and I would speak to her on the path, or we would sit on the verandah and have a talk about the news of the day; then I would pass on to the stable and sometimes go out the back way, sometimes by the front gate.

Q. You were in the habit of going there every night ?

A. Yes; for years.

Q. At different hours of the evening ?

A. No; I don't think I would vary fifteen minutes in the week, unless somebody detained me in the office.

Q. Do you remember any special occasion that you went there with a couple of boys later in the night ?

A. I came there one evening.

Q. What evening?

A. I could not tell you.

Q. What week?

A. I could not give you the week or month or even the year, but I recollect the thing very well, because it is marked on my mind. I was going to the stable and there were two or three boys in the field where the pony was grazing, they had a large packing case and a big dog that they were going to shoot. I sent the boys home.

Q. What time of the evening was this?

A. About eight o'clock or after.

Q. Did you go to the stable after you had the interview with the boys?

A. I am not sure.

Q. We have evidence of a particular night when you went there and had a difficulty about the horse?

A. I remember a boy calling to me that Norman Ham was going to shoot the dog.

Q. When was that?

A. In the summer, I think, while my brother was in the old country.

Q. There was another evening, though?

A. Yes; about the same time.

Q. What year was that?

A. I took so little notice of it that I cannot tell.

Q. Then, the evidence we have from the servants, of your being there before your brother's return, you have no particular remembrance of?

A. It might have been the very night or a week before my brother came home.

Q. How late was it when you were there?

A. I cannot tell, it was dark.

Q. Was it eight, nine or ten o'clock?

A. I don't think it was as late as ten, but I cannot answer distinctly.

Q. You say you were in the habit of calling at your brother's place, five nights in the week, while he was away?

A. Every night that I was at home, except when I was prevented by a violent thunderstorm or something of the kind.

Q. Did you go into the house?

A. Sometimes; but most frequently I would meet Mrs. Campbell walking up and down.

Q. About that time, when would the daylight begin to disappear?

A. The days would be getting short.

Q. Do you think there was light till 8.30 or 9 o'clock?

A. I suppose you could tell by an almanac.

Q. You came and went about the house without notice?

A. I gave no notice.

Q. Mrs. Campbell had every reason to suppose you would be there?

A. Yes, and could tell within five minutes when I would be there and leave.

Q. When you went into the house how did you gain admission?

A. I knocked; that is the only way you can get in.

Q. Did you go in by the front door?

A. Sometimes, and sometimes by the rear.

Q. In fact you had charge of the house?

A. No; I looked after the grounds merely.

Q. Did you give your brother's wife any assistance when she required it?

A. When she wanted money she always got it.

Q. You were on good terms with her then?

A. We were on most friendly terms; I have been so with my brother's wife all my life.

Q. You never had a dispute with her?

- A. I never had a word with her in this world.
- Q. Never previous to this trouble?
- A. I never had even an approach to it.
- Q. Did she live in your house on one occasion?
- A. She did.
- Q. And no difficulty arose?
- A. No difficulty occurred; I never said a hard word to her in my life.
- Q. Then, when she swears that you had a dispute with her and hard words passed, and tells us what those words were; does she tell the truth?
- A. She would not say that before this trouble.
- Q. She would not say it?
- A. No; and when Mrs. Campbell says that her and I had words, and hard words together, she swears what is not so, because we never had any words together.
- Q. Then up to this time you were on friendly and brotherly terms with Mrs Campbell?
- A. Yes; and many a time, when my brother was away, I hitched up the horse to the carriage and opened the gate in order that she might go out for a drive.
- Q. And though up to that time you were on friendly terms with Mrs. Campbell, as a brother-in-law ought to be? You did not think it extraordinary or strange that you should be sent to watch the house, did you?
- A. Not under the circumstances.
- Q. What were the circumstances?
- A. The circumstances were these: When my brother came home—he came home on Monday, the 18th of August—he got home on the midnight train; I think about eleven or twelve o'clock; I am not sure which; he came home at night by a late train, at all events, as I was informed—and he came down the next morning to the shop and intercepted a letter from Mrs. Campbell.
- Q. From her?
- A. No; for her.
- Q. He intercepted a letter—where?
- A. On his own desk.
- Q. How do you know it?
- A. I left it there.
- Q. When did you get it?
- A. I got it on Monday, between twelve and one o'clock, when I was going to my dinner.
- Q. On Monday; between what hours?
- A. Between twelve and one o'clock as I was going to my dinner.
- Q. What day of the month was Monday?
- A. Monday would be the 18th.
- Q. Monday was the day on the night of which your brother came home?
- A. Yes.
- Q. And on the 19th, the day after?
- A. On the morning of the 19th he came down to the shop.
- Q. You did not send the letter up to your sister-in-law?
- A. I forgot to send it.
- Q. You forgot to?
- A. I forgot to send it up.
- Q. You left it on the desk?
- A. I left it on the desk.
- Q. Had you received any other letters?
- A. Plenty of them.
- Q. And you sent them up?
- A. Always.
- Q. Always previously?
- A. Always previously.
- Q. But on this occasion, you detained it?

A. On this occasion, as I was going to my dinner, I got the letter along with a lot of other letters; I opened the other letters when I was going home to my own house.

Q. And you passed her own house?

A. No; I beg your pardon: the post office and her house are almost opposite one another; I got a lot of letters, and I opened the other letters when I was going to my own dinner; I put this letter into my breast pocket, and I never thought anything more about it until towards evening; this letter came up when I was fying the other letters, and I laid it on the desk, intending to send it up to Mrs. Campbell with her nephew, Norman Ham, who was our cash boy.

Counsel: Never mind all that.

Witness: I want to explain.

Q. When did you see that letter?

A. I saw that letter two hours after my brother came into the shop.

Q. But who was the letter from?

A. The letter was from a party named Parks.

Q. Where was the party named Parks at the time?

A. He lived at a place named Concord.

Q. But was the letter signed by Parks?

A. No; the letter was not signed by him.

Q. How do you know it was from Parks?

A. The way I know it, is this: my brother, about two hours after he got the letter, called me into his office; when my brother came down that morning, I was up stairs, and I did not see my brother until some time after he went into the office; he called me in two hours after he opened the letter, and shut the door; I was very much surprised; he took me into his back room and said: "Here, James, read that." He sat down on a chair, and I stood up opposite him. I read the letter, and said to him: "This letter is not for you at all, Robert." "Why do you think so, James," said he; and I said, "It is headed 'Dear Maria', and that is not your wife's name, which is Eliza." "No;" he said, "my wife's name is Eliza Maria." This was the first time I ever heard of it; she never signed herself Maria, and I had not known that this was her name, although I had known her since she was a little girl. Says he, "Read it again." I said, the first time, "I cannot understand it; it is not for you." I read it again, and says I, "Robert, who do you suspect that this letter is from?" "Well," says he "James, the only party I can think that this letter can be from, is a party named Parks," "We can very easily tell that," I replied, "because you recollect that last March he sent us a letter, applying for the position of book-keeper." He said, "Then you can lay your hand on that letter." I said, "Certainly; yes."

Q. You identified it as Parks', by reference to a letter received previously from him?

A. Yes.

Q. One letter?

A. Yes; one letter.

Q. Was the writing exactly like the writing in the letter previously received from him?

A. The handwriting was an exact copy of it; these two handwritings were exactly alike—almost *fac-similes*.

Q. That is your statement of the case?

A. That is the correct statement.

Q. Then, if anybody tells us that these handwritings are not alike, that one is in a feigned hand and the other in a natural hand, that person says what is not true?

A. Of course, the only difference is this: the writing of the letter, in which he made application for the position of book-keeper, is written in a running hand, and the letter written to my brother's wife, was feigned and written in a back-hand; but notwithstanding all that, they were *fac-similes*.

Q. The form of the letters?

A. When I say that they were *fac-similes*, I mean, that the forms of the letters

were such, that any one could see at once that these two letters, although one was written in a running-hand and the other in a back-hand, were written by the same person.

Q. Have you these letters with you ?

A. I have none of the letters.

Q. Do you know where they are ?

A. I do not know anything about them.

Q. You do not know whether they are within reach or not ?

A. All I can say is, that these letters were fyled as exhibits ; but I do not know where they are now ; I think that the first letter was exhibited in Toronto ; at any rate, I pointed it out ; it was shewn to me there.

Q. Have you seen it lately ?

A. No ; I have not.

Q. After you had decided that this letter was a letter from Parks, what did you do then ?

A. I did not do anything just then.

Q. What did you say to your brother ? Did you give him any advice, or express any opinion about it ?

A. Did not ; he took his own advice.

Q. You did not express an opinion as to the kind of a letter it was ?

A. I told him that I thought it was a very strange letter.

Q. What was in the letter that you thought was strange ?

A. I thought that it was strange that any one should receive a letter in a foigned-hand ; I thought that this was certainly strange.

Q. Did Mrs. Campbell receive this letter written in a foigned-hand ?

A. Not at this time ; but she received a copy of it.

Q. From whom ?

A. She received it from the hands of Norman Ham.

Q. When ?

A. It was an exact *fac-simile*.

Q. When ?

A. She received that—let me see—Tuesday, Wednesday, Thursday, Friday ; she received that letter on Friday morning.

Q. Who sent it to her ?

A. I did.

Q. So she did not receive the letter until after the discussion ?

A. She never received the original, but a copy of it ; I can hardly say when Mrs. Campbell got communication of the letter ; but she never received it until I sent it to her.

Q. What took place between your brother and yourself after you had read this letter and decided that it was a suspicious and improper letter : was any reply made ?

Witness—At that particular time ?

Counsel—At any time.

A. Nothing ; I went to my work.

Q. When did you speak of it again ?

A. We had a few words during the afternoon.

Q. And what did you decide to do ?

A. I did not decide anything.

Q. What did your brother decide ?

A. My brother asked me if I would go to Toronto next morning.

Q. For what purpose ?

A. To get a copy.

Q. By what process ?

A. By a copyist.

Q. For what purpose ?

A. To get a party to go and mail it there, that the letter might come back to her ; he kept the original.

- Q. You went to Toronto ?  
 A. I did.
- Q. Did your brother give any instructions as to what else you were to do ?  
 A. Yes.
- Q. What were they ?  
 A. I was to get a party—he did not give me any name—he said: “Do you go to Toronto, James, and get the letter copied; obtain a *fac-simile* written on the same paper, and enclosed in the same envelope, and have a party at Concord mail it to her.”
- Q. To whom ?  
 A. Back to Mrs. Campbell. I went to Buntin's and got similar paper and envelope, and I secured an exact copy of the letter.
- Q. And you got a detective ?  
 A. He was not a detective.
- Q. You got a person—some one ?  
 A. Yes; I sent some one to Concord.
- Q. You hired him ?  
 A. I hired him.
- Q. And paid his railway passage ?  
 A. I hired him, and told him what to do.
- Q. You sent him, at all events, to Concord.  
 A. Yes.
- Q. And the letter was mailed ?  
 A. Yes.
- Q. What became of it ?  
 A. It came back.
- Q. When did you return ?  
 A. I came back that night.
- Q. What day of the month was it when you returned ?  
 A. Let me see: Monday, 18th—Tuesday, 19th—Wednesday, 20th; it was the 20th.
- Q. When did the letter reach you—he mailed it at Concord: that was the original ?  
 A. No; it was the copy. I was reckoning that it would come down on Friday or Saturday, in the usual course.
- Q. When did you receive it ?  
 A. On Friday or Saturday morning.
- Q. Your brother went away on Monday ?  
 A. On Monday.
- Q. To Southampton ?  
 A. To Southampton.
- Q. And on Friday or Saturday it reached you ?  
 A. On Friday or Saturday.
- Q. You cannot remember which ?  
 A. It was either on Friday or Saturday.
- Q. You cannot remember which day ?  
 A. I think that it was on Friday; but it was either on Friday or Saturday.
- Q. Did she get it ?  
 A. I gave it to her nephew, Norman Ham, our cash boy, and he took it up to her.
- Q. As coming from Parks ?  
 A. As coming from me.
- Q. As coming from you ?  
 A. I got all her letters, you know.
- Q. You sent it as from the shop, then ?  
 A. To her house.
- Q. But as a letter addressed to her ?

- A. As a letter addressed to her.
- Q. And not as having been tampered with?
- A. Not as having been tampered with.
- Q. What did you and your brother agree upon on the return of the letter on Friday or Saturday?
- A. He took his own course.
- Q. He told you that he was going away?
- A. He told me that he would take the children to Southampton.
- Q. For what purpose?
- A. He told me that he was going to take the children to Southampton.
- Q. For what purpose? Why was he going to take them away?
- A. So that these letters could be explained to him.
- Q. So that they could be explained?
- A. Oh! He got other letters in the meantime.
- Q. Did you see them?
- A. After I got to Toronto, he found them in his wife's drawer.
- Q. Are you sure that they were letters?
- A. They were letters.
- Q. Upon what do you base that opinion?
- A. I saw them.
- Q. Did they appear to be letters, or did they not?
- A. They appeared to be letters.
- Q. Letters that came from the post office?
- A. She sent copies.
- Q. What were these letters, that your brother found, like?
- A. They were written on paper, and were, to all intents and purposes, letters.
- Q. They were letters?
- A. Yes.
- Q. They were written to some person and signed?
- A. They were not signed, but they were in her handwriting.
- Q. You call them letters?
- A. I do.
- Q. Were they folded up?
- A. They were folded up when I saw them.
- Q. After all, they were merely pieces of paper on which there was handwriting in her hand?
- A. No; I say that they were letters.
- Q. When he saw them, what did he decide to do?
- A. He decided to take the children to Southampton, which he did.
- Q. After having found these so-called letters?
- A. Yes.
- Q. For what purpose?
- A. He took them to Southampton.
- Q. How long did he say he would stay with them there?
- A. He did not tell me, when he went away, when he would come back.
- Q. Whether it would be in one week, two weeks, or three weeks?
- A. He mentioned no time; he took the children to the station himself; he bid me good-bye at the shop door, but he did not tell me when he would come back; he told me that he would leave them with his sisters—he has two sisters there.
- Q. Did he tell you that he took them away from his wife?
- A. He said that these letters must be explained.
- Q. But in the meantime he took the children away?
- A. In the meantime he took them away—until these letters could be explained to his satisfaction.
- Q. Did he say to you, that his object was to leave his wife?
- A. Not without explanation.



Q. Now, witness, did he not say to you—and did you not have discussion on that point that he sent them away as a preliminary step to separation from his wife?

A. No; I deny that.

Q. You deny that?

A. Yes.

Q. He merely took the children away?

A. To get these letters explained. The way he put it to me was this; that he did not want his children to see any trouble, and that he thought that these letters were letters which were written by no prudent woman.

Q. Did he speak of separating from his wife?

A. He did not at this time to me.

Q. Did he say, that in case he did not get a satisfactory explanation, he would do so?

A. He never had made an application for an explanation at this time.

Q. He never had questioned her?

A. No.

Q. As far as you know?

A. As far as I know.

Q. Did he tell you that he had not?

A. He told me that he had not. He never told me anything about the letters.

Q. And he went away with the children?

A. Yes; on Monday.

Q. Did you see him leave the house?

A. No; I did not.

Q. Did you accompany him to the train?

A. No.

Q. Did he tell you that his wife was aware of the object of his going or not?

A. He told me nothing of the sort.

Q. Neither one thing nor the other?

A. No.

Q. Nothing had been said up to this time about Gordon?

A. Nothing.

Q. Up to the time of his leaving?

A. Only the stories that I heard from my wife; I know nothing for a fact, I did not think there was a word of truth in them.

Q. Then the whole of the apparent difficulty was with Parks coupled with the visits of Gordon of which you heard through gossip; that was all that had been mentioned?

A. Nothing more; I did not know anything more, nor did he.

Q. The person supposed to have criminal conversation with Mrs. Campbell was Parks?

A. Up to this time there were only rumors about Gordon.

Q. Therefore the misconduct was supposed to have entirely taken place with Parks—was it not?

A. At this time it was supposed to be with Parks.

Q. You did not think much of the rumors about Gordon?

A. I did not think anything of them at first; I did not think that Gordon was in the habit of going into her house; I never saw him. I made up my mind, that as I came there so often in the evenings, it could not possibly be Gordon.

Q. You were constantly prowling about the house, as some witness states?

A. No, no; I did not prowl about.

Q. You did not go prowling about?

A. No.

Q. But you went there often, and at any hour you pleased; you might drop in for all she knew?

A. No; I had fixed hours.

Q. There was no reason to suspect that you might come in at any other hour except the fixed hour?

A. No! no!

Q. Certainly not?

A. No.

Q. Now, then, after your brother returned, what did you tell him? Where did you meet him?

A. At the station.

Q. And what was the first remark which you made to him?

A. I do not know what the first remark was; I said, "How are you, Robert," very likely.

Q. And next?

A. No doubt I told him then of this conduct on the 26th of August.

Q. You got upon the track of another person then, and dropped Parks?

A. Yes.

Q. Did you ever do anything more about Parks?

A. That was all I did.

Q. Did you ever try to obtain any of Mrs. Campbell's correspondence from Parks?

A. No; I did not.

Q. Did you not instruct the detective to try and obtain any of Mrs. Campbell's letters that might be in Parks' possession?

A. It is very likely I did.

Q. Was not that part of the scheme?

A. Yes; the instructions were to find out everything he could. I was sent to Toronto for that purpose.

Q. The letters you were after were the letters Mrs. Campbell wrote, and your instructions were to get them?

A. Most certainly. I wanted to get every letter she had ever written to him, and I gave the detective instructions for that purpose.

Q. Did he get any?

A. No; he did not. The report he gave me was that at the present state of the proceedings he could not get them, but he had affairs in such a position that he would catch something in a few days.

Q. Did he catch anything?

A. I don't think he went back to look, as when I came home my brother had got the originals; and that was all he wanted.

Q. You stated in your evidence that you remained at the house at the time of this alleged criminal intercourse until three o'clock in the morning?

A. Yes.

Q. You went there about nine o'clock?

A. Yes.

Q. That is to say, you stayed there six hours without boots or hat on the verandah?

A. Yes.

Q. Were you sitting down part of the time?

A. I cannot say that I stood all the time.

Q. You stood crouching near the window, listening, the whole time, except one or two absences?

A. The time was so long that I was in all shapes.

Q. Did you stand, and were you at the window during all these hours?

A. Of course, I went off the verandah twice; I went round to the front of the house twice; and I went for a stick once; and I spent a half-an-hour at the other window.

Q. You stood all this time bareheaded and in your stockings: what kind of stockings had you on?

A. They were light lambs wool.

Q. Was this a cold night?

A. It was not a cold night for the season of the year, but every night is cold then coming on morning.

Q. But you say you went on the verandah in consequence of the coolness of the weather?

A. Yes.

Q. How did you know it was three o'clock when you left?

A. I looked at my watch.

Q. That was before the aurora began to show itself?

A. I did not see any aurora that night.

Q. Did you look at your watch by the light from the window in order to ascertain the time?

A. I was standing at the window on the verandah, and I opened my watch and looked at it.

Q. By what light?

A. Partly by the light of the firmament and partly by the light of the window; my watch is one that you can see distinctly, and I saw distinctly that it was three o'clock before I put my foot on the ground; and at that time Gordon was with Mrs. Campbell talking still.

Q. You say the window had Venetian blinds, closed and fastened?

A. Yes.

Q. They were fastened?

A. Yes.

Q. And you could not open them.

A. No.

Q. Were the slats of the blinds fixed?

A. Yes.

Q. Can you see between them, or do they lap at an angle?

A. They are very wide apart, and you can see through them.

Q. You would have to look up to see into the room to see a person's head or arm or body, and then it would be found difficult?

A. I could see when Gordon attempted to go; I could see his arm and leg through the slats as he took hold of the knob of the door.

Q. Had you been in the room before that?

A. Yes; frequently.

Q. How long before?

A. I don't recollect.

Q. This plan of the room (photograph produced) shows the position which the sofa was in that night?

A. Yes.

Q. The sofa was in the further side of the room?

A. Yes.

Q. Now, we find the result to be this: the door of the parlor, which you say you saw, was sharply across the corner of the room from the right of the window at which you stood—how many feet?

A. I can hardly tell you how many feet it would be.

Q. You say you looked through the slats and saw the knob of the door?

A. I could see the part of the door a little above and below the door knob, and saw Gordon's hand on it.

Q. Then it seems to me you have to look twice round a corner to see it; you had to look through the angle of the slats and across the corner of the room?

A. These blinds are the old fashioned style; the modern ones you can open and shut, but these are a fixture, and so far apart that I could look across the room in a right line and see the door. In seeing Gordon's hand at the door, I had to go down on my knee and look up, the inside blind was ruffled a little and I could see the door at an angle.

Q. Was the slat, through which you looked, on a level with the door knob or above or below it?

A. It was below it ; I had to take the very lowest slat.

Q. What height was the window from the floor of the parlor; was the slat through which you looked higher or lower than the door knob?

A. The lower slat of the window blind was lower than the door knob.

Q. How much lower?

A. I can't say ; I never measured it, and to give an idea of what it would be would only be a wild idea, and I would not undertake it.

Q. Why would there be anything wild about it?

A. I don't know ; but I mean to say that the window, I should judge, was the ordinary height of a window.

Q. You mean to tell us and wish us to believe that looking through these lower slats, which were at an angle, you could see the knob of the door?

A. Yes ; there have been more than me decided that.

Q. The sofa was clear across the room from where you were?

A. It was in the north-west corner of the room.

Q. Then the Committee will understand that the window at which you placed yourself was very much nearer the sofa than the one on the verandah, and yet you could not hear so well at it?

A. I heard very well at the west window, but I could not hear very well at first in consequence of the noises in the streets ; the blind inside is a very thin one, either cotton or linen, and a rep curtain ; the rep curtains were not across the window that night.

Q. Then looking up through the slats you could see that the curtain was not across the window?

A. There was no obstruction inside.

Q. Then the curtains were not pinned across the window, nor was there any preparation made to prevent people from looking in?

A. No ; there was no obstruction of curtains inside the window?

Q. After you were there for a time you say you heard Mrs. Campbell say : " Robert might suspect." Was that the first expression you heard?

A. That was the first expression I heard ; up to that time all had been faint and indistinct, and these words : " Robert might suspect," were the first that I could make sense of.

Q. Did it strike you that there was anything extraordinary in the expression?

A. It did.

Q. What was the reply?

A. " Has Robert had anything to do with you since his return," or " has Robert had any connection with you since his return ? "

Q. Are these the words : " Has Robert had any connection with you since his return ? "

A. Yes ; those are the words.

Q. And you wish them to stand as your evidence?

A. Yes ; that is my evidence.

Q. You correct your evidence of yesterday very considerably?

A. I heard these words : " Has Robert had any connection with you since his return," and she said, " Only the first night."

Q. What did he say?

A. " All right, Robert can't suspect."

Q. What did she say then?

A. I didn't hear ; I went away for a stick.

Q. What did you want a stick for?

A. I thought it was time to get a stick, and I went for one.

Q. Did it occur to you in what way Robert's connection the first night would prevent him from suspecting?

A. I don't know; I thought the sooner I knocked in the window the better, as I wanted to catch them in the act.

Q. You appeared to be suspicious?

A. I think if you had remained at the window from nine o'clock until three in the morning, and heard the conversation I heard, you would be suspicious too.

Q. But you say you heard nothing indecent?

A. I heard nothing indecent in the chain of conversation up to that time.

Q. Then there was nothing to excite your suspicions up to that time; they were chatting and talking to each other.

A. I heard nothing to excite my suspicions up to that time, and then I went to the wood pile for a stick.

Q. How far was it?

A. It was away at the the end of the house.

Q. How many yards away?

A. I don't like to say how many yards; it was the other end of Robert Campbell's lot.

Q. How long were you gone?

A. It was some little time before I got a stick; I wanted to get a good heavy one.

Q. You came back boiling with rage, I suppose?

A. I was not in a rage; I don't get into a rage; I came back and told Anderson I had got a stick.

Q. Did you pass Anderson to get the stick?

A. Yes.

Q. Did you say anything to him?

A. Yes; I told him I was going for a stick, and I may have said something to him when I was passing.

Q. Did you ask Anderson if he heard anything, or did you stop to have any conversation with him?

A. I did not; I went straight for a stick; I thought the sooner I got a stick the better.

Q. Did you tell Anderson what you heard?

A. I did not.

Q. Did he tell you anything?

A. He did not; I didn't wait to ask him.

Q. Although Anderson was nearer the sofa where this thing was taking place, you did not stop to ask him what he saw?

A. I told you I went directly for a stick; I have no recollection of speaking to Anderson at the time; I have no recollection of having any conversation with him at that time.

Q. When you came back with the stick, did you have any conversation with him?

A. When I came back I told him I had a stick, and I was going to break in the window. He told me not to knock in the window; I don't recollect the precise words I said.

Q. Did you say anything to him when you were coming back, or did you not; I want you to answer my question?

A. I told Anderson I had got a stick, and that I would knock in the window; he told me not to do it.

Q. Did he say the reason why?

A. He told me it would alarm the neighbors and do no good.

Q. What did you say?

A. I was bound to knock it in.

Q. What did you say in reply?

A. I told him I would.

Q. What did he say when you said you would?

A. He still begged of me not to do so.

- Q. Did he give any other reason ?  
 A. He said it would alarm the neighbors.
- Q. Did he tell you he had heard any improper language then ?  
 A. I don't know that he told me, and I don't think I asked him.
- Q. Is your answer that he did not tell you ?  
 A. My answer is I don't remember whether he did or did not.
- Q. Did you ask him whether he had heard anything in your absence ?  
 A. When I came back with the stick he told me they had got through.
- Q. As you were coming back ?  
 A. Yes.
- Q. What did you understand him to mean by that ?  
 A. His words were : " They have got through."
- Q. Was that in relation to their criminal conduct ?  
 A. I cannot say ; he told me they had got through, and I went on the verandah to break the window in.
- Q. Then you did not tell Anderson anything ?  
 A. I told him I was going for a stick.
- Q. You did not tell him what you had heard ?  
 A. I did not wait to tell him.
- Q. You made no allusion to what you had heard ?  
 A. I told Anderson nothing about it.
- Q. Therefore, when he told you they had got through, what did you understand ?  
 A. I would infer from his words, they had criminal intercourse while I was away for the stick.
- Q. Did you go round to the front window ?  
 A. I went to the one I had been listening at.
- Q. What did you do with the stick ?  
 A. I left it on the verandah.
- Q. How long did you remain there after you dropped the stick ?  
 A. I did not get off the verandah until I left for good about three o'clock in the morning.
- Q. You say up to this time all you heard was : " Robert might suspect ;" and Gordon's reply : " All right then, &c."
- A. Yes.
- Q. Then when you returned with the stick Anderson told you they had got through, and you thought it was with criminal intercourse ?  
 A. I have no personal knowledge that they had criminal connection, except from what he told me.
- Q. Had you any personal knowledge during the night ?  
 A. I had.
- Q. After you returned with the stick, had you any further conversation with Anderson until you left together ?  
 A. Yes ; I think we had.
- Q. Do you know you had ?  
 A. I am sure we had.
- Q. When ?  
 A. A short time afterwards.
- Q. How long a time ?  
 A. It might be half an hour or more, I cannot say.
- Q. Half an hour after this remark ?  
 A. Yes.
- Q. What was said ?  
 A. " Now they're at it."
- Q. Who said this ?  
 A. Either Anderson said it to me or I to him.
- Q. You are not sure which ?

- A. I am not.
- Q. Where was Anderson at this time?
- A. At the west window.
- Q. And you at the other?
- A. Yes.
- Q. And you made this remark round the corner?
- A. We made a step towards each other and our heads met.
- Q. What was said by either of you as to the evidence of their being "at it"?
- A. I heard her tell Gordon "If he gave her all that it would hurt her," and I heard them on the sofa—the rustling on the sofa.
- Q. Was it before this remark was made?
- A. Just after the rustling on the sofa and on the floor, and just when the thing was going on, we said to one another "Now they're at it."
- Q. Did you hear this rustling?
- A. Yes.
- Q. And the moving of the springs and curtains?
- A. Yes; I could hear them at it, just as distinctly as you hear me.
- Q. Where were they?
- A. Partly on the sofa and partly on the floor.
- Q. One on the sofa and the other on the floor?
- A. No; I should judge they were partly on the sofa and partly on the floor.
- Q. Which part?
- A. From what I know of the circumstances, they were partly on the floor and partly on the sofa, because I could hear the sofa moving.
- Q. What are you prepared to swear?
- A. I am prepared to swear they were partly, at that time, on the sofa and partly on the floor, and I heard Gordon tell her "The floor is as good as a bed."
- Q. Was that before you spoke to Anderson?
- A. I could not say as to that.
- Q. You don't recollect?
- A. Not that particular remark; I was too much interested in watching them inside.
- Q. How could you watch them?
- A. I was listening.
- Q. What did they say?
- A. I heard her tell Gordon "If he gave her all that it would hurt her."
- Q. When you heard him say "the floor is as good as a bed"; was it before the rustling and the movement of the sofa, or afterwards?
- A. It was after the rustling on the sofa.
- Q. While the operation was going on?
- A. The operation was all going on at the same time.
- Q. Then, one would naturally infer they were on the floor, and he was giving his testimony as to the advantage of the floor?
- A. I merely give the remark as I heard it.
- Q. I want to know the precise time when he made that remark?
- A. I cannot tell.
- Q. When you say they were partly on the sofa and partly on the floor; do you mean their feet were on the floor?
- A. Yes; I would judge their feet were on the floor.
- Q. That Mrs. Campbell was not lying on the floor—is that what you mean to say?
- A. I am rather inclined to think she was.
- Q. Then, from the evidence you had, she was lying on the floor?
- A. I am prepared to swear they had connection between the sofa and floor.
- Q. Midway?
- A. I mean to say Mrs. Campbell and Gordon had connection on the floor or on the sofa, but with their feet on the floor and their bodies on the sofa; I am not

prepared to swear they had it on the floor, nor am I prepared to swear they had it on the sofa.

Q. Are you prepared to swear they had it at all?

A. I am.

Q. By what evidence?

A. I could hear them.

Q. You could hear the operation going on?

A. Yes, I could; and I am a married man.

Q. You say you heard at this time the casters moving and the springs of the sofa moving?

A. Yes.

Q. You said yesterday "I could hear them rustling on the floor." Is this true, or is it not?

A. I could hear them rustling and the springs and casters of the sofa moving at the same time.

Q. But you said they were not on the sofa. How could the springs move? Was it a sympathetic motion?

A. I think if you were to run a sofa on the floor the springs would move.

Q. What did you do when you said, "Now, they're at it?"

A. I was going to break the window in.

Q. Why didn't you break the window in?

A. Anderson still advised me not to do so.

Q. Did he give the same reason as the first time?

A. Yes.

Q. What was the reason?

A. He said it would alarm the neighbors.

Q. About what time of night was this?

A. After one o'clock.

Q. And that is the way you watched for your brother?

A. Yes.

Q. What was the next expression you heard that confirmed your impression they were "at it" again?

A. I am not prepared to swear that Mrs. Campbell and Gordon at the time I went for the stick, had criminal connection. I never thought of such a thing. All I can say is Anderson told me when I returned that "they had got through." What I swear to is they had connection when I heard her tell Gordon "if he gave her all that it would hurt her."

Q. What was the next thing you heard after "Robert might suspect"?

A. I heard her say she had not lived happily with Robert.

Q. When did this occur?

A. After 12 and before 3 in the morning.

Q. What next did you hear?

A. She was wheezing or crying and a minute or two afterwards she was laughing.

Q. Did you hear any further conversation?

A. I hear a good deal before this.

Q. After he said "all right," what was the next thing you heard that led you to believe they were engaged in improper acts?

A. They were engaged that way at the time. This was after she told him "if he gave her all that it would hurt her."

Q. What was the next expression you heard after Anderson told you they had been at it?

A. It was a general conversation then.

Q. When did that general conversation cease and the particular conversation begin?

A. After one o'clock the criminal conversation began.



Q. What was the first expression, and who used it, that was of a criminal character ?

A. The first expression I heard was "if you give me all that it will hurt me."

Q. What did he say ?

A. "I will only put it in half way."

Q. What did she say ?

A. I heard no reply to that. I heard her ask him which way he liked it.

Q. Was that before she said it would hurt her ?

A. It was either before or after.

Q. Was it before or after ?

A. I cannot swear.

Q. She asked him "which way do you like it best George" ?

A. Yes.

Q. Did she use any other words ?

A. Yes, "Is it topways, sideways or bottomways" ?

Q. You heard these words ?

A. Yes.

Q. And you jumped to the conclusion it was something improper ?

A. I jumped to no conclusion.

Q. What did you hear ?

A. I could hear her wheezing. I could hear them at it. This was all said about the same time.

Q. What was her reply ?

A. I heard no reply after he said he would only put it half way.

Q. The next thing you heard was laughing.

A. Yes ; after the wheezing or half crying.

Q. Did you hear what he said ?

A. He asked "am I hurting you" and she said "yes," and a minute or two afterwards she was laughing.

Q. That was when he promised to go in half way only ?

A. All this conversation took place at the same time.

Q. Was it on that occasion or some other occasion ?

A. It was on that occasion.

Q. On the occasion when he made this promise of delicate treatment, you heard crying ?

A. Or wheezing—I cannot tell which.

Q. Because he got half way, or she got too much—what was in your mind ?

A. I do not know.

Q. At all events, after the use of these terms—you heard crying ?

A. I heard wheezing or crying.

Q. You heard him ask "why are you crying" ?

A. And she said "you are hurting me."

Q. And what did he say ? Did he respond ?

A. I heard no reply.

Q. How long was this before you heard the laughing ?

A. A second or two.

Q. In a second or two she began to laugh ?

A. Yes.

Q. The laughter succeeded the crying only a minute or two ? Or perhaps only a second or two ?

A. A minute or two, I should say.

Q. She was crying or wheezing, and then you heard her laughing ?

A. Yes.

Q. You heard something else about being married, and about her having no pleasure in life ; so that it was after this second occasion when you heard the wheezing and crying, and laughing ?

A. No ; it was before.

- Q. It was before ?  
 A. It was before.  
 Q. This was in the earlier part of the evening ?  
 A. In the earlier part of the evening.  
 Q. Was it before twelve o'clock ?  
 A. I heard nothing before twelve o'clock.  
 Q. This conversation being before either of the acts spoken of, must have been after twelve, and before half past twelve o'clock ?  
 A. I should say that one act was performed before this conversation, as I stated yesterday ; I went for a stick, and after I came back this conversation occurred, and then the criminal act I knew of ; I know this was after one o'clock.  
 Q. You heard her say that she had no pleasure in life, save only in taking a walk down town. Did you hear any thing else ?  
 A. Yes ; I heard her say too, that she did not believe in being tied to one man.  
 Q. You heard that ?  
 A. I heard her say it.  
 Q. Give us her words ?  
 A. These are her words, " I do not believe, George, in being tied to one man, as my views are liberal," she also said that if she was single, she would not marry any man.  
 Q. When did you hear this ?  
 A. After I returned with the stick.  
 Q. And, therefore, after the first criminal act, if Anderson speaks truly ?  
 A. After that act he told me that they had got through ; this was when I came back.  
 Q. You heard her use this expression ?  
 A. Yes.  
 Q. You did not say that yesterday ; you do not repeat the expressions you used yesterday ?  
 A. I do not know whether I related this conversation yesterday or not.  
 Q. You said yesterday : " a man makes a woman unhappy." Tell us what she said—was it " that if she was unmarried she would not marry again" ?  
 A. I heard her say that.  
 Q. Well, you heard her say something else about Robert Campbell ; what did she say ?  
 A. I heard her say " that he had been unkind to her ; that she had not lived happy for two years, and that she was bound to leave him."  
 Q. Give us her words ?  
 A. They were " I have not lived happy with Robert for over two years, and I am bound to leave him ; and I want you to accompany me to California—go with me to California," that was it.  
 Q. What did Gordon say then ?  
 A. " Well," said George Gordon, " Eliza, if there is anything wrong, it is your fault, and not Robert's."  
 Q. That is your statement on this point ?  
 A. Yes ; that is her statement to Gordon.  
 Q. When did the next criminal conversation take place ?  
 A. This was after one o'clock.  
 Q. And when was the next occasion ; at what stage in the case was there anything further stated of an improper character, that you heard ?  
 A. After two o'clock I heard him frequently asking for it.  
 Q. Who ?  
 A. I heard Gordon asking still to have more of it.  
 Q. What did he say ?  
 A. I heard him ask her at one time to let him do it ?  
 Q. Do what ; what did he say ; give us his precise words ?  
 A. He said : " I am crazy to-night."

- Q. That is what he said ?  
 A. Yes.
- Q. That is what you refer to as asking for connection ?  
 A. Yes.
- Q. He said : " I am crazy to-night."  
 A. " Crazy for it."  
 Q. " Crazy for it," and not " crazy to-night."  
 A. " Crazy to-night," and she asked him " why."  
 Q. " Crazy to-night" and " crazy for it" are two different expressions; one may not have reference to what is improper, and indeed both may not—which was the expression you rely upon ?  
 A. He told her : " I am crazy to-night."  
 Q. He said to her : " I am crazy to-night ?"  
 A. " I am crazy to-night."  
 Q. That was your recollection of the expression ?  
 A. Yes.
- Q. What did she say : what was the next expression ?  
 A. " Why are you so crazy to-night, George ?"  
 Q. Then what did he say : did he give any reason for being crazy ?  
 A. Yes; he asked her why she asked him.  
 Q. He asked her what ?  
 A. " Why did you ask me to come here on Sunday night, to-night ?"  
 Q. That is the expression ?  
 A. That is the expression.  
 Q. That was a question, and not an answer : what did she say to that ?  
 A. She did not give any reply that I heard.  
 Q. You say that was the answer ; he says : " I am crazy"—and she asks : " Why are you crazy to-night ?"  
 A. He said : " Why did you ask me to come on Sunday night, to-night ?"  
 Q. That was the answer ?  
 A. Yes.
- Q. Was there any further explanation about being crazy ?  
 A. Oh ! he frequently repeated the same words.  
 Q. He frequently repeated the same words ?  
 A. After that.  
 Q. Did he go on repeating—like a parrot—" I am crazy to-night ?"  
 A. No ; the man wanted to go home.  
 Q. How did he indicate his desire to go home ?  
 A. I suppose that he found he would not get any more.  
 Q. Then she refused him that time ?  
 A. I do not know ; the reason he gave himself was this : he said—" I want to go, Eliza ; I have a hard day's work to-morrow, and I want a few hours' rest." She replied : " You had better go to bed here."  
 Q. She replied that ?  
 A. Yes.
- Q. And yet you told us that she would not let him have any more ?  
 A. I did not hear him ask for any more after that.  
 Q. Did she invite him to stay, to indicate that she was willing to repeat the connection ?  
 A. No ; she did not, as I understood it.  
 Q. That looks like an intimation ?  
 A. It would look like an intimation, and probably as if he had wanted to get more.  
 Q. She suggested to him to stay and go to bed there ?  
 A. Yes.  
 Q. Why did you not tell us that yesterday ?  
 A. You did not ask me.

Q. You were asked to detail the whole conversation, and give evidence as to all that occurred?

A. If you had asked me, I would have been very glad to have informed you.

Q. Did you ever mention that before in your evidence?

A. I could not say.

Q. You could not say?

A. I could not say.

Q. I have the report published in the *Whitby Chronicle*.

A. I do not rely on the *Whitby Chronicle*.

Q. I do not find in it anything of the kind?

A. I do not rely on the public press for evidence.

Q. That is new evidence, and you need to be particular.

A. I do not give new evidence; but I state what I heard that night.

Q. Did you ever give it before?

A. I won't swear whether I did or did not.

Q. There have been two or three trials: and did you ever mention this before in your evidence?

A. I swear that this conversation took place, whether I gave it in evidence before or not; I may have given this evidence, or I may not; I am not prepared to swear.

Q. When she invited him to stay and go to bed, what did he say to that?

A. No; he wanted to go home, as he wanted to lay down, because he had a hard days' work to do to-morrow, and he must have some rest; he wanted two or three hours to rest.

Q. But what did he say?

A. He said; "I want two or three hours to rest."

Q. These were his words? You did not mention that before?

A. You probably did not ask me.

Q. Well; did he leave at the time when he said this?

A. No; but he made two or three attempts to leave, but I did not see him leave.

Q. Then the only case of criminal connection you will swear to, was the one that took place after you came back with the stick?

A. After I came back with the stick; and the second time I lifted the stick.

Q. That is the only case that occurred within your hearing?

A. That is the only case in which I will swear that they had criminal connection.

Q. The next occurrence was the refusal on her part, and his repeating frequently that he was crazy for it?

A. I do not think they had any connection but once that night while I was at the window.

Q. Then he repeated that "he was crazy for it." And she asked, "Why he was crazy for it;" but this resulted in nothing as far as you remember or know, did it?

A. I only swear to one criminal act that night.

Q. And all the other conversation you have detailed ended in nothing?

A. It took place that night.

Q. But it ended in nothing of a criminal kind?

A. There was a connection once, and he wanted it oftener.

Q. Was Mrs. Campbell in the habit of playing what are called drafts sometimes?

A. I never knew Mrs. Campbell to play drafts in my life.

Q. But you knew that there was a draft board there or drafts?

A. I did not.

Q. You know that she could read, and that she was an educated person? Mrs. Campbell had books?

A. She is a very good player and singer, but so far as other education goes I know nothing.

Q. Have you ever heard her read?

A. No; I never heard her read.

- Q. Did you hear her read that night ?  
 A. No.
- Q. You did not hear any reading going on ?  
 A. No.
- Q. Do you know that there was a stereoscope in the house—an instrument to look at pictures with ?  
 A. No.
- Q. Do you know that he brought a stereoscope ?  
 A. No.
- Q. And brought pictures from the old country ?  
 A. No ; I never saw them.
- Q. You do not know anything about them ?  
 A. I do not know anything about them.
- Q. If on this occasion, they had been engaged in playing drafts, do you think that the noise would be very much like what you heard ?  
 A. I did not hear the playing of drafts.
- Q. You said yesterday, that you heard them kissing each other ?  
 A. Yes ; frequently.
- Q. They must have been kissing very loud ?  
 A. Yes ; they were good smacks.
- Q. That was the kind of kissing which was going on ?  
 A. Yes.
- Q. Is that the way you kiss your wife ?  
 A. Yes.
- Q. And you give her a smack that makes a noise ?  
 A. Yes ; sometimes.
- Q. On this occasion they smacked so loudly that you could hear them through curtains, blinds, windows, and brick walls ?  
 A. Yes ; quite easily.
- Q. You could hear the noise of their kissing ?  
 A. Yes.
- Q. You heard the kisses ?  
 A. I could have heard actually a pin drop, the night was so calm.
- Q. If they had been playing drafts, or moving counters, would not that have made a noise like that you heard ?  
 A. No ; I could have heard drafts. I know what a draft-board is.
- Q. You will undertake to swear that they were not playing drafts ?  
 A. I will undertake to swear, and I know, that no drafts were played there that night.
- Q. If they had been looking at pictures, through a stereoscope, and he had pushed it too far, and she told him not to push it too far, would not that be something similar ?  
 A. Oh, no !
- Q. What would be the difference ?  
 A. There is a great deal of difference between a stereoscope, and a —, and a —, and a —.
- Q. No doubt ; I am quite aware of that ; but if you did not see what was going on, and merely hear a person say that something was being pushed too far, how do you know ?  
 A. I heard too much of it ; I know what was being pushed in.
- Q. How do you know ?  
 A. If you had been there you would have known.
- Q. How ? Give us a reason ?  
 A. I heard them in the criminal act.
- Q. What did you hear ?  
 A. I heard them doing it. I cannot explain it.

Q. You heard them using criminal language, such as described, and you came to the conclusion that they were in the criminal act ?

A. I came to no conclusion.

Q. On ordinary occasions it does not make any noise, does it? What were the indices and facts? Could they not have been looking at pictures, or playing drafts, or doing something else ?

A. I hope the hon. Committee will think that I have explained it as far as I possibly can ; I cannot explain this thing any further, there is no use.

Q. There are no ladies present. It involves the reputation of a woman, and is a very serious matter. What was the additional evidence that would enable us to say how the act took place? Was there any ?

A. All I can say in reply to you is this ; I am a married man myself, and I have got a family myself, I cannot explain this thing any further than that, unless I repeat what I have already said.

Q. Then you have given all the evidence as to that fact ?

A. Yes ; I have given all I can give.

Q. Were you present at the trial in Toronto in the suit which she brought against you ; she brought an action against you for slander, did she not ?

A. Yes ; she brought an action of slander against me.

Q. For what ?

A. I suppose for slandering her character. She set up a declaration in this way : from the report of the conversation which I had given her father and mother she put in that as a plea ; I read to them a statement of the circumstances which I have related of the night of the 26th of August.

Q. Was it in reference to this statement of her conduct that night that the action was brought against you ?

A. My brother told me to go out and warn the merchants not to supply her with goods on his account.

Q. What did she claim in that action for damages ?

A. Ten thousand dollars.

Q. Where was the action tried ?

A. It was tried in Toronto, before Chief Justice Haggarty and a Jury.

Q. Who were the witnesses in that action, or was she a witness herself ?

A. She was a witness herself.

Q. Did she in that action give any explanation of these circumstances you have detailed to us, to the jury ?

A. I do not think I was in when she was giving her evidence, and I am not prepared to say what her evidence was.

Q. Do you mean to say you were not in the court during the trial of your own case ?

A. I really cannot say whether I was or not.

Q. Did you hear her at all in the witness box ?

A. I did.

Q. And you did not hear her evidence ?

A. I don't say I did not hear the witness ; but I am not prepared to say what evidence she gave. I heard part of the evidence.

Q. Did you hear her deny what you have stated here in your evidence of what took place on the night of the 26th of August ?

SATURDAY, 18th March, 1876.

PRESENT :

The Honorable Mr. DICKEY—*Chairman.*

The Honorable Messieurs

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON,
CORNWALL,	SEYMOUR,
KAULBACH,	REESOR.

Continuation of cross-examination of JAMES CAMPBELL, by *Mr. McDougall* :

Q. I will ask the witness which is the longer way of that room (showing the photograph of the parlor); standing outside the window and looking straight into the room, do you look along the shortest side?

A. Yes.

Q. Then this plan (exhibiting that of the parlor) is not properly drawn; if it is drawn to scale, it is longer the other way?

A. I have never measured the room; I judge as I have said; I never measured the room.

Q. This trial referred to took place in Toronto?

A. Yes.

Q. How long did it last—one, two or three days?

A. I think it was two or three days; it was more than one, any way.

Q. Did you give evidence at that trial?

A. I did.

Q. Were there many other witnesses?

A. There were quite a number of witnesses.

Q. You said yesterday that Mrs. Campbell and Gordon were examined as witnesses?

A. They were.

Q. Was the father of Mrs. Campbell, the Rev. Mr. Byrne, examined as a witness?

A. I think he was.

Q. Do you know he was?

A. I am almost sure he was.

Q. Are you not quite sure?

A. Yes; I am quite sure.

Q. Mr. Byrne is now dead?

A. He is.

Q. What was the result of that trial; was a verdict obtained?

A. She got a verdict of one thousand dollars against me.

Q. For slandering her?

A. Yes.

Q. In reference to this transaction?

A. In reference to this transaction.

Q. For the evidence you gave and the statements you made?

A. The reason the action was brought was on account of my telling her father and brother. Before the trial, I read the statement of facts of that evening, and they brought this action against me for the statement of facts.

Q. And the jury found in favor of the plaintiff?

A. Yes.

Q. You stated in your examination in chief that you heard them speaking about leaving for California on this evening

A. Yes.

- Q. You mentioned something as to the time of this conversation; what time did it come in?
- A. It was after twelve o'clock.
- Q. And before what; between twelve and one?
- A. I cannot fix the time.
- Q. Was it before or after you went for the stick?
- A. It was afterwards.
- Q. It was Anderson who made that communication to you, that while you were absent for the stick, they "had been at it"?
- A. I think so.
- Q. Will you repeat to me the precise words heard; everything turns upon words in this matter. How did the conversation about California begin; what was the first allusion to it, and who made it?
- A. Mrs. Campbell made the allusion.
- Q. What were the terms in which she made it?
- A. She said she had not lived happy with Robert for two years, and wanted to leave and go to California.
- Q. You are getting into the same difficulty again?
- A. I beg pardon.
- Q. Will you give me the exact words and their order in the statement?
- A. As near as I possibly can, I will: "I have not lived happy with Robert for over two years, and I am going to leave him, and I want you to go to California with me." That is as near as I can give them.
- Q. Is that all she said?
- A. That was all she said at that time.
- Q. What did Gordon respond?
- A. Gordon told her—
- Q. Not told her; what did he say?
- A. "If there is anything wrong, it is your fault and not Robert's."
- Q. Is that what he said immediately after the proposition?
- A. That was what he said.
- Q. "If there is anything wrong, it is your fault"?
- A. All this was said in one breath.
- Q. And this was the first remark made after the proposition to go to California?
- A. He said "If there is anything wrong, it is your fault and not Robert's."
- Q. That was the first remark made in reply?
- A. Yes.
- Q. Are you sure that is all he said?
- A. That is all he said at that time.
- Q. Quite sure?
- A. As far as my memory serves me at present, that is all I heard.
- Q. Refresh your memory; you have given altogether different statements. This is important, and I do not want to take any undue advantage of you; you say that was the only remark with reference to California?
- No answer.
- Q. Was there anything said about how they should get there?
- A. There was nothing said about that.
- Q. Did it not strike you as an extraordinary proposition?
- A. It did.
- Q. Gordon was not a man of means at that time?
- A. I am not aware of his having any means.
- Q. Hé was a young man living at his father's house?
- A. I understood he was living there.
- Q. Do you not know he lived there; don't you know where your neighbors live about a mile round Whitby.
- A. I supposed the man lived there, but I lived nearly two miles from his father's house, and I do not know whether he lived in his father's house or not.



Q. What is your impression ?

A. My impression is that he lived there, but I could not say that he did ; I had not seen him at his father's house at that time.

Q. He was not a person of means that you know of ; would you have trusted him  
\$50.

A. I would.

Q. And you would have expected him to pay it ?

A. I would have expected him to pay it ; at that time I would have trusted him  
\$100.

Q. On account of his honesty ?

A. Yes ; and I would have considered it perfectly good.

Q. On account of his honesty, and not on account of his wealth ?

A. From anything I know of the man I would have considered it a legitimate transaction, and I would have been prepared to take the risk.

Q. Then when she proposed going to California, nothing was said about how they should get there ?

A. I heard nothing.

Q. Did he ask any questions ; did he say " Why do you want me to go ? " ?

A. I did not hear him ask that.

Q. You swear that ?

A. I swear that.

Q. Did you hear this California question spoken of in your trial ?

(Question objected to, but, after argument, allowed.)

A. Mrs. Campbell confessed at that trial—

Q. Never mind that ; I ask you that question, yes, or no. You are going into particulars that are not evidence. Look at me, and not at your Counsel ; you are the witness ?

A. I say that it was admitted by both.

Q. I do not ask for an admission ; was it spoken about—yes, or no ?

A. It was spoken of, and acknowledged to be spoken of, by both parties.

Q. Whom do you call both parties ?

A. By Mr. Gordon and Mrs. Campbell ; I heard them both admit.

Q. Admit what ?

A. Admit that that subject was spoken of that night—that they should elope and go to California.

Q. And you heard that ?

A. They admitted that on two trials.

Q. This subject of elopement to California was discussed at all the trials ?

A. Yes, it was, and acknowledged by them.

Q. You swear that at that trial the language which you have used was put into the mouths of those parties, or acknowledged by them ?

A. Partly.

Q. Only partly ?

A. Only partly.

Q. And it was acknowledged ?

A. They acknowledged there was an elopement.

Q. There was an elopement ?

A. That there was a conversation about eloping and going to California.

Q. They admitted that.

A. Yes.

Q. Was it not a conversation of three years previous ?

A. No.

Q. Did you hear anything of that kind that related to a conversation on a subject which arose three years before ?

A. I understood—

Q. Did they or did they not ?

A. I understood them to say that there was a conversation about eloping that evening.

Q. Or a little later ?

A. I understood them to admit that there was a conversation about eloping that evening, and they said that it was a jest that they had spoken of some three years before; but it was spoken of that night.

Q. Then they did not give their version of the story as you have told it to-day ?

A. I give it you as it occurred.

Q. Answer the question. Did they concur in your version, or did they give a different version ? Say yes or no to that ?

A. I can hardly understand the question.

*By the Hon. Mr. Kaulbach :—*

Q. Did they refer to something that happened before ?

A. They admitted that a conversation about eloping to California was mentioned on that evening; both parties admitted that, but they said it was a standing joke they had originated some three years ago. I think that was about the position; I do not give his precise words, but as I understand it.

Q. You said the criminal intercourse occurred after this conversation ?

A. This conversation occurred between the time I went for the stick and the criminal intercourse—this conversation about eloping to California.

Q. After the time you went for the stick and the criminal intercourse ?

A. Yes.

Q. You told us that, according to Anderson, this criminal intercourse occurred at the time you went for the stick. Do you believe Anderson's statement ?

A. I have no reason to disbelieve it.

Q. Therefore the first intercourse was when you went for the stick ?

A. Yes.

Q. You said in your examination in chief that Gordon referred to Mrs. Campbell's breasts and spoke of her navel, and you say at the time of that conversation they were sitting on the sofa. What time of the evening was that ?

A. These conversations took place during the night; but I cannot give you the time; the conversation was going on all the night.

Q. You told us that you could not hear any conversation up to 12 o'clock in consequence of the noises in the streets, so that it must have been after 12 o'clock ?

A. It was impossible for me to fix the time unless I kept looking at my watch all the time.

Q. Was it before you went for the stick ?

A. No.

Q. How long was it after you come back with the stick ?

A. It was some little time.

Q. Was it before you heard the rustling on the floor ?

A. Yes, I should judge that it was; they were drifting from one conversation to another.

Q. You could not on this occasion see Mrs. Campbell ?

A. I never saw Mrs. Campbell during the evening; and I only saw the arm and down to here (witness pointed to his hip) of Gordon as he was opening the door.

Q. He had his coat on ?

A. Yes.

Q. What color was it ?

A. He had a dark coat on; all I could see of him was from his arm down.

Q. Was Mrs. Campbell dressed or undressed ?

A. I cannot say anything about that.

Q. There was a light in the room all the time ?

A. Yes.

Q. You say the door was partly open all the time ?

A. Yes; it was from an inch to an inch and three quarters open.

Q. What did you think when you heard Gordon speak of her breasts: was she dressed or undressed?

A. I cannot say.

Q. Was it your impression that she was exposing her person for the purpose of seducing the young man?

A. I don't know; but I should judge my impression was that he was seducing her.

Q. What was your impression as to the fact?

A. The impression on my mind was that it was very wrong.

Q. What was your impression as to the condition of Mrs. Campbell at the moment?

A. My impression was that no married woman should be in such a position.

Q. When you heard him refer to her navel, what was your impression of her condition as to whether she was dressed or undressed?

A. I heard Gordon say: "What is that?"—"That's my navel."

Q. Then she must have been in a condition that he must have seen her navel?

A. He either saw it or was feeling it.

Q. Your impression was that he saw it?

A. No; I have not come to that impression.

Q. You said this conversation took place when they were sitting on the sofa?

A. As near as I could judge they were sitting on the sofa.

Q. When this conversation came in: "How do you like it, George—sideways, bottomways, or topways?" What time did it take place?

A. That was the second time they had connection when she told George "that if he gave her all that it would hurt her." It was a chain of the conversation they kept up all the evening, and this remark was made all at the same breath.

Q. What time was it when she asked him, "how he liked it?"

A. It was after one o'clock, I should judge.

Q. How long after?

A. I did not look at my watch on that occasion.

Q. How long was it before you heard the rustling?

A. I heard the rustling immediately after.

Q. Did she use these precise words, "sideways, topways, or bottomways?"

A. These are the words.

Q. What was his reply?

A. "Oh! bottomways is the best!"

Q. Then you heard the rustling?

A. Yes.

Q. You said in your examination in chief, that they were on the floor?

A. It was between the sofa and the floor, and then was the noise of the moving of the springs and castors of the sofa all at the same time; I am not prepared to say they had criminal intercourse on the floor, but I am prepared to say they had criminal intercourse between the floor and the sofa.

Q. You say when you left the verandah after three o'clock you went to your place of business. About what time did you get there?

A. It could only have been a few minutes after three o'clock, not more than four minutes.

Q. But you say you left the verandah at three o'clock, and you had to get your hats and boots and put them on?

A. Anderson went for the hats and we put them on on the side of the verandah, and I walked to my place of business.

Q. How long after you left the verandah was it before the encounter with Gordon took place?

A. It was immediately after; we were going down the street, and I was turning the corner when I heard Robert Campbell's gate slam, and I saw Gordon come out on the street; I told Anderson to go behind a telegraph pole, and I went and headed Gordon.

- Q. What were the words he used when you accosted him?  
 A. I told him he had criminal intercourse with my brother's wife; and he said: "I cannot help it; it was not my fault."
- Q. Did you not tell him he had attempted to seduce your brother's wife; were not these words used?  
 A. I did not tell him that he attempted to seduce her; I told him that he had had criminal intercourse with my brother's wife, and that I had watched him all the time.
- Q. Did you tell him you had heard his conversation with Mrs. Campbell?  
 A. No; I told him I had watched him all the evening.
- Q. Was he excited when you spoke to him?  
 A. No doubt he was a little excited, and he thought he was not going to go much further, and that is the reason why he acknowledged it.
- Q. What did he refer to; to his visit to your brother's wife, or any one else?  
 A. I understood that he had criminal connection with my brother's wife.
- Q. That is what you inferred from his remark?  
 A. That is what I inferred; he could not deny it himself.
- Q. That was the reason why you give this construction to his language?  
 A. No.
- Q. It is not; what is the reason?  
 A. I am giving the reason; I told him that he had criminal connection with my brother's wife.
- Q. You swear that you told him point-blank that he had had criminal connection with your brother's wife?  
 A. I swear point-blank that I told him he had criminal connection with her.
- Q. Has it not been sworn in the course of these trials, by various witnesses, that they heard this conversation, and that it was an entirely different conversation to that which you describe; I allude to the conversation on the sidewalk?  
*Petitioner's Counsel*—I object to it.  
*Chairman*—The names of these witnesses must be given.
- Q. In your own trial did not Wellington Adams, depose that his establishment is in Whitby, about seventy-five yards from the store of Mr. Campbell?  
*Petitioner's Counsel*—I object to this question.  
*Wife's Counsel*—Then, did you hear Wellington Adams give evidence at your trial?  
 A. Yes, I did.
- Q. Who is Wellington Adams?  
 A. He is a dentist in Whitby.
- Q. Dr. Adams, he is called there?  
 A. He is called Dr. Adams.
- Q. Did you hear him swear that you said: "You cannot deny it?" and that Gordon replied "You are a damned liar if you say so!" Did you hear anything of that kind?  
 No answer.
- Q. Did he deny the charge?  
 A. He did not.
- Q. He confessed it?  
 A. He confessed it.
- Q. Did Wellington Adams not swear that he heard Gordon say: "You are a damned liar if you say so."  
 A. Adams has given so many contradictory evidences.
- Q. That is not an answer. Did he say so at your trial, or not, that he had heard an entirely different statement from what you say?  
 A. There have been so many trials that I am confused about them. Allow me to explain, if you please.
- Dr. Adams sent in an affidavit into the Court of Queen's Bench, setting forth

that he had heard the whole conversation on that evening ; and that he had heard me make the charge, and that the words were——

At this point, the Counsel for the defence objected to the answer being continued.

The Defendant's Counsel then asked : Did you not on that occasion say to George Gordon : " You cannot deny it, George ?"

A. I have no recollection of that.

Q. You have no recollection of saying " You cannot deny it, George ?"

A. No.

Q. Do you recollect, that in reply to that, he said " You are a damned liar, if you say so."

A. No ; Gordon said nothing of the kind.

Q. Then if Adams or anybody else swears so, he swears what is untrue ?

A. He tells what is false and untrue.

Q. Did you hear any other person than Adams speak of that conversation, and of having overheard it at that trial ? Do you remember this ?

A. I heard Gross say there that he either heard the word fire, or liar ; but he did not know whether it was fire or liar.

Q. That was one thing ; and he heard something else, did he not ?

A. I have no recollection of anything else.

Q. Did you not hear Gross say anything else ?

A. I am not prepared to say I did : I do not recollect anything else, either fire or liar that was the only question I heard.

Q. Did he not tell you that he got out of bed on hearing these words " fire " or " liar " ?

A. I heard him say in giving his evidence, that he got out of bed ; he thought that there was a fire around town.

Q. Did you hear him say at what time of the night it was ?

A. He stated all times of the night.

Q. Did he deny that it was three o'clock at night ; but, on the contrary, say that it was one o'clock ?

A. I do not know whether he denied it or not, he wandered so much in his evidence.

Q. At the time of this particular conversation or colloquy with Gordon, you say that it was not many minutes after three o'clock ?

A. I should say that it was from five to eight minutes after, it cannot have been much more.

Q. How long did it last ?

A. I do not suppose that it lasted over two or three minutes.

Q. Where did Gordon go, and where did you go after the termination of this conversation ?

A. I went into the shop and Gordon went down south ; I did not look which way he went.

Q. You are in partnership with your brother in business, are you not ?

A. I am.

Q. Do you hold land together ?

A. Yes, we do.

Q. Have your wives dower, under the law, in these lands ?

A. It is customary, I think, for wives to have dower.

Q. Therefore, you know that Mrs. Campbell has dower in your land ?

A. I know that my wife has dower in my land.

Q. She would have dower, also, would she not ?

A. I do not know.

Q. Do you own a good deal of land through the country ?

A. I do not know what you would call a good deal.

Q. What do you call a good deal ; you own several farms or pieces of land do you not ?

- A. Do you wish me to give a statement of my affairs?
- Q. I want generally to know whether you own a good deal of land in that part of the country—of Ontario?
- A. I might say that we own a wild farm, without any clearing on it—a wild farm.
- Q. Do you own a tame one?
- A. No; we do not.
- Q. Do you own any village lots?
- A. I have village lots; we have property privately, and we have property in co-partnership.
- Q. Which have you most of; is not most of the property held in co-partnership?
- A. Yes; most of the real estate.
- Q. But your belief and impression is that Mrs. Campbell, the defendant in this case, has right of dower?
- A. I have no idea about it.
- Q. What is in your mind?
- A. My impression is—I may be wrong—that my wife has no right to sign to dower in partnership property, but I think that it is necessary to sign for private property; I may, however, be wrong.
- Q. Have you been so advised?
- A. I have not been advised, but I have always understood so.
- Q. Do you mean to say in selling your partnership property you have never asked your wife to sign the deed?
- A. I don't know that I ever sold any.
- Q. The question has never come up, then, practically?
- A. I don't recollect; we may have sold some property.
- Q. Don't you know this has been a subject of discussion all along with Mrs. Campbell?
- A. I have never heard the thing discussed before; we have never discussed it.
- Q. That is your evidence?
- A. As far as I can recollect, it is.
- Q. You have never taken legal advice on the subject?
- A. I have never done so.
- Q. Have you ever heard that your brother asked legal advice?
- A. I have never heard that he did.
- Q. Then your desire to procure a divorce is not for this reason?
- A. I have merely come here as a witness; I have no interest in the matter.
- Q. You have never shown any zeal in the matter?
- A. I have never given any evidence except when asked to do so.
- Q. You have never volunteered any evidence?
- A. Never; except to give information to her father and brother.
- By Mr. Walker:—*
- Q. There was a verdict against you in a trial?
- A. Yes; for \$1,000.
- Q. Was a new trial moved for?
- A. My Counsel, Mr. Harrison (now Chief Justice of Ontario), moved to arrest the verdict or have a new trial.
- Q. Was there a new trial granted?
- A. Yes; a new trial was granted without costs.
- Q. Have they ever proceeded with the trial since?
- A. Never.
- Q. When did this take place?
- A. I think it was in the spring of 1874.
- Q. When you went past the east end of the house for the purpose of getting that stick, in the early part of the evening, was there a walk there?
- A. Yes.

- Q. What is it covered with ?  
 A. Coal finders, pebbles and one thing or another.
- Q. Did that walk pass under the window of the room occupied by Jane New-  
 som ?  
 A. It did.
- Q. What real estate have you ?  
 A. As far as I can recollect, it was a wild lot; our shop, the Glasgow Ware-  
 house, and the Ontario Block.
- Q. What is the value of your property ?  
 A. We paid \$4,400 for the place we occupy; \$6,000 for the other place. We  
 own another house and lot in partnership worth about \$600; the wild lot is worth,  
 say \$1,000. There may be some other valueless lots. There are some water lots at  
 the Bay, but they are of no value, and I don't know whether they are the property  
 of the partnership or of my brother.
- Q. You state you never consulted any lawyer with reference to Mrs. Campbell  
 having dower in this property ?  
 A. I never consulted any lawyer on the subject.
- Q. At the trial in Toronto, Mrs. Campbell and George Gordon gave evidence ?  
 A. Yes.
- Q. They gave evidence on other trials ?  
 A. Not on the criminal trial ?
- Q. They did in the Chancery trial ?  
 A. Yes.
- Q. They had the same witnesses as on the slander trial ?  
 A. Yes.
- Q. Do you know was there an application for a new trial in the *crim. con.* case ?  
 A. Yes.
- Q. What became of it ?  
 A. The application was refused.
- By Mr. McDougall :—
- Q. Do you mean to say that the Rev. Mr. Byrne was a witness in the Chancery  
 case ?  
 A. It is my impression he was.
- Q. And you undertake to say all these witnesses in your case were in that case  
 too ?  
 A. As far as my memory serves me they were.
- Q. Was John McGillivray there ?  
 A. I think he was.
- Q. Was Jane Davidson there ?  
 A. Yes.
- Q. In the new trial that was granted without costs, have no steps been taken to  
 go further with it ?  
 A. I have never heard of any. My lawyer has not told me of any.
- Q. In whose name was that action brought ?  
 A. My brother was joined with it, but she had to give me security for the costs.
- Q. And she would have to give you security for costs for the further trial  
 applied for ?  
 A. I am not prepared to say.
- Q. Don't you know she would have to do it ?  
 A. I do not.
- Q. Don't you know she can't do it ?  
 A. I don't know anything about it.
- Q. You don't know she is perfectly penniless ?  
 A. I don't know anything about it.
- Q. What do you think about it ?  
 A. I don't think anything about it.

- Q. You were talking about a \$4,000 building you purchased.  
 A. Yes.  
 Q. Was it one story high when you bought it?  
 A. Yes.  
 Q. How high is it now?  
 A. It is three stories high, but it is wood work with brick outside.  
 Q. It is a much more valuable building, and yet you attempted to lead the Committee to believe it was worth only \$4,000.  
 A. We have had it a long time.  
 Q. What would you sell it for?  
 A. I am not prepared to say, because I don't know.

*By Mr. Walker :—*

- Q. Is this security you speak of in the court now?  
 A. It is at Osgoode Hall.  
 Q. And it is to stay there until the thing is settled?  
 A. Yes.

JAMES CAMPBELL.

Mr. JOHN ANDERSON was then called, sworn, and examined by *Mr. Alexander Fraser McIntyre*, Barrister, as follows :—

- Q. Where do you live, Mr. Anderson?  
 A. At Whitby.  
 Q. What is your occupation?  
 A. Butcher.  
 Q. How long have you been engaged in that trade?  
 A. About five years.  
 Q. What was your occupation preceding?  
 A. Farmer.  
 Q. Do you know the petitioner in this case?  
 A. Yes, sir.  
 Q. Do you know Mrs. Robert Campbell?  
 A. I do.  
 Q. How long have you known her?  
 A. Personally about a year before Mr. and Mrs. Campbell were married.  
 Q. Have you known her intimately since?  
 A. Yes.  
 Q. Were you a frequent visitor at her house?  
 A. Yes.  
 Q. How frequent?  
 A. I cannot say.  
 Q. As frequent as once a month?  
 A. I think I was there once a week.  
 Q. What relation are you to Robert Campbell?  
 A. Brother-in-law.  
 Q. Do you know George Gordon?  
 A. I do.  
 Q. How long have you known him?  
 A. From 25 to 30 years.  
 Q. Were you in the habit of seeing him during the summer of 1873?  
 A. Yes.  
 Q. Were you at Robert Campbell's, in Whitby, on the 26th August, 1873?  
 A. I was.  
 Q. How did you happen to go there?  
 A. At the instance of James Campbell.



- Q. The last witness?
- A. Yes.
- Q. What did he say at that time?
- A. He told me that George Gordon was in the house with Mrs. Campbell.
- Q. What did you do when you and James Campbell got to Robert Campbell's place?
- A. We went into the front yard and took off our hats and boots and went up to the west window of the parlor.
- Q. At what portion of the house is the west window of the parlor?
- A. The south-west corner.
- Q. How long did you remain there?
- A. About ten or fifteen minutes.
- Q. What occurred during the time that you remained there?
- A. James Campbell asked me if I could recognize the parties in the room; I told him I could recognize Mrs. Robert Campbell's voice but not the man's.
- Q. What occurred then?
- A. In a short time I recognised the voice of the man as being that of George Gordon.
- Q. Did you hear anything while James Campbell and you were at the window?
- A. No; nothing.
- Q. What became of James Campbell?
- A. He left me and went up on the verandah.
- Q. Do you know where he was stationed at that time?
- A. At the south-west window on the south side.
- Q. How do you know that?
- A. From frequently seeing him there.
- Q. Do you know what sort of a night it was?
- A. A clear, calm, starlight night.
- Q. Do you know who was the servant at that time at Robert Campbell's house?
- A. Jane Newsome.
- Q. Do you know whether she was in the house that night?
- A. Personally, I do not; I did not see her there.
- Q. Do you know when she went to bed that night?
- A. About twelve o'clock.
- Q. How do you know that?
- A. She went up before I looked at the time, and when I looked at the time it was before half-past twelve o'clock; she went up half an hour before that, more or less.
- Q. How do you know?
- A. By seeing the light going up stairs.
- Q. What transpired after half-past twelve?
- A. I heard Gordon make the remark: "You are getting stout."
- Q. Did Mrs. Campbell make any reply to that?
- A. "Young men should not take notice of those things."
- Q. Did Gordon make any reply to her?
- A. He said: "I always do."
- Q. Did you hear any further remarks at that time?
- A. I heard Mrs. Campbell say "she was going to California and would not go unless he went with her."
- Q. Did Gordon make any reply?
- A. I heard no reply.
- Q. Did you hear any further conversation about that time?
- A. I heard Gordon ask: "What is this?"
- Q. And what was her reply?
- A. "It is my navel."
- Q. What was the next conversation you heard?
- A. I heard Mrs. Campbell say: "You may put it in half way."

- Q. What was the reply to this?
- A. He said: "Why?"
- Q. And what answer did she give to that?
- A. "It hurts me."
- Q. What occurred next?
- A. An interval of silence, and then laughter.
- Q. What transpired then?
- A. James Campbell had gone for a stick to break in the window; and when he came back I persuaded him not to do so, as I told him they had got through.
- Q. Did you hear any further conversation during the evening?
- A. I did.
- Q. Between Mrs. Campbell and George Gordon?
- A. Yes.
- Q. What was the next thing you heard?
- A. George Gordon said: "Put your arms round me and let me stretch you out."
- Q. Did she make any reply to that?
- A. No reply to that.
- Q. What did you hear next?
- A. I heard Mrs. Campbell crying.
- Q. Did you hear anything further?
- A. Gordon asked: "What are you crying for—what is the matter with you?"
- Q. And what reply did Mrs. Campbell make?
- A. There was no reply.
- Q. What occurred then?
- A. A short interval of silence, and then laughter.
- Q. Did anything occur about this time?
- A. Campbell was going to break in the window again, but I persuaded him not to do so, as it would alarm the neighborhood, make a noise, and do no good.
- Q. Besides what you have told us, did you hear any further conversation?
- A. I heard Mrs. Campbell on one occasion say: "Kiss me;" and I heard Gordon frequently say: "Let me do it;" on one occasion when he said: "Let me do it," he said "he was crazy for it."
- Q. Did she make any reply to Gordon's importunities?
- A. She said she did not want to.
- Q. At the time of this first conversation you have related, and before James Campbell was about to break in the window the first time, do you know the position of Mrs. Campbell and George Gordon in the room?
- A. I suppose they were on the sofa.
- Q. Why did you suppose so?
- A. From the arrangement of the furniture and the sound of their voices.
- Q. Where was the sofa situated?
- A. Near the north-west corner of the room, on an angle from the window towards the fireplace.
- Q. How long did you remain at Robert Campbell's house that night?
- A. From between nine and ten until three o'clock in the morning.
- Q. Why did you leave?
- A. We left to go down to Mr. Campbell's place of business.
- Q. Why did you leave at that hour of the night?
- A. I was very cold and chilly, and I asked him if he had any brandy at his house; he said he had not, but he had some whiskey down at the shop, and if I liked we would go down and get some.
- Q. Where did you go to then?
- A. We went down to Mr. Campbell's store.
- Q. Did you go there direct?
- A. Not directly; we went as far as the corner of Brock and Dundas streets; as we got down there we heard a noise as if the gate was shutting and immediately after a step coming down the sidewalk; we remained until he came up.

Q. Who did that party turn out to be ?

A. George Gordon.

Q. What occurred then ?

A. Mr. Campbell walked across the street after calling him by name and putting his hand on his shoulder, he told him he was a black-hearted scoundrel, a dyed villain, and had been in his brother's house from nine o'clock until three in the morning, and he had criminal intercourse with that woman this night.

Q. What did Gordon say to Mr. Campbell ?

A. He said something, all of which I did not recognize, but I heard the words, "It is not my fault; I could not help it."

Q. Did any other conversation pass between them ?

A. At this time James Campbell was unlocking his shop door, and as we passed in Gordon made some remarks.

Q. What were the remarks ?

A. He said: "James Campbell, you're a damned shit-arse for watching."

Q. What did you do then ?

A. We went into the store and remained a few minutes; we had a glass of whiskey and then went back to Robert Campbell's house.

Q. What did you do then ?

A. James Campbell called to Mrs. Campbell; the light was in her bedroom at that time; he called her repeatedly to come to the window, but she refused to speak.

Q. Did she come ?

A. She did not.

Q. What did you do then ?

A. I assisted James Campbell to put a ladder up to the window, and as he was going up the light was put out. He rapped repeatedly on the window and called her that he wished to speak with her.

Q. Did she respond ?

A. She did not.

Q. What happened then ?

A. He told her there was no use in foxing; he had watched her and Gordon and overheard her criminal conversation since nine o'clock, and it was now past three, and he would report her to his brother in the morning.

Q. What did you do then ?

A. We replaced the ladder and then left; James Campbell asked me to be sure of the time, and I turned my watch under the blind so that I could see the time.

Q. What was the character of the blinds on Robert Campbell's house on the outside ?

A. They were Venetian blinds with stationary slats.

Q. Are they wide apart or close ?

A. They are not very wide or very close.

Q. Is the angle a very large one ?

A. It is beneath the horizontal.

Q. Could you see through the blinds and distinguish persons who were there that night ?

A. I could see nothing.

Q. What terms had you been on with Mrs. Campbell up to this time ?

A. On very friendly terms.

Q. Do you know James Campbell very well ?

A. Yes.

Q. Do you know that he occupies any position in the municipality ?

A. He was a member of the County Council one time.

Q. How far were you from James Campbell, during the evening of the 26th, when you were watching at the window ?

A. Perhaps five feet, more or less, between the windows.

Q. Do you know whether the voices of Mrs. Campbell and George Gordon were louder, or otherwise, after the servant retired ?

- A. They were louder.
- Q. What sort of a voice has George Gordon ?
- A. A strong, powerful voice.
- Q. How large a man is he ?
- A. I should say about five feet eleven inches, and he weighs 200 pounds or upwards.
- Q. Could you see, during the night, any shadows on the wall inside ?
- A. I saw Gordon get up to leave; I saw the shadow pass between the window and the light.
- Q. At the time Gordon got up to leave, did you hear any conversation between him and Mrs. Campbell ?
- A. I did not, more than : " Come back ! "
- Q. Did he attempt to leave more than once ?
- A. Three different times.
- Q. Did you hear any noises in the evening in the room, and if so, what was the character of it ?
- A. No more than a movement of the furniture and rustling of dress.
- Q. At what time did you hear these movements ?
- A. I cannot say what time in the course of the evening ; I think the first time was between 12 and 12:30 o'clock.
- Q. Was any conversation going on at that time ?
- A. There was the first time, when he asked : " What is this ? " And she said : " This is my navel. "
- Q. Was any conversation going on at the second time of the movements of the furniture ?
- A. There was ; Gordon asked Mrs. Campbell to put her arms around him and let him stretch her out.
- Q. Was the crying out at that time ?
- A. Yes.

*Cross-Examined by Mr. McDougall :—*

- Q. You say you were a frequent visitor at Campbell's house before this occurred ?
- A. Yes ; I visited there, I think, weekly—on Sunday afternoons.
- Q. Did you observe Mrs. Campbell's habits ?
- A. I did not.
- Q. Did you see her on the streets frequently ?
- A. Yes ; frequently—sometimes two or three times a week.
- Q. There was nothing unusual in her going on the streets ?
- A. No.
- Q. I suppose she had friends, and was in the habit of going to see them ?
- A. I don't know ; I suppose she did.
- Q. Was there anything peculiar in her habits in that respect over other women ?
- A. No.
- Q. You are not in the habit of visiting on social terms anywhere ?
- A. I am not ; I visit nowhere.
- Q. Was your wife on social terms with Mrs. Campbell ?
- A. I don't know.
- Q. Mrs. Campbell was a pleasing person in her manner, was she not ?
- A. Yes.
- Q. You know she was accomplished in music, and could sing very well ?
- A. I have heard that said, but I cannot judge myself, as I don't know one tune from another.
- Q. Well, you know she had the reputation of being a good singer, and people went there to hear her sing ?
- A. I cannot say.
- Q. Did you hear any singing on this night ?
- A. I did not.

- Q. You swear that ?  
 A. I swear positively there was no singing or music in that house that night while I was there.
- Q. Then, if I brought witnesses to swear there was music and singing in that house on that night, you would say they were swearing falsely ?  
 A. If you bring witnesses to swear that, they will swear what is not true.
- Q. Did you hear any rumor of Mrs. Campbell's misbehaviour herself before James Campbell came to your place to ask you to go and watch with him ?  
 A. I did. On the Sunday evening previous Mr. Robert Campbell told me that he had intercepted a letter that came into his possession from a Mr. Parks which gave him reason to doubt the fidelity of his wife, and he was going to remove his children and come back and investigate the matter.
- Q. That he had reason to suspect the fidelity of his wife, and would remove his children, when ?  
 A. On the Monday.
- Q. And what then ?  
 A. He would come back and investigate the matter.
- Q. Did he say when he would come back ?  
 A. He did not.
- Q. Did he indicate whether it would be a long or a short period before he should return ?  
 A. He did not say.
- Q. Did he give you any instructions to do anything in his absence ?  
 A. I asked him if it was necessary to watch the house, and he said : " You may do so."
- Q. Were you the person to suggest that ?  
 A. I am not sure.
- Q. Why did you suggest watching the house ; was Parks in the neighborhood ?  
 A. Not to my knowledge.
- Q. Did you know where he was ?  
 A. I did not.
- Q. Did you hear Mr. Campbell say where he was ?  
 A. I did not.
- Q. Did he not say the letter was dated Concord ?  
 A. He did not.
- Q. Did you hear anything about Concord ?  
 A. I did not.
- Q. Did you see the letter ?  
 A. No.
- Q. He did not show it you ?  
 A. No.
- Q. And you did not ask where the letter came from ?  
 A. I did not.
- Q. And he said nothing about it ?  
 A. No.
- Q. He neither said where it came from, nor did you ask ?  
 A. Not that evening.
- Q. When did he tell you ?  
 A. That was on Sunday evening.
- Q. When was the next time the letter was referred to ?  
 A. I cannot say.
- Q. Can you say that it was referred to at all ?  
 A. Not further on that evening.
- Q. Not until Mr. Campbell went away ; that is your evidence, is it ?  
 A. I do not swear to it.
- Q. Recollect—was it, or was it not ?  
 A. I cannot say.

- Q. Did you suggest watching the house in order that you might intercept persons as well as letters; was that your idea?
- A. I merely asked Mr. Campbell or he told me, I forget which.
- Q. What was the object?
- A. I cannot say what the object was.
- Q. You cannot say why you were to watch the house?
- A. No.
- Q. You were not afraid of letters going into the house?
- A. I had nothing to do with the house.
- Q. What were Mr. Campbell's reasons for having the house watched?
- A. He gave no reason.
- Q. You were simply to watch the house; were you afraid it would run away?
- A. No.
- Q. Were you afraid she would run away from the house?
- A. I think not.
- Q. Were you afraid some one would run into the house?
- A. I don't know anything about it.
- Q. You swear he gave you no instructions as to why the house should be watched?
- A. He did not.
- Q. Did he tell you to go near the house?
- A. No.
- Q. Or look into the windows?
- A. No.
- Q. He simply said watch the house?
- A. Yes.
- Q. Are you quite sure he told you to watch the house before the 26th August?
- A. He told me on the Sunday evening.
- Q. You swear to this?
- A. Yes.
- Q. Therefore, when James Campbell came to you on the 26th and asked you to watch the house you were already prepared?
- A. I was not going there that evening; I went round the front of the house on Tuesday evening.
- Q. You did a little private watching on your own account?
- A. I was simply on the sidewalk and not on the grounds at all.
- Q. What did James Campbell say to you at first?
- A. He told me that George Gordon was in the house with Mrs. Campbell, and he wanted me to come up and see what was going on.
- Q. You are quite sure that was the expression?
- A. Yes.
- Q. What did you say?
- A. I had the lantern in my hand, and I put it down and went with him.
- Q. You did not say anything to him?
- A. I do not think I spoke to him when in the house; I may have spoken when we were going up.
- Q. You went off at once on his suggestion to watch the house?
- A. I did.
- Q. And had no conversation with him before?
- A. No.
- Q. Therefore, when he made the suggestion it had no reference to any previous conversation with him?
- A. None whatever.
- Q. You expressed no surprise at this request of his?
- A. I did not.
- Q. But went away at once without any question?
- A. At once.
- Q. Did you not have a little conversation going up the street?

- A. Very likely  
 Q. Do you remember it positively?  
 A. I cannot say.  
 Q. Why should the fact of Mr. Gordon being in the house excite your curiosity?  
 Had anything occurred with Mr. Gordon before?  
 A. Nothing.  
 Q. No impropriety with Gordon had reached your ear?  
 A. None, whatever.  
 Q. It was merely the fact of Gordon being in the house that induced you to go?  
 A. And from what Mr. Robert Campbell told me the Sunday before?  
 Q. What did he tell you?  
 A. Having received letters from Parks.  
 Q. Anything about George Gordon?  
 A. Nothing.  
 Q. And up to the time you went with James Campbell, you had heard nothing  
 and were told nothing with reference to George Gordon and Mrs. Campbell?  
 A. That is what I swear.  
 Q. You cannot remember exactly what was said on the way up?  
 A. I cannot.  
 Q. Something was said?  
 A. Very likely.  
 Q. About why George Gordon should be there?  
 A. Not that I know of.  
 Q. Was there any suggestion as to the fact that George Gordon being in the  
 house was extraordinary?  
 A. Not while we were going up.  
 Q. When you got to the gate, what did you do?  
 A. We went into the front gate, and when inside we took off our hats and boots.  
 Q. Who suggested that?  
 A. I do not know whether it was Campbell or myself.  
 Q. What reason was given for taking them off?  
 A. Not to make a noise.  
 Q. Why were you afraid of making a noise? The house would not be alarmed at  
 it?  
 A. I cannot say what was the object, I suppose it was not to make a noise about  
 the house.  
 Q. There was no discussion between you as to the necessity of going very quietly  
 and endeavoring to surprise somebody?  
 A. Not that I am aware of.  
 Q. If you suggested taking off your boots it was in order that no noise should be  
 made?  
 A. Yes.  
 Q. Why?  
 A. I cannot say.  
 Q. You never took off your boots before, when you were going there?  
 A. I never did.  
 Q. Why did you take them off on this occasion then?  
 A. I did not go there with the intention of going into the house; I went there  
 to see what the young man was doing there.  
 Q. You went there to see, what he was doing—did you suspect, that he was  
 doing anything improper, that required any watching with your boots off?  
 A. From the fact, that Campbell suspected another person.  
 Q. Another—Parks? that was the only reason?  
 A. Yes.  
 Q. He suspected somebody, and because Gordon happened to be there that night,  
 you went up?  
 A. Yes.

Q. What was the time?

A. Between nine and ten o'clock.

Q. That is not an extraordinary hour for people to be visiting at other people's houses?

A. It is not.

Q. Was there anything in the circumstance to excite any suspicion in your mind?

A. Not at that time.

Q. But still you took off your boots, in order to go up to the house quietly?

A. Yes.

Q. You expected to find something?

A. Yes.

*Counsel,—Proceed!*

*Witness,* After taking off our hats and boots, and before we went up to the house, Mr. Campbell said, that there were rumors about Gordon being too frequently there.

Q. Then he disclosed to you that there had been rumors with respect to Mr. Gordon, and said, that you were to find out what they were about?

A. I think that those were the words.

Q. You say, that when you went up to the window, you expected to hear something wrong? you thought, that mischief was going on?

A. I did not know whether there was mischief going on, or not, I went to see what was going on.

Q. But you anticipated mischief?

A. I cannot say that I did.

Q. You are not in the habit of going to other people's houses, with your boots off, and watching at the windows?

A. I am not.

Q. But on this occasion, you did and you expected to discover some misconduct?

A. James Campbell told me of the rumors.

Q. And then it suddenly flashed on your mind, that there was something wrong going on, and that you must catch it without fail?

No answer.

Q. Did you listen all the time after you went there?

A. I did not; I frequently moved about.

Q. But you occasionally did listen?

A. Yes.

Q. In order to hear something?

A. Yes.

Q. Did you hear anything that excited your suspicions up to twelve o'clock?

A. Nothing.

Q. Did you hear any singing?

A. No.

Q. Did you hear any talking?

A. Yes; talking.

Q. You did hear talking?

A. Not sufficient to make sense of, however.

Q. But at a certain time of the night you did hear something that seemed to have sense about it?

A. Yes.

Q. What time was that?

A. It was after twelve—between twelve and half-past twelve o'clock.

Q. Where were you standing then?

A. At the west window?

Q. Where was James Campbell?

A. At the south-west window.

Q. And you say that you were about five feet apart?



A. About that.

Q. Look at that plan and say how far you were from the corner of the south-west window ?

A. I cannot say how far the corner is from the south-west window, but it is a short distance; you can step from the window one step and look around the corner of the house.

Q. You were standing at the west window, and, after half-past twelve, you heard a remark which struck you in a peculiar manner—indicating that something was wrong ?

A. Yes.

Q. What was that remark ?

A. He remarked: " You are getting stout."

Q. Were you astonished to hear that remark made ?

A. I was.

Q. Had you seen Mrs. Campbell recently ?

A. I had—on the Sunday previous.

Q. Was she stout ?

A. She was pregnant at the time.

Q. So that anyone could observe it ?

A. Yes.

Q. She was considerably larger than in her ordinary condition ?

A. Yes.

Q. When he said: " You are getting stout," did you listen to hear what the reply was ?

A. She said: " Young men should not take notice of these things."

Q. What followed ?

A. " I always do," he replied.

Q. Did that astonish you ?

A. It did.

Q. What was the next remark ?

A. " I am going to California."

Q. Was this immediately after ?

A. There was an interval of conversation that I didn't hear; this took place immediately after.

Q. Had you gone away from the window during that interval ?

A. Possibly I did; I can't say whether I went away or not, but I did not hear it.

Q. What was the remark you heard ?

A. She said " I am going to California and I will not go unless you go with me."

Q. Another witness says the first remark was " I want you to take me to California."

A. I cannot say what another person heard.

Q. What did he reply ?

A. He made no reply.

Q. Then if another person swears he did make another reply it could not be the same conversation that you heard ?

A. I do not know.

Q. You cannot account for it ?

A. I cannot say.

Q. Were you at the window still, or is it possible that it is because you went away from the window ?

A. I don't know.

Q. That was the first remark you heard ?

A. Yes.

Q. You were nearer the sofa when this took place than James Campbell was ?

A. Yes.

Q. Was there any reason why you should not hear as well as James Campbell ?

A. There was no reason why I should not.

- Q. The shutters were all closed ?  
 A. Yes.  
 Q. What was the next conversation you heard ?  
 A. Gordon said: "What is this ?"  
 Q. Where were they then sitting ?  
 A. On the sofa.  
 Q. What was the reply ?  
 A. "My navel."  
 Q. Was it said in an ordinary tone of voice ?  
 A. Yes.  
 Q. Is her voice a very loud, clear voice ?  
 A. It is very clear.  
 Q. Then she said in clear ringing tones, "my navel," so that you could hear it ?  
 A. No; it was in an ordinary tone.  
 Q. Then there was no further conversation about the navel ?  
 A. No.  
 Q. Did you hear him say anything about her breasts ?  
 A. I did not.  
 Q. Then, if there was a remark made about the breasts at the time the navel was mentioned, you did not hear it ?  
 A. No.  
 Q. Can you explain why you did not hear it ?  
 A. After the navel, I heard Mrs. Campbell say "you may put it in half-way."  
 Q. Then if she was speaking of an instrument on the parlour table for looking at pictures through, it might have applied to that ?  
 A. I cannot tell.  
 Q. You gave the worst interpretation to it ?  
 A. These were the words that were used.  
 Q. And you inferred that it was improper sexual connection ?  
 A. Yes.  
 Q. Was there no reason given why it should be only half way ?  
 A. No; he made no remark; he simply said "why."  
 Q. Was this the first occasion; when James Campbell had gone for the stick ?  
 A. Yes.  
 Q. Did she make any remark when he said "why" ?  
 A. Yes; she said "it hurts me."  
 Q. This was the first time ?  
 A. Yes; this was the first time.  
 Q. Then there was laughter ?  
 A. After an interval of silence with the exception of movements, such as rustling of dress and moving of a chair or the sofa.  
 Q. Was that before Campbell passed you ?  
 A. I think after he was gone for the stick.  
 Q. Before he came back did the rustling cease.  
 A. It did.  
 Q. When he came back did you speak to him ?  
 A. He said he was going to break in the window; but I said there was no use as they had got through.  
 Q. Did he say anything to you as he was passing for the stick ?  
 A. He told me he was going to get a stick.  
 Q. Did you say anything to him ?  
 A. I might have done so; but I do not recollect.  
 Q. After they had got through you heard laughter; before they got through did you hear any crying ?  
 A. Not at that time.  
 Q. How long an interval elapsed before you heard anything more ?

A. Perhaps half an hour, more or less; there was some conversation but I did not pay much attention to it, possibly I was away from the window.

Q. You went away and came back then, and by accident heard something more that attracted your notice; what was that?

A. I heard Gordon ask Mrs. Campbell to put her arms around him and let him stretch her out.

Q. Did she assent to that?

A. There was no reply one way or the other.

Q. You said in your examination in chief you heard her cry; what was it for, was it because she was stretched out too much?

A. I cannot tell.

Q. What kind of a cry was it, did she burst out in excitement or was it mere snivilling in a suppressed way?

A. No; as if she was in pain, she was crying just like a child making a noise.

Q. How long did the crying continue?

A. A very short time, perhaps for a moment or a quarter of a minute.

Q. How long after the crying did you hear her laughing?

A. About half a minute.

Q. What kind of laughing was it?

A. It was ordinary laughing.

Q. Did you hear any remark made?

A. I did not.

Q. Did you hear any question as to why she was laughing or crying?

A. Gordon asked her "What are you crying for; what is the matter."

Q. That was before she laughed and whilst she was crying?

A. Yes, sir.

Q. What did she say?

A. No reply.

Q. Did the crying continue?

A. There was an interval of silence and then laughter.

Q. Did you hear any crying after that question was asked?

A. It ceased.

Q. And presently there was laughter?

A. Yes.

Q. What we are speaking of now is the second occasion?

A. Yes.

Q. Had Campbell broken in the window or proposed to do it before that?

A. He proposed to do it before that.

Q. Did he propose it more than once?

A. At that time.

Q. I am speaking of the second. Did he propose breaking in when this crying and laughing took place?

A. He did.

Q. And you interposed again?

A. I did.

Q. And restrained him?

A. Yes.

Q. On the ground that it would wake up the neighbors?

A. Yes; and that it would do no good.

Q. Did it occur to you that it would be the best evidence to break in the window and catch them in the act?

A. I did not think so.

Q. You did not think that was the best evidence?

A. No, sir.

Q. Was there any discussion as to the propriety of proving actual criminality?

A. I told him to let the matter rest until Robert Campbell came back, and let him take such steps as he might think fit.

- Q. Then you had a little conversation as to the *modus operandi* ?  
 A. That is all, I think.  
 Q. Did you discuss the question as to breaking in and catching them in the act ?  
 A. I did not.  
 Q. That did not occur to you ?  
 Q. It did not.  
 Q. It seemed to occur to Campbell by his getting the stick ?  
 A. He got the stick certainly.  
 Q. And you with greater caution advised him not ?  
 A. I did.  
 Q. What was your reason ?  
 A. Because I could not see any good it would do.  
 Q. Do you mean to say you could not see the advantage of catching them in the act ?  
 A. Not by breaking in the window.  
 Q. Do you not think the evidence would be complete then ?  
 A. They would have had abundance of time to arrange themselves.  
 Q. But a man could go through a window in two seconds, and they would be in dishabille, or, at all events, he would. That did not occur to you ?  
 A. It did not.  
 Q. And you did not discuss that mode of proving it ?  
 A. I did not.  
 Q. And Mr. James Campbell yielded readily to your suggestion ?  
 A. He did.  
 Q. And you did not break in the window and did not see them ?  
 A. We did not.  
 Q. You could not see through the window ?  
 A. I could see on an angle.  
 Q. Not in a direct line ?  
 A. No.  
 Q. The slats were on an angle ?  
 A. Yes.  
 Q. That was the case with both windows ?  
 A. All the shutters were alike.  
 Q. Then, if any one swears he could see through in a direct line he must be mistaken ?  
 A. Yes.  
 Q. You looked through those slats in order to ascertain whether you could see anything ?  
 A. I did.  
 Q. And found it impossible ?  
 A. I did.  
 Q. Did you go on the verandah that night ?  
 A. I did not.  
 Q. Did you look through the front windows ?  
 A. I did.  
 Q. Could you see anything through them ?  
 A. I could see the side door.  
 Q. How could you see that ?  
 A. By looking upwards.  
 Q. You could see the top of the door ?  
 A. Yes.  
 Q. And not the bottom ?  
 A. No.  
 Q. Could you see the knob of the door ?  
 A. No.  
 Q. That was on a level with your eyes and you could not see it ?

- A. I could not.
- Q. After these two occasions you say you heard something about some one being crazy ?
- A. Yes.
- Q. Who used the expression first ?
- A. Gordon.
- Q. How did it come in ?
- A. He said : " Let me do it ; come, come, let me do it ; I am crazy for it."
- Q. What time was that ?
- A. That was after two o'clock.
- Q. Did he say for what he was crazy ?
- A. He did not.
- Q. You inferred again this had reference to criminal intercourse ?
- A. Yes.
- Q. And that he wanted it the third time ?
- A. Yes.
- Q. That surprised you a little ?
- A. No ; it did not.
- Q. You are a married man, are you not ?
- A. Yes, sir.
- Q. And it did not surprise you that within a short time this man should want it three times ?
- A. It did not.
- Q. Not when this woman was five months gone in the family way ?
- A. It did not.
- Q. And so large as to attract attention ?
- A. Yes.
- Q. And he was still crazy for it ?
- A. Yes.
- Q. What did she say ?
- A. She refused.
- Q. She refused ?
- A. Yes, after two o'clock.
- Q. But why did she refuse ; she made some remark ?
- A. She said : " I do not want to."
- Q. And did he repeat anything ?
- A. He repeated that frequently.
- Q. And she still replied ?
- A. " No, no."
- Q. Every time when he urged it she said : " No, no " ?
- A. Yes.
- Q. Did you hear him saying anything about wanting to go away ?
- A. Yes ; between two and three.
- Q. You not only heard him say he was crazy, but at the same time wanted to go away ?
- A. He said he would go away, and got up to leave.
- Q. Did he give any reason for going ?
- A. None whatever.
- Q. How do you know he got up to leave ?
- A. He said he was going, and his shadow passed between the lamp and the window.
- A. Did you hear him go to the door ?
- A. I did not.
- Q. You did not hear him say anything as to his reason for leaving ?
- A. I did not.
- Q. If he had said he wanted to go home for a few hours rest, you would have heard that ?

- A. I would.
- Q. But you did not hear that?
- A. I did not; I was not at the window after he said he would go; I passed round to the front of the house in order to intercept him coming out.
- Q. He did not come?
- A. He did not.
- Q. Did you go back to the window?
- A. I did.
- Q. What did you hear then?
- A. I heard him on three occasions get up to leave in the same way.
- Q. And you heard no further conversation of a criminal kind?
- A. I heard Mrs. Campbell say on one occasion: "You may kiss me."
- Q. When was that?
- A. Between two and three.
- Q. After getting up to leave?
- A. I cannot say.
- Q. You can't fix the time?
- A. No.
- Q. Did she say "You may kiss me?"
- A. "Kiss me."
- Q. Then she invited him?
- A. Yes.
- Q. Did you hear them kissing all the evening?
- A. I did not.
- Q. You heard nothing of that kind?
- A. I did not.
- Q. Nor any remark about kissing?
- A. I did not.
- Q. But when he was going away you heard her say "Kiss me?"
- A. I cannot say whether he was going away then or was sitting on the sofa.
- Q. I should like you to be accurate; did you hear any kiss then?
- A. I did not.
- Q. Did anything else occur while you remained at the window; we have got now to his rising three or four times to go away; did anything else attract your notice?
- A. Nothing in particular.
- Q. Did you hear her invite him to stay there all night?
- A. I did not.
- Q. And you do not remember any other remark after this time?
- A. Not that I remember.
- Q. What induced you to go away at that time?
- A. I felt cold and damp and chilly, and asked Mr. Campbell if he had any brandy at the house.
- Q. Mr. Campbell did not suggest you should leave?
- A. He did not.
- Q. Did he suggest you should stay?
- A. He did.
- Q. To watch further; did he give you any reason?
- A. To intercept his coming out.
- Q. To catch him on the premises?
- A. Yes.
- Q. He assented to your proposition to get some whiskey?
- A. He did.
- Q. And went with you?
- A. Yes.
- Q. And you did not come back again until your interview with Gordon?
- A. No.

Q. When Gordon came down where were you standing ; were you near him, when Campbell put his hand on your shoulder ?

A. I was within ten or twelve feet.

Q. Which side of the street were you on ?

A. On the same side as he was.

Q. Standing in the road, or on the sidewalk ?

A. I think I was on the sidewalk.

Q. What was the first expression you heard used by Mr. Campbell ; was that the first you gave us in your examination in chief ?

A. Yes ; that was the first expression ; those were the words between them ; there were some others I could not hear.

Q. Then, if Gordon had denied the charge of criminal conversation, could he have done it without your hearing it ?

A. He might have done it in the first place.

Q. He might have said " It is untrue," or " You're a damned liar," or anything of that kind ?

A. He never used that expression.

Q. How do you know ; you said there was conversation you did not hear ?

A. I don't think I ever heard such an expression.

Q. But you heard expressions—a conversation, the purport of which, or precise words used, you did not hear ?

A. Yes.

Q. Did Mr. Gordon appear angry at the charge ?

A. Not particularly.

Q. He was quiet and subdued ?

A. No ; they were both speaking in a loud voice.

Q. Then he was not appalled nor prevented from asserting himself—I mean he spoke vigorously and loudly ; he was not terrified ?

A. No ; he was not.

Q. He is a tall, stout man ?

A. He is a handsome man.

Q. And a very active fellow, is he not ?

A. Yes.

Q. He is nearly six feet high, and weighs about 200 lbs. ?

A. Yes.

Q. He was not likely to be afraid of either of you ?

A. I do not suppose that he was.

Q. And he spoke his mind very freely ?

A. Yes.

Q. Then, if several people who heard this loud conversation say that he denied the charge positively, are they mistaken ?

A. I cannot say whether they are or not.

Q. Do you know that they have sworn to that ?

A. I do.

Q. They are respectable people ?

A. Yes.

Q. And they have sworn they heard that conversation at the same time the conversation you heard was going on, and they stated that Gordon denied the charge ?

A. Yes.

Q. Are they mistaken or are you mistaken ?

A. They are mistaken.

Q. After this you went back to the house ; what did you go back for ?

A. James Campbell told me he wanted to speak to Mrs. Robert Campbell.

Q. What reason did he give ?

A. He did not say.

Q. And you went back to the house simply to give him a chance to speak to her ?

A. He wanted to tell her what he knew.

- Q. That would be four or five o'clock in the morning?  
 A. It was past three o'clock.  
 Q. Of course it was; you told us it was past three o'clock when this took place with Gordon, and you had had some whisky and conversation in the store?  
 A. I don't think we were there more than two minutes.  
 Q. And then you went back to the house?  
 A. Yes, sir.  
 Q. On the way to the house was anything said as to the object for wakening up Mrs. Campbell at that hour in the morning?  
 A. I cannot say.  
 Q. You were not going into the house?  
 A. Mr. Campbell was going in.  
 Q. Mr. Campbell said he would go in; why did he not do so?  
 A. The door was locked, or fast; I am not sure whether he attempted to open the door or not; I think he did.  
 Q. Did he propose to open it when you went to the house?  
 A. I think so.  
 Q. He proposed to go through the window by means of a ladder; did he not?  
 A. No; he simply went up to the window to attract Mrs. Campbell's attention, but he failed.  
 Q. So that he might have this pleasant little conversation.  
 A. I did not have anything to do with that.  
 Q. And did not know the object of it?  
 A. No.  
 Q. But you wanted him to enter into conversation with her?  
 A. No.  
 Q. But he did?  
 A. Yes.  
 Q. But you helped him?  
 A. I do not know what object he had.  
 Q. And she refused to enter into conversation with him?  
 A. Yes.  
 Q. She put out the light and went to bed?  
 A. I suppose so.  
 Q. At all events she said nothing?  
 A. She said nothing.  
 Q. And where did you go then?  
 A. We separated and went home.  
 Q. Did you write out a statement of what occurred that night?  
 A. I did not.  
 Q. When did you write out the statement?  
 A. I think that it was on the Sunday following.  
 Q. This was on Wednesday night, and it was not until the Sunday following that you put down in writing your recollection of the conversation of that night?  
 A. Yes.  
 Q. At whose suggestion did you do this?  
 A. At the suggestion of one of the Campbell's I think.  
 Q. When were you asked to do so; on the Sunday?  
 A. I could not say what day it was.  
 Q. You put down a statement of what had occurred?  
 A. Yes.  
 Q. In your first statement did you not write down that James Campbell accused Gordon of trying to seduce his brother's wife, and afterwards strike it out?  
 A. Yes.  
 Q. This was the first statement—why did you do so?  
 A. I struck it out I suppose on looking over it afterwards while correcting it.



Q. Was this not some time afterwards when looking over it and comparing it with the other statement ?

A. I could not say.

Q. You will not undertake to say that you did not reverse this first statement until you saw some other statement ?

A. I do not know ; I do not suppose that I saw any other statement. I am not sure ; but I do not think that I did.

Q. You made a statement on Sunday and in that statement you wrote down your recollection of this interview as to the conversation which occurred after three o'clock ; and in that you stated that Campbell charged Gordon with trying to seduce his brother's wife ; and then afterwards wrote another statement and charged him with doing it ?

A. I did not strike that out but wrote another, it was already written when that was struck out ?

Q. Then you made two statements ?

A. No ; that was one statement.

Q. You stated in the first statement that Gordon was charged with trying to seduce Robert Campbell's wife ?

A. I was not sure of the words at that time ; but when charged distinctly with it, Campbell was speaking and Gordon was standing listening.

Q. You were examined subsequently on the trial ?

A. Yes, sir.

Q. On the occasion of the trial for criminal conversation against Gordon ?

A. Yes, sir.

Q. And on the trial for slander in the case brought by Mrs. Campbell against James Campbell ?

A. Yes, sir.

Q. Did you tell the same story there as here ?

A. I think so.

Q. The verdict of the Jury was against James Campbell ?

A. I think so.

Q. Then the jury did not believe your story.

A. I cannot tell.

Q. Do you know whether Mrs. Campbell has any means ?

A. I do not know.

Q. Do you know that she has any means ?

A. I do not, sir.

Q. What do you think about it ; what do you believe about it ?

A. I do not know anything at all about it.

Q. Do you believe that she has any means ?

A. I do not know ; she has no means so far as I know.

Q. Has she any friends or relatives who have means to help her ?

A. I do not know, sir.

Q. Do you know that she got alimony during the pending of the suit in the chancery case ?

A. I have been told so.

Q. She had no alimony or support in the action of slander, to your knowledge ?

A. Not that I am aware of.

Q. You have no interest in this case, I suppose, except as a relative of the parties ?

A. None whatever.

Q. Has Mrs. Campbell lived since this unfortunate affair with her relatives ?

A. I do not know, sir.

Q. You do not where she lives ?

A. I do not.

Q. Have you never enquired ?

A. I have heard reported where she lived.

Q. Have you seen her since?

A. Frequently.

Q. But you do not know where she lives?

A. I do not.

Q. Where was she reputed to live?

A. At her mother's.

Q. Has she, so far as you know, conducted herself properly since?

A. So far as I know, she has.

Q. She has lived at her mother's and conducted herself in a reputable way?

A. So far as I know.

Q. Were you at the railway station on the return of the parties from the trial at Toronto?

A. I could not say.

Q. Were you there when Mrs. Campbell returned?

A. I do not know.

Q. You do not know whether you were there that night?

A. I do not.

Q. And you do not know whether there was a torchlight procession, or a great concourse of people to receive her?

A. Yes; I know there was a torchlight procession.

*By the Honorable Mr. Kaulbach:—*

Q. Did you see Mrs. Campbell at the window after your return from the shop?

A. I saw her shadow.

Q. Could you recognize Mrs. Campbell?

A. I could not.

Q. Were you in as good a position to see who it was as the last witness, James Campbell?

A. I suppose so; he would be going up the ladder, and I was on the ground.

Q. Then you had a good position?

A. I was not quite as near as he; but otherwise my position was as good.

Q. You could tell that it was a female?

A. Yes.

Q. You could so identify it?

A. Yes.

Q. If you could not see into the room, how could you tell where the sofa was, or that there was a sofa there at all?

A. From the arrangement of the furniture in the room; I never knew that the furniture from the time I assisted to put it in until the present was altered.

Q. You observed it on the Sunday previously?

A. I was in the room on the Sunday previous.

*By a Member of the Committee:—*

Q. Was the female voice which you heard in the room that of Mrs. Campbell?

A. Certainly.

*By the Chairman:—*

Q. Kindly tell the Committee what was your position? How near were you to the window?

A. I was quite close to it; I was leaning on the sill.

Q. How far would you then be from the sofa?

A. I suppose that I would be less than two feet.

Q. That was your position?

A. The sofa, I think, was in the corner almost touching the side of the window.

Q. You could hear better there what was passing on the sofa, than a person at one of the front windows?

A. I could not say ; a person at the front window would be higher up, I suppose, and would have a little advantage on that ground.

Q. How high was the window ?

A. It would strike me, when standing up, about the arm-pits.

*By a Member of the Committee :—*

Q. What was the probable height of the window sill from the floor of the verandah ?

A. Perhaps, about eighteen inches or two feet ; I could not say exactly ; the verandah, I think, was about two feet from the ground, and, perhaps, a little more.

Q. And the windows appeared to be on the same level ?

A. Yes ; on the same level ; the verandah was about the height of this table ; one position was a little higher than the other.

Q. What would be the difference ? How much ?

A. The difference would be about two feet.

*By Senator Kaulbach :—*

Q. You could not tell precisely ?

A. I could not tell precisely ; but I think that it was fully higher than this table.

Q. Are you sure that parties in the bedroom upstairs must have heard the call to her ?

A. They had no time to get asleep.

*By Senator Reesor :—*

Q. You think then, that it would be about three feet from the floors of the verandah to the venetian blinds ?

A. I should say that it was nearly three feet ; I could not tell however down to inches, it was from 2 ft. 10 in., to 3 ft., I suppose.

*Re-examined by Council for Petitioner :—*

Q. How came you to strike out in your statement, that to which Mr. McDougall has referred ?

A. I was not sure of the words used, I supposed that these were the words ; I supposed that he made the charge twice ; I was not sure, and then I struck them out.

Q. You mean to say, that you thought James Campbell charged Gordon twice ?

A. He made the charge once ; and I was not sure of the words.

Q. Will you tell us ; whether you made out a second statement, or simply struck out the words ?

A. I struck out the words, I think, I have no proper recollection about it.

Q. About these blinds on that window of Robert Campbell's, what was the character of the blinds ? Were they strong, or otherwise ?

A. They were strong blinds ; the slats are fixtures.

Q. Could you open them from the outside ?

A. No.

Q. So that in order to break through the window, you had to break through the blinds, and slats, and sash, and glass ?

A. Yes.

*By the Honorable Mr. Reesor :—*

Q. Was the house built of the ordinary sized brick ?

A. I think, that the bricks are smaller than the kind now used. The house has been built about forty years ; and I think, that they are a size smaller. They are 2½ inch bricks, I think.

JOHN ANDERSON.

MONDAY, 20th March, 1876.

PRESENT :

The Honorable Mr. DICKEY—*Chairman.*

The Honorable Messieurs

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON,
CORNWALL,	SEYMOUR,
KAULBACH,	REESOR,

WILLIAM HENRY FEGAN having been sworn, was examined by Mr. *McIntyre.*

Q. Where do you live ?

A. In the town of Whitby.

Q. How long have you lived there ?

A. About five years.

Q. What is your occupation ?

A. A moulder.

Q. Do you know Mrs. Campbell the wife of the plaintiff ?

A. Yes.

Q. How long have you known her ?

A. A little over three years.

Q. Do you know George Gordon of Whitby ?

A. Yes.

Q. How long have you known him ?

A. About four years, I suppose.

Q. Do you remember the time of the trouble in Mr. Campbell's family ?

A. Yes, sir.

Q. Do you know when that would be ?

A. About the month of August, 1873.

Q. Had you seen George Gordon and Mrs. Campbell together previous to that ?

A. I saw them together about the middle of August, one evening, on a Thursday.

Q. It was in the evening you say ?

A. Yes.

Q. Where were they ?

A. They were walking between the house and the gate, down the avenue when I saw them.

Q. Whereabouts ?

A. On Mr. Campbell's premises.

Q. What time of the evening was this ?

A. Between the hours of 7 and 8 o'clock.

Q. What did you observe that time ?

A. I observed him walking with his arm around her neck, leaning like, on her shoulders as far as the gate.

Q. What position was his arm in ?

A. It was thrown around her neck, his finger ends were leaning over her shoulder.

Q. Did you over-hear any conversation ?

A. I heard Gordon say to her " Mrs. Campbell, you will be sure not to tell Mr. Campbell."

Q. And what did she say ?

A. " Oh ! no, Mr. Gordon."

*Cross-examined by Mr. McDougall.*

Q. Have you been examined in any of these trials between the parties before ?

A. Yes.

- Q. When ?  
 A. I have been examined in Toronto.
- Q. What was the trial in Toronto you were examined in ?  
 A. Campbell was suing Gordon, I think.
- Q. Did you give the same evidence then as now ?  
 A. Yes.
- Q. What was that trial ?  
 A. Mrs. Campbell, I think, sued for support ; I am not certain, but I think it was that.
- Q. Was it in the Court of Chancery ?  
 A. Yes.
- Q. And you gave the same evidence then as now ?  
 A. Yes.
- Q. You say you did not know these people only within some three years ?  
 A. A little over three years.
- Q. Were you intimately acquainted with them ?  
 A. No.
- Q. You knew them by sight ?  
 A. Yes.
- Q. Had you ever been in Mrs. Campbell's house ?  
 A. No.
- Q. Had you ever walked in her grounds ?  
 A. I don't think I have.
- Q. On this occasion what were you doing ?  
 A. I was going up to Mr. Baudel's.
- Q. Was it dark ?  
 A. No ; it was just between lights.
- Q. Not so dark but you could see people distinctly ?  
 A. No.
- Q. How far off were they when you saw them ?  
 A. They were walking near the gate.
- Q. They were walking near the gate ?  
 A. Yes ; and I was on the sidewalk.
- Q. You were walking along openly and boldly ; not sneaking along ?  
 A. I was not walking very fast ; I was walking slowly.
- Q. Were there persons passing up and down the street ?  
 A. I don't remember anyone going up and down ; there was some one ahead of me, I think.
- Q. Were they coming towards you or going away from you when you pretend to have seen them in this position ?  
 A. They were going away ; then they turned round and came towards the gate, and went away again.
- Q. You stood during this time ?  
 A. No ; I walked on. I simply cast my eye over the fence and saw them walking together.
- Q. You are quite sure his arm was round her shoulder and not round her waist ?  
 A. Yes ; it was round her neck.
- Q. Was he pulling her towards him ?  
 A. I don't know that he was hauling her towards him, but he had his arm round her neck, and they were walking side by side.
- Q. You say they were walking towards you ?  
 A. They were walking towards the gate, and towards the house, backwards and forwards.
- Q. When they turned, where was his arm ?  
 A. Around her neck.
- Q. I want to know whether it was a close squeeze or hug, or did he merely lay his arm on her shoulder ?

- A. He was close to her as he could get and walk along.
- Q. Where were his fingers?
- A. I said his fingers might be hanging down.
- Q. You say "might be?"
- A. I think they were.
- Q. Why did you express doubt and say you thought they were?
- A. I have no reason for saying I thought they were; they were.
- Q. Now you say you are positive they were?
- A. I was positive before.
- Q. Give us the exact words you heard Gordon use?
- A. I heard Gordon say "Mrs. Campbell, you be sure, and not tell Mr. Campbell."
- Q. Did he say "Mrs. Campbell, be sure you don't tell Mr. Campbell;" you are sure these are the exact words?
- A. He said, "Now Mrs. Campbell, be sure you don't tell Mr. Campbell."
- Q. Were these all the words?
- A. I didn't hear the words precisely; I only heard these.
- Q. You are sure that he addressed her as "Mrs. Campbell?" He did not say "Eliza" or "Maria?"
- A. Mrs. Campbell were the words he said; he spoke loud enough so that I could hear him quite plainly.
- Q. He did not whisper as if he wished to prevent anybody hearing it?
- A. No; he spoke out quite loud.
- Q. Were they standing facing you?
- A. They were coming down towards the gate; it was just as they were turning round; they might have been four feet from the gate; I was right opposite.
- Q. Could they see you?
- A. Yes, sir.
- Q. Then, while coming down the walk and seeing a stranger in the street, he said, "Now, Mrs. Campbell, do not tell Mr. Campbell?"
- A. I do not say whether he saw me or not; he was coming along with his head down; he spoke out distinctly so that I could hear; I was on the sidewalk walking along?
- Q. What else was said?
- A. She said, "No, Mr. Gordon."
- Q. They seemed to have been very respectful towards each other?
- A. Oh, yes.
- Q. It was "Mrs. Campbell" and "Mr. Gordon?" It was not "George" and "Eliza," in a familiar way?
- A. No.
- Q. Did you hear anything more?
- A. No.
- Q. Did you stop to listen?
- A. No; I went on.
- Q. You do not pretend to know what it referred to?
- A. No; I do not pretend to know what it referred to.
- Q. You never gave any further evidence on this point?
- A. No.
- Q. When did you first mention it?
- A. I mentioned it at the foundry to Mr. Harper and Mr. Morris.
- Q. This was after the trouble, I suppose?
- A. Yes; this was during the trouble; it was being talked of at the time, and I said I saw them; there has been a little talk about it and I mentioned this, but I never expected that there would be anything further about it.
- Q. Did you at first mention that you heard them use these words?
- A. No; I kept that back.
- Q. When did you first repeat these expressions you say you heard?
- A. The first time I repeated them was at the foundry.

Q. You don't understand me. You say you only mentioned them being together at the foundry, but you afterwards told the remarks you heard. To whom did you mention them first?

A. To Mr. Campbell himself.

Q. He was the first one to whom you mentioned having heard the remarks?

A. Yes.

Q. He asked you if you heard anything?

A. He came to the house one morning to see me about it, and I told him what I had seen and heard.

Q. That was the first time you mentioned the remarks to anyone?

A. Yes.

Q. And did you tell him this was all you heard?

A. I did.

Q. What did he do?

A. The first thing I knew I was subpoenaed to go to Toronto.

Q. This was just before the trial in Toronto?

A. Yes, sir.

Q. Mr. Campbell came to you to hear what you knew about the matter, and then for the first time you mentioned the conversation?

A. Yes, sir.

Q. And shortly afterwards you received a subpoena? How long afterwards?

A. I cannot say exactly how long.

Q. Was it next day?

A. It might have been or it might not.

Q. Then you went to Toronto and told your story?

A. Yes, sir.

WM. H. FEGAN.

(Exhibit No. 18.)

*In Chancery.*

CAMPBELL vs. CAMPBELL.

The plaintiff and defendant were married on the 6th April, 1863, and lived together as man and wife until the latter part of the month of August, 1873, when the defendant refused any longer to recognize the plaintiff as his wife. There have been four children born of the marriage. The present Bill is one filed for Alimony, alleging desertion by the defendant, and his refusal to support the plaintiff, and asking for the usual relief in such cases. The defendant alleges that the plaintiff has been guilty of adultery with one Gordon, in August, 1873, and of having been improperly intimate with one Park, and, therefore, that she has disentitled herself to the relief which she asks.

The question before me for adjudication, is, whether the wife is guilty, or not, of this charge which the husband brings against her.

If the testimony adduced on behalf of the defendant be believed, then there can be no doubt but that the plaintiff has been unfaithful to her husband, and that the partner in her guilt was George Gordon. It has been very strenuously urged before me, that the evidence of James Campbell, the brother, and John Anderson, the other witness, who gives direct testimony as to the matter in issue, cannot be accepted as worthy of credit, and, therefore, that the case is not proved against the wife. It may be well, before proceeding to discuss the evidence, to glance at the rules which guide in the consideration of the question now before me. The principles on which the Ecclesiastical Courts acted, are thus laid down in Ayliffe, (pages 44, 45—quoted in Shelford, page 405): "Adultery being an act of darkness, and of great secrecy, can hardly be proved by any direct means; therefore, in relation to the proof of

“adultery, by reason of such difficulty, it happens that presumptive evidence alone is sufficient proof; and this presumptive evidence is collected and inferred *exactibus propinquis*, that is to say, from the proximity and nearness of the acts; and thus adultery may be proved by such inferences as are received and approved of either by law or nature.”

The rule is thus stated by Lord Stowell, in *Williams & Williams* (1 Haggard Con., 299): “It is undoubtedly true, that direct evidence of the fact is not required, as it would render the relief of the husband almost impracticable; but I take the rule to be that there must be such proximate circumstances proved, as by former decisions, or in their own nature and tendency, satisfy the legal conviction of the Court that the criminal act has been committed. The Court will look with great satisfaction to the authority of established precedents; but where these fail, it must find its way as well as it can, by its own reasoning on the particular circumstances of the case.” At page 303, the same report proceeds: “The question, then, comes to this: Does the visit of a married woman to a single man’s lodging or house, in itself, prove the act of adultery? There is no authority mentioned for such an inference, but the case of *Eliot vs. Eliot*, which is open to the distinction arising from the character of the house in that case, which is too obvious to be overlooked. It would be almost impossible that a woman could go to such a place but for a criminal purpose; but in the case of a private house I am yet to learn that the law has been affixed the same imputation on such a fact. In a late case of *Rickets vs. Rickets*, in the King’s Bench, the visit of the wife to a single man’s house, combined with other circumstances, was held sufficient. In that case the windows were shut, and there were letters which could not be otherwise explained. That case, therefore, is no authority in this enquiry; and though the Court might be induced to think that such visits were highly improper, it must recollect that more is necessary, and that the Court must be convinced in its legal judgment, that the woman has transgressed, not only the bounds of delicacy, but also of duty.”

There are several passages in the leading case of *Loveden vs. Loveden* (2 Haggard Con., 2.) which may be usefully referred to at page two: “It is a fundamental rule that it is not necessary to prove the direct fact of adultery; because if it were otherwise, there is not one case in a hundred in which that proof would be attainable; it is very rarely, indeed, that the parties are surprised in the direct act of adultery. In every case, almost, the fact is inferred from circumstances that lead to it by fair inference, as a necessary conclusion; and unless this were the case, and unless this were so held, no protection whatever could be given to marital rights. What are the circumstances which lead to such a conclusion, cannot be laid down universally, though many of them, of a more obvious nature, and of more frequent occurrence, are to be found in the ancient books; at the same time it is impossible to indicate them universally, because they may be infinitely diversified by the situation and character of the parties, by the state of general manners, and by many other incidental circumstances apparently slight and delicate in themselves, but which may have most important bearings on decisions upon the particular case. The only general rule that can be laid down on the subject is, that the circumstances must be such as would lead the guarded discretion of a reasonable and just man to the conclusion; for it is not to lead a rash and intemperate judgment, moving upon appearances that are equally capable of two interpretations. Neither is it to be a matter of artificial reasoning, judging upon such things differently from what would strike the cautious and careful consideration of a discreet man. The facts are not of a technical nature, they are facts determinable upon common grounds of reason, and Courts of Justice would wander very much from their proper office of giving protection to the rights of mankind if they let themselves loose to subtleties, and remote and artificial reasonings upon such subjects. Upon such subjects the rational and legal interpretation must be the same. It is the consequence of this rule that it is not necessary to prove a fact of adultery in time and place. Circumstances need not be so specially proved as to produce the conclusion that the fact of adultery was com-



“mitted at that particular hour, or in that particular room; general cohabitation has been deemed enough.” Again at page 21: “The correspondence of a young married woman with a young man, unknown to her husband, is what I presume hardly comes within the known latitude of modern manners; but connected with the general footing on which these parties by all the evidence to which I have alluded, were proved to have stood, it speaks a more decisive language with respect to its nature,” and at page 26: “It is said cannot people go into decent rooms in a decent house without being suspected? Yes, certainly, if they are decent persons; but if such an intercourse is proved between them as is established by the fact of this correspondence, and by the other facts to which I have alluded,—I say the fact of such parties being close together for such a length of time, and unobserved, warrants the conclusion that they have committed the criminal act.”

Some observations made by the Court in the case of *Cadogan vs. Cadogan* and appended as a note at page 4 of this case are material—amongst them is the following:—“It may be possible that persons of peculiar and eccentric dispositions or habits, may live together in such a manner without actual criminal connection, and it is physically possible that persons may be in the same bed together without criminal intercourse. Courts of Justice, however, cannot proceed on such grounds, finding persons in such a situation as presumes it guilt generally, they must presume it in all cases attended with these circumstances. They cannot adopt the extravagant professions of Platonism for the principles of their decisions, such would be the decision of the Court on this point alone; but the Court is not at liberty to put out of its recollection all the antecedent facts of the case on which it has before observed.”

In the case of *Burgess vs. Burgess* (2 Hag. Con: 229 and 232) the same high authority deals with the question of probability, “such gross indecorums, and improper familiarities with opportunities of privacy, advance to the footing of proximate acts; and if the privacy is shewn to be frequent, the Court will infer the commission of crime . . . . Circumstances such as these connected with the proof of previous intimacy, must be considered as laying a strong ground of probability that they met at such times in private interviews . . . . Here is an act of a married woman being seen to come out of the bed-room of a young unmarried man; a circumstance which generally speaking might only be considered in the light of a very high indecorum; but it is in the present case to be taken in conjunction with the whole conduct of these parties, and the Court is then to consider what would be the probable consequence of such an opportunity of privacy between them.”

The last citation which I will make on this branch of the case is the following passage from *Chambers vs. Chambers* (1 Hag. Con: 445.) “That a young woman, estranged from her husband, and a young officer should be living together for months, and at different places, though under the flimsy disguise of separate beds, and that Courts of Justice should not put upon such intimacy the construction which every body else would put upon it would be monstrous.”

Our attention is, however, called to the fact by Mr. Paynter, in his work on *Marriage and Divorce*, (page 187) that the same presumption or probability is not in every case to be drawn from the same facts. He says: “Equal presumptions do not always follow similar facts; for the weight of presumption varies with circumstances, and with none more than with the rank and condition, the situations and habits of the parties—for it must be kept in mind that in different ranks of life and in different countries, different modes of education and different notions and manners prevail. For instance, there are many freedoms which, in the unreserved contact of humble life, continually take place without imputation; whilst an equal licence in classes of a higher order and of a more refined education would naturally lead to a very different conclusion” \* \* “so where the parties are near of kin, or sustain the relation of physician and patient, a carnal intercourse will be less readily inferred; and, according to the old canonists, if a clergyman is found embracing a woman in some secret place, this does not, as in the case of other

“people, prove adultery, for ‘he is not presumed to do it on the account of adultery, but rather on the score of giving his benediction or exhorting her to penance.’ —(Bishop, M. & D., § 631, Ayl. Parergon 51.) I may remark, in passing, that this extremely convenient rule which the ecclesiasts propounded when forming their canon law, does not seem to be allowed at the present time *requiescere in pace*, but it appears of late to be thought by some as much applicable to the light of the nineteenth century as it was to the darkness of the age that gave it birth.”

It is obvious then from the authorities, and indeed without them, seeking to arrive at a just conclusion in the matter; it is equally plain that one main ground of enquiry must be the terms on which the husband and wife were living prior to and at the time that it is alleged the act was committed; and as to all those surroundings which throw light on the question whether or not the wife had an affection for her husband and he for her, and whether or not the married life was one in which the parties rested satisfied with and enjoyed the company of each other, or sought beyond their own immediate circle for pleasure which they did not find there. Our experience teaches us that men very much resemble each other, not only in their good qualities, but their bad. It is from this, to a great extent, that we draw our conclusions from probabilities or “the likeliness to be true” and arrive at the determination that a narrative is probable because it contains circumstances which are usually found in a story that is true.

In the present case the lady, the daughter of a clergyman, seems to have received a good education, and to have been not without accomplishments—she is described as a good musician, very fond of both playing and singing. The husband appears to have been a man of good business habits, who by care and industry had acquired what in this country, is looked upon as a considerable fortune. It appears, however, that he took but little if any interest in that which pleased his wife. The marriage was not in this respect a well assorted one; neither party sought to accommodate these differences. The husband, I should infer, sought the more to obtain pleasure from his chief source of enjoyment, the business which had absorbed so much of his time and attention, and he gave himself up to that to the exclusion no doubt to some extent of the attention which his wife might have reasonably asked of him, and she looked for and obtained in the society of others the enjoyment and admiration which she vainly sought at the hands of her husband. Gradually that which amounted almost to estrangement grew up between them, and these feelings unchecked resulted in the miserable state of matters thus deposed to by the defendant.

“I was married to the plaintiff in 1862 or 1863; lived with her on fair terms up to a year ago last fall—I might say till about January 1873—I found at this time that her affections were estranged from me, that she was neglecting her children and neglecting her house; she had told me several times in the spring of 1873, that she wished the children were dead and that if they were dead she would leave me; she asked me if she left me how much I would give her; I told her I would give her nothing; I told her “Lizzie, if you wish to leave me do it honorably and don’t disgrace me first.” I don’t know how the conversation as to the children commenced or what I said that led to it. \* \* \* Before I left I cautioned my wife as to her conduct with Park; I told her it was not right for her to walk on the street with a young man she knew nothing of and that if I found him in the house I would show him the door; I also warned her against intimacy with Gordon; I did not know plaintiff was in correspondence with Park until my return on the 18th August last. \* \* \* Park had applied by letter to us for the situation of book-keeper; this was in February, 1873; plaintiff asked me had I answered his application. \* \* \* I had found fault with plaintiff for being too familiar with one Pugsden on board ship; I spoke to her after leaving it; I did not speak about it while on the ship because I did not want a scene.”

The plaintiff did not in her examination before me deny the statement thus made by the defendant, and I must therefore take it as describing accurately the position of affairs to which it has reference. With matters in this state, the husband,

on the 26th of June leaves on a journey to England, whence, after an absence of over seven weeks he returns on the 18th of August; on the morning of the following day he finds a letter in his office directed to his wife which he opens. It reads as follows:—

“CONCORD, Augt. 14th, 1873.

“DEAR MARIE,—I wrote to you from here three or four weeks since, but have never had an answer. I was thinking of coming about the first or second week in next month, should I be in time to escape the G—d—n. I asked in my last for some envelopes; will you write by return, and send me a few. I have been very busy all day and have hardly a minute to spare, and have to walk to the post with this, as I cannot allow anyone to see the address. Be sure and write by return. In haste.

“Believe me to remain, my dear Marie,

“Yours in sincerity,

“ (Signed,)

G. H.

“I think, if you have written to me, your letter must have gone to the States, as there is a place of the same name there. Please address to me at Concord Post Office, County of Vaughan, Ontario.

“Tell me where you think the suspicion is.”

The following extracts from the evidence of the husband show what transpired on the perusal of a letter justly calculated to arouse suspicion:—

“This was the first intimation I had of any correspondence with the writer. My wife's name is Eliza Maria. I understood the allusion to the envelopes—I thought she had given Parkes envelopes addressed in her own handwriting, and that he had run out of them. I afterwards, on search in my wife's drawer in my house, found papers C, D and E, all in my wife's handwriting. I found these letters on the Wednesday after I returned. I first got the information about Gordon's visits at the time these letters were got. I took the children to Saugeen on Monday. I had decided that Plaintiff was not a fit guardian for my children. I felt some explanation was necessary, and I did not wish my children to see the trouble. \* \* \* I did not take the children away in order to get her to leave me. After what occurred I decided that a separation must take place. I had determined, after getting the letters and hearing about Gordon, to separate and take the children, notwithstanding any explanation. I kissed her when I parted with her, on taking away the children. \* \* \* What I heard about Gordon was that he was in the habit of going often to my house and staying late at night. I heard so from my brother or his wife, and that they had heard so from Mr. Jameson. I did not go to Mr. Jameson for an explanation; I made up my mind, without enquiring from Mr. Jameson, to get rid of my wife. I told my brother so. I did not make up my mind to part with her without an explanation; I wanted one. I refused to see her; she asked to explain; she wrote letters to me—I have them with me—the first is dated 28th August, 1873, and marked F. I received these letters; I did not answer them. I told her father that if she would come to my brother's house, I would see her there. I was smoking when my wife's brother came to talk to me on the matter. Plaintiff's father, the Rev. Mr. Byrne, came to me to ask me to see my wife; I told him she could see me at my brother's house. When I went to Saugeen I knew Park was in Concord, and I and James Campbell watched to see who walked home with Park from the church soiree. Before taking away the children I slept one night with my wife. \* \* \* I made no enquiries from Miss Newsom, nor from her sister; I asked my brother to do so. I never intimated any suspicion of her fidelity until after my return from Saugeen. \* \* \* I understood from Gordon, on the Saturday night, that he denied his guilt. I heard so either from Anderson or James Campbell. I did not tell Gross that Campbell had admitted it on the night of the 26th. I say that I always told the Byrnes that Gordon admitted it on that night. James Campbell read the admission from a

" statement prepared by him. Anderson's paper was written on Sunday. Either  
 " my brother or I asked him to do so; my brother was acting with me; I am sure I  
 " asked Anderson to draw the statement; I don't recollect the time and place. He  
 " gave it to me Sunday or Monday. I read what was struck out in the statement of  
 " Anderson."

The following are the papers referred to in the Defendant's evidence:—

## C.

" I have been very remiss in not answering yours ere this, but I've been out so  
 " often in the evenings that really I've not had time. *I hope it has not seriously*  
 " *affected you though.* 'Incognito' came safely, and was delivered into my own hands at  
 " the office. I thank you for the interesting letter; I have just come in from a  
 " ramble" with two or three *other girls*. I think if you ever *honor* this fair town with  
 " your presence again you might find *some one* to take a ramble with you *as of yore*. A  
 " great deal may have been thought, but I have never had a word hinted to me of the  
 " past. How happy I should have been to have complied with your request in  
 " coming to give you a drive and then having you drive me home again. That  
 " dream is too sweet to indulge in. I haven't the slightest idea when I shall come up  
 " to Toronto. The 'Guardian' was up for two days last week, but I suppose you  
 " had not the extreme felicity of beholding him. I am not certain if the *Guardian*  
 " will take that journey you spoke of or not; but if it is taken it will be sometime in  
 " June or the beginning of July. I am glad you are attending Holy Trinity. You say  
 " it is what you like, a little 'High,' I would much prefer attending something a  
 " shade or two lower in the same denomination. There are too many Ritualistic per-  
 " formances there to suit my liberal views. I should go with you though if I came up.  
 " You suggest the probability of some one giving me a walk after service. I  
 " assure you on my honor nothing of the kind has occurred; I do not so easily  
 " forget those *I like* as to run with another the moment they are out of sight. You  
 " seem to have had some trouble in your mind as to whether you should write."

(Signed),

"BOOKKEEPER."

## D.

" I hope you will not forget our last fond meeting, so reft with bliss. Oh, that  
 " it could be renewed; what rapture fills my mind to think no pleasure on earth so  
 " exquisite. Think me not flighty; it is only the outpouring of a deep passionate love  
 " which I bear for you; a love which so few comparatively feel for one another.  
 " Adieu cherished one. 'Come when thou wilt I've a welcome for thee'—Song."

" If you should ever come over, there would you come to see us? I should be  
 " most happy to see you; so understand that if you please. Your reception would be  
 " princely; do you understand? do not keep me in such fearful suspense but send me a  
 " line expressive of your feelings."

" Here I am vacillating between two opinions, whether shall I stay here or stray  
 " afar off. Duty says stay."

" You are so enchantingly persuasive that I could not help but yield. I might  
 " say I was prompted by an irresistible impulse to come to you. My world is in a  
 " corner of my brain, and when I have finished my days work I wander in dream  
 " through the enchanted city. I believe there are certain men who can be happy  
 " when they have learned where their ideal lies. We never can be perfectly happy  
 " although a great deal of our happiness consists in being contented. We must be  
 " sorrowful sometimes in order to compare the difference of happiness or misery. I  
 " have no wish to marry, and it is not likely that I shall ever sacrifice my independ-  
 " ence to any woman; so much the worse for you! You will never know what love  
 " is, for we love only virtuous women, my dear, and never loved except by them.  
 " Now the virtuous women demand marriage, and it is their due. Every reasonable  
 " man in marrying should choose a woman who he thinks is worthy of his confidence  
 " and will prove to him a companion; not a slave, but a helpmeet."

This is the certificate referred to by defendant and prepared by Anderson, and as to that paper and the evidence of Anderson and James Campbell, I might well have desired to be spared the pain of referring to them at large were it not for the fact that the Counsel for the plaintiff relied strongly upon the character of this testimony as furnishing a reason for concluding that what is narrated by these witnesses could never have taken place, and feelings of delicacy must therefore give way to what is required in order to the fullest consideration of the details of the story on which the case to so great an extent turns.

"Overheard."

"Conversation between G. Gordon and Mrs. R. Campbell, 1873, that took place on the evening of 26th August, and morning of 27th."

"On the evening of the 26th August James Campbell came into my house and asked me to go with him to be prepared to act as a witness in case there was any criminal intercourse between G. Gordon, who was at that time in his brother's house; this was between the hours of 9 and 10 p.m.; I went with him and went into Mrs. Campbell's yard, took off our white hats and boots, and then went up to the house and went to the window. J. Campbell asked me, 'can you recognise any particular person's voice?' I told him I could—Robert's wife, but could not tell who the man was; in a short time I fully recognized the voice of G. Gordon, but could not for some time recognize enough of the conversation to make sense of it after half-past twelve."

"Heard G. Gordon remark, 'you are getting stout'; she answered, 'Young men should not take notice of these things'; he replied, 'I always do'; heard Mrs. C. tell G. Gordon that she was going to California, but would not go unless he would go with her; heard G. Gordon ask 'what is this'; 'that is my navel.'"

"Heard Mrs. C. tell G. Gordon 'that he might put it in half way'; he asked 'why'; she said 'it hurt her.'"

"G. Gordon asked Mrs. C. to put her arms around him and let him stretch her out; heard no objections; a short interval without any conversation and then laughter."

"Heard Mrs. C. crying; G. Gordon asked, 'what is the matter—what are you crying for'; 'you hurt me,' and then immediate laughter."

"On three different occasions heard Gordon say he would go away, and he got up to leave, but she called him back; heard Mrs. C. ask him to kiss her."

"This was after half-past one on Wednesday morning. Heard Gordon frequently after this time ask her to let him do it; but she said 'No, no.' He asked her why. She replied, 'I don't want to.' Heard Gordon call Mrs. C. his dear love. At three p.m. put on my hat and boots, and in company with J. Campbell went out of the yard, and walked down to go to his place of business. On getting to Mason's Corner heard a step on sidewalk; looked in the direction; saw a man coming down towards us; stood still till he came up. James Campbell walked up to him, put his hand on his shoulder, and said—'George Gordon, you are a blackhearted scoundrel—a dyed villain.' He asked, 'What is the matter—what do you mean?' J. Campbell told him, 'You have had criminal intercourse with that woman this night.' Gordon replied: 'It was not my fault; I could not help it.'"

"James Campbell was at this time unlocking his shop-door. As he went in Gordon called him a dam'd shit-ass. Went into Mr. Campbell's shop, remained a few minutes. Went up to Robert Campbell's house. James Campbell called to Mrs. C. to come to the window, as he wanted to speak to her (she was at this time in her room up stairs.) After calling repeatedly and receiving no answer, he placed the ladder against the verandah, and went up to her window. She put out the light. After calling repeatedly and receiving no answer, he told her there was no use foxing, as he had watched her from half-past nine last night till three this morning, and would attend to her case in the morning."

"Heard Gordon ask repeatedly to let him do it, and tell Mrs. Campbell that he was crazy for it."

" James Campbell insisted on breaking in the window, but I persuaded him not to do so, as it would alarm the neighbors.

" JOHN ANDERSON."

Robert Campbell, as he states, employed his brother James Campbell, to discover what he could as to the suspicions connected with the plaintiff, and he obtained the assistance of the defendant's brother-in-law, John Anderson, who was first examined at the trial; the portions of his evidence, material to the case, I refer to at length.

" Remember James Campbell asking me to accompany him to my brother-in-law's house on the evening of the 26th of August last."

" It was between nine and ten p.m. we went to watch the house, and see if anything improper occurred. We went to the house, and went to the west window—took off our hats and boots. \* \* \* \* \* We both went to the west window together—stayed together for some little time—about half an hour, more or less. Heard voices. Could not distinguish them. Heard Mrs. Campbell at once. Did not recognize the other for a little time and then knew it was Gordon. The first remark I heard made was by plaintiff. She said she was going to California, but would not go unless he went with her. Heard no reply. The next I heard was Gordon say, 'You are getting stout.' She said, 'Young men should not notice such things.' He said he always did. Could see very slightly through the blind into the room; could not tell if the blind was drawn. Heard Gordon say, 'What is this?' She replied it was her navel. I heard her say, 'You may put it in half way.' He asked why. She said it hurt her. Gordon asked Mrs. Campbell to put her arms round him and let him stretch her out. There was no objection. There was a short interval of silence, and then laughter. Campbell was at the south window on the verandah. Gordon got up to leave on three occasions. Plaintiff asked him to come back. I heard him repeatedly ask her to let him do it. I heard her ask him to kiss her. I heard him call her his 'dear love.' We remained until three o'clock; Campbell remained with me. He and I were together at the west window more than once."

" Campbell wanted to break in the window with a stick. I persuaded him not to break the window, saying it would do no good and alarm the neighbourhood. When Gordon asked her to let him do it, plaintiff invariably replied, "No." This was about half an hour after the conversation in which he asked her to put her arms round him. I could not see or tell what was going on. I heard crying; this was before. He asked, 'What was she crying for?'—she said he had hurt her, and then there was immediate laughter. Campbell and I went away together at 3 a.m. \* \* \* Campbell and I went to the shop. We only remained a few minutes. Went back to defendant's house. Campbell called repeatedly to Mrs. Campbell to come to the window. There was a light upstairs. I assisted Mr. Campbell to put a ladder from the verandah up to plaintiff's window. As he was stepping on the verandah, the light went out. I understood from what I heard that there was criminal intercourse twice that night between plaintiff and Gordon. After the light was put out, Campbell went up the ladder and repeatedly rapped on the window and called out, and received no reply."

On cross-examination this witness says:—"Before 26th August I knew defendant had removed his children, in consequence of a letter or letters from one Park he had found a few days before. I had not previously had any suspicion of Gordon. I was not at defendant's house during his absence in England. \* \* \* On 26th August Campbell told me Gordon was at the house. We arranged no plan. We both went to the west window at first. Campbell thought he could hear better at the south window and went there for that reason. We remained at the west window about half an hour. Heard nothing that was said so as to make sense. Am not at all hard of hearing. Up to half-past twelve, heard nothing; heard something about ten minutes after. Have talked with Campbell about what he heard and about our recollections. Have talked with him about the time. Couldn't tell how long intervened between the remark about California, and that about getting stout. Conversa-

tion was going on all the time, but could not always distinguish what was said. The remark about the navel was not louder than any other part of the conversation. Can't say what was the first conversation with Gordon after hearing this. I can't say how long after this that Campbell wanted to break in; it was less than an hour and a half. \* \* \* He stood at corner of verandah with a stick; he whispered he had got the stick. I persuaded him not to use it. He laid the stick down. I think he then returned to the verandah. \* \* \* Heard nothing particular after half-past one except Gordon asking plaintiff to let him do it. \* \* \* About half-past twelve Gordon wanted to leave; Gordon told me so on evening of the 29th August. I then told Gordon he got up to leave four times. He said 'no, only three.' I supposed he was going to leave, because I saw him pass between the light and the window. There was an interval of about half an hour between his first and second attempts to leave; on the fourth time I saw a light taken out of the room. I did not see who took it. Gordon has since told me plaintiff took it away to get some matches. Three attempts to leave occurred between half-past twelve and half-past one. The fourth time was at the taking away of the light. I wrote a statement of what occurred that night. I wrote it at James and Robert Campbell's request the Sunday following. I wrote it at my own house. I showed it to the Campbells. I made an alteration in my statement in regard as to what Campbell said to Gordon. I can't say whether the statement 'A' is the first one I made. I wrote another after the trial. It is not a copy. I have burned it. I can't say why I did so except to get it out of my children's way. The statement is in my handwriting; the words struck out of it were struck out by me. I struck out the first words because I afterwards recollected the correct words used. I can't say whether the words struck out were used. I don't think they were. \* \* \* I was not ashamed of what I was doing. I was simply there as a witness. There was no singing or playing in the defendant's house after I went there. Quite certain there was none at about half-past eleven; if there had I would have heard it. \* \* \* Neither of the Campbells was present when I wrote 'A.' I struck out the words struck out before the Campbells saw it. It was written all at one time. \* \* \* When Campbell went up on the verandah, after calling to Mrs. Campbell repeatedly, he said it was no use foxing, that he had been watching the house since half-past nine and it was now past three."

James Campbell was examined after Anderson. He says:—"I was on the grounds of my brother's house in the evening of the 26th of August. I went alone at first. George Gordon and the plaintiff were there then. I knew this because I could hear their voices; they were in the parlor. I remained there a few minutes and then went up for John Anderson, who lived a couple of blocks off. I found him in, and at once returned with him; we took off our hats and coats as we came into the gate. It was between nine and ten; near ten when we came back. We went to the west window; I remained there for a short time, and asked Anderson if he could recognize the voices, and he said he could Mrs. Campbell's, and a few minutes afterwards he said he could identify Gordon's. We could not make any sense then of what they were saying. Then I went on the verandah and remained on the verandah until three a. m. I was moving about. I went around the front of the house once, about midnight. I could distinguish first what was being said. The girl at this time had gone up stairs; I knew this by seeing the light in her room. After twelve I heard Mrs. Campbell saying to Gordon "Robert might suspect this." Gordon asked her if Robert had any connection with her since his return. Mrs. Campbell replied: "Only the first night." "All right," says Gordon, "then he can't suspect." I went to get a piece of stick to knock in the window, and Anderson begged of me not to do so, as it would alarm the neighbors and do no good. I heard Mrs. Campbell say she was going to California to leave Robert; she and Robert had not lived happily together for over two years, and she was bound to leave him. She asked Gordon to go with her to California. She said she had no pleasure in life but in taking a walk down town; that a man made a woman unhappy. Mrs. Campbell asked Gordon if he had a wife and she entertained a young man as

"she was doing him that night what he would say, and he said: "All married women will do it." I heard him call her his dear love; they were then, I suppose, on the sofa; this sofa was nine or ten feet from the window in an angle of the room. I heard Gordon say "that the floor was as good as a bed." I could hear rustling on the floor. I heard Gordon tell her that if he gave her all that it would hurt her. He said he would only put it in half-way. In a minute or so or less she was crying or wheezing and in a minute or two after she was laughing. I heard her asking him which way he preferred it. I am quite satisfied they had criminal connection once. There was other improper and indecent conversation between them. I heard Gordon asking her what that was, and she said it was her navel. I heard her while on the sofa, I think, say would he come halfway if she would come the other half, and Gordon said, "Yes." I remained there until three o'clock. \* \* At three o'clock we went away. \* \* After this we went to Robert Campbell's house; and went with Anderson below Mrs. Campbell's bedroom window where there was a light. I called out to her half-a-dozen times, but received no answer. I then got a ladder, got up to the window and called her without receiving an answer. I said, "Eliza, there is no use in foxing." The light was put out when I was halfway up the ladder. "I said there is no use in foxing, I have been at the house since nine o'clock, and it is now past three, and I have heard all your criminal actions and conversations, and I'll report you to my brother in the morning." I then came down the ladder and I went home and Anderson went to his house." On cross-examination this witness continued: "There was an arrangement between my brother Robert and myself that I should watch the night. This was before the children were taken away. This was the Thursday or Friday before the children were taken away. I watched on Monday and Tuesday night. While my brother was in England, the day before he returned, or, at least, the morning of the day he returned, a letter came to Mrs. Campbell from one Park. This letter was lying on the desk. My brother returned by the midnight train on Monday night. I don't know why this letter was not sent to Mrs. Campbell. It was lying on my brother's desk when my brother returned. We had some conversation relative to that letter. About two hours after it was received, he asked me to go to Toronto and get the letter copied and give it to a detective and send him to Concord and have it mailed there. On the following Wednesday I went to Toronto in consequence. We first talked of removing the children towards the end of the week, and he then told me what he would do. On my return from Toronto I saw my brother, and told him what I had done. My brother told me he had received some copies of letters Mrs. Campbell had sent to Park. On the Wednesday night nothing was determined upon. He then spoke to me. The next day he told me he would take the children away. I heard the defendant at Toronto in his evidence say he would part with Mrs. Campbell when he got these letters. I understood that. He wanted an explanation from his wife, but he did not get this explanation. I knew he lived with his wife after getting the letters. He told me that these letters were sufficient for him. He did not tell me by what excuse he got the children away. \* \* \* I watched until about twelve amongst the bushes on Monday night. The lights were not out when I left. I saw no person going into the house that night. I watched with my brother one evening the week before. It was the night of the soiree. We wanted to see who was in the habit of going to the house. I presumed Mrs. Campbell was at the soiree. I saw her coming home. I was behind a spruce tree. My brother before that had gone home to my house. He was tired and lay down. \* \* So far as the letters are concerned, Campbell had all the information about Park then that he has now. \* \* I got information from my wife as to what Mrs. Jamieson had told her. She was told that Gordon went there early and came away late. I was suspicious, but I did not want anything wrong to take place. At this time my brother had determined on separation or explanation. I did not understand that my brother ever said he intended to separate after finding these letters. I don't think I could have prevented what I saw taking place when I went there, for I thought Mrs. Campbell and Gordon were so



"intimate that it would be useless to do so. I did not want to get evidence as to my brother's wife's criminal actions. I could not go in without ringing the bell; I could have gone in by the kitchen. I wanted to satisfy my mind as to the position of my brother's wife. \* \* I wanted to satisfy myself by going to the window and listening; Anderson took up his position at the one window and I at the other. We both remained there until Anderson satisfied himself that Gordon was there. I could hear better, and therefore I remained at the south-west window; more distinctly than at the west window; besides, it was warmer and more comfortable on the verandah. \* \* I remained until after twelve before I could hear plainly; there were dogs barking and the busses running, and other noise, and so we could not hear so well. They spoke in a louder tone after twelve o'clock; they were not so guarded. I could make out words before twelve, but not sentences; nothing that I could make sense of. \* \* I wanted to break the window in on two different occasions; there was a considerable time between the two occasions. I had the stick there all the time after I got it; I laid it down on the verandah just by me. Anderson stopped me the second time just as he did the first time; I cannot describe the way he did. This was after one o'clock. I just then heard Gordon say the floor was as good as a bed. I heard her say to Gordon just at that time: "if he gave her all that it would hurt her." I then determined to knock the window in. \* \* I wanted to see Gordon in order to charge him. We waited to satisfy ourselves that Gordon and Mrs. Campbell had committed adultery. I was satisfied of this before that; I wanted to catch Gordon, and to let him know that I knew it. Between half-past one and three o'clock Anderson and I had very little conversation; Anderson and I may have said, "now they are at it." That was after one o'clock; we then must have been at the corner of the house where we met. I can't say which said that; that was not the only remark which was made. Anderson and I again spoke when Gordon asked Mrs. Campbell what that was, and she said her navel; I have no doubt of that. \* \* There was music for two or three minutes in the room when I went there; when I went there first there was not any playing. I first recognized the voices. I heard no piano; there were a few notes from the voice. Between eleven and twelve of that night there was no music or singing in the parlor. \* \* I went to bed about four and got up about six. I talked to my wife about the matter on my return; I told her some of the principal matters that took place; I told her that they had intercourse and that I had charged Gordon with it. I could not sleep, and so I soon got up. I wrote a portion of the statement before I left my house. \* \* I wrote a part at the shop and part in the house; I don't know when I copied it."

On re-examination this same witness says: "Anderson does not drink once in six months; we had not anything to drink that night before going to my brother's house. I wrote my first statement on rough tea paper and afterwards made a fuller statement for Mr. Harrison."

Martha Newsom says: "I know Mr. and Mrs. Robert Campbell, and was living in their house as servant for one year and eight months. I know George Gordon—I have seen him at defendant's house frequently. He was frequently at defendant's house during defendant's absence to England. He was always alone except once, when he came with Mrs. John Mitchell. He used to come in the evening. I have known him to stay as late as twelve o'clock. No one on these occasions was in the house except plaintiff, Gordon and myself. Plaintiff and Gordon remained in the parlour; they sat there alone. I have gone to bed leaving them in the parlour. This did not often happen. On second August last, clock was striking twelve as I went to bed. Gordon was still down stairs. I did not hear him go away. I did not even hear their conversation. In the morning I have noticed the curtains pinned in such a way so as to obscure the light from the outside, and also a footstool put on it to keep it there. I had not done this. On 9th August went to bed at a little before twelve. Gordon was still there. Did not hear him go away that night. Did not on second or ninth hear Mrs. Campbell come to bed. I found on two occasions her boots in the parlour, don't think it was on the 2nd or 9th August; but do not recollect." On cross-examination she says: "After the first trial I returned to the service of the defendant."

\* \* There is a blind to the window and a green rep curtain on one side, and a lace on the other. The rep was pinned partly across the window. \* \* Gordon was five or six times to a very late hour during defendant's absence, and often besides. I can't tell when I first saw Gordon there, but think it was in June. If I wished to listen I could hear better what was going on from my bedroom than from the kitchen. My bedroom is at the head of the hall stairs. I never saw the parlour door closed." Re-examined: "On one occasion I saw Gordon open the hall door himself and walk in. Gordon's coming struck me as strange. I formed the conclusion at the time that this was not proper. The same curtains were always there."

Jane Newsom, a sister of the last witness, who succeeded her as servant, and was at the defendant's house during the night in question, says—"I know George Gordon. Saw him at defendant's on 26th August last. Heard his voice on evening of 18th, but did not see him. He was in the parlour with plaintiff. The time was about half-past nine. He had not left at twelve o'clock. I had gone to my room before that. I remained up until after twelve. Gordon had not gone then. On the evening of the 26th the plaintiff was out. She and Gordon came home between half-past nine and ten. I let them in—they went into the parlour, I went into the kitchen. Did not go to bed till after eleven. I saw plaintiff in the meantime. She came out into the dining-room. She spoke to me from there. She asked for a pitcher of water. I went into the dining-room. I asked her if her beau had left her; she said no. I had a friend with me. Did not see her again before I went to bed. Gordon had not gone when I went to bed. I heard the words "three o'clock" used. Don't know who used them. I was wakened out of my sleep by hearing these words. I came down in the morning a few minutes after six. Saw plaintiff as I was going down stairs. She was on the balcony. She was dressed. Never saw her up so early, except once or twice. I have lived in the house before. Her usual hour is eight a.m. I said to her on this occasion, "You must be getting smart." I don't remember what she replied. I noticed that the clock was stopped. I started it myself at seven. It was stopped at between twenty and fifteen minutes to two. Had conversation with plaintiff on 28th August last. Told me there was a difficulty between her and defendant; that she did not think they would ever live together again. Did not see Gordon on evening of 26th, after he came; on 28th Mrs. Campbell said they could prove nothing against her. Heard nothing of what was said in the parlour on the 26th. No tune was played on the piano; some one ran fingers over piano." On cross-examination the witness says, "I did not think my question impertinent, because Mrs. Campbell had been very free in asking me questions. I preceded and followed my sister in service at the defendant's. Lived about a year and a half before my sister came. Defendant took away his children on 25th August—I understood to Saugeen. He then seemed perfectly friendly with plaintiff. He returned 28th August. He did not come to the house. It was in consequence of his not coming that Mrs. Campbell made the observation as to the difference between her and her husband. The front door has a spring lock and key. If once shut, cannot be opened from outside without a key." We have then established, beyond doubt, that the affections of the wife were alienated from the husband; that she was in correspondence with a young man whom the husband had desired her not to associate with. The letters produced show not only the fact of the correspondence, but from their language it is plain that feelings were entertained by the wife for the young man with whom she corresponded, which no wife could have under the circumstances, unless her moral nature was more or less depraved. Not only do the expressions therein contained evidence an undue regard for the person to whom they are addressed, but the matters referred to show that her mind had been very considerably warped prior to the month of August. We find a weekly visitor at the house, another person against whom the husband had warned the wife. We find these visits generally paid alone, lasting up to eleven and twelve o'clock at night, and at all events on two occasions to a later hour, and on the evening in question certainly not earlier than half-past one. We find them seated side by side on the sofa for hours. We find them playing backgammon with their knees for their table. We find the blinds drawn so that outsiders could not

see what was going on in the room, and sometimes the extra precaution was taken of pinning the window curtains back, and so placing a footstool as to retain it across the window. We find amongst other topics of conversation on the night of the 25th that California and the pleasure of a trip there, and the subject of an "elopement," or eloping form part of that which engaged their time. No reason or excuse is given for this young man for these four hours invading the house of the defendant. Am I to conclude that they met there, according to the old saying, to repeat their *pater-noster*, or would it be more in accordance with every day experience to find that during these hours shut in such close proximity, advantage had been taken of the opportunity afforded to give free course to their passions? It is said in these cases that if there be found in the mind of both parties the disposition to commit this crime, and an opportunity is presented for its commission, that the act will also there be found. The plaintiff and Gordon on their examination admit, that they on looking back, felt the impropriety of what they had done. They knew they were placed in a position of peril and suspicion, and yet is it to be believed that all this was done purposelessly and that no inclination which such circumstances ordinarily produce was gratified? The wife must have known that she, five months gone in the family-way, sitting for hours alone at night side by side with a young man in regard to whom she had been warned by the defendant, was outraging her husband's feelings, and giving up all claim to anything in the shape of delicacy or decorum! Surely there must have been some object to be gained by such a course of conduct. No legitimate one was assigned even in argument: It does not appear that the plaintiff and Gordon had such lawful sympathies and tastes as would warrant these constant and lengthened night meetings, and I fail to perceive what could be their cause unless the gratification of her amoral passions, or the surrendering up her body to her paramour, in order, by her compliance with his wishes, thus to retain him as her friend. It does not seem to me therefore that the mind of anyone should be startled, if made aware of the fact by some person who had secretly become aware of what had transpired in the room in question, that the wife had then and there been guilty of adultery; but I do not think without the direct evidence of James Campbell and Anderson that the case would be removed beyond one of the very gravest suspicions, and it is therefore necessary to consider the testimony of these witnesses in order to see whether it is brought beyond the region of suspicion into that of legal proof. It is urged that looking at the animus of James Campbell, the means that he and his companion took to obtain the proof, the very nature of the testimony itself, and the discrepancies in the accounts given, that the whole of their story must be entirely rejected. I agree with the Counsel for the plaintiff, that the evidence of James Campbell should be narrowly scanned. Before the evening in question he had his suspicions about the plaintiff. He dwelt upon these suspicions, which, as Lord Bacon tells us, dispose kings to tyranny, husbands to jealousy, and wise men to irresolution, and which, in respect of a bracelet or handkerchief, may destroy an Imogen or a Desdemona. He was not long in showing "what a ready tongue suspicion hath," for at once he made certain statements to the defendant as to the conduct of his wife which led him to believe that she was unfaithful to him. He was not on friendly terms with her. For weeks he had suspected that she was too intimate with Gordon, but we find no word of remonstrance; no attempt to procure some friend to warn the plaintiff as to the probable or possible result of the course she was pursuing. It is not by any means improbable that if the same trouble had been taken by this witness to prevent the improper conduct with Gordon as has been taken to discover proof of the plaintiff's guilt, the wife would not now be seeking to defend herself from the present charge. His attendance at the house that night was to obtain evidence which would enable him to convince his brother of his wife's infidelity. His mind had been fed by the tales and whisperings of others, and he desired that his brother's mind should be imbued with the like ideas. Anderson was also aware of what had taken place, and these men are willing to play the spy and eavesdropper with the expectation of being able to catch a wife, and she a connection of theirs by marriage, in the act of adultery. But then it is one thing to accept in a most guarded manner evidence that

may be adduced, and quite another to reject it *in toto*. When the evidence was being given it did not strike me that these two men had manufactured their story. If they had sunk so low as to conspire to ruin an unfortunate woman and to bring misery upon the husband and reproach upon the children, it would have been easy for them to have agreed upon a statement in which nothing would have appeared as to the difficulty of their hearing what passed, in which each would have heard at the same time some distinct remarks preceding and following the commission of the act, in which each would have deposed with certainty to the fact that the sofa or floor was chosen, and that certain defined sounds which reached their ears from the room demonstrated that Gordon had carnal intercourse with the plaintiff. But in place of that we find both parties admitting that until after twelve nothing could be made of what passed between the occupants of the room. James Campbell, who was at the window where it is said what passed could be better heard, gives a fuller account of matters than Anderson, but both agree in the main fact that the act of adultery had been committed; Anderson being of opinion that it took place twice. I think the case affords a fair example of that class of evidence which receives strength from the fact that while there is agreement in the main matters deposed to, in the details there is a disagreement, which, while it shows the testimony has not been manufactured, is here readily accounted for by the circumstances to which I have alluded. Then can I say that these witnesses are to be discredited on account of the improbability of any such conversation as that which they state having taken place between the plaintiff and Gordon. It must be borne in mind that these witnesses are shrewd enough to have known that the mind would naturally conclude that some matters by them referred to could scarcely have taken place, and when we find them, notwithstanding such obvious conclusion, giving us these improbabilities as what actually passed, it is a matter not unworthy of remark in determining the weight to be attached to their testimony. If one was to sit down and determine calmly beforehand the conversation which would be most likely to lead to the conclusion which the adulterer desired, then no doubt we should have a very different dialogue from that which is presented to us. But we must remember that in these cases judgment gives place to the passions. A word or remark, without much consideration as to its effect—uttered merely, it may be, to prevent reflection on the part of the other, or in order to say something, whatever it may be—is spoken. It would not unnaturally be thought improbable, when the wife was about to prove herself false to her husband, that she would have brought up his name; nor would it be thought probable that the question would be put to the wife as to when she had connection with her husband; nor is it likely that there would be an investigation of the probability of discovery from any result flowing immediately from the act of adultery, when the woman was already five months gone with child; nor, indeed, did it strike me as natural that the gross language deposed to could have been used, or that the plaintiff should so soon have forsaken the guile of her youth, as to have tolerated what is described when placed before her in so gross a form. *Nemo repute fuit turpissimis* is as true as it is trite, and I must only conclude, if this evidence be received, that the process of rendering the mind impure had been going on for a longer time than might otherwise have been thought. It is more reasonable to conclude this to be the case than that we have one of those instances in which honour is unaccountably exchanged for infamy. If the Plaintiff has been an admirer and student of the works of the writer of the volume which was handed to me in order to shew that the Exhibits before referred to were merely extracts from this book, I can understand how speedily her mind would be contaminated. I do not mean to say that the novel produced—*Monsieur Sylvestre*—contains much that is objectionable. I refer to the earlier works of Madame Dudevant, which, written in her fascinating and beautiful style, make all the more dangerous the infidel and highly immoral views which she so freely propounded without apology, except such as may be found in the fact that she sought to spare her sex the odium of circulating such teachings by attributing their authorship to George Sand. A more unsafe guide for any woman to follow, it is hardly possible to conceive; and it

may be that the loss of purity of mind and the tainting of the principles of the plaintiff may be traced to the perusal of this and the like literature. That these men could hear, at all events, something of what passed in the room that night is clear, for the plaintiff and Gordon admit that California and an elopement or eloping were spoken of by them, and this is part of the conversation to which these witnesses depose. On two points there is much difference of opinion—whether there was music or not that night, and the hour to which they watched. James Campbell, Anderson, Jane Newsom, David Smith and Mary Fraser swear there was no music that evening. Yeoman Gibson and his wife aver there was. I think the latter are mistaken. They speak of the music on an evening when two persons were seen by them about the outside of the house, one of whom wore a white hat. The white hat spoken of was, I think, that worn the following evening, when Jane Newsom and David Smith were walking about the grounds. On the preceding evening the hats had been removed from the watchers, and their heads would have appeared black in the night light. There is much more difficulty in determining the hour that Campbell and Anderson left the house—whether it was half-past one or three. Gordon, in an affidavit made in a former case, says the hour he left was a quarter to two. I am unable to reconcile the statements of the witnesses whose testimony is under consideration, and that of the tavern-keeper, Randall, on the one side, and that of Adams, Davidson, Gross and Mrs. Allon, on the other. The statement of Jane Newsom, the servant, to a certain extent, negatives the earlier hour: she says she was awakened by the words “three o'clock” uttered by some person. But I do not think I could discredit James Campbell and Anderson, even if I came to the conclusion that they erred as to the hour they left the house. It was by half-past one, according to their account, that the adultery had been committed. I do not know that the case is made much stronger against the plaintiff, by putting the hour of Gordon's leaving at half-past one in place of three. I cannot find any reason for their stating the later hour, unless they, in good faith, thought that was the time when they left the house. I am unable to conclude that I am justified in disbelieving the story told by James Campbell and Anderson; and this being so, I am obliged to find that the case of strong suspicion presented by all the circumstances to which I have previously alluded receives in the testimony of these witnesses the confirmation necessary to enable me to say that the fact is proved against the wife.

But it may be urged, such a conclusion should be displaced when the persons implicated solemnly pledge their oaths to its falsity. I have had much doubt upon the effect to be given to such testimony, but the best opinion I can form on the subject is, that where the case is, apart from such testimony, proved, the Court cannot allow it to alter the finding, which, without it, has been arrived at. A wife who has been accused of unfaithfulness to her husband, will, I fear, go almost any length to negative such a charge. The crime is one which at all times the parties are too apt to deny. It has been so, at all events, from the days of Solomon: “Such is the way of an adulterous woman—she eateth, and wipeth her mouth, and saith, I have done no wickedness.” The heinousness of the crime, the breach which it is almost sure to cause between the husband and wife, the injury to the children, the disgrace cast upon relations and friends, the loss of social standing, combine to lead one placed in this terrible position, to make any statement which may have the effect of freeing her from the impending calamity. The accusation made is so disgraceful in its character, and so dire in its results, that one feels justified in adding almost any other sin to it in order to free oneself from the punishment so much dreaded, and to escape detection. Then, as to the position of the partner in the guilt: He, by falsehood, and a system of duplicity utterly irreconcilable with the conduct of an honest man, steals enjoyment regardless of the laws alike of God and man. What law is it, then, which will restrain such a one, when in the witness-box he is asked as to these matters? Besides, we find amongst people of this loose class, as we do amongst thieves, what they are pleased to name by a pleasing euphonism, a code of honor; and this seems to call for the protection of the female, even to the extent of perjury, if they are thus far called upon. The greater sin being committed, that which appears so much

lighter, and which the conscience almost justifies as the good deed of preserving one, whom, having sacrificed herself for you, you are peculiarly called upon to protect, will easily follow.

The view of Mr. Denman, expressed on the trial of Queen Caroline, although stated before the alteration in the Evidence Act, appears to me to be that which must still be held in weighing such testimony: "We have been told," said he, "that Bergamie might be produced as a witness in our exculpation, but we know this to be a fiction of lawyers, which common sense and natural feeling would reject. The very call is one of the unparalleled circumstances of this extraordinary case. From the beginning of the world no instance is to be found of a man accused of adultery being called as a witness to disprove it. \* \* \* How shameful an inquisition would the contrary practice engender! Great as is the obligation to veracity, the circumstances might raise a doubt in the most conscientious mind whether it ought to prevail. Mere casuists might dispute with plausible arguments on either side, but the natural feelings of mankind would be likely to trample over their moral doctrine; supposing the existence of guilt, perjury itself would be thought venial in comparison with the exposure of a confiding woman. It follows that no such question ought in any case to be administered, nor such temptation given to tamper with the sanctity of oaths."—(Taylor on Evidence, section 1220, note 3.)

The evidence of parties so situated, may in some cases give such a clear and convincing explanation of matters as to clear up what was doubtful and remove the suspicion that rested upon them; but I do not feel that I would be safe in doing more than this, acting on testimony derived from such a source. The plaintiff kept Gordon apprised of the defendant's movements. On the 23rd he knew of the proposed visit to Saugeen, and I have no doubt that then, or on the Sunday following, they made the assignation for the 26th. Gordon admits that in speaking of California the plaintiff said: "Would it not be nice to go there together," to which he replied: "It would." They both admit of the talk about an elopement, but say it referred to an old joke they made before the defendant. It did not strike me he was a man much given to joking, and I doubt that, even if he were so inclined, this would be a subject on which he would allow any such liberty to his wife and Gordon. In his examination the defendant denies that any such matter was ever mooted in his presence. Gordon does not seem to have been at the house of the defendant between April and June, but when the defendant's back is turned his visits there are frequent. I doubt that it would be possible to put this innocent interpretation, which the Plaintiff desires, on the conversation about eloping. Another matter, to my mind, more thinly disguised, is the introduction by these two in their account of the evenings, of a conversation about the army and navy. It is to be inferred that the word "navel" was not used, but that the word "navy" was by Campbell and Anderson misunderstood for it. I fear that the evidence of plaintiff and Gordon bear marks of having been discussed between them after they were aware of the statement of Campbell and Anderson, and that they then agreed to make up their story which was to contain these explanations of what they felt damaging to them. The wife admits a number of letters passed between Park and herself. None of these were produced but those procured in the manner before described; as to two of these papers, she states that they were not copies of letters, but some memoranda which she had commenced making about three years before, for a romance which she proposed to write. They bear all appearance of extracts made to be used in the composition of letters similar to that which is found; we have the fact of letters of this kind being written, but we have no sign of the romance; whether for letters or a romance, they show the groove in which unfortunately the mind was running. I think I must conclude that these notes were made to furnish material for letters which the plaintiff was writing. The style of the letter produced, intended to be a copy of one sent to Park, leads my mind strongly to this conclusion. I do not think any stress can be laid on the fact that the parlor door was not closed during the time spent together in the drawing room. It was not until after the servant, the only other person in the house, had gone to bed, that the adultery was committed. They might reasonably have thought

it better to leave the door open, so that they could watch the servant; and when they found that she had gone to bed and was apparently asleep, they could proceed with what they desired. It was, perhaps quietly to make these investigations, that the plaintiff took off her boots. There would be danger in shutting the door, as if this were done a person might surprise them in the act, which could not so easily take place if they were watchful and left the door ajar, so that the first movement made outside the room in the house would attract them.

I place no reliance on the evidence of Fagin and Cameron; it is highly improbable, exaggerated, and to my mind obviously unreliable. I do not think Gordon made any admission of his guilt on the morning of the twenty-seventh when he was confronted by Anderson and Campbell.

I think it is a circumstance of suspicion that the plaintiff was dressed at six o'clock on the morning of the twenty-seventh, and that on the twenty eighth she should have admitted to the servant that she did not think she and her husband would again live together.

On the whole case presented, I am of opinion that the defendant has succeeded in the defence which he has set up as an answer to the claim of the plaintiff, and that the evidence establishes an adulterous intercourse to have taken place between the plaintiff and Gordon.

It is almost needless to add the very great pain the consideration of this much to be lamented case has caused me. It is deplorable to witness the ruin which has been brought upon a household where existed at one time all that could have been thought necessary to render its members reasonably happy, if only self-control had been exercised. I deeply sympathise with both the parties to the unfortunate proceedings. The failure of the attempted settlement made during the progress of the cause shows how useless it is now to look for any display of the spirit of forgiveness. The finding at which I have arrived, looking at the view taken of the offence in question by the cold charity of the world, removes any hope that may ever have existed of a reconciliation taking place. I desire not in any way to make light of or to palliate the grievous crime of adultery, but I know not why it should be looked upon as "the unpardonable sin," and why when an unfortunate woman once becomes thus a sinner, she should, no matter how repentant, be by her fellow sinners condemned forever, and thenceforth be the shunned of all earth's dainty clay. I know not why husband and wife should not, when suing from their common *Father* for that mercy in which alone tempering justice must be found all their hope in the great hereafter, be led towards each other "to render the deeds of mercy" and thus seek that double blessing which flows from the exercise of this God-like attribute.

It is not, however, within my province to enter into the discussion of these questions, my duty ends with the dismissal of the Bill.

I, Alexander Grant, Reporter to the Court of Chancery of Ontario, do hereby certify that the foregoing forty-nine pages of manuscript, each page bearing my initials, contain a correct copy of the judgment delivered by the Honorable Vice-Chancellor Blake in the case of *Campbell vs. Campbell* pending in the said Court.

A. GRANT,  
*Reporter.*

Dated 7th February, 1876.

WEDNESDAY, 22nd March, 1876.

PRESENT:

The Honorable Mr. DICKEY—*Chairman.*

The Honorable Messieurs

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON,
CORNWALL,	SEYMOUR,
KAULBACH,	REESOR.

ELIZA MARIA CAMPBELL was sworn, and was examined by Mr. *McDougall* as follows:—

Q. You are the respondent in this case?

A. Yes.

Q. Have you lived in Whitby since your marriage?

A. Yes.

Q. During the whole period?

A. Yes.

Q. What year were you married?

A. In 1863.

Q. How many children of the marriage are there?

A. Four.

Q. Is this the whole number you have had?

A. Yes.

Q. What are their sexes?

A. Three boys and one girl.

Q. How old is the youngest?

A. Two years.

Q. Living with you?

A. Yes.

Q. During the earlier part of your married life, did you live happily with your husband?

A. Yes; I think we lived as the generality of married people do.

Q. In point of fact, had there ever been any difference between your husband and yourself until the unfortunate circumstances out of which this Bill arose occurred?

A. No.

Q. Do you remember prior to the 26th of August, any occasion on which your husband remonstrated with you for your bearing towards gentlemen or a gentleman?

A. Nothing of any consequence, except on the occasion of my crossing the Atlantic. After we arrived home he chaffed me about a gentleman with whom I had walked on board the vessel. That was after we landed, and I thought it was nothing of any consequence at the time.

Q. You mean he spoke in a jocular way?

A. Yes.

Q. Was there any other occasion or any other person after that about whom he spoke chaffingly or seriously?

A. Yes; he spoke on one occasion of Mr. Gordon's visit in March, 1873. I think it was March or April. I do not remember the precise time; it was in the latter part of winter and in the beginning of spring.

Q. Will you tell us about that occasion, and the manner in which Mr. Campbell spoke?

A. Mr. Gordon had come to our house between five and six o'clock, as near as I can remember. We had finished tea when he came, and I asked him to remain to



tea. He said "Yes;" and I prepared tea again, and we sat down together. Mr. Campbell excused himself on the plea of business, and Mr. Gordon remained until nine o'clock, I think. On Mr. Campbell's return he asked me what Mr. Gordon had come for, and I told him "to borrow a book from me." There was nothing more I have any recollection of.

Q. Did Mr. Campbell go into the room to speak to Mr. Gordon on his arrival?

A. Yes.

Q. You were taking tea in another room?

A. Yes.

Q. Mr. Gordon was shown into the parlor?

A. Yes.

Q. And before Mr. Campbell left he went in and spoke to Mr. Gordon?

A. Yes; before he went to business.

Q. It was in the parlor, then, that he excused himself, on the ground of having business which required his attention?

A. Yes.

Q. He said nothing to you with respect to Mr. Gordon's visit at that time?

A. No; not at all.

Q. He did not object to his being there or coming?

A. No.

Q. He spoke to Gordon in a neighborly, friendly way?

A. Yes.

Q. Had Mr. Gordon been in the habit of visiting your house in a friendly way?

A. Yes, on two or three occasions.

Q. Was he brought by Mr. Campbell, or under what circumstances did he come?

A. Mr. Campbell brought him once, that I recollect, to tea, and invited him to a small party another time.

Q. Was that prior to the occasion you have been speaking of?

A. Yes.

Q. Then he visited Mr. Campbell and yourself in a neighborly, friendly way?

A. Yes.

Q. Did Mr. Gordon come to borrow a book on the occasion in question?

A. Yes.

Q. Did he get the book?

A. I had not the book he wished to borrow.

Q. When Mr. Campbell spoke to you, did you at the moment feel that there was a seriousness about the chaffing?

A. I did not; I thought it was all done in a jesting way.

Q. Did he continue this conversation for any time, or was it a mere passing observation.

A. It was a mere passing observation.

Q. Did you spend the evening together after Mr. Campbell's return?

A. Yes.

Q. Did you retire to bed shortly afterwards, or did you sit reading and chaffing as usual?

A. I do not remember that.

Q. Then you swear that there was no serious objection made to Mr. Gordon's visit on that occasion?

A. Not that I understood at all.

Q. Did you retire to bed in the usual way; was there anything on that occasion different from any other?

A. There was not; it was just as usual.

Q. We were told that you took it to heart so seriously that you burst out crying; is your recollection of it consistent with that statement?

A. It is false.

Q. Was it ever referred to by your husband in the sense of being improper?

A. It was never referred to by my husband afterwards in that sense.

Q. Did Gordon continue his visits on the same terms as before; or did your husband's demeanor change towards him?

A. I never observed.

Q. You speak now of the period from that visit up to the time of this charge against you?

A. Yes.

Q. You lived on the same terms as before?

A. Yes.

Q. Reference has been made in the course of a trial to a Mr. Parks; will you tell us when you first became acquainted with him?

A. In the fall of 1872.

Q. Who was he?

A. He was a young Englishman who came out to Canada and came to Whitby.

Q. I ask you, Mrs. Campbell, to state the circumstances under which you become acquainted with Parks in the fall of 1872?

A. I met him at my father's house first, with some friends who were invited to spend the evening.

Q. Did he remain long at Whitby?

A. Some four or five months; four months, I think.

Q. Did you meet him again?

A. Yes.

Q. Did he visit at your house on any occasion?

A. Yes; he was invited to our house when other friends were there.

Q. I ask you the general question; had you ever any improper or criminal conversation with Parks?

A. Never.

Q. After Parks left Whitby had you any correspondence with him?

A. Yes.

Q. Long after he had left?

A. Some two or three weeks after I received a letter from him.

Q. Did you answer that letter?

A. I did.

Q. How long did this correspondence continue?

A. A short time; some five or six weeks, perhaps.

Q. What was the nature of this correspondence?

A. It was only nonsense and fun; done for a lark.

Q. Were they long letters that were written to you; and what was their character?

A. Sometimes they were short, and sometimes long; not very long.

Q. Did you direct him to discontinue writing notes to you?

A. I did.

Q. You found he was writing in rather a familiar way, and you directed him to discontinue?

A. I did.

Q. Was it before your husband found the letter on his office desk that you had written to him to stop corresponding?

A. I had.

Q. Why?

A. Because I thought the correspondence had better cease, and so far as I know it did cease.

Q. And so far as you know it did cease?

A. Yes.

Q. You wrote to him no more?

A. I wrote no more.

Q. Did you receive the letter of August 14th?

A. Not the original letter.

Q. But you received something?

- A. Yes; a copy of it.
- Q. When?
- A. I think it was the week my husband returned, between the 18th and 26th of August; I don't remember the exact date.
- Q. You received a letter apparently from this gentleman, but you discovered it was not in his handwriting?
- A. I thought so at the time.
- Q. What did you do with it?
- A. I burnt it.
- Q. Was it ever referred to by your husband before the 28th?
- A. Never.
- Q. Had he ever censured you for your supposed familiarity with Parks, or your relations with him in any way?
- A. I have no recollection of his having done so.
- Q. You are distinct on that point?
- A. I am.
- Q. When was the letter burnt?
- A. It might be a day or two after.
- Q. It was said some drafts of letters were found in one of your bureaux. Do you know anything of any letters of his to you, or yours to him in your possession?
- A. I think not at that time.
- Q. Have you seen those papers found by your husband?
- A. Yes.
- Q. What is exhibit "4" in pencil writing? Has it any reference to Parks?
- A. It has no reference whatever to him.
- Q. Can you explain what it refers to?
- A. It is my own composition.
- Q. Had it any reference to Gordon?
- A. Not at all.
- Q. Had it any reference to any gentleman?
- A. No.
- Q. Do you recognize exhibit "six"?
- A. Yes.
- Q. There appears to be an address on one side of it?
- A. That is my brother's address in California.
- Q. Was the writing on the other side addressed to any person?
- A. No.
- Q. Will you look at exhibit "5:" is that in your handwriting?
- A. Yes.
- Q. What is it?
- A. I think it was a copy of a letter I had intended to send to Parks, but on reflection I thought it best not to send it, and I did not send it.
- Q. Have you ever seen Parks since he left Whitby?
- A. I have not.
- Q. Do you know where he is now?
- A. He is dead I have heard.
- Q. Previous to the 26th of August, Gordon, you say, was a visitor to your house once or twice?
- A. He was.
- Q. Under what circumstances did he go to the house? Did he drop in as an ordinary visitor, or how, previous to the 26th?
- A. He came in as an ordinary visitor on friendship, I suppose.
- Q. Did he remain long on these occasions, say the first occasion during your husband's absence?
- A. As far as I can remember the first visit was about the beginning of July.
- Q. On that occasion did he come early or late?
- A. Between seven and nine o'clock.

- Q. Can't you fix it nearer than that?  
 A. I cannot. It might be eight o'clock, but I cannot say precisely.  
 Q. Did he remain late on that occasion?  
 A. No.  
 Q. What time did he leave?  
 A. I think between nine and ten; but I cannot say the precise time.  
 Q. Was there singing at the time?  
 A. Yes.  
 Q. Music and singing?  
 A. Music and singing.  
 Q. You are fond of music; you play the piano and sing very well; is Mr. Gordon a musician? Is he fond of music?  
 A. He is very fond of music.  
 Q. Did he sing with you sometimes?  
 A. Occasionally.  
 Q. Besides your playing and singing, was there anything else on this occasion we are speaking of?  
 A. There was conversation; the children were present on that occasion.  
 Q. Was there any improper conversation between you on that occasion?  
 A. No.  
 Q. When was the next occasion, during your husband's absence; do you remember?  
 A. I have no recollection of the date.  
 Q. Have you any recollection of the visit?  
 A. No; I know that he was there two or three times, but I have no recollection of this visit particularly.  
 Q. He came in the same way as you have already described?  
 A. Yes.  
 Q. And went away?  
 A. Yes.  
 Q. Did he remain with you previous to the 26th of August on any occasion very late.  
 A. I remember that once, he remained until about twelve or nearly so.  
 Q. What were you doing on that occasion?  
 A. I was singing.  
 Q. Was he sometimes accompanied there by other parties?  
 A. Yes.  
 Q. Was there any improper conversation on that occasion?  
 A. No.  
 Q. I asked you as to his being invited to parties? Do you remember more than one at which he was present in your house?  
 A. There were two or three in the spring of that year.  
 Q. Who invited him to these parties?  
 A. My husband invited him once, and I sent a note of invitation once. The next time I saw him at church, and I invited him after church.  
 Q. Did you do that with the concurrence of your husband?  
 A. Yes.  
 Q. Did you talk over with you husband the names of the persons whom it was proper to invite?  
 A. Yes.  
 Q. And Gordon's name was mentioned as one.  
 A. Yes.  
 Q. And he assented to it?  
 A. Yes.  
 Q. Well, now, on the evening of the 26th, where did you first meet Mr. Gordon?  
 A. At my father's house.  
 Q. Under what circumstances?

A. I had been out taking a walk that evening, with a young lady friend, and after returning, I went to my father's; I staid a short time, and while there Mr. Gordon came to the door with my sister and niece, who had been spending the day at his father's house.

Q. He brought them home?

A. Yes; and I asked him if he would be kind enough to see me home, which he did.

Q. What hour was this in the evening?

A. It was after nine o'clock.

Q. How do you fix the time; was there any circumstance by which you did so on leaving your mother's house?

A. The clock struck nine shortly before I left.

Q. And did Mr. Gordon accompany you?

A. Yes.

Q. How far was your house from your mother's; about two or three blocks?

A. Yes.

Q. It was a few minutes' walk?

A. Yes.

Q. Was it dark on that occasion; quite dark?

A. Yes; it was rather dark.

Q. It was after night-fall?

A. Yes.

Q. Well, when you reached your own residence, what did Mr. Gordon do?

A. I do not remember whether he asked me if I would sing for him, if he came in, or that I asked him to come in; I cannot recollect that.

Q. At all events, he came in?

A. Yes.

Q. And what did you then do?

A. We conversed; I played and sang, and read too. We looked through stereoscopic views, and I played drafts with him.

Q. You read pieces from books?

A. Yes.

Q. And played. Do you remember any particular music which you played on that occasion?

A. Yes; I do.

Q. Will you mention to the Committee the names of the pieces?

A. The first piece was entitled "The Pirate's Serenade."

Q. That is a naval piece?

A. It is a marine song.

Q. The next was what?

A. "Kathleen Aroon."

Q. Did you sing or play any other songs or parts of songs during the evening?

A. Yes.

Q. Did you converse in the interval between these pieces?

A. Yes.

Q. Were you sitting at the piano?

A. Yes.

Q. Part of the time?

A. Yes.

Q. At what time did you finish your music and begin to play drafts; do you remember?

A. About an hour or so after Mr. Gordon came in, I commenced to sing; and after singing I showed him some stereoscopic views, and read to him after that. We played drafts after that, before he went away.

Q. Where were you sitting when the draft playing was going on; were you sitting at a table or on the sofa; in what part of the room?

A. On the sofa or chairs; I do not remember distinctly which; the draft board was between us, on our knees.

- Q. How long did you continue to play drafts ?  
 A. I should think about three quarters of an hour, or an hour, perhaps.
- Q. When the draft playing ceased, did Mr. Gordon remain any longer, or did he go away at once ?  
 A. He remained a short time.
- Q. Were you conversing during the evening in an ordinary tone ?  
 A. Yes.
- Q. Not in a louder tone than usual ?  
 A. No.
- Q. Was the door of the room closed at the time ?  
 A. No; the door was open.
- Q. Was it thrown open in the ordinary way, or was it a little open ?  
 A. It was thrown open.
- Q. Did it continue in that condition during the whole of the evening ?  
 A. Yes.
- Q. Did you hear the servant about the house ?  
 A. No; I did not.
- Q. At what time did she retire ?  
 A. I do not know.
- Q. She sleeps above that room, I believe ?  
 A. Yes; she slept at the head of the stairs.
- Q. Well, your conversation could be easily heard by anyone standing at the head of the stairs, the door being open ?  
 A. Yes; very easily.
- Q. Did you go out of the room during that evening to the kitchen for any purpose ?  
 A. Yes; I went into the kitchen to ask the servant to get a jug of water.
- Q. About what time in the evening was this ?  
 A. I could not say at what time it was.
- Q. Did she bring in the water ?  
 A. I brought it myself.
- Q. Did you close the door on entering the room with the water, or did it remain as it was ?  
 A. The door remained as it was.
- Q. In what position was the front door of the house during that evening, before Mr. Gordon left ?  
 A. This door was partly open; it was left as the girl left it, when she allowed us to enter.
- Q. As you came in with Mr. Gordon, the door was left ajar ?  
 A. Yes, the hall door.
- Q. And it was ajar when Mr. Gordon left ?  
 A. Yes.
- Q. Did you accompany him to the door ?  
 A. Yes.
- Q. And close it ?  
 A. Yes.
- Q. You found it ajar when you came to the door.  
 A. Yes.
- Q. So that in point of fact the front door was open during the whole of the visit, as well as the parlor door ?  
 A. Yes.
- Q. Did you hear any persons on the verandah that night, or about the house ?  
 A. I fancied that I did.
- Q. Did you speak of it to Mr. Gordon ?  
 A. Yes.
- Q. What did you say ?

A. I said that I thought that I heard footsteps on the verandah, or a noise as of a man walking softly; I heard the creaking of the boards, and I spoke to him of it.

Q. How long before he left did this incident occur?

A. It was when we were playing drafts.

Q. Did you make any remark as to who you thought it was?

A. Yes; I thought that it might be James Campbell.

Q. And why did you think so?

A. Because the servant told me that he had been watching the house before; also that she had seen him listening under the windows.

Q. And you thought that it was he?

A. Yes.

Q. Did you close down the windows on that evening in a different manner from previous evenings?

A. I closed the windows, and went out for a walk; I put the blinds down.

Q. And what were the blinds; will you describe the interior of the windows?

A. I was a sort of thin material—chintz; green and white striped.

Q. Were there any heavy hangings?

A. There was a muslin curtain on one side and a repp curtain on the other, on each window.

Q. Was the repp curtain limited to one part, or did it stretch across the window if unfolded?

A. It would not.

Q. Then, in point of fact, it could not close the window completely from het light, except by means of the blind itself?

A. Except by the blind or pulling the curtain over, the light could not be excluded entirely.

Q. Was the window in the same condition as on previous occasions; did you take any special means on that evening by pinning the curtains in any way, or did you do anything to prevent any person seeing through?

A. No.

Q. Did you make any remark to Mr. Gordon about the hour of the night, or did he make any remark about it?

A. When playing drafts he said that it was time to be going; I asked what time it was, and he looked at his watch and told me the time.

Q. And what time did he tell you it was?

A. Half-past one; I immediately went into the hall and looked at the time; it was a quarter-past one by our clock, and I came into the room and told him that his watch was quarter of an hour fast; he left the house a short time afterwards—a few minutes after.

Q. Did he express any surprise as to the lateness of the hour, or did you make any remark?

A. Yes.

Q. What was the remark?

A. I said that I was surprised that it was so late; that the time had slipped away, and that I had not noticed it.

Q. You were deeply engaged in playing drafts?

A. Yes.

Q. Now; do you remember that during any conversation that took place you spoke, for instance, of California?

A. Yes.

Q. In what part of the evening?

A. It was when I was sitting at the piano.

Q. You spoke about California; do you remember what you said?

A. I said to Mr. Gordon, "What would you do if you had a fortune; how would you spend it?" I do not recollect his reply; he asked what I would do under such circumstances, and I said that I would spend a great deal of it in travelling; that I would visit different countries, and, amongst others, California was mentioned; I said

that I was anxious to go there, as I had a brother there I was very fond of; he mentioned that he had a brother there also.

Q. How long did that conversation about California continue?

A. I cannot say.

Q. Was there anything said in that conversation about California of an elopement?

A. Yes; I asked Mr. Gordon if he remembered the time when we spoke of eloping to California together, some two or three years previous when he was at our house with his sisters. I was reading about an elopement from the newspaper, and said "How would it do for us to elope together." I do not remember his answer; but I asked him if he remembered the circumstance on that occasion. I turned to my husband and asked him how did he like the arrangement we were making.

Q. Did your husband make any remark?

A. I do not recollect.

Q. Was the remark made in a spirit of banter?

A. It was all said in jest.

Q. Did Mr. Campbell look serious over it?

A. He did not.

Q. And you recalled Gordon's attention to that circumstance on the evening of the 28th?

A. Yes.

Q. Did you say anything more about it?

A. I have no recollection.

Q. Then the conversation turned on something else?

A. Yes.

Q. Do you remember looking at a stereoscope that evening?

A. Yes.

Q. Do you remember making any reference to the instrument?

A. Yes.

Q. What was the state of the instrument?

A. It was rather mutilated.

Q. What was the remark you made?

A. I told Mr. Gordon not to push the views in too far into the instrument, as they would fall through the bottom.

Q. Were you discussing that evening the subject of the army and navy?

A. Yes.

Q. How did that question arise?

A. The conversation arose from my singing "The Pirate's Serenade," and I asked him how would he like to be a naval officer, he said he preferred the army.

Q. You were aware he was an officer in the volunteers?

A. Not until he told me.

Q. On that occasion was there any improper conversation between Gordon and you from the time of his coming into the house till he left it?

A. No; there was not.

Q. Was there any attempt on his part at undue or improper familiarity with you?

A. There was not.

Q. Did he always treat you in a respectful manner, as a reputable gentleman of the neighborhood ought to do?

A. Yes.

Q. Then the charge contained in this bill respecting Gordon you utterly and positively deny?

A. I deny it; and I always denied it.

Q. After the first trial that took place—the action against Gordon, by your husband—did you bring an action against anybody, and whom?

A. I brought an action against James Campbell for defamation of character, respecting his statement of my conduct on the evening of the 28th.

Q. Were you examined as a witness on that occasion?



- A. I was.
- Q. And cross-examined ?
- A. Yes.
- Q. Did you recover a verdict ?
- A. Yes ; for \$1,000.
- Q. Has the thousand dollars been paid ?
- A. No.
- Q. Do you know the reason ?
- A. James Campbell applied for a new trial, but it has not taken place.
- Q. Have you any means to carry on a prosecution against any one ?
- A. I have not.
- Q. Has your husband supplied you with any means since the alimony suit was determined ?
- A. No.
- Q. Has he offered to do so ?
- A. No.
- Q. Has he offered anything towards the support of the child that is with you ?
- A. Nothing.
- Q. Has he proposed to do so.
- A. No.
- Q. How long after the 26th of August before this last child was born ?
- A. Some four months.
- Q. Were you under your husband's protection when the child was born ?
- A. I was not ; I was in the house of my brother.
- Q. How did you come to leave your own house ? Did you leave voluntarily ?
- A. I did not.
- Q. Do you remember the date ?
- A. On the 24th of September.
- Q. You say you did not leave the house voluntarily. Under what compulsion did you leave ?
- A. I was forced from the house by Mr. Campbell.
- Q. Describe to the Committee the circumstances and manner of your expulsion as nearly as you can ?
- A. Mr. Campbell came on the night of the 24th with two constables to eject me from the house ; I was in bed at the time ; it was about nine o'clock in the evening ; Mr. Campbell came to the room and told me he came to put me out of the house. I told him I would never leave the house unless I was forced to do so ; he told me there was no use in talking with him, I would have to go from the house ; he came to the bed where I was lying and took hold of me by the arm ; I resisted as much as my strength would allow me to do ; he then let go of my arms, and I fell back in the bed from weakness. He desisted for a time, and then he commenced again ; I tried every effort to resist him ; finally, one of the constables took hold of me, as my husband told them to do their duty.
- Q. Did they come ?
- A. Yes ; one came.
- Q. Did he lay hold of you ?
- A. Yes ; he took hold of me, and together they took me out of the bed.
- Q. Did they conduct you down stairs ?
- A. Yes.
- Q. Against your will ?
- A. Yes ; and notwithstanding my resistance. I resisted all the time as much as my strength would permit. When I got down to the foot of the stairs I lay on the sofa for a short time. He then commenced again, and said I should go out of the house, and he intended to force me out. So, he came again with the constable to take me down the front steps, and when he got me there, he gave me a push forward, and I fell into my brother's arms. After that I was ill and lay in bed for several days, as I was threatened with premature labor in consequence of the usage I had received.

- Q. Were you examined or seen by a doctor prior to this removal ?  
 A. Yes ; a doctor called the same evening.  
 Q. Previous to your husband's attempt to remove you ?  
 A. Yes.  
 Q. What was the doctor's name ?  
 A. Dr. Gunn.  
 Q. Do you know anything of a certificate given Mr. Campbell by Dr. Gunn ?  
 A. Mr. Campbell told me he had a certificate from him.  
 Q. As to what ?  
 A. As to warranting his removal of me ; that I was in perfect health and capable of being moved.  
 Q. Did you ask to see the certificate ?  
 A. I did.  
 Q. Did he show it to you ?  
 A. No ; he would not show it.  
 Q. He only told its purport ?  
 A. Yes.  
 Q. You remember Dr. Gunn's visit ?  
 A. Yes.  
 Q. Did he make any reference to your health, or ask any questions respecting it ?  
 A. Yes ; he asked how I was, and I told him that I was not very well, that I had a severe pain in my back and was suffering from a cough. I had been lying down in the earlier part of the evening, and on the doctor's going I immediately laid down again.  
 Q. Have you seen the account of this transaction in this paper ? (Handing a newspaper to witness.)  
 A. Yes.  
 Q. Does it contain an account of the examination before the magistrates in reference to this expulsion ?  
 A. Yes.  
 Q. You made a charge against Mr. Campbell.  
 A. Yes.  
 Q. And there was an examination before the local magistrates ?  
 A. Yes.  
 Q. Were you present at it ?  
 A. I was not ; I was in bed at the time.  
 Q. You have read the report in that paper ?  
 A. Yes.  
 Q. Do you find there the certificate of Dr. Gunn ?  
 A. Yes.  
 Q. You find a certificate apparently produced at that trial signed by Dr. Gunn ?  
 A. Yes.  
 Q. Will you read it ?  
 (Counsel objected to this, and the objection was sustained.)  
 Q. You say you were ill for some ten days after this expulsion from your house ?  
 A. Yes.  
 Q. It has been sworn here that you stripped the house of all its moveables except the heavy furniture ; is that true ?  
 A. It is not true.  
 Q. You did not strip the house of its goods ?  
 A. I did not.  
 Q. Did you take any goods away from the house on the occasion referred to ?  
 A. I took nothing ; Mr. Campbell sent everything to me after I left the house.  
 Q. And if there was any stripping of the house Mr. Campbell did it ?  
 A. I suppose so.  
 Q. What were the articles Mr. Campbell sent you ?

A. My articles of clothing, silver and bedding that I had taken to him when I married.

Q. Anything else?

A. There are many things I do not recollect—trifles belonging to me.

Q. Did he send any clothing belonging to the children?

A. No.

Q. On the occasion of the suit for alimony, do you remember an interview that took place between you and your husband?

A. I do.

Q. At whose suggestion was it held?

A. The Vice-Chancellor's.

Q. Were you in Court when he proposed that Mr. Campbell and you should have that interview, and endeavor to reconcile matters?

A. Yes.

Q. You heard what he said?

A. Yes.

Q. Was this after the evidence had been given by Mr. Campbell?

A. Yes.

Q. And just before you were examined yourself?

A. Yes.

Q. Did the Vice-Chancellor make a strong appeal to him?

A. Yes.

Q. Can you describe the tone and manner of his appeal?

A. He desired us to meet together and become reconciled.

Q. Did he intimate there was no reason why you should not be reconciled?

A. He did.

Q. Did you meet?

A. Yes.

Q. Where?

A. In one of the lawyer's offices in the court house.

Q. How long did you remain in conversation in the lawyer's office?

A. About two hours, I should think.

Q. Were you alone together?

A. Yes.

Q. Did you make any explanations to him, or did he ask for any from you?

A. He told me he was bound to believe his brother's word in everything, so I did not make all the explanations I otherwise would. He said he would believe his brother's word in preference to mine.

Q. With reference to what?

A. The charge against me.

Q. Did you refer to that charge specifically?

A. Yes. He told me he believed I was a guilty woman, and if an angel came down from heaven and told him I was innocent, he would not believe it. Of course I considered it was like talking to a child to speak to him after that.

Q. Did he speak about a reconciliation?

A. He did not speak about a reconciliation at all.

Q. Did he ask you any question?

A. Yes; he asked me several times to name my price.

Q. What price?

A. I suppose he wished to give me so much to get rid of me. I understood it that way.

Q. Did you name any price?

A. No.

Q. Did you discuss the question of price at all?

A. No.

Q. Did you confess or admit in any way there was any ground for his hostility against you?

- A. I did not.
- Q. Then, in point of fact, there was no progress made towards a reconciliation?
- A. None at all.
- Q. He refused to believe your statement?
- A. Yes.
- Q. Under what circumstances did you quit the apartment; did you go into the court room and announce anything, or did Mr. Campbell?
- A. I told him we had better part under the circumstances; he said he would see his brother, and then meet me in the evening.
- Q. Was any decision arrived at?
- A. No; there was no satisfactory conclusion arrived at.
- Q. Did you ever meet him again in the same way in a private interview?
- A. I went to the Royal Hotel, but did not see him.
- Q. Then the interview did not occur?
- A. No.
- Q. And there was no reconciliation
- A. No.
- Q. Was that announced to the judge in Court?
- A. I believe so.
- Q. You were not present at the time?
- A. No.
- Q. Then the trial went on?
- A. Yes.
- Q. And you were examined?
- A. Yes; next day.
- Q. And cross-examined?
- A. Yes.
- Q. You have lived with your mother since?
- A. With my brother about nine or ten months, and with my mother since.
- Q. Have you been received by your friends in the same manner as previously?
- A. Yes.
- Q. Do they visit you?
- A. Yes.
- Q. Do they associate with you?
- A. Yes.
- Q. And treat you as an innocent, honest woman?
- A. I have always understood so.
- Q. You have met with no coldness from the neighbors?
- A. I have been always received very kindly everywhere.
- Q. One of the girls spoke of your boots being found in the parlor on two occasions; do you know anything of it?
- A. I remember leaving my boots in the parlor after a party he was at after they had all gone; my feet were very warm, and I took off my boots and threw them down; I have no recollection of my boots being left in the parlor any other time.
- Q. You had been dancing?
- A. Yes.
- Q. Was that after Mr. Campbell had left for England?
- A. No; it was before he had gone on the last occasion.
- Q. You know Jane and Martha Newsom?
- A. Yes.
- Q. What is the character of those girls, or either of them?
- A. I really cannot say anything detrimental to the girls; I always found them upright; they were not perfect, of course, but I never found anything materially wrong.
- Q. Has not one of them had an illegitimate child?
- A. Yes.

- Q. Which of them ?  
 A. Jane.  
 Q. Do you know as a fact that the other had ?  
 A. I do not.  
 Q. As to the relations between James Campbell and yourself prior to the 26th ; will you speak of that ?  
 A. We were not on intimate terms ; I know he was bitterly opposed to my marriage with his brother, and of course I had not a very friendly feeling towards him after my husband told me of it.  
 Q. You knew that there was an unfriendly feeling on his part ?  
 A. Yes.  
 Q. And you acted with that knowledge in your mind constantly ?  
 A. Yes.  
 Q. In point of fact, there was no intimacy between you ; was he in the habit of coming to the house and chatting ?  
 A. Occasionally ; he came and chatted with my husband occasionally.  
 Q. Did he ever come to you and show a friendly, brotherly disposition towards you shortly before the 26th ?  
 A. He came once with his wife to see me while my husband was away. He came to the door at another time to make some complaint about the children ; but that was the only time when he visited me.  
 Q. He was in the habit of going into the yard and about the stables frequently ?  
 A. Yes.  
 Q. At night ?  
 A. Yes.  
 Q. At any particular hour or at all hours ?  
 A. At all hours of the night ; I have seen him going away very late, at eleven o'clock perhaps.  
 Q. Then, for anything you knew, he might look in at the window, or come in at the door, or come about the house at any moment at night ?  
 A. Yes.  
*Cross-examined by Mr. Walker :—*  
 Q. How long have you known George Gordon ?  
 A. I have known him for a great many years.  
 Q. You knew him before your marriage ?  
 A. Yes.  
 Q. Intimately ?  
 A. No ; not particularly so, but we were always very friendly when we met.  
 Q. I think that you said in your examination in chief, that prior to the tea party spoken of, Mr. Gordon had been to your house only two or three times ? I mean prior to the evening when you took tea together in March, 1873 ?  
 A. Yes.  
 Q. I believe that he was in your house twice before that ?  
 A. Two or three times ; it might be more.  
 Q. How many years were you married in 1873 ?  
 A. For ten years.  
 Q. When did Mr. Campbell leave for England ?  
 A. In June, 1873.  
 Q. How many visits did he make to the house during Mr. Campbell's absence ?  
 A. He came five or six times.  
 Q. How long was Mr. Campbell absent ?  
 A. He returned on the 18th August.  
 Q. Then during these six weeks Mr. Gordon visited the house five or six times ?  
 A. Yes.  
 Q. Do you remember the occasion of the first visit after Mr. Campbell left ?  
 A. I remember that it took place somewhere about the beginning of July.  
 Q. Do you remember the day of the week when Mr. Campbell left ?

- A. No; I do not.
- Q. Do you remember that a concert was given that evening?
- A. Yes; I do.
- Q. Did you go to it?
- A. Yes; I did.
- Q. Who returned home with you?
- A. My sister and niece, Mr. Gordon and another gentleman.
- Q. Did your sister and niece return to Mr. Campbell's house?
- A. No; they went to my brother's.
- Q. Who came to the house with you?
- A. I ran across by myself; the gates were only a street across from each other; I ran through the backway, and left them there with Mr. Gordon and the other gentleman.
- Q. They did not go to the house, either of these gentlemen?
- A. No; they did not.
- Q. Did anyone come to the porch with you that night?
- A. No.
- Q. You swear to that?
- A. I do.
- Q. You swear that George Gordon did not accompany you from the concert, and go into the porch with you when you returned?
- A. Yes.
- Q. Do you remember the second occasion; the other was on the very night of Mr. Campbell's leaving?
- A. Yes.
- Q. Do you remember the next time when he came to your place?
- A. Yes; it was in the beginning of July.
- Q. Had you been preserving that day?
- A. No--preserving?
- Q. Yes?
- A. I do not recollect.
- Q. Do you recollect dressing up specially that evening?
- A. I do not.
- Q. Do you recollect giving the servant leave to go out that evening?
- A. No; I do not.
- Q. Do you recollect Mr. Gordon coming into the house that night without ringing or knocking?
- A. No; he never came into my house without ringing or knocking.
- Q. So if any person says so, that person says what is not correct?
- A. Yes.
- Q. Do you remember, on one occasion, when Mr. Gordon was there, your coming out and asking the servant who was that who clicked the gate, and that her reply was that it was Mr. James Campbell?
- A. No; I do not.
- Q. Do you remember Mr. Gordon accompanying you home from a party which had been given at your mother's house?
- A. I do.
- Q. Do you remember what time it was in the morning?
- A. I think that it was between eleven and twelve o'clock at night.
- Q. Will you swear that it was not later, and that it was not between one and two o'clock?
- A. No; I could not be positive as to that.
- Q. Where was the servant girl that night?
- A. She was at home.
- Q. Who was your servant at this time?
- A. Martha Newsom.
- Q. How long did she remain in your service?

A. I do not recollect that; she left me on the 15th of August; I do not recollect how long she was with me.

Q. She left you on the 15th of August, in the evening?

A. Yes; I think that it was in the evening.

Q. Was Mr. Gordon there that evening?

A. I could not say.

Q. Did you see her that evening just before she left?

A. No; she came back, I think, to bid me good bye, but whether she did so before she went away, I cannot recollect exactly.

Q. Do you recollect when Mr. Gordon was at the house on the second occasion?

A. No; I do not. I do not recollect the date.

Q. Do you recollect being in the arbor with Mr. Gordon on one occasion?

A. Yes.

Q. At a late hour?

A. Not at a late hour.

Q. Up to ten o'clock?

A. Oh! no; not so late as that; it was between seven and nine o'clock, and the children were there.

Q. Do you remember Martha Newsom coming, and asking you if she might go out?

A. No; I do not remember that.

Q. Do you remember the children crying and calling from an upper window and wanting to be put to bed?

A. No.

Q. Did you ever find the children in bed with their clothing on?

A. Never.

Q. What room did the children occupy; a room directly opposite yours?

A. One slept in one room, and two in the other—directly opposite mine; mine was the south-east room.

Q. You recollect being in the arbor one evening with Gordon, but you do not recollect the servant coming there, or the children calling and asking to be put to bed, or their going off their own accord without your assistance?

A. I do not recollect them calling from the window to put them to bed.

Q. Did the children go to bed themselves without assistance that night?

A. I could not say as to that; I must have asked Martha to put them to bed, or have put them to bed myself; but as to that I do not recollect.

Q. On the first occasion that you speak of in March, you say that there was no unpleasantness between you and Mr. Campbell with reference to Mr. Gordon after his return from the shop?

A. No more than I have stated.

Q. You did not cry?

A. No; I did not.

Q. Did you sleep together that night?

A. I do not recollect that.

Q. Do you recollect the language Mr. Campbell used that night?

A. I remember his asking me what Mr. Gordon came there for; I told him that he came to borrow some book from me.

Q. He was there four hours borrowing the book?

A. No; I asked him to remain to tea before my husband left the house.

Q. You had not the book you said?

A. I had not the book.

Q. What book was it?

A. One of the Waverley novels—The Talisman.

Q. You told Mr. Campbell he had come to borrow a book.

A. Yes.

Q. What did Mr. Campbell say to that?

A. He made some foolish remark, asking if he was a beau of mine, or something of that kind.

Q. What next happened? Did you say that he was, or not?

A. I said no; and asked "What put that foolish nonsense into your head, "I do not recollect the rest of the conversation; there were only some trifles spoken of as I have said.

Q. Do you recollect his making the remark, that it was very imprudent for you, a married woman, to be in the parlor with that young man?

A. I do not.

Q. Do you recollect his being annoyed, and refusing to sleep with you?

A. No.

Q. You would not undertake to swear that on that particular night you slept together?

A. No.

Q. Who was the servant in the house on the 26th of August?

A. Jane Newsom.

Q. Who was the servant that told you that she had seen Mr. James Campbell listening at the window?

A. Martha Newsom.

Q. When did she tell you this?

A. During Mr. Campbell's absence.

Q. He was watching, or listening under what window?

A. Under the drawing-room window.

Q. There are three windows in the drawing-room, are there not?

A. Yes.

Q. Which one was it?

A. The west window.

Q. It adjoins the little gate spoken of?

A. Yes.

Q. Is that the one referred to in Mr. Anderson's evidence as the one he stood at?

A. Yes.

Q. At what hour did Mr. Gordon come to the house on the evening of the 29th of August?

A. Between nine and ten o'clock.

Q. What did he come that night for?

A. He had no particular object in coming.

Q. It was not to borrow a book?

A. No.

Q. On any of the occasions during the absence of your husband, did he come with any specific object in view?

A. Yes; he came one night, but not alone, and returned some books.

Q. When he came alone it was without a specific object?

A. Yes; he came merely for amusement.

Q. He came between nine and ten o'clock on the evening of the 26th, did you say?

A. Yes.

Q. Was there a clock in the hall?

A. Yes.

Q. Did you look at the clock when you came in, to be sure of the hour?

A. No; the clock does not face the entrance; it is in a sort of niche in the wall leading to the breakfast room.

Q. Did you notice the hour when you came in?

A. I did not.

Q. Did you notice the hour when you came in particularly?

A. I did not.

Q. But your recollection is that it was between nine and ten?

A. Yes.



*By the Chairman :—*

Q. The clock struck nine when you left your mother's?

A. Yes.

*By Mr. Walker :—*

Q. And Mr. Gordon accompanied you there?

A. Yes.

Q. From your mother's house?

A. Yes.

Q. Who opened the door to let you in?

A. Jane Newson.

Q. What kind of a night was it?

A. Rather dark.

Q. When you came in between nine and ten it was dark?

A. Yes.

Q. Was it a calm night?

A. Yes.

Q. And you say that whilst you were in the parlor with Mr. Gordon you heard footsteps on the verandah, and mentioned the matter to him?

A. Yes.

Q. Did he go out to see who was prowling about?

A. He did not.

Q. You were not interested enough to know who it was?

A. No; I just had a suspicion that it was James Campbell.

Q. The door was open?

A. The hall door?

Q. Yes?

A. It was.

Q. And the parlor door was open?

A. Yes.

Q. And notwithstanding all that, when you heard footsteps at that hour about the premises, your curiosity was not sufficiently aroused to find out who it was?

A. It was not.

Q. Nor was Mr. Gordon's curiosity roused?

A. No.

Q. Did Mr. Gordon smoke that night in the parlor?

A. He did not.

Q. Didn't you go out to get some matches for him?

A. Yes, on his leaving.

Q. Did he light a pipe or a cigar?

A. A pipe.

Q. Did Mr. Gordon smoke on former occasions in the parlor?

A. No; only on leaving.

Q. Do you remember any person smoking in the parlor?

A. No.

Q. One of the servants speaks of having found a cigar, and the odor of smoking in the room in the morning: who left that there?

A. I do not know; no one smoked there to my knowledge.

Q. Did Mr. Gordon come in with a cigar in his mouth?

A. Not that I noticed; he generally had a pipe.

Q. Do you recollect what the first conversation between Mr. Gordon and yourself was?

A. I do not remember precisely what the first conversation was; we were speaking of the doings of the day—what was going on in the town.

Q. You do not recollect what the first conversation was about?

A. No.

- Q. About what time did your servant girls retire ?  
 A. I do not know the time that night.
- Q. Generally ?  
 A. Sometimes 11, sometimes 12, and sometimes later.
- Q. And what time did they get up ?  
 A. I do not know what time they generally rose.
- Q. On this particular occasion you cannot tell what hour Jane Newsom retired ?  
 A. I cannot.
- Q. Did you hear her going to bed ?  
 A. I did not.
- Q. You say you left the parlor once for some water ?  
 A. Yes.
- Q. Who wanted the water ?  
 A. Mr. Gordon wanted it.
- Q. Why did you not ask the servant to take it in ?  
 A. I don't know.
- Q. You took it in yourself ?  
 A. Yes; she handed it to me. She knew who was there; she opened the door when we entered.
- Q. When you went for the water do you remember her asking if your beau had gone ?  
 A. She never asked me such a question as that.
- Q. You are positive as to that ?  
 A. Yes.
- Q. She was mistaken in making that statement ?  
 A. Yes.
- Q. Do you remember what time it was when you went for the water ?  
 A. I don't know what time it was.
- Q. You passed the clock in going for the water ?  
 A. Yes; immediately past it.
- Q. And you did not notice what hour it was ?  
 A. I did not.
- Q. Was it shortly after you went in or some time afterwards ?  
 A. About the middle part of the evening.
- Q. You say he left between one and two in the morning ?  
 A. Yes.
- Q. And you came in between 9 and 10 ?  
 A. Yes.
- Q. That would make it between 12 and 1 when you went for the water ?  
 A. I cannot say as to the hour.
- Q. Do you remember pinning the repp curtain across the window ?  
 A. I do not; I may have done so, but I don't recollect.
- Q. Will you swear you did not ?  
 A. I will not.
- Q. Do you recollect there being a footstool in the parlor.  
 A. Yes; there was one.
- Q. Do you remember that being placed against the curtain to keep it in place ?  
 A. It was never placed against the curtain; I never placed it so.
- Q. Then if it was so placed, it was done by some other person than you ?  
 A. Yes; I never placed it so.
- Q. And you swear that on the occasion of two visits by Mr. Gordon you did not take off your boots in the parlor ?  
 A. I did not.
- Q. Did you hear any noise besides some one walking on the verandah ?  
 A. Yes; I heard the lattice gate slam.
- Q. Which is the lattice gate ?  
 A. The one on the west side, near the west window of the drawing room.

- Q. Did it occur to you who was there then?  
 A. No.  
 Q. You did not suspect anybody was listening?  
 A. I thought it was perhaps James Campbell, but I did not give it any serious consideration.  
 Q. You thought he might have passed to look at the house?  
 A. I thought he might have been passing at the time.  
 Q. Did Mr. Gordon visit you during the day time?  
 A. I think not; I have no recollection of his visiting me during the day time.  
 Q. Can you swear how many times he visited you during your husband's absence?  
 A. From what I remember, about five or six times, but not alone all those times.  
 Q. But you think he visited you six times altogether?  
 A. Yes.  
 Q. How many times alone?  
 A. About three or four, I think.  
 Q. He always came about what hour?  
 A. I don't know that there was any particular hour; between seven and nine generally.  
 Q. Was it nearer nine than seven?  
 A. Nearer eight than nine, I think.  
 Q. And remained late?  
 A. No.  
 Q. Did he remain late more than once on those occasions?  
 A. Not so late as twelve.  
 Q. Did he remain until very nearly twelve on several occasions?  
 A. No; he generally left between ten and eleven.  
 Q. You swear that he never on any other occasions remained in the house after eleven when alone with you?  
 A. I have no recollection.  
 Q. Were any other young men in the habit of visiting you alone at that time?  
 A. No.  
 Q. The only young man was Gordon?  
 A. There was a Mr. Mitchell who came one evening with Mr. Gordon.  
 Q. They came together?  
 A. Yes; they had met on the street.  
 Q. But there was no other young man who came and spent his evenings with you alone during your husband's absence?  
 A. No.  
 Q. Were you more intimate with Mr. Gordon during your husband's absence than at any prior period?  
 A. I don't know; we had always been intimate with one another.  
 Q. You were not more intimate during those six weeks than at any prior time?  
 A. I do not think we were.  
 Q. The visits were more frequent during Mr. Campbell's absence than when he was at home?  
 A. They were.  
 Q. Do you remember whether Gordon came by invitation or of his own free will on any one of these occasions?  
 A. I think he came of his own free will.  
 Q. Without any previous invitation from you?  
 A. Yes.  
 Q. Did you not ask him to come and see you after Mr. Campbell's return?  
 A. I did not see him after Mr. Campbell's return until the Sunday night previous to the night of the 26th.  
 Q. Where did you see him that evening?  
 A. At church.

- Q. Did you ask him to come and see you ?  
 A. No ; he walked home with me from church.  
 Q. Where was Mr. Campbell then ?  
 A. I suppose he was at home ; I left him at home when I went to church.  
 Q. Did Gordon come in with you that night ?  
 A. He did not.  
 Q. On the following day where was Mr. Campbell ? Where did he go ?  
 A. He went to Saugeen and took the children with him.  
 Q. Did you know on Sunday that Mr. Campbell was going ?  
 A. I did.  
 Q. Did you communicate that fact to Gordon ?  
 A. I do not remember.  
 Q. Will you swear that you did not mention that fact to Gordon ?  
 A. I swear I do not remember ; but I will not swear that I did not tell him that fact.
- Q. On the evening of the 26th where was Mr. Campbell ?  
 A. I supposed he was in Saugeen.  
 Q. Did you invite Gordon to come on that Tuesday evening the 26th ?  
 A. I did not.  
 Q. Do you remember distinctly that you did not invite him ?  
 A. I did not invite him before that evening.  
 Q. You recollect that ?  
 A. Yes.  
 Q. Is your recollection good ?  
 A. Yes.  
 Q. How many songs did you sing that night ?  
 A. Two, I think.  
 Q. What interval elapsed between the singing of these two songs ?  
 A. A few minutes, I think.  
 Q. You did not leave the piano between the singing of the two ?  
 A. I did not.  
 Q. About what hour did this singing take place ?  
 A. I cannot tell the time. I should judge about an hour and a half after I entered.  
 Q. Where was Jane Newsom at this time ?  
 A. In the kitchen I suppose.  
 Q. Then it was before Jane Newsom went to bed ?  
 A. I cannot say whether it was before or after.  
 Q. Was it before you went for the water that the singing occurred ?  
 A. Yes ; it was before I went for the water.  
 Q. Then you found the girl in the kitchen ?  
 A. Yes.  
 Q. You said the parlor door was open ?  
 A. Yes.  
 Q. And the kitchen door was open ?  
 A. Yes ; it was open.  
 Q. Was there a door in the breakfast room ?  
 A. Yes.  
 Q. Then all the doors were open from the parlor to the kitchen ?  
 A. Yes ; I found them so when I went to the kitchen for the water.  
 Q. Did you play any other tunes on the piano than the ones you mentioned ?  
 A. Yes ; I sang parts of one or two other songs ; but I did not play them through.  
 Q. Do you remember what they were ?  
 A. Yes ; " You will soon forget Kathleen," and " Happy be thy dreams," I cannot say what else I sang as there was a great deal of music on the piano.  
 Q. Do you remember singing any other snatches besides these two ?  
 A. I may have sung others, but I cannot say.  
 Q. All the time that this singing was going on these doors were open ?

- A. Yes.
- Q. On the evening of the 26th did Gordon sing ?
- A. He sang a little.
- Q. Did he join with you in singing ?
- A. Yes, in one song, " Kathleen Droon."
- Q. So that you made considerable noise ?
- A. There was a repetition of the two last lines at the end of each verse.
- Q. What kind of voice has Mr. Gordon ?
- A. He has not a cultivated voice.
- Q. Is he a delicate man ?
- A. No.
- Q. He is a large powerful man ?
- A. Yes.
- Q. Was there any playing on the piano when the singing was going on ?
- A. There was.
- Q. How many trials have you given evidence at ?
- A. Two.
- Q. One was the *crim. con.* case ?
- A. No ; the scandal case was one, and the other was the chancery suit.
- Q. When you gave the evidence at the chancery suit, had you seen the evidence of George Gordon in print ?
- A. I think I must.
- Q. Did you speak of George Gordon in the first suit having joined you in singing ?
- A. I do not think I did ; I do not think I was questioned on that point.
- Q. Did you give the hour at which this singing was commenced in the first trial ?
- A. I did not.
- Q. Do you remember whether you mentioned these snatches of singing or not ?
- A. I did not ; I was not questioned as to that.
- Q. On the second trial did you communicate these facts to your counsel in the slander case about his singing, the hour it commenced, and what pieces they were ?
- A. I do not remember.
- Q. Who was your solicitor ?
- A. Mr. Gordon.
- Q. A brother of George Gordon ?
- A. Yes.
- Q. Did you not mention these facts to him ?
- A. Not about the snatches of singing.
- Q. You gave this evidence on the second trial when you had read Gordon's evidence ?
- A. Yes.
- Q. Was this singing before or after you heard the noise of somebody on the verandah ?
- A. Before.
- Q. Was it before or after you heard the lattice gate close ?
- A. It was before.
- Q. You say it occurred about an hour and a half after you returned, and you returned between nine and ten ; that would fix the hour about eleven o'clock.
- A. I cannot fix the very moment except by lapse of time ; it was about half-past nine when we entered, so it was about eleven.
- Q. What had you been doing for this hour and a half ?
- A. Talking.
- Q. Talking all that time ?
- A. Not all the time ; there was silence sometimes when there was a lull in the conversation.
- Q. You both went into the parlor together ; was there a light in the parlor ?
- A. Yes ; I received a light from Jane Newsom.

- Q. What kind of a light ?  
 A. A coal-oil lamp.
- Q. Was there a shade on it ?  
 A. No ; there was a globe.
- Q. Where was the lamp ?  
 A. On the table.
- Q. Not on the piano ?  
 A. No.
- Q. Where did you sit ?  
 A. I might have sat part of the time on the sofa, and part of the time on a chair.
- Q. Did you and Gordon sit together on the sofa side by side ?  
 A. I cannot say.
- Q. You sat there for an hour or an hour and a half, but you cannot recollect the conversation ?  
 A. He was telling me what he was doing during the day, and we talked of weddings and picnics ; the conversation was general.
- Q. After the singing what did you do ?  
 A. I showed him stereoscopic views ; Mr. Campbell had brought home a new lot from England, and I showed them to Mr. Gordon.
- Q. Did Gordon know how to look at them himself without your showing him ?  
 A. Yes.
- Q. Your counsel said you spoke about some slides that was broken ; what was said ?  
 A. When I wished him to look at a view, the particular words I cannot remember, but as near as I can recollect they were " Don't push it too far, Mr. Gordon, because the view may fall out through the other side." I suppose he asked me why, and I explained to him why ; I suppose he saw for himself that it was broken at one end.
- Q. Then these words were used by you in reference to the stereoscope itself ?  
 A. Yes.
- Q. Did you have occasion to wheeze or cry immediately after ?  
 A. No.
- Q. Did you wheeze or cry any time during the evening ?  
 A. No.
- Q. Then if Gordon used these words " why," and you replied, " it will hurt me," it could not have been in reference to the stereoscopic views ?  
 A. It could not.
- Q. Did you ever give that evidence before as to the words that were used in one of the former trials ?  
 A. I don't think I did ; I was never questioned as to the stereoscope before.
- Q. Did you never communicate to your counsel the fact that there were stereoscopic views there, that you were looking at them, and the slides were damaged, and if you pushed too hard the views would fall out ? You never gave this evidence before ?  
 A. No.
- Q. Do you remember James Campbell coming there after Gordon had left on the night of the 26th ?  
 A. No.
- Q. On the morning of the 27th ?  
 A. Yes.
- Q. You saw Mr. Campbell then ?  
 A. I fancy I saw him.
- Q. Where ?  
 A. Walking down the avenue.
- Q. Was a ladder placed up to your bedroom window ?  
 A. Not that I am aware of.
- Q. Did you hear any voice calling " Eliza ?"

- A. I did not.
- Q. Did you put your light out and go into the other room—from the east to the west room?
- A. No.
- Q. You heard no noise then?
- A. I did towards morning; I went to bed about half an hour after Mr. Gordon had left.
- Q. You took a light with you?
- A. Yes.
- Q. Did you pass the servant's room?
- A. Yes.
- Q. Was the door closed?
- A. I did not notice.
- Q. You said you heard sometime during the morning a noise outside of the house?
- A. Yes.
- Q. What noise was that?
- A. As of persons talking.
- Q. Talking loud?
- A. Yes; they seemed to be speaking in angry tones.
- Q. Did you recognize the voice?
- A. I did in a few minutes.
- Q. Whose voice was it?
- A. James Campbell's.
- Q. Who was with him?
- A. I could not say; he was a tall man.
- Q. Do you know Anderson?
- A. Yes.
- Q. Is he a tall man?
- A. Yes.
- Q. Is it your impression he was the man?
- A. I saw two figures going down the avenue, but could not make out who they were.
- Q. How long was this after Gordon had left when you heard those voices and saw those parties?
- A. I could not say; I went to bed about half an hour after he had gone; I might have slept five or ten minutes, or more, and then started up and heard those voices.
- Q. What did you hear?
- A. I could hear voices in a loud tone but could not distinguish the words spoken.
- Q. Did you get up?
- A. I did.
- Q. Did you light the lamp?
- A. No.
- Q. Was the lamp left burning?
- A. Not then.
- Q. Therefore, there was no light in the room when you heard the voices and saw the men going down the avenue.
- A. No.
- Q. Were they going towards the front gate?
- A. Yes.
- Q. How far were they distant from the house when you saw them?
- A. Immediately in front of the summer house, and that is in front of the house.
- Q. You recognized one as James Campbell?
- A. Only by his voice.
- Q. And the other?

- A. I did not recognize him; I only saw a tall figure.
- Q. Did you hear your name called?
- A. I did not.
- Q. Did those angry voices continue for some time?
- A. No.
- Q. Did you look out of your bedroom window?
- A. Yes.
- Q. Did you cross the hall and look out of the other window?
- A. I did not.
- Q. Did you try to hear what was transpiring around the house or not?
- A. Yes; but I could not distinguish any sound only the noise of voices.
- Q. Knowing it was James Campbell, did your curiosity lead you to open the window and enquire what was wanting?
- A. No.
- Q. You had no curiosity to find what they were doing round the premises that hour of the morning?
- A. No.
- Q. Did you next morning make any inquiries?
- A. No.
- Q. Was there any suspicion in your mind what those men were doing?
- A. Yes; I thought they were watching me with no good intention. It flashed across my mind that was it, but I did not pay much attention to it then.
- Q. Was it after you had been asleep that it flashed across your mind?
- A. Yes.
- Q. For the first time?
- A. Yes.
- Q. There was no necessity to watch you then?
- A. No.
- Q. There was no one in the house with you?
- A. No one but the servant.
- Q. Did you see the clock in the morning?
- A. Yes.
- Q. Was it stopped?
- A. Yes.
- Q. At what time?
- A. About 1:35.
- Q. Who stopped the clock?
- A. It stopped itself.
- Q. Stopped itself?
- A. Yes; it had not been wound up that night.
- Q. Did it require to be wound up every night?
- A. Yes?
- Q. Did it ever stop before?
- A. Yes.
- Q. During Gordon's visits?
- A. I don't remember; I had often forgot to wind it.
- Q. Who winds up this clock as a rule?
- A. I did generally.
- Q. And you neglected to wind it up that night?
- A. Yes.
- Q. Were you an early riser?
- A. Not very, as a rule.
- Q. What is your usual hour for rising?
- A. Sometime between seven and nine.
- Q. Which hour most frequently?
- A. Less frequently at seven.



- Q. During the time Mr. Campbell was away you did not rise as early as when he was at home?
- A. I did not.
- Q. On the morning of the 27th were you up early?
- A. It was sometime between seven and nine—I could not say which.
- Q. Were you up when your servant, Jane Newsom, went down in the morning?
- A. I have no recollection of that.
- Q. Do you remember seeing her as you sat at the balcony window?
- A. No.
- Q. Do you recollect any conversation that transpired between you and her?
- A. No.
- Q. Do you remember her saying “Mrs. Campbell, you’re smart this morning”?
- A. No.
- Q. Will you swear you did not hear her say that?
- A. I have no recollection of it.
- Q. Do you remember telling Jane Newsom there was likely to be a difficulty between your husband and yourself?
- A. I never told her so.
- Q. Did you mention to this girl it was unlikely you and your husband would live together again?
- A. I never spoke to the girl on the subject at all.
- Q. Did you speak to her on the 28th?
- A. I might have done so—but I could not say—after the charge was made.
- Q. Who did you hear this charge from?
- A. From my brother.
- Q. You say Martha Newsom mentioned to you James Campbell had been watching before?
- A. Yes.
- Q. How long was this after your husband had left for England; or how long before his return?
- A. It was one evening after the first time Gordon had been there alone.
- Q. Was Gordon there at the time this listening was going on?
- A. Yes. The girl told me of it afterwards.
- Q. Was Gordon in the parlor with you?
- A. Yes.
- Q. What time did he leave that evening?
- A. It was not very late.
- Q. Can you fix the occasion of that particular visit?
- A. It was in July.
- Q. Then it was on the occasion of the second visit that Campbell was listening?
- A. No; the first.
- Q. So you were not surprised when you heard steps on the verandah?
- A. Not at all.
- Q. And you presumed—what?
- A. That James Campbell might be listening.
- Q. Did you tell Gordon you thought so?
- A. Yes.
- Q. Did it never occur to you that it was imprudent for you to be alone with a young man at that hour, in your husband’s absence?
- A. I did not think so at the time.
- Q. Did not you think it was likely to create suspicion in the mind of your husband’s brother?
- A. I did not think so at the time.
- Q. You say that Mr. Campbell was watching about the house for some time previous to the evening of the 26th?
- A. Yes.
- Q. On more than one occasion did you hear a noise?

A. No; but I saw him going away from the house rather late sometimes when I was alone.

Q. Did you not frequently meet him, when he came up to the house, in the front grounds?

A. I saw him at the back door once or twice, but I have no recollection of meeting him in the grounds.

Q. You never sat down on the verandah together?

A. No.

Q. About what hour, as a rule, did he visit your house to look after the horse?

A. Sometimes it was before dark; but I saw him frequently going home from there between ten and eleven o'clock.

Q. Did you see him there more frequently before dark or after dark?

A. I could not say as to that.

Q. Where were you when you saw him there between ten and eleven o'clock?

A. I stood in the balcony at the time.

Q. Did you hear George Gordon give his evidence on the first trial?

A. No; I did not.

Q. Did you not hear his examination-in-chief?

A. On the first trial?

Q. Yes?

A. I heard part of it. I was in the room when he was called.

Q. Were you there when he was cross-examined?

A. No; I was not.

Q. Now give us the exact words used in the California conversations; I want the words taken down exactly; what did Gordon say?

A. I do not know how the subject of fortunes was brought up.

Q. Well, leave that out?

A. I asked him what he would do if he had a fortune; how he would spend it; and he asked me what I would do if I had a fortune; I told him that I would travel a great deal and visit different countries; I told him that I thought that I would like to visit California as I had a brother there, and he thought that he would like to go there too, as he had also a brother there.

Q. A reference was made to an elopement which was spoken of some two or three years before, was there not?

A. I asked him if he remembered it; he said, "yes."

Q. Well now, about what hour of the evening did this conversation take place, before or after the singing?

A. It was while I was at the piano.

Q. And therefore it was about eleven or twelve o'clock?

A. It was not so late as that I think.

Q. Did it not strike you as rather an indelicate thing at that hour of the night when you were alone with him, to speak about an elopement; was it not rather immodest to refer to it?

A. That was spoken of regarding an occurrence seen in a paper; we spoke of it in the presence of my husband.

Q. At this part of the evening you spoke of the elopement?

A. Yes.

Q. Your husband was not present then?

A. No; I asked Mr. Gordon if he remembered my asking if he would elope with me two or three years before, in jest. He said: "Yes, that he remembered it perfectly well."

Q. Did you want to bring that back to his recollection?

A. No; I only asked him if he remembered it, and he said, "perfectly well."

Q. You had no particular object in view?

A. No.

Q. At what hour did you usually retire, Mrs. Campbell, during Mr. Campbell's absence?

A. I had no stated hour for retiring; I went to bed usually very late.

Q. When Mr. Campbell was at home were you accustomed to retire late also?

A. Yes.

Q. What do you call late?

A. Twelve or one.

Q. During the evening of the 26th was the word "naval" used?

A. Yes.

Q. It was?

A. Yes.

Q. Who used it?

A. I did.

Q. Did Mr. Gordon use that word.

A. He may have done so; I cannot say as to that.

Q. Did you call Gordon—George?

A. No.

Q. In conversation?

A. No; I did not.

Q. Never.

A. I could not say that I never did, but not generally speaking.

Q. But you have called him by his christian name?

A. Yes.

Q. And he called you by your christian name?

A. Never.

Q. He never called you Eliza?

A. Never.

Q. Was any reference made that night to breasts?

A. No.

Q. You swear that?

A. I do.

Q. Well, then, after the singing was concluded, you say that you went to playing draughts?

A. No; I showed Mr. Gordon some stereoscopic views.

Q. How long did that take?

A. I do not know; I was not keeping count of the time at all.

Q. You can give an idea—was it an hour, or five minutes?

A. I showed him a dozen and one-half of views; it might have been more than that.

Q. He looked at these views; and what came next?

A. I read to him.

Q. What did you read?

A. I read some selections from a small book—"The Language of Flowers."

Q. Do you remember the selection?

A. I do not; I left the book at the house.

Q. You have no recollection of the language of flowers that was in question?

A. No; I do not.

Q. Was it a love piece?

A. I do not know; it was something sentimental.

Q. Did you read anything else?

A. Yes.

Q. What else did you read?

A. A selection from Butler's "Hudibras."

Q. What part?

A. I do not recollect; it was something humorous.

Q. Where was he all the time that you were entertaining him in this way?

A. He was sitting on the sofa.

Q. Where were you sitting when you were reading?

A. I could not say whether I was sitting on the sofa or on a chair opposite the sofa between that and the table.

Q. Can you remember the piece that you read from "Hudibras"?

A. No; I can not.

Q. Did you read anything else—part of one of George Sands' works?

A. Yes; I had a book of hers there, but I do not know that I read any selection from it or not.

Q. Do you remember the name of the work?

A. Yes; the one I had that evening was called: "The Enchanted Lake." I do not think that I was reading anything from this book that night, except some lines I had written on one of the fly-leaves of the book—some verses.

Q. You read these verses also; do you remember what they were?

A. Yes.

Q. You were the authoress of them?

A. They were not original.

Q. From what book were they copied?

A. I could not say.

Q. Do you recollect the subject on which the verses had been written?

A. It was something sentimental.

Q. Was it a love ditty?

A. I do not recollect the exact lines now. I left the book at the house.

Q. Did you give that evidence on any occasion before?

A. No; I did not.

Q. This is all fresh evidence?

A. I was not questioned on it before.

Q. I suppose that you indicated to your counsel and solicitor that during that evening there were readings, and that you read selections from different authors, mentioning their names. Did you read from Monsieur Sylvestre that night?

A. No; I did not.

Q. Were you in the habit of reading that book?

A. I had read it.

Q. Was it a favorite book of yours?

A. No; it was not a favorite, but it was a book which I had read.

Q. Were you very familiar with Butler's "Hudibras"?

A. No; I was not. Mr. Campbell had brought it home with him.

Q. And you have no recollection of what you read from it?

A. No.

Q. Then did you open the book anywhere, without being cognizant of its contents and style?

A. I suppose that I may have selected something at the time.

Q. On the spur of the moment?

A. Yes.

Q. How long did this reading take?

A. I could not say.

Q. You looked over eighteen views, and then you had these readings; but there was no more singing?

A. No.

Q. And no more instrumental music?

A. No.

Q. Can you state, now, how long these readings took—they were not very long pieces, were they?

A. Oh! no; they were very short. It might have taken twenty minutes or half an hour.

Q. Did you offer to read, or did Mr. Gordon ask you to read to him?

A. I do not remember.

Q. Was he fond of sentimental pieces?

A. I do not know.

- Q. Do you know what his tastes were—was he romantic ?  
 A. He appeared to appreciate what I read.  
 Q. This Monsieur Sylvestre—was it furnished you by Mr. Campbell ?  
 A. No; I took it from the town library.  
 Q. Did you ever read to Mr. Gordon before this ?  
 A. Yes, I think I had.  
 Q. On more occasions than one ?  
 A. I do not recollect.  
 Q. Do you remember any occasion before this one when you read to him ?  
 A. I do; but not the particular occasion.  
 Q. When Mr. Gordon was there alone ?  
 A. Yes.  
 Q. Do you remember what you were reading on that former occasion ?  
 A. I do not; the book was probably on the table.

*By the Chairman :—*

- Q. Were those books mentioned, in the room ?  
 A. Yes.

*By Mr. Walker :—*

- Q. You were reading about twenty minutes; what occurred at the end of that time ?  
 A. We spoke of playing draughts.  
 Q. Who proposed draughts ?  
 A. I do not remember whether he did or I did.  
 Q. Where did you sit when you were playing this game of draughts ?  
 A. I have not a distinct recollection; it may have been on the sofa or on the chair.  
 Q. Did you get the draught-board.  
 A. Yes.  
 Q. Was there one in the parlor ?  
 A. Yes.  
 Q. How many games did you play ?  
 A. Two or three.  
 Q. Was he a good draught-player ?  
 A. Yes; he plays very well.  
 Q. Do you understand the game very well ?  
 A. No; I was a novice.  
 Q. Then the proposition did not come from you ?  
 A. I cannot say; I have no recollection.  
 Q. Did you ask him to give you a lesson in draught playing ?  
 A. I don't know.  
 Q. Whereabouts was the board ?  
 A. In the corner of the drawing room.  
 Q. And you went and got it and sat down by the side of Gordon ?  
 A. As to that I cannot say, whether I sat on the chair or sofa.  
 Q. Did you sit side by side or facing each other ?  
 A. If we sat on the sofa, I would still have been facing him.  
 Q. If you were both on the sofa you would not ?  
 A. Yes; by sitting in a side position.  
 Q. Is your recollection good; do you remember saying who proposed draughts  
 at the former trial ?  
 A. I don't know; I do not remember saying so.  
 Q. Where was the draught-board during the time you were playing ?  
 A. It was immediately between us, or on the chair, but I don't recollect whether  
 I sat on the sofa or on the chair.  
 Q. Did you on a former occasion say the draught board was on his knees and  
 yours ?  
 A. It was on our knees which ever way we sat.

- Q. The board was on your knees whichever way you sat ?  
 A. Yes.
- Q. Were your knees close together ?  
 A. No, they were not.
- Q. You are not sure whether you sat on the sofa or chair ?  
 A. No.
- Q. Who won the games ?  
 A. Mr. Gordon.
- Q. The whole of them ?  
 A. Yes.
- Q. Can you recollect how many games were played ?  
 A. Two or three ; I cannot say whether there were two or three.
- Q. Do you know how long the games took ?  
 A. I think we were about an hour playing.
- Q. At the end of the hour what was the next order of procedure ?  
 A. Mr. Gordon said it was about time he was going, and he looked at his watch.
- Q. Did he make several attempts to go ?  
 A. No.
- Q. Did he speak of leaving on one or two occasions before he did leave ?  
 A. No.
- Q. Did you show him to the door ?  
 A. Yes.
- Q. Did you see him go out of the front avenue or gate ?  
 A. I did not.
- Q. Did you hear him go out of the gate ?  
 A. I did not.
- Q. Did Mr. Gordon say that he would require a few hours' rest as he had a hard day's work before him ?  
 A. I have no recollection of his saying so.
- Q. Will you swear he did not ?  
 A. I cannot swear ; I have no recollection.
- Q. There was a table in the room—was there not ?  
 A. Yes.
- Q. And a number of chairs ?  
 A. Yes.
- Q. Why did you not play draughts on the table then ?  
 A. I do not know.
- Q. You cannot account for that ?  
 A. No.
- Q. Did you get up earlier than usual next morning on account of something that occurred the night previous ?  
 A. I don't think that I did.
- Q. Did not your mind trouble you next morning ?  
 A. I felt rather uneasy.
- Q. What made you feel uneasy ?  
 A. I was wondering why James Campbell had been there.
- Q. But that was not strange ; you had seen him round before ?  
 A. It was strange at that time of the morning.
- Q. You did not hear him call your name ?  
 A. No.
- Q. Or accuse you of anything ?  
 A. No.
- Q. And yet you were uneasy ?  
 A. Yes.
- Q. And got up earlier that morning ?  
 A. I don't remember that it was unusually early ; it was after seven o'clock.
- Q. Do you know what dress you had on when the girl passed you ?

- A. I did not see the girl.  
 Q. Do you remember going to the balcony at all?  
 A. I do not.  
 Q. Did you put on your ordinary dress next morning?  
 A. I do not recollect what I put on.  
 Q. Do you remember whether you had on a wrapper that morning?  
 A. I had not.  
 Q. How do you know?  
 A. Because I had not a wrapper.  
 Q. Did you have a loose wrapper on?  
 A. I do not remember.  
 Q. Then, although you had heard from the girl long before this that James Campbell was watching on account of George Gordon's visits, you continued receiving him?  
 A. Yes.  
 Q. Did you not suppose that James Campbell would report this to his brother?  
 A. He had made so many reports to my husband that I had become indifferent.  
 Q. Then what made you uneasy next morning?  
 A. On account of seeing him so late there; it was unusual to see him there between one and two o'clock in the morning.  
 Q. But it was unusual for Mr. Gordon to be there after one o'clock?  
 A. Yes; it was.  
 Q. Then it was unusual on both sides?  
 A. Yes.  
 Q. Is that what made you feel so bad the next morning?  
 A. Yes; I felt uneasy.  
 Q. You spoke of reports being carried to your husband by James Campbell; what do you know about that?  
 A. He had for years been making complaints about my conduct towards him to my husband; so my husband told me.  
 Q. You merely take your husband's statement for that?  
 A. Yes.  
 Q. Had you a watch in your bedroom?  
 A. I had not.

THURSDAY, 23rd March, 1876.

PRESENT:

The Honorable Mr. DICKEY—*Chairman*.

The Honorable Messieurs

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON,
CORNWALL,	SKYMOUR,
KAULBACH,	REESOR.

Cross-examination of Mrs. CAMPBELL by Mr. Walker, continued:—

- Q. You said yesterday in your examination in chief that Gordon's first visit during your husband's absence was about the beginning of July?  
 A. Yes.  
 Q. Are you sure of that?  
 A. Yes.  
 Q. You are positive on that point?  
 A. Yes.

Q. Then when you stated in the Chancery trial that his first visit was in the latter part of July or the first of August, you must have been mistaken ?

A. It must have been a misprint.

Q. I have nothing printed in my hand ; this is a certified copy of your evidence.

A. His first visit was in the beginning of July.

Q. Then, if your evidence was taken down in that way, it is wrong ?

A. It must have been wrong.

Q. I will read it to you. "The first time that Mr. Gordon visited was in the end of July last or the beginning of August. So far as I recollect my husband "returned on a Monday."

A. That is correct about my husband returning on Monday.

Q. But take the first paragraph ?

A. It was in the beginning of July.

Q. Then the evidence you are reported to have given on the Chancery trial is incorrect ?

A. It is incorrect.

Q. Did you sign that evidence ?

No answer.

Q. It was read over to you was it not.

A. It was not.

Q. Did you sign it ?

A. I don't understand you.

Q. Was it read over to you by the officers of the court, and did you afterwards sign your name at the foot.

A. I have no recollection of that.

Q. Is your recollection of the facts stronger now than it was then ?

A. That must have been a misprint.

Q. I have no print before me.

A. My recollection is that the visit was in the beginning of July, but I cannot speak as to the date. I think that was the evidence I gave on the first trial.

Q. Then your recollection as to Mr. Gordon's first visit is better now than it was then ?

A. My recollection must have been the same at that time.

Q. Your recollection is the same now as then ?

A. Yes.

Q. Have you had frequent interviews with Mr. Gordon since the 26th August ?

A. I have not.

Q. But you have had interviews with him ?

A. I have met him.

Q. Frequently ?

A. No.

Q. Half-a-dozen times ?

A. No.

Q. How many times ?

A. I cannot say.

Q. You heard him give evidence on both trials ?

A. At the first ; partly so at the first.

Q. You heard him give his evidence in chief on the first trial, and the whole evidence on the second trial ?

A. I did not hear him give his evidence on the second trial, and only partly at the first.

Q. You had an interview with him after the chancery trial ?

A. I do not recollect.

Q. You had an interview with him on the Thursday preceding the trial as to the evidence to be given at that trial, did you not ?

No answer.

Q. What is your answer to that ?



A. I met him after his evidence, but I cannot say where.

Q. Did you meet him before his evidence on the Thursday preceding the trial?

A. I have no recollection at present.

Q. You stated in your evidence at the trial: "I have spoken to Gordon frequently since the trial begun; I have not spoken to him however, since Thursday." Did you make use of that expression?

A. Yes; I think I did.

Q. At the alimony suit you stated you had frequent conferences with Gordon, and saw him on the Thursday previous?

A. I did not see him frequently.

Q. Then, what purport to be your own words, are incorrect?

A. Yes; I have not met him frequently since the trial.

Q. You have stated in your chancery evidence that you had frequently met him before the trial, but not since the Thursday preceding the trial—the trial was on Tuesday; you said that you had last seen him on the Thursday preceding. Is that correct, or is it not?

A. It is correct.

Q. Where did you see him; at his brother's office—the solicitor's office?

A. No.

Q. Where did you see him?

A. At my father's house.

Q. Who was present besides?

A. My father.

Q. He is now dead, I believe?

A. Yes.

Q. When did Mr. Gordon visit you last, prior to the return of your husband from England?

A. I could not say as to that; my recollection is not distinct on that point.

Q. Was he there on the Saturday previous?

A. I do not think it.

Q. Did you state that prior to your husband's return, on the trial, that he was there on the Saturday previous?

A. I think not.

Q. How long did you state he was there prior to your husband's return? What length of time elapsed from his last visit to you to the time of your husband's return from England?

A. I think I stated that it was a week, or it might be two weeks.

Q. When you said Saturday, what Saturday did you refer to?

A. I alluded to his last visit prior to my husband's return.

Q. He returned on Monday, and would that be the Saturday of the week previous?

A. It might be.

Q. Do you not know as a matter of fact that it was?

A. I do not know; I do not recollect the date precisely.

Q. When you said "it might be a week" you did not mean two weeks, did you?

A. No; I was not certain as to the precise time.

Q. You have said that his last visit was on the Saturday preceding your husband's return?

A. Yes.

Q. Was Mr. Gordon there on the 9th?

A. I could not say as to that.

Q. Was he there on the 2nd, the Saturday preceding that?

A. He might have been.

Q. Was he there on the 15th?

A. Yes.

Q. Did he come by invitation?

A. I do not recollect.

Q. I mean to say by your invitation. Do you not remember when you invite a young man to come to see you ?

A. He was not invited previously, to come on such a night.

Q. Then, when you stated in your chancery examination that you could not say whether he come by invitation or not, what did you mean ?

A. Perhaps I might have met him at the gate and have invited him in, but he had no invitation to come previous to that.

Q. I am speaking of the evening of the 26th of August; you said on Saturdays' the 2nd, 9th and 16th of August, 1873, Gordon may have been at your house ?

A. Yes.

Q. And you swear he was there on the 15th ?

A. Yes.

Q. Why do you recollect that day more than any other ?

A. On account of the servant leaving the house that night.

Q. You recollect his being there on other evenings besides that ? The concert was not on a Saturday ?

A. No; that was a Thursday.

Q. Was he there the night of the concert ?

A. No.

Q. He went home with you ?

A. No.

Q. He was there on the 26th; that was not a Saturday ?

A. No; a Tuesday.

Q. Can you fix the hour of his leaving prior to the 26th of August ?

A. I cannot.

Q. Did he on any occasion remain after 12 ?

A. No; till about 12 on one occasion, but I don't remember the date.

Q. Did you make a remark about its being very late that night ?

A. No.

Q. What time did he come to your house on the occasion he remained till after 12 ?

A. I could not say precisely.

Q. Was it the first, second or third occasion ?

A. I cannot tell.

Q. Did you state in your examination that he stayed on the third occasion until after twelve ?

A. I could not say now.

Q. Did he remain till after 12 ?

A. About 12.

Q. That might mean 12:30 o'clock ?

A. I looked at the clock as I was going to bed.

Q. What time was it then ?

A. I noticed the clock was at 12.

Q. Exactly at twelve ?

A. I could not say precisely to the moment.

Q. Was it after 12 ?

A. It might have been two minutes after 12.

Q. Did you immediately go to your room after Gordon left ?

A. After seeing the house was properly closed.

Q. On any other occasion beside that did Gordon remain until after 12 ?

A. I think not.

Q. On returning from the party at your mother's house at a very late hour, did he come into the parlor with you ?

A. Yes; for a few moments.

Q. Did you have singing that night ?

A. No.

Q. Music ?

A. No.

- Q. Play draughts ?  
 A. No.  
 Q. Read ?  
 A. No.  
 Q. How long did he remain ?  
 A. Five or ten minutes.  
 Q. What did you do during that time ?  
 A. He asked for a match to light his pipe.  
 Q. Did you get it ?  
 A. Yes.  
 Q. Was that in the parlor ?  
 A. Yes.  
 Q. And he smoked in the parlor ?  
 A. No.  
 Q. Who was the servant in the house at that time ?  
 A. Martha Newsom.  
 Q. Did she let you in ?  
 A. Yes.  
 Q. Had you the key with you ?  
 A. I could not say.  
 Q. You swear Gordon remained only ten minutes.  
 A. I could not swear as to that.  
 Q. You spoke of singing the "Pirate's Serenade," and there was a repetition at the end of each verse of the two first lines of each verse, and Gordon hummed over the tune with you ?  
 A. He did not sing in that song. It was "Kathleen Aroon."  
 Q. What did you mean by humming ?  
 A. Singing it over in a low tone of voice.  
 Q. Very low ?  
 A. Not particularly so.  
 Q. Was he trying to learn the tune ?  
 A. I had sung it several times before.  
 Q. How many times ?  
 A. I could not say ; perhaps when he had been there at parties before.  
 Q. We have only one party mentioned ?  
 A. He was at several parties.  
 Q. Did you mention that in your evidence yesterday ?  
 A. I mentioned two or three times.  
 Q. Did you mention it in the Chancery trial ?  
 A. I don't recollect.  
 Q. Did you sing this specially for him when he was at the party ?  
 A. No.  
 Q. You sang it frequently for him during your husband's absence ; he became enamored of it ?  
 A. I don't think he did.  
 Q. He had learned the air ?  
 A. Partly so.  
 Q. Could his voice have been heard in the kitchen ?  
 A. I think so.  
 Q. Could it have been heard at the head of the stairs ?  
 A. Yes.  
 Q. Did you mention anything about Gordon's singing in your evidence in the slander trial ?  
 A. I do not know that I was questioned on that point.  
 Q. Did you mention at the Chancery trial that Gordon was singing on the evening of the 26th ?  
 A. I think I did.

- Q. How did you spend your evenings prior to the 26th, when Gordon was there?  
 A. Nearly always in singing.
- Q. Had you any dancing?  
 A. No.
- Q. Did you read to him?  
 A. I might have done so; I remember reading to him; but I do not remember any particular occasion.
- Q. Do you remember singing to him before the 26th?  
 A. I always sang when Mr. Gordon was there.
- Q. Did you always sing the same songs?  
 A. No.
- Q. Have you any recollection of any other songs when he was there?  
 A. I had so many I do not remember?
- Q. Do you remember what you read for him?  
 A. I think I read from Bret Harte.
- Q. Do you remember what part; was it the "jumping frog?"  
 A. I don't remember.
- Q. Was it a sentimental piece?  
 A. I cannot say.
- Q. Did Mr. Gordon sing with you on evenings previous to this?  
 A. Yes.
- Q. Then it was not the first occasion of your singing together on the 26th?  
 A. No.
- Q. You stated in your evidence that you were satisfied James Campbell was there on the verandah by hearing the creaking of boards?  
 A. I was not satisfied that it was James Campbell; I fancied that some person was there, and that person was James Campbell, and I mentioned that fancy to Mr. Gordon.
- Q. Did you mention that on your first trial?  
 A. I do not remember.
- Q. Did you mention it in the Chancery trial?  
 A. I did.
- Q. About what hour did you hear the noise, and what were you doing at the time?  
 A. Playing draughts.
- Q. Did you say in the Chancery trial that you suspected James Campbell was there in consequence of having heard a noise as if some person was falling against or passing through the lattice gate?  
 A. I think I said words to that effect.
- Q. Which is the correct statement—footsteps on the verandah, or that you heard this lattice gate slam?  
 A. It arose from both.
- Q. Was the front door open wide on the evening of the 26th?  
 A. No.
- Q. Was there a porch on the outside?  
 A. Yes.
- Q. Was there a door on it?  
 A. There were three doors.
- Q. Were they all open?  
 A. I do not know.
- Q. All you will state is that the hall door was opened when Mr. Gordon came. Did you leave it open?  
 A. I did not.
- Q. Who did?  
 A. It was the servant, Jane Newsom.
- Q. Did it strike you that Gordon was there a long time on the evening of the 26th before leaving?

A. No.

Q. The evening passed very pleasant and happily I suppose. At that time were you pregnant?

A. Yes.

Q. How many months gone in pregnancy?

A. Five months.

Q. Was that observable at the time?

A. Yes.

Q. Did Gordon notice that that night?

A. No.

Q. You deny that?

A. I do.

Q. What did you reply to Mr. Gordon when he asked you if you were getting stout?

A. Mr. Gordon did not ask me such a question.

Q. There was no reproof on your part with reference to his using such a remark.

A. No.

Q. When you read to Gordon where were you sitting?

A. On the chair beside the table, or on the sofa, I cannot say which.

Q. Mr. Gordon, you said yesterday, was sitting on the sofa all the time?

A. Not all the time; he was looking at stereoscopic views.

Q. But whilst you read to him you were sitting on the sofa, were you?

A. Or on the chair beside the table.

Q. You have no recollection of that?

A. Not precisely.

Q. Who proposed draughts?

A. I could not say.

Q. What kind of a draught board was it; a solid fixture?

A. It was one that folded together.

Q. In book fashion or in portfolio fashion?

A. Yes.

Q. But you do not know who proposed draughts?

A. I have no recollection.

Q. You got the draught board?

A. Yes.

Q. Where did you get the men?

A. I do not remember where they were kept.

Q. You sat down on the sofa together?

A. I was on the sofa or on the chair, I have no recollection which.

Q. Now, after reflecting upon it since yesterday, can you decide whether you were on the sofa or on the chair?

A. I cannot.

Q. You said yesterday that you played draughts for an hour, and yet you have no recollection where you were sitting during that time? Is that your evidence to-day?

A. Yes.

Q. Were you in the habit of taking your boots off when Mr. Gordon come there?

A. No.

Q. Was Mr. Gordon in the habit of taking his boots off when he come there?

A. No.

Q. Were you in the habit of going into the spare bed-room adjoining the parlor when he was there.

A. Never.

Q. Can you account for the disarrangement of the bed clothing in that room on the mornings after Mr. Gordon was there excepting the morning after the 26th of August?

Q. Can you explain how it came about that on the mornings succeeding Mr. Gordon's visits the coverlet on the bed in this particular room was disturbed?

A. I cannot; I was not aware of anything of that kind.

Q. Can you explain why the rep curtain was pinned across the window?

A. No; I cannot.

Q. Do you remember the conversation which passed between you and Mr. Gordon on the evening you returned from your mother's party?

A. No; I do not.

Q. Do you remember his asking you whether you were sincere?

A. I do not.

Q. Will you swear that he did not use these words?

A. I will not.

Q. Why did you not want your children with you in the parlor when Mr. Gordon was there?

A. I do not know.

Q. Did you ever offer them a copper to go to bed?

A. I did not.

Q. Do you remember Mr. Gordon offering them money to go to bed?

A. I do not.

Q. Will you swear that such an occurrence did not take place?

A. I will.

Q. Neither you nor Mr. Gordon, in your presence, offered your children money to go to bed?

A. I will swear so.

Q. During the evening words were heard to this effect: "You hurt me." What was the reference?

A. I have no recollection of such words being used.

Q. Will you swear that they were not used?

A. Yes; I think so.

Q. When the California conversation was up did you express your decision not to go to California without him?

A. I did not.

Q. Will you swear that you did not use these words "I will not go unless you will go with me?"

A. I will.

Q. Was anything said that night about your views being liberal?

A. I have no recollection of that.

Q. Will you swear that you did not make use of that term—that your views were liberal?

A. I think so.

Q. Did you not use the words "I do not believe in being tied down to one man."

A. I did not.

Q. Are you positive about that?

A. Yes.

Q. Did you say "if you were unmarried, you would never marry again?"

A. I could not say as to that.

Q. Did you state that your life with your husband for the last two years had been rather an unhappy one?

A. I did not.

Q. Had your life been an unhappy one for the last two years preceding?

A. No.

Q. Your husband had been kind to you?

A. Yes; as a general thing.

Q. And considerate?

A. Yes.

Q. He was a good husband?

A. Yes.

- Q. Is that your statement now under oath ?
- A. He was not as considerate as he might have been sometimes.
- Q. As to your husband, was he not of a jealous disposition ?
- A. He was a little inclined that way.
- Q. He had spoken to you before as to your conduct with young men ; he had spoken to you about being too familiar with Pugston, a young man ?
- A. But not in a serious way, as I understood.
- Q. He chaffed you about Pugston, and about Parks, did he not ?
- A. I understood it as such ?
- Q. And also about Gordon, did he not ?
- A. Yes.
- Q. You took it as chaffing ?
- A. I did.
- Q. And after understanding him to be jealous, you received visits from young men during his absence at night ; that is the fact, is it not ?
- A. Yes.
- Q. Now you state that you were not very intimate with Mr. Gordon until after your husband's absence, I think ?
- A. I was always on friendly terms with Mr. Gordon.
- Q. You did not know that he was a volunteer officer until the 26th ?
- A. I knew that he held some position before that, but I did not know what it was.
- Q. You did not know what position it was ?
- A. No.
- Q. Was there any laughter in the room that night ?
- A. I think so.
- Q. Was the wording of any of these pieces so pathetic that you cried ?
- A. No.
- Q. Were any of them so humorous that you wheezed ?
- A. Not that I recollect.
- Q. Who spoke of naval matters ?
- A. I did.
- Q. In answer to a question from Gordon as to " What is that ? "
- A. No.
- Q. Was it in answer to a question from Mr. Gordon on any point ?
- A. It was not.
- Q. Did you hear Mr. Gordon use the words that night, " Let me put my arms round you and stretch you out ? "
- A. I did not.
- Q. Will you swear they were not used by Mr. Gordon ?
- A. I will.
- Q. Or words of similar import ?
- A. I will.
- Q. Were the words " half way " used that night in any connection whatever ?
- A. I have no recollection of it.
- Q. You have no recollection of the words " Put it in half-way " being used ?
- A. No.
- Q. Was any statement made by Mr. Gordon that night that he was crazy ?
- A. No.
- Q. Were the words " crazy for it " used by either party that night ?
- A. No.
- Q. With reference to anything ?
- A. No.
- Q. Was there any kissing in the room that night ?
- A. No.
- Q. Did he kiss you when he came in ?
- A. No.
- Q. Did he kiss you when he went out ?

- A. He did not.
- Q. Anything said to the effect that your husband might suspect something; for instance, "Robert might suspect"?
- A. I have no recollection of them.
- Q. Will you swear those words were not used?
- A. I will not.
- Q. If you used the words what would you have meant by them?
- A. I cannot say; I have no recollection of the words.
- Q. Do you remember asking Mr. Gordon this question: "If you had a wife and she entertained a young man as I am doing you to-night, what would you say?"
- A. I have no recollection of those words.
- Q. Will you swear you did not use those words that night?
- A. I will not.
- Q. Then if Mr. Gordon replied, "All married women do," what would you have understood him to mean?
- A. I have no recollection of his using such words.
- Q. Will you swear he did not use them?
- A. No; I will not.
- Q. Was any reference made to the floor being as good as a bed for any person?
- A. There was not.
- Q. Were the words used in any connection, such as camping out, volunteer life, or anything?
- A. I cannot say.
- Q. Then the words might have been used in some connection that night by this volunteer officer?
- A. I hardly think so.
- Q. But you will not swear positively they were not?
- A. I will not.
- Q. Were the words "sideways, bottomways or topways" used in reference to anything?
- A. There were no such words used.
- Q. Do you mean to say you do not recollect such words being used?
- A. I feel quite positive in my own mind that no such words were used.
- Q. Were words somewhat similar used, but not put in the same form, such as "bottomways, sideways, topways," or "topways, sideways, bottomways?"
- A. I have no recollection.
- Q. Will you swear they were not used that night?
- A. I cannot swear to that.
- Q. If you used the words what did you refer to?
- (Question objected to, and objection sustained.)
- Q. Were the words "Which way do you prefer it, George," used?
- A. No.
- Q. Nor words of similar import?
- A. I have no recollection of such words being used in connection with anything.
- Q. Will you swear that such words were not used?
- A. I cannot swear to that.
- Q. Had the girl gone to bed at this time?
- A. I cannot say.
- Q. How long, after getting the matches and lighting his pipe, did Mr. Gordon remain?
- A. Do you mean in the drawing-room?
- Q. Yes.
- A. Only to close the piano and move the draught-board.
- Q. Did you get up with the draught-board on your knees?
- A. I mean picking up the men.
- Q. They had dropped off?
- A. Perhaps they were on the sofa or on the chair, but I cannot say.



- Q. Did the men go inside the board?  
 A. No.
- Q. They went in a separate box?  
 A. Yes.
- Q. And he remained with you to do that?  
 A. No; he had gone then.
- Q. How long did he remain after lighting his pipe?  
 A. He went immediately after receiving the matches and lighting his pipe.
- Q. Did you watch him go down the avenue?  
 A. I did not.
- Q. Did you retire after closing up the piano and putting away the men?  
 A. Yes; after going through the house.
- Q. How long would it be before you retired, after Mr. Gordon left?  
 A. Some ten or fifteen minutes.
- Q. Would it be so long as that?  
 A. I cannot say; I just judge from the lapse of time.
- Q. Would it not be less than ten minutes?  
 A. It might be.
- Q. Passing up stairs you noticed the clock had stopped?  
 A. I did.
- Q. Did you wind it up?  
 A. No.
- Q. Why not.  
 A. I felt too tired.
- Q. Then the draughts were so exhaustive you were completely tired?  
 A. It was on account of the lateness of the hour, I suppose.
- Q. Had you a watch?  
 A. Yes.
- Q. Did you wind it up?  
 A. I did not.
- Q. Was the clock going when you came down in the morning?  
 A. No; it was not.
- Q. Do you remember at what hour the clock stopped?  
 A. Between 1:30 and 1:35, as far as I can recollect.
- Q. How long had Gordon gone before the clock stopped?  
 A. It was shortly after 1:15 when he left?
- Q. I thought you had gone to see the clock?  
 A. Yes; it was 1:15 by his watch, and 1:30 by the clock.
- Q. Did you remain any length of time in your room reading before retiring that night?  
 A. No.
- Q. Do you recollect that fact?  
 A. I do.

*By the Honorable Mr. Kaulbach :—*

- Q. When did you go up stairs?  
 A. Between 1:30 and 1:35 o'clock.
- Q. Was the clock stopped then?  
 A. Yes.
- Q. Was it at the same hour in the morning?  
 A. I cannot say. The girl may have wound it in the morning.

*By Mr. Walker :—*

- Q. Then in the morning the clock was going when you came down?  
 A. I could not say.
- Q. You don't know whether the girl wound up the clock?  
 A. I don't know.

- Q. Will you swear the clock had run down for want of winding ?  
 A. Yes.  
 Q. You swear that ?  
 A. Yes; it had stopped just before I went up stairs.  
 Q. Did you look at your watch when you went to bed ?  
 A. My watch was not going.  
 Q. How long after Gordon left was it till your light went out ?  
 A. About half an hour.  
 Q. Were you twenty minutes in your room before retiring ?  
 A. Yes; twenty minutes or a half an hour I may have been.  
 Q. Do you remember whether you remained awake any length of time that night ?  
 A. I think I almost immediately went to sleep.  
 Q. And you were awakened by some noise ?  
 A. By hearing voices.  
 Q. Is there anything [whereby you may fix the hour when you heard those voices ?  
 A. No.  
 Q. Had you been asleep long ?  
 A. I could not say as to that.  
 Q. You don't know the hour when James Campbell and Anderson were there ?  
 A. I do not.  
 Q. Did you make any enquiries next day as to the reason of James Campbell being there at that hour of the morning ?  
 A. I did not.  
 Q. Did you make any enquiries of Anderson as to his being there ?  
 A. I had no communication with Anderson.  
 Q. You had none with either of them ?  
 A. Very little.  
 Q. Did you make enquiries of anybody ?  
 A. I did not.  
 Q. Did you report the matter to your brother ?  
 A. I did not.  
 Q. To your father ?  
 A. No.  
 Q. To your mother ?  
 A. No.  
 Q. You never mentioned that these men were prowling round ?  
 A. No.  
 Q. You said yesterday you were not surprised to see James Campbell there ?  
 A. I was not.  
 Q. Why ?  
 A. Because he had been there before.  
 Q. Was this the first occasion you had felt uneasy about his being round ?  
 A. No; but I had wondered in my own mind before why he was watching.  
 Q. Then you did not feel uneasy this morning ?  
 A. I did.  
 Q. Did you feel uneasy when you went to bed ?  
 A. No.  
 Q. This uneasiness arose from hearing men prowling around your grounds, not speaking to you, not putting a ladder up against the house or anything to alarm you ?  
 A. It was because I had never seen them there so late.  
 Q. You did not know what hour it was ?  
 A. I knew it must be after one o'clock.  
 Q. You are not in the habit of retiring so late ?  
 A. I frequently did.

- Q. You spoke of being uneasy. What was the cause of this uneasiness ?  
 A. I thought he might make some complaint to my husband.
- Q. Did he not tell you, or did you not hear next morning he would complain to your husband that Gordon was there till three o'clock in the morning ?  
 A. I did not.
- Q. You swear that ?  
 A. I do.
- Q. Complain as to what ?  
 A. My indiscretion.
- Q. Had you been indiscreet before ?  
 A. Gordon had never been there so late before.
- Q. Had you the impression you were indiscreet before ?  
 A. I do not recollect as to that.
- Q. He had never reported you to your husband for any indiscretion before ?  
 A. Not that I am aware of.
- Q. And yet you knew he was watching you during Gordon's visits ?  
 A. Yes.
- Q. Did you think it was indiscreet then; and if it was reported to your husband he would be dissatisfied ?  
 A. I thought if he did I could explain myself, and I could if he had given me an opportunity.
- Q. Did you have any reason to expect he would not give it to you; what made you so uneasy ?  
 A. I thought it was very late for Mr. Gordon to be there.
- Q. It was only a little after one o'clock by your statement ?  
 A. Yes.
- Q. He had been there to the same hour on the same night he returned with you from your mother's party ?  
 A. Not so late.
- Q. And he remained there on the third visit to a late hour ?  
 A. Not so late.
- Q. How did you feel on these previous occasions ?  
 A. I cannot say what I felt on previous occasions. I had no particular grounds of uneasiness before.
- Q. Had you any particular grounds for uneasiness on this particular occasion ?  
 A. Only on account of the lateness of the hour.
- Q. You stated in your evidence-in-chief, yesterday, that you regarded James Campbell as an enemy of yours. On what grounds ?  
 A. Because he was opposed to my marriage with his brother.
- Q. Was he present at your marriage ?  
 A. He was.
- Q. Did your husband and you go to his marriage ?  
 A. We did.
- Q. Did you and your husband not live at his house after your marriage for a time, and did he not arrange your furniture for you when you were on your wedding trip to Montreal ?  
 A. There was furniture there on our return.
- Q. Did he not provide you with money during your husband's absence ?  
 A. Yes; he gave me enough to pay the servants and keep the house.
- Q. Did you not get some for yourself ?  
 A. Yes.
- Q. All you wanted ?  
 A. No; I did not. I was told before my husband went away not to ask for too much.
- Q. Did you not send your letters to your husband enclosed in James Campbell's letters ?  
 A. I did; and it was a very mean way to send them.

Q. Did you not speak in your letters of your being on friendly terms with Mrs. James Campbell, in August?

A. I cannot say.

Q. Did you write to your husband on the 31st of July?

A. I have no recollection of it.

Q. Look at this letter [letter marked No. 20 produced], and state if it is not your writing on the 31st of July, 1873?

A. Yes; this is my writing.

Q. It is a letter from you to your husband—where? Is it the last letter you wrote to your husband prior to his return?

A. Yes.

Q. You spoke about James Campbell there and his wife being ill; there was no hard feeling then?

A. No; there was no occasion for it at that time.

Q. Mrs. Campbell was injured by being thrown from a wagon, and she could not visit you under the circumstances?

A. Yes.

Q. You spoke about James Campbell's family being opposed to Robert's marriage to you. Did he go to the wedding?

A. Yes.

Q. Did your husband's relations go to the wedding?

A. They did.

Q. You stated that your husband told you that James Campbell was opposed to the marriage. Give us his exact words.

A. It was shortly after our marriage. We were having some dispute, Mr. Campbell and I—some little difference—and he told me his friends were opposed to his marriage.

Q. Did he mention James Campbell particularly?

A. He did.

Q. James Campbell did not absent himself at the time of your marriage?

A. He did not act rudely at such a time; he went for policy sake, of course.

Q. When you went to live at James Campbell's house after your marriage, he was a bachelor at that time, and he gave you the keys of the sideboard and of the house, did he not?

A. I do not recollect. I will not swear that he did not do it.

Q. Did you not live there up to the time of James Campbell's marriage?

A. Yes; until a short time before.

Q. Who was present when Mr. Campbell and you had this unpleasantness, and he threw it up to you that his relatives were not in accord with you?

A. I have no recollection of it.

Q. Where did it happen?

A. In the first house we lived in—our own house—not James Campbell's.

Q. Can you give the exact words he used about James Campbell?

A. He told me himself he regretted marrying me. I took it, perhaps, as chaffing. He told me his brother had told him he was a d—d fool for marrying me.

Q. With reference to Mr. Parks do you remember your husband telling you that if he saw him in the house he would show him the door?

A. I do not recollect that.

Q. Will you swear your husband did not tell you that?

A. I will not.

Q. How long was Parks a resident of Whitby?

A. From October of 1872 until February of 1873.

Q. Can you give the day of the month?

A. I can to his going.

Q. What date did he leave?

A. On the 17th or 19th of February, I am not sure which.

Q. Were you very intimate with Parks while he was a visitant of Whitby?

- A. Yes; we were very friendly.
- Q. You had not known him prior to his coming to Whitby?
- A. I had not.
- Q. He was no relative of the family?
- A. No.
- Q. Was he a married man?
- A. No; single.
- Q. How do you know he left on the 17th or 19th of February, 1873?
- A. Because I had a little party at my house, and he and the ladies of the house where he stopped were invited, but he did not come, as he had gone away.
- Q. How long after was it that this correspondence sprung up between Parks and yourself?
- A. I cannot say; perhaps two or three weeks.
- Q. Prior to his leaving, did you arrange with him that he should write to you?
- A. I don't remember that.
- Q. Will you swear you did not?
- A. I will not.
- Q. Did you arrange prior to his leaving Whitby what way he should write, and what name he should write in?
- A. I have no recollection of that.
- Q. Will you swear you did not arrange prior to his leaving, under what conditions or name he should write you, and as to how you were to address him?
- A. I think I will swear to that; I had made no arrangement as to his addressing me, or I addressing him.
- Q. Was there nothing of carrying on a correspondence *incog.*, under fictitious names?
- A. I will swear to that.
- Q. When did you make the arrangement with Parks, or did you ever make an arrangement with Parks, to write under fictitious names the one to the another?
- A. I have no recollection of any.
- Q. Did you arrange what your husband was to go by in the correspondence?
- A. No.
- Q. No arrangement was made of that kind?
- A. No.
- Q. Did you not give him envelopes in your own handwriting?
- A. I have no recollection of it.
- Q. Will you swear that you did not?
- A. I will not.
- Q. The correspondence soon commenced after his leaving?
- A. Yes.
- Q. How many letters passed between you?
- A. There might have been five or six, or there might have been more, but I could not say as to the number.
- Q. Were there more or less.
- A. I could not say.
- Q. What became of these letters?
- A. I destroyed them.
- Q. Had you any particular reason for destroying them?
- A. I do not know that there was.
- Q. Did you destroy all letters you received at all times?
- A. I could not say as to that.
- Q. You do not remember that you destroyed any other letters except those which came from this young man Parks?
- (No answer.)
- Q. Did you keep those letters for any length of time before you destroyed them?
- A. I do not remember as to that.
- Q. Did you destroy them all together or individually as you received them?

- A. I could not say.
- Q. You cannot say where you destroyed them, can you ?
- A. No.
- Q. Can you tell in what manner you destroyed them; by burning or other wise ?
- A. It might have been both.
- Q. You are in the habit at times, I believe of making copies or drafts of letters which you intend to send to your friends ?
- A. I have done so.
- Q. You know Parks' handwriting ?
- A. Yes.
- Q. Will you look at the letter now put in, and state in whose handwriting it was, it is dated Concord, 14th August, 1873.
- A. The writing on the envelope looks like the handwriting of Parks; but I could not say as to the letter, I could not say distinctly as to that.
- Q. Is that not the style of Parks' handwriting—a back-hand ?
- A. No; I could not say as to that.
- Q. After reading the letter can you recognize the references there "G—d—n" ?
- A. It meant guardian.
- Q. Who is guardian ?
- A. My husband.
- Q. Did he know of it ?
- A. I had spoken of him as my guardian and guide merely in jest.
- Q. Did you mean guardian or Gordon ?
- A. Guardian.
- Q. This letter is addressed to you, "Dear Marie"; is that your name ?
- A. No; Maria is my name.
- Q. Did you arrange to be addressed in that way ?
- A. No.
- Q. How was it ?
- A. That was my signature.
- Q. You say that your name is Maria ?
- A. Yes.
- Q. Eliza Maria ?
- A. Yes.
- Q. Now this letter reads as follows: "I wrote three or four weeks since and I have never had an answer." Did you get that letter ?
- A. Yes.
- Q. He states that he would come in the first or second week, if in time to escape G—d—n. Did this mean in time to escape your husband ?
- A. That was the meaning.
- Q. He writes: "I asked in my last for some envelopes, will you write by return and send a few." Closing, "Be sure and write." Had you written any reply prior to this ? Any reply to the letter received from him three or four weeks prior to this ?
- A. Mr. Parks wrote to me twice before that to answer the various letters he had written; I had written to him not to write to me again.
- Q. Did you not ask him to write once more and you would give him an answer; and that after this the correspondence must cease ?
- A. I have no recollection of that.
- Q. Will you swear that you did not ?
- A. I will not.
- Q. Will you swear that you did not write that—asking him to write once, and telling him that you would enclose the correspondence, and that after this the correspondence must cease ?
- A. I could not say as to that.
- Q. You will not swear that you did not write to him to this effect: "I will

answer your next letter, but then the correspondence must cease, and I will afterwards send you newspapers?"

A. No; I will not swear that I did not write it.

Q. Your husband was to return in a few days; you expected him back in a few days? This was on the 14th, and he returned on the 18th?

A. Yes; he returned before I expected him.

Q. This letter contains the words: "Tell me where the suspicion is." What suspicion did he refer to?

A. I had written to him to frighten him from writing; I said that there was suspicion somewhere; but not that I knew that there was any suspicion.

Q. You wrote a polite fib then, and told him not to write any more?

A. It was merely to frighten him, as I saw that he persisted in writing.

Q. Did you mention that on former trials?

A. I was not questioned as to that.

Q. Of course you told your Counsel, your Solicitor about it?

A. I think so; I could not be positive.

Q. Was there any arrangement between you and Parks as to the use of the initials "G. H."?

A. No.

Q. How did you know that the letter signed "G. H." came from Parks? From the general handwriting, from the way in which it was addressed, or from the post-mark?

A. From the handwriting?

Q. You were not corresponding with any other young man at that particular time?

A. No.

Q. Will you look at Exhibit 5, read it over, and I will ask you questions on it afterwards. But previously I will ask another question. You referred a moment ago to a letter received by you from Parks: did you answer it?

A. I did not.

Q. You got a copy of it; why did you not answer it?

A. Because I wished the correspondence to cease. It had then ceased on my part.

Q. You wished it to cease, although you had made arrangements to carry it on?

A. No; Parks had written to me twice before, but I did not answer him.

Q. What did you do with those letters? I think you said yesterday that you burned the last letter you received from him?

A. Yes.

Q. Why did you burn it?

A. Because it was of no consequence to me.

Q. I call your attention to Exhibit No. 5, and to the words: "I have been very remiss in not answering yours ere this; but I have been out so long in the evenings that I have really not had time. I hope that it will not seriously affect you, although incognito." Was that referring to Parks?

A. I did not send this; it was the draft of a letter.

Q. Is it the draft of a letter you did send?

A. No.

Q. Did you not state, in the Chancery trial: "The letter in which I say I was remiss in answering letters might have been to Parks, and I have an impression that it was"?

A. Yes.

Q. You said: "I made drafts of the substance of some of my letters to him, and the one in which I say I was remiss in answering letters might have been to Parks, and I have an impression that it was." Did you not send that letter of which this was a draft?

A. I did not.

Q. Did you not swear that you did, on a former occasion?

- A. My recollection is, that I did not.
- Q. Will you swear that you did not?
- A. I will not.
- Q. Or, rather, you will not swear that you sent the letter of which this is a copy or draft?
- A. No.
- Q. It is in your handwriting?
- A. Yes.
- Q. You say: "Your 'incognito' came safe, and was delivered into my own hands at the office." Were you carrying on a correspondence, and getting letters privately at the post-office? Did you get letters which did not pass through the office of your husband?
- A. I may have received a letter or so.
- Q. Had you a private box?
- A. I had not.
- Q. Had you a private address?
- A. Yes.
- Q. And to that private address these letters came?
- A. I could not say that all these letters so came, but some may have.
- Q. It was a private address?
- A. I do not remember the name; it was some high-flown name.
- Q. What was the private address?
- A. I do not remember the name; it was some high-flown name.
- Q. And that is the letter to which you referred in this?
- A. Yes.
- Q. You say: "One letter came safe and was delivered into my hands in the office. I thank you for the interesting letter. I have just come in from a ramble with two or three other girls." Did you call yourself a girl at that time?
- A. I did not; it was a mere jest on my part.
- Q. You speak, further on, of rambling with him. Were you in the habit of walking with him?
- A. No; I had walked from the church with him.
- Q. He acted as your escort?
- A. Yes.
- Q. Further on, you say: "A great deal may have been thought, but I have never heard a word hinted of the past." What did you refer to?
- A. I cannot say what it had reference to.
- Q. Did you state in your evidence on the Chancery trial that it had reference to your conduct with Mr. Parks in Whitby?
- A. I cannot say that I stated that.
- Q. Will you swear that you did not state it?
- A. I will not.
- Q. You speak, further on, of going to Toronto, did he invite you to go?
- A. I have no recollection of that.
- Q. The letter reads: "How happy I should have been to have complied with your request in coming to give you a drive and then having you drive me home again. That dream is too sweet to indulge in. I have not the slightest idea when I shall come to Toronto." Did he invite you to go to Toronto?
- A. I have no recollection.
- Q. You will not swear that he did not?
- A. I will not.
- Q. Did you reply to a letter in which he invited you to come to Toronto?
- A. I have no recollection.
- Q. Will you swear you did not write to him in reply to such invitation?
- A. I will not swear that.
- Q. You say: "The guardian was up for two days last week; but I suppose you had not the extreme felicity of beholding him." Did that refer to your husband?



- A. Yes.
- Q. You also say here: "You did not know when the guardian would take the journey you spoke of or not; but if it is taken it will be sometime in June or the beginning of July." Was that in reference to Mr. Campbell's visit to Europe?
- A. It may have been.
- Q. Will you swear it was not?
- A. I will not.
- Q. As a matter of fact, was it not so?
- A. I think it was.
- Q. Further on, you say: "You suggest the probability of some one giving me a walk after service. I assure you, on my honor, nothing of the kind has occurred. I do not so easily forget those I like, as to run with another the moment they are out of sight." Had he been finding fault with you?
- A. I have no recollection of it.
- Q. Then what did this reply refer to? Was he jealous of some other person?
- A. Not that I am aware of.
- Q. Did he accuse you of this? Why did you answer this unless he accused you?
- A. I cannot think of anything.
- Q. You seem to have some trouble in your mind as to whether you should write "Book-keeper"? Was that his signature?
- A. No.
- Q. What did it mean?
- A. To the best of my recollection, I wrote the word down on paper to know how it was spelt; to see whether it had two k's.
- Q. Did you give this explanation of the word "Book-keeper" on the trial?
- A. I did not.
- Q. Did you give the same evidence on the slander trial, in reply to Mr. Harrison, now Chief Justice?
- A. I think so.
- Q. Did you give the same reason, that you put the word down in order to see whether you had spelt it correctly?
- A. No; it was not the same answer. I thought of the answer a few minutes afterwards, but it was too late to give it.
- Q. What answer did you give?
- A. I think I said I did not know what it meant, as far as my recollection serves me.
- Q. Look at that for a moment. (Exhibit No 4). Is that your handwriting?
- A. It is.
- Q. Do you know when that was written?
- A. I do not.
- Q. Do you know to whom it was written?
- A. It was not written to any person.
- Q. Was it not written to Mr. Parks?
- A. It was not.
- Q. Was it not a copy of what was written to Mr. Parks?
- A. It was not.
- Q. Well, what was it?
- A. I was writing a romance.
- Q. Is that part of it?
- A. It may have been something to add to it.
- Q. What was the name of the romance?
- A. I had not selected a title; it was something for my own and my friends' amusement.
- Q. Who were your friends?
- A. My own relatives.
- Q. Did you read it to your husband?

- A. I did not.
- Q. Did you read it to James Campbell ?
- A. No.
- Q. Did you read it to John Anderson ?
- A. I had no communication with John Anderson.
- Q. To whom did you read it, then ?
- A. I did not read it to anybody.
- Q. And you do not know what the title was to be ?
- A. It was not complete.
- Q. Where is the balance ; is this the preface to the romance ?
- A. No ; I have not it all ; some of it has been destroyed.
- Q. What part of the romance is this ?
- A. I do not know.
- Q. Is it the middle ?
- A. I cannot say.
- Q. Who were the characters in this romance ?
- A. I had not decided upon the names.
- Q. Did you take your ideas from actual life in or about Whitby ?
- A. No.
- Q. Was Mr. Parks residing in Toronto during the time this correspondence was passing between you ?
- A. I think so.
- Q. Did you swear in your examination at the Chancery trial :—" I had a purpose of going to Toronto to meet Parks." ?
- A. I have no recollection of that now.
- Q. Will you swear you did not ?
- A. I will not.
- Q. Did you go to Toronto ?
- A. I was in Toronto.
- Q. Did you meet Parks there ?
- A. I did not.
- Q. Did Parks know you were going ?
- A. I don't know as to that ; I don't remember it.
- Q. At any rate you did not meet him ?
- A. I did not.
- Q. Can you fix the date ?
- A. I cannot.
- Q. What name did you sign ; Marie ?
- A. Yes.
- Q. What was the address of the letter you received ?
- A. I don't remember the name.
- Q. You swear that you cannot recollect that ?
- A. Not at present.
- Q. Have you got any memoranda of that letter ?
- A. I have not.
- Q. Have you any memorandum showing the name by which you wished him to address you privately ?
- A. I have not.
- Q. Did you mention in former trials that Gordon had a watch, and that you asked the time from him, or that you looked at your own clock.
- A. I don't recollect.
- Q. Do you remember there was company at your house the following evening, the 27th August ?
- A. Yes ; my niece was there ?
- Q. Miss Ham ?
- A. Yes.
- Q. Was there singing that night ?

- A. No.
- Q. Instrumental music ?
- A. Yes; but no singing.
- Q. Had you ever spoken about this elopement to California from the time of this alleged jest till you met Gordon in the house on the night of the 26th ?
- A. Not to my recollection.
- Q. You stated James Campbell had made complaints to your husband ?
- A. Yes.
- Q. Complaints about your moral character ?
- A. No.
- Q. Complaints of what ?
- A. Of my reception of him.
- Q. When were they made ?
- A. During my married life.
- Q. There had been none in particular during 1873 ?
- A. No.
- Q. Look at Exhibit No. 6.; is that in your hand writing ?
- A. Yes.
- Q. Is that a copy of something you were going to send to Parks ?
- A. No.
- Q. Was it something you had written for this romance ?
- A. I imagine it was, but I cannot say.
- Q. Will you swear that on the slander trial you did not state as follows :—" It might have been something I intended sending to Parks ?"
- A. I don't think I used such words.
- Q. Will you swear you did not ?
- A. No.
- Q. On the 27th of August did you speak to Jane Newsom that you were likely to have trouble with your husband by reason of the incidents of the night of the 26th.
- A. I did not.
- Q. Are you positive you did not on the 27th or the 28th ?
- A. I could not say as to the 28th, but I am positive I did not on the 27th.
- Q. Did you on the 28th say anything of the kind to Jane Newsom in the kitchen ?
- A. I have no recollection of saying it to her.
- Q. On the 28th did you say to her that Campbell and you would never live together again; that there would be trouble and a law suit ?
- A. I never used such language to the girl.
- Q. Or anything of a similar import ?
- A. I may have spoken of some difficulty, but never about separation from my husband or a law suit.
- Q. Did you state to her on the 28th that you saw Campbell on the ladder ?
- A. No.
- Q. Do you swear that positively ?
- A. I do.
- Q. Did you at any time prior to leaving the house ?
- A. No.
- Q. You know nothing of a ladder being placed against the house ?
- A. No.
- Q. You spoke of Jane Newsom having had a child some years ago ?
- A. I was questioned on the point yesterday.
- Q. Was it prior to living with you or subsequently ?
- A. Prior.
- Q. And yet you employed her ?
- A. Mr. Campbell's sister had engaged her while I was in England.
- Q. How old would her child be ?
- A. I think about eight years old.
- Q. Do you know it as a matter of fact ?

- A. I have seen it.
- Q. Do you know it is her child?
- A. She told me it was.
- Q. Is the girl's character good now?
- A. So far as I know it is.
- Q. Did she conduct herself with propriety while with you?
- A. Yes.
- Q. Did her sister?
- A. Yes.
- Q. You spoke about leaving the house; had not you received warning from your husband immediately on his return from Saugeen?
- A. He wished me to leave.
- Q. He did not go near the house himself again?
- A. No.
- Q. Did he send word to you by your brother also?
- A. Yes.
- Q. Did you pack up your trunks?
- A. I did not; my relatives did a few days before I was ejected from the house.
- Q. Do you remember how many trunks there were?
- A. Two.
- Q. How many cases?
- A. I could not say as to that.
- Q. Did you take the parlor ornaments?
- A. Only what belonged to me.
- Q. Did you take the napery---bed linen?
- A. Only what I took to Mr. Campbell's.
- Q. That had been in use ten years?
- A. I left some behind me.
- Q. There was nothing which Mr. Campbell had furnished during the ten years?
- A. Only a dozen dessert forks I took in mistake, and I sent word I would return them.
- Q. Did you take some dress goods?
- A. Yes; some velvet belonging to me.
- Q. But not made up?
- A. No.
- Q. Was there any silk?
- A. No.
- Q. Was not a carriage provided for you to take you away?
- A. There was a carriage at the door.
- Q. Had you not been notified that day Mr. Campbell wished you to leave that day?
- A. I cannot recollect.
- Q. Do you remember Dr. Gunn going there?
- A. Yes; in the evening between six and seven.
- Q. Had you any notice he was coming?
- A. No.
- Q. Do you swear that you had no notice from your brother?
- A. I will not swear it, but I have no recollection of it.
- Q. Did your brother not know that Mr. Campbell was there for the purpose of your leaving the house?
- A. Yes; he was there at the time.
- Q. He was there to look after and protect your interests?
- A. Yes.
- Q. Did Dr. Gunn visit you at your brother's house that same evening?
- A. No.
- Q. Did you not know as a matter of fact he was there?
- A. Not that I was aware of.

Q. Then you spoke of the conference that took place between you and your husband at Whitby on this alimony suit; were you alone with your husband?

A. Yes.

Q. What transpired?

A. I cannot state all that occurred.

Q. Was the conference a long one?

A. Between an hour and an hour and a half or two hours.

Q. And it resulted in nothing; afterwards you and Mr. Gordon gave your evidence?

A. No; I think Mr. Gordon gave his evidence before that.

Q. You then gave your evidence?

A. Yes; after.

Q. That closed the case?

A. Yes.

*By the Honorable Mr. Kaulbach :---*

Q. Did you deny the allegation made against you to your husband?

A. I did.

*By Mr. Walker :---*

Q. Did you then say it was necessary to go further?

A. I asked him if he believed his brother's word before mine. He said "Yes; and nothing, even an Angel out of Heaven, would change his opinion." I said "I suppose there is no use in talking to you any more."

Q. Was that all that transpired at that conference?

A. It was a repetition of this.

*By the Honorable Mr. Kaulbach :—*

Q. What way did you deny the charge after he persisted in believing the accusation. Did you attempt to deny it?

A. I did. I positively stated it was not true.

*By Mr. Walker :—*

Q. You remember the words in which you denied it?

A. Yes; I said, "I am not guilty of the charge brought against me."

Q. You told him that?

A. Yes.

Q. Now the slander case was brought by you prior to this alimony suit?

A. Yes.

Q. And you were receiving from your husband \$600 a year?

A. Yes.

Q. When was it decided; this year?

A. In September of last year.

Q. The slander case was brought some years ago?

A. A year ago last spring.

Q. And you had alimony supplied you up to September?

A. Yes.

Q. Therefore you had means to defend this suit?

A. No; I had to expend a great deal.

Q. It was in the spring of 1874 the slander case was tried?

A. Yes.

Q. There was a new trial granted: when was that; was it not before the alimony suit?

A. The new trial was granted since the decision of the Court of Chancery.

Q. You brought no action against Anderson for slander?

A. No.

Q. Nor one against the servant girls?

- A. No.
- Q. The only one you brought was against James Campbell ?
- A. Yes.
- Q. Do you know a person named Fagan ?
- A. I do not.
- Q. You stated yesterday that Gordon was in the habit of coming sometimes in the evening before dark. Do you remember on one occasion walking up and down the avenue with him with his arm around you ?
- A. I never walked up and down the avenue or any where with him with his arm in that position.
- Q. Had he his arm round your neck ?
- A. He had not ; he never had.
- Q. Or waist ?
- A. No ; never—only while dancing.
- Q. Did he not when you sat side by side in the arbor have his arm round you ?
- A. We did not sit side by side in the arbor ; he sat opposite me.
- Q. Did he not at any time on the grounds have his arm round you ?
- A. Never—only in dancing.
- Q. Did you dance during the absence of Mr. Campbell ?
- A. I do not recollect.
- Q. Did you dance with Gordon anywhere else during Mr. Campbell's absence ?
- A. No.
- Q. Then, subsequent to these trials, you have had several interviews with Gordon ; did you correspond with him ?
- A. Never.
- Q. Before this trial ?
- A. Never.
- Q. Before the charge was made ?
- A. Never. I have no recollection of any correspondence.
- Q. Will you swear that you never corresponded with George Gordon ?
- A. No ; I will not.
- Q. I mean while Robert Campbell was away in England ?
- A. No ; I had no correspondence with him while my husband was away ; I have no recollection of any.
- Q. At no time ?
- A. I may have written him a note to invite him to a party, or something of that kind.
- Q. I am not speaking of that, but I mean other letters ?
- A. I have no recollection of any passing between us.
- Q. Will you swear that you did not write to him.
- A. I will not.
- Q. Were you in the habit of reading to your husband ?
- Witness.—Reading ?
- Counsel.—Yes.
- Witness.—Sometimes.
- Q. Did you read to him romantic pieces from "The Language of Flowers," or from Butler's "Hudibras," or from Mark Twain ? Do you remember ?
- A. I have read to my husband, but I do not remember from what books.
- Q. You do not remember the books or the pieces ?
- A. No.
- Q. Do you remember singing for your husband ?
- A. He never cared for singing.
- Q. Your husband occasionally took you out for a jaunt, did he not ; to England and Scotland ?
- A. On one occasion he did.
- Q. He was kind and considerate to you in the house, and fond of his children.
- A. Yes ; he seemed to be fond of his children.

FRIDAY, 24th March, 1876.

PRESENT :

The Honorable Mr. DICKEY—*Chairman.*

The Honorable Messieurs

AIKINS,  
HAYTHORNE,  
CORNWALL,  
KAULBACH,LEONARD,  
DICKSON,  
SKYMOUR,  
REESOR.Re-examination of MRS. CAMPBELL, by Mr. *McDougall* :

Q. Is that one of the letters written by you to your husband immediately after this charge was made in August last? [No. 19 shown to the witness.]

A. Yes.

Q. Was it sent on the day of its date?

A. Yes. I think it was sent on the same evening.

Q. Did you send other letters on the subject about the same time?

A. Yes; a few days subsequent to this.

Q. Were they of the same import?

[Question objected to and objection sustained.]

Q. You were asked on cross-examination yesterday as to the person from whom you heard this charge?

A. From my brother.

Q. Do you remember on what day he communicated it to you?

A. On the 28th August.

Q. Did you on the 28th August make an explanation of the circumstances that occurred on the 26th to your brother?

A. Yes.

Q. You explained to him the circumstances connected with Mr. Gordon's visit?

A. Yes.

Q. Was the explanation pretty full?

A. I cannot say as to that.

Q. Did he ask you any questions with respect to it?

A. He did.

Q. Did you give the same narrative of the events of the 26th August to your brother that you have given since in the various examinations?

[Question objected to and objection sustained.]

Q. Had you seen or had any communication with Mr. Gordon with reference to the events of the 26th between his visit that night and your interview with your brother?

A. I had no communication with Mr. Gordon.

Q. Verbal or written?

A. No.

Q. You were asked on cross-examination whether you heard the evidence given by Mr. Gordon in court on the first trial, and you answered: "Part of it." What part; the first or last?

A. The first part.

Q. How long did you remain in court?

A. About ten minutes.

Q. Did you remain during his examination in chief?

A. His cross-examination was just commencing when I left.

Q. That, of course, was some time after the 28th August?

A. Yes.

- Q. Was that the first occasion on which you met Mr. Gordon ?  
 A. No.
- Q. You saw him before the trial ?  
 A. Yes.
- Q. Can you fix the time ?  
 A. No.
- Q. In the presence of other persons or alone ?  
 A. Always in the presence of others.
- Q. You spoke of the reports of your being indifferent to James Campbell's presence about the house; and in consequence of the many reports that had been made, you had become indifferent to his reports. What reports did you refer to ?  
 A. The reports he had made to my husband of my conduct towards him when he came to my house to see me sometimes and of my coolness to him.
- Q. To constant reiteration of complaints of that kind you referred ?  
 A. At his complaints of my extravagance, and so forth.
- Q. Did you or did you not include in that any reports with reference to your conduct as a wife or otherwise? Was anything of that kind intimated or included in it ?  
 A. No.
- Q. You were asked with reference to Mr. Campbell's jealousy as illustrated in the case of a Mr. Pugsden whom you met on your voyage home from England, and I understood you to say that no complaint was made at the time of this intimacy, or whatever it was took place on board ship, by your husband ?  
 A. No.
- Q. He was present to see what took place, was he ?  
 A. Yes.
- Q. What did it consist of ?  
 A. Of singing and walking up and down the deck.
- Q. And no reference to the matter at all was made until after your arrival home ?  
 A. Yes.
- Q. It was never spoken of previously ?  
 A. No.
- Q. Was it spoken of seriously, or in jest ?  
 A. I understood it to be in jest.
- Q. Was it a mere allusion to the matter, or did it form the subject of frequent conversations ?  
 A. No; it did not.
- Q. You speak of your letters to your husband, during his absence, being enclosed in the letters of the firm. Was that by order or direction of your husband, or of James Campbell ?  
 A. It was by direction of my husband, to save postage, I suppose.
- Q. You suppose that it was to save postage ?  
 A. I knew that it was; I did not suppose so; he told me so.
- Q. And you enclosed your letters to him in the letters of the firm ?  
 A. Yes.
- Q. In your answer yesterday you used the words "that it was mean?"  
 A. Yes.
- Q. Your interpretation of that now is, and you mean to say, that this was a mean way of treating you as a wife, and cheating the post office, I presume ?  
 A. I do.
- Q. Did you refer to the cheating of the post office as a part of the meanness of the case, or what did you mean ?  
 A. That was my object in speaking of the meanness.
- Q. Were you allowed any stipend or pin-money, or anything of the kind, by your husband during his absence ?  
 A. Yes.



- Q. What was it ?  
 A. \$1.50 a month.  
 Q. So he allowed you \$1.50 a month during his absence, as pin-money.  
 A. Yes.  
 Q. There was a statement made by one witness, Fegan, about which you were asked yesterday, and I think you said that the facts mentioned by him of your walking in the grounds in the company of Mr. Gordon, having his arm about your neck, were untrue ?  
 A. They were untrue.  
 Q. You never walked in the yard or grounds with him in that manner ?  
 A. Not in that position.  
 Q. You said also something about your husband's taste for singing ; had he any taste for music that you ever saw ?  
 A. No.  
 Q. Had you then an inducement to display your musical talents to other people all the more readily ?  
 A. Yes.  
 Q. Some of the witnesses have spoken of the use of the word " navel " on that night by you in conversation, and you explained how it was, that you spoke of naval matters—marine matters ; was it used entirely in that connection and in no other sense ?  
 A. Yes ; in speaking of the army and navy, and after singing " The Pirate's Serenade," I asked Mr. Gordon which he preferred to be in the army or navy ; I told him I had a cousin in the navy.  
 Q. That is the sense you used the word in ?  
 A. Yes.  
 Q. And no other ?  
 A. No other.  
 Q. I have a letter in my hand, dated July 31st, purporting to be written by you in which the words occur, " I was surprised to hear that James Bremer is keeping so well. James thinks you were fooled this time in your expectations." What did you refer to ? Who was James Bremer ?  
 A. He was a relative of Mr. Campbell's.  
 Q. Where did he live ?  
 A. In Scotland ; he is since dead.  
 Q. Is it long since he died ?  
 A. About six months ago.  
 Q. Where did you meet him ; at your own house ?  
 A. I met him in Scotland.  
 Q. What were your relations with him ; were they agreeable and friendly, or otherwise ?  
 A. They were friendly.  
 Q. He was a wealthy person ?  
 A. Yes.  
 Q. Did you hear from your husband, or otherwise of his having made his will ?  
 A. I did.  
 Q. Did you hear of any special provisions in it ?  
 A. I heard that he had left my husband and his brother his property, and there was a surplus that would be left to me.  
 Q. Has it been left to you ?  
 A. Not that I am aware of.  
 Q. Are you aware of the contents of the will since his death ?  
 A. No.  
 Q. There has been no communication between the Campbell's and you with reference to this expected legacy.  
 A. No.  
 Q. You stated in your examination that the friends of Mr. Campbell were

opposed to your marriage. Did you include the whole family in that, or were there any exceptions?

A. The whole family.

Q. Did you hear the grounds of their objections?

A. They thought I was too fine for their brother.

Q. He has the reputation of being very close and careful in his business transactions?

A. Yes.

Q. And the family notions were that you were a little too fine; you might be extravagant?

A. I do not know what they meant by that expression, whether it was that I was superior to them or what it was, but there was not a friendly feeling towards the match.

Q. Was that feeling manifested up to the time of this unfortunate affair by them in communications with you?

A. Yes; by John Anderson's wife.

Q. What were Anderson's relations with you?

A. I saw very little of him.

Q. He was not a person with whom you visited or had much social intercourse?

A. No.

*By Mr. Walker:—*

Q. What do you mean in your letter of July 21st by the statement that James Campbell thought "he was fooled?"

A. In the death of Mr. Bremer not occurring sooner.

Q. Who was fooled?

A. Mr. Campbell.

Q. What made you think so?

A. He made expressions of that kind to my mother and sister in his shop—that he was very wiry and would last a long while.

Q. Not to you?

A. Not to my recollection.

Q. Are you prepared to say James and you had not a conversation with regard to this old gentleman?

A. I am not prepared to swear as to that.

Q. Are you prepared to say that you did not ask James Campbell about that time what allowance had been made for you in the will?

A. No.

Q. Do you know as a matter of fact there was a will?

A. Only from my husband telling me so.

Q. When did he tell you?

A. I could not say as to the date.

Q. Did he tell you there was an allowance for you.

A. No; he said there was a probability of such.

Q. How a probability?

A. The will could be changed.

Q. Did you ever write to this old gentleman yourself?

A. Yes.

Q. Did he ever reply to it?

A. No.

Q. You wrote after your separation from your husband?

A. Yes.

Q. During the time of your husband's absence, did you get anything you required from the store for the use of the house?

A. Yes; in the way of provisions.

Q. Was it a provision store?

A. Yes; and dry-goods.

Q. Did you get dry-goods as well ?

A. Yes.

Q. After this trouble with your husband, did not you walk round Whitby in the evening with Gordon ?

A. No.

Q. Never ?

A. Never.

Q. You were asked by your Counsel, whether, on the evening of the 28th, you gave the same narrative as now. Do you mean to say you gave it in the same words, phraseology and particulars ?

A. No.

Q. Did you give the same narrative as on the slander trial ?

A. Yes ; as far as I can recollect.

Q. Did you give the same narrative as on the alimony trial ?

A. Yes.

Q. And you give the same statement now ?

A. Yes.

Q. Between the 26th and the 28th, how frequently did you meet Gordon, and who was with you ?

A. I did not meet him ?

Q. Did you between the 26th and the slander trial ?

A. Yes.

Q. How often ?

A. I could not say ; perhaps two or three times.

Q. Who was with you on each occasion ?

A. My sister-in-law, Mrs. Byrne ?

Q. Was any other person with you ?

A. No.

Q. Did she leave the room on any occasion when you were together ?

A. No.

Q. Did you have any conversation with him at the time of the *crim. con.* trial during the progress of the trial ?

A. I think not.

Q. Will you swear you had not ?

A. Yes.

Q. Did you have any conversation with him alone at the time of the slander trial, during the progress of the trial, in a room there ?

A. No.

Q. In the hall ?

A. No.

Q. Do you swear you had none ?

A. I swear I have no recollection of it.

Q. Did you have any conversation during the progress of the trial ?

A. No ; I had not.

Q. Will you swear you had not ?

A. I cannot swear ; I have no recollection.

*Re-examined by Mr. McDougall :—*

Q. After the charge was made, were you furnished with supplies, or was your credit stopped at the grocers and dealers in the town ?

A. Yes ; it was.

Q. How did you maintain yourself ?

[Question objected to, and objection sustained.]

*By the Honorable Mr. Kaulbach :—*

Q. Do you know where Mr. Gordon is now ?

A. In Red River.

- Q. Have you had any communication with him ?  
 A. I have not.  
 Q. How long has he been in Red River ?  
 A. Since last spring, I think.  
 Q. And you have had no communication with him directly or indirectly ?  
 A. I have had no communication with him at all.  
 Q. Nothing in regard to this present trial ?  
 A. No.  
 Q. Did you prepare to sleep on that night as usual ?  
 A. Yes.  
 Q. At that time of the year, what time did your servants generally rise in the morning ?  
 A. I think between six and nine.  
 Q. What time did you breakfast ?  
 A. Generally about half-past eight.  
 Q. You cannot give the precise time the servants got up ?  
 A. No; it was sometime between six and eight.  
 Q. Did you make your toilet as usual that morning before you left your room ?  
 A. Yes; as far as I can recollect.

E. M. CAMPBELL.

(Exhibit No. 19.)

“THURSDAY, July 31st, 1873.

“DEAR ROBERT,—I daresay you will wonder why I did not write to you last week. I fully intended doing so, but left it to the last moment, and so had not time.

“Your letter from Forres I received.

“I was surprised to hear that James Bremer was keeping so well. James thinks you were fooled this time in your expectations. I dare say the trouble about that house of his affected his health more than anything; he seems to have a pretty firm hold on life.

“James' wife (Rebecca) met with an accident last Sunday. She and James and some of her friends were going up to Scarboro' in the light wagon, and the horse giving a sudden jerk, threw her out of the seat behind. She has been at her sister's ever since, and James says she was not at all injured, only severely shocked.

“Dr. Carson met with a very severe accident about a week ago, too. His life was despaired of for two or three days, but now he is on the mend.

“I hope James B—— took the hint about me.

“You did not say in your last when you intended starting for home, although you mentioned the 14th of August in your first. Everything is going on as usual here, and the weather very warm still. The children often speak of you, and wonder in each letter I write if I tell you of their naughty conduct. I shall be glad when school commences again. Hoping you are well, believe me as ever,

“Yours affectionately,  
 “LIZZIE.”

(Exhibit No. 20.)

“28th August, 1873.

“DEAR ROBERT,—Will you come to your house to morrow at 10 a.m. I wish an explanation in this fearful affair. I do not wish to appear innocent in your sight as to how imprudent I have been, but in God's sight I have not been guilty of the charge James has imputed to me, that of having criminal connection with that man, or

any approach to it. I wonder you have not said anything to me since you came home of your suspicions. If you do not meet me, remember you have to make an allowance for me and your unborn child.

"God have mercy on us both.

"Yours,  
"LIZZIE."

"ROBERT CAMPBELL."

YEOMAN GIBSON was then sworn and examined by Mr. *McDougall* as follows :

Q. Where do you reside, Mr. Gibson ?

A. Whitby.

Q. How long have you lived there ?

A. About thirty years.

Q. What is your profession, or business ?

A. I am a produce dealer at the present time.

Q. What was your occupation previously ?

A. I was in the mercantile business ; a clerk for 13 years, and afterwards a partner.

Q. In 1873 what municipal office did you hold ?

A. I held no municipal office in 1873 ; I was Mayor of Whitby in 1875.

Q. Were you at home in August, 1873 ?

A. I was most of the time.

Q. Do you remember an occasion on which you were visiting Dr. Carson with your wife ?

A. I do.

Q. On what evening was that ?

A. On the evening of the 26th of August.

Q. Did you remain to a late hour on that occasion ?

A. Yes ; until some time about eleven or a little after.

Q. On your way from Dr. Carson's residence to your own did you pass the house of Mr. Robert Campbell ?

A. Yes, on the street ; the west side of it.

Q. Near it ?

A. A short distance away, but I suppose the nearest I could be to the house.

When going immediately past I might be 40 yards from it.

Q. Did you notice anything occurring at Mr. Robert Campbell's house that evening on your way home ?

A. We heard what we supposed to be music and singing.

Q. What kind of music ?

A. Piano music.

Q. And singing ?

A. Yes ; we heard singing.

Q. This must have been after 11 o'clock as you left Dr. Carson's about 11 o'clock ?

A. I cannot say as to the exact moment.

Q. It was between eleven and a quarter past ?

A. Yes.

Q. Did you pass along carelessly, or did you stop and listen to the music ?

A. I stopped.

Q. To try and make it out ?

A. Yes ; however, I would say, that immediately as we stopped the music stopped, and accordingly we went on. We did not remain.

Q. You heard the music as you were coming up towards the house, and for some time ?

A. Yes ; we were near the English Church.

Q. Did you make any remark to your wife on that occasion ?

A. I remarked : " Mrs. Campbell is playing again."

Q. You had often heard it before ?

A. Oh, yes, repeatedly.

*By the Chairman :—*

Q. You were passing towards where ?

A. I was going towards home.

Q. You were passing along the street ?

A. Yes.

*By Senator Dickson :—*

Q. How near were you to the house when you listened to the music ?

A. When we stopped,—or first heard it ?

Q. When you stopped to listen to it ?

A. I think about forty yards.

Q. Forty yards ?

A. Or it might be more than that.

*Counsel.*—Did you observe any person on that evening in Mrs. Campbell's grounds ?

A. Yes ; we did.

Q. Who did you observe ; what kind of persons ?

A. That I could not say exactly. There was no moon, but still it was a light night. The music drew our attention towards the house, or else we would not have looked towards the house, and we saw what we took to be two parties, and I made the remark that other parties were listening as well as we were.

Q. Were they male persons ; were they habited as males, or as females : could you make that out ?

A. I could not tell that.

Q. You could not tell ?

A. No, I could not.

Q. Were these two persons on the verandah in front of the house ?

A. They were on the west side of the house : at the south-west corner.

Q. They were apparently listening ?

A. Yes ; I do not think that we should have seen them had not one moved, and then we saw the other ; but I am not sure as to that.

Q. How do you fix the date so positively as being the 26th. Was there any circumstance which afterwards brought that date to your mind, so that you can swear to that date specially and positively ?

A. Yes.

Q. Will you state to the Committee what that circumstance was ?

A. I was going away from home on the morning following, and being out late on the preceding evening, I overslept myself.

Q. You were going by train ?

A. I was going by train to Toronto. I intended on my return from Toronto to proceed to Montreal, either on the same evening, or on the next morning ; but missing the train I knew that I could not get back that week.

Q. And the occurrence of that incident fixes the date in your mind as having been the 26th,—the evening on which you heard the music ?

A. Yes ; that occurrence, and a conversation I had after my return ; and placing these circumstances together, this is how I fix the date.

Q. You were examined on a previous trial touching this matter ?

A. I was ; in the Court of Chancery.

Q. And you made the same statement then with respect to the night being the 26th, as you make now ?

A. I think so.

Q. Were you in the habit of going to Mrs. Campbell's house, previous to the 26th of August.

A. Mrs. Gibson had been there several times, but I do not think that I had been there more than once a short time before Mr. Campbell went away.

Q. Therefore, you were not on very close terms of intimacy ?

A. We were never very intimate ; but we were always on speaking terms.

Q. Had you ever heard of any jealousy being shown by Mr. Campbell towards his wife previous to the 26th, or of anything of the kind ?

A. I have no recollection of it.

*Cross-examined by Mr. McIntyre:—*

Q. Were on intimate terms with Dr. Carson ?

A. Yes.

Q. You were frequently at his house ?

A. Yes.

Q. How frequently were you at his house in August, 1873 ?

A. I could not really tell you.

Q. You cannot say ?

A. No, sir.

Q. Do you know whether you were again at his house that same week ?

A. I know that I was not to the best of my knowledge.

Q. Were you there the week preceding ?

A. I think so ; but I could not swear to it. We are very intimate.

Q. Do you remember the day of the week preceding when you were there ?

A. I could not swear positively, that I was there on any particular day ; I do not recollect it just now at any rate.

Q. Do you know James Byrne ?

A. Yes.

Q. Very well ?

A. Yes ; very well.

Q. How long have you known him ?

A. The first time I saw him was when I became acquainted with the family, I do not know how many years ago this was, but it was a good many years.

Q. Would it be fifteen years ago ?

A. I have known him longer than that.

Q. He is your next door neighbor ?

A. Yes.

Q. How long has he been so ?

A. I could not say—several years.

Q. Did you know the Rev. Mr. Byrne ?

A. Yes ; I did.

Q. You were intimate with him, I suppose

A. I was well acquainted with him.

Q. And you were well acquainted with his family ?

A. Yes ; I was well acquainted with his family.

Q. Were you in the habit of attending evening parties at the house of Mr. James Byrne, or of the Rev. Mr. Byrne ?

A. I have no recollection of being at a party in the house but once. I seldom go to any parties.

Q. You were on intimate terms with himself ?

A. Oh, yes ; I was on speaking terms with him.

Q. Was your wife on intimate terms with Mrs. Byrne ?

A. Yes.

Q. Were you examined at the trial for criminal conversation in connection with the action brought by Mr. Robert Campbell against Mr. Gordon ?

A. I do not understand you.

Q. Were you examined on the trial of the action for a criminal conversation brought by Robert Campbell against George Gordon, at Toronto ?

A. No, sir.

- Q. You were not ?  
 A. No.
- Q. Were you examined on the trial of the action brought for slander by Mrs. Campbell against Mr. James Campbell ?  
 A. No, sir.
- Q. To whom did you first mention what you say you heard on the night of the 26th of August ?  
 A. Do you mean outside of my own family, for I spoke to my wife about it at the time ?  
 Q. Who other than your wife did you first mention it to ?  
 A. The first time was to a party of gentlemen. I mentioned it the morning after the examination of Mr. James Campbell appeared in the papers after the second trial.
- Q. To whom did you mention it in particular ?  
 A. I mentioned it to no one in particular; it was in my son's and his partner's store.
- Q. Who did you make the remark to ?  
 A. One man heard me remark—John Stanton, I think—that James Campbell was wrong.
- Q. Was that after the morning of the slander trial ?  
 A. Yes; it was after we got the papers with the report of it.
- Q. When did you mention it to James Byrne ?  
 A. I think it was some time that day, or immediately after.
- Q. How did you come to tell him ?  
 A. One of these gentlemen, I suppose, who heard me make the remark, told him, and he came and asked me.
- Q. What remark did you make ?  
 A. I was reading Mr. James Campbell's evidence, and when I came to where he stated there was neither singing or playing—I was reading it to myself, and I did not suppose any one was nearer to me than where you are: they were standing near the stove, and I was standing at the desk—and I made the remark to myself, "This is confoundedly wrong," and I got caught in it. One of the gentlemen—Stanton, I think—said, "What is confoundedly wrong." I replied, "James Campbell says there was neither singing nor playing, and he is wrong, for there were both.
- Q. Have you read the reports of the first trial—the *crim. con.* case ?  
 A. No; I do not think I did. I read sentences here and there, but I did not read it all.
- Q. Will you swear you did not read the reports of the evidence of the trial for *crim. con.* ?  
 A. I do not think I did; to the best of my belief I did not.
- Q. Was the report of that trial published ?  
 A. I think it was,
- Q. Was it published in the local papers ?  
 A. I think it was.
- Q. In both of them.  
 A. I cannot say.
- Q. Do you know whether the Toronto papers published it ?  
 A. Yes; I think it was in the Toronto papers I read the report of the second trial.
- Q. Do you take the *Globe* ?  
 A. No; I never took the *Globe*.
- Q. Do you take the *Mail* ?  
 A. Yes.
- Q. Was there not some excitement in connection with this matter in Whithy ?  
 A. Yes; there was considerable excitement.
- Q. Your next door neighbor was connected with this trial, and yet you swear you did not take sufficient interest in the matter to read the reports of the evidence in the first trial ?



A. To the best of my belief I did not read all the evidence of the first trial, and I did not even read all the evidence in the second trial.

Q. How much of the evidence did you read ?

A. I cannot say.

Q. Where did these trials take place, not in Whitby ?

A. They took place in Toronto.

Q. You were not present at either of the trials ?

A. I was not.

Q. And you did not read the reports ?

A. I heard enough about the affair without it.

Q. Do you know Mr. J. S. Wilcox ?

A. Yes.

Q. Is he a respectable man ?

A. Yes.

Q. Do you remember having any conversation with him immediately after Vice-Chancellor Blake's judgment ?

A. I have no recollection of it.

Q. In connection with this matter ?

A. I might ; but I have no recollection of it.

Q. Do you remember whether you told Wilcox the morning after the judgment, that you must have been mistaken in the evening you swore you heard the singing at Robert Campbell's house ?

A. No, sir ; I have no recollection of having said anything of the kind.

Q. Will you swear you did not tell Wilcox that ?

A. I will ; I might have said——

Q. Said what ?

A. If there was such a conversation I had no recollection of it, but I am prepared to swear I never told any man under the sun anything of the kind.

Q. Did you ever say to Mr. Wilcox that you believed that Mrs. Campbell was guilty ?

A. I have no recollection of any such conversation with anybody.

Q. Do you know Dr. Gunn ?

A. I do.

Q. Is he a respectable man ?

A. He is.

Q. Did you ever mention to him you must have been mistaken as to the evidence you gave in the alimony suit ?

A. I have no recollection of having any conversation with him about the matter at all.

Q. Will you swear you did not tell him so ?

A. I will.

Q. Did you tell Wilcox, on the morning after Vice-Chancellor Blake's judgment, in your own store, you must have been mistaken as to the evidence you gave in the chancery suit as to the singing and what you saw at Robert Campbell's house that night ?

A. I have already said I have no recollection whatever, of having any conversation with Wilcox on the matter.

Q. Will you swear you had not ?

A. I will not swear, because there might have been ; but I have no recollection whatever of it.

Q. Where were you standing at the time you saw the parties at Robert Campbell's house ?

A. I was walking along the sidewalk when I first saw them.

Q. Which side of the street were you on ?

A. The west side.

Q. Is that the side nearest the house ?

A. No.

- Q. Do you know the width of the road ?  
 A. I do not.  
 Q. Is it 60 feet ?  
 A. No ; it is what we call a narrow street.  
 Q. Where were you when you saw those individuals, near the English church or school-house ?  
 A. We were passing along the sidewalk, I cannot say exactly where, I think however, it was between them when we first saw the parties there.  
 Q. What is the distance between the church and the school house ?  
 A. It is only a short distance.  
 Q. How far ?  
 A. I should think it would not be more than 20 yards.  
 Q. What position were these people in ?  
 A. I could not say. They were only a short distance apart.  
 Q. What attitude were they in ?  
 A. One appeared to be up close towards the window, or immediately under it, and the other a little to the south.  
 Q. Were they close together ?  
 A. I could not tell whether they were close to the window or not, because they were between me and the house. There is a close board fence a few feet from the house, and they were between that fence and the house.  
 Q. What distance were you from them when you first saw them ?  
 A. I could not say exactly.  
 Q. Would it be 200 yards ?  
 A. No.  
 Q. Would it be 150 yards ?  
 A. No.  
 Q. Will you swear it was not 100 yards ?  
 A. No ; not unless I measured it.  
 Q. What was the distance between you and them when you stopped ?  
 A. Well, I don't think it could have been much short of 40 or 50 yards from the house when we stopped.  
 Q. How far was the individual on the south side from the other at the window ?  
 A. Only a very short distance.  
 Q. Would it be ten feet ?  
 A. I could not say.  
 Q. How close would they be together ?  
 A. The one party appeared to be opposite or under the window, and the other opposite the verandah end. I could not say the exact distance. They were within a few feet of each other.

*By the Honorable Mr. Dickey, the Chairman of the Committee :*

- Q. You say you could not see there were two until one of them moved ?  
 A. I could not.

*By Mr. McIntyre :*

- Q. When did you make the observation that there were more persons than you listening ?  
 A. Between the time we first heard music and our stopping.  
 Q. Which of those parties moved ?  
 A. The one to the south.  
 Q. Was the party moving at the time you made the observation ?  
 A. Yes.  
 Q. Did you think that was a listening attitude ?  
 A. They were close to the house.  
 Q. You had stopped at this time ?  
 A. No.

- Q. Were these the only parties you saw there that night?  
 A. I saw no more that night.
- Q. You have no idea as to the clothing or apparel they had?  
 A. No; they appeared to have dark clothes, but you could not swear to that at night time. The one immediately in the vicinity of the window had something on his head, and the other one had either a black hat or none at all.
- Q. Will you swear the man at the window had a hat on?  
 A. I will not.
- Q. Could you distinguish whether the parties were male or female?  
 A. No.
- Q. Where were you when you first heard the music?  
 A. Passing the English Church.
- Q. How far is that church from Campbell's house in a direct line?  
 A. Possibly 70 or 80 yards.
- Q. Might it be much more than that?  
 A. I don't think so.
- Q. Where were you standing when you heard the music?  
 A. Between the church and the school house.
- Q. How long did you stop?  
 A. A very short time. The music stopped as we stopped, and then we went on.
- Q. Was the piano going at the same time as the singing?  
 A. When we first heard it it was, but it stopped just as we stopped.
- Q. Were they both going together?  
 A. Yes.
- Q. Have you any recollection of what the singing was like that you stopped to hear it; could you distinguish the voice?  
 A. We thought there were more than one.
- Q. Could you distinguish them?  
 A. We made the remark there were two singing. I think Mrs. Gibson made the remark, "She must have company."
- Q. Was that the way you came to the conclusion that there were two singing?  
 A. No; it sounded like two voices.
- Q. Could there have been more than two from the sound of the voices?  
 A. I could not say as to that.
- Q. You could not distinguish so clearly as to say how many voices there were?  
 A. It sounded like two voices—one clear and the other coarse and heavy.
- Q. Was the coarse voice a good strong voice?  
 A. We heard it, and that is all I could tell about it.
- Q. Did it swell out loud?  
 A. It sounded like a couple of different voices, and we took it that it was a woman and a man.
- Q. You took it that the man's voice was louder than the other?  
 A. I cannot say as to that. There were two different chords. When I say the heavier voice I mean a coarser voice, not a louder one.
- Q. Was the heavier voice as loud that night as the other voice?  
 A. I cannot really tell you. We heard the singing, and as we stopped they stopped.
- Q. Did you recognize the heavier voice as being that of any particular man?  
 A. I did not.
- Q. Was the other voice the voice of Mrs. Campbell?  
 A. I cannot swear to that either. I supposed it was her's as it was in her own house, and I have no doubt whatever that the music proceeded from her house.
- Q. But you cannot swear from whom the voices proceeded?  
 A. I cannot.

*By the Honorable Mr. Dickey, the Chairman:—*

Q. Had you any recollection of the time that this occurred before you were examined as a witness.

A. Yes.

Q. How was the 26th impressed upon your mind as the particular day?

A. As I said before, next morning I intended to leave for Toronto. That I explained, by not going to Toronto next morning, it broke up my arrangement for going to Montreal, leaving it to Thursday morning; and as I could not get back that week, I left on Monday morning and returned on Friday. When I got home Mrs. Gibson said to me—

Q. Did you recollect at that time that the 26th was the night you passed Robert Campbell's house?

A. When I returned from Montreal, Mrs. Gibson said there was trouble over at Campbell's, but she could not tell me what it was. I had a conversation with James Campbell. I walked down the street with him either that night or the next morning, and he asked me if I heard anything. I told him I had heard nothing. He then told me about the trouble. I went home to my wife and said it was the night we saw them, and they must be the ones we had seen at the window. Mrs. Gibson and myself spoke of the matter frequently.

Q. Had you any recollection at the time on the Friday when you returned that it was the same evening as James Campbell spoke of the matter?

A. Yes.

Q. You only mentioned it to your wife?

A. That is all, for I told her not to mention it to anybody, as I did not want to get into it.

*By Mr. McIntyre:—*

Q. Did you ever swear that the parties you saw on the night of the 26th at Robt. Campbell's house, were James Campbell and John Anderson?

A. No; I was not close enough to swear to them. We concluded it was them after I had been speaking to James Campbell. I do not know that it was them now.

Q. At the time you spoke to your wife and recalled her recollection of the events of that night, did you mention anything about the singing or music?

A. I cannot say whether I did or not.

Q. Will you swear that you did?

A. No; I will not.

Q. Have you and the Campbells always been friendly?

A. We have always been on speaking terms up to this unfortunate trial.

Q. Did you ever complain to Mr. Laing that the Campbells were withdrawing your business from you, and interfering with it?

A. I cannot say whether I did or not.

Q. Will you swear you did not?

A. I have no recollection of it.

Q. Will you swear you did not admit in your chancery evidence that you complained of this?

A. I may have stated as a business man they were coaxing some of my old customers away, but I did not complain of it.

Q. Was this after you gave your testimony?

A. No; long before. I have not been in the same trade as they are in for three years now.

Q. Did you at one time tell Laing and Yarnold that you heard in Montreal that the Campbells were endeavoring to decry your credit and theirs?

A. Not my credit; I have no recollection of any such conversation.

Q. You remember appearing before Mr. Yarnold and Laing, with James Campbell, and James Campbell facing you about this statement?

A. No; Mr. James Campbell told me there was a difference between him and Yarnold. James Campbell asked me to go with him and see Yarnold, and Yarnold did

say that the hard feelings that had been caused between him and Campbell had partly been through what he and I had been talking about. I told him then I had no recollection of the kind, and I still have to repeat I have no recollection of having any such conversation. James Campbell and Yarnold were to allow by-gones to be by-gones, and be friends.

Q. In your examination in Chancery you say you knew James Campbell was wrong?

A. No; I said the conclusion I came to myself was that he was wrong.

Q. Did you give such testimony as this: "I was not satisfied for a time who was wrong; I was sure James Campbell's conduct was wrong." What did you mean by that?

A. I cannot say exactly whether these were the words or not.

Q. What brought out that answer?

A. Mr. Moss said to me: "What is your opinion on the matter?" I said: "My opinion is that James Campbell's conduct in the way he acted was wrong." He asked my reason for that, and I said: "Because he should have taken a different course. If the doors had been open I should have gone in." That is what drew it out. It was in connection with that remark.

Q. If James Campbell and John Anderson swore that neither of them had hats on the night of the 26th of August, would you swear they were telling what was untrue?

A. I would not.

*By the Honorable Mr. Kaulbach:*

Q. Had you heard the windows and doors were open?

A. No; I never heard the windows were open.

Q. Do you know how many months after the occurrence of the 26th of August the slander trial took place?

A. I do not.

Q. Or the trial against Gordon for *crim. con.*?

A. I do not know.

Q. Do you know how long after the 26th of August the alimony suit took place?

A. I think it was about two years ago; I don't know the time.

Q. Did you make any note of the conversation that occurred between your wife and yourself on the evening of the 26th August?

A. I did not.

Q. Or of the hour you left Dr. Carson's house, or of being present there that night?

A. No; we talked about it frequently.

Q. You never thought of communicating what you had seen to James Byrnes or Mrs. Campbell?

A. I did not consider that I knew anything that would be evidence. The fact is, I think Robert Campbell got persons to come and ask me.

Q. Does that represent a diagram of the street along which you were coming that night—a rough diagram?

A. Yes; I suppose that it is. This is the church. We might have been 70 or 80 yards from the house when we first heard the singing, and about 40 yards from it when we stopped, or it might be more.

Q. The people you saw were between the board fence and the window?

A. Yes; between the board fence and the house.

Q. Did you see them through the board fence?

A. No; the board fence was low and I could see over it.

Q. Then the sidewalk was elevated above the level of the road?

A. The sidewalk was considerably above the road. I could see over the top of the fence. I was thinking of buying the house at one time; and I think that there is a slope between the house and the road.

Q. The two parties were inside the fence?

A. Yes; between the fence and the house.

Q. Between the point at which you first heard the singing, or first observed these people, that is near the English Church, and between that view of the south-west corner of the parlor, are there any trees or shrubs in the grounds?

A. A tree or two stands close to the house, and that is all; but from the English Church, or further south from the school-house, a great deal more of brick work can be seen under the window than when one is opposite it.

Q. And from the nearest point where you were, 45 yards from the house, it was more difficult to see the window than from the point at the English Church; is that right?

A. No; you can see the window I think about as well at the nearest point which you have mentioned. I did not stop, however, at the nearest point.

Q. But this is the case at the only point at which you stopped, in fact?

A. Yes; at the only point at which I stopped.

*Re-examined by Mr. McDougall:—*

Q. When you speak, Mr. Gibson, of not having read a report of the first trial, do you know that any report—any full report—of it was published?

A. I could not say. I think that a part of it was published.

Q. So that a mere newspaper summary of the evidence given on that trial was published within your knowledge?

A. I could not say whether this was the case or not. There were a number of people from Whitby who went up to the trial; it was the topic of conversation all over the town, and we did not require to read anything about it.

Q. You heard what the witnesses said, conversed about it, and canvassed their statements and the nature of the story, etc.—it was a standing topic about the streets?

A. Yes.

Q. The probabilities and the improbabilities?

A. Yes.

Q. In answer to the learned gentleman, you spoke of having been told of the story of that night by James Campbell?

A. Yes, sir; he was the first man who spoke to me about it.

Q. Do you remember what he told you about it? Can you give the narrative of his statement to you at that time?

A. No; I really could not. He told me, of course, that he had been watching, and he also said that Anderson had been watching.

Q. That night?

A. Yes.

Q. Did he tell you how long he had been watching?

A. No; I do not think that he did. I am sure that I could not swear to that.

Q. Did he tell you what they saw?

A. He told me what they had heard.

Q. Do you remember what he told you that they had heard?

A. No; I do not.

Q. Do you remember any particular thing he said that they had heard which made an impression on your mind?

A. Yes; a part of what he told me. It was a part of the evidence which he gave himself.

Q. Afterwards?

A. Yes.

Q. Can you repeat any particular expression or statement, or anything he told you in that conversation to which you have referred?

(Objected to.)

Q. Can you state any of the facts, or give any part of the narrative which he

gave you as the events of the 26th, while he was watching? Can you repeat here, to-day, anything of what he said?

A. I do not really know the conversation, nor can I state what actually did occur; but I remember one part of it—his statement that Gordon had connection with his sister-in-law, Robert Campbell's wife.

Q. He made that general statement?

A. He made that statement.

Q. Did he give a reason for knowing it?

A. He said that he had been watching.

Q. Did he say that they saw anything?

A. I could not really say whether he said that they saw or heard; I would not swear to that.

Q. Did he repeat anything that he did hear?

A. I think that he did repeat something about a doll's head, or something of that kind. I forget exactly what it was, but it was something about that, which I recollect; I could not really tell you what it was.

Q. Did he say that he heard one invite the other to this illicit intercourse?

A. I could not really say whether he did or not. He told me of a good many things which transpired that night. At first I did not know what to say; but when he told me all he knew, I said: "Well, I really cannot believe it," and after he had repeated it, I said "I did not even believe it yet." "Well," he said, "would you believe it if you heard it." I said, "Well, yes—that would alter the case in that direction," and then Campbell made the remark, "Well, I tell you what I know myself—what I heard myself."

Q. He made this remark; he gave you his own authority for it; he did not mention anything of what was said by the parties concerning this illicit intercourse?

A. I really could not say; I could not swear to the exact conversation that took place.

Q. Have you any recollection, or not, of his having told you the specific language used by one party or the other to convince you that there had been illicit intercourse?

A. Yes; he told me something about "half way;" but I cannot tell you what—it was the same that he stated in his evidence as I heard it.

Q. Did you at that time place any reliance upon that as evidence; did you, or did you not?

(Objected to.)

Q. What opinion did you form at that time after hearing Campbell's narrative of the guilt or innocence of these parties; or did you form any?

A. I really could not say.

Q. You were asked if you stated in your evidence in the Court of Chancery whether you believed her guilty?

(No answer.)

Q. Mr. Moss asked what your opinion of it was?

A. Yes.

Q. And you gave to Mr. Moss your reason for your opinion; you gave first your opinion, and then the reason?

A. Which was, that the doors were open as I had heard.

Q. So that was your opinion when Mr. Campbell was talking with you?

A. I cannot say that I formed this opinion at this particular time.

Q. But you began to think the matter over, and you judge from the circumstances of the case; is that your opinion now; is it the same now as it was then?

A. Yes; I think that the one was inconsistent, and the other imprudent.

Q. A great deal has been said about the distance, and the points where you stood. Of course, I understand that you did not measure it?

A. I never measured it.

Q. You never paced it?

A. Never.

Q. You merely speak of your impression as you remember the locality?

A. That is all.

*Re-cross-examined by Mr. McIntyre :—*

Q. Where did this conversation take place between you and James Campbell?

A. On Dundas St.; he was coming in the direction of the shop, down towards the post office. We met in front, and south of Robert Campbell's house, a little to the west.

Q. When did this take place?

A. Either on the night after my return from Montreal, or on the Monday following.

Q. How do you bring that to your recollection?

A. Immediately after my return from Montreal my wife told me of the trouble. James Campbell lives a little above there, and we chanced to meet. If it was in the evening, he was coming down from tea, and I was going to the shop; if it was in the morning, he was coming from breakfast.

Q. Now was it in the morning or in the evening?

A. I will not swear positively; I do not recollect just now. I could not recollect just now.

Q. Was it mid-day?

A. No; it was either in the morning or in the evening. My impression now is that it was in the afternoon after my return.

Q. Was there any other person present beside Mr. Campbell?

A. No, sir.

Q. What were you doing at the time the conversation occurred?

A. We were going down street; we were going from the blacksmith's shop to the post office; we might have stood a while on the blacksmith shop corner.

Q. Have you any recollection of standing there?

A. No; I have no distinct recollection just now of it. I could not remember positively just now.

Q. Will you swear that you ever had such a conversation at all with James Campbell?

A. Yes.

Q. You will?

A. Yes.

Q. Is it not a matter of fact that you and James Campbell were not on good terms—not on speaking terms for some time previous to this?

A. We had always been on good terms up to the last trial?

Q. To the last trial?

A. Yes; I do not think that we ever had reason not to be on speaking terms.

Q. Did not this conversation occur with John Anderson, rather than with James Campbell?

A. No.

Q. You are sure of that?

A. It occurred with James Campbell.

Q. Have you any distinct recollection of the fact?

A. Yes; I have a distinct recollection of it.

Q. You have?

A. Yes.

Q. Did you tell James Campbell what you saw and heard that night?

A. No; I did not, because he did not repeat any of the narrative to me, and I wanted to keep out of the trouble altogether.

Q. You took care not to say anything about it?

A. He did not ask me anything about it.

Q. Did you tell him that you saw two women there?

A. I have no recollection of doing so.

Q. Did you conclude at that time that James Campbell had been there?

A. I thought that it was he, but I do not say whether I then concluded so or



not. After I went home I spoke to my wife about the matter, and one made the remark to the other, and I think that I made the remark to her, they must have been the parties we saw when we passed. I do not now know that James Campbell was there. I could not swear to the parties I saw.

Q. You made no mention whatever of what had occurred, to others ?

A. I have no recollection of it, and I do not think that I did so at the time.

By Mr. McDougall :

Q. Do you know anything of the means of the Messrs. Campbell, of their circumstances and affairs; are they reputed wealthy ?

A. I cannot say of my own knowledge; they are reported to be well off.

Q. You cannot speak as to figures ?

A. No; I cannot.

YEOMAN GIBSON.

WELLINGTON ADAMS was then sworn, and was examined by Mr. McDougall as follows:

Q. Do you reside in Whitby ?

A. Yes.

Q. How long have you resided there ?

A. Over four years.

Q. What is your occupation ?

A. Dentist.

Q. Is your place of business near the place of business of the Campbells ?

A. Not far.

Q. Do you sleep at your place of business ?

A. Yes; I sleep on the third floor.

Q. Over your place of business ?

A. Yes.

Q. Were you at home on the 26th August, 1873 ?

A. Yes.

Q. Do you remember being waked on that night by any noise ?

A. I do.

Q. Will you describe the circumstances to the Committee ?

A. I heard a noise on the street something like persons quarrelling or having an altercation. I got up immediately and proceeded to the window, which was then open.

Q. It was a warm and quiet evening ?

A. Yes.

Q. What did you hear ?

A. I heard James Campbell say to George Gordon, "You cannot deny it." These were the first words I heard. Gordon said, "You are a damned liar if you say so.

Q. Did you recognize their voices ?

A. Yes, most distinctly.

Q. You know them well ?

A. Yes.

Q. You knew it was George Gordon and James Campbell who were engaged in the altercation ?

A. Yes.

Q. Did the altercation continue for any length of time ?

A. It continued for a short time, but not very long.

Q. In the same tone and direction ?

A. Yes.

Q. Charging on the one side and denying on the other ?

A. I did not hear much of the charging. They immediately proceeded to some building or store just a short distance from the corner.

Q. This altercation took place—where?

A. Between my place and their store.

Q. Is your place of business and theirs on the same street?

A. No; on different streets.

Q. How far from their place of business is your office?

A. Seventy-five or eighty yards.

Q. Could you see their front door from your window?

A. No; it was not a moonlight night. I could see figures, but I could not distinguish them very plainly.

Q. Did you see James Campbell and George Gordon, whose voices you recognized, going towards Campbell's store?

A. Yes.

Q. And still engaged in this conversation?

A. Yes.

Q. Did you hear any other noise?

A. I heard James Campbell's door slam. I heard George Gordon daring Campbell to come out—that he would make it warm for him.

Q. Did he come out?

A. No; I heard nothing more, but heard George Gordon walk away, as I thought.

Q. Did you hear anything to determine in your own mind what the difficulty was about?

A. No; it was some specific charge, I should imagine.

Q. Can you tell us about what time this was?

A. I should judge that it was some time shortly after one, or about that time?

Q. How do you fix that time in your mind?

A. By a young man who was rooming with me and was preparing for the examinations to be held in September. He was studying very hard, and his hours were very regular. He never went to bed later than one. I had gone to bed some time before and had fallen asleep, and on his coming to bed I woke up. It was very warm, and I remained awake some time before hearing this noise.

Q. Was it shortly after you went to bed?

A. Yes.

Q. Your attention was called to the time of night soon after the occurrence?

A. Yes; it was after the first trial.

Q. You say that the statement as to the time was made at the first trial?

A. Yes.

Q. And what followed; did you consider the statement correct or incorrect?

A. I considered it incorrect.

Q. How was the time brought to your attention?

A. By the time my room-mate went to bed.

Q. And your belief was and is that it occurred at what hour?

A. Shortly after one o'clock.

Q. Can you fix the time closer than that?

A. I did not look at my watch; it was a very short time after my friend came to bed.

Q. You are positive it could not have been after three?

A. I am positive it could not.

Q. Are you positive as to the fact you stated that Gordon indignantly denied the charge that was made against him?

A. Yes; whatever the charge was he indignantly denied it.

Q. And his following James Campbell to the door, when he slammed the door, and daring him out was to your mind a further denial of the charge?

A. Yes.

Q. Do you know Gordon?

A. Yes.

Q. Are you familiarly acquainted with him ?

A. Yes.

Q. What was his character ?

A. It was good as far as I have heard.

Q. Were you sometimes a visitor at the house of Robert Campbell ?

A. Yes.

Q. Previous to this ?

A. Yes.

Q. Were you frequently there ?

A. Several times.

Q. You are still unmarried ?

A. Yes.

Q. You were invited to parties there ?

A. Yes.

Q. Frequently ?

A. I was there to two evening parties.

Q. How long previous to the 26th ?

A. It was in the spring.

Q. Did you see Gordon there ?

A. Yes.

Q. And other young gentlemen ?

A. Yes.

Q. On those occasions when you went there was Robert Campbell always at home ?

A. He did not come until late.

Q. Do you remember any occasion when a number of young ladies and gentlemen were there that he came very late ?

A. I remember that on one occasion when he came it was about eleven o'clock, I asked him on this occasion "if he was taking stock," because I remembered him asking me to come at eight o'clock to have a game of whist with him. He said "no; but parties were in the habit of going late to the office to talk, and he could not ask them to leave, and that it was very inconvenient to him sometimes."

Q. And he was excusing himself for leaving his guests in that way ?

A. Yes.

Q. Did you speak to him in a reproachful way as if he ought to be there ?

A. No.

Q. Was that the object of your question ?

A. I wondered why he asked me to come at eight o'clock, and he did not come until after eleven.

Q. On those occasions did Mr. Campbell make any objections to a friendly chat, dancing, etc., with his wife ?

A. Not to my recollection, in fact he helped us on that occasion to move a stove out of the hall to the verandah to make room.

Q. Did Mrs. Campbell dance with you ?

A. Yes.

Q. And with other young gentlemen ?

A. Yes.

Q. She is a lively sociable person ?

A. Yes.

Q. Did you ever remain very late at night, with Campbell's approval ?

A. We remained there quite late that night, I remember.

Q. Into the morning ?

A. The first occasion I went there was within the first three weeks after I went to Whitby, I was invited by Mr. Campbell, and I did not leave until after one o'clock, and he insisted on us staying later; I was a young man stopping at an hotel, and I was locked out.

Q. Did he ask you to stay all night ?

- A. No.
- Q. He pressed you to stay in a hospitable manner?
- A. Yes.
- Q. Had you been there alone in the evening?
- A. No; I never was there alone.
- Q. Generally in company with other people?
- A. Yes; but I never went there with any other person.
- Q. Were you aware of any special intimacy between Mrs. Campbell and Gordon prior to this occurrence?
- A. No.
- Q. You never saw or heard anything yourself?
- A. No.
- Q. You saw them on the street when they went together?
- A. I never saw them on the street together to my knowledge.
- Q. Had any suspicion crossed your mind that anything was wrong?
- A. Not the slightest.
- Q. Did Mrs. Campbell at that time stand high in the estimation of the people as a social, hospitable, accomplished person?
- A. Yes.
- Q. Does she maintain that standing still?
- A. She does, among all her friends.
- Q. Notwithstanding all these events?
- A. Notwithstanding all these events.
- Q. Had you any conversation with Gordon afterwards with reference to this charge?
- A. He came to me the night after the first trial and wanted to know what I would do about it. I had read the evidence the day previous in the newspapers, and I made the remark that it was incorrect, that was with reference to his admitting the charge sworn to by Campbell and Anderson.
- Q. You said it was incorrect?
- A. Yes; I thought it was very improbable for a man to admit such a charge, and act as Gordon had done.
- Q. You told Gordon that?
- A. Yes.
- Q. What followed?
- A. I was subpoenaed at the following trial.
- Q. You did not appear at the first trial?
- A. No.
- Q. Your observation was not known to the parties?
- A. No.
- Q. So Gordon had not the benefit of your evidence on the trial?
- A. No.
- Q. You gave evidence at both of the subsequent trials?
- A. Yes.
- Q. You gave similar statements to those you have given here?
- A. Yes.

*Cross-examined by Mr. Walker:—*

- Q. Your office is on Dundas Street?
- A. Yes; it was at that time, and is still.
- Q. The parties you heard or saw on that night were on what street?
- A. On Brock Street.
- Q. Is that a street running parallel with, or intersecting Dundas Street?
- A. Intersecting it.
- Q. Is Jamieson's store the first or second from the corner?
- A. It is the third now, I think; it was the second at the time I speak of.
- Q. Was it not the third then?

- A. I do not think it was.
- Q. Was it a two-story building?
- A. No; three stories.
- Q. What story did you sleep in?
- A. The third story.
- Q. Where did you see these parties first?
- A. They were in front of Lawlor's store; they appeared to be men.
- Q. Was that the first shop on the corner of Brock and Dundas Streets?
- A. Yes.
- Q. The immediate corner?
- A. It was a long building, and Lawlor's was a little piece further on?
- Q. How many shops were there in this long building?
- A. Only one.
- Q. And it was Lawlor's shop?
- A. Yes.
- Q. Was there a vacant shop at the corner?
- A. There was a kind of a shop or a room.
- Q. It was vacant?
- A. It was occupied as a store, and sometimes as an auction room.
- Q. At what hour did you retire that night?
- A. I retired somewhere about 11 o'clock.
- Q. Had you been sleeping previous to hearing the noise?
- A. I think not.
- Q. Are you sure?
- A. I am not positive.
- Q. Try and think for a moment; did you not state you were aroused out of your sleep by hearing a noise on the opposite street?
- A. I may have been sleeping, or partially asleep; I do not recollect.
- Q. Did you sleep near the window?
- A. No; we slept back from the window.
- Q. Was the window a high one?
- A. I think it stands about as high as the table.
- Q. How did it open, inwards or upwards?
- A. Upwards.
- Q. How far from the window was the bed?
- A. The bed was at the end of the room, about six or seven yards.
- Q. Was anybody in bed with you at the time?
- A. Yes.
- Q. Who?
- A. Mr. James Davidson.
- Q. Did this noise awake him?
- A. Yes.
- Q. Did he get up?
- A. He did not.
- Q. Could you distinguish words in the room before going to the window?
- A. No; I do not think I could.
- Q. Will you swear you could or could not?
- A. Not intelligibly; I could hear a noise but I could not tell what it was.
- Q. How long did you listen to this noise before getting out of bed?
- A. Not long; I have not any idea how long.
- Q. Was it five, ten, or fifteen minutes?
- A. I cannot say how long.
- Q. Why did Davidson not get up?
- A. I do not know.
- Q. Did you tell him to get up, there was a row on the street?
- A. He waked up and saw me at the window, and said I "There's a devil of a row on the other side of the street."

- Q. Did he then get up?
- A. No; it was all over then.
- Q. Where is this man Davidson now?
- A. He is in Whitby still.
- Q. You are intimate with Gordon?
- A. Yes.
- Q. Did you receive a telegram from him the night after the trial in Toronto of the *crim. con.* case?
- A. I received a telegram, but I will not swear that I received it from George Gordon or his brother; I will not swear which Gordon it was.
- Q. When I read this part of your evidence at the Chancery trial "he telegraphed me from Toronto after the verdict in the first trial was given;" is that correct?
- A. Yes.
- Q. What was the telegram for?
- A. I suppose it was to assist him in getting up evidence.
- Q. Did you swear that or not?
- A. I think I did; I gave my reasons.
- Q. Which of the two Gordons telegraphed you?
- A. It was either of the two brothers; I will not swear which one.
- Q. Will you swear it was not from George Gordon?
- A. I will not.
- Q. Have you got that telegram with you?
- A. I have not.
- Q. Can you tell its contents?
- A. He wanted to know if I would go to Campbell's house and see if there was a window broken in it.
- Q. Did you go?
- A. I did not.
- Q. Why not?
- A. Because I thought it was not my place to go.
- Q. You had conversation with Gordon before this time?
- Witness.*—You mean with reference to this trial?
- Counsel.*—Yes; with reference to the trial?
- A. Yes; I think I had.
- Q. Had you not frequent conversations with him prior to that?
- A. Yes; in different places.
- Q. Did you, in these conversations, tell George Gordon what you heard that night?
- A. I do not think I did.
- Q. Intimate as you were with him; knowing that this action was pending against him, you never told him what you had heard?
- A. No; I did not.
- Q. When did you first tell him?
- A. I told him the night after they came home from Toronto what I had heard on the street.
- Q. You had seen the evidence before in the paper?
- A. I had read it the day previous.
- Q. How far distant did you say the parties were from where you were?
- A. About seventy-five yards from where I saw them first.
- Q. Did you measure it?
- A. I measured it with James Byrne.
- Q. After what trial?
- A. I think it was previous to the second trial.
- Q. Immediately after Gordon's trial?
- A. No.
- Q. Although not feeling sufficient interest to go up and see this window, did you make an affidavit for Gordon for a new trial.

- A. Yes; I made an affidavit after the first trial.
- Q. The night following Gordon's return you saw him?
- A. Yes.
- Q. Did you see him the same time he returned from Toronto?
- A. Yes.
- Q. And you told him the conversation you heard on the street?
- A. Yes; I told him it was strange that if he had admitted what he was charged with, as James Campbell and Anderson had stated, he should have made such a noise on the street.
- Q. Who prepared this affidavit for you?
- A. J. K. Gordon, brother of this man, George Gordon.
- Q. Did you in that affidavit state that your office was directly opposite where this took place?
- A. Yes.
- Q. Did you swear you resided in the building on the opposite side of the street from where the two witnesses were?
- A. I might have done so.
- Q. I will read the words in the affidavit: "I reside in the building on the opposite side of the street from where the defendant and the two witnesses were." Did you swear that?
- A. I might have done so.
- Q. And you stated in the affidavit what the distance was?
- A. I do not remember.
- Q. Had you a light in your room?
- A. I had no light.
- Q. Was the window open all the way up?
- A. The window was open to its full height.
- Q. Was anything between you and the window that had to be removed?
- A. There were a few plants in the window.
- Q. Did you remove them?
- A. I do not know; I may have shoved them to one side a little.
- Q. Could you hear before you put your head out of the window?
- A. I could hear the noise.
- Q. But could you hear distinctly before you put your head out of the window?
- A. I could not.
- Q. What did you hear when you put your head out; what were the exact words?
- A. "You cannot deny it, George." I think that was the first sentence which I heard.
- Q. The first was, "You cannot deny it, George"?
- A. Yes.
- Q. And the reply was?
- A. "Campbell, you are a damned liar, if you say so."
- Q. And then did they separate?
- A. No; but talking loudly they went towards the store.
- Q. Could you hear anything else distinctly, farther away from you as they were every moment?
- A. They were still going further on.
- Q. Did you distinctly hear any words that they used?
- A. Yes.
- Q. On the way down the street?
- A. Yes.
- Q. What did you hear?
- A. Not any very pleasant terms. Mr. Gordon called Campbell a "shit-ass," or something of that sort.
- Q. Gordon was calling Campbell that?
- A. Yes.
- Q. Did you hear anything else, sir?

A. I heard Gordon daring Campbell to come out, or something of that sort; and saying that he would make it hot for him.

*Counsel.*—Eh?

*Witness.*—That he would make it hot for him, or warm for him.

Q. What did Campbell say?

A. Mr. Campbell, I suspect, was in the store; I do not know what he said.

Q. Was any other person there too?

A. I think so; there were three persons.

Q. Did he mention Anderson's name?

A. I did not hear Anderson's name at all. I think that he said something about a long-legged companion.

Q. Did he threaten to thrash the two of them? Did he challenge the two of them or one?

A. I think that he dared them both to come out.

Q. Is that now your evidence, sir.

A. I think, to the best of my recollection, that was what he said.

Q. You heard nothing about criminal intercourse?

A. No; I did not hear anything about criminal intercourse.

Q. You heard no charge made by James Campbell prior to the words, "You cannot deny it, George"?

A. I heard nothing; nothing that I could hear distinctly.

Q. And you did not know what that referred to?

A. I did not.

Q. And you did not know until the scandal was spread abroad; you did not know from anything you heard that night?

A. Not from anything that I heard that night.

Q. Did you, in the affidavit to which I have referred, state you heard James Campbell distinctly ask Gordon to confess that he (Gordon) had criminal intercourse with Robert Campbell's wife?

A. I could not say; Mr. Gordon brought the affidavit to me late in the evening, and read it to me in a hurry. He had to take the train that night. He read it over and I signed it and thought it was all right.

Q. You did not give that particular care and forethought to your evidence that you do now?

A. I was not posted in legal quibbles.

Q. Did you make such an affidavit as this? (Reading a copy of the affidavit.)

A. I told Gordon, at the time, it was incorrect in some particulars; but he told me it was all right. I said I did not hear a specific charge made; but he said it would be all right.

Q. Was it read over to you?

A. Yes; hastily.

Q. Are the statements in the affidavit true or not?

A. I did not hear that portion of the conversation where the accusation was made.

Q. Did you, in your examination in the Chancery suit, say you read the affidavit carefully before swearing to it?

A. Mr. Gordon read it to me hurriedly, and then, I think, I read it over myself.

Q. Did you read it carefully?

A. I may have.

Q. Did you in that affidavit state the distance you were from them?

A. I don't remember.

Q. You say you measured the distance afterwards, and it was some seventy odd yards?

A. I measured it previous to the second trial.

Q. What distance did you say in your affidavit it was?

A. I don't remember.

Q. Did you say it was thirty yards?



A. I will not swear' whether I did or not.

Q. Did you swear: "At the time said conversation took place I was at my open window facing the parties, and distant from them about thirty or forty yards, and from the loud tone of voice in which they spoke I heard every word; therefore, I unhesitatingly say that James Campbell and John Anderson, in giving their evidence at the said trial, swore to what was utterly false and untrue"?

A. I may have. I told Gordon I did not want to put my name to anything that was incorrect, and there were some things in this that were not quite correct.

Q. And yet you signed it?

A. Yes; he said it made no difference.

Q. Was his brother present?

A. No.

Q. Was any other person present?

A. No.

Q. Why did you read it over?

A. I never sign anything without reading it over.

Q. Why did you sign it?

A. He said the main features were correct.

Q. It was a main feature that you heard every word. Was that true?

A. I did not hear every word.

Q. Was it a main feature to say it was a certain distance?

A. I don't remember if I gave the distance.

Q. Did you swear to the affidavit before Gordon?

A. I don't remember whether I did or not.

Q. You have no recollection of swearing to it before anybody?

A. I think I was sworn before Mr. Greenwood, but I am not sure whether it was that or some insurance matter.

Q. Who gave the instructions for this affidavit?

A. I think I did myself.

Q. Did you go down to Gordon's office?

A. I don't remember whether I went to his or he came to mine; I think he came to mine.

*By the Honorable Mr. Dickey:—*

Q. Did he write the affidavit there?

A. I think he came in and took notes, then went to his place and returned.

*By Mr. Walker:—*

Q. How did he come to you to take notes?

A. I told Gordon after the first trial that I thought it strange about this admission. If he had made such an admission he would not have threatened Campbell as he did.

Q. You did not tell him you had overheard the conversation?

A. I told him I heard part of it.

Q. Did you tell him you knew the parties?

A. Yes.

Q. Did you mention Anderson's name?

A. I don't remember whether I did or not. I told him that night I did not hear Anderson speaking. I knew as a fact Anderson was there, from reading it in the papers.

Q. You said you heard a conversation before the first trial in court, and frequently after, and never mentioned it to Gordon?

A. Yes.

Q. Why did Gordon telegraph to you?

A. I don't know except that nearly all the people of Whitby were in Toronto. I don't know any other reason except that.

Q. He telegraphed you after the verdict to get some fresh evidence?

A. I don't know whether it was after the verdict; it was some time in the afternoon.

SATURDAY, 25th March, 1876.

PRESENT :

The Honorable Mr. DICKEY, *Chairman.*

The Honorable Messieurs

AIKINS,  
HAYTHORNE,  
CORNWALL,  
KAULBACH,

LEONARD,  
DICKSON,  
SEYMOUR,  
REESOR.

Mr. ADAMS' cross-examination continued :—

- Q. How long have you known James Campbell prior to the 26th of August ?  
A. For some time.  
Q. How long is that, pray ?  
A. I could not say.  
Q. Intimately ?  
A. Not particularly intimately ; but I knew him.  
Q. Did you visit at his house ?  
A. No ; but I have gone to the house of his brother.  
Q. How frequently did you meet him, and have intercourse with him—conversations with him, I mean ?  
A. I could not say.  
Q. Were you frequently in each other's company ?  
A. I met him frequently.  
Q. Did you associate together ?  
A. I met him frequently in the store.  
Q. Were you in the habit of visiting the store ?  
A. Yes ; a good deal ; frequently.  
Q. Otherwise than in the ordinary course of trade, as a dentist ?  
Witness.—I beg pardon.  
Q. You are an unmarried man, I believe ?  
A. Yes.  
Q. Did you go to the store for trade purposes or as a dentist, or in what capacity ?  
A. I went there for trade purposes.  
Q. How frequently did you visit the store for this purpose ?  
A. I could not say.  
Q. Cannot you give us some idea ; had you met James Campbell twenty times and had conversations with him of any length prior to the 26th of August ?  
A. Not of any great length.  
Q. Did you have any conversation which lasted over ten minutes with him ?  
A. I think so.  
Q. Will you swear that you did ?  
A. I think so.  
Q. Can you recollect the occasion and the place ?  
A. I cannot.  
Q. Or the circumstances ?  
A. The store, I think, was the only place where I met him.  
Q. Can you recollect any conversation you had with him in the store which lasted over ten minutes at a time ?  
A. No ; I cannot.  
Q. Can you recollect what the conversations were about when you met James Campbell ?  
A. No ; I cannot remember that.  
Q. You are intimate with Gordon ?

- A. Somewhat.
- Q. You associated together you said yesterday ?
- A. Slightly so; yes.
- Q. Is that your evidence now, prior particularly to the 26th ?
- A. We did not associate together to any great extent.
- Q. Was he not an associate of yours—coming frequently to your office ?
- A. Not very often.
- Q. But he did ?
- A. He came to my office sometimes.
- Q. You were sufficiently intimate with him to recognize his voice ?
- A. Yes.
- Q. Did you ever hear him angry before ?
- A. No; I did not.
- Q. Did you ever hear him speak in a loud tone of voice before ?
- A. I do not remember.
- Q. Did you ever hear James Campbell speak in a loud tone of voice before ?
- A. I think not.
- Q. Did you ever hear either of these men using profane or vulgar language before ?
- A. I think not.
- Q. How far distant is the shop or store of R. & J. Campbell from your room ?
- A. I cannot say exactly.
- Q. Is it farther away than Lawlor's, where you heard them first ?
- A. It is a little farther.
- Q. How many shops intervene ?
- A. There is one double one and one single one between that place and Campbell's first store.
- Q. Did they go into the first or second store ?
- A. I cannot say.
- Q. What kind of night was it ?
- A. It was mild.
- Q. Was it a moonlight night ?
- A. No; I think not at the time.
- Q. Can you tell in which direction the wind was blowing ?
- A. No; I cannot.
- Q. From where you stood, you could see, you said, three parties opposite Lawlor's, or about Lawlor's verandah or shade, so you stated ?
- A. Yes.
- Q. You could not see the door of Campbell's shop from where you were ?
- A. There is a large verandah over it there, and I think that the angle formed by the corner of the building would prevent it.
- Q. You did not, as a matter of fact, see any person enter the shop; but you say you heard the door slam ?
- A. Yes.
- Q. You did not see any person enter the shop of R. & J. Campbell ?
- A. I think not.
- Q. Are you not sure ?
- A. The corner of the building would prevent it.
- Q. Do you think so or are you sure ?
- (No answer.)
- Q. What is your answer ?
- A. I am not positive at present.
- Q. Were there two entrances to those shops ?
- A. There were two shops.
- Q. Which shop did they go into, the first or second ?
- A. I cannot say.
- Q. Then you didn't see ?

- A. After they passed underneath the verandah I could not see distinctly.
- Q. Did you see at all?
- A. I saw before they got under Lawlor's verandah.
- Q. This was three doors north?
- A. Yes.
- Q. Did you see them after they passed under the verandah?
- A. Not distinctly.
- Q. Did you see them at all?
- A. I saw something, but not distinctly, after they got underneath the verandah.
- Q. Did the verandah extend all the way to Campbell's shop?
- A. Yes.
- Q. Extend across the front?
- A. Yes.
- Q. Then it was impossible for you to see them after they got underneath the verandah entering those shops?
- A. I cannot say; it was not daylight.
- Q. But could you see that night?
- A. We could if it was light enough.
- Q. I do not ask you what you could have done; did you or did you not?
- A. I cannot say.
- Q. Your recollection is as distinct as before?
- A. I cannot say.
- Q. I want to know if you saw either one of them entering Campbell's store?
- A. I cannot say.
- Q. Did you have any conversation with any person or persons with reference to the circumstances of that night prior to the *crim. con.* trial?
- A. I had.
- Q. Did you mention the facts?
- A. Not all.
- Q. To whom did you mention some?
- A. I mentioned it to Mr. Mitchell.
- Q. Do you remember going into the store of R. & J. Campbell some time after that occurrence, when a Mr. Tweedy, Robert Campbell and James Campbell were there?
- A. Yes; and Mr. Mitchell was also present.
- Q. You remember that occasion?
- A. I do.
- Q. Did you, on that occasion, state you knew nothing about this transaction?
- A. I did not.
- Q. What did you say?
- A. I was not asked any such question.
- Q. Did you make any statement with reference to this matter?
- A. I did not.
- Q. Will you swear positively you made no reference to it?
- A. I swear positively.
- Q. And you swear positively that you did not state that night you knew nothing about the transaction, or words to that effect?
- A. I do.
- Q. In the presence of John Tweedy, James Campbell and Robert Campbell—
- A. And Mr. Mitchell.
- Q. Will you swear that you told any person or persons anything with reference to the circumstances of the 26th or 27th August detailed by you prior to the first trial in Toronto?
- A. I do not understand you.
- Q. Will you now swear you told any person or persons what you have related before this Committee prior to the first trial in Toronto?
- A. That includes a great deal.

Q. I will make it shorter. Did you state to any person or persons, prior to the first trial, that you had seen or heard anything on the night of the 26th or morning of the 27th?

A. I told Mitchell the following day, as to those things, and asked him if he knew anything about a row between Gordon and Campbell.

Q. The first trial at which you were present was the action for defamation of character?

A. Yes.

Q. And the second was the Chancery suit?

A. Yes.

Q. You were not present at the *crim. con.* suit?

A. I was not.

Q. Did you state at the Chancery trial the following: "I will not swear positively that before the first trial I told anybody I knew anything about the matter; I don't remember that I did"?

A. I may have. I kept it quiet as long as possible.

Q. Did you at the first trial at which you gave evidence, refer to the language used when the door was slammed?

A. I cannot say.

Q. Was anything said about the last expression you have given here?

A. I don't remember.

Q. That Gordon called Campbell an improper name and challenged them both to come out in the street and he would make it hot for them?

A. I don't remember.

Q. In your Chancery evidence, did you make use of this expression: "I heard Gordon call him a 'mean shit-arse' or a 'lying shit-arse.' This is the first time I mentioned the expression"?

A. I may have.

Q. Did you or did you not give that evidence?

A. Something similar to that.

Q. You did not mention it at all at the first trial at which you gave evidence?

A. I was not asked the question.

Q. What word was it preceded the other, "mean," "damned" or "lying"?

A. I don't remember at present; I can't remember every particular word.

Q. Did you state on the trial you had talked the matter over with George Gordon before the trial?

A. I don't remember.

Q. I speak of the alimony suit?

A. I think I did.

Q. Did you talk with him about it before the slander trial?

A. Yes.

Q. Can you tell whom you went to sleep that night?

A. I must have gone to sleep more than once.

Q. Did you remain awake long after the row?

A. I cannot say. I went to bed immediately.

Q. Did you hear the clock strike?

A. There was no clock in the vicinity.

Q. By your own clock?

A. I have no clock on the premises.

Q. Did you assist Gordon in getting up evidence for the first trial?

A. I don't think so.

Q. You don't know?

A. I don't remember doing so.

Q. Did you do nothing after you received that telegram as to evidence?

A. I think I gave the telegram to Mr. Whitfield, a clerk of Mr. Byrne's.

Q. Did you see Mr. Byrne about it?

A. Mr. Byrne was then in Toronto.

Q. Did he telegraph you during the progress of that trial to get up evidence?

A. No.

Q. Did you not say at the Chancery trial that Gordon asked you to get up evidence?

A. To the best of my recollection he did not ask me to get up evidence.

Q. Look at this rough sketch. (Exhibit 21.) Does that represent the position of the place you were in?

A. Not exactly.

*Re-examined by Mr. McDougall:—*

Q. With respect to the affidavit you made on the application for a new trial, you said it was drawn up by the attorney in the case from the information you gave as to the colloquy which took place in your hearing?

A. Yes.

Q. The point in that was with reference to what Campbell and Anderson had sworn?

A. Yes.

Q. Had they sworn Gordon admitted criminal intercourse?

A. That was what the papers said.

Q. The words "criminal intercourse" in this affidavit was not the expression you say you heard that night?

A. No.

Q. You did not pretend to give the precise language used?

A. No.

Q. Some days after, and how long, did you learn what that accusation was?

A. I did not learn what it was until after the first trial.

Q. Do you mean to say you had not heard in the village that Mrs. Campbell was accused of adultery?

A. I heard it two weeks after this row.

Q. That was long before you made this affidavit?

A. Yes.

Q. Then it was settled in your mind that was the accusation?

A. Certainly.

Q. There never was any doubt as to what the charge was?

A. No.

Q. Yesterday you spoke of a remark which you made to Gordon when he returned from the trial, about it being strange if he could have admitted it, or something like that; do you remember the occasion?

A. I remember the occasion; yes.

Q. Will you repeat again the remark which you made to him?

A. I cannot give the exact words, but I will as nearly as I can remember. I told him that it was very strange that he should have made such a row and got so vexed if he admitted it.

Q. If he admitted the truth of the charge?

A. I thought that if he had admitted it, he would have been very much quieter, and would have gone away.

Q. You thought that the two things were inconsistent?

A. It was inconsistent to my mind.

Q. What did Gordon say at that time in response to your remark; do you remember?

A. I forget what he said.

Q. You speak of a conversation you had had with Campbell, and you say that you had more than ten conversations with him; you heard him frequently speaking in the store?

A. Yes; I heard him frequently in the store.

Q. And no doubt you had no difficulty in recognizing his voice?

A. Not the slightest.

Q. And no doubt he was present there that night, I suppose ?

A. I think that there is no doubt of it.

Q. Now, some enquiry was made about your seeing them go into the store; had you any doubt that they went into Robert and James Campbell's store?

A. From the sound, I should judge so.

Q. Could you not see from your house on the opposite corner down the street to the door in front of their place ?

A. I could see one of their doors, providing there was sufficient light; but it was not sufficiently light at the time.

Q. Do I understand that you think to the best of your knowledge and recollection, that they went into Campbell's shop ?

A. Yes.

Q. This is a diagram—a photograph of the locality—do you recognize it ?

A. Yes; you can see one of their doors plainly from my window, and I think the window of the other, in the daytime.

*By a Member of the Committee :—*

Q. Where did you lose sight of the figures ?

A. When they passed underneath the verandah. I could scarcely see them, but I could see something moving.

*By the Chairman :—*

Q. They were going farther away; and they went into a darker place under the verandah ?

*By a Member :—*

Q. And you then came to the conclusion that they went into Campbells shop, I suppose ?

A. I came to that conclusion, because they went in that direction.

*By the Chairman :—*

Q. In Campbell's store, when Mitchell and Tweedy were present, he says: "I mentioned some of the circumstances, and not all to Mitchell, before the crim. con. case." This was after the row, I suppose; and immediately after you were asked about this, you were questioned about being in Campbell's store when Mitchell and Tweedy were both present, and you said that you know nothing of the transaction. Was there any conversation about this; what took place with reference to this transaction ?

A. Mitchell asked me to go with him, as Tweedy had said something about him; and that he wanted Mitchell to go there and give a statement in writing of what it was; and Mitchell wanted me to go along with him. He said that the Campbells would swear to anything, and he wanted me to go with him to protect himself. They wanted him to state some facts, and he would not do it.

Q. But with reference to this transaction, what was stated at that time; was there anything as to what had occurred on the morning of the 27th ?

A. They were talking about it to Mitchell, but I kept as quiet as I possibly could. I said nothing with reference to it.

Q. What did Mitchell do ?

A. Mitchell had said something about what Tweedy had said.

*By a Member of the Committee :—*

Q. Something with reference to this matter ?

A. Yes; they wanted Mitchell to acknowledge it, and Mitchell would not do it.

Q. Do you know what that was ?

A. I do not remember.

*By the Chairman :—*

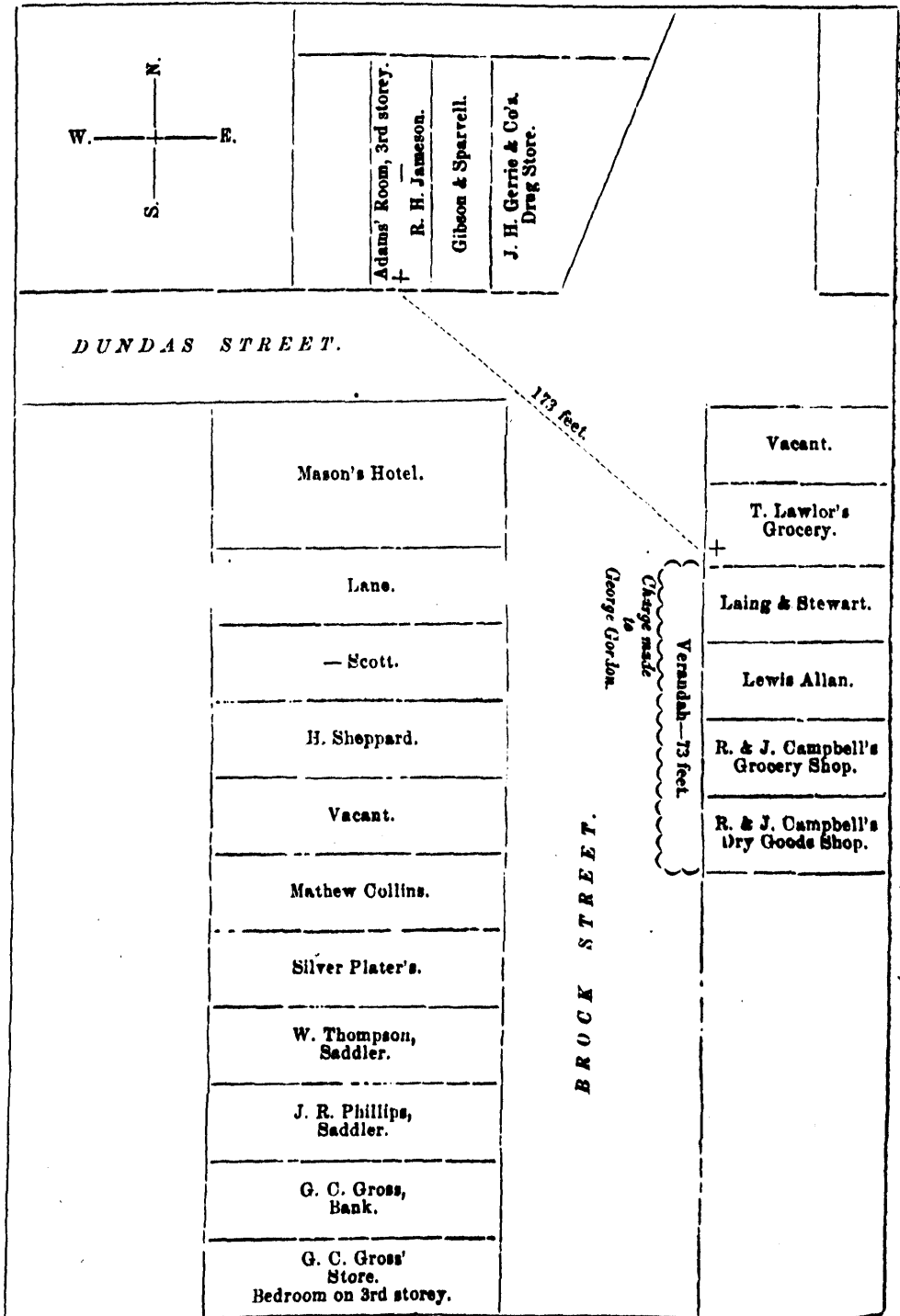
Q. You were merely called in as a witness ?

A. Yes; Mitchell wanted me to go along with him.

Q. And you kept back and said nothing ?

A. I said nothing.

EXHIBIT No. 21.





GEORGE CONRAD GROSS, being sworn, was questioned as follows by Mr. *McDougall*, the counsel of the defendant:—

Q. You live in Whitby, Mr. Gross?

A. I do.

Q. How long have you lived there?

A. Sixteen years.

Q. What is your business?

A. I deal in hardware.

Q. You are a hardware merchant?

A. Yes.

Q. Do you know the Campbells' concerned in the matter of this Bill—Robert and James Campbell?

A. Yes; I do.

Q. Have you known them long?

A. Yes; ever since I have been in Whitby?

Q. Have you had business relations with them?

A. Yes; a little, but not to any extent.

Q. Were you in the habit, previous to the 26th of August, 1873, of visiting at their house at all—did you know Mrs. Campbell?

A. I had only been just once at the house, and then only for half an hour, to the best of my recollection.

Q. You have daughters?

A. I have.

Q. Do you remember the events of the 26th of August connected with this trouble in the family; did it come to your knowledge, as a resident of Whitby?

A. Yes; I recollect it.

Q. What was the first you heard of any difficulty of this kind?

A. Well, it was on the 26th of August, between the 26th and 27th; in the middle of the night I was awoken by loud talking in the street.

Q. In the first place, before explaining that, will you state where you live and do business?

A. Opposite.

Q. Just opposite to the Campbells' place of business?

A. Something about that—nearly opposite.

Q. Your house is a little lower down the street?

A. Just a little lower down—about forty feet.

Q. You live in your place of business?

A. Yes; I do. I live over the buildings.

Q. Then you heard a noise in the night?

A. Yes; I did.

Q. And what did that lead to?

A. I heard loud talking and a call of fire. This frightened me and my wife and we immediately jumped up. I went to the front window, and I saw people before Campbell's place of business; however I did not notice them much, but I looked more for a fire and flame. As I did not see anything from the front, I immediately turned and went to the back part of the house. I did not see any flame from there, and I came back again. By that time Mrs. Gross had lit a lamp.

Q. You have considerable property in Whitby, have you not?

A. Yes.

Q. And you were anxious about a fire, and interested, when you heard of a fire?

A. I would have been, anyhow, in a fire.

Q. On the occasion when you went to the first window and saw these people, what did you hear—did you hear them say anything?

A. I heard loud talking, but I looked more for the fire than at them, and I went immediately to the back part of the building.

Q. Then you did not hear any particular expressions which they used?

A. No; I did not.

- Q. Were they speaking in a loud and angry tone?
- A. They were; yes.
- Q. Did you see them moving away in any direction; did they go into any house?
- A. When I returned the second time and saw that there was no fire, I perceived that there was a row in the street, just opposite the Campbells', but I could not see who they were; but I saw two of them distinctly go into Campbells' store, and another went at the same time by my building, to the south, towards the Lake.
- Q. You won't undertake to say you understood anything of the object or the cause of the row?
- A. Oh! no, not from that. I told my wife that it was merely a row, and went to bed again. While I turned away quickly from the window I hurt my foot considerably against the castor of the bedstead.
- Q. And you did not go to bed immediately?
- A. I did not.
- Q. What did you do?
- A. I went to bathe my foot.
- Q. Down to a lower room?
- A. Yes; the bath room.
- Q. And did you bathe your foot then?
- A. I did.
- Q. And remained there some time?
- A. Yes; about a quarter of an hour. It was two o'clock when I got up stairs again.
- Q. Had you a light with you?
- A. Yes; I took the light which Mrs. Gross had lit.
- Q. While you were bathing your foot, was your attention attracted to the time of night?
- A. It was.
- Q. Will you explain how?
- A. It was exactly half-past one when I was sitting down bathing my feet.
- Q. This was a few minutes after the altercation in the street?
- A. About as long as it has taken me to explain it; it was soon over.
- Q. How do you fix the time?
- A. We have in Whitby a clock factory, owned by Mr. Greenwood, a solicitor, who was anxious for me to take stock, or to recommend the clocks. The day before, he had sent me a clock to test the quality. I had put it alongside of a good English clock to see how it kept time. While I was sitting bathing my feet I saw the two clocks, and particularly noticed it was half-past one.
- Q. You looked to see whether the clocks had lost or gained?
- A. Yes; I sat a considerable time before them, and my mind was directed to the hour.
- A. Certainly.
- Q. From this circumstance you have fixed in your mind ever since the time of night you heard this row?
- Q. There can be no mistake about it?
- A. Not the slightest; because Mr. Campbell has acknowledged it.
- Q. When did you first learn that the discussion in the street had relation to the Campbell difficulty?
- A. My young man came in about dinner time next day and said there had been a row between Campbell and Gordon, and then I thought that might have been it. But I paid no attention to it then. I think it was the next morning that I learned that James Campbell went around to the merchants prohibiting Robert Campbell's wife having credit.
- Q. He went round notifying them not to give her credit?
- A. Yes.
- Q. James Campbell gave this notice?

- A. James Campbell went round; not Robert.
- Q. That was the 27th or 28th?
- A. I think it was the 28th.
- Q. Did they notify you?
- A. They did not.
- Q. You deal in hardware?
- A. Yes.
- Q. Well?
- A. My young man came and told me this, and told me to ask Mr. Hamilton, and he would give me the particulars. Out of curiosity I went, and he told me that was the case.
- Q. Did you learn then the reason why this notification was given?
- A. It was then whispered round that it was adultery.
- Q. Was the person mentioned?
- A. Yes; Gordon.
- Q. What was the next step in the case that you are cognisant of; did you meet the Campbells?
- A. I met with the brother of Mrs. Campbell first.
- Q. He is—?
- A. Mr. Byrne. He came to my store that evening or in the afternoon, and was speaking of what a dreadful thing it was, and that he had talked with—  
(The Chairman intimated that witness should not proceed with these details.)
- Q. Subsequent to the time you are speaking of, did you have any interview with either of the Campbells?
- A. No.
- Q. Did you have a talk with Robert or James Campbell?
- A. In the evening I did.
- Q. With reference to this matter?
- A. Yes.
- Q. Before you had that interview with them, you were spoken to by Mrs. Campbell's brother?
- A. Yes.
- Q. And from him you learned the nature of the charge?
- A. Yes.
- Q. Did Mr. Byrne tell you on that occasion that he had seen his sister?
- A. He did.
- Q. And did he tell you—?
- (Question objected, and objection sustained.)
- Q. Did you have an interview with Robert and James Campbell?
- A. Yes.
- Q. In reference to this matter?
- A. Yes; and Mr. Anderson.
- Q. Do you remember the date?
- A. It was on the 29th, I think.
- Q. It was after Robert Campbell's return from a visit he was on?
- A. Yes.
- Q. The first day after?
- A. I cannot say.
- Q. But he was present at this interview?
- A. Yes.
- Q. Was any other person present?
- A. No.
- Q. Where did it take place?
- A. In their office.
- Q. What occasioned the interview—did you go voluntarily, or were you invited?
- A. I was asked by Mr. Byrne to see Campbell and try and induce him to see his wife, as he was satisfied she was innocent of the charge.

Q. That was your motive in going ?

A. Yes.

Q. You went as a friend ?

A. Yes; as a mutual friend.

Q. And you undertook this mission of peace ?

A. Yes.

Q. And what took place ?

A. James Campbell admitted me, asked me how I was, and shook hands with me. He opened the affair himself on the road to the office, and said: "I suppose you have heard the trouble," or the row—I forget which. I said I had, and that I regretted it very much; and was glad that he had opened the subject, because it was a delicate matter for me to go into. I was there about an hour and a half. They were smoking and I had a cigar, and we talked a little while before we went into the matter. I forget the first thing that was said; but, however, I saw Robert, and asked him whether he would not see his wife, and that it was very necessary to have the thing explained to him. He said: "No; that if he saw his wife she would only hang round his neck and cry, and he would forgive her; and that they had commenced and would go through with it.

Q. In that conversation he informed you he had not yet seen his wife ?

A. Yes; and would not see her.

Q. And he gave as a reason he would not see her, that she would induce him to forgive her, and he did not intend to do it ?

A. Yes; that she would lay round his neck and he would have to forgive her, and that they had commenced and would go through.

Q. Did he speak anything of the Campbells as a race or a clan; did he make any remark ?

A. During the conversation James Campbell came to me and laid his hand on my shoulder and said in my ear, "The Campbells know what they are about." That was when I was arguing the matter.

Q. He said what ?

A. "The Campbells know what they are about."

Q. Did you make any further remark, or did you explain that expression in any way ?

A. No; then there was different talking going on for an hour and a half, and various conversations, and when I had an opportunity I endeavored to try and get Robert Campbell to see his wife and hear her explanations.

Q. And you did not succeed ?

A. I did not.

Q. Was there anything said on that occasion as to the time of the interview between Gordon and James Campbell ?

A. Yes; James Campbell conducted the whole of the conversation, and when I contradicted him as to the time he said: "Well, say it was only one o'clock;" he asked me if I thought it was right for a young married woman to entertain a young man to such an hour during her husband's absence.

Q. Did you make any answer to that ?

A. No.

Q. Was this in the presence of Robert Campbell ?

A. Yes; Robert Campbell was walking in and out of the store, but James Campbell and Anderson were sitting there smoking.

Q. Explain how this reference to the time of night, when James Campbell had the interview with Gordon came about; was it a suggestion of yours, or did James Campbell allude to that conversation, and about the time of the night ?

A. There were a great many arguments *pro* and *con*, but I could not undertake to say at this moment what it was. I contradicted him, by the by, as to the time. He named a later hour, and I told him he had made a mistake. I told him it was between one and two o'clock.

*By the Honorable Mr. Dickey, the Chairman:—*

Q. What hour did he name?

A. He said between two and half-past two o'clock.

*By Mr. McDougall:—*

Q. Was anything said in that interview respecting Gordon having denied the charge, or admitted it?

A. I asked James Campbell: "What did the scoundrel say?" At that time I did not know whether the story was true or not. James Campbell said: "He denied it," and he had been there the day before, and had a fight with him in the store. Gordon had gone into the store to explain to Robert that nothing of the kind had taken place. It was reported in the town they had had a fight.

Q. This was referred to in the conversation?

A. I think James Campbell told me.

Q. You remember that he said on that occasion, "Gordon denied it."

*By the Honorable Mr. Kaulbach:—*

Q. Did he say when he denied it?

A. No; he did not say when.

*By Mr. Macdougall:—*

Q. This was only two or three days after the event?

A. Yes.

Q. Was anything said as to the condition of Mrs. Campbell at this time?

A. Yes; this was part of my argument, as I said a lady like Mrs. Campbell would not allow any young man to take liberties with her in the state she was in. Then Anderson told me ladies in that state were more prone to go with men. He not only told me this several times, but he laughed at me, and told me I should know better, when I told him my experience was rather different.

Q. What further took place on that occasion; was there any other remark that you remember?

A. No; there was a good deal of talk *pro* and *con*. I wanted to get Robert Campbell to see his wife, and there was a great deal said that I forget.

Q. You went away from that interview with the impression you had failed?

A. Yes; with the impression that I had failed, and also that Mrs. Campbell was not guilty. It appeared to me as if they had come from a hunt; that they had caught

(witness showed how) and were pleased over it. Anderson had a paper like this in his hands,

Q. Did they read it over to you?

A. No; I wanted to know, but they appeared to keep it all as a secret.

*By the Honorable Mr. Leonard:—*

Q. Did the paper appear to refer to this case?

A. Yes.

*By Mr. Macdougall:—*

Q. Do you know anything of the circumstances of Mrs. Campbell leaving her husband's house sometime after?

A. Yes; the husband dragged her out. There is another thing that I remember: After I made use of a little argument that they had given notice to the merchants that they should not supply her with anything, I asked if they intended to starve the woman, for if they did, the people of the town would subscribe enough to support her.

Q. What did they say?

A. Then they opened the books and showed me an entry where she had got some tea and sugar a few days before, and said it was not so bad as people talked of.

Q. Was anything said as to how they intended to proceed in dealing with Mrs. Campbell.

A. No; no more than after some talk, James Campbell put his head over my shoulder and said to me: "Leave the Campbells' alone, they know what they are doing."

Q. Did you speak to the Campbells' again with reference to this matter?

A. I did; I spoke to Robert Campbell on the platform, after the first trial. I was subpoenaed in Toronto, but I was not called, and going home in the evening on the cars—or rather at the station—Robert came to me, and putting his hand on my shoulder, said: "Now, Mr. Gross, what do you think of it?" I told him that Anderson and James Campbell had sworn falsely as to the time. That was the first time I had heard that they had sworn false, to my certain knowledge. I charged him with that before the whole of the company.

Q. What did he say?

A. I do not know what he said; he cleared out some way or other.

Q. He spoke with a triumphant air, that he had carried his point?

A. Yes; he said: "Now, what do you think of it?"

Q. When did you first see Mrs. Campbell after the 26th of August?

A. I did not see Mrs. Campbell until I saw her in the Court; until that time I do not know that I would have known Mrs. Campbell on the street.

Q. You were summoned to the investigation in chancery?

A. Yes.

Q. That took place at Whitby?

A. Yes.

Q. Were you examined on that trial?

A. Yes.

Q. Were you present when the proposition was made by the Vice-Chancellor that they should come to a reconciliation?

A. Yes.

Q. Did you hear his remarks on that occasion?

A. Yes; and very affecting they were.

Q. At all events he appealed to Mr. Campbell to see his wife and become reconciled?

A. Yes; he very strongly recommended it.

Q. Did the reconciliation take place?

A. It did not.

Q. Since that event, have you had any communication with Robert or James Campbell in reference to it?

A. I corrected him at the station as to the time, and talked with several gentlemen there, and he wrote me a letter that if I continued he would bring an action against me for damages, or hold me responsible for what I said.

Q. Who wrote that?

A. James Campbell.

Q. When was that?

A. Three or four days after I returned from Toronto.

Q. Do you know anything of the means of the Messrs. Campbell?

A. Only that it is a wealthy firm.

Q. They have done the best business in that line in Whitby?

A. For many years.

Q. They are reputed to be very well off?

A. Yes.

Q. They are close business men?

A. Very close indeed; none more so.

*Cross-examined by Mr. Walker:—*

Q. Do you understand the sanctity of an oath?

A. I do.

- Q. Did you give evidence on the slander trial and the chancery trial?  
 A. I think I did.
- Q. Were you subpoenaed to give evidence on the first trial?  
 A. I was.
- Q. You went to Mr. Campbell's store at the instance of Mr Byrne, the brother of the respondent?  
 A. I did.
- Q. Did you relate to Mr. Byrne on your return the conversation you had had with Robert and James Campbell and John Anderson?  
 A. I did not.
- Q. Although you went at the instance of Mr. Byrne, you did not relate what transpired?  
 A. I told him my errand was unsuccessful; I could not induce Campbell to see his wife.
- Q. What day of the week was it you heard this noise?  
 A. It was between the 26th and the 27th.
- Q. What day of the week?  
 A. I don't know it.
- Q. What month?  
 A. August.
- Q. What year?  
 A. I don't know; I did not keep trace of it.
- Q. Is your memory good?  
 A. Not just now.
- Q. Was it good at the first trial?  
 A. Not much better than now.
- Q. Is it as good now as it was then?  
 A. I could not say.
- Q. Was it as good at the last trial as at the slander trial.  
 A. I don't think.
- Q. Don't think what?  
 A. I don't think about it.
- Q. What do you swear?  
 A. I don't swear about it.
- Q. Will you swear your memory is not failing?  
 A. I don't observe, myself, any difference.
- Q. You had been asleep when you heard this noise?  
 A. I had.
- Q. In what storey is your bedroom situated?  
 A. The third storey; at the top of the house.
- Q. How far south of your own establishment is the establishment of R. & J. Campbell?  
 A. I should say 40 or 43 feet.
- Q. On the other side of the street?  
 A. Yes.
- Q. What is the frontage of your store?  
 A. About 43 feet.
- Q. Was it in the south end your room was situated?  
 A. The window I looked out of was the furthest from the end all but one.
- Q. How many rooms were there in front?  
 A. Three.
- Q. And a hall?  
 A. No.
- Q. You thought there was a fire somewhere?  
 A. I was awakened by the cry of "fire" as I fancied.
- Q. And you rushed immediately to the front window?  
 A. I did.

- Q. That window was open ?  
 A. No.  
 Q. Did you on a former trial state the window was open ?  
 A. It is possible I may have done so. I don't remember whether it was or not, but I think it was not.  
 Q. Did you at the Chancery trial state when examined "there were one or two or three dozen people on the other side at the time" ?  
 A. I did not state any such thing. I remember I was asked that question, and I said I could not tell. I saw the people and looked for the fire.  
 Q. Is your eye-sight good ?  
 A. Sufficiently good to see people.  
 Q. Did you have your spectacles on that night ?  
 A. I had not; I don't wear them at night.  
 Q. Can you tell how many persons there were present the first time you looked out ?  
 A. No; I did not notice.  
 Q. In going to the window on the first occasion, was that when you stubbed your foot against the castor ?  
 A. Yes; when I turned.  
 Q. You hurried with your sore foot to the other side ?  
 A. Yes; well do I remember it.  
 Q. You looked out there ?  
 A. Yes.  
 Q. Did you hear any noise out there ?  
 A. No.  
 Q. What did you do next ?  
 A. I came back again and looked in the front for the fire.  
 Q. How many people did you see then ?  
 A. Then I saw three.  
 Q. Could you tell how many persons went into the store ?  
 A. I could.  
 Q. How many ?  
 A. Two.  
 Q. Were you correct in stating at the Chancery trial "I could not tell how many, but I could not say there were two dozen" ?  
 A. I am sure there were not two dozen.  
 Q. By this time had your wife got the light ?  
 A. My wife had got a light when I came back again from the rear of the house.  
 Q. Then when you looked out of the window the second time there was a light in the room ?  
 A. Yes; the light was then on the chest of drawers.  
 Q. How long after you looked out of the window the second time did you go down stairs ?  
 A. I went immediately down stairs after that when I saw there was no fire. As soon as I was satisfied it was a row and not a fire I went down stairs and bathed my foot.  
 Q. Had you a fire in your house that night ?  
 A. We had a range for supplying hot water.  
 Q. Had you at that particular hour hot water ?  
 A. We have it at all times.  
 Q. Was it before you bathed your foot you noticed the time ?  
 A. While I was bathing my foot.  
 Q. Did you dress yourself partly before going down stairs ?  
 A. I did not.  
 Q. From the time you heard this cry of fire and the time you looked at the clock, what time elapsed ?



A. Just about as much as we have taken here to talk about it; two or three minutes.

Q. And you did not look at your watch?

A. I looked at my watch when I went to bed.

Q. Did you mention this clock matter in any previous trials?

A. I could not say whether I did or not.

Q. Did you on the occasion of the slander trial give evidence as to the time from having looked at your watch?

A. I don't remember it.

Q. You said: "Could not remember whether he looked at his watch before or after he went to bathe his foot; it was 1:30 by his watch, which was correct."

A. That is a mistake; I never said it was by my watch, because I had not looked at it. It was the clock I said there, too.

Q. Were you excited when you went to the window the first time?

A. I was.

Q. Were you when you went the second time?

A. Of course, when I saw there was no fire I was not excited.

Q. What kind of row was it you heard?

A. I heard loud talking.

Q. Could you distinguish any words?

A. No.

Q. Did you refer in your chancery evidence to looking at your watch?

A. I don't remember.

Q. Did you make this statement: "I struck my foot against the castor of the bed; I looked at my watch then; it was 1:30 o'clock. This was before I had bathed my foot"?

A. I made no such statement, because I did not do it.

Q. Will you swear you did not give that evidence at the Chancery trial?

A. I will not swear I did not, but I will swear that I did not look at my watch before I went down stairs.

Q. Did you go to Toronto on the first trial?

A. I did.

Q. Who subpoenaed you?

A. I forget now, but I think it was a solicitor named Gordon.

Q. Did you go on the part of the plaintiff or defendant?

A. I could not say.

Q. Did you go to the trial?

A. I was not allowed to go into the court room.

Q. Had you an interview with Gordon prior to going to Toronto?

A. He came to me.

Q. Did you tell him then about this interview you had had with the Campbells' and Anderson?

A. Yes; the same as I told Byrne.

Q. Did you mention to him that the Campbells' admitted that Gordon denied it?

A. I did not say anything about it. All I said was that I had been unsuccessful in getting Robert Campbell to see his wife. I said nothing until then, because I knew nothing.

Q. When you went on this errand of mercy, did you believe Mrs. Campbell to be guilty?

A. I had no belief in it, because I was loth, like the whole town of Whitby, to believe a respectable woman like her could have acted in such a manner.

Q. Do you recollect the conversation at that interview with the Campbells'?

A. I recollect the heads of it.

Q. Did you at the alimony suit say: "My memory is very bad; I don't recollect the conversation now"?

A. It is very likely I said that in reply to some question that was asked me.

Q. When you came back did you shout out to the parties on the other side of the street asking where the fire was ?

A. I did not; because when I returned the second time I was satisfied it was just quarrelling.

Q. How long did you look out of the window on your return ?

A. Till I was satisfied it was no fire.

Q. Did you watch the persons ?

A. I did.

Q. Did you pay any attention to who they were ?

A. I could not see sufficiently for that.

Q. In your Chancery evidence you said: "There might have been one dozen or two dozen there. I did not take any notice?"

A. I remember saying that; it was the first time I went to the window when I was excited.

Q. Were you intimate with the Campbells' prior to this interview ?

A. I don't know what you mean by "intimate."

Q. Were you on speaking terms ?

A. Certainly.

Q. Did you tell them when you went, the object of your visit ?

A. I don't think I did.

Q. You had talked the matter over with other parties before you went there ?

A. I don't think I ever talked about it before that visit.

Q. Did you hear the matter talked of as a common scandal before you went there ?

A. I do not think that I did.

Q. Did you not hear about James Campbell going round and cautioning people not to trust Mrs. Campbell ?

A. Yes.

Q. When you went there did you not know that this fact was town talk ?

A. Yes.

Q. What was the charge ?

A. Nobody knew; the Campbells' would not tell me or anyone.

Q. You did not know, when you went at the instance of Mr. Byrne to see Mr. Campbell what the charge was ?

A. I knew simply that the charge was adultery.

Q. Was that not intimated in the notification given to the merchants to the effect that they should not trust Mrs. Campbell ?

A. I believe that it was.

Q. Did you on the Chancery trial swear this: "When I went I believed that Gordon was guilty, and that was the reason I called him a scoundrel?"

A. When they asked me what made me call him a scoundrel, I said that it was not that, but that I had asked Robert Campbell what did the scoundrel say. It was owing to what I had heard that I made use of that word, because I did not believe that anyone would bring such a charge against a respectable woman unless there was the clearest proof of her guilt.

Q. What is your recollection of the fact; did you or did you not hear anything about this adultery before you went to the store; did you hear the name of the party with whom she had committed adultery ?

A. I did not hear it, but I knew that there was a row between Campbell and Gordon.

Q. You did not know that Gordon was accused of criminal connection with Mrs. Campbell ?

A. Not until the night I went to see the Campbells.

Q. Did you know it before you went ?

A. No; I did not know it until after I went.

Q. What did you mean by swearing that you did ?

A. I suppose that I swore to what was said at the time.

*Q.* Did you look at your watch before or after you bathed your foot?

*Witness.*—Did I look at my watch before or after I bathed my foot?

*Counsel.*—Yes.

*A.* I told you that I did not look at my watch before I bathed my foot; I told you that twice.

*Q.* Then, sir, did you in Toronto, state: "I cannot remember whether I looked at my watch before or after I bathed my foot?"

*A.* I do not know whether I did or not; I do not remember that.

*Q.* You do not remember; will you swear that you did not say so?

*A.* I will not swear that; I could not say exactly what I said at Toronto. I have no remembrance of it.

*Q.* Have you manifested any particular interest in this suit against the Campbells'?

*Witness.*—Did I manifest?

*Counsel.*—Have you not?

*Witness.*—Have I manifested any particular interest in this suit, did you ask me.

*Counsel.*—Yes; against the Campbells'?

*Witness.*—An interest?

*Counsel.*—Yes; an interest.

*Witness.*—No; I have no interest in it.

*Q.* You have no interest in it; but have you not interested yourself about it?

*Witness.*—Interested myself?

*Counsel.*—In favor of Mrs. Campbell, as against the husband and the other brother?

*A.* I do not think that I have; it depends upon what you understand by the word interest.

*Q.* Have you not volunteered evidence?

*Witness.*—Have I not what?

*Counsel.*—Volunteered evidence?

*Witness.*—No, sir.

*Q.* You have not?

*A.* No.

*Q.* Do you know why you were not examined on the first trial?

*A.* No.

*Q.* Although you were subpoenaed?

*A.* No; I do not—except I may offer my own opinion—if you want to know that?

*Counsel.*—I am not asking your opinion; but do you know why, from the other side?

*A.* No.

*Q.* When did you first read the evidence which was given on the first trial?

*A.* I do not know that I ever read it at all.

*Q.* Who first told you about the evidence given on the first trial?

*Witness.*—What evidence?

*Counsel.*—The evidence taken on the first trial, when several witnesses were examined on both sides?

*A.* It was not given to me, except just this: I remember the time that the Campbells' named, as the time when the row took place, and Gordon should have left the house.

*Q.* What time did you make out; do you remember?

*A.* I think they stated it was half-past two or three; I do not remember exactly what it was.

*Q.* You do not recollect what they did say?

*A.* No; merely save as to the time. I was not in Court, you know, and merely was told.

*Q.* Then you do not recollect what you were told—whether it was half-past two, or two, or three o'clock?

*A.* I think it was half-past three, or three; it was far from the truth any how.

- Q. This was your impression as to the time ?
- A. I was satisfied of it, because I knew that it was half-past one.
- Q. How did you come to give evidence on the second trial ; do you know ?
- A. I was subpoenaed, as I was on the first trial.
- Q. In the trial did you mention what you had seen out of this window and about looking at these clocks ?
- A. I think that I did ; I told Campbell on that very evening when we came home together that they had sworn falsely.
- Q. Did you go up in the company of Gordon ?
- A. No, sir.
- Q. Did you go up in the company of Mrs. Campbell ?
- A. No, sir ; Mrs. Campbell was taken up by her brother.
- Q. Did you accompany them ?
- A. I believe so.
- Q. Do you not remember ; is not your memory sufficiently good to remember that fact ; did you accompany them in the same train or by boat, or in any manner you went up ?
- A. Really I forget ; I know that I was not with Mrs. Campbell.
- Q. Do you remember yourself how you went up ?
- A. I went in the railway train.
- Q. But do you not recollect who accompanied you ; were there other witnesses on board at the same time ?
- A. I believe that some were in the bus, if I recollect right ; I think that Mrs. Allen was in the bus. When I come to recollect, I think that Mrs. Campbell was taken in a private carriage.
- Q. And you went up at the same time ?
- A. I went in the bus ; I think that I went the day before.
- Q. You went in the same train ?
- A. I know nothing at all about it.
- Q. Did you come back in the same train ?
- A. I came back with Robert Campbell, but I never saw his face after that I had told him they had sworn falsely ; I never saw him again after that.
- Q. Do you remember the exact words which you used ?
- A. No ; I used a great many words but I do not remember them particularly.
- Q. You do not remember them exactly—you cannot give them ?
- A. I said anything that I could think of in the way of abusing him.
- Q. Anything in the way of abusing him ?
- A. Yes ; and I told him that he had done wrong in not meeting his wife.
- Q. So you volunteered to be the defender of this woman from your stand point ?
- Witness.—What do you say.
- Counsel.—You volunteered, from your stand point, to be the defender of this woman ?
- Witness.—If you call it so, you may.
- Q. What do you call it ?
- A. I do not call it anything.
- Q. Was there not some feeling afterwards between you and the Campbells' ?
- Witness.—Feeling !
- Counsel.—Did you not go about and circulate statements as to both the Campbells' having perjured themselves ?
- A. I could not say that I did ; I do not think that I did.
- Q. Did you not receive a notice warning you that you would be prosecuted if you did not hold your tongue ?
- A. Yes, I did ; I have the letter here.
- Q. Now, you said that James Campbell had a statement before him, and when you asked him what the seoundrel said did he not tell you that he first admitted it and then denied it ?
- A. I did not say that James Campbell had a statement before him.

Q. Who did have a statement before him ?

A. I did not say that anybody had.

Q. What I understood you to say, and noted, was that there was a statement prepared by James Campbell to be submitted to Mr. Byrne. Did you see a statement ?

A. No; I did not speak of a statement.

Q. You have not spoken of a statement ?

A. No; I told you that Anderson had a paper in his hand; that was all I said.

Q. You did not know what the paper was ?

A. No, I did not; only I concluded that they had—

Counsel.—Never mind what you concluded; did not James Campbell say this to you—“that Gordon first admitted it, and then denied it?”

A. No; he did not.

Q. What did he say ?

A. He stated that he denied it; he did not say a word about admitting it. As nearly as I can recollect I asked: “What does the scoundrel say?” And he answered: “He denies it.”

Q. This was after the row in the shop between Gordon and Campbell ?

A. Yes; it was after that.

Q. Did they not tell you about the row between James Campbell and him in the shop, and that Gordon denied it ?

A. I could not say whether they talked about it in the shop; but I merely asked the question: “What does the scoundrel say?” or something to that effect; and the answer was: “He denies it.” I have no other recollection about it.

Q. You have no recollection of what Campbell told you with reference to the interview of the preceding day ?

Witness.—Mr. Campbell ?

Counsel.—Yes; James Campbell, with reference to the row of the preceding day; have you any recollection of what he said transpired on that occasion, when the coat was torn ?

A. No; I have not.

Q. You have no recollection of what he said ?

A. There might have been something said about it; but really, I did not know half the time what they said.

Q. You said in the Chancery trial that Mr. Campbell told you Mr. Gordon and he had a row; your evidence in the Chancery trial is as follows: “They told me that Gordon had connection with Mrs. Campbell; that they had a row; and that there was some conversation to this effect: ‘What did the scoundrel say?’ And J. Campbell replied: ‘What could you expect—he denied it.’” What row was referred to, the row on the night of the 27th, or the row on the preceding day ?

A. Robert Campbell had no row; he referred to the connection with Mrs. Campbell.

Q. I am asking you to what row do you refer ?

Witness.—To the adultery.

Counsel.—Not at all.

Q. Did the row refer to the adultery ?

A. Yes.

Q. And not to anything that took place in the shop when the coat was torn ?

A. No! no!

Q. It had no reference to that ?

A. It meant the trouble with Mrs. Campbell.

Q. Then it had no reference to the row on the street ?

A. No; no further than I contradicted him then as to the time.

Q. Did you give the same reply as to the question you asked Robert Campbell; you said you asked Robert Campbell to take her back and forgive her ?

A. No; I did not ask him that.

Q. What did you ask him ?

A. I did not ask him to forgive her, but to see her and allow her to explain herself.

Q. Although at that time you believed her guilty ?

A. I had no belief; I knew nothing about it.

Q. Then when you stated that you went to the place believing she was guilty you mean to say that was a wrong statement ?

A. No; there is no wrong statement about it; what I said was: "I told you I was bewildered; it was like a thunderbolt upon me. No one knew whether she was guilty or not. How could they tell?" The conversation lasted for about an hour and a half and it was almost impossible to recollect all that was said except the main points, and in what way.

Q. And when you said that you went there with the impression that she was guilty, this was not the case ?

A. I do not say that I went there with the impression she was guilty; I did not know whether she was guilty; what did I know about it ?

Q. What answer did Robert Campbell make ?

*Witness.*—To what ?

*Counsel.*—You asked him to see her, you said ?

A. Yes, and he said: "Oh! you know, Mr. Gross, if I see her she will only fall around my neck and I will forgive her; we have commenced it and we will make it out to the end." I have said the same thing twice or three times. It was a small office, and when I spoke to one I spoke to the whole three; they came down on me like so many hounds when I suggested anything.

Q. Did they jump on you ?

A. Well, almost.

Q. I want you to give me the exact words, so far as you recollect now that Mr. Campbell used in reply to your solicitation ?

A. I can give you only one statement of his about this; there were several, as I asked him to do so more than once, and he answered in various ways which I do not recollect; the one I do recollect is this: "You know, Mr. Gross," he commenced like that, "you know what it will be, she will fall around my neck and ask me to forgive her, and I will forgive her, but we have commenced it and we want to go through with it." That is the only answer to my solicitation that I really recollect. It struck me as being so cruel for a husband to treat his wife in this way; that struck me as something essentially bad, and this is why I recollect it.

Q. Did you make that statement on either of the preceding trials ?

A. I do not know whether I did or not; if I did not make it, it was because I was not asked about it.

Q. Did you not volunteer replies there as here ?

A. No; I do not think that I did.

Q. Now, sir, did you not swear in the Chancery trial, as follows, that he said: "You know, Mr. Gross, that if I see her we will only make it up, and if you had suffered as much as I have done during the last twelve months you would not ask me"—is that correct ?

A. I recollect that perfectly; those were the very words that he used.

Q. Then he did not use the words about falling on the neck, and hugging and crying, and all that ?

A. That was in addition; I had forgotten that.

Q. Do you wish to substitute this answer for "falling on the neck" ?

A. I do not propose to substitute anything.

Q. Did he speak of his wife falling on his neck ?

*Witness.*—I did he what ?

*Counsel.*—Did he refer to his wife falling on his neck; did he say anything about her falling on his neck that night ?

A. He did not say that she fell on his neck.

*Re-examined by Mr. Macdougall :—*

Q. I observe that in the Court of Chancery you made this answer: "James Byrne told me his sister was innocent, and that she could satisfy her husband of that." That was the reason you went there?

A. That was the reason.

Q. It was in consequence of what James Byrne told you?

A. Yes.

Q. You understood that James Byrne had seen her and got an explanation?

A. Yes; and the father also, and that they had examined Gordon and her closely, and that they were satisfied as to her innocence. They wanted me to see Campbell, to see if I could not bring about a meeting.

*By the Honorable Mr. Kaulbach :—*

Q. You say James Campbell at that meeting said Gordon had denied it. When did he say he denied the charge—the time of the quarrel, or the next day?

A. He denied that he had anything to do with Mrs. Campbell.

Q. But when was this denial?

A. I don't know when that was.

*By Mr. Macdougall :—*

Q. Do you know the Newsoms?

A. I have heard the name, and know the father.

Q. Are they persons of credit and character in that neighbourhood?

A. I should not say so.

Q. Why?

A. Well, I don't know; their father is about the biggest loafer in the place.

Q. But about the girls?

A. One has had a child; and I understood both of them and the mother were confined by one doctor in the same house, and at the same time.

*By Mr. Walker :—*

Q. You say both these girls had children at the same time?

A. I do not say so; the report is, and has been for a long time that [all three were confined at the same time, and by the same doctor.

Q. Who told you that story?

A. It is generally talked about.

Q. What does generally mean?

A. It means everybody and nobody.

Q. Well, tell us one body?

A. You may pick up any one in Whitby, and then I will show you.

Q. What doctor attended them?

A. I do not know.

Q. Have you ever heard anything against their veracity?

A. I never hear about people of that character.

Q. You know nothing against their veracity?

A. I know nothing but what I have heard.

Q. And you cannot tell from whom you heard these rumours?

A. No; they were too common.

Q. So common that you could not pick upon any one?

A. No; everybody talked about it.

*By Mr. Macdougall :—*

Q. You are a German?

A. Yes.

Q. You have been in Canada a long time?

A. Yes. I was born in Germany.

Q. You speak a number of languages, do you not?

A. I speak a few.

## EXHIBIT No. 22.

IN THE QUEEN'S BENCH.

ROBERT CAMPBELL,  
*Plaintiff,*

vs.

GEORGE GORDON,  
*Defendant.*

I, WELLINGTON ADAMS, of the Town of Whitby, in the County of Ontario, Surgeon Dentist, make oath and say:—

1. That I know the plaintiff and defendant in this cause.

2. That I have read in the newspapers an account of the trial had in this cause, and the evidence given thereat by James Campbell and John Anderson, two of the plaintiff's witnesses, who gave evidence at such trial, and noticed particularly that portion thereof sworn by them touching their meeting with the defendant on the street after the defendant had left the plaintiff's dwelling-house on the morning in question, and concerning which they swore that, on being accused by them of having had criminal intercourse with the plaintiff's wife, the defendant admitted the truth of the accusation by saying he could not help it and that it was not his fault.

3. That I reside in the building on the opposite side of the street from where the defendant and the said two witnesses were then standing when such admission was sworn to have been made, and I heard the conversation which then took place between the defendant and the said James Campbell and John Anderson; and I say that the defendant, on that occasion, made no such admission as sworn to by the said two witnesses, Campbell and Anderson; but, on the contrary, I say that I distinctly heard the said James Campbell in loud and threatening voice ask the defendant to admit that he, the defendant, had had such criminal intercourse, and that the defendant vehemently denied the accusation and threatened personal violence to him if he, the said James Campbell, should reassert the accusation.

4. At the time the said conversation took place I was at my open window, facing the parties and distant from them about thirty or forty yards, and from the loud tone of voice in which they spoke I heard every word thereof, and I unhesitatingly say that the said James Campbell and John Anderson, in giving their evidence as to such admission at the said trial, swore what was utterly false and untrue.

5. The said morning in question was fine and little or no wind blowing, and I knew and recognized the parties by their voices.

Sworn before me at the Town of Whitby,  
in the County of Ontario, the nine-  
teenth day of November, 1873.  
(Signed,) J. HOMER GREENWOOD,  
A Commissioner, &c.

(Signed,) WELLINGTON ADAMS.

Compared by me, this twenty-fifth of March, 1876, with an affidavit in the possession of James Fraser, Esq., Deputy Clerk of the Crown for the County of Carleton, who said it had been sent to him by Robert G. Carleton, the Clerk of the Crown, and found to be a correct copy thereof.

E. L. MONTIZAMBERT,  
*Law Clerk of the Senate.*



Evidence in rebuttal—JANE NEWSOM recalled :

*By Mr. Walker :—*

Q. Were you at Robert Campbell's house on the 27th of August, 1873?

A. Yes.

Q. Who was there that evening?

A. Mrs. Robert Campbell and Hettie Ham.

Q. Who is Hettie Ham?

A. Mrs. Campbell's niece.

Q. What were they doing?

A. They were singing and playing.

Q. To a late hour in the evening?

A. About eleven o'clock.

Q. Was any person or persons on the grounds opposite the house that night?

A. I was in front of the house.

Q. Was anybody with you?

A. Yes; a young man named David Smith.

Q. How was David Smith dressed?

A. In dark clothes.

Q. What kind of a hat?

A. White straw hat.

Q. What portion of the grounds were you in?

A. In front.

Q. Near the parlor?

A. We were down at the front gate.

Q. What part of the grounds?

A. On the south side.

Q. What hour did you leave these grounds?

A. Between 10:30 and 11 o'clock.

Q. Did you hear singing and playing?

A. Yes.

Q. Were you at any time nearer the house than the gate?

A. Yes; I went up to the west side of the house.

Q. Do you remember specially being at the west side?

A. Yes.

Q. Why?

A. Because I went up to get some pears.

Q. Was there a pear tree there?

A. Yes.

Q. About what time was that?

A. Between 10:30 and 11 o'clock.

*Cross-examined by Mr. Macdougall :—*

A photograph of the house and grounds was produced showing the fence behind which the witness had to go to get the pears, and witness was asked "if she could be seen behind it from the sidewalk;" she said "yes."

Q. You said in your former evidence that somebody was with you in the kitchen on the evening of the 28th when Gordon was at the house?

A. Yes; David Smith.

Q. Do you mean to say he used to visit you every night?

A. Not every night.

Q. How many nights a week; do you mean to say he visited you two nights in succession?

A. Yes; we were to go out on the night of the 27th.

Q. So you were skylarking out among the pear trees behind the fence. You are not married?

A. No.

- Q. Have you had a child ?  
 A. Yes.  
 Q. Before this event ?  
 A. Yes.  
 Q. Many years before ?  
 A. About five years.  
 Q. Have you had more than one child ?  
 A. No, sir.  
 Q. You are quite sure Smith had on a white straw hat on the night of the 27th of August ?  
 A. Yes.  
 Q. Is he a tall man ?  
 A. Taller than I am.  
 Q. Much taller ?  
 A. Not much.

JANE NEWSOM.

MARTHA NEWSOM recalled and examined by Mr. Walker :—

- Q. Did you have any conversation with Mrs. Campbell prior to the evening of the 26th of August, 1873, with reference to James Campbell's watching the house ?  
 A. I did not.  
 Q. Did you ever tell Mrs. Campbell that James Campbell was watching the house ?  
 A. I did not.  
 Q. Did you ever see James Campbell listening at the window ?  
 A. I did not.  
 Q. Did you ever tell Mrs Campbell you did ?  
 A. I did not.

Cross-examined by Mr. Macdougall :—

- Q. You say you left the employment of Mrs. Campbell on the 15th of August ?  
 A. I did.  
 Q. This occurrence was on the 26th ?  
 A. Yes.  
 Q. You were not in the house after the 15th ?  
 A. I was not.  
 Q. Therefore anything that was told to Mrs. Campbell about watching could not have been by you ?  
 A. No.  
 Q. Are you married ?  
 A. I am not married.  
 Q. Have you had a child ?  
 A. I have not.  
 Q. You never had ?  
 A. No.

MARTHA NEWSOM.

JAMES CAMPBELL was then recalled, and was examined by Mr. Walker, as follows

- Q. Did you ever tell the witness, Gross, that Gordon had denied the charge ?  
 A. Yes ; I told Mr. Gross so.  
 Q. What did you say ?  
 A. I told him that he had confessed it that night, and denied it some time afterwards  
 Q. He confessed and denied it to you ?

- A. He never denied it to me; he denied it to others.  
 Q. What did you say to Mr. Gross on that point?  
 A. I told him Gordon denied it afterwards.  
 Q. He confessed it at first, and denied it afterwards?  
 A. Yes; but he did not deny it to me.

*By the Honorable Mr. Kaulbach :—*

- Q. Did you say to whom he denied it?  
 A. I did not.

*By Mr. Walker :—*

- Q. Do you remember the occasion of the witness, Adams, visiting your shop in company with one John Mitchell?  
 A. I do.  
 Q. Did Adams on that occasion volunteer any information?  
 A. He told me he knew nothing about it.  
 Q. Whom did Adams come with?  
 A. He came in company with John Mitchell.  
 Q. Who were present at the time?  
 A. My brother and John Tweedie; there were four present that night.

*By the Honorable Mr. Kaulbach :—*

- Q. What did he say?  
 A. He said he knew nothing about it, and did not want to know, or to be mixed up with it.  
 Q. When did this conversation take place?  
 A. A few days before the crim. con. case.  
 Q. Where is John Mitchell now?  
 A. I don't know; he is away from our section of the country.  
 Q. Where is John Tweedie?  
 A. He is in the township of Whitby.  
 Q. Did you have any conversation with Yeoman Gibson respecting this scandal?  
 A. I have no recollection of having any conversation with him.  
 Q. Did you have the conversation referred to?  
 A. I have no recollection of having any conversation.

*Cross-examined by Mr. Macdougall :*

- Q. Your conversation with Adams, you say, occurred shortly before the trial?  
 A. Yes.  
 Q. A few days?  
 A. A few days or a week.  
 Q. After the writ was issued, and the proceedings were known to be going on?  
 A. My impression is that the writ was served at this time, but I am not sure.  
 Q. You were hunting up evidence at that time?  
 A. I suppose my brother was.  
 Q. Were you or were you not?  
 A. My brother was; I was not.  
 Q. Were you not assisting him—be positive now?  
 A. There is no doubt but that I gave him my advice.  
 Q. You were assisting him?  
 A. There was no doubt I was assisting him.  
 Q. Then what did you hesitate for: you were assisting him at this very time?  
 A. There is no doubt of it.  
 Q. Did you find everybody willing to volunteer evidence, or did some refuse?  
 A. I think parties who knew anything came forward and stated what they knew.  
 Q. After the trial did you not find people who knew something and had not told?

A. Lots of people knew after my evidence was published. Mr. Gross knew of it then.

Q. Do you mean to say you found people then willing to volunteer evidence?

A. Those who knew, I think, came forward and stated what they knew.

Q. They were not all like Mr. Adams?

A. I think Mr. Adams knew all about it after this.

Q. You stated he said he did not wish to be mixed up with the matter?

A. I heard my brother ask him what he knew about this thing, and the reply he made in my presence was—"I know nothing about it, and I don't want to know anything about it."

Q. Did he know anything about it?

A. He led me to believe that he had heard and seen nothing about it.

Q. What is "it"? Did he refer to the adultery, or what?

A. About my meeting Gordon in the street.

Q. You think it was about that?

A. Yes.

Q. Did you ask him specifically on the point?

A. I did not.

Q. And, therefore, when he stated in general terms, "I know nothing about it," you understood him to refer to the altercation with Gordon?

A. I mean to say that it is in connection with the whole scandal case.

Q. But you chose to come here and state now that it has reference to this particular part?

A. I come here to say now that he stated in my presence he knew nothing about the trouble and did not want to get mixed up with it.

Q. Then he had not special reference to the interview with Gordon?

A. He covered the whole ground at the time.

Q. Did you call attention to the fact; it would be important to know about that?

A. I did not.

Q. Did you ask him the question?

A. I did not ask him—I heard his reply.

Q. What was the question put by your brother?

A. "What do you know of this?"

Q. About what?

A. About the scandal.

Q. Was the conversation between yourself and Gordon part of the scandal?

A. This was another evening when Gordon came to me—the evening that Gordon came into our office. I think it was one Saturday night, after I caught him at my brother's house.

Q. You caught him, did you?

A. When I met him coming from the house on the Wednesday morning.

Q. Where did you meet him?

A. I met him on the corner. I want to say that Gordon came into our office, I think, the next Saturday; I am not sure whether it was Friday or Saturday. When he came in I told him to go out of here. He sat on the high stool and said, "I want to see you." I said, "I don't want to say anything to you; go out of here." He said he would go out when he was ready. Said I, "You must go now," and I put my hand on his shoulder to show him the door. I wanted to have no conversation with him. In giving him a shove, his foot was on the rung of the high stool, and he was going to fall. I had on a lustre coat at the time; he took hold of it to save himself and tore it a little. Then he moved away, but did not go out. I then went to get a magistrate's warrant for his arrest.

Q. For sitting on the stool?

A. To put him out of my office.

Q. You did not feel able to put him out yourself?

A. Oh! I could have put him out; but I have not come to that yet, that I want to lay my hands on my fellow man, and I depended on the law to protect me.

Q. When Mr. Adams was speaking—was it to you?

A. Mr. Adams was speaking to my brother; I only heard this question put and answered; I asked him nothing, and I only repeat what he said; I was merely sitting in the office at the time, John Tweedie, John Mitchell, myself and my brother were present.

Q. What did Mr. Adams come for?

A. He came in company with John Mitchell.

Q. What did he come for?

A. John Mitchell came on the invitation of my brother.

Q. And the doctor accompanied John Mitchell?

A. I did not see them coming in, but I have no doubt they did; I was engaged in business and took little notice, and I happened to go into the office on business.

Q. And that is all you know about it?

A. Yes, all; Adams told in my presence, there and then, what I have just sworn to now.

JAMES CAMPBELL.

ROBERT CAMPBELL recalled and questioned by Mr. Walker :—

Q. Do you remember the occasion of Adams visiting your store, in company with John Mitchell?

A. I do.

Q. Do you remember anything he said with reference to this matter?

A. He said, when he was asked the question "what he knew about it," that he knew nothing about it, and that he was very glad that he did not, because he did not wish to be mixed up in it.

Q. Did you see Adams more than once?

A. I went to his office after the first trial, as a party had told me that Adams was supposed to have said to George Gordon on one occasion that he (Gordon) was running after my wife, and that Gordon was supposed to have said that he went for some improper purpose; I went to see Adams about it and find out if there was any truth in it; he said that there was not a word of truth in the statement; I asked him what he knew about it, and he said that he knew nothing about it and that he was very glad he did not.

By the Honorable Mr. Kaulback :—

Q. There was nothing said at the time about the row in the street?

A. No.

Cross-examined by Mr. Macdougall :—

Q. Was not Mr. Mitchell along with Mr. Adams at the time that you spoke of?

A. Yes; he was in the store.

Q. Was he not the person you had sent for to come there?

A. I sent for Mr. Mitchell.

Q. Why?

A. To ascertain what he knew with regard to Mr. Gordon and Mrs. Campbell.

Q. Did you ask him to sign any statement?

A. I did.

Q. Did you appeal to Mr. Adams to know whether he (Mitchell) ought to sign or not; was anything of that kind said by anyone?

A. I do not recollect anything having been said to Adams.

Q. When Mitchell refused to sign, did you not turn to Adams and appeal to him whether he ought to sign, or not?

A. I have no recollection of it.

Q. You will not swear that he did not say in reply to that appeal, that he did not know anything about it, and did not want to know anything of it?

A. I will swear that the words were not used in that sense, in which you convey it now.

Q. What was the sense?

A. He said he knew nothing of the case at all.

Q. What did you ask him?

A. I asked him what he knew of the matter.

ROBERT CAMPBELL.

WELLINGTON ADAMS recalled, and examined by Mr. *Macdougall* :—

Q. You have heard the evidence of Robert Campbell; can you explain how you used these words?

A. As I said before, Mitchell wanted me to go with him, and I went; he said that the Campbells' would swear to anything, and that they had written down a narrative which they asked him to sign. When he refused to do so, Robert Campbell appealed to me to say whether he ought to sign, or ought not; and I told him that I did not know, and that I did not want to know.

Q. Did these words refer to the charge generally?

A. They referred to the signing of this paper, and to nothing else.

W. ADAMS.

MONDAY, 27th March, 1876.

PRESENT :

The Honorable Mr. DICKNY—*Chairman*.

The Honorable Messieurs

AIKINS,  
HAYTHORNE,  
CORNWALL,  
KAULBACH,

LEONARD,  
DICKSON,  
SEYMOUR,  
REESOR.

JOSEPH ANTHONY BAUDEL was sworn and was examined by Mr. *Walker* as follows :—

Q. You reside in the town of Whitby, Mr. Baudel?

A. Yes.

Q. What is your occupation?

A. Hotel-keeper.

Q. Do you remember the morning of the 27th August, 1873?

A. I do.

Q. Did you on that morning see Mr. James Campbell?

A. Yes.

Q. At what hour in the morning?

A. It was after three o'clock.

Q. Is his residence near yours?

A. He is next door neighbor to me.

Q. Where did you see him after three o'clock?

A. I saw him coming up street and crossing the street to his own house in front of me.

Q. From what direction was he coming?

A. From the east.

Q. Is Robert Campbell's house toward the east?

A. Yes.

Q. And he was coming from that direction?

A. He came on the sidewalk on the same side as that house is on.

Q. Did you see him distinctly?

A. Yes; I spoke to him.

Q. How do you know it was that hour in the morning?

A. I was woke up by a rap at the door, and two men who were going to Toronto wanted a bottle of whiskey, and I had been down getting it for them. I was standing outside when Mr. Campbell came across the street, and I said "Good morning, Mr. Campbell."

Q. How about the time?

A. I went into the house and shut up the bar and went up stairs and took my light and looked at the clock; it was half-past three.

Q. The hand was just at half-past three?

A. Yes.

Q. How long was it from the time you saw Mr. Campbell that you looked at the clock?

A. About a couple of minutes.

*Cross-examined by Mr. Macdougall:—*

Q. You say you are a tavern-keeper?

A. Yes.

Q. How far is your tavern from Campbell's place of business in town?

A. I am in the west end of the town.

Q. Half a mile, a mile, or what?

A. It is about three blocks down the street where his place of business is.

Q. How long would it take you to walk from your place to Mr. Campbell's?

A. I think about three or four minutes.

Q. If you were going to Mr. Campbell's store from your house, would you pass Robert Campbell's house?

A. I go to the east, and Robert Campbell's house is on the north and the far end of the lot.

Q. You would have to go further round?

A. Oh! no.

Q. Would you go further or shorter?

A. That is the way to go.

Q. Would you pass the house in going?

A. Yes.

Q. How came you to speak to James Campbell that morning?

A. I said "Good morning" to him.

Q. You were outside of the house?

A. Yes.

Q. Was it a light morning?

A. It was just coming daylight. I knew him when he came up.

Q. Did you speak to him or he to you?

A. I spoke to him.

Q. Did he come across the street to speak to you?

A. He did not come to me at all. I spoke to him when he was a distance off.

Q. He didn't come to you?

A. No; he went into his gate.

Q. Does he live just opposite you?

A. A little west of me.

Q. On the same side of the street?

A. Yes.

- Q. Was he passing your place when you spoke?  
 A. He was coming across the street.
- Q. Did you know where he came from?  
 A. No.
- Q. Did you know what he had been doing?  
 A. No.
- Q. Nothing about it?  
 A. No.
- Q. Did you hear anything of any dispute with any one?  
 A. No.
- Q. Did he tell you anything about any disputes?  
 A. No.
- Q. Did he give you any account of why he had been up so late?  
 A. He didn't speak to me. I said "Good morning," and he didn't answer; and I went in.
- Q. How do you know so accurately that was on the morning of the 27th?  
 A. I signed two affidavits to it.
- Q. Afterwards?  
 A. Yes.
- Q. How long?  
 A. I cannot tell you that.
- Q. A month or two?  
 A. I cannot tell at all.
- Q. Who prepared those affidavits?  
 A. I signed one in Judge Burnham's office and another one in Lawyer Farwell's office.
- Q. You signed them in lawyers' offices?  
 A. Yes.
- Q. You didn't draw them up yourself?  
 A. No.
- Q. They were drawn up for you?  
 A. Yes; to my satisfaction.
- Q. Can you read writing?  
 A. No.
- Q. So whatever they might contain you cannot tell?  
 A. I cannot tell; if a man reads it, I know.
- Q. They might have contained something different, and you would be nothing the wiser. If they had made the date the 28th instead of the 27th, could you tell the difference?  
 A. Oh! yes.
- Q. How? Can you read figures?  
 A. Yes.
- Q. What figures are these?  
 A. 1876.
- Q. And these?  
 A. 1873.
- Q. And these?  
 A. 200.
- Q. I suppose that you learned the figures in putting down drips and scores?  
 A. If it is plain writing I can read it too.
- Q. This is plain writing. Can you read that?  
 The witness read, "James Campbell," and stopped; also a few other words. He read, "I see," and was corrected by Mr. Macdougall, who remarked, "No; I will help you—that is, 'I read.'"
- Q. Did you read over the affidavit in the lawyers' offices, or either of them, yourself?  
 A. I did not.



- Q. You are quite clear on that point?  
 A. Yes.
- Q. Can you tell me when the affidavit was made—how long after was it?  
 A. I cannot tell about that.
- Q. You cannot tell whether it was one month or two months afterwards?  
 A. No.
- Q. Now in giving instructions—*or* did you give instructions to the lawyers as to what was put in the affidavit?  
 A. I—let me see—
- Q. Did you give instructions, or did Mr. Campbell give the instructions?  
 A. I told Mr. Campbell, and he put it down.
- Q. When did you tell Mr. Campbell about it?  
 A. I cannot tell you that; but it was a long time after.
- Q. A long time after the night when you met Mr. Campbell?  
 A. A long time after this; but I could not say how long.
- Q. And he put it down?  
 A. Yes.
- Q. Did he tell you the date; or did you tell him the date?  
 A. I knew the date.
- Q. How did you know?  
 A. It was two or three days after it came out over the town; and then I knew how it was what he was out so late for.
- Q. That was how you formed the opinion of his being there at three o'clock in the morning?  
 A. No; my opinion was, when I saw him at three o'clock, that something was wrong in his store.
- Q. And that he had been watching the store?  
 A. I suppose so.
- Q. Had you met him before that late at night?  
 A. No.
- Q. Or early in the morning before that?  
 A. No; not so late as that.
- Q. Not quite so late?  
 A. No.
- Q. If you told him a month afterwards, or a good while afterwards, how did you fix the date when you gave the instructions; or did you give any?  
 A. I have just told you what I did. I spoke to Mr. James Campbell.
- Q. He was the one you communicated with?  
 A. Yes. How I got into it was this way.
- Counsel.* That will be interesting, probably.
- Witness.* I will tell you all I know. Mr. Robert Campbell spoke to me about his troubles, and then I said I saw James going home the same morning.
- Q. Now, is your clock a good timekeeper?  
 A. Yes.
- Q. Was it right at the time?  
 A. Yes.
- Q. Right by the sun?  
 A. I do not know about that.
- Q. How did you come to look at the clock that morning after you saw Mr. Campbell?  
 A. I looked to see what time to get the folks up for breakfast.
- Q. Did you retire to bed again?  
 A. Yes.
- Q. And you went to sleep?  
 A. Yes.
- Q. Now, when you looked at the clock, as I understand you had given a bottle of whiskey to the early travellers, had you taken a little yourself?

- A. Yes.  
 Q. And you sat down some time after they left?  
 A. I did not sit at all.  
 Q. Did you stand, then?  
 A. No; I went about my business.  
 Q. Did you go out to the stable?  
 A. No.  
 Q. Was it only a bottle of whiskey they wanted?  
 A. I found the bottle, and washed it, and put the drink in, and I afterwards went to sleep.  
 Q. That took some time?  
 A. Yes.  
 Q. Was it before you did all this that you saw Mr. Campbell?  
 A. I saw Mr. Campbell when I was done with the men.  
 Q. What did you do after you were done with the men?  
 A. I went into the house and locked up the bar.  
 Q. What else.  
 A. I looked around and went up stairs to bed.  
 Q. And then you swear that it was half-past three?  
 A. I swear that it was half-past three when I got up to my bedroom.  
 Q. Is that all you know about it?  
 A. That is all I know.

JOSEPH A. BAUDEL.

JAMES A. FRASER was then sworn, and was examined by Mr. Walker, as follows:—

- Q. You reside in Whitby?  
 A. Yes.  
 Q. Did you reside there in August, 1873?  
 A. Yes.  
 Q. In whose employ were you in the month of August, 1873?  
 A. In the employ of R. & J. Campbell.  
 Q. In what capacity?  
 A. Salesman.  
 Q. Where had you your room?  
 A. Over the store.  
 Q. Were you in that room on the night of the 26th of August, or the morning of the 27th?  
 A. Yes.  
 Q. Did you hear anything that night?  
 A. Yes.  
 Q. About what hour?  
 A. I should say about three o'clock in the morning.  
 Q. What did you hear?  
 A. I heard a noise on the sidewalk, and then I afterwards heard parties in the store.  
 Q. What did you do?  
 A. I got up and lit my lamp and called out, "Who is there?" and Mr. James Campbell answered, "It is me; it is all right."  
 Q. How did you fix the hour at three o'clock?  
 A. I was not very well that night, and sometime before that I got up and lit my lamp, and went out to get some water. I looked at my watch and it was a quarter past two. Then I went back to bed again, took up a paper and read for some time. I do not know how long. Then I blew out the light and went to sleep. I was awakened by the noise I referred to.

- Q. Was there more than one person in the shop ?  
 A. Yes.
- Q. How did you know ?  
 A. I heard voices.
- Q. Did they remain in the shop long ?  
 A. No.
- Q. How long ?  
 A. I cannot tell ; only a few minutes.
- Q. How long do you suppose you read ?  
 A. I cannot tell, but I read for some time ; I read probably three columns of a magazine.
- Q. What kind of a magazine was it ?  
 A. The Waverly Magazine. Then I put the light out and went to sleep.
- Cross-examined by Mr. Macdougall :—*
- Q. Did you ever give evidence in this matter before ?  
 A. No.
- Q. Were you subpoenaed before ?  
 A. Yes, twice.
- Q. And your evidence was not considered of sufficient importance ?  
 A. I was not called.
- Q. You have not sworn before as to the particular time of the disturbance ?  
 A. No ; but I put in two affidavits in the courts—one in the Common Pleas and the other in the Queen's Bench. It was after the trial, when Gordon applied for a new trial and for James Campbell.
- Q. The first suit was against Gordon, and Gordon applied for a new trial. What did James Campbell do ?  
 A. I cannot say.
- Q. You swore affidavits for that trial ?  
 A. I did.
- Q. What was it for ?  
 A. As to the time of the morning at which the noise was in the shop.
- Q. Then it was an affidavit to be used in resisting Gordon's application ?  
 A. I suppose so.
- Q. And he failed in his application in consequence of your affidavit ?  
 A. I suppose it was.
- Q. What did you swear to in that affidavit ?  
 A. The same as I have sworn now.
- Q. As to your watch, how did you come to look at it ; are you in the habit of looking at your watch when you get up at night ?  
 A. Very often.
- Q. And remember the time next day ?  
 A. Yes ; that is my habit. After lying awake for a considerable time before I got up I looked at my watch.
- Q. Then this particular disturbance had not occurred before you looked at your watch ?  
 A. No.
- Q. If James Campbell had gone into the house at half-a-dozen different periods during the night, you would have heard it ?  
 A. I should say I would have heard him ; there could not be much take place below that I would not hear.
- Q. Then you swear that James Campbell could not have entered the store that night without your hearing it ?  
 A. He might have done so.
- Q. If we have evidence to prove that he was there more than once, what then ?  
 A. He may have been, but I only heard him once.
- Q. Are you in his employ still ?

- A. Yes.
- Q. Did you hear in the voices outside anything that you could recollect?
- A. No.
- Q. You do not know what the noises were about?
- A. I do not.
- Q. Was the noise loud—were they angry voices you heard?
- A. There were one or two voices momentarily, and I could not distinguish them.
- Q. That was what awakened you?
- A. Yes.
- Q. You cannot undertake to say what it was.
- A. No.
- Q. How long after you heard the noise on the sidewalk before you heard the persons in the shop?
- A. It could not have been more than a minute.
- Q. How long were they unlocking the door?
- A. Not long.
- Q. You immediately got up?
- A. I got up, lit the lamp, and called out "Who is there?"
- Q. What space of time elapsed from the time you heard the door unlocked until you called out?
- A. It could not have been long, for the lamp was standing at the head of the bed and I lit it.
- Q. Did you dress yourself?
- A. No.
- Q. Did you go to the head of the stairs before you lit the lamp?
- A. No.
- Q. Did you know who was in the house?
- A. Not until after Mr. Campbell spoke.
- Q. Then you went very deliberately to work. How far was the head of the stairs from the bed?
- A. From where I called out it was probably ten feet.
- Q. And you immediately got a response from James Campbell?
- A. Yes.
- Q. And you went to bed?
- A. Yes.
- Q. How long did James Campbell remain in the house?
- A. He remained only a few minutes.
- Q. You heard the door locked as they went out?
- A. Yes.
- Q. How many voices did you hear?
- A. There were more than one.
- Q. You asked for no explanation of this visit?
- A. No.
- Q. When did you first hear of the cause?
- A. I knew what it was by the talk.
- Q. By the talk of whom?
- A. By the talk of the Campbells, and others. Gordon as well.
- Q. What was the first talk you heard?
- A. The talk was that Gordon had been at Robert Campbell's house.
- Q. You knew that, I suppose; and you were in the habit of going there yourself?
- A. It was about his being there until this hour in the morning.
- Q. From whom did you hear it?
- A. From James Campbell.
- Q. When did you hear this first?
- A. I cannot say exactly how long it was after that night; it might probably be a week, less or more.

- Q. You heard the story from James Campbell of what he saw that night ?  
 A. No.  
 Q. Was it on that particular occasion he came into the store ?  
 A. Yes.  
 Q. You say you knew it from conversations with different persons, and you had a conversation with James Campbell, but he did not tell you the reason of his visit to the store; did anybody else tell you ?  
 A. No; but I knew that was the night it happened.  
 Q. Did you ever enquire of anybody else why they came into the store.  
 A. No; I did not.  
 Q. Did you hear from Gordon, James Campbell or Robert Campbell, as to the altercation that took place in the street that night ?  
 A. I think I heard it from both of them.  
 Q. How long after the event ?  
 A. I cannot say.  
 Q. Was it two or three weeks after the first trial, or before the first trial, or before it was determined upon ?  
 A. It was very shortly after the night.  
 Q. What do you mean by shortly ?  
 A. It may have been a week or a month.  
 Q. What are you speaking of as occurring a week or a month previous ?  
 A. I am referring to the night of the altercation on the sidewalk and Mr. James Campbell coming into the store. I might have heard of it a week afterwards.  
 A. From whom ?  
 Q. From Gordon himself.  
 A. What did Gordon tell you himself a week afterwards ?  
 Q. He told me he had been at Campbell's, and he told me he remained there late, but he did not tell me the time. He told me Campbell met him on the corner of the street and accused him of having intercourse with his brother's wife.  
 Q. And what else did he tell you ?  
 A. I do not remember that he told me anything else.  
 Q. Did he tell you he was in your store that night ?  
 A. No.  
 Q. Did he tell you he had had an interview with James Campbell ?  
 A. He told me they had met on the street.  
 Q. And what else did he tell you ?  
 A. That Campbell accused him of it.  
 Q. Is that all ?  
 A. I think so.  
 Q. You know nothing about the fact of his having been there that night or otherwise, from your own knowledge ?  
 A. No.

*Re-examined by Mr. Walker :—*

- Q. What room did you occupy ?  
 A. Our room faces the front; we occupy the whole of the upper part of one of his stores.  
 Q. The window of the room in which you slept opened on the street ?  
 A. The door of the room I slept in opened to the street.  
 Q. There was a large room up stairs subdivided into how many rooms ?  
 A. Three.  
 Q. Were you in the front one ?  
 A. The front room is a small one.  
 Q. Where was yours ?  
 A. There are two bedrooms divided, but the division does not go to the ceiling; it only goes high enough to divide the rooms.  
 Q. Were the bedrooms in the front of the house ?

- A. They were not.  
 Q. Were they at the rear?  
 A. Yes; at the rear of the room.  
 Q. What story?  
 A. The second.  
 Q. Was there any direct communication from that room with the floor below?  
 A. Yes; there was a door at the foot of the stairs.  
 Q. Was there any door to the room itself?  
 A. No.  
 Q. Was there another aperture?  
 A. Yes; there was a pipe-hole.  
 Q. Where did you call?  
 A. Through the pipe-hole.

JAS. A. FRASER.

JAMES DAVISON was then sworn, and was examined by Mr. *Macdougall*, as follows:—

- Q. You live in Whitby?  
 A. Yes.  
 Q. Did you live there on the 26th of August, 1873?  
 A. Yes.  
 Q. What was your occupation or employment at that time?  
 A. I was a student.  
 Q. Preparing for the University?  
 A. Yes.  
 Q. With whom did you live or room on that occasion?  
 A. I roomed with Mr. Adams.  
 Q. Do you remember the night of the 26th?  
 A. Yes.  
 Q. What time did you go to bed that night?  
 A. Between twelve and one.  
 Q. How do you fix that time; what was your habit?  
 A. My habit was always to go to bed about 12:20; sometimes I went a little over that.  
 Q. But had you established a rule in your studies to be in bed at a particular time?  
 A. I was always in bed before one.  
 Q. Do you remember on this occasion any variance in your habit?  
 A. No, sir, there was not any.  
 Q. You pursued your studies with your watch before you?  
 A. Yes; always with my watch on the table.  
 Q. Was it your habit, or was it not, to study with your watch before you?  
 A. I always studied with my watch before me.  
 Q. You desired to keep regular hours, &c.?  
 A. Yes.  
 Q. And on this night did you go to bed in the same manner as on previous nights?  
 A. Yes.  
 Q. And you state on that night you went to bed a little after twelve?  
 A. Yes.  
 Q. What is your recollection; was it nearer to one or to twelve?  
 A. Nearer to 12; about 12:20.  
 Q. What occurred on your going up stairs to bed; you slept with Mr. Adams, in the same bed, I believe?  
 A. Yes; I slept in the same bed.

- Q. Did you go immediately to bed on getting to your room ?  
 A. I studied in the same room that I slept in.  
 Q. You put out your light and went to bed ?  
 A. Yes.  
 Q. Did you say anything to the Doctor or he to you on going to bed ?  
 A. I said nothing.  
 Q. Did you sleep in the front or at the back of the bed ?  
 A. At the back.  
 Q. Then, in getting to bed you had to get over the Doctor ?  
 A. Yes.  
 Q. Did you waken him getting in ?  
 A. He did not speak to me and I did not speak to him.  
 Q. Did you go to sleep immediately ?  
 A. Yes.  
 Q. Did you hear anything shortly after you went to bed ?  
 A. Yes; shortly after, and some time after I had been asleep I heard a noise in  
 the street.  
 Q. Did that noise arouse you ?  
 A. Yes.  
 Q. What did you find on awakening ?  
 A. I saw Dr. Adams sitting in the window.  
 Q. Did he say anything to you ?  
 A. I asked him what was going on, or what was up.  
 Q. What did he say ?  
 A. He said there was a row.  
 Q. Did he use any particular expression ?  
 A. He said there was a devil of a row.  
 Q. Did he say anything further about it, or did you make any further  
 enquiries ?  
 A. No; I did not ask him anything about it.  
 Q. And you did not get up ?  
 A. I did not.  
 Q. Did he come to bed before you went to sleep again ?  
 A. I fell asleep immediately again.  
 Q. The row passed away and you did not continue to hear the voices ?  
 A. I did not hear anything more about it.  
 Q. Those noises that awoke you must have been loud ?  
 A. They were men's voices shouting at one another.  
 Q. It was not an ordinary street conversation ?  
 A. No.  
 Q. Would people speaking in an ordinary tone have awakened you ?  
 A. I don't think they would.  
 Q. It was an altercation in angry tones ?  
 A. Yes; it seemed to be.  
 Q. Have you any means of knowing or judging what time it was when you  
 heard the voices ?  
 A. I could not swear as to the time.  
 Q. What is your belief ?  
 A. I could not say how long I slept. I could not have slept very long.  
 Q. Then if you went to bed and heard these voices or noises afterwards, how  
 long afterwards do you believe or think it was ?  
 A. I don't know; it might have been an hour afterwards. .  
 Q. On that point you cannot tell as you were asleep ?  
 A. I could not tell you how long I slept.  
 Q. Could it have been after three when you were awakened ?  
 A. I don't think it could.  
 Q. You would have been much sounder asleep if it had been ?

A. I think I would have experienced a different feeling—I would not have been so sleepy when I woke up.

Q. Can you state now your belief as to the time of night when you heard these noises?

A. I could not do any more than approximate.

Q. Well, approximate.

A. I could not swear anything, more than I think it would be about an hour after I went to bed.

Q. That would be about 1:10 a.m.?

A. Yes; about that.

Q. You had a conversation with Mr. Adams and others about this matter subsequently, had you?

A. Yes.

Q. It was a subject of talk about town?

A. Yes.

Q. Do you know Mr. Campbell and his wife?

A. Yes.

Q. Were you in the habit of visiting their house?

A. I never was at Mr. Campbell's house.

Q. You are living still at Whitby?

A. Yes.

Q. You have met Mrs. Campbell?

A. Yes; I knew her and Mr. Campbell.

Q. Where did you meet her prior to that night?

A. I met her one night at Mrs. White's at Whitby.

Q. You had no familiar acquaintance with her? You never visited at the house?

A. No; I never visited at the house.

Q. Mrs. Campbell had a high reputation in Whitby?

A. Yes.

Q. Did you ever hear any suspicion expressed as to her conduct?

A. I never did.

Q. Do you know the business position of Messrs. Campbell in Whitby—do they do a large business?

A. Yes; I think they do.

Q. They have done the best business there in their line?

A. I think so.

Q. They are reputed to be well off?

A. Yes; they are reputed to be well off?

*Cross-examined by Mr. Walker :—*

Q. You cannot swear as to the exact hour you went to bed?

A. Yes, I can—to the exact hour.

Q. I mean to the exact time when you crawled over Dr. Adams?

A. It was between twelve and one.

Q. You swear that you were awakened by noises in the street?

A. Yes, sir.

Q. Did you hear the noises?

A. Yes.

Q. You did?

A. Yes.

Q. How far was your bed from the window?

A. About 15 feet, I think.

Q. Was there a tremendous noise?

A. Yes; a loud noise.

Q. It did not excite you at all?

A. No, sir.

Q. You saw Adams sitting in the window, did you say?



A. Yes, sir.

Q. Sitting up on the window sill?

A. He was sitting on this part of the sill—on the base of the window.

Q. How long did you remain awake?

A. About three or four minutes, or five.

Q. And when you went to sleep, was Adams still there at the window?

A. Yes; he was still in the window.

Q. And when he got into bed did he wake you up?

A. No, sir.

Q. You did not look at your watch after you waked up that time; was there any light in that room?

A. There was no light in the room.

Q. And, therefore, you cannot swear what hour it was when you heard the noise?

A. No, sir.

*By Mr. Macdougall:—*

Q. You have charge of the Grammar School, have you not, or of some institution in Whitby?

A. Yes.

Q. Of which establishment?

A. Of the High School; I teach in the High School.

*By Mr. Walker:—*

Q. You are assistant teacher?

A. Yes.

*By a Member:—*

Q. At that time?

A. No; I was a student then.

*By the Chairman:—*

Q. Was there any appearance of dawn at that time?

A. No, sir; there was no appearance of dawn.

Q. Was the window of the room a large one.

A. Yes, sir; it is pretty large.

Q. You think that if there had been symptoms of dawn you would have seen?

A. Yes, sir; the window was open at the time and I could have seen the dawn.

*By Mr. Walker:—*

Q. I suppose you distinguished Mr. Adams distinctly in the window.

A. Yes; I remember how he was sitting.

*By the Chairman:—*

Q. Was he in his night clothes?

A. He was in his night dress.

JAMES DAVISON.

TUESDAY, 28th March, 1876.

PRESENT :

The Honorable Mr. DICKEY—*Chairman*.

The Honorable Messieurs

AIKINS,	LEONARD,
HAYTHORNE,	DICKSON,
CORNWALL,	SEYMOUR,
KAULBACH,	REESOR.

Mrs. MARY JANE ALLIN was sworn, and was examined by Mr. *Macdougall*, as follows:—

Q. You are a resident of Whitby, I believe?

A. Yes, sir.

Q. Have you lived there long?

A. I think about ten years.

Q. You are a married woman?

A. Yes.

Q. What is your husband's business?

A. He keeps a book store.

Q. Do you live near the place of business of the Campbells?

A. We live next door. Our store is next door, and our private residence is above the store.

Q. Do you remember the night of the 26th August, 1873?

A. I remember the night when the noise occurred on the street.

Q. Was the noise near your residence?

A. Yes.

Q. Will you describe to the Committee the circumstances attending that noise, and how you were occupied at the time?

A. I had not gone to bed at the time I heard the noise. I had been sitting up late, and heard Mr. Campbell's shop-door close, and I thought to myself I am not the only one who has been up late. I sat down to read a few minutes just as Mr. Campbell's door closed.

*By the Chairman:—*

Q. Was this after you heard the noise?

A. No; it was before.

*By Mr. Macdougall:—*

Q. The first thing you heard was Campbell's door shut?

A. Yes.

Q. Was it shut violently?

A. It was closed in the usual way.

Q. But it attracted your attention?

A. Yes; to the fact that there were others up as well as myself.

Q. What next attracted your attention?

A. In a few minutes afterwards I heard Mr. Campbell's voice very loud in the street.

Q. Did you recognize the voice then as Mr. Campbell's?

A. Yes; I recognized it as Mr. Campbell's.

Q. Was he close to his place of business?

A. No, sir; not then.

Q. From which direction did the voice come?

A. It was on the north side of the street.

Q. That was on the opposite side of the street to his place of business?

A. It appeared to me when I first heard the noise that he was on the opposite side, and I thought he was calling to some person from his own door; and I thought it strange no one answered from there.

Q. What did you hear next?

A. In a few minutes more I heard steps come under our verandah, and I heard Mr. Campbell talking in a loud way to some man. I then heard a noise as if Mr. Campbell was going into the store. The door slammed very violently, and I still heard a man speaking outside; but I did not hear what was said.

Q. Did you go to the window?

A. I rose to go to the window, but did not go.

Q. Did the noise strike you as if it was a quarrel or an altercation?

A. It struck me as if it was a quarrel of some kind.

Q. You went over near to the window?

A. Yes; I went over to it, and sat down on the sofa. The windows were up, and the Venetian blinds closed.

Q. Did you hear anything further after the door slammed?

A. I heard a man—it seemed to be one person—out of doors under the verandah, talking, but I heard no answers. In a few minutes he appeared to walk away, and shortly afterwards I heard the door again closed, and more than one man came out of the store and walked under our verandah, and went north, towards Mr. Campbell's home, I believe.

Q. That was the end of the matter so far as the men were concerned?

A. Yes.

Q. What time of the night, or morning, was that?

A. I suppose it would be about one o'clock, but other witnesses seem to have different views.

Q. Please give your recollection of it. What are your reasons for fixing the time as one o'clock?

A. It was very unusual for me to be up later than twelve, or little after. This night I know from the manner in which I had been engaged, it was later than that.

Q. You knew you had remained a little later than usual on this occasion?

A. Yes.

Q. Did you hear the clock strike twelve?

A. I do not quite recollect hearing that, but I know it was after twelve.

Q. Well, you know by some means that it was after one, or before one, or how do you fix the time?

A. I have always felt that it was a little after one o'clock; it would be after one; I have no doubt but it was after one, but I have never been able to think that it was quite so late as other witnesses have said.

Q. As you have heard?

A. Yes.

Q. You feel confident that it could not have been two o'clock?

A. I feel confident that it could not have been two o'clock when Mr. Campbell and those men disappeared from under the verandah.

Q. Did you retire then immediately to bed, or did you go to the window?

A. I was then near the front of the building towards the street.

Q. At the time of the noise in the street, you were towards the front of the building?

A. Yes; and our bedroom is at the other end of the house—to the east.

Q. In the rear of the building, was it?

A. Yes; my bedroom window looked directly down on Mr. Campbell's office, and I opened the Venetian blinds, putting them back on each side from the window. I thought I would see if any of the Campbells were there still in the office, and see what they were doing round there at so late an hour.

Q. The circumstance of such a late visit there directed your attention to it?

A. Yes.

Q. And you looked to see if they were there still ?

A. Yes.

Q. Did you see them ?

A. I saw no light, heard no noise, and I perceived no appearance of any one around the office.

*By the Honorable Mr. Kaulbach :—*

Q. This was after you heard these men going away ?

A. Yes ; after I heard them go away down the street.

*By Mr. Macdougall :—*

Q. Did your husband make any remark to you at the time ?

A. Yes ; my husband was in bed, and he woke up a little through my going into the room, or perhaps owing to my opening the shutters. He told me in the morning that he saw me looking from the window and looking out. It was a very pleasant night, and I remained at the window for some time.

Q. That is all you know about that particular circumstance, I suppose ?

A. This is all I know about this particular circumstance. I mentioned it at breakfast time, making a remark about the Campbells being out very late. I think that I said to my husband, "The Campbells were very late at work last night," or something of that sort. A gentleman came into our store for his paper, in the morning, and asked Mr. Allin if he had heard the noise on the previous night, and he said, "No ; he had not." This gentleman repeated his conversation about the row, and my husband said that his wife had been speaking about having heard a noise on the previous night, or something of that sort—I forget just now what it was.

Q. You spoke about it in the morning to your husband and others ?

A. Yes.

Q. Did you hear anything next morning as to the time from any other person ; was it discussed at all ?

A. The next morning I was called in and asked what time of the night I supposed that it would be. I did not know then the circumstances at all, nor what it was about, and I then gave the time as about one o'clock.

A. You gave the time as being about one o'clock ?

Q. Yes.

*By a Member :—*

A. That was next morning ?

Q. Yes ; Dr. Adams and my husband called me downstairs, and, without telling me what it was about, asked me what time I would suppose it would be.

*By Senator Kaulbach :—*

A. That was the following morning ?

Q. Yes.

*By Mr. Macdougall :—*

A. Have you any doubt, Mrs. Allin, as to your being right in your judgment as to the hour ?

Q. I have not the slightest doubt ; I feel confident that it could not have been two o'clock ; it may have been two o'clock at the time perhaps when Mr. Gross retired ; Mr. Gross thinks that it was two o'clock when he went to bed, but I do not know how long he sat up.

Q. Nor at what time James Campbell got to his house, or retired ?

A. No.

Q. Have you known Mrs. Campbell long, Mrs. Allin ?

A. Yes.

Q. Since your first residence in Whitby ?

A: Yes.

Q. Have you been on terms of visiting or social intimacy with her ?

A. Yes ; we have been on visiting terms, but I have never been to her house but once, I believe ; my time is so taken up that I do very little visiting.

Q. Did you ever hear previous to the 26th of August, anything damaging to her reputation, as a good wife ?

A. No ; I never did.

Q. And after all these troubles and trials, you are still on visiting terms with Mrs. Campbell ?

A. Yes, sir.

Q. You still regard her as an honest woman ?

A. I do.

Q. Is that the character she bears in Whitby, to your knowledge, at present ; is that the character which Mrs. Campbell bears in Whitby ?

A. I have never met either a lady or gentleman who accused Mrs. Campbell of anything wrong.

Q. But there are some persons who do accuse her still of having done wrong ?

A. No ; I have not met them.

Q. You do not put such persons in the category of ladies and gentlemen ?

A. No.

*By the Chairman :—*

Q. How do you know that this morning was on the 27th of August, when this row took place ?

A. I did not know then that this row was on account of Mrs. Campbell.

Q. Did you know it afterwards ?

A. I knew it afterwards ; yes.

Q. How long afterwards was this ?

A. I think that I did not hear anything strange about Mrs. Campbell or her trouble until Mr. Campbell told me of it himself.

Q. Was this soon afterwards ?

A. It was afterwards, I think, that this matter was kept quite private ; it was never mentioned either in our shop, or by Mr. Adams, or by my husband, as I know of, and I did not know of the trouble until Mr. Campbell told me of it himself ; I was then told by parties enquiring about the time of night, that this was the night when the trouble took place on the street ; I was called the next morning into our music room and asked to give, as nearly as I could, the time of night when I heard the noise, and I was told that this was the trouble that occurred on the street. For my own part, I thought that Mr. Campbell was discharging one of his clerks when I first heard the noise on the street.

*Cross-examined by Mr. McIntyre :—*

Q. How did you fix the hour as being one, or nearly one o'clock ?

A. I felt that it was not later, and I fix it a good deal by how I was engaged during the evening.

Q. You did not look at a watch or clock then ?

A. I do not remember.

Q. Did you look at a watch or a clock during the evening ?

A. I did.

Q. What is the latest hour you looked at the watch or clock ?

A. I think I heard the clock strike twelve.

Q. Will you swear you heard the clock strike twelve ?

A. No ; I will not.

Q. Did you hear the clock strike one ?

A. I will not swear that I did.

Q. Can you swear you looked at the watch that night at all ?

A. It runs in my mind that I either heard the clock strike twelve, or I looked and saw that it was twelve.

Q. Which do you think you did, you heard the clock strike or saw the hour?

A. It might have been both ways; I know it was after twelve.

Q. If you swore you had not looked at the watch or clock on the night of the 26th, in the evidence which you gave in the Court of Chancery, would you have sworn to what was untrue?

A. I do not know that I ever swore to it; I never had any better recollection of it than I have now.

Q. Did you swear in your evidence in the Chancery trial as follows: "I had looked at no clock or watch during the progress of the night." Did you give that evidence?

A. No; I do not think I did. I said from the time about when the noise occurred I did not look at the clock. I do not think I said that as put down in the evidence, as I never passed an evening or afternoon without looking at the clock.

Q. Was there anything that induced you to look at the clock that evening?

A. I felt that the hour was late, and no doubt it would give me a desire to look at the clock; I did not suppose I should have been called upon to give testimony as to the hour.

Q. You judge it was one o'clock, or after one, from the length of time between hearing the noise and the hour you heard the clock strike?

A. I do not know whether I heard the clock strike, or whether I looked at it or not.

Q. Did you know what time it was in the slander case you said the row occurred?

A. I must have stated the time about the same as now, as it is fully impressed upon my mind as being the time; the row might have occurred between one o'clock and two, but it certainly could not have been long after one. I think I said in my former evidence a few minutes after one; I do not know.

Q. Do you know whether there was any difference in the evidence you gave in the chancery case and in the slander case?

A. I do not know.

Q. How many conversations have you had on this matter?

A. I am not prepared to give an answer to that, I have had so many.

Q. Do you base your idea of the hour on the conversations you have had with other people?

A. I do not.

Q. It is not from what Mr. Gross told you that you remember the hour?

A. No. Mr. Gross had not told me, nor had anybody else told me the time of the row, when I spoke of it to my husband.

Q. Do you remember what James Campbell said that night?

A. No; I did not hear what he said, and of course I could not remember it.

Q. Was his voice very distinct?

A. Yes.

Q. A loud voice?

A. Rather.

Q. Did you distinguish it clearly?

A. Yes; I distinguished it very clearly; I know his voice very well.

Q. You were in the habit of hearing it frequently, I suppose?

A. Yes. Mr. Campbell lived so close to us I have heard it frequently, and I distinguished it; but I paid so little attention to what was said that night that I did not hear what he said.

Q. He was angry?

A. Yes; he used angry language, and spoke in a loud tone of voice, but I did not hear what he said.

Q. And you heard the voices very distinctly, but did not distinguish the words—is that what you swear?

A. It was very loud; I was then in the dining-room, some distance from the window, and of course I did not hear the words clearly.

Q. How many were on the road?

A. There were two men walking first before the door closed, and I supposed when the quarrel was loudest there were three there.

Q. You did not observe them from the window?

A. No.

Q. How do you base your opinion there were three persons there—from imagination?

A. I know two men went into Campbell's shop, and one must have remained outside.

Q. How do you know?

A. I heard them speaking to each other when they came out and walked under our verandah.

Q. Might there not have been more there?

A. Yes.

Q. How do you swear there were only two?

A. I do not swear there were only two.

Q. Did you recognize any of the voices?

A. I did not.

Q. Was James Campbell in your store the next day?

A. I don't know.

Q. Does he get his papers there?

A. He did at that time, but he did not always come in for his papers, and I don't know who received them that morning.

Q. When was the next time you saw him?

A. I don't think I have ever met James Campbell since to have a conversation with him.

Q. Have you never seen him since?

A. I have seen him frequently, but never to speak to him.

Q. Has he been in your store since the night of the row?

A. Not that I am aware of.

Q. You never told him you heard the row?

A. Unless I made it a point of business to tell him I heard the row, I could not do so.

Q. Do you remember seeing Robert Campbell shortly after this?

A. Yes.

Q. Do you recollect the occasion?

A. Yes.

Q. What was it?

A. Robert Campbell came into our store—I don't remember how many days after or what time exactly he came in—and had a conversation with me about his own trouble, as he called it.

Q. Was that when he forbade you to give credit to Mrs. Campbell?

A. I don't remember.

Q. Did he give such orders?

A. Yes.

Q. How long was that after the row?

A. I don't know, I am sure. I think about a week. It was all about the same time.

Q. Did you tell him anything about the row having occurred and that you heard it?

A. I don't think Mr. Campbell mentioned to me about the row in the street when he had this conversation. I don't think there was anything said about the row that I recollect.

*By the Chairman:—*

Q. You were up that morning and had your window up?

- A. It was summer time and I had my window open.  
 Q. Your bedroom window was in the east?  
 A. Yes.  
 Q. Did you see any signs of dawn at that time?  
 A. No; It was a very fine, clear night; I did not shut down the window for some time.

*Re-examined by Mr. Macdougall :—*

- Q. Did you distinguish a loud voice in the third person, who spoke after they went into the house?  
 A. I don't know whose voice it was.  
 Q. Not the person, but as to the voice?  
 A. Yes.  
 Q. Was that in angry tones?  
 A. Yes; in loud and angry tones. One person remained talking for some few minutes on the sidewalk after the others went in.  
 Q. Remained scolding?  
 A. Yes.  
 Q. Was it violent language he used?  
 A. It seemed to be rough language. I did not hear the words used.

*By the Honorable Mr. Haythorne :—*

- Q. Are those rows of common or unusual occurrence in Whitby?  
 A. It was an unusual occurrence at such a late hour; of course we sometimes hear loud noises on the street; there is a hotel not far from where we live, and we sometimes hear noises as late as ten or eleven o'clock.  
 Q. Had you ever heard at that hour any persons going into Mr. Campbell's store.  
 A. I have not.

M. J. ALLIN.

JAMES BYRNE was then sworn, and was examined as follows:—

*By Mr. Macdougall :—*

- Q. Are you a brother of the respondent?  
 A. I am.  
 Q. Do you live in Whitby?  
 A. I do.  
 Q. Have you lived there for some time?  
 A. Some eleven years.  
 Q. Had you a conversation with James Campbell shortly after the 26th of August about the quarrel on the street that night?  
 A. I did have one.  
 Q. How long after?  
 A. Two days after.  
 Q. Did you make any remark about the time of night?  
 A. In making the charge at the commencement, he said three o'clock, but he afterwards withdrew that statement, and said it might have been about two.  
 Q. Was there any discussion between you as to its being at an earlier hour?  
 A. None.  
 Q. Did he make the charge to you of criminality?  
 A. Yes.  
 Q. Was it to you he made it first?  
 A. To myself and to my father.



Q. Did he give you any proofs or evidence, or state the grounds on which he made the charge?

A. Yes.

Q. Did you go to see your sister as soon as you heard the charge?

A. Immediately afterwards.

Q. When did you first hear of it?

A. It would be about eight o'clock in the evening.

Q. Of what day?

A. On the Thursday night; that would be the 28th of August.

Q. That was the day on which Mr. Robert Campbell returned from his visit to Southampton?

A. Yes.

Q. What time was it when you went to see her?

A. About eight in the evening.

Q. What hour of the day was it when you first heard the charge of impropriety?

A. Not until about eight o'clock.

Q. And you then went immediately to your sister?

A. Yes.

Q. At her own house?

A. At her own house.

Q. Was she alone?

A. No; she was not alone.

Q. There were some ladies with her?

A. My mother and one of her sisters were with her, and also her niece.

Q. You found them there?

A. Yes; sitting in the summer house in front of the house.

Q. Had they learned of any charge?

A. Nothing whatever.

Q. They were merely there on a visit to their relative?

A. Yes.

Q. What did you do?

A. I told her of the charge James Campbell had made against her. She denied the truthfulness of it, and I think the expression she made use of, was, "What an ungodly charge!"

Q. Did you make this communication to her in the presence of her relatives?

A. I did.

Q. Did she give any account of Mr. Gordon's visit to the house out of which the charge arose?

A. She did; but I was too excited to remember exactly what she did say that night.

Q. Did she afterwards make a full statement, and when?

A. I saw her the following morning.

(Counsel objected to this testimony, and the objection was sustained.)

Q. Did your sister have any communication with Mr. Gordon after the date of your visit to her, up to the time when she made a full statement to you?

A. It was not possible for her to have.

Q. Then she made a statement to you of the conversation and other matters which occurred that night?

A. Not so full as she has done in evidence, but she gave me the main points.

Q. Do the statements which she afterwards made, differ in any material point from this made to you?

A. Not at all.

Q. Then she has told the same story, substantially, from the first, as to the conversation and matters in which they were engaged that night?

A. She has.

Q. You have been a witness on some of the trials?

A. Yes.

- Q. You have heard her statements ?  
 A. On one occasion.  
 Q. Which ?  
 A. In the Chancery suit.  
 Q. That was the last, was it not ?  
 A. Yes.  
 Q. And you discovered no substantial variance in her accounts ?  
 A. I could not see any.  
 Q. Did you meet Gordon at any time after this, and when ?  
 A. I met him on the Sunday after the charge was made.  
 Q. Did you meet him in the town or at his own home ?  
 A. I drove down to his house.  
 Q. He lives some distance away ?  
 A. Yes; two miles.  
 Q. Did you have a conversation with Mr. Gordon ?  
 A. I did.  
 Q. And asked him as to the charge ?  
 A. I asked him to tell me, solemnly, whether he was guilty or not,—and he denied it most solemnly.  
 Q. Do you remember the language ?  
 A. Yes; he said: " May God Almighty strike me dead if I am guilty of that vile charge."  
 Q. Did he give any account of what they were engaged in that night ?  
 A. He mentioned two or three amusements.  
 Q. Will you mention them ?  
 (Question objected to, and objection sustained.)  
 Q. Did the account he gave you correspond with that given by your sister ?  
 A. Yes; it agreed with her statement.  
 Q. Did it agree with subsequent statements given in evidence ?  
 (Question objected to, and objection overruled.)  
 A. It did.  
 Q. Your answer is this: That Mr. Gordon's statement of the visit and employments in which they were engaged agreed with hers, and agreed with his subsequent statements made in your hearing under oath ?  
 A. Yes.  
 Q. Do you know anything of the means and ability of Robert Campbell; can you give any opinion as to what his wealth may be ?  
 A. I have no great means of knowing, but I should judge from what he has told me, in past years, that he must be worth at least fifty thousand dollars.  
 Q. At least that ?  
 A. I should fancy so.  
 Q. Have you any doubt of it—knowing his business and his success in it ?  
 A. No; I have not.  
 Q. Had you any conversation with Mr. Robert Campbell after the charge was made ?  
 A. I had.  
 Q. When ?  
 A. I had a conversation with him on the following morning. I think that it was on the following afternoon; I do not recollect exactly, but it was on the following day some time.  
 Q. Did he make any statement to you as to her offence, or as to his intentions as to his course of procedure ?  
 A. He told me that he intended to go to law, and he also told me at the same time that he was separated from his wife; apart from the criminal charge, that he thought that there was sufficient in these scraps of letters to get a divorce on, and that he would apply for one. He said, " I am going to get the best legal advice I can, and you should do the same. I shall fight it out."

Q. Had he seen his wife up to that time?

A. I could not prevail upon him to see her, or to listen to her explanations.

*Cross-examined by Mr McIntyre:—*

Q. Is your hearing good, Mr. Byrne?

A. Not very good.

Q. I suppose you were very much excited when you spoke to your sister with respect to this matter?

A. I was very much disturbed, and very much surprised, of course.

Q. She expressed very great surprise at the charge, I suppose?

A. Yes; very great surprise.

Q. She was very much excited, I suppose?

A. Yes, she was very much agitated.

Q. Did she tell you on that occasion anything about James Campbell being present at the house on the evening of the 26th or the morning of the 27th.

A. I think not; I do not remember.

Q. When did she first mention the subject to you about James Campbell being present at her house that night?

A. I think on the following day she spoke to me—Friday.

Q. That was the day after you broke the news to her?

A. Yes.

*By the Honorable Mr. Kaulbach:—*

Q. Did she deny he was present that night?

A. She said nothing about it.

*By Mr. McIntyre:—*

Q. Will you give us the conversation, as far as you remember it, of what occurred when you first told her of the difficulty?

A. I asked her what had occurred the night before—how they amused themselves. She spoke of having used the stereoscope, of playing draughts and singing. I do not think she mentioned reading, but I understood from my wife she mentioned reading. She did not enter into long particulars about it.

Q. Did she detail any conversation that occurred between herself and Gordon that night?

A. Not on that Friday, I think. I do not think she explained any conversation—yes, she did, too, when I come to recollect. I remember her speaking about California.

Q. What did she say about that?

A. She said the conversation commenced by speaking of her brother who was in California, and that is the only explanation she gave.

Q. Did she give any history of any further conversation that occurred that night between herself and Gordon?

A. I mentioned to her that Robert Campbell said she wished to go to California, and he said if he had not come back she would have eloped. At that she said the conversation commenced about her brother being in California.

Q. Was that the only conversation she explained between herself and Gordon; did you mention in so many words all the charges that Robert and James Campbell had made against her at that time?

A. Yes; I told her the night the charge was made, as also on Friday morning.

Q. The California language was the only language she explained away at that time

A. As far as my memory serves it was.

Q. You met Gordon for the first time on the Sunday following?

A. Yes; on the Sunday following.

Q. You went to see him?

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A. I went to see him at Mrs. Campbell's request; she asked me to go and see George Gordon if I had any doubt in my mind as to her guilt or innocence, and see if any doubt would be thrown on her story by his.

Q. That was not the first time he had heard of the charges being made?

A. No.

Q. Did he tell you from whom he had heard it, or had he heard of the charges made against Mrs. Campbell?

A. He had heard of the charges, and had been to see Robert Campbell in the interval, on Friday night, and offered an explanation.

Q. Had he come to see you in the interval?

A. He had come on Sunday night to see me at my father's.

Q. You have no knowledge of your own as to whether Mrs. Campbell saw or had any communication with George Gordon during the interval between Wednesday morning and Sunday night?

A. She had no opportunity.

Q. Will you swear she had not met him?

A. I will not swear positively she had not, but I am confident she had not an opportunity.

JAMES BYRNE.