The San Bernardino Man With Two Lawful Wives.

The case referred to is that of the People vs. Oades, just decided in the County Court of San Bernar-Oades nor either of his wives are dino. Oades is an Englishman of good education, who came to that county about two years ago, and purchased and settled upon a farm is at present unsettled. But the is at present unsettled. But the in Temesdal Township. In January last he married Mrs. Nancy Foreiand, a young widow lady of great beauty, residing in that neighborhood, by whom he has since had a child now about one month old.

Both parties have always been regarded in the neighborhood as emigrantly respectable. inently respectable.

About two months ago, a woman, accompanied by three children— two boys and a girl—arrived at the city of San Hernardino, and after inquiring of Oades's whereabouts, proceeded to his residence, where she has since continued to reside. A short time since, it transpired that this woman and Oades comported themselves toward each other as man and wife, and the neighbors, indignant at such open profligacy, laid a criminal compla int against them before Justice Billings, under the act of March 15th, 1872, for "open and notorious cohabitation and adultery." When the parties were brought up for trial, however, they produced a certificate of marriage, and proved by it and other authentic documents that the woman was Oades' wifehaving been married to him in England about twenty years ago, and moved with him to New Zea-land, where their children had been born. The accused was there-fore acquitted and returned to their home, where Oades continued to live with the two women as before.

Thereupon another complaint was laid before the same justice against Oades and Mrs. Oades No.2, charging them with the same of-fence. On this trial it was proven that about eight years ago Oades was living in Wellington county, New Zealand, on the frontiers, when, without warning, the Maoris—a tribe at peace with England—made an inroad into the settle made an inroad into the settlements. Oades was at that time temporarily absent in Victoria, and returned only to find his homestead burned and his family disappeared. Some human remains were found in the ruins, and from this and from such information as he could from such infor gain during the ensuing two years, he was gradually forced to the conviction that his wife and children were dead, and being loth to remain amid the scenes of his distress, he left New Zealand and came to California. Upon this state of facts Oades claimed that his marriage with Mrs. Oades No. 2 was valid under the second sub-division of the sixty-first section of is void, "unless such former hus-band or wife was absent and net known to such person to be living for the space of five successive years immediately preceding such subsequent marriage, in which case the subsequent marriage is void only from the time its nullity is adjudged by a proper tribunal. is adjudged by a proper tribunal."

Upon an examination of the law. this proposition was found too clear to be disputed, as there was no doubt that when Oades married his second wife he had been igno-

Oades still continuing in open cohabitation with the two women, a deputation with the two women, a deputation was sent by the neighbors to lay the matter before Cokeman, the District Attorney, who, after examining the case, referred it to the grand jury, who found a true bill against Oades for bigamy.

The trial, which took place last Monday, attracted a large crowd of eager spectators, among whom, the observed of all observers, appeared the two Mrs. Oades. The same state of facts was proven, and after the close of the evidence Cokeman, the District Attorney, opened the case for the prosecution in able and eloquent argument, of which we can only give a brief abstract:
"The law," he urged, "was to be construed according to its spirit and intent, and the language where contrary thereto was to be disregarded. These time-honored prin- WOMEN'S, MISSES' & CHILDREN'S garded. These time-nongred principles have been expressly adopted in the new code: 'Where the reason of a rule ceases so should the rule itself. (Civil Code, sec. 3,510.) Cessante ratione legis cessat ipsalex.' And again, 'Where the reason is the same the rule should be the same. (Id, sec. 3,511.) Obi eadem ratio ibi idem jus.' And again, 'He who considers merely the letter goes but skin deep into the meaning. Qui haeret in tettera haeret in cortice.' (Co. Sit., 283 b.) Now in this case," he continued, "the evident intention of the law was simply to provide against the ille-gitimacy of the chidren of the sec-ond marriage, and it certainly nev-er could have been intended to make bigamy lawful. It is true that at the date of the second marriage Oades was ignorant of the existence of his first wife, but his voluntary cohabitation with both women, after learning the facts, was to be taken as conclusive proof of a guilty intention, ab initio. And in support of this view the counsel cited 'The Six Carpenters' Case' (8 Cokes R., 146). That case was very similar in principle to this, and it was adjudged that 'the law judges by the subsequent act, law judges by the subsequent act, the quo animo, or intent, for acta exteriora indicant interiora secre-

On the other hand, the counsel for the accused relied upon the provisions of the Penal Code in relation to bigamy—which expressly provides that no person shall be held guilty of bigamy, "whose husband or wife had been absent for five consecutive years" (prior to the second marriage), "without being known to such person within that time to be living;" and in reply to the argument of the district attorney he urged upon the court that in criminal matters it would be a dangerous precedent to adopt so liberal a principle of construction as that contended for by Cokeman; and he cited in support of his position the following maxims:

"A verbis begis non ear recondum," "Index anims sermo, and "Matedicta exposite que corrumpet textum"—the meaning of which, as he explained for the benefit of the court, was that in the interpretation of statutes "we must stick to the letter." That it is true that the intention must govern, but "the language is the evidence of the language is the evidence of the intention," and that "It is wrongly called interpretation when we alter the texture that in the interpretation of statutes "we must stick to the letter." That it is true that the intention," and that "It is wrongly called interpretation when we alter the texture that the intention," and that "It is wrongly called interpretation when we alter the texture that the intention." and that "It is wrongly called interpretation when we alter the texture that the intention." and that "It is wrongly called interpretation when we alter the texture that the intention." and that "It is wrongly called interpretation when we alter the texture that the intention." and that "It is wrongly called interpretation when we alter the texture the texture that the intention." and that "It is wrongly called interpretation of the second of the intention." and that "It is wrongly called interpretation of the second of the intention." and that "It is wrongly called interpretation of the second of the intention."

The learned Judge said that how-ever desirable it might be to con-vict the prisoner, the position ta-ken by his counsel was clearly the ken by his counsel was clearly the right one, and accordingly he instructed the jury to acquit, which was done, and Oades returned home triumphantly with his two wives.

Thereupon all the most eminent counsel of San Bernardino were retained by citizens interested in the

We surrender a large portion of our columns to-day to the report of a case which has attracted and absorbed the attention of the whole community, and created a greater excitement than any which has heretofore occurred in this section of the State.

The indignation of the public generally at this disgraceful result of the careless manner in which the new codes have been gotten up is excessive; and as there is a painful suspicion that other defects as yet undeveloped may exist, the feeling is universal that the Civil Code should be at once repealed and the other codes referred to a competent Commission to revise competent Commission to revise be brought only by one of the par-them.

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