

HUMORS OF MATRIMONY.

The Most Extraordinary Case Ever Tried in the English Divorce Courts.

AN ENGLISH NOBLEMAN INVOLVED

Eccentric Matrimonial Complications—A Remarkable Story.

This was perhaps the most extraordinary case ever tried in the Divorce Court. It was a suit by the Earl of Euston, eldest son of the Duke of Grafton, for a declaration of nullity of marriage on the ground that when he married the respondent she had a husband alive. To this her answer was that the man with whom she had gone through a ceremony of marriage before she married Lord Euston was a married man with a wife alive when that ceremony was performed, and that, therefore, she was not legally married to him, and was free to marry when she became the wife of Lord Euston.

Mr. Russell, in stating the case for the petitioner, said that his client was the Hon. James Henry Fitzroy, commonly called the Earl of Euston. He was the eldest son of the Duke of Grafton. In 1870 his father was Lord Charles Fitzroy, brother of the then Duke of Grafton, and the petitioner was the Hon. James Henry Fitzroy. In that year the petitioner made the acquaintance of the respondent, a courtesan, whose maiden name was Walsh, but who at that time was known as "Kate Cooke," she having adopted the latter surname from a man with whom she had lived, and who was connected with a circus. Having formed relations with her and visited her for some months, the petitioner went through a ceremony of marriage with her at a parish church in Worcester on the 29th of May, 1871, the witnesses of the marriage being an official of the church and a solicitor named Froggett. In the marriage certificate she described herself as Kate Walsh Smith, widow. The petitioner was entitled on his own account to £10,000 at the time the ceremony was gone through, and that sum he settled on the respondent. Froggett was trustee of the settlement, and he subsequently made away with the trust money. The petitioner and the respondent lived together off and on up to 1875, when the petitioner's married life, which had throughout been an unhappy one, had become intolerable, and he resolved to separate from the respondent. There was no issue of the marriage, and having left her, he had had from that time no communication with her up to the present. On the separation she resumed her former life, and she was now and had been for some years living with a betting man. The petitioner, who had lost caste among his friends, went to Australia after the separation and obtained Government employment there, the duties of which he discharged in a manner every way creditable to himself. Circumstances having arisen which put on the alert those who were acting for him, inquiries pursued under great difficulties led to the discovery that when the respondent went through the ceremony of marriage with the petitioner she had living a husband, who was in court to-day. It was found that on the 6th of July, 1863, she was married at St. Mungo's Catholic Church, Glasgow, to that man, whose name was "George Manby Smith." He was a commercial traveller, and on the marriage certificate he was described as a "bachelor," she being described as "Kate Walsh, spinster." The respondent, having been sued in a County Court, seemed to have sworn that her husband, "George Manby Smith," had sailed in the London for Australia and gone down in that ship, and, singular to say, on inquiry it was found that a person with the initials "G. M. Smith" had sailed and gone down in that ship. It would be conclusively proved, however, that he was not the "G. M. Smith" who had married the respondent, but a "Mr. George Maslin Smith." More remarkable still, it has been discovered that the George Manby Smith who had married the respondent had also taken ship for Australia. From letters and photographs in the possession of his mother he had been traced to New Zealand and brought home. On his return he went to the house in which the respondent was living and there identified her, but she suggested that he was not the Smith to whom she had been married, but a brother or some other relative of that person. Whether she would persevere in that suggestion he did not know, but at all events she put forward this issue—that whether or not he was the George Manby Smith with whom she went through a ceremony of marriage in 1863, the person with whom she went through that ceremony had then a wife living, and that, therefore, it was a nullity.

Lord Euston, examined by Mr. Murphy, Q.C., said he was the petitioner in this case, and he had made the acquaintance of "Kate Cooke" in 1870. He lived with her before going through the ceremony of marriage in 1871. He was then 22, and she said, he thought, that she was 24. He settled £10,000 on her. Differences arose between them, and he went to Australia in 1875. He filled a Government appointment there, and returned to this country in 1881. Cross-examined by Mr. Underwick—He had known the respondent six months before the marriage. She was living in Montpelier Square. He learnt from her that she had been previously married. She never informed him that she had reason to believe the man she was married to had been married before, but she said that she believed he had gone down in the London. Froggett, the solicitor, made away with the money which witness had settled on her. He believed Froggett instituted some inquiries after the marriage about Kate Cooke's former marriage, but not before. He saw a certificate of the first marriage of Smith; the date of the certificate was the 26th day of June, 1862. Witness was married at Worcester. Froggett was present. He believed that Froggett went to Birmingham and made inquiries about the previous marriage of the respondent, but Froggett did not tell him that Smith's wife was living in 1863 when he married the respondent. He learnt that his father had spoken of indicting Kate Cooke for bigamy, and spoke to Froggett about it. To his knowledge no letter came to his wife from "Mary Anne Smith," representing herself to be George Manby Smith's wife. He believed that George Manby Smith was

in court. The other day he gave the address at which he believed Smith was living. It was at Watford. He got that address from his solicitor.

Re-examined by Mr. Russell—His wife was described in his marriage certificate as a "widow." He fancied it was after his marriage he got from Froggett the certificate of Smith's first marriage. He had only seen Smith once in his life until to-day. That was when he and Smith went to the respondent's house that Smith might identify her.

George Manby Smith, examined by Mr. Russell, said he arrived from New Zealand in January, 1863. A gentleman who came to him in New Zealand brought him a letter and a photograph, and told him his expenses to this country would be paid. In 1863 he was travelling in Glasgow for a Birmingham house. He then met Kate Cooke, who was in court. She told him she had been living with a man named Cooke, who was connected with a circus, and that he had been unkind to her. Witness married her on the 6th of July, 1863, at St. Mungo's Catholic Church. His father's name was John Ashwin Smith, and his mother's maiden name was Lippitt. He and Kate Cooke separated in five months. During that period they did not live happily. Before going to Australia and New Zealand in November, 1864, he last saw Kate Cooke in September of that year. In either 1870 or 1871 he wrote to his mother from Auckland in the name of "George Johnson." When he came home his mother was living at Watford. Recently he went to the house in which the respondent was living and identified her, that being the first occasion on which he saw her since 1864. He was married to a person named Mary Ann Smith, whose father's name was Johnson, on the 26th of June, 1862. Before he married Kate Cooke he was informed that his previous wife was dead. This was from a friend of his first wife in Birmingham. This was three months before his second marriage. He did not remember the name of that friend. She was a female friend of his first wife. He separated from his first wife eight months after their marriage, and never saw her after. He had not the slightest doubt that the woman sitting before him in court was the Kate Cooke whom he married in 1863.

Cross-examined—When he went to identify his wife he looked at her only for a minute, and not a word was spoken; he at once identified her; he did not know that his address had been applied for by the respondent; he did not marry a woman named Johnson; Mary Anne Smith had sons; his father and mother and himself lived at one time at Mary Anne Smith's house in Birmingham; she had a little property, which by deed was settled on herself; he never got nor tried to get any of that property; he returned from Glasgow to Birmingham in 1864; he did not go to the place his wife had lived in; he did not go because he had heard in 1863 that she was dead; her friend had told him of it in a house at Birmingham; he did not remember the name of the street; he did not go to see his deceased wife's sons; he had seen enough of them, and he had no interest in her property.

Mr. Underwick here informed the court that the respondent, having now had an opportunity of seeing the witness who had just given evidence, she admitted that he was the George Manby Smith with whom she went through the ceremony of marriage in July, 1863.

Sarah Jane Smith said she was married to George Maslin Smith in June, 1861. He left home for Plymouth on January, 1st, 1866, and sailed in the London for Australia and was lost. She, as his widow, obtained in this court administration to his estate.

Mary Ann Smith, examined by Mr. Russell, said she was 83 years old. She was married to George Ashwin Smith in 1827. She had six children, one of whom was George Manby. He went to Australia in 1864. He wrote to her from Auckland in the name of George Johnson. She now identified as her son the George Manby Smith who had just given evidence.

This was the case for the petitioner. For the respondent, William Henry Johnson was examined by Mr. Montagu Williams. He said he had had a sister whose maiden name was "Mary Anne Johnson." She was married to a man named William Smith, and they had four children. William Smith died in January, 1858. After that his sister came to him at Holloway, having three children with her. In 1861 she returned to Birmingham and lived there. He went down in the autumn of 1862 and found that she had in her house George Manby Smith, who had been examined to-day. Witness knew that this man had at that time married his sister. In November, 1866, he received a communication that his sister, Mrs. George Manby Smith, was dangerously ill at Edgbaston, near Birmingham. She died on June 9th, 1867. Witness was present at the death, and with his sister Phillis went and registered the death, the certificate of which was now in court.

Phillis Johnson, sister of the last witness, corroborated the testimony of her brother.

The President—It is now admitted that the George Manby Smith, whom we have seen in the box, is the person who was lawfully married to Mary Anne Smith, widow, on June 26th, 1862. It is further proved that he went through the ceremony of marriage with the respondent on July 6th, 1863, he not being then in a position to contract a lawful marriage, because of his wife Mary Anne Smith being alive. Kate Walsh was then free to marry, but she was not lawfully married to George Manby Smith, because he had a wife alive.

The jury at once found that George Manby Smith was lawfully married to Mary Anne Smith on June 26th, 1862; that Kate Walsh was not lawfully married to the said George Manby Smith on July 6th, 1863; that the said George Manby Smith was alive on May 29th, 1871, and that the petitioner and the respondent were lawfully married on May 29th, 1871.

The President said this was a finding for the respondent, and he dismissed the petition with costs.—London Times.

"Don't," said Tawmus, "don't throw that away." "It's only an old tailor's bill." "Yes, but it's paid."—Boston Post.

"Yes," said the tramp, mournfully, "my father cut me off with a shilling, and it was a good deal of money, too, although I didn't think so at the time."

THE BIRMINGHAM DYNAMITERS.

They Intended to Blow Up Ward Felicitates—Explosives Found in Tavern.

A last Saturday's London cablegram says: The proprietor of the Ship Tavern, in the vicinity of the Strand, seized the effects of an absconding lodger for non-payment of rent. Among them was a box containing twelve pounds of dynamite cartridges and gun cotton. The lodger is well known and the police are pursuing him. The cartridges were such as are used in toy pistols. The police attach little importance to the discovery.

Daly, Egan and Macdonnell were arraigned at Birmingham to-day on the charge of treason-felony. Daly was defiant, Macdonnell dejected. Daly asked why he was brought to Birmingham to be tried again after his committal on Thursday to await the Chester assizes. The prosecution replied that after the charge was prepared against him at Liverpool enough evidence had been brought to light to justify his removal to Birmingham on greater charges.

Detectives surrounded the prisoners in court and there were others outside. The prisoners seemed to feel their position keenly, especially Egan. When the detectives described how they had tracked Egan and Daly since October the two exchanged significant glances.

It appeared from the evidence that prior to the recent meetings in Birmingham Town Hall, which were addressed by the Marquis of Salisbury and Mr. Joseph Chamberlain, letters were received by the authorities containing threats that dynamite bombs would be thrown under the speaker's platform. Special precautions were taken to guard against this. Daly was arrested shortly before the Birmingham election campaign of Lord Randolph Churchill and Col. Burnaby. It is believed the bombs found in his possession were intended to be exploded among campaign gatherings. The prisoners were remanded for a week.

Ventilation

It is true that a cold draught is dangerous. Dr. Angus Smith, the great English authority on air, says: "It always like a sword." But impure air is no better; and if one causes pneumonia, the other creates consumption. Bringing air through the furnace flues is all very well, provided it is taken from a pure source of supply. But if, as in most cases, the cold air box of the furnace ends over a damp, dirty area adjoining one of our unwept and filthy streets, the supply is far from wholesome. Dr. Loomis and other specialists long since pointed out the bad effects of New York dust upon the human lungs, yet the dusty air from our streets is sucked into ten thousand furnace cold-air boxes, and is the chief lung food of our population. Because this air has been warmed it does not follow that it is wholesome. It is perfectly easy to prevent a draft by raising the sash a few inches and placing a narrow board in the space below, so that the cold air will enter between the upper and lower sash and be deflected toward the ceiling without causing any annoyance to persons in the room. There are a number of patented devices for the same purpose, but the arrangement here described can be adopted by any one at the cost of a few cents. The chief difficulty about ventilating most dwelling houses is that there are not sufficient means of carrying off the foul and heated air. If provision is supplied for doing this, then plenty of fresh air will leak in through the window casings and cracks, as most of our houses are not tightly built. Great benefit may be obtained from open fire places, which to the sthetes, are coming largely into use. All fire-boards should be abolished. The art of ventilation has been called one of the lost arts; if indeed it ever was an entirely developed art. In our modern houses and flats, with their masses of upholstery and decoration to obstruct the sunlight and prevent free circulation of air, and with the many sources of impurity, such as cooking, washing and plumbing appliances, and still more the gaslights and steam heating apparatus, the necessity for attention to ventilation becomes daily apparent. The almost universal prevalence of catarrh, and the worn out, wearied look of Americans which Herbert Spencer noted, may be justly charged to the bad ventilation of our houses, and it is time our people should take hold of the matter promptly.

Stories of the Little Folks.

HE COULD TELL.

Mr. Longwords addresses the Sunday school:

"It gives me great pleasure—ahem—to be with you to-day, children, and I am glad to speak a few simple words to you. Now can any of these bright little boys and girls tell me what is the ostensible object of Sunday school instruction?"

Dead silence.

"I will repeat my question. What is the ostensible object of Sunday school instruction?"

Little boy up in front—"Yes, sir!"

A FAT DEFINITION.

Teacher—"Mary, spell and define atom."

Atom, a-t-o-m, atom; means to go and fight."

"How is that, Mary?"

"Why, it's what they say to dogs, you know—at 'em."

ANOTHER GOOD ONE.

"In the sentence 'The deer tried to flee' scholars may define flee."

Several hands wave wildly.

"Well, Willie, what is it?"

"Flee, Mith W. it's a thral small muth-quo."

SHE WILL DOUBTLESS DIE YOUNG.

Little Rachie Weeks, of Gray, only 7 years old, read the New Testament through and finished it in three days before her 7th birthday, and had never attended school a day.—Portland, Me., Press.

The Philadelphia Medical Bulletin announces that an Ohio physician is preparing a medical lexicon in forty-two languages. It appears likely to be needed if the name-makers pursue their present course. Yet an eminent physician told his hearers, in a recent lecture, that a characteristic of a good medical essay was its freedom from unnecessary technical terms. It is the fledgling who favors the long words.

A Pretty Tall Yara.

An extraordinary story is told in English court circles, and has been retailed by the Spiritualists, as to the reasons which induced the Queen at the last moment to alter the arrangements for Prince Leopold's funeral. It is said that a short time before his death, dancing with an intimate friend, a lady of Danish birth, of great personal beauty, and the wife of an English peer, he was rallied by her upon his unwonted abstraction. His answer was that his sister Alice had come to him in the night, warned him of an approaching calamity, and told him not to trouble, for all would soon be well. The Royal Duke, like his mother, the Queen, seems to have accepted supernatural visitations as real, and he told the lady he would prefer, if anything happened to him, to have a military funeral. Her ladyship, the recipient of these confidences, wrote a letter to a high court official, telling him the story, and he laid her communication before Her Majesty. At once the Queen ordered her dead son's desires, expressed in life, to be fulfilled. Hence that change at the last moment which led to so much perplexity and inconvenience.

He was Willing to Pay \$50.

"What is the charge against this man?" asked an Arkansas judge as the prisoner was placed before him.

"Killing an editor, your honor."

"E'm, was the editor a resident of the State?"

"Yes, your honor."

"What have you to say, prisoner, concerning this very serious charge? Are you guilty or not guilty?"

"Guilty, your honor; I murdered him in cold blood."

"Well," said the judge, "there is nothing left for me to do but sentence you. The crime of murder in this State is becoming much too common. You are charged with killing an Arkansas editor, to which charge you pleaded guilty."

"Yes, your honor, I do; and I don't care if it costs me \$50."

"Prisoner," responded the judge solemnly, "you are fined \$300, and stand committed until the amount is paid."

The prisoner then swooned away.

Hot Weather.

Concerning the heat in South Australia six weeks ago, the Port Augusta Dispatch has the following paragraph: "Last Sunday will be long remembered as a day of special suffering in Port Augusta, and farther north the heat seems to have been even more intense. We are informed that at Yarra, near Mount Arden Station, native larks and magpies in flocks sought shelter and water in farmers' houses, numbers of them expiring after the thirst had been quenched. In one case a touching episode occurred. A little girl, with pannikin and teapoon in hand, was seen surrounded by little feathered sufferers, whose wants she administered to, gently caressing those who survived, weeping over the defunct, and burying their bodies with tender care. Mr. Hodahod, of Port Augusta, lost two valuable dogs on the same day and in the same locality, through heat alone."

Inspector O'Reilly has advised the removal of the St. Thomas rioters to the Woodstock jail.

Jailer Corbett, of Kingston, has instituted another suit against the County Council to recover back salary, which will be carried to a higher court in order to procure a settlement of the question of the power to reduce a jailer's salary by a County Council

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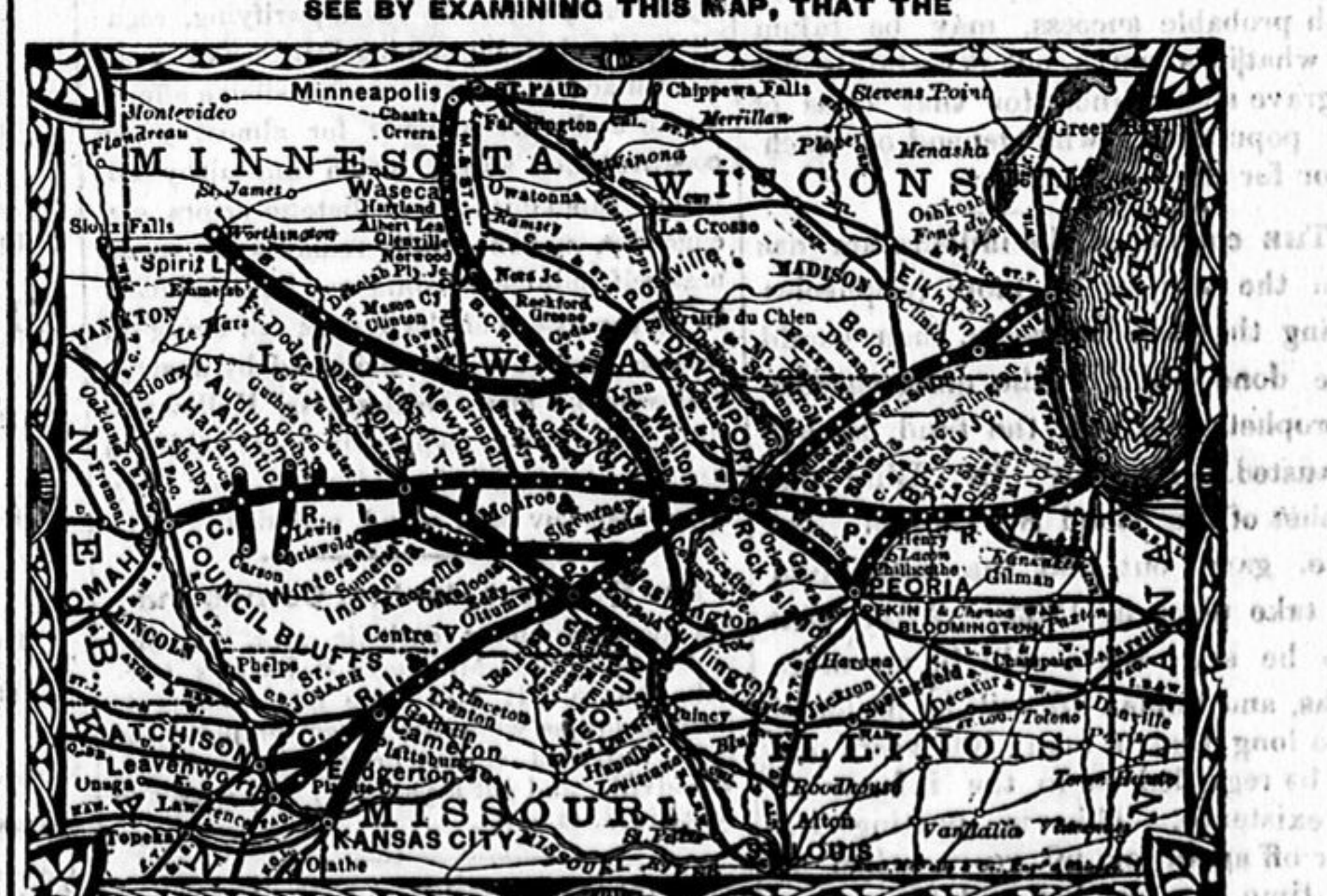
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