

HON. MR. POWER—We have to rely upon the certificate of the clerk. If the Senator has been here his name will be found in the journals. I regret exceedingly that we cannot have the Senator from Niagara back with us, because I think he was probably the most popular member in our House, and if there was any member for whom an exception might be made I think he was that one. I think, at the same time, it is a rather important question, and it is very doubtful whether we have any right to give this notice.

The motion was agreed to.

PRIVATE BILLS.

TIME FOR RECEIVING PETITIONS EXTENDED

The SPEAKER reported to the House that the time for receiving petitions for Private Bills will expire on Monday next.

HON. SIR ALEX. CAMPBELL moved that the time for receiving petitions for Private Bills be extended to Saturday the 9th February next.

The motion was agreed to.

The Senate adjourned at 3:35 p.m.

THE SENATE.

Ottawa, Monday, January 28th, 1884.

The SPEAKER took the Chair at three o'clock.

Prayers and routine proceedings.

THE GRAHAM DIVORCE CASE.

PETITION READ.

The SPEAKER submitted a certificate from the Clerk of the Senate that in the matter of the Graham divorce case the petitioner for the bill of divorce had paid in the fee of \$200.

HON. MR. KAULBACH presented the notice of service on the wife of the petitioner with a declaration, as prescribed by the 73rd rule of the House.

HON. SIR ALEX. CAMPBELL—Signed by whom?

HON. MR. KAULBACH—The declaration of service on the wife of the petitioner as required by the 73rd rule of the House.

HON. SIR ALEX. CAMPBELL—Before whom is the declaration taken?

HON. MR. KAULBACH—The declaration is taken before a Mr. Wyld, a commissioner for taking affidavits for the County of Carleton.

HON. SIR ALEX. CAMPBELL—Has the hon. gentleman examined the statute of last session in which provision was made in the Interpretation Act that this particular declaration might be made before certain persons? I do not know whether the commissioner referred to in this document is one of those persons.

HON. MR. KAULBACH—I have not looked into it, but I think the statute has been complied with—so I have been informed.

HON. MR. SCOTT—This is a declaration under the statute, not an affidavit.

HON. SIR ALEX. CAMPBELL—There is a provision made for the declaration. The question arose last session, and we passed an amendment in order to meet the difficulty which occurred then, and I fancy my hon. friend, if we are to pursue this law strictly, (and I think we ought to do so) must show whether this person, before whom the affidavit was taken, was entitled to administer the oath or affirmation.

HON. MR. KAULBACH—I think he is what he represents himself to be. I think he having represented himself to be such an officer that that is sufficient, unless it can be shown to the contrary.

HON. MR. SCOTT—The chief point which arises is whether under the statute what is called a solemn declaration under the Act of 1875 would supersede an oath of this kind. The Act to which I refer was passed to meet the case of extra-judicial oaths. This would not be an extra-judicial oath; it is required by