

had been put by Senator Kaulbach, it was immediately, as appears by the Senate record, objected to by the Honourable Mr. Mackay, whereupon a lengthy discussion took place, the ruling having been actually given by the Committee before the formal answer of the witness that he refused to answer upon advice of counsel had been entered upon the record of the Senate proceedings. The reasons why counsel advised Mr. Dillon to refuse to answer, were a matter of legal appreciation and in view of the rules of the Senate respecting divorce, under which the objection was taken, and all the precedents respecting divorce, including the uniform practice of the Senate, as explained by Mr. Gemmill, they were justified in standing upon their strict legal rights in the premises.

The statement of opinion of the majority of the Senate Committee by Senator Gowan, chairman, given on page 3 of the Senate proceedings, amply explains what the attitude of the Committee was: the rule having been that unless there was a counter charge or some such condition of affairs as in England would justify the intervention of the Queen's Proctor, the Committee ought not under the rules, to ask such questions *ex propria motu*. Had Mr. Dillon been ordered to answer any question by the Committee, he would and must have answered, and no presumption is to be taken against him for his refusal. Any such inference is unfair and contrary to the rules of evidence.

Nor does the willingness with which Dillon answered the questions as to his fidelity up to the time of his visit to Paris necessarily or fairly imply that if he had been asked the questions to his conduct subsequent to that date, his answers would not have been quite satisfactory. No such legal inference can be made. Mr. Dillon answered all questions which were lawfully put to him. He was never ordered to answer any question, as to his subsequent conduct, and the right of Senator Kaulbach to ask such questions was distinctly objected to by *Senators themselves*, overruled by the Committee and stricken from the record. Mr. Dillon was never