

HON. MR. POWER—I would call the attention of the Minister of Justice to one circumstance in connection with this matter that does not exist in *viva voce* examinations in court. In this case both questions and answers are put in writing, and the witness has had time to consider them before coming to the Bar of the House, and therefore the objection of the hon. gentleman is not quite as strong as it would appear at first sight.

THE WITNESS—I served copies of the writings now shown to me marked A and B respectively, with the certificates thereon of the Clerk of the Senate upon the said Mahala Alvira Smith, on Tuesday the 17th February instant, at the residence of Charles Parkin, in the Township of Lambton, County of Victoria, Province of Ontario. I have known her for twenty years past.

HON. MR. PLUMB—I desire to call the attention of the Senate to the fact that the name of the respondent is not given correctly in any of the papers. In one it is called Mahilda. In another case it is called Mavilda, and the real name is Mahala Mavilda.

HON. MR. READ—I beg to move that the following question be put to the witness:—

“State the particular mode in which you effected such service of the writings A and B respectively on Mahala Avilda Smith.”

The motion was agreed to.

THE WITNESS—I served the said copies of the said writings A and B on Mahala Mavilda Smith personally by handing the same to her, and stating at the same time that the paper writings A and B were served on her that she might oppose the Divorce if she wished, and to let her know the matter was before the Senate.

HON. MR. READ—I move that the following question be put to the witness:—

“Is the person Mahala Avilda Smith, upon whom you served copies of the writings marked A and B respectively,

Mahala Mavilda, the wife of Charles Smith, of the Village of Campbellford, County of Northumberland, Province of Ontario, miller, formerly Mahala Avilda Zufelt.”

The motion was agreed to.

THE WITNESS—The person, Mahala Mavilda Smith, upon whom I served copies of the writings marked A and B respectively, is Mahala Mavilda, the wife of Charles Smith, of the Village of Campbellford, County of Northumberland, in the Province of Ontario, miller, formerly Mahala Mavilda Zufelt, from whom the said Charles Smith petitions for divorce.

HON. MR. READ—I move that the witness be now permitted to withdraw.

The motion was agreed to.

HON. MR. READ—I beg to move that the examination of the petitioner in this matter at the Bar of the Senate, as well generally with regard to any collusion or connivance between the parties, be for the present dispensed with, but that it be an instruction to any committee to whom the Bill upon the subject may be referred, to make such examination.

HON. MR. DICKEY—The collusion or connivance spoken of in the rule is collusion or connivance to obtain a separation, which is not mentioned in this motion.

HON. SIR ALEX. CAMPBELL—It was distinctly understood in these proceedings that it should appear in the resolution, or be stated by the hon. member in charge of the Bill, from his place that the petitioner was present and ready to be examined at the bar, and that fact was taken down in the minutes; and that, I think, ought to precede this motion. If the hon. gentleman will either state in his place, or put it in the resolution, that the petitioner is at the Bar of the Senate ready to be examined, it will be sufficient. It also should appear that he is ready to be examined in the way pointed out by the hon. gentleman from Amherst, that is, with reference to collusion for the purpose of obtaining a separation; the petitioner is to appear before the Bar of the Senate at the second reading of the Bill,