

Provision is made for the summoning of witnesses, and neglect or refusal to attend subjects the defaulter to the custody of the Usher of the Black Rod, as well as to the penalty of being obliged to pay all the expenses incurred.

The witnesses are examined and cross-examined, and the case made out by counsel subject to the ordinary rules of evidence.

Where the wife has no separate estate of her own, the House will order the husband to furnish means wherewith she may defend herself. In the *Campbell* case the petitioning husband was directed to pay the fees of the wife's counsel who opposed his application, which fees were taxed by the chairman of the committee at \$500. He was also obliged to deposit \$200 toward the payment of the expenses of her witnesses. Her counsel subsequently recovered from Campbell \$350 or \$50 a day for seven days for prosecuting the wife's cross petition for a judicial separation (*h*). In the *Gardner* case, the wife's counsel was allowed a retainer fee of \$20, and \$20 a day for each day's attendance. In the *Nicholson* case, the House directed the wife's counsel to be paid \$20 the first day, and \$10 each day thereafter and \$2 a day for herself for expenses in Ottawa (*i*).

The preamble is proved clause by clause. With respect to the evidence of adultery, it may be stated that whatever convinces the committee that the act has been consummated will be sufficient (*j*). Positive evidence of the fact is rarely attainable, and therefore in the great majority of cases the allegation of adultery is substantiated by circumstances from which inferences may be drawn.

The petitioner is invariably examined as to collusion or connivance, either of which is sufficient, if proved, to prevent the petitioner from obtaining relief.

At the conclusion of the evidence, counsel are at liberty to address the committee. The committee then report to the Senate whether the preamble has been proved or not, and counsel are

(h) *M. Dougall v. Campbell*, 4 U. C. R. 3-2. [This case was reversed on appeal, but the judgment of the Court of Appeal was never reported.—Ed.]

(i) The *Gardner* and *Nicholson* cases were both dropped after report by the select committee of the Senate.

(j) *Marquess*, p. 535.