High Court of Justice of the Province of Ontario. The affidavit is as follows.

I, Martha Jane Dill, of the City of Detroit, in the County of Wayne, in the State of Michigan, one of the United States of America, Spinster, make oath and say:

1. That I did, on the sixth day of April, one thousand eight hundred and eighty-two, personally serve Rosetta Nicholson, the wife of Peter Nicholson, with a true copy of the Notice hereunto annexed, marked "A."

2. That the said Notice was duly served upon the said Rosetta Nicholson at the said City of Detroit.

3. That I know the said Rosetta Nicholson.

Sworn before me at the town of Windsor, in the County of Essex, this 6th day of April, A.D, 1882.

MARTHA JANE DILL.

JOHN MCHUGH,

A Commissioner for taking affidavits in the H. C. J. in and for the County of Grey.

I need not say to hon. gentlemen conversant with legal proceedings, that an affidavit sworn before a commissioner of the High Court of Justice can only be evidence, and can only be read in a proceeding before the High Court of Justice, and therefore that the affidavit of this party, Martha Jane Dill, before a commissioner of the High Court of Justice of Ontario, is no oath at all any more than if that oath had been made before one of the messengers of the Senate, and that John McHugh had no power whatever to administer an oath to be used as evidence in the High Court of Parliament. His power to take an oath at all is limited by the terms of his commission, which simply allow him to take depositions and affidavits to be used in the court for which he is a commissioner. I think that is so very clear that I need not elaborate it. What is the great object in having this evidence under oath? It will be readily perceived that the object is two-fold: In the first place, the moral obligation imposed by an oath is one of the great securties for obtaining true evidence; in the second place the penalty which is imposed for perjury is a very great, often the greatest inducement to witnesses to tell the truth in giving evidence under oath. Now I venture to say, as a lawyer, that a dozen such oaths as this can be taken, and perjury cannot be assigned on them. I will not go so far as to say that in some cases where the oath is prescribed by the statute and may be irregular and wrongful that the party may not be indicted for misdemeanor, but certainly no party can be indicted for perjury for an oath of this kind; therefore the greatest security you have in many instances for the truth of such evidence as we desire on this most important step in the whole proceedings—the serving of the notice on the party whose rights are to be affected by the legislation of this House—is no evidence at all. It may be said that our rules authorize the Senate to receive evidence which will be satisfactory to it, but that does not mean illegal evidence; it only relates to the quantum of evidence, not to the kind. Certainly it was never intended that illegal evidence should be considered by the House on any occasion. Not only that, but if the commissioners taking that oath had no power to administer it, then it is an extra judicial oath, and he is liable to prosecution, and every one using such an affidavit is liable for the penalties imposed for extra judicial oaths under the law now on our statute books. This question of oaths is one so clear, and the functions and authority of this Parliament are so well understood that I cannot see how we have, on more than one occasion, allowed ourselves; as I admit we have in one or two cases, to fall into the irregularity of taking improper evidence of this kind, not however without objection from members of this House. The case is so clear that I am astonished that the irregularity has been allowed to proceed as it has done. It will be recollected that shortly after confederation, in the second portion of the first session, a bill was passed giving us the only power which we possess by which evidence under oath can be adduced at all before this Parliament. We had to pass a special Act for that purpose in 1868, the preamble of which is as follows:—

"Whereas it is expedient that the Senate should have power to examine witnesses at the bar on oath; and whereas it is also expedient that evidence taken before any select committee of either House of Parliament on a private bill should be available, if desired, before a committee of the other House to which the same bill is referred, and that for this purpose the select committee of the Senate and of the House of Commons on private bills, should be enabled to administer an oath to the witnesses examined before them; therefore Her Majesty, by and with the advice and