

Gerald's Expositor

The Law as to Restraints on Marriage.

In the vast, dry desert of the law one sometimes comes across a "green pasture" which is like the refreshing wind which spreads almost interminably around it.

"Marriage is a wise regulation in harmony with nature and religion, and is the only efficient preventive of licentiousness. The happiness of the parties and the interests of society require that it should be free from either coercion or restraint."

"The principle of reproduction stands next in importance to its self-preservation, and is equally a fundamental law of existence. It is the blessing which tempered with mercy the justice of expulsion from Paradise."

"The principles of morality—the policy of the nation—the law of nature and the law of God unite in condemning as void the condition attempted to be imposed by this testator upon his widow."

Notwithstanding the learned Judge's declaration of the American law of population—his eulogium upon the uxorious institution of marriage—his analogies drawn from nature—his clear elucidation of the loves of flowers, and his impressive summing up of the considerations which induced him to declare the condition of not contracting a second marriage imposed upon the devise of land to his widow by the testator void, the other side was not convinced by the force of his arguments—the apostateness of his allusions, or the eloquence of his figures and appeals. They therefore sued out a writ of error from the Supreme Court, and the cause came on for revision before that tribunal at Harrisburg last month.

The decision of Judge Lewis was reversed; and having extracted largely from his opinion, also copy from that of Chief Justice Grier, upon the topics touched upon by the law in the above extract. It will be seen that the style of the Chief Justice is very different from that of Judge Lewis, and comes down with a kind of staccato hammer energy and with no plebeian embellishment, upon the flowery rhetoric of the President of the second Judicial District.

"The Chief Justice after stating that certain text-writers have asserted that it seems to be generally admitted (by whom?) that even in regard to devices of land, unqualified restrictions on marriage are void on grounds of public policy" goes on to retrace the position in the following trenchant and rough and ready style, more remarkable for force of expression than delicacy of thought.

It would be impious, if it were possible, to suppose that a gift on condition not to marry, leaves the donee free as air to do any thing at pleasure; but direct it to, uses for which it was not intended. The truth is, the notion is the product of the Roman law, adopted as it was with modifications by the ecclesiastical Judges; and how far the Romans were drawn by waste of life in their ceaseless wars, civil, servile, all foreign, to force the growth of population by cohabitation, as well as marriage, and by the imposition of a mulier upon celibacy, is a matter of school-boy history."

Conclusion of tale on first page. As the words passed the lips of the foreman of the jury, a piercing shriek rang thro' the court. It proceeded from a tall figure in black, who, with closely-drawn veil, had sat motionless during the trial, just before the dock. It was the prisoner's mother. The next instant she rose, and throwing back her veil, willy exclaimed, 'He is innocent—innocent, I tell ye! falgone!'

'Mother! mother! for love of Heaven be silent! I shoud the prisoner, with frantic vehemence, and stretching himself over the front of the dock, as if to grasp and restrain her.

'Innocent, I tell ye!' continued the woman. '—I alone am the guilty person! It was I alone that perpetrated the deed! It was I who, not suspected it not, till it was too late. Here, she added, drawing a sheet of paper from her bosom—'here is my confession, with each circumstance detailed.'

As she watched over her head, it was snatched by her son, and, with a lightning, torn to shreds. 'She is mad! Heed her not—believe her not! He at the same time shouted at the top of his powerful voice, 'She is distracted—mad! Now, my lord, your sentence! Come!'

The tumult and excitement in the court no language which I can employ would convey an adequate impression of. As soon as calm was partially restored, Mrs. Boardon was taken into custody; the prisoner was removed; and the court adjourned, of course, without passing sentence.

It was even as his mother said. Subsequent investigation, aided by her confession, amply proved that the fearful crime was conceived and perpetrated by her alone, in the frantic hope of securing for her idolized son the hand and fortune of Miss Amittage. She had been present with him in his laboratory, and had thus become acquainted with the uses to which certain agents could be put. She had procured the key of the receptacle, and he, unfortunately, to prevent the perpetration of the crime, had by mere accident discovered the abstraction of the poison. His subsequent declarations had been made for the determined purpose of saving his mother's life by the sacrifice of his own.

The wretched woman was not received to fall before the justice of her country. The hand of God smote her ere the scaffold was prepared for her; she was smitten with frenzy, and died raving in the Metropolitan Lunatic Asylum. Alfred Boardon, after a lengthened imprisonment, was liberated. He called on me, by appointment, a day previous to leaving this country for ever; and I placed in his hands a small pocket Bible, on the flyleaf of which was written one word, "Etern!" His dim eyes lighted up with something of his old fire as it glanced at the characters; he then closed the book, placed it in his bosom, and waving me a mere farewell—I saw he dare not trust himself to speak—has departed. I never saw him more.

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Advertisement for 'The Girard Life Insurance Company' with details on annuity and insurance plans.

Advertisement for 'The Franklin Fire Insurance Company' again, listing directors and contact info.

Advertisement for 'The Franklin Fire Insurance Company' detailing policy information and rates.

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