

THE EVENING NEWS.

Friday, Jan. 23, 1874.

The San Bernardino Man With Two Lawful Wives.

[CONTINUED.]

The latest information upon the subject is furnished by a special correspondent, dispatched by us several days since to San Bernardino. Our correspondent interviewed Coleman last night from whom he learned some details not hitherto divulged. It seems that last Wednesday, John Howlett of San Bernardino, was notified of counsel dispatched to seek an interview with Mrs. Oades No. 1, with a view of offering her inducements to bring a suit to annul the marriage of Oades with Mrs. Oades No. 2. It was thought that she, being the party principally injured by the second marriage, might easily be persuaded to do so. After considerable difficulty and some danger—having on one occasion been run off by Oades with a shotgun—Howlett on Thursday morning managed to secure a private interview with Mrs. Oades No. 1, while Oades was out riding with his second wife. She appeared to be a mild, timid woman, but it was impossible to induce her to move in the matter—although Howlett offered her \$5,000 to do so. Oades, she said, had sworn that if she attempted to annul his second marriage he would not only beat her half to death, but also would never live with her any more; that she knew Oades well enough to know he would keep his word; that she wouldn't mind the beating so much, but that she preferred to submit to the present state of circumstances rather than to lose Oades altogether, especially as being married to him she couldn't marry anyone else. Howlett therefore returned without effecting anything; and, as neither would counsel, was again dispatched to make the same proposition to Mrs. Oades No. 2. But neither would she accept the offer. "If there was any way," she said, "of annulling Oades' first marriage she might be induced to move in the matter, although she really didn't mind Mrs. Oades No. 1 much; as she was getting too old to be a very formidable rival, and, besides, she found her a considerable help about the house; but as her bringing suit to annul her own marriage, there was no use of talking about it, as she was perfectly well satisfied with Oades, even with the innumerable of his first wife and children."

Upon the reception of this information the Rev. Mr. Kiggett, a minister of great and deserved influence in the community, was dispatched to expostulate with Oades himself. Oades received him courteously, and, after a long conference with great frankness. Theoretically, he said, he was a monogamist, and believed that the law should not allow a man to have more than one wife. He therefore joined with his reverend friend in saying that the action of the Code Commission in allowing bigamy could not be too severely condemned. "But in matters," he continued, "after all, are to be settled in each State as the legislature in their wisdom should deem best. It being now settled principle in jurisprudence that all rights and obligations have their source solely in legislative enactment, that all the eminent jurists, including the New York and California Code Commissioners, are agreed that right is what the legislature wills; that being the fundamental idea upon which the Civil Code is based. As to the old notion of natural right, that is entirely exploded. You avow change of law, and Oades (who appears to be somewhat of a literary turn). "If there were such a thing," he continued, "the appointment of the Code Commission to reduce all law or right into a code would have been as absurd as to have appointed them to codify chemistry or mathematics. In short, he had been to repeal principles established by the Almighty, and to substitute in their place the shallow notions of ignorant and fallible men. For his part, he didn't pretend to be wiser or more virtuous than the laws; and as the law allowed bigamy, he considered his conscience didn't disturb him for having them; neither of his wives were willing to give him up, and, to tell the truth, he could not get along very well without both of them. He loved them both so well (he added facetiously) that he was like the ass between two bunnies of hay, and didn't know how to choose between them. Besides, if either marriage was annulled, it would have to be the last one; and while he might possibly stand the loss of the old woman (that is, his first wife), nothing on earth would induce him to part with the last. The reverend gentleman then, upon left in great and just indignation, which was greatly increased on Sunday at seeing Oades—who had always been regular in his attendance at church—seated in his pew with his two wives, listening complacently to the sermon. As we stated yesterday, the San Bernardino lawyer had written to one of the Code Commissioners. Our correspondent was shown the answer, but did not have the opportunity of taking a copy. He was able, however, to furnish us a very full abstract of its contents.

The codifier, who appears from his letter to be a much more sensible man than one would think (judging only from the codes), wrote that it was a bad thing and he didn't see what was to be done about it, but that the commission was not responsible for it; that all they had done was to copy the code of that eminent codifier, David Dudley Field; that it was evidently the intention of the Legislature that the commission should pursue this course, for if they had wanted a new code made they certainly should have known better than to refer the matter to them; that he couldn't be expected that a commission of three men, without any special training or experience for the purpose, could complete in two years a work for which justly had found it necessary to employ the great Tibonian and seventeen other of the most eminent lawyers in the empire during many years; that the work of such a commission was something that the greatest of English jurists, Austin, had thought it necessary to recommend that a large number of the ablest men should be specially educated for it, and should devote their whole lives to it; that if any one were to offer to employ him to make a piano or a steam engine—which was as much out of his life as codifying it—he would accept the offer; provided always that it was on a salary; and that he was not to be paid by the job; that in his opinion the other Commissioners were wiser than himself, and finally that the whole Commission reminded him very forcibly of Panurgus' opinion of the French lawyers, which he quoted as follows:

"Seeing that the law is excerpted out of the very middle of moral and natural philosophy, how should these fools have understood it who have studied less in philosophy than in music."

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