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JUDGMENT IS RESERVED IN THE KNOWLTON CASE

Evidence Given Against Contention of Plaintiff That She Was Married.

Justice Orde, presiding at the sessions of the supreme court, reserved judgment in the case of Mrs. Rosey Knowlton, plaintiff, and J. N. Knowlton, defendant, to determine who are the heirs of the late John Nelson Knowlton, who died in Leeds township, and who left an estate valued at approximately \$48,000.

The case was commenced early Wednesday afternoon, and was not concluded until late Thursday afternoon, and revolved itself into quite a legal battle, with A. B. Cunningham, K.C., for the plaintiff, and J. A. Hutcheson, K.C., Brockville, for the defendant. A large number of witnesses were called on both sides.

Following the taking of evidence, 55th Mr. Cunningham and Mr. Hutcheson addressed his lordship.

Mr. Cunningham referred to the fact that the law required all ministers to have every marriage they performed properly registered. In this case it had been found that no record had been made of the marriage with the registrar-general at Toronto or in a church registrar in Kingston. Mrs. Knowlton claimed the marriage took place at the General Hospital, and that the ceremony was performed by an old Baptist minister. It may have been performed by Rev. Mr. Grafty, who was a Baptist minister here for a short time.

"We have evidence that the couple lived together in a community for upwards of forty years," added Mr. Cunningham, "and they lived together as man and wife. That was the general reputation throughout the country. The plaintiff was known as Mrs. Knowlton and her children were also known by the same name. I contend that the onus is placed on my learned friend on the other side, to prove that there was no marriage."

Justice Orde remarked that the case was a very strange one, in that there was no marriage certificate that could be produced, no record of the marriage could be secured from any source, and the people who it was alleged had witnessed the marriage, were dead. It had not been established whether a certain minister, Rev. Mr. Grafty, had performed the ceremony, and sent the records on to Toronto. It was apparent that Knowlton never told any person outside of his own family, that he was married, and that the plaintiff was his wife. The fact that the couple lived together did not say they were married.

His lordship also stated that in reading over the will of the deceased, it appears to show that it was the will of a man who did not think he was married, as he had used the word "heirs" instead of the names of parties.

"He gave me the idea that he was not married," added his lordship, "but this may be an indication of his peculiar mind."

Mr. Cunningham pointed out that the man who had drawn up the will was not a lawyer.

Mr. Hutcheson, in his argument, stated that the outstanding feature of the case was that the deceased never upheld the report of his marriage. If it had taken place, surely he would have upheld it.

No Church Record.

When the case was resumed on Thursday morning, Rev. J. S. LaFlair, pastor of the First Baptist church, was called by Mrs. Hutcheson, counsel for the defence. Witness had a book, containing a record of marriages performed by Baptist ministers here in 1882. No entry was found of the marriage of John Nelson Knowlton and Rosey Lapointe.

Mrs. Eliza Paul, sister of the late John Nelson Knowlton, and one of the defendants, stated that she was seventy years of age, and that she lived at Newboro.

Mr. Hutcheson asked the witness about the report that Rosey Lapointe had married John Nelson Knowlton.

"I heard the report but paid no attention to it," said the witness.

"It does not matter if you paid any attention to the report or not," said his lordship, "what did you hear?"

"I heard it once," said the witness.

"And what did you hear?" asked the judge a second time.

"I do not know as I can tell you."

Mr. Hutcheson: "When did you hear of the alleged marriage taking place in Kingston in 1883?"

"I could not tell you that."

"Was it before or after the death of John Nelson Knowlton?"

"It was before he died."

Witness said she knew one of the men, who it was stated, had been a witness of the marriage.

"This man was a neighbor of mine," added the witness, "and I be-

lieve he would have told me had he witnessed the marriage."

"The alleged witness of the marriage was also a bosom friend of my husband," said the witness.

"Did you ever have any conversation with your brother about the alleged marriage?"

Asked Her Brother.

Witness provoked much amusement over her answer to this question when she said:

"We never had any conversation at this time. I asked him about it and he said 'no.'"

Witness remarked that she heard a rumor that her brother was married and this was the reason for her asking him about it.

"I guess he thought I was a little bit off when I asked him the question," added the witness.

"They lived together as man and wife for forty years?"

"I don't believe it," replied the witness.

"And why do you not believe it?" asked Mr. Cunningham.

"Because they used to fight," said the witness, whereupon there was a ripple of laughter throughout the courtroom.

Mr. Cunningham remarked that the plaintiff had given birth to four children, and that John Nelson Knowlton was the father, but the witness was not ready to believe the truth of this statement.

"Are you really serious in this matter?" asked his lordship of the witness. "Are you suggesting that the four children are not the children of your brother?"

"I don't believe it," said the witness.

"Then you are making your brother out a liar," replied his lordship.

Mr. Cunningham produced a photograph of the late John Nelson Knowlton and after looking at it, witness said sharply, "It doesn't look like him."

Called Her Stupid Women?

His lordship remarked that the witness gave her evidence in such a manner as to make one believe that she was weak-minded.

"I have all my senses all right," said the witness.

"Well then, you are a very stupid woman," came from the bench.

His lordship added that the deceased had acknowledged that he was the father of the children, but as to whether the couple had been legally married was another question. Why a sister should go on the stand and talk as the last witness had talked, he could not understand.

Mr. Hutcheson called Mrs. Bella Stout, Crosby, sister of the late John Nelson Knowlton, and one of the defendants in the case.

"What was the general understanding as to whether or not your brother was married?"

"We did not understand that he was married."

(Continued on page 7.)

LANSLOWNE FAIR AWARDS

Those Who Won Prizes at the Exhibition of Last Week.

Lansdowne, Sept. 19.—The following is a list of the prize-winners at Lansdowne Fair last week:

Horses—Merlin R. Horton, Mallorytown; Fred McDonald, Lansdowne; Arden Warren, Mallorytown; D. W. Latimer, David Graham, W. R. Smith & Sons, Robert Shields, James H. Graham, William H. Cook, Joel S. Webb, Joseph Shields, Lansdowne; D. J. Lloyd, Gananoque; Harold Landon, Wellington, W. C. Sheffield, Arthur McCready, John S. Elliott, Lansdowne.

Cattle—Fred McDonald, Bruce Grier, Freeman Doak, Bradley Bros., W. R. Smith & Sons, Alex. Chismore, Joseph Shields, Gordon Graham, D. B. Johnston & Sons, P. Ross McVeigh, David Graham, Lansdowne.

Sheep—Robert Shields, Lansdowne.

Swine—Freeman Doak, W. R. Smith & Sons, Lansdowne.

Poultry—W. E. Pyke, Fairfield East; Wesley Foley, Lansdowne; Rev. I. N. Beckstead, Olix Chesamin, Joseph L. Shields, H. E. Nunn, Walter Patience, F. D. Warren, Henry Guikis, Joseph McCormick, J. A. Humphrey, Thomas McRae, John H. Donovan, P. Ross McVeigh, A. J. Sly, S. P. Moore, Frank Stick, Alex. McClary.

Grain—Gordon Surplis, Keith Landon, Alex. Chismore, George W. Lee, W. H. Franklin, Joseph McCormick, Royden Bell, J. A. Humphrey, Lansdowne.

Vegetables—H. E. Pyke, Fairfield; Freeman Doak, Wesley Foley, James P. Lynch, Rev. I. N. Beckstead, George W. Lee, W. H. Franklin, Hubert McNeely, Alex. Steacy, Byron Stringer, Joseph McCormick, J. A. Humphrey, Thomas McRae, Arthur E. Fortune, P. Ross McVeigh, J. B. Wilson, Nelson Webster, Roy Breakenridge, Frank Stock, Miss Ellie Gray, Lansdowne.

Farm Implements—Firman Cross, George R. Peck, Lansdowne.

Domestic Manufactures—Firman Cross, Haig & Burns, A. J. Sly, George R. Peck, Lansdowne.

Dairy and other products—Wesley Foley, James P. Lynch, W. H. Franklin, J. B. Wilson, Harold Landon, Harold Bradley, Joseph McCormick, J. A. Humphrey, W. R. Kaiser, J. H. Fawcett, Myron Keyes.

Domestic science—Mrs. Fred McDonald, Mrs. Gordon Surplis, Mrs. James P. Lynch, Mrs. (Rev.) I. N. Beckstead, Mrs. Thomas Steacy, Mrs. Wesley Foley, Mrs. W. C. Landon, William Cosgrove, Mrs. H. E. Nunn, Mrs. William Sinn, Mrs. Walter Patience, Mrs. J. B. Wilson, Mrs. John

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