

From the N. Y. Morning Chronicle.

A Fable drawn by Shakespeare's luxuriant imagination, and entitled "Comedy of Errors" where he fancies two persons, Antipholus of Ephesus and Antipholus of Syracuse, with two Dromio's their servants, to be so precisely similar in appearance as to deceive their most intimate acquaintance, was actually verified in a judicial case, which lately occurred in this city.

This singular case has been the subject of two previous trials in the justices court of this city. In one no suit stopped the proceedings, in the other the court decided that he was not the person supposed, yet his accusers were so firm in their conviction of his identity, that they pursued the affair to the present trial. This instance of resemblance may be recorded among the most extraordinary and astonishing ever known.

Singular Law Case.

TRIAL FOR BIGAMY.

At a Court of Oyer and Terminer and General Goal delivery, held in the City of New-York, on 22d June, 1834.

PRESENT,

The Hon. B. LIVINGSTON, Esq. J. B. PREVOST, Esq. Recorder, Jacob MORTON, E. q. Ald.

The People Versus Thomas Hoag, late alias datus of Haversraw, in Joseph Parker, of the county of Rockland, labourer, otherwise called Joseph Parker, now of the city of New-York, carman, on the 8th of May, 1797 at the said city of New-York, was lawfully married to Susan Fae ch, and the said Susan, then and there had for a wife, and that the said Thomas, alias &c. &c. afterwards, to wit, on the 25th day of December, 1800, at the county of Rockland, his said wife being then in full life, feloniously did marry, and to wife did take one Catharine Secor, &c. &c. &c.

To this the prisoner pleaded Not Guilty

Mr. Riker, District Attorney, prosecuted on the part of the People.

Washington Morton, and Daniel D. Tompkins, Esqs. were of counsel for Prisoner.

The testimony in the cause was as follows:—The first marriage was admitted by the counsel for the Prisoner, to be as stated in the indictment, and that the wife was still alive.

On the part of the prosecution.

The Betsey & Peggy, hence has arrived at Savannah.

The William & Jane arrived at N. York, in 54 days from Belfast, left there the ship Fillausbue, Beaty, to sail in 6 days for Baltimore.

Benjamin Coe, testified—that he was one of the Judges of the Court of Common Pleas, in the county of Rockland—That he well knew the prisoner at the Bar, that he came to Rockland in the beginning of September in the year 1800 and there passed by the name of Thomas Hoag, that there was a person with him who passed for his brother; but between these two persons there was no sort of resemblance, that the prisoner worked for the witness about a month, during which time he eat daily at witness's table, and he of course saw him daily—that on the 25th day of December, 1800, witness married the prisoner to one Catharine Secor, that witness is confident of the time because he recollects that on that very day, one of his own children was christened—that during all the time prisoner remained in Rockland county, witness saw him constantly, he was therefore as much satisfied that the prisoner was Thomas Hoag, as that he himself was Benjamin Coe.

John Knapp testified, that he knew the prisoner in 1800 and 1801, he was then in Rockland county, and passed by the name of Thomas Hoag, that he saw him constantly for five months during the time the prisoner was at Rockland—that he was at the prisoner's wedding; that Hoag had a scar under his foot; the way the witness knew it, was; witness and Hoag were leaping together, and witness put leaping Hoag, upon which he remarked, that he could not leap as well now as he formerly could, before he received a wound in his foot by treading

on a drawing knife—that Hoag then pulled off his shoes and showed witness the scar under his foot, occasioned by that wound: the scar was very perceptible—witness was confident prisoner at the Bar was Thomas Hoag.

Catharine Conklin (formerly Catharine Secor, but since married to one Conklin,) testified, that she became acquainted with the prisoner in the beginning of Sept. 1800, when he came to Rockland; he then passed by the name of Thomas Hoag—that witness saw him constantly, that prisoner shortly after their acquaintance, paid his addresses to her and finally on the 25th December, married her; that he lived with her to the latter end of March 1801, when he left her; that she did not see him again until two years after—that on the morning of his leaving her, he appeared desirous of communicating some thing of importance to her, but was dissuaded from it by a person who was with him and who passed for his brother—that Hoag until his departure, was a kind, attentive and affectionate husband—that she was as well convinced as she could possibly be of any thing in this world, that the prisoner at the Bar was the person who married her by the name Thomas Hoag that she then thought him and still thinks him, the handsomest man she ever saw. [Here the prosecutor rested the cause.]

DEFENCE.

Witness for the Prisoner.

Joseph Chadwick testified, that he had been acquainted with the prisoner Joseph Parker a number of years; that the witness resides in this city, a rigger by a trade—that the prisoner worked in the employ of the witness a considerable time as a rigger—that the prisoner began to work for the witness in September 1799, and continued to work for him until the spring of 1801—that during that period he saw him constantly—that it appeared from the witnesses books, that Parker received money from the witness for work, which he had performed on the following days, viz. on the 6th of October, and 6th and 13th December, 1800; on the 9th 16th and 28th of February, and 11th of March 1801—that Parker lived from May 1800, till some time in April 1801, in a house in this city belonging to capt. Pelor—that during that period and since, witness had been well acquainted with the prisoner.

Isaac Rockman testified, that he was an inhabitant of this city that he was well acquainted with Joseph Parker the prisoner at the bar, and had known him a number of years; that witness and Parker were jointly engaged in the latter end of the year 1800, in loading a vessel for a capt. Tredwell, of this place that they began to work on the 20th day of December, 1800 and were employed the greatest part of the month of January 1801, in the loading of the vessel; that during that time the witness and Parker worked together daily, that witness well recollects that they worked together on the 25th day of December 1800; he remembered it, because he never worked on a Christmas day before or since; he knew it was in the year 1800, because he knew that Parker lived that year in a house belonging to capt. Pelor, and he remembered their borrowing a screw for the purpose of packing cotton into the hold of the vessel they were at work at, from Mrs. Mitchell, who lived next door to Parker, that witness was one of the city watch, and that Parker was also, at that time upon the watch; and witness had served with him from that time to the present day upon the watch, and never recollects missing him at any time during that period from the city.

Aspinwall Cornwall testified, that he lived in Rutgers street, and had lived there a number of years; that he kept a grocery store; that he knew Parker the prisoner at the bar in 1800 and 1801 that Parker then lived in Pelor's house; that he only lived one year in Pelor's house, and that Parker while he lived there traded with the witness; that witness recollects once missing Parker for a week and on enquiring, found he had been at Staten Island, at work on board one of the United States frigates; that excepting that time, he never knew him to be absent from his family, but saw him constantly.

Elizabeth Mitchell, testified that she knew Parker the prisoner at the bar well, that in the year 1800 and 1801, Parker lived in a house adjoining to one in which the witness lived; that the house Parker lived in, belonged to capt. Pelor; that witness was in habits of intimacy with Parker's family, and visited them constantly, that Parker being one of the city watch, she used to hear him rap with his stick at the door to awaken his family, upon his return from the watch in the morning; that she also remembered perfectly well, Parker's borrowing a screw from her on Christmas day in 1800, she offered him some spirits to drink, which she got for him, the circumstance of her lending the screw to him, she was the more positive of from recollecting, also that it was broken by Parker in using it; that Parker never lived more than one year in capt. Pelor's house, and from that time to the present day, witness had been on the same terms of intimacy with Parker's family, she therefore considered it as almost impossible that Parker could have been absent from town any time, without her knowing it, and she never

knew him to be absent more than one week while he lived at Pelor's house.

James Redding testified, that he had lived in the city a number of years; that he had known Parker the prisoner at the bar, from his infancy, that Parker was born at Rye, in Westchester county; that Parker in the year 1800 lived in captain Pelor's house; that witness saw him then continually and never knew him during that time to be absent from town any length of time; that witness particularly remembered, that while Parker lived in captain Pelor's house, witness sometime in the beginning of the month of January 1801, assisted Parker in killing a hog.

Lewis Osborn, testified, that he had been acquainted with Parker the prisoner at the bar for the last four years; that witness had been one of the city watch, that from June 1800 to May 1801, Parker served upon the watch with witness; that at first Parker served as a substitute, that is, one who in case of the absence of a regular watchman, supplies his place; that witness remembered that Parker a few days after Christmas, in 1800, was placed upon the roll of the regular watch, in the place of one Hanson who was taken sick; witness was certain it was in the period above mentioned, because that was the only time witness ever served upon the watch; that during the above period witness and Parker were stationed together while on the watch at the same post; witness was certain that Parker, the prisoner at the bar, was the person with whom he had served upon the watch, and was confident, that during that time, Parker was never absent from the watch more than a week at any one time; (the prisoner's counsels here rested his defence.)

Testimonies on behalf of the Prosecution continued.

Moses Anderson, testified, that he had lived at Haverstraw, Rockland county; that he had lived there since the year, 1791; that he knew the prisoner at the bar well; that he came to the house of the witness in the beginning of September 1800; that he then passed by the name of Thomas Hoag; that he worked for the witness 8 or 10 days; that from that time till the 25 of December, prisoner passed almost every Sunday at witness's house; that during prisoner's stay in Rockland county, witness saw him constantly; that if the prisoner was the person alluded to, he had a scar on his forehead, which he told witness was occasioned by the kick of a horse; he had also a small mark on his neck [those marks the prisoner had] he had also a scar under his foot between his heel and the ball of the foot occasioned as he told witness, by treading upon a drawing knife; that that scar was easy to be seen; that his speech was remarkable; his voice being deep and hoarse; that he spoke quick and lisped a little [those peculiarities were observable in prisoner's speech] that prisoner supped at witness's house the night of his marriage, in December 1800; that witness had not seen prisoner until this day, since prisoner left Rockland, which was between three or four years ago, that witness was perfectly satisfied in his mind, that prisoner was Thomas Hoag.

Lavinia Anderson, testified that she knew prisoner at the bar, his name was Thomas Hoag, that in September 1800, he came to witness's house in Rockland county and worked for her husband for 8 or 10 days, then worked for Judge Saffin; every Saturday night, until the prisoner was married, he and a person who passed for his brother came to witness's house and staid till Monday morning—that witness washed for him; there was no mark upon his linen; that prisoner if he is Thomas Hoag, has a scar upon his forehead, he has also one under his foot, was certain of the mark under his foot because she recollects that the person who passed as his brother having cut himself severely with a scythe and complaining very much of the pain, Thomas Hoag told him, he had been much worse wounded, and then showed the scar under his foot.

Witness also testified, that about a year ago, after a suit had been brought in the Justice's court of this city, wherein the identity of the prisoner's person came in question witness was in town, and having heard a great deal said on the subject, she was determined to see him and judge for herself; that accordingly she went to prisoner's house, but he was not at home, she then went to the place where she was informed he stood with his car, that she there saw him lying on his cart with his head on his hand, that in that situation she instantly knew him; that she spoke to him, when he answered her she immediately recognized his voice; that it was very singular, shrill, thick, hurried, and something of a lisp, that Hoag had also a habit of shrugging up his shoulders when he spoke, this she also observed in prisoner, that prisoner said he had been told she was coming to see him, and it was surprising people could be so deceived; and asked witness if she thought he was the man, witness replied she thought he was, but would be more certain if she looked at his forehead; she accordingly lifted up his hat, and saw the scar upon his forehead, which she had often before seen; that prisoner then told her it was occasioned by the kick of a horse, witness added it was impossible that she could be mistaken—prisoner was Thomas Hoag.

Margaret Secor testified, that about 4 years ago she lived at Rockland, with her

father, Moses Anderson, that prisoner at the bar, Thomas Hoag, came to their house in September, 1804; that he remained in Rockland five or six months; that he had a scar on his forehead, that he used to come every Saturday night to pass Sunday with them, that she used to comb and tie his hair every Sunday, and thus saw the scar; that witness married about two years ago, and came immediately to live in this city; that after she had been in town a fortnight she was one day standing at her door, and she heard a cartman speaking to his horse; that she immediately recognized the voice to be that of Thomas Hoag, and upon looking at him saw the prisoner at the bar, and instantly knew him; that as he passed he smiled and said, how d'ye do cousin, that the next day he came to her house, and asked her how she knew he was the man—witness replied she could tell her if he would let her look at his head; that accordingly she looked and saw a scar upon his forehead, which she had often remarked upon the head of Hoag; witness admitted she had mentioned her suspicions to her husband, and that her husband had told prisoner of it, and had brought him to the house; witness added she was confident prisoner was the person who passed at Rockland as Thomas Hoag.

James Secor testified, that he had been married about two years and a half, that he brought his wife to town about a week after his marriage; that he knew Hoag in Rockland and had repeatedly seen him there; when he saw prisoner at his house in town, thought him to be the same person; witness's wife had mentioned to him, Hoag had a remarkable scar on his forehead, and when prisoner was at witness's house, he saw on his head the scar his wife had described.

Nicholas W. Cook testified that he lived in Rockland county, that he knew the prisoner at the bar, that his name was Thomas Hoag; that he could not be mistaken in the person; that Hoag had worked a considerable time for him; that during that time he had eaten at witness's table; that Hoag being a stranger and witness understanding he was paying his address to Catharine Secor, witness took a good deal of notice of him—thought him a clever fellow—saw a great deal of him—lived in a house belonging to witness; when witness saw prisoner at this place he knew him instantly, his gait, his smile (which is a very peculiar one) his very look was that of Thomas Hoag; witness endeavoured, but in vain to find some difference in appearance between prisoner and Hoag; he was satisfied in his mind that he is the same person—Hoag he thought was above 28 or 30 years of age; he thought Hoag had a small scar on his neck.

Michael Burke testified, that he lived in Catharine street, that he formerly lived in Haverstraw; that he saw prisoner several times at Haverstraw before and after his marriage in December 1800; that he was as well satisfied as he could be of any thing that prisoner was the same person he knew in Haverstraw; that about two years ago he met prisoner in the Bowery; it was at the time of the Harlaem races, prisoner spoke to witness, said am I not a relation of yours? witness replied I don't know—prisoner said I am, I married Cary Secor, (upon cross examination) witness admitted that he had had a quarrel respecting witness calling prisoner Tom Hoag; that the above conversation was after the trial in the Justice's Court & witness, when asked if he was at the trial, said he was not, when in interrogated particularly, whether he was not in the court room at the time, admitted that he was.

Samuel Smith was called merely as to the character of one of the witnesses on the part of the prosecution Mr. Knapp, and testified that he bore an unexceptionable character.

Abraham Wendell, testified, that he knew one Thomas Hoag, in the latter end of the year 1800; he was then at Haverstraw, that he had been very intimate with him, and knew him as well as he knew any man; that he had worked with him, that he had breakfasted, dined and supped with him, and many a time had been at frolics with him; and that prisoner at the bar was the same man; that he had no doubt whatever about it; that about a year ago, witness being in this city, was told by some persons, that Hoag had beat the Haverstraw folks in an action, wherein his identity had come in question; that witness told them he could know him with certainty; that they said they would send him to him, that day; that witness was aboard his sloop, saw prisoner at the distance of a 100 yards, coming down the street and his only knew him, prisoner came up to him and said immediately, Mr Wendell I am told you well know me; witness replied so I do; you are Thomas Hoag; that witness was as confident, prisoner is the person, as he was of his own existence.

Sarah Conklin, testified that she lives in Haverstraw; that in September 1800, a person calling himself Thomas Hoag was at witness's house, was very intimate there, used to call her aunt; is sure prisoner is the same person, never can believe two person could look so much alike; Hoag and prisoner talk, laugh and look alike, would know Hoag from among a hundred people by his voice; prisoner must be Thomas Hoag, had not seen prisoner since he left Haverstraw till today.

Gabriel Conklin, testified, that he lived in Haverstraw, that he knew Thomas

Hoag, that he was at witness's house in September, 1800, and often saw him; prisoner is the same person, witness can be two persons so much alike as not to be distinguished from each other; prisoner must be Thomas Hoag; Thomas Hoag had a scar on his forehead, and a small scar just above his lip, (prisoner had these marks.)

Further testimony in behalf of the prisoner.

James Juquar, testified, that he had known Joseph Parker the prisoner at the bar for 7 years past, that he had been intimate with him all that time, that they had both worked together as riggers until Parker became a cartman, knew Parker when he lived in captain Pelor's house, never knew him absent from the city during that time for a day, excepting when he was working on board of one of the United States frigates about a week at Staten Island—In the year 1799, prisoner hurt himself on board the Adams frigate, and then went to his father's in Westchester county, and was absent near a month, he was very ill when he left town; witness went with him and brought him back again, he was not then quite recovered; recollects perfectly Parker and some other company passing Christmas Eve at witness's house, the year that Parker lived in Captain Pelor's house, which was in 1800.

Susanna Wannell, testified, that she had known prisoner for six years past, she married witness's daughter, knew him when he lived in captain Pelor's house; Parker's wife was then ill, and witness had occasion frequently to visit her, saw prisoner there and almost daily, prisoner, excepting the time when he was sick and went to his father's in Westchester, has never been absent from the city more than one week since his marriage with witness's daughter.

It was agreed between the Attorney General, and the Consul for prisoner, that the prisoner should exhibit his foot to the jury, in order that they might see whether there was that scar which had been spoken of in such positive terms by several of the witnesses on the part of the people.

Upon exhibiting his feet, not the least mark or scar could be seen upon either of them.

In further confirmation of prisoner's innocence, there was then produced on his behalf.

Magus Beekman, who testified, that he was captain of the City Watch of the 2d district, that he was well acquainted with the prisoner, Joseph Parker, that he Parker had been for many years a watchman, and had done duty constantly upon the watch, that witness upon recurring to his books, where he keeps a register of the watches, and of their times of services, found that prisoner, Joseph Parker was regularly upon duty as a watchman, during the months of October, November & December 1800, and of January and February, 1801, and particularly that he was upon duty the 26th of December, 1800.

The Jury without retiring from the Bar, found a verdict of NOT GUILTY.

NEW YORK, July 6.

The 29th anniversary of the Independence of the United States was celebrated in this city on Wednesday with the usual demonstrations of joy, and with a spirit suited to the dignity of that important event. The societies, the military, and an immense concourse of other citizens, having assembled in the Park, formed a procession between 9 and 10 o'clock to the Brick Presbyterian Church in Breckman-street, where the Declaration of Independence was read by Mr. H. Robinson of the theatre, deputed by the Taylor's Society; and a well-written Oration was delivered by a masterly and impressive manner by Major J. W. Mulligan of the artillery. When the exercises in the church were completed the process on again formed, and marched with inverted order to the Battery, where the troops went through the customary evolutions, fired a feu de joie, and the company dispersed to their different places of meeting.

The number of troops in uniform who joined the parade, as communicated to us by an accurate observer, were,

Of the regiment of Artillery, Matrosses with muskets 200 Officers 17 Non commissioned officers with muskets 25 Music 30 With the four field pieces 60 —322

Infantry, Sixth Regiment 400 Officers 30 Non commissioned 40 Music 40 —410

Infantry Flank Companies belonging to the Brigade 300 Officers 35 Non commissioned 40 Music 30 —405

Cavalry officers and Non commissioned officers 100 Brigade Company of Artillery with 2 pieces 53

WHOLE NUMBER 1370.

Their appearance was splendid, and their military manoeuvres were conducted with uncommon skill and regularity.