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APPENDICES
TO THE
NINETEENTH VOLUME
OF THE
JOURNALS OF THE SENATE
OF
CANADA.

Session, 1885.

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1885.

APPENDIX.

LIST OF APPENDICES.

- No. 1.—Evidence of Witnesses and Vouchers adduced before the Select Committee of the Senate on the Bill for the relief of Georg Louis Emil Hatzfeld.
- No. 2.—Evidence of Witnesses adduced before the Select Committee of the Senate on the Bill for the relief of Alice Elvira Evans.
- No. 3.—Evidence of Witnesses and Vouchers adduced before the Select Committee of the Senate on the Bill for the relief of Fairy Emily Jane Terry.
- No. 4.—Evidence of Witnesses and Vouchers adduced before the Select Committee of the Senate on the Bill for the relief of Charles Smith.

APPENDIX No. I.

MINUTES OF EVIDENCE

Heard on oath before the Select Committee of the Senate on the Bill intituled :
 "An Act for the relief of Georg Louis Emil Hatzfeld," together with the vouchers
 and exhibits adduced before the said Committee.

COMMITTEE :

The Honorable Mr. KAULBACH, Chairman.

The Honorable Messieurs

Botsford,
 Boyd,
 Lewin,

Macfarlane,
 Macdonald (B. C.),
 McClelan,

Montgomery,
 Turner.

THE SENATE OF CANADA.

In Re THE BILL (C) "AN ACT FOR THE RELIEF OF GEORG LOUIS
 EMIL HATZFELD."

On this, the second day of March, in the year of Our Lord one thousand eight
 hundred and eighty-five, personally came and appeared Georg Louis Emil Hatzfeld,
 of the City of Hamilton, in the Province of Ontario, Accountant, who being duly
 sworn and examined, as well generally as in regard to any collusion or connivance
 between the parties to obtain a separation, deposeth as follows :—

By Mr. Teetzel :

- Q. Are you the petitioner in this case ? A. I am.
 Q. Is the respondent your wife ? A. She is.
 Q. Where were you married ? A. In Mannheim, Grand Duchy of Baden.
 Q. When were you married ? A. On the 7th of August, 1869.
 Q. Were you married in a church ? A. Yes.
 Q. What church ? A. In the Protestant Evangelical Church.
 Q. By whom ? A. By Dr. Schollenberg.
 Q. Was he the minister of that church ? A. He was.
 Q. How long had he been the minister to your knowledge ? A. As long as I
 can remember.
 Q. Was he a Doctor of Divinity or a Doctor of Medicine ? A. He was a Doctor
 of Divinity.
 Q. Are there any of the witnesses to your marriage in this country ? A. No ;
 not to my knowledge.
 Q. Did you apply to the minister who married you for a certificate of mar-
 riage ? A. I did.
 Q. Look at this paper now shown to you, and see if it is the certificate that you
 obtained from him ? A. It was.

By Mr. McIntyre.

- Q. Was that given at the time ? A. It was given on the 25th of August, 1869.

By Mr. Teetzel:

Q. How was it that you did not get it sooner? A. We went away on our bridal tour just after we were married. (Certificate filed as Exhibit A).

Q. Whose name is that at the bottom of the certificate? A. Theodore Grenier, Minister of the Trinity Church.

Q. And had been for how long? A. As long as I could remember.

Q. And the seal is what seal? A. It is the seal of the Trinity Church.

Q. Are you and the respondent, respectively, the persons who are named in that certificate as having contracted the marriage? A. Yes, the same persons.

Q. Is there a connection between this church and State? A. Yes.

Q. It is the Established Church? A. Yes.

Q. Who has charge of the records of the marriages in that church? A. The minister who has charge of the church?

Q. It would be the man who signed this certificate, in this case? A. Yes.

Q. What records did he keep? A. He keeps the records of deaths, marriages and births.

Objected to.

Q. When did you leave Germany after your marriage? A. I left Germany on the 28th August, 1869, and got to New York about the middle of September.

Q. How long did you stay in New York? A. I stayed in New York until the 20th April 1870.

Q. And then where did you go? A. I was then engaged to go to Dundas in the County of Wentworth, Ontario.

Q. What did you do there? A. I was engaged as bookkeeper.

Q. With whom? A. In the Excelsior Oil Refining Co.

Q. Your engagement began when? A. On the 20th April, 1870.

Q. Did you take up house in Dundas? A. Yes, some months after that, after my wife came to me.

Q. Your wife did not accompany you at first? A. No, not at first.

Q. When did she arrive? A. It think it was in July, 1870.

Q. Did you take up house after she came out? A. Yes.

Q. At once? A. Yes.

Q. How long did you live in Dundas? A. I staid in Dundas until the end of March, 1873.

Q. Did you know Robert Klosterman?—A. I did.

Q. Who was he? A. He was the Superintendent of the oil refinery.

Q. And you were the bookkeeper for the Refinery Company? A. Yes. Later on I was outside in the refinery—more in the works. Of course he could not speak English, and he wanted somebody to assist him.

Q. Did your wife go away at any time from you? A. How do you mean.

Q. Did she go away from you—leave you at any time in 1873? A. Yes

Q. What time did she go away from you? A. She left on the 10th of May, 1873.

Q. Had you lived together continuously from the time she came out, in July, 1870, as husband and wife until she went away? A. Yes.

Q. Had you any children? A. Yes.

Q. How many children? A. One.

Q. You mentioned that she went away on the 10th May, 1873. Where did she go to?—A. She told me that she would go to her brother's in New York on a visit. I asked her not to go at the time but to stay with me; but she begged me to let her go, and I consented.

Q. Did you hear from her while she was there? A. Yes, I received a letter from her on the 28th May.

Q. Do you know how long she remained there? A. I do not know exactly. She wrote then to me that she would come back in a few weeks.

Q. You did hear from her by letter? A. Yes.

Q. Do you know how long she remained there? A. I do not.

Q. Do you know where she went from there? A. I subsequently heard that she went to Germany.

Q. Did you hear from her from Germany—did you have a letter from her from Germany? A. I did, in July 1873.

Q. Had you consulted with her, or she with you, about her going to Germany prior to that? A. No.

Q. Had she spoken to you about it at all? A. No.

Q. How long did she remain in Germany? A. Until, I suppose, July, 1877—I do not know what time she left there.

Q. When did she get back from there? A. The first I heard that she was back was on the 18th of August, 1877—that she was in New York.

Q. When did you see her first after that? A. I saw her first after that on the 28th August, 1877.

Q. Where did you see her? A. At the Grand Trunk Railway station in Hamilton.

Q. Where did you see her after that? A. At her brother's house in Toronto.

Q. Had you any conversation with her there? A. I had.

Q. Will you state what led up to the conversation, and what the conversation was?

Mr. McIntyre objects to any evidence of her admissions to her husband as proof of adultery and refers the Committee to McQueen, page 631, *Wiseman Divorce Case*.

The Chairman admits the evidence subject to the objection.

Q. What was the conversation? A. Towards the end of 1876, I had the first intimation of her infidelity, and all the time I could spare from my work I tried to follow the thread that I got, and found conclusively that she had committed adultery. I wrote home to my mother and my mother showed her this letter, and after she came back from Germany I met her at her brother's house and there I had a conversation with her. I asked her if she knew what was in the letter I had written to my mother, and if it was true. She commenced to cry, and I said to her "Is it true that you had criminal connection with Robert Klosterman?" She would not give me an answer first. She commenced to cry, and I said "No answer is an answer in the affirmative; but I want to hear it from your own lips, and tell me the truth by the memory of your deceased father." So she said "I did have criminal connection with Klosterman."

By the Chairman:

Q. That was at her brother's house? A. Yes, this conversation was at her brother's house.

By the Honorable Mr. McFarlane:

Q. Was there any other person present on that occasion? A. No. Then I asked her: "How did you come to have criminal connection with Klosterman? He is old enough to be your father, and he has a daughter older than you are?" She said: "Well, spare me! spare me!" I told her that I understood she had said that the child was Klosterman's child and not my child. I asked her "Is that true?" She would not answer me. I asked her over and over again, and she did not give me an answer. I said "No answer, you understand, is an answer in the affirmative; but I want you to tell me is this true or not?" I could not get an answer to that question from her then, but she did not deny it. I said to her "If you can deny it do so by all means," and before I questioned her I told her if she could defend herself—if any of those charges were not correct by all means to tell me, and I would defend her under all circumstances; that I would take her side first before I would take anything if she could deny any of the charges that I held against her. She then asked me if I could not forgive her, and what I intended to do. I told her that under those circumstances I could not live with her again, for if I could not have confidence in her there was no use for us to live together—that I could not live that way. I had trusted her always and never had any suspicion, but if she had deceived me so, I could have no more confidence in her.

By Mr. McIntyre :

Q. Was any allusion made to any particular time of the intercourse? A. Yes. Klosterman's daughter had been sick, and Miss Klosterman asked me if I would allow my wife to go with her to the sulphur bath in Preston. I told her I did not object, and they went together. I told her that I understood that it was about that time that her infidelity commenced.

Q. What year was that in? A. They went to Preston in the latter part of 1871, until the beginning of October.

Q. Did they return about the beginning of October?—A. They came back about the beginning of October.

By the Chairman :

Q. Who came back? A. Miss Klosterman and Mrs. Hatzfeld. Mr. Klosterman used to go up to see them. I have been there once myself, on a Sunday, to see them. So she told me, "No, it did not commence there," although he tried it, but she had resisted. I said, "Well, when did it commence?" I told her that I understood then that it was shortly after her return. She said, "Yes, it was shortly after we did return, in our own house; he just carried me from the parlor to the bed-room and I yielded. I told her that was what I understood from what I had heard before, and she said it was so.

Q. Was there anything else that she said? A. Then I asked her what about the child? I said, "I understood that you said that the child was not my child?" She did not answer me, but she did not deny it.

Q. You have told the whole of that conversation? A. Yes; I told her then that under the circumstances I could not live with her any longer. She said "Don't let it be your last word; consider it and see me again."

Q. I understood you to say that this was in her brother's house, and no one was present?—A. No one was present at that conversation.

Q. Did you see her again? A. I did, a fortnight after that.

Q. Where? In the same house.

Q. Had you any conversation then with her? A. I had.

Q. Was any person present? A. Not that I can remember.

Q. Had you any conversation in the presence of her brother?—A. I had subsequent to that.

Q. When? A. I told her that I would have to tell her brother about it in order that he would understand why I would not live with her. In fact her brother's wife died the day after she arrived in Toronto, and her brother asked me to let her stay with him until he would get a housekeeper, consequently her brother was in great trouble at the time.

Q. What is her brother's name? A. Peter Freyseng. He was in great trouble and distress on account of the loss of his wife, and she begged me very hard to tell him nothing of our conversation.

Q. Go on and state what you were going to say, if anything? A. So I did not tell her brother anything at the time, and in October, not having heard from her brother—the last time I saw her before that was the 14th of September, and she told me then that she would tell her brother herself the circumstances. I thought her brother would have written to me if she had communicated anything of this affair to him, and not having heard from him I some time in October, wrote to her brother stating that I could not—

Q. Never mind what you wrote, just say what you said?—A. Yes, just to inform him of the reason why I never made my appearance again in Toronto. Then he wrote me some time later in the spring, in the beginning of 1878, that he would like to speak to me on certain affairs, and I should come down to see him, so I went on the 2nd of March, 1878, to his business place, and from there we went to the house, and I asked the respondent to come in from the kitchen and tell her brother what had taken place. I had written the whole story to the mother of the respondent, and her brother sent my letters to the brother in Toronto, asking to see how things were, and on that account he asked me to come to Toronto.

Q. Just say what you did when you got down there? A. I asked her to tell the truth of all just before her brother just as she had told me, and then she made the same confession before her brother, Peter Freyseng, as she had made before me and in my presence.

Q. She lives with her brother Peter Freyseng now, does she? A. Yes. She said there that all I stated was true.

Q. State how it was; state what was said; what reference was made to anything else? A. Before her brother?

Q. Yes. You had better give the whole conversation between her brother and you and her on that occasion? A. Well, I asked her to tell now, to tell her brother, as I have said in my letters that she had criminal connection with Robert Klosterman, to say whether that was true; and she said it was; and her brother also asked her to tell the truth and nothing else. Then I asked her about the child in the presence of her brother, the same as I had done before; and she did not deny it; she would not answer to the question.

Q. What year were your suspicions first aroused in this direction? A. The latter part of 1876.

Q. Why had not you brought proceedings here before for divorce; what reason had you? A. I did not have the means; I found out it was a very expensive proceeding, and I did not have the means to do so.

Q. Did you cause a suit to be brought against Klosterman? A. I did. (Exemplification of judgment fyled, Exhibit B.)

Q. Did you ever realize anything out of it from him? A. I did not.

Q. The judgment is for a thousand dollars? A. Yes.

Q. What year were the proceedings taken? A. In 1879.

Q. You did not take proceedings against him immediately after you discovered the criminal intercourse had been going on? A. No.

Q. How was that? A. I did not know where Klosterman was at the time.

Q. He was away at the time? A. He was away; he had left in 1874.

Q. Did you realize anything under that judgment? A. I did not.

Q. Did he remain in the country any length of time after you obtained it? A.

No.

Q. What became of him? A. He left the country, going to Cleveland. I tried to find him in Cleveland, and the answer I got from there was that he had been there, but had left.

Q. And where was the last you heard of his whereabouts? A. Then later on I heard that he was in London; I think that was in 1880; I heard that he had returned to London, Canada West; and I went up to London expressly to find out, and went to the hotel where he boarded. The owner of the hotel told me that his daughter had a letter received the same date that he was in Russia.

Q. He has not been back in Canada that you have been able to find out since. How long did he stay after you got the execution against him?—A. He went away about two hours before the sheriff arrived at the house. I had immediate execution at the time. (*Fi. fa.* and execution addressed to sheriff fyled as Exhibit C.; and certificate that Klosterman had no lands fyled as Exhibit D.)

Q. You never realized a dollar on that? A. No.

Q. And you had to pay the costs? A. I had to pay the costs.

Q. I understand you to say the minister who married you is dead? A. Yes.

Q. You said before that your wife was living with you during the time of this alleged adultery, and under your protection? A. Yes.

Q. And was not released from you by deed in any way or otherwise? A. No.

Q. Has there been any collusion, directly or indirectly, on your part, relative to any act of adultery that may have been committed by your wife? A. No.

Q. Has there been any collusion, directly or indirectly, between you and your wife or any other persons, touching these proceedings for divorce, or touching any action at law that may have been brought against Robert Klosterman? A. No. I brought the action against Robert Klosterman, and told her I would apply for a divorce.

Q. Has there been any collusion, directly or indirectly, with reference to this application for a divorce, or that action against Klosterman? A. No.

Q. With any person? A. No.

By the Chairman:

Q. Has there been any secret agreement between you and the respondent that you should institute these proceedings against her in order to obtain a divorce so that you or she may marry again? A. No.

By the Honorable Mr. Botsford:

Q. Have you had any intercourse with the respondent as man and wife since you first heard of her committing adultery? A. No.

By Mr. Teetzel:

Q. Have you had any communication with her more than those two or three occasions you mentioned—once at the station at Hamilton, and twice at her brother's house? A. Once at the station at Hamilton and twice at her brother's house—three times at her brother's house; it was the 1st of September, the 14th September, and the 2nd March of the following year, and in the latter part of June, 1880, for she came to my office in Hamilton one day—I cannot remember exactly the date, but it was the latter part of June—she came to my office with her brother.

Q. I understand you to say that you have not in any way cohabited or had any intercourse with her since you learned that she had committed adultery? A. No.

Mr. McIntyre asks permission to postpone the cross-examination of this witness until he has had time to consult his client.

Permission granted.

And further deponent saith not and hath signed.

L. E. HATZFELD.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate, to }
 whom was referred the Bill intituled: }
 "An Act for the relief of Georg }
 Louis Emil Hatzfeld" at the Parlia- }
 ment Buildings in the City of Ottawa, }
 in the Province of Ontario, this second }
 day of March, in the year of our Lord }
 one thousand eight hundred and }
 eighty-five. }

H. A. N. KAULBACH,

Chairman of the said Committee.

On this second day of March, in the year of our Lord one thousand eight hundred and eighty-five, personally came and appeared Adam Harvey, of the City of Ottawa, in the Province of Ontario, Patent Solicitor, who being duly sworn and examined, deposesh as follows:—

By Mr. Teetzel:

Q. You reside in Ottawa? A. Yes.

Q. Are you a solicitor of patents? A. Yes.

Q. Are you a German by birth? A. Yes.

Q. Do you understand the German language? A. Yes.

Q. You speak it freely? A. I do.

Q. You read and write it? A. I do.

Q. And you likewise speak freely and read and write the English language?
 A. I do.

Q. Will you look at this document, Exhibit A, and also at this marked E; will you state whether Exhibit E is a true translation in English from the German of Exhibit A? A. It is.

And further deponent saith not and hath signed.

A. HARVEY.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Georg Louis
Emil Hatzfeld," at the Parliament
Buildings, in the City of Ottawa, in
the Province of Ontario, this 2nd day
of March, A.D. 1885.

H. A. N. KAULBACH,

Chairman of the said Committee.

On this second day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Julius Winckler, of the City of Hamilton, Province of Ontario, machinist, who, being duly sworn and examined, deposesh as follows:—

By Mr. Teetzel:

Q. Where do you live? A. In Hamilton.

Q. Do you know both the petitioner and the respondent? A. I do.

Q. How long have you known them both? A. Fourteen years—over fourteen years.

Q. What is your occupation? A. Machinist.

Q. Were they living together as man and wife in Dundas? A. They did—as far as I know, they did.

Q. What do you know about that? Were you ever in Dundas? Were you ever in their house in Dundas? A. Yes; once.

Q. Were they keeping house there as husband and wife? A. Yes.

Q. How long did you know them in Dundas? A. Three years.

Q. Did you keep a hotel in Hamilton at any time? A. At that time I kept an hotel there.

Q. What years were those that you kept an hotel? A. I kept an hotel from 1869 to 1874 in that place.

Q. Did you ever see the respondent in your hotel? A. I did.

Q. Do you know Robert Klosterman? A. I do.

Q. What was he? A. He was the manager of the coal oil refinery in Dundas.

Q. Was it the same refinery that Hatzfeld was employed in? A. Yes.

Q. Did you ever see Robert Klosterman and the respondent in your hotel? A. I did.

Q. Do you remember any particular incident occurring at any time between them? A. I came once in the sitting room; Mrs. Hatzfeld was sitting in front of the piano and Klosterman stood behind her, and she turned her head and he kissed her.

Q. What did she do? A. Nothing.

Q. Did she do anything at all? A. I did not stay there long that time.

Q. Did she show any resentment? A. I do not think she had any chance.

Q. Did she appear angry? A. Well I cannot say.

Q. Did she look to you angry? A. I do not think she saw me at all.

Q. Did you see her do anything which would show that she looked upon it as an insult—strike him, or resent it, or do anything of that kind? A. No.

Q. What time was this? A. That was in 1872.

Q. In the sitting room in your hotel? A. Yes.

Q. Did you see any other incident after that? A. Yes, once I went out into the yard, and stood near the window, and I accidentally looked in and saw them both sitting on the sofa, close together, arm and arm round the neck, and his other hand under her dress.

Q. You saw that? A. Yes.

Q. What were you doing there? A. I stood in the corner.

Q. Were you standing there long? A. No; not long.

Q. Had you occasion to be there at that window? A. Yes.

Q. What were you doing? A. I was letting my water.

Q. You were there at that time? A. Yes.

Q. And while you were standing there doing what you say? A. I just accidentally looked in.

Q. And saw what you say? A. Yes.

Q. When did you first mention this to Hatzfeld? A. In 1876.

Q. What was the year when you saw this incident through the window? A. 1872.

By the Chairman:

Q. How long after the kissing? A. How long after the first?

Q. Yes? A. I could not say exactly the time, but it must have been some time after that.

By Mr. Teetzel:

Q. How long after—give an idea? A. Several months.

Q. Were they frequently at your house together? Were they there more than the two occasions you have mentioned? What time of day did this last event happen?—A. It was in the evening.

Q. When which happened? A. When they were sitting on the sofa.

Q. And what time of day did the other happen? A. That was in the daytime.

Q. I was asking you before when did you first tell Mr. Hatzfeld, the petitioner, of what you saw? A. In 1876.

Q. How did you come to tell him? A. He was in my shop and appeared to be a kind of down-hearted, and I asked him what was the matter with him. Well, he said he had a good deal of trouble on his mind. That was the first time I mentioned anything of it.

Q. Where was his wife then? A. In Germany.

Q. What did you say then to Hatzfeld? A. Well, I asked Hatzfeld if he thought his wife always had been faithful to him, and he looked at me—he seemed to kind of—did not understand me—what I meant. I told him not to be angry, and I says, "Hatzfeld, I see there is a good deal of trouble on your mind, and I merely put that question." That was the first time I mentioned anything of this.

Q. Did you tell him then what you have told us now? A. Yes, I told him then. He was asking what I had seen about it and I told him.

By the Honorable Mr. Botsford:

Q. How often were these parties at your house? A. Oh, they came there often—once or twice a week.

Q. Was the husband with them any time? A. Yes, but as Klosterman could not speak the English language Hatzfeld had to go out and do the business in the city, and Klosterman remained in the house.

By Mr. Teetzel:

Q. I understand you to say then, that Hatzfeld was not in the house on the occasions you have spoken of? A. Oh, Hatzfeld was not there at that time; he was in the city but not in the house.

Q. Were they there more than those two times together in your house? A. Oh, yes.

Q. And where would they generally be while they were there—what part of the house? A. In the sitting-room.

Q. You stated before, that it was a common thing for them to be there; that he remained in the house as he could not speak the English language. A. Yes, and Hatzfeld went to do the business.

Mr. McIntyre asks permission to postpone the cross-examination of this witness until he has consulted with his client.

Permission granted.

And further deponent saith not and hath signed.

JULIUS WINCKLER.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the Relief of Georg
Louis Emil Hatzfeld" at the Parlia-
ment Buildings, in the City of Ottawa,
in the Province of Ontario, this 2nd
day of March, A.D. 1885.

H. A. N. KAULBACH,

Chairman of said Committee.

On this second day of March, in the year of our Lord one thousand eight hundred and eighty-five, personally came and appeared Mary Schick, of the City of Toronto, Province of Ontario, who, being duly sworn and examined, deposes as follows:—

By Mr. Teetzel :

Q. Where do you reside now, Mrs. Schick? A. I reside now in Toronto.

Q. You are a married lady? A. I am.

Q. Where is your husband occupied? A. He is occupied in the Dundas Oil Refinery.

Q. He is not at home all the time? A. No.

Q. He does come home? A. Occasionally.

Q. And do you go up there to see him? A. Yes.

Q. What does he do at the oil refinery? A. He takes care of the business.

Q. How long has he been in that position? A. He has been there eleven or twelve years.

Q. You resided in Dundas at one time yourself? A. I have.

Q. With your husband? A. Yes; I resided in Dundas over 22 years.

Q. And how long have you resided in Toronto? A. Since May of this year, —1884.

Q. You are living there keeping house with whom? A. With my two sons.

Q. And any other member of your family there? A. My daughter; one daughter.

Q. Single daughter? A. Single daughter.

Q. You are all living there together? A. Yes.

Q. Your sons are engaged in business in Toronto? A. Yes.

Q. Now, you have known the petitioner, Mr. Louis Hatzfeld? A. I have.

Q. And the respondent? A. I have.

Q. Since when have you known them? A. I have known Mrs. Hatzfeld since 1871; she came out in 1871.

Q. What time in 1871 did you first become acquainted with her? Q. I could not tell exactly; it was in that year; could not tell the month.

Q. Early part of the year? A. No, it was the latter part of the year.

Q. What was the occasion of your acquaintance? A. I met her first in a friend's house, her friend, at Mrs. Goodwill's; she came there to dinner, her and her husband. That is the place I got acquainted with her.

Q. And you are well acquainted with her from that time? A. Not well acquainted from that time.

Q. When did you become well acquainted with her? A. In 1872.

By the Chairman :

Q. Is that the husband you are speaking of? A. I knew the husband before.

By Mr. Teetzel :

Q. What time was this? A. In the spring; could not tell the month.

Q. And you were intimate friends how long? A. We were intimate friends until she left Dundas.

Q. That is said to be in the spring of 1873? A. Yes.

Q. How long have you known the husband? A. I have known him by sight since 1870, and got acquainted with him in 1871; and then we were intimate friends, him and her and me, in 1872.

Q. Now, whereabouts was your house in Dundas, with reference to the oil refinery? A. It was in the yard of the refinery, on the outside like.

Q. Who was the manager during that time, from 1872 to 1873? A. Robert Klosterman.

Q. And did you know him well? A. I have known him well.

Q. Did Mrs. Hatzfeld ever come to your house? A. She did come to my house after we got intimately acquainted; she came to my house.

Q. Often? A. Yes, quite often. After the baby was born she came quite often.

Q. When was her baby born? A. In July, 1872.

Q. And were you at the house at the time? A. I was there at her confinement.

Q. You were called upon as a friend? A. Yes.

Q. Did she frequently call at your house after that? A. Yes, she did.

Q. And had she called before? A. Yes; she had called before.

Q. I understand there are not many German families in Dundas? A. No, not very many.

Q. Did Klosterman's family live there? A. They did live there at the time.

Q. He was a married man? A. Yes, he was.

Q. And what family had he? A. He had one daughter and son and his wife.

Q. Were you intimate with his family? A. Yes; I was.

Q. And was Mrs. Hatzfeld? A. Yes, Mrs. Hatzfeld was intimate with the family.

Q. Did Klosterman ever come to your house when Mrs. Hatzfeld was there?

A. Yes, he did.

Q. More than once? A. Yes; they met occasionally there; quite often, by accident.

Q. Your house was near the refinery? A. Yes.

Q. How far would it be from it? A. Oh, about three minutes walk.

Q. And you say they met there quite often; during what year? A. In 1872.

Q. Will you state the circumstances of a particular occasion when they met there; and state the time? What time was this particular occasion? Did you notice anything peculiar that you remember distinctly? A. That was in 1882, in autumn.

Q. In 1882? A. No, in 1872; in autumn; I cannot exactly remember the month, but I know it was in the autumn, in October or November; I cannot exactly say.

Q. Will you state to the court, just in your own words, what you saw and all the circumstances at the time which occurred? A. Mrs. Hatzfeld was then visiting in my house the day; came for the day; and Mr. Klosterman came up at the time and I took her child and went out in the back kitchen, and when I came in I met them in my room, the two together.

Q. In which room? A. In my bedroom, the two together.

Q. Where was your bedroom? A. My bedroom was off the parlor.

Q. Where did you leave them? A. I left them in the parlor.

Q. And the baby was were? A. I had the baby in my arms.

Q. And you went out to the kitchen? A. I did.

Q. And how did you come to go back? A. The baby was crying and I went back.

Q. How long were you absent from the time you went out; how many minutes would it be? A. Could not exactly tell that; it might have been twenty or twenty-five minutes; I could not say.

Q. Something like that? A. Something like that; could not say.

Q. Well, you went back because the baby was crying for its mother, I suppose? A. Yes.

Q. Well, when you opened the parlor door, could you see the bedroom from there? A. I did.

Q. They were in the bedroom; were they standing up then? A. Yes, they were standing up.

Q. Just describe exactly what you saw? A. I did not see anything, only I seen their clothes were very disorderly, and so was the bed.

Q. Had the bed been made up that morning? A. It had.

Q. And was it disorderly when you went out of the room when you left there first? A. No.

Q. You say the bed was disorderly when you came back and found them in there? What appearance had it; was it much disordered? What did it look like? Were the covers turned down or what? A. No, the covers were not turned down, but it was all mixed; and her clothes were not in order, neither were his.

Q. Had it the appearance of anybody having been on the bed? A. Yes, it had.

Mr. McIntyre—I certainly object to direct questions.

Q. You spoke about their clothes being disordered; will you state to the Committee what was disordered about his clothes? This is a court of justice, and you are expected to state exactly what you saw? A. I have not seen anything, only his clothes were not in order.

Q. Which part of his clothes were not in order? A. Well, his dress was open in front; that is all I can say.

Q. His pants or his vest? A. His pants.

Q. His pants were open in front? A. Yes.

Q. Now, you have stated that about his clothes, will you state what was disordered about her clothes? A. I could not say much about her clothes; her clothes were just crushed, and she did not look the way I left her; her clothes did not look the way I left her; her clothes were ruffled.

By the Chairman:

Q. Do you mean her face when you say her appearance? A. Her appearance and her clothes; I cannot remember her face; I did not look.

By Mr. Teetzel:

Q. Did you hear anything before you opened the door? A. I did not; the baby was crying, and I could not hear anything.

Q. Was the parlor door shut when you went to it? A. Yes; the door was shut between the kitchen and the dining room and the parlor, and I closed that myself on going out.

Q. Were they standing near the bed when you first saw them? A. No, they stood in the middle of the room.

Q. Which way were their faces? A. Their faces were towards the door.

Q. That is like coming out of the bedroom? A. Yes.

Q. Will you relate what took place, what you said, and what she said, and what he said in her presence when you came in that way? Did you go into the bedroom? A. I did not.

Q. Where did you see the bed from? A. Just right from the room where I stood.

Q. Now, then, will you state what was said on that occasion? A. I cannot remember what I said. I know she felt pretty bad; and he was a very bold man; he would not make any defence to it.

Q. Did you make any? A. I asked her what happened, and she told me; she did not deny it; she told me he would not give her any peace till she went in the room with him.

Q. Did she tell you what happened? A. I cannot say.

Q. Do you recollect what you said to her when you met them there, and what she said? A. Well, she told me Mr. Klosterman wanted her to come in the room with him for a criminal purpose.

Q. Did you say anything then to them? Did she say what was done? A. That is all I said to her; yes, she told me what was done. I did not say anything to Mr. Klosterman at the time. Afterwards I told him I would not have such conduct in my house again or I should tell Mr. Hartzfeld; and then he said if I did he would do something desperate.

Q. He said that? A. Yes.

Q. Hatzfeld was then in his employment? A. Yes.

Mr. McIntyre: Anything he said is not evidence against us.

The Chairman: Anything said in her presence is; it is part of the *res gesta*.

Q. Now, you say she told you what was done. Was the purpose for which they went in accomplished? A. That purpose was accomplished.

Q. Did she tell you that? A. She did tell me that, from her lips.

Q. Did you have a talk with her on that occasion about her conduct or anything? A. No; I asked her occasionally what she meant to have anything to say to an old man, old enough to be her father, and she told me then that she loved the man.

Q. Did she tell you why she loved him? A. Yes, she told me he looked like a gentleman friend of hers, an intimate friend of hers in Europe, and that was the reason she loved him.

Q. Did you go on and pursue the talk any further then? State what else was said about Klosterman? Did you ask any further questions? A. That same day?

Q. Yes, that same day? A. There was nothing further said. Mr. Klosterman went to his business, and Mrs. Hatzfeld staid to dinner to my house.

Q. What time of the day was that? A. That was between eleven and twelve; it was dinner hour.

Q. Before dinner? A. Yes.

By the Honorable Mr. Macfarlane:

Q. Where was Mr. Hatzfeld then? A. He was at his business.

By Mr. Teetzel:

Q. Had you at any subsequent time, and, if so, state how long after this occasion, any talk with her about Klosterman—any time subsequent to that? A. I could not tell.

Q. Could not remember if you had? A. No. We often talked over the affair, but I could not remember what was said or anything. I never thought it would come to be anything I would have to tell. I left there.

Q. Did you ever ascertain how long they had been acquainted; did she ever tell you anything about that? A. Well, I asked her once a question about that. She told me they were in Preston in the summer—I think it was 1872, if I am not mistaken—1871—I could not remember exactly—Well, Mr. Klosterman tried then his best, but she did not give in to his purpose; and then shortly after, I could not tell how long; anyway it was in the same year, when Mr. Klosterman came to her house, and he took her in the parlor and carried her to the room. That is what Mrs. Hatzfeld told me.

Q. Did she tell you what he did in the room? A. He carried her to the bed; no, she did not tell me; I did not ask her; she said that was the first time he ever had intercourse with her.

Q. Did she say anything about any intimacy after that, from that time on? A. No, that was the first time, I understood her.

Q. Did she tell you about any other particular time? A. No; not as I can remember.

Q. Do you know, from anything she said, or anything said in her presence, whether the improper intimacy continued from the time in 1872 when she came back from Preston? A. No, I could not tell what time it was.

Q. Did you and she ever talk about it any other times? A. We never talked about the affair at all till after the child was born. There was never anything suspected: I never suspected anything of the kind, for I loved Mrs. Hatzfeld.

Q. You were fond of her then? A. Yes.

Q. Had you ever any talk with her about the keeping of the child, or about the child? A. No, there was nothing said about the child till the time she made up her mind to go to Europe.

Q. What was said then? A. I tried to persuade her not to go to Europe, to stay in this country, and stay by her husband. Of course they got down in the world a little, and I told her I thought it was her duty to stay till they worked their way up

again; and she said no, she would not do that; she would go to Europe to her friends. Then I said "Well, Mr. Hatzfeld can keep the child." She says "The child is not his." Of course those are not the words; they were spoken in German.

Q. She said the child was not his? A. Yes; and I says: "That is a different thing." And she says: "Look at her; who does she look like?" Those were the words.

Q. Did she mention anybody else's name? A. Yes, I think she said "Does not she look like a Klosterman?" We have frequently talked about that—that the child did really look like a Klosterman; but you cannot always go by looks.

Q. And the fact of its having looked like a Klosterman led to considerable conversation between you and her about it? A. Yes.

Q. Did she ever tell you at any other times than the times you have mentioned anything about the improper intimacy, whether continued or not? A. I could not say; they left Dundas in 1873, and I did not see much of her.

Q. I am asking whether it continued from the fall of 1871 on until they left Dundas? A. No; she did not tell me anything; I never asked her. I met old Mr. Klosterman there at her house.

Q. During what time? A. During Mr. Hatzfeld's absence.

Q. In what year? A. In 1872.

Q. And in 1871? A. In 1871 I was not intimate with Mrs. Hatzfeld.

Q. But you frequently met him there in Mr. Hatzfeld's absence? A. Yes.

Q. Just when you dropped in? A. Yes.

Q. Did you ever meet him there when nobody else was there but he and she?

A. Yes, they were very intimate friends, and of course I did not think anything of it until after she told me.

Q. Was Mr. Hatzfeld in the habit of being absent from home very much? A. Yes, he was from home a great deal.

Q. At nights? A. He had to work a great many times at night, all night in the refinery.

Q. And did you ever see Robert Klosterman there at night when Mr. Hatzfeld was away? A. Yes, I met him there, but I saw nothing suspicious when he was there. I would call and go away again.

Q. Did you ever call and find him there at night? A. No, not at night.

Q. Did you ever drop in in the day time and find him with her? A. I cannot remember.

Q. How was it that you said a while ago that he was often there while Mr. Hatzfeld was away? A. He often came in, and I suppose I often met him there, but I cannot tell whether he came there before me or after me. It is a good many years ago, and I do not remember.

Q. But he was there with Mrs. Hatzfeld without any other person but himself and her being present? A. Yes, and his coachman waiting outside.

By the Chairman:

Q. That is while Mr. Hatzfeld was away? A. Yes.

By Mr. Teetzel:

Q. Have you seen him there without his coachman outside waiting? A. I cannot say that I did.

Q. Were you ever in the house when Klosterman and she were there together and they were disturbed in any way—when any surprise took place? A. I think one evening, I could not say what day or what month it was, Mr. Hatzfeld was not in the refinery then, and was that day either in Hamilton or some other place, and Klosterman came in. I could not tell whether he came in after me or not, but I was talking to the baby, and carrying him round.

Q. Where were you? A. The three of us were in the kitchen—Klosterman, Mrs. Hatzfeld and myself.

Q. And where did they go? A. They two went into the parlor and left me in the kitchen.

Q. And did they shut the door behind them. A. Yes. Then some one came in by the gate, it was the servant, and Mrs. Hatzfeld and Mr. Klosterman came out of the parlor very quickly.

Q. Could you hear the gate open? A. Yes, the gate was near the house.

Q. And you say they came out very quickly? A. Yes.

Q. Were they in the room long? A. I could not tell.

Q. Could you give an idea of the time? A. I cannot exactly tell; it might be five, ten, fifteen or twenty minutes, I could not say now.

Q. It was not just an instant? A. No.

Q. How did they appear when they came out? A. I could not tell you; it was then dark.

Q. How did you notice that they came out quickly? A. Mr. Hatzfeld was expected every minute, and I suppose they thought it was Mr. Hatzfeld.

Q. What was the remark which attracted your attention to the way they came out? A. Because I saw things in my own house that I was always suspicious of and thought it was not right.

Q. Did they walk out slowly or how? A. No, they came out very quickly.

Q. Before this occasion that you have spoken of, in your house, when you saw what you said you did, were they ever there together in your parlor alone? A. I cannot tell. They met there, but I cannot tell whether they were alone or not. I suppose they were alone because Mr. Klosterman was there very often, and so was Mrs. Hatzfeld.

Q. Was there a sofa in her parlor? A. Yes.

Q. Was there a bedroom off her parlor? A. No, there was not.

By the Honorable Mr. Macfarlane :

Q. Were you examined in the trial in the court in Brantford? A. Yes, I was examined on that trial.

And the cross examination of the said witness is postponed until this evening at 7 P.M.

And further the deponent saith not and she hath signed.

MARY MARGARETHA SCHICK.

Sworn, taken and acknowledged before the
 Select Committee of the Senate to whom
 was referred the Bill intituled: "An Act
 "for the relief of Georg Louis Emil
 "Hatzfeld," at the Parliament Buildings,
 in the City of Ottawa, in the Province
 of Ontario, this second day of March
 in the Year of Our Lord one thousand
 eight-hundred and eighty-five.

H. A. N. KAULBACH,
Chairman of Committee.

On this second day of March, one thousand eight hundred and eighty-five, re-appeared the said Georg Louis Emil Hatzfeld, whose cross-examination was continued by Mr. McIntyre as follows:—

Q. Did you receive any means with your wife when you married her? A. Yes.

Q. How much? A. I received two thousand florins—eight hundred dollars.

Q. That was paid to you in Germany? A. Yes.

Q. When you went across, did you make any representations of having employment in America to her people? A. I did not.

Q. Had you employment then? A. No. I had given up my situation for some time previous, with the intention of going into business with the brother of the respondent.

Q. And when you were married you were then without employment? A. Yes; but we intended to go into a commission business together.

Q. Had you any means of your own at that time? A. No, not particularly when I returned.

Q. When you returned to New York, did you engage in any business? A. I commenced to sell goods on commission.

Q. For whom? A. For different houses.

Q. Did you sell any goods on commission for a house called Young & Co.? A. Yes.

Q. How long did you remain in New York before proceeding to Canada? A. Up to the 21st of April, 1870.

Q. From the 13th of September, 1869? A. Yes; I think it was the 15th of September.

Q. How long was it after you returned to New York until you got employment? A. Until I engaged with Messrs. Goodwill, Meyer & Co., for the Excelsior Oil Refining Co., of Dundas.

Q. How long was it after you arrived at New York until your means became exhausted—your money? A. I cannot say exactly. Everything was very dear then in the United States, and of course we had to buy a household and everything when we arrived. The living itself cost considerable money, and business was very dull at the time.

Q. Was it within a couple of months that you had spent all the money you got—within a couple of months after your return to New York? A. It might be the beginning of the year—I did not spend it. What we had was all used in the household.

Q. By the beginning of January, 1870, all you had got was exhausted in living expenses? A. Yes: our household cost considerable money.

Q. Were you obliged to dispose of your wife's clothing and jewellery? A. No; I took up some money on my watch and my wife's watch.

Q. Did you pawn her clothing? A. I do not think I did then.

Q. Will you say you did not? A. I cannot remember exactly now, but I do not think so, although I do not say positively that I did not. I know that I pawned her watch and mine.

Q. Do you know who relieved the goods that were pawned? A. It was her brother, with the money that her father and my father sent.

Q. And what was the amount? A. I did not receive it. It was sent to him after I left, and I was told it was four hundred florins (\$160). I never saw any receipts, nor did I ever get any statement of what has become of the money, or what he has done with it.

Q. Then subsequently you came on to Dundas? A. Yes.

Q. Leaving your wife in New York? A. Mr. Goodwill, the owner of the oil wells at Dundas, advised me to go alone and leave my wife in New York, as they had had different book-keepers there, before who could not agree with Mr. Klosterman on account of his bad temper.

Q. When did your wife join you in Dundas? A. I cannot exactly state the date, but I think it was the beginning of July.

Q. Had you during the interval elapsing between the time you left her in April and July sent her any money? A. I do not think so.

Q. Was there any reason for your leaving New York further than the receiving of the appointment in Dundas? A. No, I could say that I could not make any headway in New York, and the importer—

Objected to as irrelevant.

Mr. McIntyre—I am permitted to test the credibility of the witness on cross-examination.

The Chairman admits the evidence subject to the objection.

Q. Had you known Mr. Klosterman previous to your arrival at Dundas? A. I had not.

Q. When did you first form an intimacy with him—an acquaintance with him? A. I first knew him on the 21st of April, 1870 when I arrived at Dundas. That is where I made his acquaintance.

- Q. Did your duties bring you together? A. Yes.
- Q. Where did Mr. Klosterman reside? A. In Dundas.
- Q. Did you reside also in the town of Dundas? A. I did.
- Q. Had Mr. Klosterman a wife and family? A. Yes.
- Q. How far from your house did Mr. Klosterman reside? A. It might have been between half a mile and three-quarters of a mile.
- Q. Were you in the habit of meeting Mr. Klosterman daily? A. Yes, in business.
- Q. Were you in the habit of meeting him frequently during the day? A. Yes.
- Q. Every day? A. Whenever he was there; of course when he was absent I could not meet him.
- Q. So that your acquaintance was very intimate? A. No, at first he was very stiff, and wanted to let me know that he was my superior.
- Q. And when did he begin to thaw out? A. It was sometime later—about a year later.
- Q. When did you commence to make your trips to Hamilton with Klosterman? A. Whenever I was sent.
- Q. Were those trips commenced at a very early stage of your employment? A. No, not so early, because we were building at that time, and not manufacturing, and as a rule, one of the New York gentlemen was here, and they attended to the financial business, which at that time, had to be done in Hamilton; so it is most certain I did not go to Hamilton during my early stay in Dundas.
- Q. When did you first commence making your trips to Hamilton? A. I generally had to go to Hamilton for money to pay the hands, and sometimes I had to go there to the Inland Revenue office to make returns. At other times when Klosterman went there he would ask me to go along with him, because he could not speak English.
- Q. Did you do the business during each time you accompanied Klosterman? A. Generally, yes.
- Q. Did not Mrs. Klosterman usually accompany him too, or one of his daughters? A. When I first came there, Mrs. Klosterman did not reside in Dundas, but his daughter, and she often went to Hamilton with him.
- Q. When you used to accompany Mr. Klostermann, his daughter or his wife used to accompany him also; is that not the fact? A. At times; not always.
- Q. Very frequently though? A. No, I do not know, for when we had business on hand we often had to go alone; and would not be gone long. We often had to come right back, because it was a dangerous business and could not be left alone long.
- Q. Mrs. Hatzfeld did not accompany you always? A. No.
- Q. It was on the occasions when Mrs. Hatzfeld went that Mr. Klosterman's wife and daughter used to go also? Is that not the fact? A. At times, but not always.
- Q. And did you usually put up at the same hotel? A. We generally did not stay very long. We generally went over in the afternoon and came back that evening. We used to stop at Mr. Winckler's, in the sitting room, and have a glass of beer there, and the ladies would go out shopping.
- Q. You generally went to Winckler's when Mrs. Klosterman was along as well as when she was not along? A. Not always. It was not the rule that we would go there.
- Q. When you did not go there would you go to any hotel? A. I could not say. I might have taken a glass of beer somewhere else.
- Q. You did not regularly put up at the hotel—you did not engage a room at the hotel? A. Not that I can remember.
- Q. But you went to Winckler's because it was convenient; he had a sitting-room, and you could have a glass of beer there? A. Yes.
- Q. And I suppose the ladies would take a glass of lager with you? A. Yes, always.
- Q. That is the custom of your people? A. Yes.
- Q. Where is Winckler's hotel? A. At the market.
- Q. Where was the bar? A. On the street—from the street.

- Q. What street? A. Market street.
- Q. Where was the sitting-room of Winckler's Hotel? A. Right behind the bar-room.
- Q. Was there a door from the bar to the sitting-room? A. Yes.
- Q. And was there a door from the sitting-room to the yard? A. Yes.
- Q. What was the furniture of that sitting-room? A. There were different chairs, a lounge, a piano and piano stool.
- Q. Was the sitting-room apparently a common place of resort for those who went to Winckler's? A. Yes.
- Q. Have you ever seen people come into the sitting-room from the yard? A. Yes.
- Q. That door was open to people coming in that way if they pleased? A. Yes.
- Q. There was no regular entrance? A. There was no regular entrance, but those who knew the road might have come in at any time from the alleyway.
- Q. Any person who knew Winckler's place could come in by that way? A. Yes.
- Q. And you have frequently seen people come in that way? A. Not frequently; I very seldom saw any one there.
- Q. Where does the door leading from the sitting-room to the yard lead to? A. It did not lead into the yard at all.
- Q. Where did it lead to? A. To the hall. There was a hall from the street right along, and it turned off a little and went right away out through to the yard. It went along the bar-room and sitting-room. There was a door from the hall into the bar room, and a door into the sitting-room.
- Q. Then there was an alleyway into the street? A. No there was a yard and then close to the wall was an alleyway.
- Q. Do you know whether it was possible for people to come in from off the back street to the yard? A. From McNab Street they might have come into the alleyway and come in through there. Sometimes business men came through that way.
- Q. I suppose Winckler did a pretty good business there? A. I dare say he did.
- Q. And had a large number of customers? A. I do not know.
- Q. Did you see a large number of people coming in there ordinarily when you were there? A. Yes, on market days.
- Q. It was near the market, and was a place of considerable public resort; is that the fact? A. Yes, in the afternoon it was generally more quiet and in the evenings too; but in the morning it was generally pretty busy.
- Q. Now we get down to the circumstances of your wife's going to Germany. When did you lose your employment in connection with the oil refinery? A. At the time when the refinery was sold.
- Q. That is when? A. I think it was in August, 1872.
- Q. When did you go to Hamilton from Dundas? A. I went to Hamilton at the end of March, 1873.
- Q. Were you in any employment during that interval? A. No, I had no certain position. I tried to sell goods where I could.
- Q. Had you made sufficient to maintain your household? A. I had not.
- Q. Was your household sold out at Dundas? A. Not while we were there. My wife had kept a very expensive household, and had run very large groceries bills and meat bills, and although the people had received a great deal of money, one man brought a suit against me and said I wanted to run away. I believe he had lost some money on a man that was previously there, and consequently some of my furniture was seized, and another creditor of mine went security at once for it, and it was released inside of half an hour.
- Q. Was your furniture never sold by the bailiff or sheriff? A. It was not sold until after I left, and then I had notice that it would be sold on the 31st day of May; but after I had left Dundas, I think it was sold on the 31st of March.
- Q. I want to know whether it was sold under execution or distress? A. It was sold after I left. I had notice that if I did not pay by the 31st of May it would be

sold, so I had time, I thought, until the 31st of May; but subsequently, towards the end of May, I found out that the goods had been sold on the 31st of March.

Q. When did you go to Hamilton? A. The latter part of March.

Q. I think you said it was in April? A. No, you are mistaken; I think I said the latter part of March.

Q. Preceding the selling of your goods? A. Yes.

Q. When you went to Hamilton had you got employment there? A. No.

Q. And when did you subsequently obtain employment? A. I was engaged three days before Mrs. Hatzfeld went away from me—two days. I was engaged on the 8th of May to go to work on the succeeding Monday.

Q. Did it become necessary for you to pledge Mrs. Hatzfeld's personal effects again at Hamilton? A. Yes, I have done so.

Q. Now, is it not a fact that when Mrs. Hatzfeld left for Germany that she told you she was going to Germany? A. No.

Q. Is it not a fact that she told you she would go to Germany and remain there with her people until you were able to maintain her? A. No.

Q. You say therefore that you did not know she was going to Germany? A. That is what I do say.

Q. Now after she got to Germany did you ever write her any letters upbraiding her for going? A. Yes.

Q. To whom? A. To herself.

Q. To anybody else? A. Yes, later on.

Q. How long after; how much later on? A. Well, I cannot say exactly just now on account of circumstances that followed, which were not very friendly. First of all she wrote to me from New York that she would be back in a few weeks.

Q. Have you got that letter? A. I have.

Q. You had better produce it? A. I can do so. (Letter handed to counsel for respondent).

Q. During the interval that you knew Klosterman did you ever object to your wife to his going to your house? A. No.

Q. You had no quarrel with him? A. I had a quarrel with him once in the house. Mrs. Hatzfeld was sick and Mr. Klosterman was, I think, under the influence of liquor. He wanted to go into the bedroom to see her. I told him he could not go in. He said, "Get away." I said, "You cannot get in." Then he said, "Put me out." I said, "I will put you out; this is my house."

Q. Mrs. Hatzfeld did not invite him in? A. No.

Q. She had not an opportunity of speaking to him at that time? A. No. I do not know what she may have done while I was away, though.

Q. Klosterman was under the influence of liquor, you say? A. Not much, but I considered he was because he acted that way towards me. He wanted to shove me aside and pass by me to go to my wife's bedroom.

Q. You never, however, as you swore this morning, had any suspicion of improper intimacy between your wife and Klosterman till some years afterwards? A. I never had the slightest suspicion. I trusted her fully.

Q. Now, who gave you the first intimation of any impropriety existing between them? A. Mr. Winckler.

Q. Where? A. In his shop.

Q. What is the nature of his business? A. He is a machinist. Well, he had a hotel at the same time then. He intended to go out of the hotel business and go into a machine shop, and he started it in partnership with his brother. I was greatly worried about my wife acting that way, and was down-hearted.

Q. Did you ask him if he knew anything about her? A. No, he asked me.

Q. He volunteered? A. He asked me "What is the matter with you, Hatzfeld, you look down-hearted." I told him I was troubled; that my wife was not with me. He asked me whether I was sure of her fidelity while she was living with me. I would not allow anybody to make a remark against my wife. I got excited very quick, and he said, "Now, don't get excited; it is time for you to have your eyes opened."

It seems that you never saw the faults of your wife while you were here. I do not think she was true to you." I asked him how he came to think so.

Q. Was that the conversation that passed between you? A. Yes, that is what he told.

Q. Nothing further occurred? A. Oh, I cannot say what followed. We might have spoken about it, but these were the very words that started me.

Q. Now, what were you doing in Hamilton from March, 1873 to—what month was this you were told this by Winckler? A. How do you mean by Winckler?

Q. When did Winckler tell you this about your wife? A. Oh, that was not in 1873; that was in 1876.

Q. I say what were you doing in that interval? A. I had been book keeper with Eneas D. Mackay.

Q. Were you in the habit of seeing Winckler often? A. No, sir. When I would go up town—it was away down by the water—I enjoyed a glass of beer.

Q. Were you in the habit of going to his saloon from time to time to see him? A. Oh, yes.

Q. How many times would you be there in a week? A. I don't know.

Q. Five or six times? A. It might be, if I was up. Sometimes I had to work two or three days and nights without getting any sleep while I was with Mr. Mackay at the wharf, and many times I would not get up for days, and sometimes I would be two or three times a day.

Q. He was a very particular friend of yours, and you would often go to see him? A. No, not at that time particularly. I would go to see him as I would go other places.

Q. How often were you accustomed to see him between March, 1873, and this conversation which took place in 1876? A. Oh, I could not say. If I felt like taking a glass of beer and was near his place, I would go to see him.

Q. How often would that be? A. I could not say; perhaps once a day, perhaps every other day, perhaps twice a day, as the case might be; I don't know.

Q. Was Winckler in the saloon there? A. Yes, Winckler or his brother-in-law.

Q. How often would you see Winckler during the week? A. I cannot say; he was not always there.

Q. Was he there once or twice? A. He might accidentally be so; I don't know.

Q. When did you become on familiar terms with him? A. Well, towards 1876; I used to take my meals there. I rented a private room; it was after I came back from the boat the second year. I was pursar for two years on the propeller "Acadia" and after I came back there I rented a little room and took my meals at Winckler's.

Q. What year was that? A. I think that was the latter part—towards the end of 1876.

Q. Towards the end of 1876? A. Yes, after I came back, after the boat laid up, I think—in the fall.

Q. That was subsequent to this conversation, then, was it? A. I don't know; it was about that time I think we had the conversation. I could not say exactly the day when we had the conversation.

Q. Was it after you began to take your meals at Winckler's that you had the conversation? A. I could not say that.

Q. Were you in the habit of treating Winckler frequently during the interval? A. No; he is not a man that wants to be treated.

Q. Did you used to treat him occasionally; you know what that means? A. Oh, that might have been the case.

Q. And I suppose he would treat you occasionally, is not that the fact? A. Very seldom. I don't like to be treated. I generally take my glass of beer and go about my business. Sometime when we sat together in the evening, a few friends, we treat, but treating is not the German fashion.

Q. Had you ever any opportunity of sitting down together with Winckler, and having a talk over a glass of beer during this time? A. Yes.

Q. Very frequently? A. No, not very frequently, because during the last two years I was away most of the time on the boat. I would get there once a week or fortnight passing through Hamilton, and making up my accounts, and I would go and have my glass of beer, perhaps two and then go again, because I had never more than an hour or two at a time.

Q. However, you were there during the winter of 1874-75? A. No, I was not. I had a room at Mackay's wharf.

Q. I mean to say you were in Hamilton and had an opportunity of seeing him during every winter? A. Oh, yes.

Q. Now, do you mean to say that you were not on very good terms, very intimate terms of friendship with Winckler preceding the fall of 1876? A. I do not know.

Q. Meeting him every day and having a glass of beer with him frequently? A. I might meet him every day and not be on intimate terms.

Q. Did you occasionally sit down for a smoke together? A. I daresay we did.

Q. Have you no recollection of that? A. I cannot say particularly.

Q. You both smoke I suppose? A. Yes.

Q. Was this the very first occasion on which Winckler spoke to you about your wife? A. Yes.

Q. Has Winckler got a family? A. Yes.

Q. Any girls? A. Yes, six of them.

Q. Have you been attentive to any of the girls? A. Have I been attentive to any of them? Oh, yes, I spoke with them sometimes.

Q. They are grown up, I believe? A. Yes, now. One is sixteen years now, and one, I believe, is eighteen or nineteen. At that time they were children.

Q. What did you do when Winckler told you this about your wife? A. It made me feel very sad, and I tried to find out more.

Q. From whom? A. From different parties.

Q. Whom did you go to? A. Well, I went to Dundas.

Q. When? A. I daresay about that time. I could not always go as I wanted; I might have gone Sunday, and then perhaps a week or two after that again, because I had to attend to my business.

Q. And who did you make enquiries of? A. Oh, from different parties.

Q. We want the names of them now? A. Particularly Mrs. Rossel.

Q. Who was she? A. She was a lady that was living opposite our house, and very frequently had been in our house. She attended Mrs. Hatzfeld during her confinement, and after that, and she had often been in the house before that, and particularly after that she frequented our house.

Q. Where is she now? A. She is dead.

Q. When did she die? A. I could not say exactly; I think she died some four years ago; I could not say exactly.

Q. Was she a witness in the action in Brantford against Klosterman? A. No, she was dead then, I think.

Q. Who else did you enquire of? A. Well, there were different parties I have seen that I know.

Q. I want the names. There is no use saying "Different parties!" You could not have gone about such an important matter without having the names. You would not talk with everybody on the street? A. Certainly not.

Q. You must remember those to whom you spoke? A. There were a good many that I knew from being there so long, and that knew me well enough, but to give you the names at the time, I could not do it. Furthermore, I was always very cautious, because I never wanted to hurt the character of my wife if I could possibly help it. All my enquiries I made very carefully, not to hurt her character if I could possibly help it; and the principal I heard through Mrs. Schick. Mrs. Rossel told me that she thought Mrs. Schick could tell me more; and it was done very reluctantly by Mrs. Schick. Of course she knew how much I loved my wife, and did not want to say much.

Q. You are so careful about your wife's character you cannot remember the very people you went to speak to about her? A. No, I cannot give the names. In fact, they told me that Mr. Klosterman had very frequently.

Q. That is not evidence; if you knew them you should produce them? A. They told me he often left the house very late when I was not in.

Q. You ought to produce them here if they are alive? A. I think most of them are dead now.

Q. Who directed you to Mrs. Schick? A. Mrs. Rossel; she told me that Mrs. Schick could tell me more about it she thought.

Q. Did you go to Mrs. Schick? A. I did.

Q. When? A. Oh, I cannot give you exactly the date. I sometimes went out to visit them when I had nothing to do on Sunday; I took a walk out to Dundas to visit them when my wife was away from me, and that was before I heard of this.

Q. And when did you make the enquiry? A. That was in the spring of 1877.

Q. Was it the same day that Mrs. Rossel told you about this? A. I do not think so. I had been over there different times. You see in a matter like this you don't want to speak before children; and it was cold then, and the children were not out.

Q. You wanted to feel your way in this matter? A. I did not want to feel my way; I was very sorry for what I had heard.

Q. How often were you at Mrs. Schick's house before you put the question to her? A. Oh, I cannot say; sometimes once a month I would go out to see them; some times not for three or four months, half a year perhaps, when I was on board the boat I did not see them for a year.

Q. How often did you go to see Mrs. Schick before you asked her about your wife? A. Oh, I cannot say how often I went to Mrs. Schick's before.

Q. I mean to say between the time that Mrs. Rossel told you and the time you asked Mrs. Schick? A. I could not say exactly.

Q. You were there several times before you asked Mrs. Schick about your wife? A. It may be possible; I doubt it though.

Q. How often were you? A. I cannot say.

Q. How long after this conversation with Mrs. Rossel did you enquire about your wife's conduct from Mrs. Schick? A. Oh, Mrs. Schick did not tell me all at once. At first she rather evaded it, because she was very fond of Mrs. Hatzfeld. She was very fond of her and she did not care for telling me anything about it until I told her at last, "all you can do for me is to tell me the truth and nothing more; I don't want to know any talk, or anything, only facts."

Q. What did you say to Mrs. Schick? A. Oh, I cannot give you the conversation now; it is impossible.

Q. How did you ask her for the information? A. I do not know exactly the words that I asked her then; it is impossible to remember that.

Q. You have no recollection of the manner in which you approached Mrs. Schick at all? A. Of course; I asked her whether she knew anything, whether she knew Mrs. Hatzfeld had criminal connection with Mr. Klosterman.

Q. Is that the language you used? A. No.

Q. Well, what was it? A. I cannot tell you; you would not understand it, I guess, because it was in German.

Q. Well, you can translate it for us? A. Well, that was about the sense?

Q. What did Mrs. Schick say? A. I cannot exactly tell you what she said then; I cannot remember.

Q. Well, now, it is very important that you should remember a conversation of this kind? A. I do well remember when she told me what she said this morning.

Q. When did she tell you what she said this morning? A. Well, some of these visits.

Q. Some of the visits between, A. Between the first part of the year 1877. It might have been earlier; it was the beginning of 1877 anyway or the end of December, something like that.

Q. When did she tell you what she said this morning? A. During a visit that I was out there and inquired about it.

Q. So you had to make repeated enquiries before Mrs. Schick told you what she stated to-day? A. Yes; she did not tell me at once, because as I told you before she was very fond of Mrs. Hatzfeld.

Q. Did you tell Mrs. Schick that you had any information from any one else? A. Yes, I told her.

Q. The first time you saw her? A. I told her I heard from other parties, and subsequently I got it out of her.

Q. What did you tell her? A. Oh, what I heard before what Mrs. Rossel told me.

Q. Will you tell us what Mrs. Schick said this morning; do you remember that? A. I can tell you what she told me at the time.

Q. We have been half an hour trying to get that and you only remember that now? A. I beg to differ with you; I told you I could tell you that at once; you wanted to know what time, on what visit.

Q. Well, what was it? A. The substance of what she told me was that one day while I was in Hamilton, Mrs. Hatzfeld came up to stay with her, and in the forenoon about between eleven and twelve she took the child and went outside while Mrs. Hatzfeld and Mr. Klosterman were in the parlor, and she shut the door after her going out, and perhaps it might have been twenty or twenty-five minutes later she came back, the child crying very much, and that when she came in, opening the door from the kitchen into the parlor, it seemed to her as if she heard somebody jump off the bed in her bed-room. Well, now, this is only a short pace; supposing this to be the door of the kitchen and this the door of the bedroom and the parlor was not a very big size, neither, was the bedroom and she only had two or three steps to come over, and when she came to the door there were Mrs. Hatzfeld with her clothes deranged, and Klosterman also. She said Mrs. Hatzfeld's clothes were very badly deranged and also Klosterman's; that his pants were open, and even her drawers hanging down; that she could see her drawers hanging down below the dress. The bed was all mussed up; that it had been made in the morning by her.

Q. Was that all she said? Was that all she told you? Have you told us all she told you? A. That was the principal thing; it was sufficient for me at the time. Of course sometimes when I came out we were speaking about it. She told me at another time when I was away; it was towards six o'clock; she was in my own house; and Mrs. Hatzfeld and Klosterman went into the parlor together, and left her in the kitchen with the child; and after some time somebody was at the gate, trying to open the gate. They heard that because the gate was only about five or six feet from the house; and that both of them came rushing out greatly excited.

Q. Now, that is what Mrs. Schick told you on that occasion? A. I don't know whether that was on the same occasion, or some other time.

Q. Do you know anything about Mrs. Schick yourself? A. Do I?

Q. Yes? A. Yes.

Q. Do you know anything disparaging to her character? A. No.

Q. You are quite sure of that? A. I am.

Mr. Teetzel.—Of course that is not proper evidence, but I don't object to it.

Q. Did you know at that time in 1872? A. No.

Q. Did you ask Mrs. Schick why she should have taken the child in her arms and gone out to the kitchen and gone to the trouble of pulling the door of the parlor to? A. No. I don't; I thought it was a natural proceeding; quite a natural proceeding. Why should not it be. When a lady visits a lady friend should not that lady take up the child in her arms, and, having something to do outside in the kitchen take the child on her arm.

Q. Did you ask Mrs. Schick to explain about the shutting of the door? A. I did not see anything queer about it, in the fall of the year, when it is cold.

Q. How often after Mrs. Schick told you this did you discuss it with her? A. I could not say.

Q. More than once? A. Oh, I dare say we spoke more than once over that. I would go there.

Q. Did you tell her you wanted to apply for a divorce? A. I did not.

Q. Did you tell her you wanted to bring an action against Klosterman? A. I did not.

Q. Now, when you lost employment in Dundas did a letter come to your wife whilst you were out of employment, in the fall of 1872 and winter of 1873—did a letter come to your wife from her parents offering to take you both back to Germany and set you up in business? A. No, that letter came before, while I had been in the employ of the Excelsior Oil Refinery.

R. Who got that letter? A. I cannot remember; Mrs. Hatzfeld has it, or perhaps I might have had it. I don't know.

Q. Did you receive it; do you remember it? A. I do remember it.

Q. That it contained an offer to take you and set you up in Germany? A. Her father wrote that his brother was getting old, and he thought it would be a good thing for me to come to assist him in the discharge of his duties, and that I might have a chance to become a partner, and ultimately be owner of the place. I think, as near as I can remember, that was the substance of the contents of that letter.

Q. How long after that letter arrived did your wife see it? A. Immediately, as soon as I saw her—in fact I don't know but what she opened it herself first; I was not in the habit of opening her letters.

Q. Is it not a fact that you got that letter and did not make its contents known to her? A. No, it is not.

Q. Is not that the fact? A. No, it is not.

Q. Now, where was Klosterman when you got the information from Mrs. Schick? A. I cannot say where he was at the time.

Q. Was he in Ontario? A. I don't know.

Q. Did you take any steps to find him out? A. I did not then. I wanted to communicate with my wife first. I wanted to hear hers before I would do it.

Q. And did you communicate with your wife? A. I wrote to my mother when I found out.

Q. You wrote to your mother first? A. Yes, and my mother asked her to come to her, and gave her the letter to read in her presence.

Q. When did you first communicate with your wife? A. About what; about this?

Q. Yes? A. She wrote to me after she read that letter, and said she would come over to defend herself.

Q. That was in what year? A. It was in 1877.

Q. Well, now she did come over here in July, 1877? A. I do not know when she did get here, but I suppose it was about that time.

Q. She wrote you from New York saying she was there, did she not? A. No.

Q. Now, is it not a fact that you wrote her in reply saying you would come on for her in New York? A. No.

Q. Did she write you advising you when she would be in Hamilton? A. No.

Q. Can you tell us how you discovered she was arriving and met her at the train? A. I will.

Q. How? A. She wrote to her brother, who received the letter, I suppose, on the 17th August.

Q. I don't want anything as to the contents, except as to how you got the notification? A. I will give it to you.

Q. Well, give it to us in short? A. On the 18th August I received a telegram from her brother "wanting to see you immediately; important business." It was on a Saturday, so I took leave of the office early, and proceeded to Hamilton. He laid the letter before me; proceeded from Toronto to Hamilton.

Q. You went to Toronto. I understand your wife had arrived at that time? A. No; I will show you the telegram calling me to Toronto.

Q. Did you meet your wife at the station? A. I saw her at the station.

Q. Her brother advised you that she was coming on the train by which she was coming, and you met her at the station? A. No.

Q. Well, you changed the statement by saying you saw her; is that the way you qualify it? A. Her brother telegraphed me to meet him at the station.

Q. Did you meet your wife there? A. I met her subsequently; her brother came out first; I told him I had a telegram from his wife in the morning; that she was very sick, and that he should come home as quick as he possibly could. He said "I have brought Annie with me," I said "I telegraphed you that you might leave her where she was, and I would write to you." He said, "She has only got a ticket to here." I said, "Buy one for her." He said, "Her baggage is checked to Hamilton." I said, "Buy a ticket, and I will get the baggage checked to Toronto." If I remember, he had his little boy with him. She came out and walked towards me. Her brother brought her out of the car. I treated her as I would a perfect stranger. So I walked as far with them as the car, because there was no time to lose, and I told her that I would come to Toronto to get an explanation from her about the contents of the letter that I wrote and which she read.

Q. Did you kiss her on that occasion? A. No.

Q. Are you sure of that? A. I am. Mr. Winckler was present too.

Q. Nor show any want of sentiment on that occasion? A. Not the slightest; she offered me her hand and I hardly touched it.

Q. When did you commence looking up Klosterman? A. Why should I look him up before I saw my wife and heard her explanation.

The Chairman.—Don't argue with the counsel; just answer the questions.

Q. You had not begun to look up Klosterman until after you had the interview with your wife? A. No, not until after then.

Q. When did you go on to Toronto? A. On the 30th August, Friday. Her brother's wife died, and he wrote me that I should come on to the funeral; that is why I went Friday to the funeral instead of Saturday.

Q. How long was that after the meeting at Hamilton? A. They passed through Hamilton on Tuesday afternoon, and her brother's wife died on Wednesday and Thursday I received his letter and went off to attend the funeral.

Q. Was it the 30th August you had the conversation? A. No, it was on the 1st of September, Saturday.

Q. Did you make any charge against your wife then? A. Against her personally?

Q. Yes? A. Yes. I asked her to answer my questions and tell me the truth and nothing but the truth.

Q. Well now what did you tell her? A. I asked her first how she came to leave me, why she would leave me, and so on, and then I asked her to tell me the truth by the remembrance of her deceased father, and nothing but the truth.

Q. Did you charge her with any particular act of misconduct? A. I told her I understood that she had criminal connection with Klosterman. We had a long conversation; of course I cannot give you all the details, but I will give you the principal points. I told her that I was informed, as she knew from my letter, that she had criminal connection with Klosterman, and asked her whether it was true. I asked her first of all to tell me nothing but the truth, and if she could deny it, any of the charges, by all means to do so, and I would protect her, for she was my wife, if she possibly could do so. I asked her if she could deny it or prove these charges were false she should do so, and I would see her character cleared.

Q. So that at that time you still had confidence in the truthfulness of your wife? A. I expected she would tell me the truth when I asked her by the remembrance of her father, or her deceased father, for she used to be his favorite in former days; she was not at the last, as I heard.

Q. You had confidence in her truthfulness? A. No, I did not have confidence in her truthfulness.

Q. So it made no matter whether she denied it or not? A. I expected her to tell the truth most decidedly; but she told a great many untruths before that, and that is why I reminded her of her father.

Q. But if she could deny it you would believe her? A. If she would prove the denial I would have considered it my duty to defend my wife.

Q. Now what did you say to her; did you say if she could prove she was innocent, or if she would deny she was innocent? A. If she could prove that she was innocent.

Q. Did you charge her with any particular act of misconduct? A. I charged her with criminal connection with Klosterman.

Q. That was the general charge? A. Yes, it was the general charge; she confessed it; she said it was true.

Q. I did not ask you that? A. But I tell you what she told me.

Q. Did you tell her who had given you any information? A. Did I tell her?

Q. Yes, at that time? A. I cannot remember whether I did; I could not say exactly; I might possibly have done so and I might not.

Q. Well, I am asking you again, did you charge her with misconduct on any particular occasion with Klosterman at that time? A. Any particular occasion? No, for she confessed herself, that they were quite frequent, the occasions.

Q. Now, this morning you said that you repeated your charge before her brother on a subsequent day? A. On a later day.

Q. That would be a subsequent day? A. Yes.

Q. Did you charge her then with misconduct on any particular occasion with Klosterman? A. No; her brother asked her whether it was true that she had criminal connection with Klosterman, and she said yes.

Q. I ask you, did you charge her on that day with misconduct on any particular occasion; you said you did not? A. I do not remember whether I did on that particular occasion.

Q. Did you tell her in the presence of her brother from whom you had got your information? A. I cannot remember, I do not think so; I could not say it might be possible; I have no recollection of that, for he was too down hearted at the time.

Q. Having got that information when did you begin, to hunt up Klosterman? A. I cannot remember exactly now. It was considerably later. That was in March, 1878, when she confessed to me before her brother, and after that I tried to find out where Klosterman was; of course I had been very busy at that time.

Q. It was in March, 1878, you began to look for Klosterman? A. Yes; she confessed before her brother then.

Q. The confession which you say she made to you was in Sept., 1877. Now where did you find Klosterman when you looked him up? A. I did not see him then.

Q. When did you discover where he was? A. I think he was in London at the time; he was sometimes there and sometimes he would not be there.

Q. London, Canada West? A. Yes; he was sometimes there and sometimes he would not be there.

Q. Did you ever go to London to see him? A. I did on one occasion when I served him with a writ.

Q. When did you serve him with the writ? A. I cannot give you that date exactly. I could not tell you exactly what day I was up there. I could not say exactly.

Q. What time in the year 1878? A. It was in 1879.

Q. What time of the year 1879 did you serve him? A. I cannot say exactly whether it was the latter part of March or the beginning of April; it was just about the right time to serve before—the proper time given by the court; I do not know how to express myself.

Q. In March, 1879? A. I cannot say whether it was the end of March or the beginning of April; it was the proper time. My solicitor at the time told me I would have to go now.

Q. The proceedings show that you recovered a judgment against Klosterman, A. I did.

Q. Was Klosterman present at the trial? A. No.

Q. The trial only involved the assessment of damages; is not that the fact? A. I got the damages against Klosterman for the criminal connection.

Q. Nobody appeared for Klosterman at the trial? A. No, not to my knowledge. It seems he had nobody there.

Q. Nobody appeared in court defending him? A. No.

Q. So you got judgment against him practically without any defence even being put up for him? A. Yes.

Q. When did Klosterman leave Canada? A. Two hours before the sheriff was going after him.

Q. When was that? A. If I remember right I got judgment on the 30th April, and as far as I remember my solicitor sent the papers next day and I was waiting and waiting to hear how this thing was, and asked my solicitor at different times to write up there, and at last he did write, and I believe the papers were returned *nulla bona*, stating that Klosterman had left before the sheriff came there.

Q. Did you ever discover where Klosterman went to subsequently? A. I tried to find him. I heard that he had gone to Cleveland, and knowing that Mr. Winckler had friends in Cleveland I asked him to write there and find out whether Klosterman was there or not.

Q. Did you find out that he was there? A. The answer we got was that he had been there and had left. I intended to get the judgment transferred so that I could hold Klosterman in Cleveland if he was there, but the notice we got was that he had been there and had left. Then later on I heard that he was in London West, and I took the first opportunity and went up to London to enquire and find out, so that I could recover my damages to enable me to go on with the divorce, and there I found out from an hotel keeper where he used to be that he had got a letter from Miss Klosterman in which she stated that he had gone to Russia.

Q. I believe you have come into some property two or three years ago? A. Yes, I had some money left me by my parents.

Q. In Germany? A. Yes.

Q. I believe that a part of that money has been seized by process of the German Courts? A. Yes, all of it.

Q. For the maintenance of your child in Germany? A. Yes.

Q. How long ago was that? A. I think it was in 1882—after my mother's death—in November, 1882.

Q. And it still remains there under seizure? A. It is there yet.

Q. Was it that fact induced you to bring this action of divorce? A. No; I cannot say that was the cause.

Q. Do you suppose that the action of divorce would assist you in recovering your money? A. I don't know whether it would, because the laws of Germany are different from what they are here I think; I cannot say.

Q. The letter that you received from your wife from Germany, shortly after her going over there, I believe made a request of you to forward her \$5 a week; is that the fact? A. Just before she went to Germany?

Q. No, the letter that you produce here as having received from New York? A. Yes, she made that request.

Q. Did she ask you, in the letter she wrote from New York to you, that you would send her \$5 a week? A. Yes.

Q. And stated that if you made more than that she would come back to you? A. Yes; she stated she would come back to me.

Q. Did you ever send any more money to her? A. No; I had no occasion; she went away to Germany; she arrived about the 11th June in Germany, so she must have gone at the time she sent that letter.

Q. Nor did you send her any means during the whole time she was in Germany? A. No; I asked her to come back to me.

Q. And during that time you had nothing against her character? A. No, I had heard nothing to the contrary.

Re-examined by Mr. Teetzel:

Q. Was she stopping with her parents at that time? A. Yes, I think she stopped with her parents; she did not stop with my parents.

Q. Both her people and your people were well to do? A. They were well to people.

Q. You wrote for her to come home before you discovered these facts that you have related? A. Yes.

Q. Did you write more than once requesting her to come home? A. Yes.

Q. That is before you learned the facts that you have related? Yes.

And further deponent saith not and hath signed.

L. E. HATZFELD.

Sworn, taken and acknowledged before the Select Committee of the Senate, to whom was referred the Bill intituled: "An Act "for the relief of George Louis Emil Hatzfeld," at the Parliament Buildings, in the City of Ottawa, in the Province of Ontario, this second day of March, in the year of Our Lord One thousand eight hundred and eighty-five.

H. A. N. KAULBACH,
Chairman of said Committee.

On this second day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and re-appeared Mary Schick, of the Town of Dundas, in the County of Wentworth, Province of Ontario, who, having been duly sworn and cross-examined, deposes as follows:—

By Mr. McIntyre:

Q. You have been sworn already? A. I have.

Q. How far do the Hatzfeld's live from you? A. About twenty minutes walk.

Q. I understood from you this morning that you became on very friendly terms with Mrs. Hatzfeld after their coming to reside in Dundas? A. Yes.

Q. And you had known Klosterman well previously? A. I had.

Q. How long had Klosterman been there before the Hatzfeld's came to reside there? A. I think Mr. Klosterman had been there about a year before Mr. Hatzfeld came; I am not quite sure of the time.

Q. Had you frequently seen Klosterman preceding that? A. Yes, I had.

Q. Preceding the Hatzfelds coming to live there? A. Yes, I had.

Q. And he had often visited your house? A. Yes, he had.

Q. You say that you became particularly intimate with Mrs. Hatzfeld in the fall of 1872? A. I do.

Q. How often had Klosterman been in the habit of visiting you preceding Hatzfeld's arrival in Dundas? A. In my own house?

Q. Yes. A. He was very often in my house, and met Mrs. Hatzfeld there very often, but I never noticed anything particular but that one time.

Q. But he had often been in your house preceding the Hatzfeld's coming at all? A. Yes.

Q. And after their coming he continued to visit your house? A. Yes.

Q. And there occasionally met Mrs. Hatzfeld? A. Yes.

Q. You said this morning they happened to meet together very often at your house? A. Yes, it often happened that when Mrs. Hatzfeld was at my house Klosterman came there. The house was in the refinery and belonged to the refinery, and he was the principal man about the refinery, and he thought he had a right to come when he had a mind to.

Q. I suppose he came in to bid you the time of day and be agreeable? A. Yes.

Q. And he never misconducted himself in the house before that time? A. No, he did not.

Q. He had often come to the house, you say, after the arrival of the Hatzfelds when Mrs. Hatzfeld was not there, I suppose? A. Oh, yes.

Q. The day that you say this incident occurred, I suppose he came in the usual way? A. In the usual way, yes.

Q. He had not been sent for, as far as you know? A. He had not been sent for that I know of.

Q. Did it appear to be the ordinary meeting between the parties? A. He generally came up to our house and drank a glass of beer at lunch in the forenoon, and he came at eleven o'clock, and this very day he came about the same time.

Q. Did he take a glass of beer on that occasion? A. I could not say now whether he had a glass of beer that day or not.

Q. Did he have any lunch that day as usual? A. I don't think he had.

Q. Did he have his lunch at your house usually, or did he bring it with him? A. He usually brought his lunch with him, and he had his own beer there, too.

Q. Did he keep anything else but beer there; any other liquors? A. No, nothing else but lager.

Q. Is it customary to ask those who happen to be in to join in a glass of beer? A. No, never; he drank his own glass, and went about his own business.

Q. It was for his convenience you kept it there? A. Yes.

Q. Where were you sitting when he came in? A. I was sitting in the parlor with Mrs. Hatzfeld.

Q. And you had the baby between you? A. We had the baby between us. I cannot say whether I had the baby when he came in or not.

Q. How long was he in the house before you left the room? A. Not very long; just a short time. It was just at dinner hour, and I had to go out and attend to the dinner, and I took the baby with me.

Q. Did you have a servant in the house? A. No; I had no servant; I had my own daughters.

Q. They were grown up at the time, I suppose? A. One was then about fourteen and the other was younger.

Q. After the incident that you related this morning Mrs. Hatzfeld remained during the day—she was spending the whole day with you that day? A. She staid at my house I think until four o'clock—some time in the afternoon anyway.

Q. And the only conversation that took place between you regarding it was in the room? A. Was then right away; I never repeated it after that.

Q. Was Klosterman in the habit of coming back to your home subsequent to that time? A. Oh, yes, just as usual.

Q. And he took his glass of beer just as usual, and was on the same terms with the family? A. He was on the same terms with the family.

Q. And when did Mr. Klosterman leave Dundas? A. I think he left in 1874.

Q. And during his whole residence there he continued to come as before? A. Yes.

Q. When did Mrs. Hatzfeld leave Dundas? A. They left in 1873, in the spring time—the month I could not remember.

Q. You used to see her frequently after that? A. Yes; I did see her frequently until they left Dundas.

Q. She frequently came to your house, and you would sometimes go into hers? A. Yes.

Q. The circumstance that you told us this morning as having occurred was the only suspicious circumstance that you saw occurring there? A. Yes; the only one.

Q. Now, will you tell us how you came to tell this incident to Mr. Hatzfeld? When did you tell Hatzfeld what had happened? A. I cannot tell you exactly when that was, when he came to me and asked some questions—he came two or three times, and did not say what he wanted, and then he came and told me that some lady friend of mine had told him about Mrs. Hatzfeld's affair with Mr. Klosterman.

Q. When was this? A. I could not tell you when it was.

Q. What did he say? A. He asked me what I knew of his wife. I was not inclined to tell him; I did not want to tell him, and he said I had to tell the truth, because he had heard so and so, and the truth I would have to tell him.

Q. Did he tell you from whom he had got his information? A. He told me he had it from Mrs. Rossel, a friend of Mrs. Hatzfeld.

Q. Did he tell you that he had any information from anybody else? A. He did not.

Q. How often was it that he came to your house seeking this information before you disclosed the whole of it? A. I cannot tell how many times he came; he came two or three times if I am not mistaken.

Q. Did he make any particular charge against his wife when he came? A. No he did not.

Q. Did he make any particular charge of infidelity against her? A. I did not tell him much when he first came, because I did not feel inclined to tell him until I had to go to Brantford.

Q. What induced you to tell him? Did not you think he would be just as happy if he did not know? A. I had to tell the truth. If I said I did not know anything about the affair of course I would tell a story.

Q. Were you under any obligations to tell at all? A. I did not feel inclined to tell him that I did not know any thing about the affair when I did know.

Q. Did you feel under any obligation to tell him? A. I did not feel under any obligation to him or to anybody else.

Q. You did not think you had any duty to fulfil in telling him? A. No, not in that way: I thought it was my duty to tell the truth.

Q. What did you tell him? A. I told him the statement I made this morning. I told him just the same—what I had seen. I told him what I had seen in my own house, and I told him what I had seen in his house.

Q. Did you think it was a little unfair to speak about Mrs. Hatzfeld when she was away in Germany? A. I could not help that; I was asked the truth, and I had to tell.

Q. Did he give you any reason for asking you? A. He did not give me any reason at all; he said he had heard so and so, and he thought I knew all about it, and I would have to tell.

Q. What reason had he to think you knew anything about it? A. He said Mrs. Rossel told him. I did tell Mrs. Rossel some things, as of course ladies will talk with each other sometimes.

Q. So it was through Mrs. Rossel the information came? A. That is what Mr. Hatzfeld said to me.

Q. Did he tell you what Mrs. Rossel had said? A. He did not tell me, and I did not ask him.

Q. Had you told Mrs. Rossel the whole truth—all that you told to day? A. I had not.

Q. How did you come to tell Mrs. Rossel when you did not tell Mr. Hatzfeld himself? A. We were sitting together one afternoon—

Q. Why did you tell Mrs. Rossel? A. Mrs. Rossel told me some things that she thought she had seen and known, and of course I told her what I did see.

Q. Will you tell us when you told Mrs. Rossel this? A. I told her, I think, at the same time Mrs. Hatzfeld was in Hamilton—that was in 1873.

Q. That was after Mrs. Hatzfeld had left Dundas? A. Yes.

Q. Did you know of Mrs. Hatzfeld ever having got letters from home from Klosterman? A. Yes.

Q. Where were you standing when you observed Klostermann and the Respondent in the bedroom? A. I was standing in the door coming from the dining-room.

Q. That is the door entering the sitting-room? A. Yes.

Q. And you saw them in the bedroom? A. Yes.

Q. How far was it over from where you were? A. Eight or ten steps.

Q. Was it then or was it afterwards you spoke to Mr. Klosterman? A. It was afterwards.

Q. How long afterwards? A. It was the same day—just a few minutes afterwards.

Q. In the interval you had gone out to the kitchen again, had you not? A. Yes, I went to the kitchen again.

Q. That is before you spoke to Klosterman? A. No. I spoke to him before and he went away a few minutes after.

Q. You spoke to him before you left the room? A. Mrs. Hatzfeld took the baby and went to the kitchen, and I told him I hoped that such a thing would not occur in the house again, and he went away to his office.

By the Honorable Mr. Botsford:

Q. What did he say in reply to you? A. He told me not to say anything about it, or he would do something desperate. I suppose he meant that he would discharge my husband out of his employment and send us out of the place. He did not say these words, but that is the way I took it.

Q. That was the only thing that Klosterman said? A. That is all.

Q. And that was just what you said to him? A. That is all I said to him.

Q. Then as to that other conversation that you spoke about this morning, did you have any other conversation with Mrs. Hatzfeld after that about this matter?

A. No, not on the same day.

Q. Did you ever have any other conversation with her about this particular matter—the occurrence of this day? A. No, not of the occurrence of this day.

Q. Now, with regard to what happened at her house, did you think that was a very suspicious circumstance? A. That is what I saw, and I went out of the room. I asked her what happened, and she told me he asked her to come in there for the same purpose as what happened in my house.

Q. She appears to have been very confidential with you about these matters? A. She was.

Q. Did you ever have any conversation with her about that occurrence afterwards but that once? A. I don't know; I don't think I did; I cannot say.

Q. When did the circumstance at the house occur—at the Hatzfeld house? A. That was in the fall of the year too. The same year. It was then pretty cold. I think it must have been in November.

Q. And you continued to be friendly throughout until she left? A. Yes, I did.

Q. I understand that you had not a very good opinion of Klostermann; is that the fact? A. Yes, that is the fact, I had not.

Q. When did you begin to have a poor one of him? A. The first I saw bad of him, I had a sewing girl in the house, and he tried to lead her away too, and she was quite a young girl.

Q. When was that. A. That was the same year, before I knew Mrs. Hatzfeld and after that I was suspicious; I thought he was not a very good man.

Q. Was this in your house that an attempt on the sewing girl occurred? A. Yes, but nothing occurred.

Q. But sufficient to— A. Sufficient that I told the girl to be on her guard; that Klostermann was not a very good man, and the girl was only sixteen years old.

Re-examined.—By Mr. Teetzel:

Q. Did your husband depend on his wages for your living? A. Yes, he depended on his wages.

Q. And you say you were afraid that if you made any disturbance about it he would dismiss your husband? A. Yes, that is what he threatened.

Q. What kind of a man was he; was he a man of a mild disposition? A. He was not; he was a very passionate man, a very ill-tempered man; he would do anything.

Q. Did you ever advise with Mrs. Hatzfeld about talking with Klostermann?

Objected to as a leading question.

Q. Did you ever advise with Mrs. Hatzfeld with reference to her conduct with Klosterman?

Objected to as leading.

Q. Did you ever advise with Mrs. Hatzfeld about her conduct with Klosterman? A. I once asked her why she loved Klosterman better than her husband, and she said the reason was she had a gentleman friend, an intimate friend, in Europe that looked so much like him, that that was her reason for loving him.

Q. Did she ever take you into her confidence with reference to Klosterman prior to the occasion that you described in your own house? A. Not before that.

Q. Did she more than once after that? A. No; she never spoke of it but that once that I know of.

Q. Which time was that? A. That was the time she told me about this gentleman friend of hers.

Q. When you came into the room from the kitchen on this occasion you said you would be eight or ten steps from them? A. Yes.

Q. How far would it be with reference to this room when you say ten or twelve steps; what do you mean. A. Walking steps:

Q. It would be as far as from you to where? A. From me to you, I think, as near as I can tell it.

Q. Is your house a small one? A. Yes, it is a small house.

Q. A brick house or frame house? A. A cottage.

Q. Can you describe more particularly the appearance of her clothes on the occasion you refer to?

Objected to as not arising out of the cross-examination.

The Chairman—Strictly your question could be ruled out in any court of law; but because of the disturbed state of mind she was in to-day, it may be allowed, though there is nothing arising out of the cross-examination that would justify it.

By the Honorable Mr. Macfarlane:

Q. Was there any door opening from the bedroom into the parlour? A. Yes, there was.

Q. Was that door closed or opened? A. That door was open when I came in, but they were inside of the door, in the bedroom.

And further deponent saith not and hath signed.

MARY MARGARETHA SCHICK.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Georg Louis
"Emil Hatzfeld," at the Parliament
Buildings, in the City of Ottawa, in the
Province of Ontario, this second day of
March, in the year of our Lord one
thousand eight hundred and eighty-
five.

H. A. N. KAULBACH,

Chairman of said Committee.

On this second day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Julius Winckler, of the City of Hamilton, Province of Ontario, hotel-keeper, who having been previously sworn, was cross-examined, and deposed as follows:—

By Mr. McIntyre:

Q. I understand that you were keeping a hotel in 1872? A. Yes, from 1869 to 1874 I kept an hotel in Hamilton.

Q. Where was your hotel situated—in what street? A. On Market Square.

Q. Did you do a considerable business there? A. Yes, I did.

Q. Was the Market Square, or street, one of the principal thoroughfares of the place? A. Yes.

Q. Was your bar trade a large one? A. A pretty good one.

Q. Both in the day time and in the evening? A. Yes.

Q. Where was your bar situated? A. In front, near the window, alongside the street—in a front room of the house, on the lower flat.

Q. And where was your sitting-room situated? A. Alongside the corner in the road.

Q. Was there an entrance from the bar into the sitting-room? A. Yes.

Q. Which way? A. Straight through folding doors. There were folding doors between the bar and the sitting-room.

Q. How did you enter the sitting-room—from the bar direct? A. From the bar direct.

Q. Was that the ordinary mode of getting into it from the bar? A. Yes.

Q. Was there a door leading out of the sitting-room into the yard? A. There are two.

Q. Two doors leading out besides the door from the bar? A. Yes.

Q. Were people in the habit of going in and out of the bar through these two doors? A. Yes.

Q. They were open to everybody to go in and out—both to members of the household and strangers who were there? A. Yes, anybody could go through.

Q. You had a piano in the sitting-room? A. Yes.

Q. And I suppose when there was any person playing—any music going on, people were likely to be attracted to the sitting-room? A. No; that was mostly private.

Q. But any guests at the hotel could go there. A. No; except the company by themselves.

Q. But it was possible for anybody to have come into the sitting-room through any of the other two doors? A. Yes, they might.

Q. We understood this morning that the only liberties you saw Mr. Klosterman take with Mrs. Hatzfeld was on two different occasions? A. Yes.

Q. And that one of the liberties you say he took with her was that he kissed her while she was sitting at the piano and he was standing behind her? A. Yes.

Q. Did he have his two hands on her head? A. Yes.

Q. And he bent over her and kissed her in that way? A. Yes.

Q. So that she had not much opportunity to prevent him? A. I do not know. I am no judge of that.

Q. You said this morning that she did not resent it? A. I did not stay there long; I cleared out.

Q. From the moment he attempted to kiss her, until he did kiss her, she could not very well have prevented? A. I do not know. May be not; I do not know.

Q. That was the position, at any rate, of the parties? A. Yes.

Q. That was all that you saw on that occasion? A. Yes.

Q. Did you know it was Klosterman? A. I did.

Q. You stayed sufficiently long to discover that fact? A. I stayed too long.

Q. About what time of the evening do you say this other incident occurred? A. Early in the evening.

Q. About what time? A. I could not fix any time.

Q. What you told us as having occurred in the evening was all that did occur, as far as you know? A. Yes.

Q. Mr. Klosterman continued to come to your place after that? A. Yes.

Q. When did he give up coming? A. Until he left. He stayed away from me once two or three weeks because I fell out with him. He came along looking for a disorderly woman. She used to frequent another house where he used to go, and he came one evening and looked for that woman in my house and I told him "Don't come around here looking for a woman like that in my house," and he stayed away for two or three weeks.

Q. That was some time after this? A. Certainly it was after this.

Q. Mrs. Hatzfeld used to come back to your house after those things that happened? A. Yes.

Q. Until she left? A. Yes.

Q. Was Klosterman's wife in the habit of coming to your place too? A. Yes.

Q. And his daughter? A. Yes.

Q. And sometimes they would come with the Hatzfelds? A. Yes.

Q. You did not think it was a sufficiently serious thing to be worth while talking to Klosterman about? A. At that time I took him for a pretty rough customer, and I did not care to speak to him about it.

Q. Nor did you bother saying anything about it to Mrs. Hatzfeld? A. No, I did not talk to her about it.

Q. Mr. Hatzfeld and you were pretty good friends at that time? A. We were not so well acquainted then as we are now.

Q. You knew him well, though? A. We were not quite so intimate.

Q. From the fall of 1872, or from the spring of 1873, when Mr. Hatzfeld came to live in Hamilton, you used to see him pretty often? A. Yes.

Q. Every day, in fact? A. I cannot say every day.

Q. He says he thinks you used to see him every day; do you think he is right when he says so? A. Yes, I cannot say anything against that.

Q. He used to come frequently to take his beer at your house? A. Yes.

Q. He seemed to appreciate your beer? A. I suppose so.

Q. Did you have conversations with him when he came? A. Yes.

Q. Did you ever sit down with him over a glass of beer to have a talk? A. I do not recollect; most of the time I am too busy. I dare say I have been talking to him, but I do not remember.

Q. You can remember whether you were pretty good friends, or on terms of intimacy? A. Yes, I was pretty good friends with him from the fall of 1873.

Q. And you became more intimate with him from the spring of 1873, after he came to live in Hamilton? A. Yes.

Q. I believe he came to board at your house about the year 1876? A. After he left the lake steamer he came to board with me.

Q. You did not think it worth while telling Mr. Hatzfeld what had happened at that time? A. Of course I did not think it worth while speaking to him about it until I saw him down-hearted and thought there was something on his mind, and of course he told me he had trouble.

Q. You thought then if you could tell him an ugly story about his wife that that would be just the thing that would be likely to cheer him up? A. Not much.

Q. You wanted to render him a little more unhappy than he was; is that the fact? A. No, no.

Q. Then why did you begin to make mischief between him and his wife? A. I did not make the mischief.

Q. But you volunteered the story to him? A. Yes, because he wanted to now it.

Q. He wanted to know it? A. Certainly.

Q. How did he know that you knew anything about it? A. He told me that he had trouble on his mind about his wife.

Q. Did he charge her then with infidelity to him? A. No, not at the time.

Q. He made no charge against her to you? A. No.

Q. Then why did you volunteer to tell him? A. I volunteered because I thought—it was time to tell him.

Q. Did you tell him anything else but what you have told us to-day? A. No.

Q. And did you tell him the whole of that? A. Certainly I told him what I said here to-day.

Q. At that time? A. At that time; and I could not tell him more, because I did not know any more.

Q. But you did not think it worth while to tell him before that? A. I did not trouble my head about those affairs all the time—I did not think about this matter. It just happened by chance that we came to speak about it.

Q. Why did you not put Klosterman out if he had been doing anything improper in your house? A. I did get angry. I spoke to my wife at the time, and she said "Don't make any noise."

Q. And you thought you would keep the information yourself? A. At that time, yes.

Q. Were there any blinds on your windows that night? A. Yes, there were; but they were not down.

Q. And the doors were just a usual, and open to any one to go in and out?
A. Yes.

Re-examined :

Q. Was there a light in the room on this evening that you saw what you say you did? A. Yes.

Re-cross-examined :

Q. Is Mr. Hatzfeld pretty intimate with your family now? A. Yes, he is pretty intimate with me.

Q. Is he going to become a member of your family if he gets a divorce? A. I won't answer that question; I don't want such a nonsense.

Re-examined :

Q. You say there is nothing of that kind on foot? A. No.

And further deponent saith not and hath signed.

JULIUS WINCKLER.

Sworn, taken and acknowledged before)
the Select Committee of the Senate to)
whom was referred the Bill intituled :)
" An Act for the relief of Georg Louis)
" Emil Hatzfeld," at the Parliament)
Buildings, in the City of Ottawa, in the)
Province of Ontario, this second day of)
March, in the year of Our Lord one)
thousand eight hundred and eighty five.)

H. A. N. KAULBACH,

Chairman of the said Committee.

OTTAWA, Tuesday, 3rd March, 1885.

Mr. McIntyre, on behalf of the Respondent, renews his application that an allowance be made by the Committee and the House to Mrs. Hatzfeld to enable her to make her defence.

Mr. Teetzel objects, and requests permission, before the order is made, to ask the Respondent some questions as to the statement set forth in her petition.

The Chairman :—There is no allegation in her petition that she has a defence.

Mr. Teetzel moves that the consideration of the petition be deferred until after the examination of the Respondent, to see if she has a good defence.

Mr. McIntyre contends that the practice is to make the allowance at the preliminary stage of the proceedings.

The Chairman rules that the evidence shall first be heard, and that the Committee will then be governed in their decision on the petition by the evidence adduced. Judgment on the petition is reserved, and Respondent is ordered to go on with the defence.

DEFENCE.

On this third day of March, in the Year of Our Lord, one thousand eight hundred and eighty-five, personally came and appeared Anna Maria Hatzfeld, of the City of Toronto, Province of Ontario, who being duly sworn and examined as well generally as in regard to any collusion or connivance between the parties to obtain a separation, deposesh as follows :—

Mr. McIntyre :—Before going on with the examination of the Respondent I would ask permission of the Committee to be allowed to put a few questions to the petitioner on a subject on which I was not informed yesterday.

The Committee grants the request, and the witness is asked to stand aside.

Georg Louis Emil Hatzfeld, re-called on behalf of the Respondent, was examined by Mr. McIntyre, and deposesh as follows :—

Q. Do you know whether your wife was a resident of Owensborough, Kentucky?
A. I was informed to that effect by her brother.

Q. Did you seek at one time to obtain information as to her conduct in Owensborough, through the police force of Hamilton? A. Yes, I did not know where she

was. I had not heard anything of her for a long time, and I could not find out where she was, and I had no body to write to, and I spoke to the Chief of Police of Hamilton with whom I was acquainted, and asked if he could assist me. I told him that I did not want any excitement about it; that I just wanted to find out what she was doing.

Q. Who told you where your wife was? A. Her brother.

Q. Was that prior to your seeking the assistance of the detective of Hamilton? A. Yes. I asked the Chief of Police whether he could write for me there, because I did not know any body there, and he said yes, he could.

Q. But before that you knew where she was, of course? A. I was just told that she was there. Her brother told me different other places that she was at.

Q. Did you instruct the Chief of Police to make enquiries as to her conduct there? A. I do not know. I told him that I would like to find out what she was doing.

Q. Did you instruct him to ascertain how she was living there? A. I wanted to know under what name she was living.

Q. Did you instruct him to ascertain what her conduct was? A. I do not know about that.

Q. Did you ask him to ascertain whether she was living with another man? A. I do not think I did.

Q. Are you sure about it? A. I do not think I did.

Q. Were you seeking to obtain evidence for the purpose of this divorce? A. No, I simply wanted to find out where she was.

Q. Do you say that that was not the object—that you were not seeking for information to enable you to proceed with this divorce? A. No, it was not.

Q. And you want us to believe that you simply desired to ascertain where she was? A. That is the fact.

Q. Although you had already been told that she was there? A. I got a very unsatisfactory answer from her brother, Mr. Freyseng. It was in the Singing Society in Toronto. I asked him where his sister was, and he asked me why. I said "Well I would like to know, I want to write to her." He said "Give me the letter and I will forward it to her." I said "I do not want your interference; if I have anything to say to her I will write direct and she can send the letter to you if she likes," and he told me she was in—he told me two or three different places—New York, Louisville and Indiana. I said "She is travelling very fast," and he laughed, I said "Peter, if you don't want to tell me the truth I will find it out some way." He said "Well, I will give it to you," and with his own hand he wrote it in my note book, "Owensborough, Kentucky."

Q. You did not write to any clergyman or any other body yourself, but you sent for information through the police? A. I did not have any other way; I just asked Chief Stewart of Hamilton.

Q. Did you address a letter to herself personally? A. I did not.

Q. You asked the Chief of Police to communicate with the Chief of Police at Owensborough? A. I did not know who he was communicating with; I asked him as Chief of Police if he had any means of finding that out for me, and he said that he had.

And further deponent saith not and hath signed.

L. E. HATZFELD.

Sworn, taken and acknowledged before the
 Select Committee of the Senate to whom
 was referred the Bill intituled: "An Act
 "for the relief of Georg Louis Emil
 Hatzfeld," at the Parliament Buildings,
 in the City of Ottawa, in the Province
 of Ontario, this third day of March in
 the year of Our Lord 1885.

H. A. N. KAULBACH,
Chairman of the Committee.

The examination of Anna Maria Hatzfeld, the Respondent, being proceeded with she deposes as follows:—

By Mr. McIntyre :

Q. Where did you go to live when you came to America? A. In New-York.

Q. And from there where did you go? A. To Jersey City the first time. We took up house in Jersey City, and from Jersey City, on the 1st of April, Mr. Hatzfeld got his position in Dundas, and I followed Mr. Hatzfeld in July of 1870 to Dundas.

Q. And how long did you live in Dundas? A. We lived there until the beginning of the year 1873—in January.

Q. And then where did you go? A. We went to Hamilton. Mr. Hatzfeld lost his employment when the business was sold out, and then he went to Hamilton.

Q. What were the circumstances under which you went to Hamilton? A. The bailiff was in the house and took all our furniture, and we had nothing to live on, and Mr. Hatzfeld said he would get a situation there.

Q. When did you go to Hamilton? A. In the beginning of the year 1873.

Q. How long did you remain there? A. Until the end of April.

Q. What was your husband doing during that time? A. Nothing. He could not find any employment.

Q. And what was supporting you—how did you live? A. We lived in a boarding house.

Q. What paid your board? A. I paid my board myself to Mr. William Guerin, of Hamilton. He went security for our board.

Q. Did you provide any means yourself from any things you had of your own? A. I do not understand the English language very well.

Q. Were you enabled to obtain any of the money that paid for your board, yourself? A. No, I could not.

Q. What was done with your clothing and jewellery? A. Mr. Hatzfeld sold the linen and my watch and chain and diamond ring and engagement ring. I handed them to Mr. Hatzfeld and he sold them.

Q. Where did you get the linen from? A. From my parents; it was my wedding outfit.

Q. And that was sold, together with your watch and chain and diamond ring and engagement ring? A. Yes, to Mr. Bloomstein, who keeps a second-hand store in Hamilton.

Q. What was done with the money coming from the sale of those goods? A. Mr. Hatzfeld and I lived on it.

Q. Where did you go at the end of April? A. I went with Mr. Hatzfeld's consent to the station; he got me my ticket—Mr. Guerin got the money for him. Mr. Hatzfeld kissed his child, and he handed me the ticket and I went to New York.

Q. How long did you remain there? A. I remained there for four weeks.

Q. Where did you go then? A. I went home to my parents to Germany.

Q. Why did you go home? A. Because Mr. Hatzfeld was out of employment, everything was going, and I wanted my household fixed up again the way it used to be, and he was not able to do it.

Q. Everything was sold, and he was without means and without employment? A. Yes.

Q. Did you write him from New York stating that you were going to Germany?

A. Yes, I told him.

Q. Did Mr. Hatzfeld send you any money to New York? A. No.

Q. Did he send you any money while you were in Germany? A. No.

Q. When was the first time that you heard that he had made any charge of infidelity against you? A. It was in the spring of 1877, through his mother. He wrote to his mother, and I told his mother that I would come here and face it.

Q. Did you hear it again before you left Germany? A. No, only through his mother.

Q. Did you then return to Canada? A. Yes.

Q. When? A. I came here in July. I arrived in New York, and I stayed with my sister-in-law, Mr. Edward Freyseng's wife. I was staying with her for a couple of weeks, and then my brother, Mr. Peter Freyseng, came to meet me, and he took me out to Hamilton. At the station Mr. Hatzfeld met us.

Q. What occurred in the station? A. Mr. Hatzfeld kissed me there in the presence of Mr. Winckler and Mr. Freyseng, my brother.

Q. What else occurred there? A. He said, "Go on, I will see you in Toronto."

Q. Did he go on to Toronto? A. He came to Toronto at the time my sister-in-law died.

Q. How long after he had met you at Hamilton? About four days after.

Q. Your brother's wife had died in the meantime? A. Yes, she died, and Mr. Hatzfeld came to the funeral.

Q. Did you have any conversation with Mr. Hatzfeld at that time? A. Yes, I had some conversation with Mr. Hatzfeld.

Q. And what was it? A. He inquired how his child was, and why I did not fetch the child.

Q. Did you tell him why you did not fetch the child? A. Yes; the child was a very delicate child, and my doctor advised me to leave the child in Germany. At that time my mother had engaged a nurse to wait upon the child.

Q. What further conversation did you have? A. He came out and he accused me of what Mrs. Schick had said.

Q. Did he make the specific charge, the particular charge that Mrs. Schick speaks about? A. I cannot speak plain English.

Q. Did he charge you with infidelity? A. Yes; he charged me with infidelity.

Q. With whom? A. With Mr. Klosterman.

Q. And what was your reply? A. I said he could go on, and I would meet him. "It is a shame" I said.

Q. Did you have a quarrel that day about it? A. I was excited sure enough.

Q. How long did you remain at your brother's house on that occasion? A. I remained with my brother until 1881.

Q. How long did Mr. Hatzfeld remain there? A. He stopped there over night, the day of the funeral.

Q. And when did this conversation between you and him take place? A. Next day after the funeral.

Q. And how long did it last? A. I should say about an hour.

Q. Was there anybody present when it was taking place? A. No.

Q. Do you remember having conversation with Mr. Hatzfeld before your brother? A. Yes, I remember.

Q. When was that? A. It was a couple of months later—it was about March.

Q. Did you at that time make a confession that you had anything to do with Klostermann? A. No, I made no such confession.

Q. Before your brother? A. No.

Q. Neither then or before? A. Never.

Q. Did you as a fact have any criminal intercourse with Klosterman? A. No.

Q. Were you intimate with Mrs. Schick? A. Mrs. Schick waited upon me when I was confined.

Q. You heard what Mrs. Schick said as having happened at her house in Dundas between you and Mr. Klosterman? A. Yes.

Q. Did you have any improper intercourse with Klosterman at Mrs. Schick's house? A. No.

Q. You have been in Mrs. Schick's house while Klosterman was present? A. Mr. Klosterman, just as Mrs. Schick says, often came in and took a glass of beer. If you gentlemen will allow me to speak from the year 1869 I will give you a little description, and then you will find out that I had nothing to do with Klosterman, and I can prove it.

Objected to as irrelevant.

Q. Was there a letter came from your father to you in the fall of 1872? A. No; not to me; I found that letter in Mr. Hatzfeld's pocket.

Q. To whom was it addressed? A. It was addressed to Mr. Hatzfeld from my parents, and it is said in this letter——

Objected to.

Q. Have you got the letter? A. No.

Q. What were the contents of that letter?

Objected to.

The Chairman :—Both of you gentlemen know how to get in secondary evidence as to the contents of a paper not produced, and you should confine yourself to the rules of evidence.

Q. You heard Mr. Hatzfeld speak yesterday about a letter which he received from your father offering to take him into business in Germany? A. Yes, I heard him say that.

Q. Did he show you that letter? A. No.

Q. Where did you find it? A. I found it in his inside coat pocket.

Q. How long after it arrived? A. A long time after it arrived. I wondered why I did not get letters from home, and accidentally I found that letter in his pocket, and when I asked Mr. Hatzfeld he said he did not want my family to set him up in business; that he would prefer to make his own business.

Q. Did you do anything in consequence of not seeing that letter for a length of time after its arrival? A. Yes; I went to Miss Klosterman and asked her if she would be kind enough to ask Mr. Klosterman to have my letter sent to me under his address.

Q. And was this done? A. Yes.

Q. Did you subsequently receive letters through Mr. Klosterman? A. Yes, I received letters from my people through Mr. Klosterman.

Q. Did this circumstance bring you into more intimate relationship with Mr. Klosterman? A. We were always good friends.

Q. You heard what Mrs. Schick said yesterday with regard to an admission on your part that the child was Klosterman's; is that a fact? A. No.

Q. Will you tell us what conversation you did have then with Mrs. Schick about the child? A. True enough, the child is mine, my child, and I am the mother of the child.

Q. How did you happen to speak about the child? A. Because she thought Mr. Hatzfeld would keep the child here when I would go away; and I said: "Nobody can take the child away from me; it is my child."

Q. Did you say it was not Hatzfeld's child in the sense that you meant it was not his child? A. No, I never said it was not Mr. Hatzfeld's child.

Q. Was it Mr. Hatzfeld's child? A. Certainly it is his child.

Q. You heard what Winckler said as to Mr. Klosterman taking indecent liberties with you in Mr. Winckler's sitting-room? A. Yes; it may be that Klosterman kissed me, but he never took the liberty, I don't think, of putting his hand under my skirts.

The Chairman :—The witness says "Never, I don't think."

By Mr. McIntyre :

Q. What do you say about that? A. I say it is a lie.

Q. Did he as a fact ever put his hand under your clothing? A. Never.

Q. In Winckler's sitting-room or elsewhere? A. No.

Q. Or take any other indecent liberty with you? A. No.

Q. Was Miss Klosterman in the habit of associating with you? A. Yes.

Q. And Mr. Klosterman's wife? A. Yes, and Mr. Klosterman's wife; we were every day together.

Q. Up to the time you left Dundas? A. Until the time we left Dundas.

Q. Did you ever bring a bill for alimony against your husband? A. No.

Q. Did you ever go to see anybody with regard to it? A. Yes.

Q. Who? A. Mr. Osler, of Hamilton, a barrister there; he is now of Toronto.

Q. Why did you not bring the action against Mr. Hatzfeld for support? A. Because Mr. Osler advised me that I could get nothing; that he had nothing; that he had no means beyond his living at that time.

Q. And what did he say would be the result if you brought the action? A. He said he might pack his trunk and go elsewhere.

Q. Was there any other reason why you never brought the action? A. It was the only reason.

Q. Has your husband furnished you with any means from the time you left his boarding house in 1873 until to day? A. No.

Q. Or anything for your child? A. No.

Q. Were you teaching music in Kentucky? A. Yes.

Q. Why did you leave there? A. Because I was sick; and besides through this letter that Mr. Hatzfeld sent by the police of Hamilton to the police in Owensborough, the rumour came out that I must have done something, and that rumour reached the young lady where I was giving singing lessons, and she told me, and I got sick, and I was sick for a whole year, and I came sick to Toronto.

Q. So that you were driven out of Owensborough by that letter of his? A. Yes.

Objected to.

Q. Is it true what Mrs. Schick says about having discovered you with Klosterman with your clothes disordered? A. No.

Q. And the bed disordered and the sitting-room? A. No.

Q. Did Mrs. Schick find you in the bedroom with Klosterman? A. No; I might have washed my hands in the bedroom, but Klosterman was not there with me.

Q. Or did he have any improper intercourse with you in Schick's house? A. No.

Q. You swear that? A. Yes.

Q. You swear that. A. Yes.

Cross-examined.

Q. Your husband provided well for the house when he had employment in Dundas? A. Not very extra.

Q. He worked night and day, did he not? A. No, he worked out in the evening, but not all the time.

Q. He was out a good deal in the evening at the office in the refinery? A. Yes.

Q. You had no fault to find; he did his best when he had the means? A. I never got any household from him.

Q. But you never had any fault to find with him when he had the means? A. No, I never had any fault.

Q. Then when he lost his employment you took to boarding? A. Yes.

Q. And some of his friends in Hamilton went security for the board? A. They went security for me.

Q. Times were very hard in 1873? A. I don't know anything about that; I don't know about business affairs.

Q. Are you aware that your husband got employment two or three days before you went to New York with Eneas Mackay & Co.? A. He said he got employment, but I did not believe it.

Q. Don't you know as a fact that he had work there for two years? A. I don't.

Q. As a matter of fact he told you before you went away that he had got employment, and asked you not to go? A. No; he did not say that; he said I could go to New York.

Q. You just started to New York to stay with your uncle or your friends there? A. No; to visit my parents in Germany.

Q. Who were you going to stop with in New York? A. With my brother.

Q. Was anything said about your going to Germany before you left? A. Yes; my parents were lonely for me and the child, and they wrote to me. Mr. Pedler, a cousin of Mr. Hatzfeld, came to visit me in Dundas a week before my confinement, and he had already said to Mr. Hatzfeld himself that he came to take me to Germany to visit my parents. I was homesick myself.

Q. Who paid your expenses on your trip to Germany? A. My parents.

Q. They sent you money? A. Yes.

Q. When did you get the money? A. I got the money in New York.

- Q. When did you write to them for the money? A. I wrote to them in February.
- Q. Did you tell your husband you had written? A. Yes, and Mr. Hatzfeld knew I would go from New York to Germany.
- Q. After you got to Germany he wrote you to come home, did he not, several times? A. Yes; he said he had better business.
- Q. He seemed to be anxious to have you back, by his letters? A. Yes.
- Q. Had you any correspondence with Klosterman? A. No.
- Q. Then you say you were not intimate with Klosterman? A. I was friends with Mrs. and Miss Klosterman, and Mr. Klosterman got my letter.
- Q. You say he might have kissed you on this occasion in Winckler's sitting-room? A. When I was sitting at the piano that might have happened.
- Q. You don't say he did not kiss you? A. Yes; he did not kiss me; I cannot remember.
- Q. Did he kiss you so many times that you cannot remember? A. No.
- Q. But he might have kissed you on this occasion? A. He might, but I don't remember; it is now twelve years ago.
- Q. Did you not tell your husband that he kissed you? A. It may be.
- Q. And you don't remember resenting it any way, objecting to it? A. He might have done it; I heard it the first time here yesterday.
- Q. At any rate you never kissed him? A. No, I never kissed him.
- Q. You swear that you never kissed him in your life? A. No, I did not.
- Q. And you are also prepared to swear that if he did kiss you, you did not tell your husband? A. There is no harm, because I got my letters from Mr. Klosterman.
- Q. Don't you think there is any harm in a married man kissing another man's wife? A. No, I don't think it, not when he is the age that that Klosterman was.
- Q. But he was a pretty jolly old boy, was he not; quite a man to sport round and drink? A. I did not see much of it.
- Q. Was he not a drinking man? A. Mr. Hatzfeld knows better than I.
- Q. But he is a man who had a lot of money to spend? A. I suppose he had.
- Q. He was a pretty lively man? A. He was in society a lively man.
- Q. Do you remember any other time that he may have kissed you? A. No; he never kissed me.
- Q. And you are prepared to swear you never kissed him? A. No, I never kissed him.
- Q. And that is as true as everything else you have said? A. Yes.
- Q. And if that is not true the rest that you have said may be false also? A. Yes—I do not understand.
- Q. At any rate you say you never kissed him? A. I never kissed him.
- Q. And that is just as true as the other things you have said? A. Yes.
- Q. If that is false the other things you have said are just as likely to be false? A. How is that? I do not understand.
- Q. If you are telling a story when you say you never kissed him you may be also telling a story when you say you did not do anything else with him? A. I never had anything to do with Mr. Klosterman.
- Q. And everything you said then is equally true with what you have said about the kissing? A. I don't know what you mean.
- Q. The other things are just as true as what you said about the kissing? A. Yes.
- Q. Is that your signature? (Showing a letter.) A. Yes.
- Q. Is that your writing on this page? A. Yes.
- Q. Will you now read in English who this letter is addressed to? A. To my husband.
- Q. And bears date? A. The 30th May, 1877.
- Q. Please read to this Court in English that sentence that is underlined? A. "That I kissed Klosterman I will not deny."
- Q. That was true when you wrote it? A. It is my writing.
- Q. And you say in that letter you kissed Klosterman; you will not deny it? A. What shall I say to that?

Q. You say in that letter "That I kissed Klosterman I will not deny." Was that true when you wrote it? A. Yes, I suppose so. (Filed as Exhibit. F.)

Q. Now, you see you were not telling the truth when you said that you had not kissed him a moment ago? (No answer.)

Q. Mr. Klosterman was frequently in your house when your husband was away?
A. Sometimes he fetched my letters.

Q. When your husband was away? A. Yes.

Q. And he would be in the house with you alone? A. Yes.

Q. In your parlor? A. Yes.

Q. Do you remember the occasion of which Mrs. Schick spoke when you and he rushed out of the parlor into the kitchen when surprised? A. I don't.

Q. You will not swear that it is not true? A. Excuse me; I understand only half of what is said.

Q. Will you swear that what Mrs. Schick said about your running out of the parlor into the kitchen with Klosterman on one occasion is not true? A. It is not true.

Q. Will you swear that you and Klosterman were not in Mrs. Schick's parlor together, and in Mrs. Schick's bedroom together? A. I do not deny that I was with Mr. Klosterman in the parlor.

Q. Will you deny that you were ever in her bedroom alone with Klosterman?
A. If I was there?

Q. Were you in her bedroom with Klosterman? Upon your oath, yes or no?
A. Yes, I was there.

Q. Why did you swear a moment ago to my learned friend that you were not in the bedroom with him? Did you forget, or what? A. I don't understand. Please get me somebody who speaks German.

Q. You understand what I am asking you. What was the reason that you swore in answer to Mr. McIntyre that you were not in the bedroom of Mrs. Schick's house alone with Mr. Klosterman, and now you say positively you were there? A. Did I swear that? I don't know that.

Q. Then you were there in the bedroom. Did Mrs. Schick come and find you there? A. Mrs. Schick was not there.

Q. Where was she? A. She was outside.

Q. Did not she come in and find you in the bedroom? A. Well, is there any harm in it?

Q. That is for the Court to say. She did come in and find you there? A. No; she did not find us in the bedroom.

Q. Did she see you in the bedroom? A. She saw us standing there.

Q. Was not the bed disturbed on that occasion? A. No.

Q. Upon your oath, was not that bed in her room disturbed? A. How shall I know?

Q. Did not you see it with your own eyes? A. No, I did not notice anything of this.

Q. Were you not on the bed yourself that day? A. No.

Q. Do you swear that now? A. Yes, I swear I was not on the bed.

Q. What were you doing in the bedroom? A. Maybe I was washing my hands.

Q. Maybe? A. Mr. Hatzfeld comes now with things, as if the whole thing was made up for me now. I am here by myself, and all are here against me. It was in the year 1872, twelve years ago, this is said to have been done.

Q. You say Klosterman was in the bedroom with you? A. Perhaps he was in the bedroom with me; I cannot remember, it is so long ago.

Q. Do you remember telling Mrs. Schick that Klosterman attempted to take liberties with you in Preston? A. No.

Q. Now, I warn you to be careful of what you state; you never told her that he had attempted to take liberties with you in Preston? A. I don't remember.

Q. Do you remember your telling Mrs. Schick that he took you up in his arms in your own house and carried you to the bedroom, and compelled you to do what he wanted? A. No, I don't remember that.

- Q. Will you say that you never did tell her that? A. I say I cannot remember.
- Q. Can you deny that you ever told her that? A. If—I say I cannot remember.
- Q. That is all you can say? A. Yes.
- Q. You cannot say it is false? A. I think oftentimes something looks very suspicious. Mr. Hatzfeld and Mrs. Schick were often in that house together, and they might have made it up.
- Q. Will you deny on your oath that you never wrote or told Mrs. Schick that Klosterman took you up in his arms and took you in the bedroom? A. I cannot remember. If you have proof, show it.
- Q. Can you say upon your oath that you never told Mrs. Schick that the child was a perfect Klostermann, and looked like Klostermann? A. Pshaw, I never said such a thing, because I just tell you—it is fun talk.
- Q. Were you joking with her about it? A. No.
- Q. Did you ever speak about it in any way in fun or in earnest? A. No.
- Q. Now about the time your husband came to Toronto he charged you with what he has already stated here yesterday on oath—he charged you with a little impropriety with Klosterman? A. Yes.
- Q. And you said “Prove it?” A. Yes.
- Q. You told him it was not so? A. Yes.
- Q. You had an hour’s talk? A. Yes.
- Q. And you afterwards had a talk with him before your brother? A. Yes.
- Q. State what took place there? A. Well, Mr. Hatzfeld accused me again, and I was quiet with him. I did not say anything; I just said “Go on.”
- Q. You did not deny it? A. I did not say anything.
- Q. You were there and heard it all? A. Yes.
- Q. And your brother heard it, and was crying? A. It was not for that he was crying; his wife was only a couple of weeks dead then.
- Q. She was longer dead than that then; this was in March? A. I cannot remember the date.
- Q. How long was it after his wife was buried? A. Perhaps a month or two.
- Q. Mr. Hatzfeld simply made the charges in the presence of your brother, and you did not deny them? A. I said nothing.
- Q. And he went over the same charges to you that he gave yesterday? A. Yes.
- Q. When did this letter come from your parents that you speak about, offering to set him up in business? A. In 1872.
- Q. And you say it was only after that time that you got your letters addressed to Klosterman? A. Yes.
- Q. And only after that time you became intimate with him? A. Yes.
- Q. Will you swear after what you have sworn and the corrections you have made—will you say that he had not his arm about your neck or about your shoulders in Winckler’s hotel on the occasion which Winckler referred to yesterday? A. Did not I tell you I cannot remember everything? How shall I remember this.
- Q. Can you swear that it is not true that he had his hand under your clothes? A. I am quite sure that Mr. Klostermann never did so.
- Q. Do you say that from memory, or how do you say that? A. How shall I remember it? I say no.
- Q. You say you don’t remember about it? A. No, I don’t.
- Q. Do you remember being in the sitting-room of Winckler’s hotel? A. Yes; I was often there.
- Q. You and Mr. Klosterman? A. I was with Mr. Hatzfeld.
- Q. Were you there with Mr. Klosterman alone? A. I don’t remember. I was often there.
- Re-examin’d.*
- Q. You say that Mr. Klosterman and Miss Klosterman were in the habit of going there? A. Yes; certainly. We were in the habit of going to concerts to which we were invited, and we were often there. Sometimes I played the piano, and there were along with Mr. Klosterman, Mr. Hatzfeld, and more people there.

Q. Would you remember if Mr. Klosterman had taken an indecent liberty of that kind with you? A. I am quite sure I would.

Objected to.

Q. Did he as a fact take that indecent liberty with you? A. I cannot remember anything of that kind now.

Q. You don't know that he ever did? A. No.

Q. Would you forget a thing of that kind? A. Not very easily.

Q. So that what you mean to say is that had it occurred you would have remembered it? A. Yes.

And further deponent saith not and hath signed.

ANNA HATZFELD.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate to whom }
 was referred the Bill intituled: "An }
 "Act for the relief of Georg Louis Emil }
 "Hatzfeld," at the Parliament Build- }
 ings, at the City of Ottawa, in the Pro- }
 vince of Ontario, this third day of }
 March, in the year of Our Lord one }
 thousand eight hundred and eighty- }
 five. }

H. A. N. KAULBACH,

Chairman of said Committee.

On this third day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Peter Freyseng, of the City of Toronto, Merchant, who being duly sworn and examined on behalf of the Respondent, deposeth as follows:—

Q. You are a brother of the Respondent in this case? A. Yes.

Q. Where do you reside? A. In Toronto.

Q. You are in business there? A. Yes.

Q. Were you present at any interview between your sister and Mr. Hatzfeld?

A. I think I was.

Q. Did he make any charge of infidelity, or was it an interview of that kind?

A. No; I do not think so.

Q. Were you ever at any interview at which he charged your sister with infidelity, and improper intercourse with Mr. Klosterman? A. No.

Q. Did she admit—

Objected to.

Q. Were you present at a meeting between Mr. Hatzfeld and his wife at Hamilton on her return from Germany? A. At the station, yes, and I was with Mr. Hatzfeld and his wife afterwards in following years. Of course Mrs. Hatzfeld was always waiting to see what step Mr. Hatzfeld was going to take against her, and she had to wait from year to year until now.

Q. In 1877 did you come up from New York with Mrs. Hatzfeld? A. Yes.

Q. Did you meet Mr. Hatzfeld at the station in Hamilton? A. Yes.

Q. Did Mr. Hatzfeld see his wife there? A. Yes.

Q. And how did he meet her? A. Very friendly.

Q. Tell us how he did meet her? A. He met her as his wife. I think he kissed his wife, didn't you (turning to the Petitioner)? He knew his wife was coming, and he was there with Winckler, and they had a friendly meeting. They shook hands and she said "I am here!" He said, "Go on with your brother to Toronto and you will hear afterwards."

Q. He was down at your house then within a few days, and your wife died in the interval? A. My wife died 24 hours after Mr. Hatzfeld met Mrs. Hatzfeld at the station, and he came down to the funeral.

Q. Was there any interview then that you were present at between him and his wife? A. I recollect one. I guess he paid two or three visits.

Q. You did not hear him charge her then with having had improper intercourse with Klosterman? A. No, he asked her whether the child was his child, and my sister said "Yes," because he always denied it was his child.

Q. Mr. Hatzfeld says that you were present at an interview that took place in the kitchen of your own house, at which his wife admitted—

Objected to.

Q. Mr. Hatzfeld says that you were present at an interview between himself and his wife in your kitchen; were you present at any such interview as that? A. There were some interviews, as I told you before, that took place in the parlor. I do not recollect anything about an interview in my kitchen, because we had a kitchen and then we had a dining room, and I do not think we would sit in the kitchen with the servant girl and have any talk of that kind.

Q. Did your sister ever before you confess to having improper intercourse with Mr. Klosterman? A. She did not.

Cross-examined.

Q. Were you ever present when Mr. Hatzfeld accused her of criminal intercourse with Mr. Klosterman? A. I do not recollect that. It was such a time—as far as my position was concerned—the death of my wife, leaving three children, and my situation in such a way, that after a lapse of seven years it is very hard to say.

Q. You have no recollection of being present when he accused her of infidelity with Klosterman? A. I do not recollect that.

Q. Your sister recollects it? A. Did she?

Q. Yes, she swore that you were present? A. I do not recollect it.

Q. Then you do not recollect any particulars of what took place at those interviews? A. As far as I can recollect it was about general affairs.

Q. But you do not recollect any particulars of what was said on either side? A. I always tried my best to get them united again.

Q. You cannot undertake to tell the Court what was said by him, or what was said by her? A. No, it is such a long time ago that I do not recollect positively; but the principal thing that Mr. Hatzfeld wanted to find out was whether the child was his or not.

Q. If he made that suggestion he must have charged her with adultery with somebody? A. I suppose so.

Q. Do you not remember? A. I do not recollect that.

Q. You knew that he was going to take some proceedings against her? A. He said so.

Q. You knew that he was going to attack Klosterman also? A. I never knew until somebody sent me a newspaper with a certain article in it about the Court in Brantford, marked with a blue pencil.

Q. Did he not tell you that he was going to sue Klosterman and that he wanted you to go to London with him? A. No, never. He never wanted me to go to London with him.

Q. Don't you remember an interview, on the 2nd of March, at your house, when this whole affair was discussed between you and him in her presence, and a great deal of crying going on on your part? A. I recollect that state of affairs; it affected me under the circumstances; it was such an unhappy marriage.

Q. Don't you recollect on that occasion he charged her with infidelity? A. No, I do not recollect. The 2nd of March—I do not recollect the 2nd of March? What year?

Q. In 1878. You cannot recollect what anybody said? A. I do not recollect Mr. Hatzfeld saying anything about my sister having anything to do with Klosterman. The principal point that I recollect, he wanted to find out was about the child.

Re-examined.

Q. What did she say? A. She said it was their child—his child and hers. And further deponent saith not and hath signed.

PETER FREYSENG.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate, to }
 whom was referred the Bill intituled : }
 "An Act for the relief of Georg Louis }
 "Emil Hatzfeld," at the Parliament }
 Buildings, in the City of Ottawa, in }
 the Province of Ontario, this second }
 day of March, in the year of Our Lord }
 one thousand eight hundred and eighty- }
 five. }

H. A. N. KAULBACH,
Chairman of the said Committee.

EVIDENCE IN REBUTTAL.

George Louis Emil Hatzfeld, re-called in rebuttal, and examined by Mr. Teetzel :

Q. It was stated by your wife that you stayed over night in Toronto when you went down to your sister-in-law's funeral; that you slept with your wife on that occasion? A. No; she made remarks at different times that it was bed-time. I did not pay any attention to it, and at last she took the sister-in-law of her brother and asked her to go along with her, and I slept with her brother. We slept in the same room, I am positive of that, and I believe in the same bed—her brother and I.

Q. It has been stated that you kissed her at the station? A. I did not. I just held out my hand. The only time I did kiss her was after she made that confession to me. She begged hard, and I put my hands on her head, and I said, "Lord, forgive you," and I kissed her on the forehead.

Q. You were affected by her weeping, and by the occasion? A. Yes, I put my hand on her head, and I said, "Lord, forgive you," and that is the only time I touched her since, although she said afterwards, "You might shake hands with a pretty lady" holding out her hand.

And further deponent saith not and hath signed.

L. E. HATZFELD.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate to }
 whom was referred the Bill intituled : }
 "An Act for the relief of Georg Louis }
 "Emil Hatzfeld," at the Parliament }
 Buildings, in the City of Ottawa, in }
 the Province of Ontario, this second }
 day of March, in the year of Our Lord }
 one thousand eight hundred and eighty- }
 five. }

H. A. N. KAULBACH,
Chairman of the Select Committee.

Julius Winckler, re-called in rebuttal and examined by Mr. Teetzel, deposeth as follows:—

Q. Do you remember going to the station with Mr. Hatzfeld in August, 1877, when his wife came to him? A. Yes.

Q. Did you see them when they met? A. Yes.

Q. What took place between them? A. Not much of a welcome.

Q. Will you explain what they did? A. They were speaking at a distance, and I could not hear what they said, but there was no hand-shaking or kissing.

Q. Was there any kissing at all? A. No.

Q. Were you looking at them when they met? A. Yes.

Q. And you were near enough to see? A. Yes, but I could not hear anything.
Cross-examined.

Q. Did you see Mr. Hatzfeld and his wife from the time that they met until the time she left on the train that day? A. No, I did not go into the cars.

Q. Were you watching them throughout the whole time of their interview? A. As much as I could with a good many people there. There was some times I could not see them, but I staid on the platform until the train left.

Q. Did you see them during the whole time they were on the platform? A. No, I could not say that I did.

And further deponent saith not and hath signed.

JULIUS WINOKLER.

Sworn, taken and acknowledged before the)
Select Committee of the Senate, to)
whom was referred the Bill intituled :)
"An Act for the relief of Georg)
"Louis Emil Hatzfeld," at the Par-)
liament Building, in the City of)
Ottawa, in the Province of Ontario,)
this second day of March, in the year)
of our Lord one thousand eight hun-)
dred and eighty-five.)

H. A. N. KAULBACH,

Chairman of said Committee.

EXHIBIT "A."

In the German language. For translation. (See Exhibit "E.")

EXHIBIT "B."

ONTARIO.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith. To all to whom these presents shall come—Greeting.

KNOW YE that amongst the Common Pleas enrolled in our High Court of Justice for the Province of Ontario, Common Pleas Division, at Toronto, before the Honorable Adam Wilson, President, and his brethren the Justices of the said High Court, the thirtieth day of April, in the year of Our Lord one thousand eight hundred and seventy-nine, in the forty-third year of Our reign and on the 24th Roll it is thus contained.

IN THE COMMON PLEAS.

County of Brant, }
to wit. }

The twentieth day of March, in the year of Our Lord, 1879.

Louis Aemelius Hatzfeld, by William Alexander Hamilton Duff, his attorney, sues Robert Klosterman, who has been summoned by virtue of a writ issued on the sixth day of September, in the year of Our Lord one thousand eight hundred and seventy-eight.

For that the defendant debauched and carnally knew the plaintiff's wife.

And the plaintiff claims ten thousand dollars.

And the defendant in his proper person says nothing in bar or preclusion of the said action of the plaintiff, whereby the plaintiff remains therein undefended against the defendant, wherefore the plaintiff ought to recover against the defendant his

damages on occasion thereof. But because it is unknown to the court here what damages the plaintiff hath sustained in that behalf.

Therefore, to assess the damages sustained by the plaintiff on occasion thereof, let a jury come, &c.

And the plaintiff suggests and gives this honorable Court to be informed that the plaintiff recovered against the defendant judgment by default of a plea on the first day of April, A. D. 1879.

Afterwards on the thirtieth day of April, in the year of Our Lord 1879, came the plaintiff aforesaid, by his attorney aforesaid, and the Honorable Mr. Justice Burton, one of the Justices of our Lady the Queen, assigned to take the assizes in and for the County of Brant at the City of Brantford, before whom the said assessment was made, hath sent hither his record had before him in these words.

Afterwards on the twenty-ninth day of April, A.D. 1879, at the City of Brantford in the County of Brant, before the Honorable Mr. Justice Burton, one of the Justices of our Lady the Queen, assigned to take the assizes for the within County, comes the plaintiff within mentioned, by his attorney within mentioned, and a jury of the said County being summoned also came, who, being sworn to assess the damages of the plaintiff on occasion of the premises within complained of by him, upon their oath say that they assess the damages of the plaintiff on occasion of the premises within complained of by him, over and above his costs of suit, to one thousand dollars.

Therefore it is considered that the plaintiff do recover the said monies by the jurors aforesaid, in the form aforesaid assessed, and also \$89.69 for his costs of suit by the Court here adjudged of increase to the plaintiff, which said monies and costs in the whole amount to \$1,089.69.

All and singular which premises by the tenor of these present we have commanded to be exemplified.

In testimony whereof, We have caused the seal of Our said Court at Toronto to be hereunto affixed.

Witness the Honorable Adam Wilson, President of our High Court of Justice at Toronto, the day of February, in the year of Our Lord one thousand eight hundred and eighty-five, and in the forty-eighth year of Our reign.

[L.S.]

M. B. JACKSON,
Registrar of the High Court of Justice,
Common Pleas Division.

EXHIBIT "C."

IN THE HIGH COURT OF JUSTICE, }
Common Pleas Division. }

(Writ of *Fieri Facias*).

ONTARIO.

BETWEEN

LOUIS AEMELIUS HATZFELD, *Plaintiff,*

AND

ROBERT KLOSTERMAN, *Defendant.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith.

To the Sheriff of the County of Wentworth. Greeting:—

WE COMMAND YOU that of the goods and chattels of the above named defendant, Robert Klosterman, in your bailiwick, you cause to be made the sum of \$1,089.69, and also interest thereon from the 30th day of April, 1879, which said sum of money and interest were, lately before the Justices of our Court of Common Pleas in a

certain action, wherein the said Louis Aemelius Hatzfeld is plaintiff, and the said Robert Klosterman is defendant, by a judgment of our said Court, bearing date the 30th day of April, 1879, adjudged to be paid by the said Robert Klosterman to the said Louis Aemelius Hatzfeld, and that you have that money and interest before Our Justices aforesaid at Toronto, immediately after the execution hereof, to be paid to the said Louis Aemelius Hatzfeld in pursuance of the said judgment. And in what manner you shall have executed this our writ make appear to our Justice aforesaid at Toronto, immediately after the execution hereof, and have there then this writ.

Witness the Honorable Adam Wilson, President of Our said Court, the 27th day of February, 1885, in the 48th year of Our Reign.

WILLIAM B. HEWARD.

Issued from the office of the Deputy Clerk of the Crown of the High Court of Justice in and for the County of Wentworth.

S. H. GHENT,
Deputy Clerk.

H. C. J.

Common Pleas Division.

(Fieri Facias Goods.)

HATZFELD }
vs. }
KLOSTERMAN. }

MR. SHERIFF,—Levy of the goods and chattels of the within named defendant the sum of \$1,000 for damages, the sum of \$89.69 taxed costs, together with interest on both these sums from the 30th day of April, 1879, and the sum of \$5 for this writ, together with your own fees, poundages and incidental expenses.

Yours, &c.,

W. A. H. DUFF,
Plaintiff's Solicitor.

This writ was issued by William Alexander Hamilton Duff, of No. 31 James Street South, in the City of Hamilton, in the County of Wentworth, plaintiff's solicitor. The defendant has no goods in my bailiwick, the answer of

ARCHIBALD MCKELLAR,
Sheriff County Wentworth.
Per E. G. ZEALAND,
D.S.

W. A. H. DUFF.

EXHIBIT "D."

IN THE HIGH COURT OF JUSTICE, }
Common Pleas Division. }

BETWEEN LOUIS AEMELIUS HATZFELD, *Plaintiff,*
AND
ROBERT KLOSTERMAN, *Defendant.*

I, ARCHIBALD MCKELLAR, Sheriff of the County of Wentworth, hereby certify, That an execution issued in the above cause and directed to me, whereby I am commanded that I cause to be made of the lands and tenements of the above named defendant within my bailiwick the sum of \$1,089.69, the amount of judgment herein with interest thereon from the 30th day of April, together with the sum of \$10 for

costs of said writ of execution and former writ, together with my own fees, poundage and incidental expenses, is now in my hands for execution and that said defendant has no lands in my bailiwick out of which I can make the said moneys or any part thereof.

Dated at Hamilton this 27th day of February, A. D. 1885, at the hour of 2:30 p. m.

ARCHIBALD McKELLAR,

Sheriff County Wentworth.

Per E. G. ZEALAND,
Deputy Sheriff.

Sheriff's Office, Hamilton, County Wentworth.
Common Pleas Division.

HATZFELD }
vs. }
KLOSTERMAN, }

Sheriff's certificate.

W. A. H. DUFF.

EXHIBIT "E."

(Translation from the German).

EXTRACT FROM THE MARRIAGE REGISTER OF THE EVANGELICAL PARISH OF
MANNHEIM, YEAR 1869. NO. 118.

In the year of Our Lord one thousand eight hundred and sixty-nine, the seventh day of August, one o'clock in the afternoon, there was married by City Pastor Schellenburg, in pursuance of marriage license issued by the Grand Districts Court, dated 17th July, 1869, No. 16490, after due proclamation on the 18th and 25th July of the same year, as prescribed; and also after production of certificate of release issued from the office of the lower Catholic City Parish, dated 28th July of the same year; Emil George Ludwig Hatzfeld, unmarried citizen and merchant here, born 6th March, 1843, Evangelical, legitimate unmarried son of Johann Georg Salomon Hatzfeld, citizen and master shoemaker here, and of Sibille Justine *née* Hans; with Anna Maria Josepha Freyseng, born 28th May, 1848, Catholic, legitimate unmarried daughter of Peter Freyseng, citizen and master baker here; and of Maria *née* Mueller. Witnesses are: Georg Hirnbürger, citizen and comb maker here, and Karl Jost, citizen and hairdresser here.

MANNHEIM, August 7th, 1869.

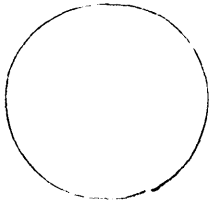
(Signed)

TH. GREINER, *City Pastor.*

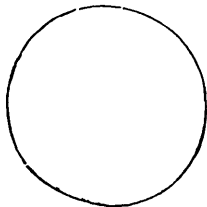
For the accuracy of this extract.

MANNHEIM, August 25th, 1869.

EVANGELICAL CITY PASTORATE.
(Signed) GREINER.



The above certificate of the Evangelical City Pastorate here, as constituting an official civil authority, is hereby attested.



Mannheim, the 25th August, 1869.

Court Office of the Grand Duchy of Baden.

The Official Notary,

(Otherwise Prothonotary.)

(Signed), HECHT.

I, A. Harvey, of the City of Ottawa, Canada, do hereby certify that the foregoing is a true and correct translation, excepting all proper names, which are copied as far as the legibility of the handwriting permitted.

OTTAWA, ONT., February 25th, 1885.

A. HARVEY.

EXHIBIT "F."

Letter in the German language referred to in the cross-examination of the respondent.

APPENDIX No. 2.

MINUTES OF EVIDENCE

Heard on oath before the Select Committee of the Senate on the Bill intituled :
 “An Act for the relief of Alice Elvira Evans.”

COMMITTEE :

The Honorable Mr. GOWAN, Chairman.

The Honorable Messieurs

Hamilton,	McMaster,	Stevens,
Macdonald (B. C.),	Montgomery,	Vidal.
McKay,	Plumb,	

THE SENATE OF CANADA.

In Re THE BILL (G) “AN ACT FOR THE RELIEF OF ALICE ELVIRA EVANS.”

On this sixth day of March in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Rev. Dr. William Stewart, Clergyman, of Cheltenham, County of Peel, Province of Ontario, who being duly sworn and examined, deposesh as follows :—

By the Chairman :

- Q. Where do you reside? A. I reside in Cheltenham, County of Peel, Ontario.
 Q. What is your occupation? A. Minister of the Gospel.
 Q. Of what denomination? A. Baptist denomination.

By Mr. Blackstock :

- Q. Do you know the petitioner Alice Elvira Evans? A. I do,
 Q. She is now present in the room? A. She is.
 Q. How long have you known her? A. Since the beginning of the year 1874.
 Q. Where was she then residing? A. In the City of Hamilton.
 Q. You were a resident there yourself then? A. I was.
 Q. Do you know the respondent Owen Norton Evans? A. I do.
 Q. How long have you known him? A. About the same length of time.
 Q. They were both resident in Hamilton early in 1874? A. They were.
 Q. Do you know anything about the marriage of these parties, and if so what?
 A. I performed the marriage ceremony in March, 1874.
 Q. What date do you remember? A. I think it was about the 16th.
 Q. According to the rites of the Baptist Church of Canada? A. Yes.
 Q. And the parties resided together as man and wife afterwards did they? A.

They did.

- Q. Have you any idea for how long? A. For probably a year, or a little over.
 Q. Did you ever have any conversation with respondent with regard to his marriage relations or anything of that sort? A. I did.
 Q. He was an attendant of your church at that time? A. They were both attendants and members of the church of which I was then pastor.

Q. Will you state to the Committee shortly the substance of any statements made to you by the respondent in regard to his own conduct? A. He made some statements to me that his conduct had been very improper—that he had visited some houses of ill-fame and that he had there contracted some disease.

Q. What was he telling you this for? A. The matter had become known, and I felt that he was an improper person to be connected with any Christian church, and spoke with him about the matter, and he made confession with tears, professed to be very penitent, and begged that the matter should not be made known to members of the church.

Q. Or to anyone else? A. Or to anyone else so far as I remember.

Q. Then the object of this was that you should seek to suppress the fact, or not make it public? A. That was all.

Q. Was that with regard to his wife also? A. I presume it was, although it was specially with reference to his own conduct I had the conversation with him.

By the Honorable Mr. Vidal :

Q. Did the witness seek the interview, or did you seek the interview with him? A. I sought the interview because of having heard what his conduct was.

Q. Was the child born during the time they were living together at Hamilton? A. The child was born a little while before this conversation.

Q. While they were still living together? A. About that I am not very sure. Mrs. Evans was living at her mother's house at the time of the conversation.

By Mr. Blackstock :

Q. She was not living with him at this time? A. No, they were not living in a house of their own.

And further deponent saith not and hath signed.

WILLIAM STEWART.

Sworn, taken and acknowledged before the)
 Select Committee of the Senate, to)
 whom was referred the Bill intituled :)
 "An Act for the relief of Alice Elvira)
 "Evans," at the Parliament Buildings,)
 in the City of Ottawa, in the Province)
 of Ontario, 6th March, A.D., 1885.)

JAS. ROBT. GOWAN,
Chairman of the said Committee.

On this sixth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Alice Elvira Evans, of the City of Toronto, Province of Ontario, dressmaker, who being duly sworn and examined, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, deposeth as follows:—

By Mr. Blackstock :

Q. You are the petitioner in this matter? A. I am.

Q. It is in evidence that you were married on the 16th March, 1874, to the respondent. A. I was.

Q. At the City of Hamilton? A. Yes.

Q. After your marriage where did you reside? A. In Hamilton.

Q. With whom. A. With the respondent.

Q. For how long? A. About a year and four months.

Q. During that time you lived in a house together by yourselves? A. Partly and partly at home.

Q. Do you mean by that that you were sometimes living there and sometimes at home—how was that; or do you mean to say that during part of that sixteen months you were living at home? A. I was at home about three months, the latter portion.

Q. So that you lived together in your own house about thirteen months and after that you lived together at home for three months. A. Yes.

Q. What was the respondent's business? A. Upholsterer.

Q. Do you know what wages he was in receipt of? A. No.

Q. What was his treatment of you, as his wife, during that time in regard to keeping his family? A. I did not receive any support from him at all.

Q. You received no support from him at all? A. No, not a cent.

Q. How were you maintained then? A. By my mother and father.

Q. A child was born to you and the respondent I believe? A. Yes.

Q. He is now present? A. Yes.

Q. When was that? A. Thirteen months after I was married.

Q. That was about the time or shortly after you went home? A. It was before that; the 11th April, 1875.

Q. With the consent of your husband? A. Yes, he went with me.

Q. Have you anything more to say with regard to his treatment of you during the time he lived with you, besides the fact that he did not furnish you with any support at all? A. He neglected me in every way.

Q. Did he live at home regularly? A. No, not constantly.

Q. That is, he spent his evenings away at times—that is, the whole nights? A. Yes.

Q. What transpired after you returned to your mother's house with regard to him? A. I do not recollect much about it; I was ill all the time—unconscious.

Q. Was he in Hamilton when you recovered sufficiently well to know what was going on? A. Yes he was still in Hamilton.

Q. When did he leave there? A. When he was arrested.

Q. Tell us what you learned with regard to his arrest? A. I was told about it. I was not well enough to go out of the house. I was told that he was arrested and had left Hamilton with this woman.

Q. What is her name? A. I have forgotten—Nelly Morris.

Q. This was one of the inmates of the house? A. Yes, it was her sister's house.

Q. He had been arrested there and had afterwards left with her? A. Yes.

Q. Did you understand how they were finally found? A. I did not hear anything further of them until Mr. Littlehills, police constable, found them.

Q. Did you afterwards see the respondent? A. I did one evening.

Q. How long after? A. About two years, I think.

Q. You saw nothing more of him after he ran away from Hamilton with this woman until about two years afterwards; where did you see him then? A. At home at my father's house in Hamilton.

Q. Just detail the conversation that took place between him and you on that occasion? A. I do not think I spoke to him at all.

Q. What did he say to you? A. He wanted me to go with him. He said that he had a home for me and my father said that he would have to prove it first, and he had not any such place at all. My father said he would give him another year.

Q. But you said nothing at all yourself? A. No.

Q. As far as you were concerned, at all events, you refused to have anything at all to do with him then? A. Then I did.

Q. After he left what did you do yourself? A. I worked.

Q. And you have been engaged in business ever since, I suppose? A. Yes, constantly.

Q. And now you are engaged in the dressmaking in Toronto? A. Yes.

Q. And you have since that time earned your own livelihood? A. Yes.

Q. And you have received no support from him? A. No.

Q. And you have supported the child? A. Yes.

Q. I suppose you have not heard from the respondent since that time yourself? A. No.

Q. It is only your witnesses can speak of his conduct since then? A. Yes.

Q. During this interview with the respondent at your father's did your father charge the respondent with these things that had come to your ears with regard to his conduct? A. Yes.

Q. What did your father say in regard to these things?

By the Chairman :

Q. What did your father charge him with, or did he charge him with anything? A. He charged him with going away from Hamilton with this woman Nelly Morris, and he acknowledged it then. He said she came back after two weeks living with him.

Q. That is, she had stayed with him two weeks; that is all? A. Yes.

Q. You heard of the respondent being at Dunkirk, in New York, at one time? A. Yes.

Q. Was it prior to that? A. No, it was after.

Q. When was it that you first instructed me to bring this action for divorce? A. Two years ago.

Q. At that time did you know the whereabouts of your husband? A. No.

Q. How long since you knew where he was? A. A year ago this winter.

Q. Before that at the time that you instructed me to bring this action you say you had no knowledge of his whereabouts—and for how long prior to that? A. He was in Dunkirk the last time I heard of him.

Q. How many years was it before that? A. About a year.

Q. The first notice for divorce was given at the last sitting of Parliament? A. Yes.

Q. At that time you did not know where he was? A. No.

Q. And you made every attempt to find out where he was, advertised and made enquiries of all kinds amongst his friends? A. Yes.

Q. And you were unable to find him? A. I was not able to find him.

Q. And you never had any communication with him after that time? A. I had not.

Q. And you say it was about a year after you instructed me to bring this action before you found out where he was? A. Yes.

Q. I believe you always thought if you found him you would have some further evidence to assist you in securing the divorce? A. Yes.

By the Chairman :

Q. Was there or has there been any understanding between you and the respondent as to this application? A. No, I have not seen him or had any conversation with him.

Q. You are not acting in collusion or connivance with him in this matter to obtain this separation? A. No.

Q. There is no consent at all between you? A. No, none whatever.

And further deponent saith not and hath signed.

ALICE E. EVANS.

Sworn, taken and acknowledged before the
 Select Committee of the Senate to
 whom was referred the Bill intituled :
 " An Act for the relief of Alice Elvira
 " Evans," at the Parliament Buildings,
 in the City of Ottawa, Province of
 Ontario, this sixth day of March, in
 the year of our Lord one thousand
 and eight hundred and eighty-
 five. }

JAS. ROBT. GOWAN,

Chairman of said Committee.

On this sixth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Myron Johnson, of the City of Toronto, manufacturer of agricultural implements, who being duly sworn and examined, deposeseth as follows :—

By Mr. Blackstock :

Q. The petitioner is your daughter? A. Yes.

Q. You were present at her marriage, I suppose in the City of Hamilton? A.

Yes.

Q. And of course you know the respondent? A. I do.

Q. What was the treatment of the petitioner by the respondent during the time they were residing together? A. He treated her I considered with great neglect.

Q. In what way? A. He would go away and neglect his business and stay away from home at night and neglect to support or furnish her with proper food.

Q. Who supported her? A. I did myself.

Q. Do you remember the occasion of which she speaks when she returned to your house? A. I do.

Q. It was during that time that the child was born? A. She was living with me when the child was born.

Q. Do you remember the circumstances under which the respondent left the City of Hamilton—What do you know about it? A. I really do not know anything only from what I have been told and from current report.

Q. Did you ever have any conversation with the respondent afterwards in regard to these reports? A. I did.

Q. On what occasion was that? A. That was after he came back, about two years from the time he ran away.

Q. Did you charge him with anything at that time? A. I charged him with running away and leaving Hamilton with this woman Nellie Morris.

Q. Was there anything else that you charged him with? A. I charged him with running around those bad houses in Hamilton.

Q. What did he say in regard to those charges? A. He said that he did go away, and that she went with him.

Q. And how long were they together did he say? A. He said that she came back in a little while.

Q. So that he did not deny the fact of having those relations with this woman? A. He did not.

Q. Did you see him afterwards? A. Last winter, about a year ago is the first time I saw him since.

Q. Are you aware of any efforts made on the part of the petitioner to discover his whereabouts. A. I am.

Q. There were efforts made? A. Yes, she tried to find him.

Q. Did you succeed in finding him at last? A. I just accidentally heard that he was at Owen Sound.

Q. What did you do when you heard that? A. I went up to see if it was a fact.

Q. And you found him there? A. I found him there.

Q. Tell me what you found there in regard to his manner of living? A. I found him keeping house there with a woman, and he had a child sitting on the floor, that he acknowledged was his child.

By the Chairman :

Q. How old was the child? A. It was about six months old, I think.

Q. Did he tell you anything about what his relationship with this woman was? A. He said he was married to her.

Q. Did he tell you where? A. At Castleton.

Petitioner's counsel asks to have this part of the deposition struck out on the ground that it may injure an innocent party.

The Chairman rules that after the evidence has been all heard the Committee will decide what portion of it will be eliminated.

Q. Did you go to his house for the purpose of seeing what he was doing there?
A. Yes.

Q. Have you seen him since? A. I have about two weeks ago.

Q. That is when you served the Bill and notices of this petition on him? A. Yes, on the 18th of February.

Q. I suppose you were not at his house on that occasion? A. No, I had not time to go to his house.

Q. Your daughter has gained her own livelihood ever since? A. Yes.

Q. At first she kept some store, did she not, and afterwards she learned or taught herself dressmaking, and has been engaged in it ever since? A. Yes.

And further deponent saith not and hath signed.

MYRON JOHNSON.

Sworn, taken and acknowledged before the
Select Committee to whom was referred
the Bill intituled: "An Act for the relief
"of Alice Alvira Evans," at the Parliament
Buildings, Ottawa, this sixth day of March,
in the year of Our Lord one thousand
eight hundred and eighty-five.

JAS. ROBT. GOWAN,

Chairman of the said Committee.

On the sixth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared, John Littlehales, of the Town of Windsor, in the Province of Ontario, police officer, who being duly sworn and examined, deposeth, as follows:—

By Mr. Blackstock:

Q. You resided formerly in Hamilton? A. I did.

Q. Did you know the petitioner there? A. I did.

Q. And the respondent? A. I did both.

Q. In your capacity as police constable, did you ever have anything to do with the respondent? A. I did, with a number of other policemen, I arrested the keeper and inmates of a house of ill-fame.

Q. Where? A. On Queen Street, Hamilton.

Q. And what had that to do with the respondent? A. He was there as one of the inmates.

By the Chairman:

Q. What time did you effect the arrest? A. About ten o'clock at night—between 10 and 11.

By Mr. Blackstock:

Q. Do you know the names of any of the women that were there? A. Yes, I know them all. There was Lucy Russell, Nellie Morris and Annie Morris—three sisters.

Q. Did you have any conversation with Evans in regard to this Nellie Morris? A. As police officer I arrested him, and while taking him to the police station I had some conversation with him. I had known him previously intimately.

Q. Did you see him subsequently? A. I did when the case was heard.

Q. What became of that case? A. The keeper of the house was fined \$50 for keeping a house of ill fame; Nellie Morris was fined \$10 for being an inmate, and Owen Norton Evans, was liberated on his own bail on terms of good behavior for the future.

Q. Then what happened after that to Evans? A. A short time was given to Nellie Morris to pay her fine, and the same afternoon Owen Evans took her away to Ingersoll.

Q. Did you see him afterwards? A. Yes, he took her away, and I saw him some short time afterwards at Ingersoll. He told me that he had taken her away because he was afraid she would be again arrested because she could not meet her fine. I did not see him again afterwards in connection with Nellie Morris, but I know in two or three weeks afterwards she was back again in Hamilton.

Q. What did he say, if anything, about her remaining in Ingersoll? A. He did not say anything about that, but that he had brought her away for fear of her being re-arrested as she had not money to pay her fine, and he had not any either. He spoke more freely to me than he would to a stranger, on account of our previous personal acquaintance.

Q. I suppose you have never seen him since? A. Yes, I saw him once afterwards—a few weeks after in Ingersoll, before he went away, and I have not seen him since.

Q. Did you have any conversation with him then about this matter? A. No, I did not.

And further deponent saith not and hath signed.

JOHN LITTLEHALES.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Alice Alvira
"Evans," at the Parliament Buildings,
in the City of Ottawa, Province of
Ontario, this sixth day of March, in the
year of Our Lord one thousand eight
hundred and eighty-five.

JAS. ROBT. GOWAN,

Chairman of said Committee.

On this sixth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Andrew Moag, of the Town of Owen Sound, in the Province of Ontario, cabinet-maker, who, being duly sworn and examined, deposeth as follows:—

By Mr. Blackstock :—

Q. With whom do you work at Owen Sound? A. I work with Wilson Brothers.

Q. They are cabinet-makers there? A. Yes.

Q. What is your capacity there? A. I have charge of the cabinet factory.

Q. Do you know the petitioner here? A. I knew her to see her some years ago, in Oshawa, when she was a girl.

Q. Do you know the respondent? A. I know him since he came to Owen Sound.

Q. When was that? A. About four or five years ago.

Q. For whom does he work there? A. He works for Wilson Bros., in the same firm where I do.

Q. And you have known him since he came there? A. Yes.

By the Honorable Mr. Plumb :

Q. Does he go under his own name there? A. He calls himself Thomas Evans there.

By Mr. Blackstock :

Q. Have you ever had any conversation with him in regard to the petitioner?
A. Yes, at the time that Mr. Johnson came up to Owen Sound to see Evans.

Q. Mr. Johnson is the father of the petitioner? A. Yes.

Q. You were there at that time? A. Yes. Evans came to me and told me that he was in some trouble, and he wanted me to go with him and see Johnson about it. He said that he had been married before.

Q. To whom? A. To Mr. Johnston's daughter.

Q. The petitioner here? A. Yes. He wanted me to go to a law-office with him to give some evidence. It appears that he wanted to have this thing go on without any trouble. He did not want to get into any trouble about it, and on account of knowing me he wanted me to assist him, because he was living with this other woman.

Q. He admitted that he had been married to the petitioner here? A. Yes; he told me that his first name was Thomas Owen Norton Evans, and that he had taken the first part of his name.

Q. With whom did he come there? A. He came there alone. We had advertised for a man—I was working then for Kennedy Bros., and we had advertised for an upholsterer.

Q. Afterwards did he bring anybody there? A. Yes, he brought this woman that he is living with.

Q. Is he now living with her? A. Yes.

Q. Did you understand from him where she came from? A. From Castleton.

Q. Where did they live when they first came to Owen Sound? A. They boarded at the City Hotel there.

Q. Have you ever been in their rooms? A. I was at their room at one time, and Mrs. Evans was unwell at the time.

By the Chairman:

Q. Who do you call Mrs. Evans? A. This woman—she goes by the name of Mrs. Evans up there. He came to me and asked what doctor she had better get.

Q. What did he say was the matter with her? A. He said it was a miscarriage.

Q. And he consulted you with regard to what doctor he should get? A. Yes, and I went into the room where she was, and she was unwell.

Q. After they had boarded there for some time what did they do? A. After Mrs. Evans got well I think they took up house—I am not sure whether they took up house or went boarding somewhere, but they eventually took up house.

Q. Are they keeping house now? A. Yes.

Q. Have you ever been in their house? A. Yes, I have been in their house, and have taken tea there once or twice.

Q. How did he seem to be living? A. They seemed to be living all right.

Q. As man and wife? A. Yes; and they seemed to be agreeing all right to.

Q. Was there a child in the house? A. Yes; she has had a child since she came to Owen Sound.

Q. And he acknowledges the child to be his? A. Oh, yes.

Q. And in Owen Sound they are known, I suppose, as Mr. and Mrs. Evans, husband and wife? A. Yes; that is what they are known as.

And further deponent saith not and hath signed.

ANDREW MOAG.

Sworn, taken and acknowledged before the
Select Committee of the Senate to
whom was referred the Bill intituled:
"An Act for the relief of Alice Elvira
"Evans," at the Parliament Buildings,
in the City of Ottawa, this sixth day
of March, in the year of Our Lord
one thousand eight hundred and
eighty-five.

JAS. ROBT. GOWAN,

Chairman of said Committee.

APPENDIX No. 3.

MINUTES OF EVIDENCE

Heard on oath before the Select Committee of the Senate on the Bill intituled :
 "An Act for the relief of Fairy Emily Jane Terry," together with vouchers and
 exhibits adduced before the said Committee.

THE COMMITTEE :

The Honorable Mr. ODELL, Chairman.

The Honorable Messieurs

Clemow,	MacInnes,	Read,
Flint,	Northwood,	Ross.
Hamilton,	Plumb,	

THE SENATE OF CANADA.

In re THE BILL (3) "AN ACT FOR THE RELIEF OF FAIRY EMILY JANE TERRY."

On this third day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Fairy Emily Jane Terry, of the City of Ottawa, in the Province of Ontario, the petitioner, who being duly sworn and examined, as well generally as in regard to any collusion or connivance between the parties to obtain a separation, deposeth as follows:—

By Mr. Chrysler :

Q. You are the petitioner in this case? A. I am.

Q. Do you reside in Ottawa? A. Yes.

Q. How long have you been married? A. Seven years on the 13th of last September.

Q. That is in 1877? A. In 1877.

Q. Where were you married? A. In Ottawa.

Q. In what church? A. St. Albans.

Q. By whom? A. Rev. Dr. Jones.

Q. What is your husband's name? A. Charles Hunter Terry.

Q. How long did you live with Mr. Terry? When did you cease to live with him? A. Two years ago—the 20th of the coming April will be two years.

Q. Did you live with your husband up to the 20th of April, 1883, in the City of Ottawa, all the time? A. Yes.

Q. What was the nature of your married life with him? How did he behave towards you during that time? A. The first year I was married my husband behaved very well, but after my child was born he neglected me a great deal, coming home late in the evenings, and finding it unpleasant, with my baby being ill, he did not seem very happy. He said it was very troublesome that my child should

cry all night, and that he should have to get up and go to his office early in the morning. Of course, I could not avoid that, and my husband would sometimes turn round and strike me, and on one occasion he struck me so violently that my father came in and took my baby from me.

Q. Will you tell when your child was born? A. My child was born on the 24th of July, 1878.

Q. Is that child living? A. No; the child died when about five months and twenty four days old—before Christmas, of 1878.

Q. Have you had any children since? A. No; none.

Q. Just as briefly as possible, about that part of your married life—because, what we are more interested in is what recently happened—just go on with your story; what were the habits of your husband? A. Then he commenced to drink very hard and stay away from home, and when he was home his language was unbearable, and it was difficult for me to keep servants in my house.

Q. Why? A. On account of his very bad temper and abusive language to them and also to myself.

Q. What was his occupation? A. He was in the Finance Department.

Q. In the Civil Service? A. Yes; in the Civil Service.

Q. Was he intemperate up to the time you left him? A. Yes; all the time until I left him to go to England. I think just about a week before I left him he was sober, and he was quite sober on the way to Halifax with me, while taking me down.

Q. There were intervals, I suppose, during this time, when he was not so bad? A. Yes.

Q. Was he ever seriously affected by the use of liquor during that time? A. I cannot quite tell that. I think at one time he must have been very nearly in delirium tremens. He called me one evening to get a piece of paper to make out his will; he said he was going to die. I said yes, that I would get the piece of paper, and he asked me to send for the doctor. I said I would. I tried first to telephone but could not do so, there being none close by, and I ran down myself for Dr. Powell and brought him up, and as Dr. Powell came into the room he saw me writing on a piece of paper. He did not know very much what he was saying, but what he did say I wrote on a piece of paper.

Q. How was he behaving? A. He was seldom in the house.

Q. At any time you speak of was he excited? A. He was drinking continually—seldom sober.

Q. Was he out much at night? A. Yes. I cannot tell you exactly, but nearly all the time; sometimes he would be away for a week at a time; at another time for three days.

Q. Was he away altogether? A. Well no, not away altogether; he would come home sometimes about the end of the week and stay awhile, and then go away for two or three days, but all the time for nearly six months he never stayed home at night. He used to come home at 2 or 3 in the morning and ask me to get out of bed and get him some supper.

Q. Were you all the time alone? A. Part of the time I was alone, because I could not pay my servants and they would leave me.

Q. Have you ever had any trouble with regard to food or fuel during the time? A. Yes, that was one difficulty. I could not feed my servants, and what I did get was provided by my father, mostly all the time, and fuel used to be carried from my father's house to my house to keep me warm. When that could not be provided I used to go to my father's to stay, or be frozen.

Q. Your father lived near you, I believe? A. Yes; close by.

Q. Under what circumstances did you leave your husband in April, 1883? A. To go to England.

Q. How was that brought about? A. He said Dr. Wright said it would be the best thing for me, as I was so ill he thought I would not live, and I thought so indeed myself.

Q. You had been very ill during the winter? A. Yes; I had been very ill.

Q. It was by your husband's wish, I understand, that you went to England?
A. Yes; it was his wish that I should go.

Q. Where were you going to visit? A. I was going to visit his mother, at Halston, England.

By the Chairman :

Q. Did he contribute to your expenses? A. Yes.

By Mr. Chrysler :

Q. He remained in Ottawa? A. He remained in Ottawa.

Q. Did you break up housekeeping? A. Yes, and he put the furniture to store in some sheds close by.

Q. Then how long did you remain in England? A. I remained, to the best of my recollection—I arrived the 8th of May in England and I left the 16th of October.

Q. You left here the 28th of April, I believe? No; I sailed from Halifax on the 28th of April.

By the Chairman :

Q. In what year was this? A. In 1833.

By Mr. Chrysler :

Q. Had you any correspondence with your husband during the time you were absent? A. Very little; a letter, perhaps, once a month while I was there.

Q. You had some letters from him, however? Yes.

Q. When did you return to Canada? Q. I returned to Canada about—I cannot remember the date, but I know it was October. I sailed from England on the 16th of October, and I arrived here about the end of October.

Q. Did your husband meet you? A. When I arrived at Rimouski I telegraphed and he met me.

Q. Where? A. At Montreal.

Q. Can you tell us what took place at Montreal when you met your husband? Did you come up to Ottawa the same day that you arrived? A. Well, I arrived at night in Montreal.

Q. And you remained there all night and came up here the next day? A. Yes.

Q. Just tell us what took place in Montreal? A. I arrived in Montreal at seven o'clock in the evening or half-past, and my telegram had gone on to my husband. I did not meet him at that time, but I was with Mr. and Mrs. Brymner, of Ottawa, here, and we went to the St. Lawrence Hall. Not having met my husband, and being alone, of course I went with them. We stayed at St. Lawrence Hall, and my husband not coming immediately after being telegraphed for the day before at Rimouski—he did not come down early—Mr. Brymner telegraphed again, and it was getting late. I retired, also the Brymners. At about midnight the proprietor of the hotel was roused by someone wanting admission to the hotel, who said his wife was there. They came to ask me if my husband was coming, and I said yes, and that they would let him in when he came. So I was in my bed and I dressed and unlocked my door, and immediately my husband came in and just made the remark: "Oh, here you are!" I said: "Yes, here I am back again." He looked at me for quite a while and did not say very much, and I had so much to tell him that I thought he would listen to me, and he was not saying very much. It was rather late; it was midnight. He said: "I have something dreadful to tell you." He says: "I do not know whether you will ever look at me again." I thought, perhaps, he was intoxicated; I could not understand it, and he said—I did not like to ask him that, just after arriving from England—I just looked at him and said: "What is the matter?" He said: "I am afraid you will never look at me again, and, in fact, I can never live with you again," and he cried very bitterly, my husband did. "Oh," I said, "no; nothing shall ever separate us," and I commenced to laugh, and I said: "You are

tied again; here I am back." He pushed me away and he said: "Oh, no; I will never live with you again." He said: "Since you have been away in England I have been keeping a low woman in one of the back streets at Ottawa, and I can never live with you again." I said: "No; when I come to Ottawa I will put an end to that, and no one shall interfere with us." He said: "And you will forgive me?" I said: "Yes; I will forgive everthing." He said no more for quite a while, but he raved; he said: "Oh, I am sure you will never forgive me." I said: "Yes, I will." Towards the morning he was lying on the outside of the bed; he did not undress. He was restless all night, talking to himself; I never made any answer, thinking he might fall asleep. When morning came we dressed and he said nothing. We came down and had breakfast and he hardly spoke. When we came up I said: "You are going to give that woman up for me, and we are going home by the four o'clock train." "No," he said "I cannot give her up," and he pushed me aside. We drove around Montreal, down near the shipping, and he said to me: "I will be away out there before long—before Christmas." I said; "No you cannot; you are tied by the leg; here I am." "No," he said, "I will be away out there before Christmas comes." I said: "You are going to leave me?" He said: "Yes, leave all;" so of course I took it for granted and said nothing more. He said: "You will hear all when you arrive in the city; the public will tell you." I said nothing more; I did not wish to vex or annoy him, although I felt very much like it. I said nothing to him, not having seen him for so long. He could hardly sit in his seat on the train on his way up. He kept walking up and down the train, not sitting on his seat more than five minutes at a time. When we arrived in Ottawa my father, my brother and some ladies met me, and he said to me: "Here is your father now; you can go home to your father; here he is—or to your brother—whichever you please." He said: "I have got to go, and perhaps," he says, "I will be over with you in about ten minutes," as the house was only about ten minutes walk from the other. He said: "Perhaps I will be over; I do not know."

Q. What house was ten minutes walk from the other? A. The house where he was residing.

Q. Where he boarded? A. Where he resided. I drove home with my father and sister.

Q. Did you see him that evening? A. No; he did not come over until the next night. He came over the next night and I said: "O, I have something that your mother has sent to you from England to give to you," and I showed it to him and he kept taking his watch out every few minutes. He said: "The time is up." I said: "What is it up for?" He remained about a quarter of an hour in the house. He said: "I will come in to-morrow and see about board for you." I said: "Very well, but you are coming very quickly." He said: "I want to speak to you in the hall." I said: "Very well." I went into the hall and sat down on my trunk that was there. He said to me: "I am not going to live with you." I said: "You have told me that about a dozen of times; now I do not wish to hear anything further." I said: "You must do one thing or the other; you must give that woman up and support me or I do not know what will happen myself." Then he turned round to me, using some most abusive language, and not very polite, and told me he would not give that woman up for me. It was not very polite language, and I do not want to use it, if you will excuse me.

Q. He went away? A. He went away and came in the next afternoon and said to me: "I will pay for your board if you want to go and board, for I am not going to live with you." I said: "You had better, I think, go out of this house, for if my father comes in and hears you using such language to me he will be pretty vexed."

Q. Was anything said about the woman that afternoon? A. No; he did not say. The night before he said he was not going to give her up; my father and sister were present and heard him.

Q. They were present even before? A. Yes; when he said he would not give that woman up.

Q. Did you ever speak to him again? A. No; I never spoke to him since.

Q. Did he ever come back to see you? A. No; never.

Q. Do you know when he went away from Ottawa? A. I cannot remember the date, but I think it was some time in May.

Q. May of 1884? A. Yes, 1884.

Q. Had you taken proceedings against him for any purpose? A. O, yes, I had; I had taken proceedings for support from him.

Q. Did that come to trial? A. I received one \$25 from him.

Q. Did it come to trial before he went away? A. No; it did not come to trial.

Q. And since he went away from Ottawa, since May, 1884, have you ever received any money from him? A. No.

Q. Did you receive any communication at all? A. Nothing whatever.

Q. Did he tell you where he had been living while you were in England? A. He said he had been living with this woman—that is all.

Q. Did he tell you the place? A. In Ottawa, on Nicholas street. He said he could not bring me into that house—that is all.

Q. But he told you where the house was? A. Yes; he told me he could not bring me into that house.

Q. Did he tell you the name of the person? A. Yes; Mrs. Loomis.

Q. Look at the paper now produced and shown to you marked "C." What is that? A. This is a letter I received—an anonymous letter I received the day I arrived. The very afternoon he came in this had come in before him.

Q. That is dated, I see, the 1st November? A. Yes.

Q. When was it received? It was received the afternoon that he came in.

Q. Did you ever have any conversation with him about it? No; I had no conversation. I sent him a copy of the letter, asking him if he was aware that I had received that anonymous letter—it being so personal.

Q. You say you wrote to him and sent him a copy of the letter? A. I wrote to him to or three lines, that is all, asking him if he was aware that I had received that anonymous letter. It was so personal.

Q. You received the letter now produced and shown to you marked exhibit "D." A. Yes.

Q. It bears date the 10th of December. Do you know what time it was received? A. It was received the day after, or two days after, I had sent the copy to him. I cannot quite remember. I do not know that I sent a copy immediately after receiving the anonymous letter. (Exhibit "D" read.)

Q. That is the letter you received? A. Yes; that is the letter.

Q. There are a number of charges made there of leaving England without paying your debts. Are these true? A. Yes; the bill for 17s. 9d. is true, and as regards to Mrs. Roberts' bill that my husband mentioned, it is where I had the scarlet fever for seven weeks. I had no money at the time, excepting a cheque that had been sent by my father for some two or three pounds, which I used going into the apartments. The apartments were engaged by my mother-in-law, Mrs. Terry.

Q. You were staying with Mr. Terry's mother? A. Yes.

Q. And what apartments did you go to? A. I went to that house.

Q. Why? A. On account of the scarlet fever. They had two young children.

Q. They did not want you in the house and you had to go to a boarding house? A. Yes.

Q. And it was in consequence of that that the expense was incurred? A. Yes.

Q. That is your explanation of the charge that is made against you there about your having put him to extra expense? A. Yes.

By Honorable Mr. Read:

Q. You were speaking of living at Halston; is that in the County of Norfolk? A. No; it is the Halston near London.

By Mr. Chrysler:

Q. Do you remember the contents of the letter you sent to him with the anony-

mous letter—the letter to which this is an answer? A. No; before I came away I threw a number of letters into the fire. I did not want his mother to see them.

Q. That is in England? A. Yes.

Q. I mean the letter you wrote to him, enclosing the anonymous letter. Have you kept a copy of that? A. No; I gave you the original.

Q. I mean your own letter. Did you keep a copy of it? A. No.

Q. It is referred to in this letter. Do you remember the contents of it? A. I do not know that I could remember it. It was so short; it was only two or three lines, asking if he was aware that I had received this anonymous letter, as it was so personal. That was, I think, all, and I just signed my name.

Q. Is there any collusion between yourself and your husband, Charles Hunter Terry, to take those proceedings to obtain a divorce? Is there any understanding or agreement entered into with reference to it? A. No; only he said he was not going to support me or going to live with me.

By the Chairman :

Q. There was no understanding between you, whether verbal or written, with reference to bringing this suit—that you both agreed that it should be brought? A. No, there is none; only I have tried to get support from him, and when I found he would not support me, and on account of him continuing to live with this woman, I, of course, refused to live with him any longer myself, when I saw his mind was made up to it.

Q. But there has been no understanding that if you brought this suit he would take no steps in it, but would allow you to go on? A. I do not see myself that he could take any.

Q. I ask was there any understanding of that sort between you? A. No; none whatever.

By Mr. Chrysler :

Q. Have you had any communication with him since you saw him at your father's house that afternoon? A. No; I have passed him on the street—I have never spoken to him since.

Q. You have never had any communication with him since, by letter or otherwise? A. No; neither.

By the Chairman :

Q. What were the grounds on which you brought this petition up for divorce? A. No support; and on account of my husband living with this woman.

Q. When you say that there was no collusion nor no understanding of this sort between you and your husband, was there anything of the sort between you and any other person? A. No.

Q. Look at exhibit "A," now produced and shown to you. Are you the Fairy Emily Jane Nettle therein mentioned? A. Yes.

Q. And is the Charles Hunter Terry therein mentioned the man that you married? A. Yes.

Q. At the time of the adultery of which you complain, was your husband, by your consent, living apart from you, and released, as far as in you lay, from conjugal duties? A. No.

Q. There was no consent of that sort? A. No; no consent at all.

Q. At the time of the adultery which has been spoken of, did you cohabit with him as your husband in any way? A. No.

Q. Or have you at any time since? A. No.

And further deponent saith not and hath signed.

F. E. J. TERRY.

Sworn, taken and acknowledged before the Select Committee of the Senate, to whom was referred the Bill intituled: "An Act for the relief of Fairy Emily Jane Terry," at the Parliament Buildings, in the City of Ottawa, in the Province of Ontario, this third day of March, in the year of Our Lord one thousand eight hundred and eighty-five.

W. H. ODELL,

Chairman of said Committee.

On this third day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared James John Bogert, of the City of Ottawa, in the Province of Ontario, clergyman, who, being duly sworn and examined, deposesh as follows:—

By Mr. Chrysler :

Q. Look at Exhibit "A" now produced and shown to you; do you know the signature? A. Yes.

Q. Whose signature is it? A. The Venerable Archdeacon Jones. He was then, as he signs it, as canon, I suppose, simply Rev. T. Bedford Jones, LL.D.

Q. He was rector of where? A. Of St. Alban's in this city.

Q. You are now rector of the same church? A. Yes.

Q. What is that seal which is attached to Exhibit "A"? A. That is the St. Alban's seal that we always place on the marriage and other certificates.

Q. From that church? A. Yes.

Q. Look at this paper, Exhibit "B," now produced and shown to you; what is that? A. It seems to be a certificate from the registrar of the diocese. I have never seen one of them before.

Q. Do you know the seal? A. Yes.

Q. What seal is it? A. That is the seal of the diocese.

Q. Why do you say that you never seen one of these before? A. I see that this is No. 1.

Q. You might explain to the Committee if there has been any change in the regulations? A. Recently. I even think it was by canon, but at any rate an arrangement has been made that all registers that are filled, or parochial registers, shall be sent up to Mr. Shannon, who is the Registrar of the Diocese of Ontario, and certificates have to be obtained from him as to marriages. I do not know his signature well enough, but I have very little doubt that it is the proper one.

Q. You know the seal and you know the regulation under which it is issued? A. Oh yes; for I know I did not wish to send up my register. It was only because we were compelled to do so—the Bishop said we must do so.

Q. You say Mr. Shannon is the Registrar? A. Yes; I gave it to him myself. I suppose it is there still; he is responsible for it.

Q. And it is not in your custody for that reason. A. No; I have a new register. And further deponent saith not and hath signed.

J. J. BOGERT.

Sworn, taken and acknowledged before the Select Committee of the Senate to whom was referred the Bill intituled: "An Act for the relief of Fairy Emily Jane Terry," at the Parliament Buildings, in the City of Ottawa, in the Province of Ontario, this third day of March, in the year of our Lord one thousand eight hundred and eighty-five.)

W. H. ODELL,

Chairman of said Committee.

On this third day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Joseph Boyden, of the City of Ottawa, in the Province of Ontario, merchant, who, being duly sworn and examined, deposes as follows:—

By Mr. Chrysler :

Q. You are a merchant residing in the City of Ottawa? A. Yes.

Q. Do you know Charles Hunter Terry, the respondent? A. I was acquainted with him.

Q. How long have you known him? A. Oh, I must have known him from 1878 to 1879.

Q. Do you know, or did you know, a Mrs. Loomis? A. Yes, I have seen her.

Q. Do you know anything about his acquaintance with that woman? A. Well I happened to be in company with Mr. Terry the night, I think the first night that he saw her. It was in the Opera House. We were in company there together, him and I, and when we were coming out he asked me if I noticed this lady sitting in a certain place. She was sitting on one of the chairs in the Opera House. We were sitting in the first chair of the back chairs, and in coming out we just met at the entrance, coming out, and she spoke to me. I had been acquainted with her for some time, and had done business with her. She made some common place remark, and he got hold of me by the arm and asked me if I would not give him an introduction; I told him I might at some other time, but I did not think it a fit place to give an introduction there. There was not much said after that about the matter, but on the Sunday following—

By the Chairman :

Q. What time was this? A. At night.

Q. What time of the year? A. It would be in 1882 I should think.

Q. What month? A. Probably about the month of March—about this month, March, 1882—either March or April. The Sunday following we were out for a walk together—Terry and myself—and going up Wellington street we met this same lady, this Mrs. Loomis, and her husband. They were walking together and I spoke to them, and immediately after passing I noticed Mr. Terry turn round to look at her, and I turned round and she had her handkerchief in the act of waving it to him, and he of course returned the signal. She was walking a few steps behind her husband at this time. That was all that occurred at that time, but after that frequently during the spring and summer of that season he used to come into my place, and he told me his object in coming in there was to wait to see this person pass down street. He had seen her or heard of her being up town.

By Mr. Chrysler :

Q. Did he ever speak to you about her? A. He did frequently; in fact I thought the man was out of his mind on the matter; he did not seem to talk rationally at all. I think it was Christmas eve of that same year that he came into my place and told me that it was all up. I said, "What do you mean?" "Well," he said, "in coming down street, at the Russell House, Mrs. Loomis was standing looking into a window and I spoke to her and she made some remark;" that he was to mind his business or something to that effect, and he made a very ungallant reply to her. I think the man was under the influence of liquor that evening somewhat. He left me then, and I think a day or two afterwards he came in, stating that he had received a letter from this person, and I think he showed me the letter, if I mistake not, and this letter was telling him how sorry she was for her conduct at this place. She saw him, and asking him to name the time of meeting any place that he might decide upon, she would meet him there; and he told me that he had written to her asking to meet him on Sussex street, which I understood afterwards he did. He told me then about his sending his wife to England; that he was desirous of getting rid of Mrs. Terry for the express purpose of living with this woman—at least as he put it going to board

with her. He told me what his plan of action at that time was, this person was living down towards the railway station in the north part of the city, and he had been living on Nicholas street, and they had found a house that was close by where he had been living, and he advised them to move there; he had then at this time not given up his house he was living in; but it was his intention to give it up on the first of May and go boarding there. After that I had very little to do with him—in fact he came very seldom to my place.

Q. Do you know if he did go to board there? A. Yes, I understood he was living there. I never saw him, of course, in the house, but I had seen him several times with her on the street.

By the Chairman:

Q. Are you aware yourself that he was living there? A. Only from what he told me. I never was in the house.

By Mr. Chrysler:

Q. He told you that he was living there? A. Oh yes.

Q. Do you know what month he went to live on that street? A. That he went, or the Loomis family?

Q. Yes? A. It was the month of May, 1883.

Q. Are you sure of the year; was it the same year you started your story, or was it a year later? A. No, this must have been five or six years after I first became acquainted with him.

Q. Was it in 1882? A. Yes, the same year that he met Mrs. Loomis.

Q. When did Terry go there to live? A. He had been living there for some time before; I think he had been living there for two years.

Q. A door or two away? A. Yes.

Q. You probably did not know whether he went to live in the same house with them? A. No, I had never seen him in the house with her; in fact, I did not know the house for sometime afterwards.

Q. What was Loomis' occupation? A. A railway engine driver.

Q. You got a mortgage from this Loomis—this paper now produced and shown to you. Look at it and tell us what it is? A. This was given me for the purposes of procuring money that he owed me at that time, and the further loan that he was desirous of getting.

By the Chairman:

Q. Who was desirous of getting? A. Mr. Terry.

By Mr. Chrysler:

Q. Who made the mortgage? A. It was made by Mr. and Mrs. Loomis.

Q. It recites on the face of it that it is given for a debt of Terry's? A. Yes.

Q. It is given on what furniture? A. Seemingly pretty near all the furniture in the house.

Q. In whose house? A. In Loomis' house.

Q. That mortgage was negotiated between you and Terry? A. Yes. (Mortgage produced and filed as Exhibit E.)

Q. Will you tell the Committee under what circumstances—perhaps it would be more satisfactory? A. He wanted to raise some money. He told me he was in debt to two parties, one \$150 and the other \$180, and he wanted to get this money. He said it was a matter of necessity that he should have it. I asked him what security he could give me, provided I could raise this amount for him, and this was one of the conditions of security that he offered, and he further gave me—

Q. Just state what he offered? A. He offered to give me an insurance upon his life, and he offered me to allow to draw his cheque.

Q. But about the chattel mortgage, what was the offer he made about that? A. The only offer he made concerning that was that it was part of the security that was offered to obtain this money.

Q. What did he say? A. There was nothing further said than that he would give me that as an additional security.

Q. He would give you what? A. He said they had offered to mortgage their furniture on his behalf.

Q. For your debt? A. For my debt. In other words he said they wished to assist him.

Q. Have the Loomis' removed from here? A. Yes.

Q. Did you have any trouble about part of your goods? A. There is one item in that mortgage that I had to follow to Brockville.

Q. What was it? A. An organ. I found it at Brockville, and when we came to examine it we found it was neither shipped by the man that made the mortgage, nor shipped to him. It was shipped by C. Hunter I think to C. Hunter.

Q. At what place? A. Jersey City, New Jersey.

Q. And you got it back at Brockville? A. Yes.

(Exhibit E withdrawn by the permission of the Committee.)

And further deponent saith not and hath signed.

JOSEPH BOYDEN.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate, to }
 whom was referred the Bill intituled: }
 "An Act for the relief of Fairy Emily }
 "Jane Terry," at the Parliament }
 Buildings, in the City of Ottawa, in the }
 Province of Ontario, this third day of }
 March, in the year of our Lord one }
 thousand eight hundred and eighty- }
 five. }

W. H. ODELL,
 Chairman of said Committee.

On this third day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared, Richard Nettle, of the City of Ottawa, who, being duly sworn and examined, deposes as follows:—

By Mr. Chrysler :

Q. You are the father of the petitioner? A. I am.

Q. Do you remember the occasion of your daughter's return from England? A. I do.

Q. Were you present at any interview between Mr. Terry and your daughter after her return? A. Yes.

Q. Where? A. At my residence.

Q. What took place? A. He had promised to come over to the house the preceding evening. He did not do so. The next day I met him in the street, and he said: "Oh, I could not come. I will come up this evening." I said: "Very well, just as you please." He came to the house, and my daughter had purchased him some few little things in England, neckties and those things.

Q. State the interview? A. Soon after—I was in the sitting room—soon after he said to Fairy: "Come outside," that is, in the passage. She had her trunk there. About three or four minutes after that I heard his voice rather loud, and I heard him say: "I am damned if I do." That referred to a conversation they were having. He wanted Mrs. Terry first to go and live with that woman, this Mrs. Loomis. I believe from what I could hear—

Q. Just state what you did hear? A. "I will be damned if I will."

By the Chairman :

Q. It is only an inference what that meant? A. The distance was not greater than where I stand from the window. I heard them speaking in relation to going to live with him, and also his proposition that she should go to board or something of that kind. I heard those words plainly: "But you must give up that woman," and then he said: "I'll be damned if I do." Then he took his stick and struck something, the trunk or the wall, and went out of the door.

Q. You heard your daughter say: "But you must give up that woman"? A. Yes; and then he said: "I'll be damned if I do." He had a large stick that he generally carried with him, and he struck the wall or the trunk and went out, and that was the last of him.

By Mr. Chrysler :

Q. This was immediately on her return from England? A. Yes.

Q. The first interview after her return? A. Yes; the first interview.

By the Honorable Mr. Flint :

Q. Do you remember the day? A. I do not remember the day, but it was the day after she returned from England.

By the Chairman :

Q. That then is all you know with regard to that interview? A. That is all with regard to that interview.

Q. You can give no information with regard to the adultery? A. Oh, no, only it was too well known.

Q. Had you ever any conversation with Mr. Terry on that point? A. Oh, yes, upon several occasions.

Q. Did he ever admit it to you? A. Well, a few days before Mrs. Terry arrived, we were both in the Eastern Block. He came up to my office and said he had been buying some few things, and I said to him, "Terry, for what purpose." "When Fairy comes." "Well," said I, "where?" I thought he was going to furnish a place for her; and he said at his own house. Well, I was so terribly put out at the idea of a man coming to the father of his wife and telling him that he was going to take her to an impure house—

Q. Did Terry ever admit that he was living with this woman? A. He admitted it this much; five minutes after this he came to me and apologized, saying he could not help it—meaning it was her fault, Mrs. Loomis.

Q. Did he ever admit directly to you that he was living in this way with this woman? A. No, never directly, only that he was there living in the same house.

And further deponent saith not and hath signed,

RICHARD NETTLE.

Sworn, taken and acknowledged before the
Select Committee of the Senate to
whom was referred the Bill intituled
"An Act for the relief of Fairy Emily
"Jane Terry," at the Parliament Build-
ings in the City of Ottawa, in the
Province of Ontario, this third day of
March, A.D. 1885.

W. H. ODELL,

Chairman of said Committee.

On this fifth day of March, in the year of Our Lord, one thousand eight hundred and eighty-five, personally came and appeared Edward Dillon Sherwood, of the City of Ottawa, in the Province of Ontario, deputy Sheriff who being duly sworn and examined, deposeth as follows:—

By Mr. Chrysler :

Q. Do you know the respondent, Mr. Terry? A. Yes.

Q. How long have you known him? A. Five or six years.

Q. Do you know the person who is named in the petition, Mrs. Loomis? A. Yes.

Q. Did you ever see these people together? A. Yes; I have often seen them walking together past my office.

Q. At what period was this? A. From the spring of 1883, until the early spring or summer of 1884.

Q. You speak now of what time of the day? A. During the day, during office hours between ten and four.

Q. Did you ever see them at any other hour of the day except then? A. Yes; I have seen them walking together in the evening. I have seen them walking home after office hours in the evening, he carrying her parcels.

Q. Did you know where she was living at that time? A. Yes; I knew where she was living. She was living on Nicholas street. I may say the first time I saw them together I did not know the name of this woman. I did not know until I was told afterwards.

By the Chairman :

Q. Did you recognize her as the same woman that you speak of afterwards? A. Yes.

By Mr. Chrysler :

Q. Can you tell us anything of their behavior any time you saw them on the street. A. I saw them in the evening arm in arm together—rather he had her arm and I thought they were on very good terms.

Q. They were alone? No one else with them? A. No.

Q. Is that all you saw of their conduct on the street? A. Yes, that is about all.

Q. You speak of another occasion that you saw them; was that the first time you saw them? A. The first time I ever saw them together was on the 24th May, 1883. I did not know the woman's name then.

Q. Where did you see them? A. Up the canal. I was out rowing then. I knew that this man's wife had gone away, and I was rowing on the canal out near the swing bridge.

Q. How far is that from the city? A. As far as by the curve of the canal. About three miles.

Q. The banks of the canal are open country there? A. Yes.

Q. Where did you see them? A. In that narrow cutting after you get past Little's bridge, the swing bridge. I was out rowing. I remember the date distinctly; it was the 24th May, 1883—I can swear positively to the date. We were coming round this curve there; there are some trees there, some evergreens, and I saw a boat moored, and as we came around the curve I saw this Terry sitting there close to this woman; he had his head on her shoulder. I did not know who it was at first. I saw the man sitting there close to the woman with his head on her shoulder. I did not know him at first, but he drew off quickly. I did not know the woman at this time.

Q. What kind of a place was it? A. It was rather a lonely place and there were trees there.

Q. Did you see them again that day? A. Yes; I rowed up as far as Hartwell's Locks, and towed my boat up and walked across that field to the Rideau river. Coming back again I saw them. It was getting towards evening then, and they had come on towards Hartwell's Locks themselves.

By the Honorable Mr. Plumb :

Q. They were rowing then? A. No, but in the meantime they had come on; they were coming down from above.

Q. They had a boat then? A. Yes. He had hold of her arm and they were walking down together.

By Mr. Chrysler :

Q. What hour of the evening was this? A. Half-past five or six o'clock, early in the evening.

Q. Was there anybody else with them at the time you saw them? A. No, nobody at all.

Q. Was that all you saw of them that day? A. That is all.

Q. Was there anything else that you observed at the time but what you have stated. A. No.

Q. You were the person who served the bill on Mr. Terry in New York? A. Yes.

Q. Did you have any conversation with him? A. Yes.

Q. Will you state what it was in reference to Mrs. Loomis? A. I asked him if he had her there with him; he said, yes, he was living with her.

Q. Where did he say they were living? A. He said they were living together in Jersey City.

By the Chairman :

Q. Where do you say this was that you saw Terry that you last spoke of? A. I served him in New York City. He told me that he was living with this woman Loomis in Jersey City, and he told me that he was employed in New York.

Q. Did you see Mrs. Loomis? A. No.

Q. When you speak of his living with her does that mean that he was boarding there? A. He did not say anything to me about that. He said they were living together, that is all—that she was living with him.

By the Honorable Mr. Plumb :

Q. Did you say anything in regard to the proceedings? A. Yes, at the time I served him I explained the nature of the proceedings, and he thoroughly understood them. I gave the same answers that I gave at the bar of the Senate, and he said that he was not going to interfere with the matter.

And further deponent saith not and hath signed.

E. D. SHERWOOD.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Fairy Emily
Jane Terry," at the Parliament Build-
ings, in the City of Ottawa, this fifth
day of March, in the Year of Our Lord
one thousand eight hundred and eighty-
five.

W. H. ODELL,

Chairman of said Committee.

On this fifth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared, Charles D. Fripp, of the City of Ottawa, Province of Ontario, student-at-law, who being duly sworn and examined—deposeth as follows:—

By Mr. Chrysler :

Q. You reside in Ottawa? A. Yes.

Q. Do you know the respondent, Mr. Charles Terry? A. Yes; I have known him for some time.

- Q. What is your occupation? A. I am student-at-law at present.
- Q. Did you know Mrs. Loomis by sight? A. Yes, I knew her to see her.
- Q. Did you ever see Mr. Terry and Mrs. Loomis together? A. Yes, I did.
- Q. More than once? A. Oh, yes, several times, because I lived near Nicholas street, and they passed up there often on their way home.
- Q. Did you ever see them anywhere else except on the street? A. I could not be certain of that, because I saw Mr. Terry with a lady whose figure resembled very much Mrs. Loomis.
- Q. Where? A. Some distance up the canal up near Manotick, but I would not swear it was Mrs. Loomis.
- Q. When was this? A. It was about the middle of July, 1882.
- Q. July, 1882 or 1883? A. July, 1882.
- Q. Where is Manotick? A. Manotick is at the head of Long Island.
- Q. How far from Ottawa? A. Manotick is eighteen miles from Ottawa, and this place was two miles below Manotick.
- Q. What were you doing? A. I was up the river camping.
- Q. And what were these people doing when you saw them? A. Sitting on the bank talking to each other.
- Q. Were they sitting near one another? A. Yes, sitting very close to each other.
- Q. How far were they away from you? A. The bank is about ten feet high and I was at the top of the bank and they were at the bottom. I suppose there were six or ten feet out horizontally.
- Q. What hour of the day was it that you saw them? A. I think it was about one o'clock.
- Q. How is Manotick reached from Ottawa? A. You can drive there or go by boat.
- Q. Do you know of your own knowledge how these people had gone there? A. I believe they had driven there.
- Q. You do not know yourself? A. No, I do not.
- Q. You only saw them there on that day on the occasion that you speak of? A. Yes.
- Q. You did not see them again that day? A. No, I did not.
- By the Honorable Mr. Clemow:*
- Q. Was it Mrs. Loomis? A. No, I will not swear it was Mrs. Loomis I will swear it was not Mrs. Terry.
- By Mr. Chrysler:*
- Q. Did you know Mrs. Loomis at that time by sight? A. No, I did not.
- Q. But you knew her afterwards? Q. Yes, I knew her afterwards.
- Q. What was your reason for being doubtful? A. I did not see her face; I saw Mr. Terry's face.
- Q. Could you see her back and figure? A. Yes.
- And further deponent saith not and hath signed.

C. D. FRIPP.

Sworn, taken and acknowledged before the
 Select Committee of the Senate, to
 whom was referred the Bill intituled:
 "An Act for the relief of Fairy Emily
 "Jane Terry," at the Parliament
 Buildings, in the City of Ottawa, Pro-
 vince of Ontario, this fifth day of
 March, in the year of Our Lord one
 thousand eight hundred and eighty-
 five.

W. H. ODELL,

Chairman of said Committee.

On this fifth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared James Kane, of the City of Ottawa, Province of Ontario, carter, who, being duly sworn and examined, deposeseth as follows:—

By Mr. Chrysler :

- Q. Where do you reside? A. On Nicholas street, Ottawa.
 Q. What is your occupation? A. Carter.
 Q. What is the number of your house? A. 212.
 Q. Do you know the respondent, Mr. Terry? A. Yes.
 Q. Do you know a Mrs. Loomis? A. Yes.
 Q. What is her name—her full name? A. I do not know her full name.
 Q. Did Mr. Terry live near you at one time? A. Yes.
 Q. In what house? A. He lived in both houses. I lived in the centre myself, 212, and he lived in 214.
 Q. Do you know in what year Terry and his wife lived in 214—when did they give up living there? A. About a year and a-half ago; probably two years.
 Q. What time of the year? A. Spring of 1883, or the spring of 1834. I think it was the Spring of 1883; I am not certain.
 Q. Were they giving up No. 214? A. I think so—I am not quite certain.
 Q. Was Mrs. Loomis living near you? A. Yes.
 Q. In what house? A. In 210.
 Q. That is the house on the other side of you? A. Yes.
 Q. When did Mrs. Loomis come to live there? A. About a year or a year and a half ago.
 Q. And up to what time did she continue living there? A. This fall, about September or November.
 Q. Did Mr. Terry ever live at No. 210? A. Yes.
 Q. When did he go to live there? A. He went there some time last spring, or coming on in the summer; last summer he went to live there, about June.
 Q. Are you sure of that? A. Yes.
 Q. Are you sure he did not go there two years ago this spring? A. I do not think he went to live there; he went back and forward.
 Q. You think he went to live there in the spring of 1884? A. I think it was last spring he went there.
 Q. Do you know that he went there the same year that they gave up the house on the other side? A. Yes.

By the Chairman :

- Q. Do you know where his wife was at that time? A. It appears by her father's telling me that she was off in England.
 Q. Do you know yourself that she was in England at that time? A. I believe to the best of my knowledge she was not in Ottawa; she was in England, I heard.

By the Honorable Mr. Flint :

- Q. You did not see her about Ottawa at that time? A. No.

By Mr. Chrysler :

- Q. You say that Terry went to live at Loomis' the same year that he gave up your house? A. Yes.
 Q. That was in 1883? A. Yes, I think so.
 Q. Who lived in the house 210, where Mrs. Loomis lived? A. When he went there?
 Q. Yes, when he went there? A. Mrs. Loomis.
 Q. Anyone else, any other member of the family? A. Some times there used to be a little boy and girls, and sometimes not.

Q. Was there a Mr. Loomis? A. He used to be there occasionally, back and forward.

Q. Was he away from home? A. Yes, a good deal.

Q. What was his occupation? A. I believe an engine-driver.

Q. At any rate, you know that he was away a good deal? A. Yes.

Q. Have you ever seen Mrs. Loomis and Mr. Terry together? A. Yes.

Q. Do you remember any particular occasion on which you have seen them together? A. No. I did not remark anything particular, because I used to see them so often I did not pay much attention.

Q. What did you see them doing at any time? A. I did not see them doing much. They were walking together and seemed to be very sociable, seeming like a couple that would be sparking.

By the Chairman :

Q. What time of the day did you see them? A. I could not exactly say what time of the day because I used to see them sometimes at all time of day; sometimes in the morning; sometimes in the middle of the day, sometimes in the evening, late about dusk. They used to take a walk sometimes.

By Mr. Chrysler :

Q. What was it that you saw that was like a couple that was sparking. What did you see that made you think of that? A. They used to be throwing kisses to one another.

By the Chairman :

Q. How did they throw these kisses? A. Generally when he would be starting away to his work in the morning he used to be giving her a good bye this way.

Q. In what way? A. This way. (Witness kisses his hand.)

Q. You never saw them kiss? A. No, I did not.

By Mr. Chrysler :

Q. You speak of seeing them later than dusk? A. Yes.

Q. Did they walk together on the street separately or arm in arm? A. Sometimes they used to be arm in arm and sometimes not.

Q. Did you ever see them later at night than dusk? A. I have.

Q. Did you know of them going together boating at any time? A. Yes.

Q. Did you see them yourself? A. Yes.

Q. Tell us what you saw about them going boating? A. I just saw them going boating, but I did not know anything about their movements.

Q. The canal runs back of your house? A. Yes.

Q. Did you notice them returning at any time after they had been boating? A. Yes.

Q. Do you know what time they returned? A. I do not know how it was all the time; sometimes it used to be after dark.

Q. How late at night? A. I could not exactly say, because I never looked at the clock at the time, because I never used to pay much attention to them. I did not want to bother myself about their business. I just happened to see them at times by chance and not by watching for them.

Q. Did you ever see them doing anything about the house? A. Oh, no, not much.

Q. Anything at all? A. He might throw out some pails of water or anything like that—make himself a little handy.

By the Chairman :

Q. From what house? A. From Mrs. Loomis'.

By Mr. Chrysler :

Q. Making himself handy about the house? A. Yes.

Q. How do you know that Mr. Loomis was away? A. I used to see him going. My Missus used to tell me sometimes he was not at home for so long.

By the Honorable Mr Plumb :

Q. How long? A. Sometimes eight days, and probably sometimes more.

Q. Where was he employed, on what road? A. The last was on the Pacific Railway, on the Flats; before that he was on the Canada Atlantic and he got discharged from there.

By Mr. Chrysler :

Q. Did they keep a servant? A. No.

Q. You say those children were not there always? Do you know of your own knowledge that they were away? A. Yes.

Q. Did that happen more than once while Mr. Terry was living there? A. Yes.

Q. Do you know where they went to? A. By what the Missus used to say, they had some relations up in Kemptville and they used to go and stop there.

Q. And when you say they were away do you mean they were away for some hours or for some days? A. They were for days and, perhaps—maybe, I think, probably a week or over a week at a time.

Q. Were they away from the house at any time when Mr. Loomis was away also? A. Yes.

By the Honorable Mr. Clemow :

Q. Were you the owner of the houses 210, 212 and 214? A. Yes.

Q. You were the landlord? A. Yes.

Q. Did you rent the house to Loomis? A. Yes.

Q. To whom—Mr. or Mrs. Loomis? A. Both of them.

By the Honorable Mr. Plumb :

Q. Who paid the rent? A. Sometimes she did and sometimes Loomis did.

Q. Did Terry pay at any time? A. I think he paid it once—no, I am astray now. This rent that he paid me once was for another party that lived in the cottage; he was to pay me the rent and he did not do so, and it was concluded that he was to pay Terry, and Terry was to pay me. It was not Loomis' rent that Terry paid.

By the Honorable Mr. Clemow :

Q. Whose children were those; were they Loomis' children? A. I could not say that.

And further deponent saith not and hath signed.

JAMES KANE.

Sworn, taken and acknowledged before the
Select Committee of the Senate to whom
was referred the Bill intituled: "An Act
"for the relief of Fairy Emily Jane
"Terry," at the Parliament Buildings,
at the City of Ottawa, in the Province
of Ontario, this fifth day of March, in the
year of our Lord one thousand eight
hundred and eighty-five.

W. H. ODELL,

Chairman of said Committee.

On this fifth day of March, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Anne Kane, of the City of Ottawa, Province of Ontario, who, being duly sworn and examined, deposes as follows:—

By Mr. Chrysler :

Q. You are the wife of the last witness, James Kane? A. Yes.

Q. And you reside at Ottawa? A. Yes.

Q. What is the number of your house? A. 212.

Q. What street? A. Nicholas Street.

Q. Do you know Mr. Charles Hunter Terry? A. Yes.

Q. Do you know Mrs. Loomis? A. Yes.

Q. Where has Mrs. Loomis been living until prior to last autumn? A. Well, she was living in one of our houses.

Q. What number? A. 210.

Q. When did she commence to live there? A. Well, a year ago last May.

Q. That would be May, 1883? A. Yes.

Q. Where was Mr. Terry living from May, 1883? A. Well, he was living in one of our houses too.

Q. After May, 1883, I mean? A. Oh, well, he lived with Mrs. Loomis.

Q. Mr. Terry did? A. Yes.

Q. Before that he had been living in one of your houses? A. Yes, on the other side.

Q. What number? A. 214.

By the Chairman :

Q. And where did Mrs. Loomis live? A. 210.

By Mr. Chrysler :

Q. 210 is the next house on the one side, and 214 on the other from yours? A. Yes.

Q. Well, was Mrs. Terry living at Loomis'? A. Oh, no.

Q. What was the family at Loomis'? A. Boy and a girl.

Q. And was there a Mr. Loomis? A. Yes.

Q. Did they keep a servant? A. No, no servant.

Q. Was Mr. Loomis steadily at home? A. Well, sometimes he would be about half a day at home; sometimes a day.

Q. At what time? A. Well, sometimes he would come home in the evening; well, he would start away about four o'clock, between four and five in the morning.

Q. And at other times? A. And then perhaps another time he would come about 11 o'clock in the day, and start away in the evening again, just according as the train would go.

Q. If he started away in the evening, would he be at home again that night? A. No.

By the Chairman :

Q. What was his occupation? A. Well, he was working as engineer on the railway.

By Mr. Chrysler :

Q. Did you ever see Mr. Terry and Mrs. Loomis together? A. Yes, I saw them walking out together.

Q. Upon the street? A. Yes.

Q. During the day time? A. Yes.

Q. At any other time than the day? A. Well, I cannot say that I ever saw them go out in the evening, but I saw them come home in the evening.

Q. At what hour? A. Well, sometimes about five, sometimes six, sometimes seven.

Q. What were they doing apparently? Could you tell anything from what you saw? A. Oh, they would be arm and arm sometimes.

Q. Did they have any parcels with them? A. Yes, sometimes he would have a parcel.

Q. Then did you ever see him leaving in the morning? A. Yes, sometimes I saw him leaving in the morning about ten or half-past nine.

Q. And did you see him bidding her good-bye in the morning? A. No, I cannot say that I saw him bidding her good-bye, but I saw him throw kisses to her.

Q. As he was leaving? A. Yes.

Q. Do you know of their being out boating at night? A. No, I don't know; I have heard of them being out boating on the canal.

By the Chairman :

Q. You don't know anything of it yourself? A. No.

By Mr. Chrysler :

Q. Do you know anything of his being at home during the day at any time? A. Oh, yes, I have often seen him coming home during the day.

Q. Remaining home all day? A. Well, I could not say that he remained home; of course I would hear some voices talking, but I could not say who it was.

Q. Well, how did you know it was not Mrs. Loomis' voice? A. Oh, I could not say it was Mrs. Loomis' or Terry's voice; I heard the sound and the talk; that is all.

Q. How did you know that Mr. Loomis was not in the house, and that you heard talking? A. Oh, I don't know that I could say that.

Q. Well, did you ever see Mr. Terry occupied about the house in any way assisting Mrs. Loomis? Well, I have often seen him throwing out water and chopping some wood.

Q. Appeared to be making himself quite at home? (No answer.)

Q. You don't know of your own knowledge about their coming home late at night? A. No.

Q. Do you know of the children being away? A. Yes, the children have often been away.

Q. For how long? A. Well, sometimes they would be away for three days, four days, sometimes a week at a time.

Q. And were they away in this way at any time while Mr. Loomis was away? A. Well I could not swear that; I could not say. I daresay they might have been, but I cannot tell.

Q. Did Mr. Terry continue to reside there until the Loomis' left Ottawa? A. Oh, no; he was not there when Mrs. Loomis left our place, left our house.

Q. Well, did he continue to reside there until he left Ottawa? A. Yes.

Q. Until he went away from Ottawa? A. Yes.

Q. He went away before they did? A. Yes.

Q. Do you know when he went away from Ottawa? A. No, I could not say.

Q. You don't remember the date? A. No.

By the Honorable Mr. Plumb :

Q. Was it long before they went away? A. Yes, it was some time.

By Mr. Chrysler :

Q. What time did they go away? A. They went away in September; left our house in September.

Q. Of 1884? A. Yes; I think it was September.

Q. Did Mr. Terry go in the same year? A. Yes.

Q. How many months before do you think? A. Well, I daresay he might have been a month away before they left our house.

Q. And he was residing there until he went away? A. Yes.

Q. So that he was residing there from May, 1883, until some time in the middle of the year 1884? A. Yes.

And further deponent saith not and hath signed.

Witness, F. A. McCORD.

her
ANNE X KANE.
mark.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Fairy Emily
"Jane Terry," at the Parliament
Buildings, in the City of Ottawa, in the
Province of Ontario, this fifth day of
March, A.D., 1885.

W. H. ODELL,

Chairman of said Committee.

On this fifth day of March in the year of Our Lord one thousand eight hundred and eighty-five, came and appeared, Thomas McVeigh, who, being duly sworn, and examined, deposeseth as follows:—

By Mr. Chrysler :

Q. Where do you reside? A. At 117 Nicholas Street, Ottawa.

Q. What is your occupation? A. Sheriff's officer.

Q. Do you know the respondent Charles H. Terry? A. I know the gentleman to see him, very well.

Q. Do you know Mrs. Loomis? A. Yes, I know her to see her, very well.

Q. Do you know where Mrs. Loomis was residing from May, 1883, on until last fall. A. Yes; she resided in Kane's house on the opposite side of the road a little further south—they lived on Nicholas street on the opposite side from me further south.

Q. Do you know the number? I think it is 210 if I am not mistaken. 210, 212, and 214 are Mr. Kane's houses.

Q. Do you know if Terry was living there too? A. Terry was living in 214.

Q. I am speaking of from May, 1883? A. That was the time or about that time, that he went to live at Loomis' place.

Q. Did you ever see them together? A. I saw them on an average from one to three times a day regularly.

Q. Where? A. On the street, on the canal bank, on the street from opposite the buildings here, home to their place; in the evening on the bank of the canal, and round their own door.

Q. What were they doing at any of those times? A. When I first saw them I did not know really who they were in particular, but I thought they were some young married couple, or some parties that were wanting to get married. They used to walk up and down past my door, and I was astonished to see that they were a little aged, both of them, and I thought they were perhaps making arrangements to get married, or something of that kind, because they were walking together and talking, and he was generally carrying some little parcel along with him. I paid very little attention to it until the women around the neighborhood, my wife and others, I used to see them nudging each other when those parties were coming up, and winking backward and forward, and it led me to make some enquiries as to who the couple were. I know that Mr. Loomis was working on the C. P.R.—I understood he was—and sometimes once a week, and sometimes not more than once in two weeks he used to return home.

By the Chairman :

Q. That you know of your own knowledge? A. Yes, I have seen it. He used to return home at night, and in the morning he would start off again, and it used to be remarked by some of the women—

Q. Just state what you remarked yourself? A. After he would go away in the morning Mr. Terry and Mrs. Loomis would come down the street, he on his way to the office in the Buildings. A little while after she would return home and generally on his return in the evening—about an hour before he would get back in the evening—she used to start and meet him, and I used to see them returning. In the evening I have seen them going off boating, and I have seen them walking up and down the canal bank, and sometimes sitting on the bank of the canal.

Q. What hours? A. From six until nine o'clock at night.

Q. Did you ever see any familiarity between them? A. I thought there was always familiarity between them at any time I saw them together.

Q. Anything beyond what you have stated? A. I considered that their conduct at all times, when not man and wife, was very improper on the street. On one particular occasion I had the curiosity to watch them. I was on the opposite side of the street—opposite to their place—and I saw them come up, and he seemed to have business somewhere further ahead to the next door. I thought he was going to this place where his furniture was, No. 214. He had some little parcels, and when he turned into the gateway he went to the door and he handed her the parcels, and he stood up quite close to her against the door and kissed her.

Q. That you saw? A. I am speaking of what I saw, and it confirmed the reports that I had heard, and what I had seen of them on the street.

By Mr. Chrysler :

Q. Perhaps you can fix the time that you saw him kissing her. What year was that—how long ago? A. It strikes me it was about the last of May or the first of June, 1883. It would be two years now this summer.

Q. That then was not long after he went to reside at Loomis' ? A. No not long.

Q. Is that all you know? A. That is all I know personally.

Q. You spoke of Loomis being away, did you know anything of the children being away at any time? A. I do. If you will just allow me to explain; Mr. Kane and I had been very intimate—he had done a good deal of work for me carting, and I asked him regarding those children.

By the Chairman :

Q. State what you know yourself? A. I know myself when at Kane's place that the children were absent when the house was closed up and she was out on the street. I know where she was brought up. Her maiden name was McGregor, and she was brought up at Kemptville and the children used to go out there to visit.

Q. And you know of your own knowledge that the children were away for a time? A. Yes, for more than a week at a time.

Q. Do you know if Loomis was at home when the children were away? A. Mr. Loomis was very seldom at home—not once in eight days on an average.

And further deponent saith not and hath signed.

THOS. McVEIGH.

Sworn, taken and acknowledged before the
 Select Committee of the Senate, to
 whom was referred the Bill intituled
 "An Act for the relief of Fairy Emily
 "Jane Terry," at the Parliament Build-
 ings, in the City of Ottawa, Province
 of Ontario, this fifth day of March, in
 the year of Our Lord, one thousand
 eight hundred and eighty-five.

W. H. ODELL,

Chairman of said Committee.

On this fifth day of March, in the Year of Our Lord, one thousand eight hundred and eighty-five, re-appeared the said Fairy Emily Jane Terry, who, being examined, deposeth as follows :—

By the Chairman :

Q. I want to draw your attention to this letter which you saw before (Exhibit B). You said you knew the handwriting? A. Yes, it is the handwriting of my husband, Charles Hunter Terry.

Q. In this letter he refers to signing a document; do you recollect anything about it? The paragraph is "It is intimated to me I must sign a document because I wish to get out of paying you more money." Do you recollect anything about this document that is referred to there? A. No, I do not understand even what he means about it. To pay me alimony is what I understand it to be myself, but other than that I do not understand what he meant.

Q. In this same letter he says again "Whatever other people have to say or do about yourself and myself the two principals concerned are the husband and wife, and as you have chosen to be guided by others and to leave my care, you must abide by such action." He seems to imply there that you left his care? A. No, I did not. He would take care of me if I would consent to his living with this woman, and I would not do so.

By the Honorable Mr. Read :

Q. When was the first intimation you got that he was living with Mrs. Loomis? A. From himself on my arrival from England and his meeting me in Montreal.

Q. He did not treat you properly when you came back from England? A. No, he said he had another woman to live with, and that he was not going to live with me, and he would not support me.

Q. He did not undress when he came to your room at the hotel? A. No.

Q. He came to your room at the hotel at night and did not undress? A. No, he did not undress.

Q. He lay on the top of the bed outside? A. Yes. I thought he was intoxicated at the time, but I did not put the question to him whether he was or not.

By the Honorable Mr. Plumb :

Q. He came up with you to Ottawa, I understand? A. Yes, he came up with me on the train, and told me to go to my father or my brother on my arrival, and the next evening he came to my father's house.

Q. And then that conversation took place that you gave in your former evidence? A. Yes.

By the Honorable Mr. Read :

Q. As I understand, that was the first intimation you had that he was living with Mrs. Loomis. Had they not written to you from this country? A. No, he confessed the whole in Montreal. He said I would hear of it from the public, and I did hear of it from the public in every direction, and by the papers.

By the Chairman :

Q. You say that he had several times told you that he would continue living with this woman? A. Yes.

Q. Was there any distinct explanation of what he meant by living with her? A. Yes, he said he had been keeping her while I was in England, and he was not going to give her up now. He said he would give me a support by the month to live on, and said he wished I would consent to his living with this woman, and asked my consent, and I said no; unless he consented to give her up, I could not live with him.

Q. Was it expressed in such a way that you understood he was living in an immoral way with her? A. Yes, I understood so. He expressed himself in that way.

Q. Did he make use of any stronger expression? A. No, he said he was living with her—that he was keeping her. In Montreal he called her a common low back-street woman. He said he could not help himself; that he knew he was a fool to have done so, but asked me if I would forgive him. I said, on condition, certainly I would.

By the Honorable Mr. Read:

Q. You never lived together as man and wife after that? A. Never.
And further deponent said not and hath signed.

F. E. J. TERRY.

Sworn, taken and acknowledged before the
Select Committee, to whom was referred
the Bill intituled: "An Act for the
"relief of Fairy Emily Jane Terry," at
the Parliament Buildings, in the City of
Ottawa, this fifth day of March, in the
year of Our Lord one thousand eight
hundred and eighty-five.

W. H. ODELL,
Chairman of said Committee.

EXHIBIT "A."

I hereby certify that Charles Hunter Terry, Bachelor, and Fairy Emily Jane Nettle, Spinster, were duly married according to the rites of the Church of England, in the Church of St. Alban the Martyr, Ottawa, on the twelfth day of September, in the year of Our Lord 1877 (seventy-seven)

By me,

T. BEDFORD JONES, LL.D., *Canon,*
Rector of St. Alban's, Ottawa.

September 12th, 1877.

EXHIBIT "B."

No. 1.—*Incorporated Synod of the Diocese of Ontario.*

I do hereby certify that, according to the register of the parish or church of St. Alban the Martyr, of the City of Ottawa in this Diocese, Charles Hunter Terry, Bachelor, and Fairy Emily Jane Nettle, Spinster, were duly married according to the rites of the Church of England, in the Church of St. Alban's the Martyr, on the twelfth day of September, in the year of Our Lord 1877, by the Rev. T. Bedford Jones, LL.D., Canon, Rector of St. Alban's, Ottawa. Given under my hand and the Seal of the Incorporated Synod of the Diocese of Ontario, at the City of Kingston, Province of Ontario, and Dominion of Canada, this sixteenth day of February, A.D., 1885;

Fee, \$0.50.

JAMES SHANNON.
Registrar of the Diocese of Ontario.

EXHIBIT "C"

OTTAWA, 1st November.

MY DEAR MRS. TERRY,—I am going to write you a letter and I hope you will look at it in the right light, and in a sensible way. In the first place you have been away enjoying yourself and I understand your husband has forfeited a great deal to let you have the trip in hopes it would do you good, and you come back and fly at

him when you should do the very opposite. I am married and have children and as kind a husband as any one living, but if I was to go away to-morrow for one quarter the time you have been away my husband would not live half as strait forward and honest towards me as yours has to you. You know that people are telling you the worst part of all the stories. As for the lady he boards with, you may thank her for your husband living as strait a life as he has this summer, and, believe me when I tell you, she is a lady in every sense of the word. She went to church with your husband, which you should be proud of. She went to the opera with him, but not without first consulting her husband, and you knew the gossiping part of the public are only to glad to jump at conclusions. My husband told me last night that he heard you were going to try for a divorce. Now, for the sake of your dead child and the father of it, put that out of your head, and remember there is not one man in a thousand wants anything to do with a divorced woman, only to pass the time, and if you were parted from your husband you would find none to give you what he would. What would those that are telling you all this bosh do for you if you were parted from him? Even your own people would soon tire of you. Take my advice, as a friend, and leave your husband where he is, and you go and board with him there and rely on him, and you will find it will be the best step you ever took in your life and the happiest one, and not give those that are talking a chance to stand back and laugh and say: We have been victorious, and then perhaps give you the cold shoulder. Go and live comfortable and happy with your husband and let the public go, and believe me to be as true a friend as ever you had or ever will have. (If you do as I say I will write to you again.

EXHIBIT "D."

OTTAWA, 10th December, 1883.

MADAM,—I am in receipt of your letter dated the 7th inst., and enclosing me a copy of an anonymous letter received by you. For what reason you send me the letter or why you write, I know not, but deeming you entitled to the courtesy of a reply I now write—and distinctly and plainly I may intimate to you that if you write any more to me I shall return your letter *unopened*.

1st. I know nothing of any communication, anonymous or otherwise, sent you; 2nd. As regards sending letters to the press, I consider—and any fair unbiassed mind will the same—that your publishing in loud terms and with a total disregard for truth, the malicious falsehood you have of me and your attempts, both on your father's and your part, to hurt me in the Department are evidence that you are simply working out a malicious policy. You have left no stone unturned to prove to me your thorough malice and you have been backed up ably by your father and brother—in fact even stooping to "blackmailing." Whatever other people have to say or do about yourself or myself, the two principals concerned are the husband and wife, and as you have chosen to be guided by others and to leave my care, you must abide by such action. I have read your anonymous letter through carefully and it is a plain, straightforward letter, and I do not see anything in it to call forth such *ladylike* comments from you. I sent you to England—I supplied you with money when there, and you were received and welcomed there. What return have you given me? Nothing but insulting letters, and, not content with that, you sit hour by hour and pour into my relatives ears, to use their own words, "what they had no wish to hear," trying to poison their minds against me, and then you come here and leave *my mother* to pay YOUR BILLS. You had money from my aunts, you had money from me, and you leave England and have sent to me a bill from Whiteley's for 17s. 9d., and my mother dunned by Mrs. Roberts. You are not content with running me into heavy obligations. I sent you enough money to cover everything and here you are back with debts behind you. Now I ask you—I am writing no lawyer's letter and I recognize no Nettle that lives—is that the

way a lady behaves—does she visit and contract debts and leave—not paying them—You had written or caused to be written a letter to Mr. Courtney placing a lien on what does not belong to you. I have nothing that you can fairly call yours. You took all in your trunk—again to him it is intimated I would not sign a document because I wished to get out of paying you some money. You knew in your own mind how false and untrue such a course has been, and you have allowed yourself to be edged on by others. You know no one has looked after you the way I have, and in your own heart you are quite aware that the shining side of your father's character is now coming out. I am sorry that you have forgotten to whom you own allegiance. Your place and duty is with your husband, and not running about here and there, running him down. The novelty will soon wear off, and then perhaps you will appreciate the reality; people will soon get tired of listening to an endless and senseless story. Your letter says: "Everybody says"—that is just where it is—everybody says—it is not what you should be guided by—but your own mind. I hate writing harsh words. You have brought it all on yourself. I offered you a home, I offered you to get rooms—and your answer was "ladylike"—and now I can only tell you; and as time goes on you will, I dare say, wake up to a knowledge, if after the way you have spoken of me and acted, and the deliberate attempt made to ruin me. Never will I live with you, or recognize you in any way as my wife. Simply will I pay the amount that the deed may assign each month, and never do I wish to hear of or from you—as you say you are dead to me—so I say to you—doubly dead to me are you. This is the last time my pen is taken to write to you. I know full well the mean despicable feeling that has been adopted, and the lies and untruths sent home by you and your father. I can live them down—and one word more, take this to your heart. I am not mad, nor am I out of my mind. You have chosen to leave me and my care; and I think that in future, although simply for legality—it will be necessary—it will be in better taste for you in private life, to use your own family name.

C. HUNTER TERRY.

You may show every friend you have this, and take their united opinions.

 APPENDIX No. 4.

MINUTES OF EVIDENCE

Heard on oath before the Select Committee of the Senate on the Bill intituled :
 "An Act for the relief of Charles Smith, together with vouchers and exhibits
 adduced before the said Committee.

THE COMMITTEE:

The Honorable Mr. GOWAN, Chairman.

The Honorable Messieurs

Clemow,	Nelson,	Vidal,
McKindsey,	Read,	Wark.
McInnes (B.C.),	Sutherland,	

THE SENATE OF CANADA.

In re THE BILL (B) "AN ACT FOR THE RELIEF OF CHARLES SMITH."

On this twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared, Charles Smith, of the Village of Campellford, County of Northumberland, Province of Ontario, miller, who, being duly sworn and examined, deposeseth as follows :—

By Mr. McIntyre :

Q. You are the petitioner in this case? A. Yes, sir.

Q. Where do you reside? A. I reside in Campbellford, Northumberland.

Q. Will you tell us when you were married to Mrs. Smith? A. To the present Mrs. Smith?

Q. To the respondent? A. On the 8th of February, 1876.

Q. Where? A. In Toronto.

Q. By whom? A. By the Rev. W. H. Poole.

Q. Who was he? A. He was the Wesleyan Methodist Minister there at that time.

Q. Where does Mr. Poole reside now? A. I think he is in the States—in Illinois somewhere. I have had one letter from him, from somewhere in the neighborhood of Chicago, I think.

Q. When did you write, in and in what connection? A. It was in reference to getting him as a witness.

Q. Where? A. At Belleville.

Q. For what purpose, in what cause? A. To prove my marriage to the present Mrs. Smith.

Q. Did he come? A. He did not come.

Q. Would you look at that certificate? A. Yes, sir. (Certificate fyled as Exhibit A.)

By the Chairman:

Q. When did you obtain this? A. On the 8th of February.

Q. On the day you were married? A. Yes.

By Mr. McIntyre:

Q. Who were present at your marriage? A. Mr. Poole and his daughter.

Q. Anybody else? A. Mrs. Smith.

Q. Were those the only parties present? A. The only parties present.

Q. Did you see Mr. Poole sign the certificate? A. I saw Mr. Poole sign it.

Q. Would you look at that letter and say what it is? A. This is a letter I received from Mr. Poole in reference to getting him as a witness in Belleville. (Letter fyled as Exhibit B.)

Q. Had you been married preceding your marriage to Mrs. Smith? A. Yes.

Q. You were then a widower? A. Yes.

Q. With how many children? A. I had three small children.

Q. Where did you reside? A. I resided at Warkworth.

Q. When did the respondent go to reside with you there? A. She came to reside with me—we were married on the 8th of February in Toronto, and she came up to my place; when she was married I went home and she went home, and she came up to my place on the Sunday. We got married on the sly, and she came up to my place on the Sunday, and remained there, I think, two days—one or two days.

By the Chairman:

Q. What day of the week were you married? A. I do not remember.

Q. How many days after you were married was it? A. Some day in the week between the two Sundays.

Q. It was within the week? A. It was within the week she came up to my place and stayed a day or two and went off, and she never came back again for five or six weeks; in fact, I went down.

Q. Did she stay with you as your wife during that time? A. The first time?

Q. Yes? A. She did.

By the Honorable Mr. McInnes:

Q. How long did she remain with you when you were married? A. She was only one or two days when she came first.

Q. And then she left you for five or six weeks? A. Then she was away for five or six weeks.

By Mr. McIntyre:

Q. How did she return? A. I went down after her and, in fact, she did not come back with me. I made arrangements with her when I was there that I should send a team after her. She had a horse of her own, and she could drive herself at any time, but I sent after her effects, and she finally came up at the end of about five or six weeks.

Q. How long did she remain the second time she came back? A. Well, I do not remember the dates, but she remained from that time—some time about the 27th of March—till some time in August; but during that time she went away at different times, and would stay from one week to two weeks at a time. Sometimes she would tell me about it, and sometimes she would not. I had to get along the best way I could with my children when she was away.

By the Honorable Mr. Vidal :

Q. I notice you say sometimes she would tell you and sometimes she would not. Do you mean to say she did not tell you? A. She did not. I did not know she was going until she had gone.

Q. The way you put it, it looked as if you had asked her and she refused to tell you? A. No; the fact is, she would be away, and I would not know she was gone.

By Mr. McIntyre :

Q. What was the cause of her departure? A. I could not say. I do not know that I ever gave her any reason to go away.

Q. Were there any differences between you? A. Not that I was aware of.

Q. When did she finally leave your home? A. She left my home, I think it was, in August of the same year.

Q. Were there any endeavors made to bring her back? A. Yes.

By the Honorable Mr. Vidal :

Q. I would like to know whether, before she went away, any disagreement occurred, or was there any cause given on your part when she went finally, for absenting herself? A. Nothing specially. At that particular time I had a niece from Rochester that came over, and she got it into her head, I suppose, that I was paying too much attention to my niece, more so than I was to her, and the plain phrase of telling it is, that she raised the devil one night because I took my niece out to see a neighbor. One of the neighbors had requested to see my niece for a purpose; she was a good player on the piano, and wanted me to bring her in. We went out to call on the neighbor and when we came back Mrs. Smith had the house all turned upside down, and packed up to go away, and that is the first I knew of it, and the next morning she left.

Q. Had you been guilty of any improper conduct with your niece in any way? A. No, sir.

The Chairman.—I do not understand the witness to suggest anything of that kind, but merely that he had been more attentive to his niece than to his wife. Am I right? A. The only attention I showed to my niece, she was a stranger and just came over on a visit from Rochester, and one of my neighbors asked me to bring my niece in to hear her play on the piano; and it was on my way down to my place of business, and I asked her if she would go there that evening, and she said she would, and she went and I went along with her, and we were not gone over half an hour, and when we got back we found the house all in confusion. I did not ask my wife to go, because there would be no one to look after the house, and take care of the children, while I was gone.

By the Honorable Mr. Vidal :

Q. How do you know that? Did she ever say anything to you about it, or what made you think so? A. It was a common occurrence. I found that was the old trouble from the time I married Mrs. Smith up to the time of our separation, that jealousy was at the root of all evil, and I could not say "How do you do" to a lady on the street but there was some misconduct in the matter.

By Mr. McIntyre :

Q. I was asking you about the attempts on your part to bring back the respondent to your home? A. After Mrs. Smith left my place she frequently made enquiries about this money; I told her that the home was there, and she could come home and make herself happy and contented and make home happy; that it was there for her, and I would be glad to see her at any time. I went down with Mr. Douglas; in fact, I think she sued me for the money.

Q. What money are you speaking about? A. The money that Mrs. Smith gave to me at the time of our marriage. She had a farm, and when we married she said

she would sell the farm, and I requested her not to sell the farm, and right away after the marriage, she did sell the farm and realized \$3,000, which she proposed to put into my business. Of course when she had done it, I did not object to take it, as it was replacing a mortgage. She was taking up one mortgage and this money was replacing it. I had a mortgage of \$3,000 on the mill, and this money was replacing it.

Q. Paid it off, in other words? A. Paid it off, and that put me, as it were, square. After she left she wanted this money again, and I told her if she was bound to leave that I was perfectly willing to give her her money, provided that she was willing to sign papers that she would never trouble me as to dowry, that she would be always willing to sign dowrys and to not trouble me—that is financially. I could not come to an arrangement with her, and Mr. Douglas, a friend of mine, went down and saw her. At this time she had sued me for alimony, or the money, or something or other, and we went down and tried to coax her back. We did not effect any promises at this time for her to come back and live together; but we made a second attempt, and we did get a promise out of her by giving her a trust deed drawn, by giving her back her money, and paying the interest on it. She would come back and live with me, but she has never come back yet, and she has got her money.

Q. Did you make any effort, any special effort, on the second occasion you went down in February, to get her back to live with you? A. No more than I went to where she was living, and used her as my wife, and went and staid with her as my wife, and slept with her as my wife, and prevailed on her to come back, and she promised to come back to my home, and she agreed to come back at such a day, and she never came back.

Q. Have you lived together as man and wife since? A. No.

Q. Not cohabited? A. No.

Q. Not since the month of February, 1877? A. Not since February, 1877.

Q. I believe you instituted proceedings against a Mr. Parkin? A. Yes.

Q. For criminal conversation with your wife? A. Yes.

Q. And recovered a verdict—

The Chairman.—There is a proper mode of proving that. I presume that an exemplification of the judgment can be produced.

Mr. McIntyre.—I am just going to ask for the exemplification, to present to your Honors.

By Mr. McIntyre :

Q. Has there been any understanding between yourself and your wife as to this divorce? A. No, sir.

Q. No collusion? A. No, sir.

The Chairman.—You should put the question in the words of the order of the House. (Exemplification filed as Exhibit C.)

By Mr. McIntyre :

Q. Will you state, Mr. Smith, whether there has or has not been any collusion, directly or indirectly, on your part, relative to any act of adultery that may have been committed by the respondent in this case? A. No; there has not.

Q. Has there been, or is there any collusion between you? A. I said no, there was not.

Honorable Mr. Vidal.—The question was, will you say so? A. I do say so; I say no, there was not.

Q. Is there any collusion between you and the respondent or any other person or persons touching this Bill of divorce? A. No, sir, there is not.

Q. Was there any collusion between you and any other person or persons touching any action at law that has been brought? A. No, sir.

Q. Was there any collusion between yourself and Parkin, against whom you brought the action of criminal conversation, or any person on his behalf, or on your behalf, with regard to that action? A. No, sir; never saw the man to my knowledge.

Q. Was the respondent at the time of the adultery of which you complain, by leave or otherwise, living separately with your consent, from you? A. No, sir; she had plenty of money; at least she should have had.

The Chairman.—You have answered the question; never mind enlarging upon it. Counsel will put any further question necessary.

Q. At the time of the adultery, was she released by any deed executed between you and herself? A. There was a trust deed betwixt us.

Q. Wait a moment; was she released by you from her conjugal duty, from her duty as a wife? A. No.

Q. Was she, at the time of the adultery of which you complain living with you as her husband? A. No; she has not lived with me as her husband since 1877.

Q. I believe you did answer the question before, but I may as well put it again; have you cohabited with her since the adultery complained of? A. No, sir; I never spoke to her.

Q. Will you state whether the sum of \$3,000, which Mrs. Smith gave you, was repaid? (No answer.)

The Chairman.—Has the \$3,000 you got from her been repaid? A. Yes, sir.

Q. In what manner? A. Paid in cash.

By the Honorable Mr. Vidal:

Q. To herself? A. To the trustee, and the trustee paid it to her.

By Mr. McIntyre:

Q. From the time that she left you, in August, 1876, until June, 1881, when the balance of the \$3,000 was paid her, will you tell us what payments you made, and in what sums? A. Well,—

The Chairman.—I do not know whether it is necessary to go into details, if he paid it in full. Do you mean in respect to the interest?

By Mr. McIntyre:

Q. In respect to interest? Were you in the habit of paying her interest? A. I paid the interest every six months to the trustee, Mr. Douglas.

Q. At what rate? A. At 8 per cent; and I think it was the February payment I paid \$50 of the principal with each payment. These receipts will show.

The Honorable Mr. Vidal.—It appears to me it is taking up our time with something that is not essential to the case.

By the Chairman:

Q. In a word, you have paid the interest as it became due—all the interest that you contracted to pay—and you have paid the principal in full? A. Yes, sir.

By Mr. McIntyre:

Q. The interest being paid every six months? A. Yes.

Q. And on one of the payments you made a payment of \$50? A. I made on four payments.

Q. But on one of the payments of each year you made an additional payment of \$50, in addition to the interest? A. Yes, sir.

Q. You have no knowledge yourself, I believe, of the adultery complained of? A. No, sir.

By the Chairman:

Q. When did you first discover the adultery that you allege? A. It was in a letter from Mr. —

Q. I do not ask you, at present, how; I ask you when? A. I think it was in 1881—some time in 1881.

Q. Are you sure it was in 1881; have you any memorandum that you desire to refer to?

The Honorable Mr. Wark.—Have you the letter? A. The letter is here, I think; it was a letter which came to Mr. Douglas from Mrs. Smith, and after Mr. Douglas received the letter he spoke to me about it; he said Mrs. Smith was married again.

By the Chairman:

Q. Was it as early as 1881? A. I don't know but what it was; it might have been; my memory does not serve me very well.

Q. Was it 1880 or 1881? A. It was 1880 or 1881. I have had a great deal to think about and cannot remember everything.

The Chairman.—(To the respondent). You have a right to put any question that you think proper to the petitioner, in respect to the evidence that is given before the Committee.

By the Respondent;

Q. Did Mrs. Hamilton invite you to go over to her house that evening? A. She did.

Q. What disease did your wife die of? A. I do not think that has anything to do with this case, but my wife died legitimately, at any rate, and she was a good wife, too.

The Chairman.—Never mind entering into any discussion; simply give the answers to the questions that are proposed and admitted by the Committee. Have you anything else to ask him, Mrs. Smith?

By Mrs. Smith:

Q. Did not you sign a paper freeing me from you, and did not you encourage me to get married, and tell me you wished me to ask you to the wedding, and you would come, and after I was married you wished me much joy? Did not you sign this paper, that you would never lay a straw in my way?

The Chairman.—Did you do so? A. Not that I am aware of; not that I am aware of, I never did.

Q. Did you pay me all that money back? A. Yes.

Q. Did not you keep \$500 of it? A. No, ma'm.

Q. You did not? A. No, ma'm.

Mrs. Smith.—Well, I can prove it. Did you treat me as your wife? A. I always did.

Q. When I promised to come back on the occasion of our separation, the time I sued you for the money for the settlement—when I left you, did not I go down on my own business—or at first when I came up did not you say that you married me for my money, what little property I had, and you did not wish me to come up till I had my money?

The Chairman.—What is the question?

Mrs. Smith.—I really forgot what I was speaking of. The very night when we settled there, coming back—I intended to come back, for I thought you had seen the error of your conduct, and you went down to Ryan's store, and ridiculed me, and made them all ashamed in the shop.

The Chairman.—What is the question?

Mrs. Smith.—That is the question. He told me he did not want me to room with him at night, but I persuaded him to room with me. He ridiculed my age and wrinkled face, and told the people that he got a pound for every wrinkle I had on my face.

Witness.—Is that a question for me to answer?

The Chairman.—If you choose to answer it.

A. I did not—I never did. Here is as good a friend as she has or I have, and he will say I never said such a word about the wrinkles on her face. I married her for a wife and mother for my children.

The Chairman.—Have you any more questions to ask?

Mrs. Smith.—Can I show you some papers?

The Chairman.—Not at present.

By the Honorable Mr. McInnes (British Columbia):

Q. You stated here that you got married on the 8th February, 1876, and that you got married on the sly; what do you mean by that; what do you mean by saying you got married on the sly? A. I am sorry to say that I was left with a family of little children, and I did not stay single as long as I ought to have done, and I was a little ashamed to make it public I was getting married so quick after the death of my wife, because I had an excellent wife, as good as a man ever had.

By the Honorable Mr. Vidal:

Q. What was the interval? A. Eight months—it was not eight months. My wife died in September, or was it August? Either August or September; and I married my present wife in February.

Q. Nearer six months than eight? A. The interval was so short I was rather ashamed to make it public; but, as I said before, I had a family of little children, and I wanted some one to take care of them.

By the Honorable Mr. McInnes (British Columbia):

Q. You stated she remained only one or two days with you? (No answer.)

Honorable Mr. Vidal.—She went to her home and he went to his—that is the singular part of it.

By the Honorable Mr. McInnes (British Columbia):

Q. She went and remained with you one or two days? A. Yes, sir.

Q. And then left for a period of five or six weeks? A. Yes; and did not return for five or six weeks.

Q. Was there any understanding between you that she was not to return? A. No, sir. The understanding that was between us was, that she was to go and settle up her little affairs down home, and pack up her dry goods, and I was to send a team after them.

Q. How far was her former home from yours? A. It would be from 40 to 50 miles, I should judge.

Q. And how was it that you contented yourself, a newly married man, to remain away from your wife for five or six weeks immediately after getting married? A. She would not come; I tried to get her.

Q. Did you go to see her? A. I did. I kept writing her, and I finally went; and the trouble was this money she was talking about; she had sold her farm betwixt times.

Q. After the lapse of how many days or weeks after you got married did you go to see her? A. I think it was two weeks. We were writing backwards and forwards, and she told me what she was doing, and I advised her to keep her farm.

And further deponent saith not, and hath signed.

CHARLES SMITH.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Charles
"Smith," at the Parliament Build-
ings, in the City of Ottawa, in the Pro-
vince of Ontario, this twenty-sixth day
of February, in the year of Our Lord
one thousand eight hundred and
eighty-five.

JAS. ROBT. GOWAN,
Chairman of the said Committee.

On the twenty-sixth day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Charles S. Gillespie, of the Village of Campbellford, County of Northumberland, Province of Ontario, Dominion of Canada, merchant, who, being duly sworn and examined, deposeth as follows:—

By Mr. McIntyre :

Q. Where do you reside? A. Campbellford, County of Northumberland.

Q. What is your occupation? A. Merchant.

Q. Do you occupy any public position in Campbellford? A. I am Reeve of that village.

Q. Do you know the respondent in this case, Mrs. Smith? A. Yes, sir.

Q. How long have you known her? A. I think I first knew her about twenty years ago, in Prince Edward, where I was born and brought up.

Q. Were you living together there as neighbors? A. No; I used to visit a neighbor of hers, Mr. Giles.

Q. Were you out in the Township of Laxton where the respondent resides? A. Yes; I went there to serve notice of the action Mr. Smith was taking, asking for a divorce, the 17th of February.

Q. The 17th of this present month? A. Yes.

Q. Did you see Mrs. Smith there, the respondent? A. Yes; I served it on her personally.

Q. With whom was she residing there? A. A Mr. Parkin.

By the Chairman :

Q. What is his Christian name? A. Charles.

By Mr. McIntyre :

Q. Did you see Mr. Parkin there? A. I seen him just as we were leaving the house; he was down in the barn, and he came up as I was leaving.

Q. You had a talk with him? A. Yes; a short conversation.

Q. Had you any conversation with the respondent, Mrs. Smith? A. Yes; I had a short talk with her.

Q. Just tell us what the conversation was? A. The party told me she had married Mr. Smith at Niagara, and I asked her if she had, and she said she had not; that she had married Mr. Smith at Toronto, on the 8th February, 1876. The Rev. Mr. Poole married them—William Henry Poole, I think, she called him.

Q. Had you any further conversation with her? A. Nothing more than about when she lived in Prince Edward, about her friends telling about Mr. Giles and other neighbors.

Q. Try and recollect what further conversation you had with her? A. Yes; there was further conversation. She told me she had no objections to Mr. Smith pro-

curing this divorce, she thought he needed a divorce, on account of his children; that he had a very nice family of children; she asked me about the children and said she had no objection to procuring a divorce.

Q. Did she say anything about a second marriage of her own? A. In connection with Mr. Smith and herself?

Q. No, no; about a second marriage?

The Honorable Mr. Vidal.—A third marriage? A. She said she lived happily with Mr. Parkin—had a very good husband and lived happy with him.

Q. She said she had been married to Mr. Parkin? A. Yes; and said she had a good husband and was happy.

Q. Did she tell you where she had been married to Mr. Parkin? A. Yes; in Niagara.

Q. Did she say on which side of the river—on the American side or the Canadian side? A. Well, I am not certain about that. I asked her if she was married to Mr. Smith in the States, and she said no; she had married Mr. Parkins there in Niagara, and I inferred from that that she married him on the other side.

Q. She stated that she was living with her husband, Mr. Parkin? A. Yes; with her husband and was happy, and she further said that they were about building there, and she said she was not going to live there longer than this summer, but was going to move to St. Catharines, where she owned property, and she asked me to call on her, if I ever went to that town.

The Chairman.—(To Mrs. Smith.)—If you have any questions to ask this witness, you are at liberty to do so.

Mrs. Smith.—I have none.

And further deponent saith not, and hath signed

CHARLES S. GILLESPIE.

Sworn, taken and acknowledged before)
the Select Committee of the Senate,)
to whom was referred the Bill in-)
titled: "An Act for the relief of)
"Charles Smith," at the Parliament)
Buildings, in the City of Ottawa, in)
the Province of Ontario, this twenty-)
sixth day of February, in the year of)
Our Lord one thousand eight hundred)
eighty-five.)

JAMES ROBERT GOWAN,

Chairman of the said Committee.

On this twenty-sixth day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Donald Douglas, of the Township of Percy, County of Northumberland, Province of Ontario, farmer, who, being duly sworn and examined, deposeth as follows:—

By Mr. McIntyre:

Q. Where do you live? A. I live in the Township of Percy, County of Northumberland.

Q. What is your occupation? A. Farmer.

Q. Do you know the respondent and petitioner in this case? A. I do.

Q. How long have you known them? A. I have known Mr. Smith, I suppose—I could not tell—I suppose nearly twenty years; but I have not known Mrs. Parkin, or Mrs. Smith, only since the time of Smith's marrying her; that was in 1876, some time, I think. Some time after they got married I was there and had dinner with them—some time—only a few months afterwards, or a few weeks I, don't remember how long.

Q. Do you know anything against the reputation or character of Mr. Smith?

The Chairman.—What has that to do with the inquiry? There are certain facts to be established before this Committee.

Mr. McIntyre.—It has very little to do with it, I admit.

Q. Had you had any correspondence with the respondent in this case, Mrs. Smith from time to time? A. Yes, sir.

Q. You have both written letters to her and received letters from her? A. Yes.

Q. Will you look at that letter?

By the Chairman :

Q. In the first place, do you know the handwriting of the respondent? A. I do.

Q. This document produced is in her handwriting? A. It is. (Letter read and fyled, Exhibit D.)

By Mr. McIntyre :

Q. Is this letter also in the handwriting of the respondent? A. It is. (31st May, 1881, Exhibit E.)

The Chairman.—It is addressed to you? A. Yes; it is. (Letter read.)

By Mr. McIntyre :

Q. Is that letter also in the handwriting of the respondent? A. Yes, it is. (Letter, dated 10th June, 1881, fyled as exhibit F.)

Q. Was that letter also received by you, and is it in the handwriting of the respondent? A. Yes. (Dated 18th May, 1881, fyled Exhibit G.)

Q. Was this letter received by you, and is it in the handwriting of the respondent? A. Yes. (19th August, 1880, Exhibit H.)

Honorable Mr. Vidal.—I would be very sorry to interfere with the counsel, but it seems to me they are all establishing the same thing—that is, that she called herself Mrs. Parkin.

The Chairman.—We must trust to counsel. I fail myself to perceive the necessity of it.

Q. Were you ever present with Mr. Smith at Belleville seeing the respondent in this matter? A. Yes, sir.

Q. At what time, and with what object? A. The first time I think it was some time about the middle of winter.

By the Chairman :

Q. How long after they were married? A. I am not sure of the year—

Honorable Mr. Vidal.—They were married in February, 1876.

Witness—Yes; but it was some time after that; it would be the next year, I think; maybe in 1877, I suppose. It was in 1877 I went with Mr. Smith to Belleville, I think, and saw Mrs. Smith there.

Q. Where was the respondent, Mrs. Smith, living then? A. She was living in Belleville.

Q. Had she a house of her own there? A. She had rooms of her own there?

Q. Did you call upon her in company with the petitioner, Mr. Smith? A. I did.

Q. With what object; what was his object? A. The object was, it was after the writ was served in Chancery to settle matters up, and see if Mrs. Smith would come home. It was to settle it up; that was the object.

By the Chairman :

Q. To see if Mrs. Smith would come to whose home? A. Mr. Smith's home.

By Mr. McIntyre :

Q. Did you hear him request her to return to his home? A. Oh, yes; we argued the matter considerably, Mr. Smith and I both.

By the Chairman :

Q. Did you hear the request that she should return to his home? A. Not the first time, if my memory serves me—my memory is lacking in that—but the second time I did.

Q. When was the second time? A. In February, some time—about the 16th or 17th of February.

By Mr. McIntyre :

Q. Of the same year? A. Yes.

By the Chairman :

Q. And on that occasion did you hear him request her to go to his home? A. Oh, yes. He and I remained at Mrs. Smith's for two nights, I think, and got things into pretty fair shape, and she had agreed then to come home when I left, but she was not prepared to come home then, but she would some time the next week.

The Chairman,—(to respondent).—If you desire to ask this witness any question, you are liberty to do so.

Mrs. Smith.—I was to come a month and stay on trial. You wished me not to sell out my things? A. I did. I just may mention here that Mrs. Smith got so elated about coming home that she was going to sell off her things, and come home, and go to Warkworth again. I advised her not to do so; not to sell them, because if Smith and she could not live together, she would have a place there to go back to. She could see how they would get along. I had my fears of it; so she did not come back, I believe.

By Mr. McIntyre :

Q. Did she undertake to come back at that time? A. She did.

The Chairman—(to respondent).—Anything else?

Mrs. Smith.—No; nothing else.

And further deponent saith not, and hath signed.

DONALD DOUGLAS.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill entitled:
"An Act for the relief of Charles
"Smith," at the Parliament Buildings,
in the City of Ottawa, Ontario, this
twenty-sixth February, one thousand
eight hundred and eighty-five.

JAS. ROBT. GOWAN,

Chairman of said Committee.

On this twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Charles Lavis, of the Town of Belleville, in the Province of Ontario, gentleman, who, being duly sworn and examined, deposes as follows:—

By Mr. McIntyre :

Q. Where do you reside? A. In Belleville.

Q. What is your occupation? A. They do put me down as gentleman, sometimes.

Q. You are not engaged in any business? A. None, whatsoever.

Q. Do you know the respondent, Mrs. Smith? A. Yes.

Q. How long have you known her? A. I have known Mrs. Smith since, I think, 1876—possibly in March, 1876.

Q. Did you make any service of notice upon her in the fall of 1884? A. Yes.

Q. What was the notice, and where? A. I served a notice in reference to the suit that Mr. Smith was then prosecuting against Mr. Parkins, served at her house, in the Township of Laxton, County of Victoria.

Q. I believe you served the notice of the application for the divorce upon Mrs. Smith? A. Yes; I served that notice (filed as Exhibit I) upon Mrs. Smith.

Q. The service was made upon the 11th day of December, 1880. Where did you serve that notice upon Mrs. Smith, the respondent? A. In her house, in the County of Victoria, in the Township of Laxton. I think that is the name of the township.

Q. Was she residing with any person there? A. She seemed to be residing with Charles Parkin.

Q. Did you see Mr. Parkin there? A. I did.

Q. Did you remain over night in the house? A. Yes.

Q. Did you have any conversation with Mr. Parkin and the respondent?

The Chairman.—How do you make that evidence?

Q. Did you have any conversation with the respondent that night? A. Yes; we talked about the action Mr. Smith was taking with reference to obtaining a divorce.

Q. Did she make any statement in that regard? A. I don't recollect that she made any particular statement.

Q. Did she speak of Mr. Parkin as her husband?

The Chairman.—That is not the proper way to put the question; you will kindly respect the rules of evidence before this Committee, just as much as you would before an ordinary court of justice. That is a leading question.

Mr. McIntyre.—In the applications before the Senate I notice in reading the reports, that many of the questions are very direct?

The Chairman.—That may be, but as Chairman of this Committee, except I am over-ruled by the Committee, I certainly do not desire to have leading questions put to the witness.

Q. Please state what relationship she said existed between herself and Mr. Parkin? A. I think she claimed that they were married.

Q. How many rooms are there in the house of Mr. Parkin? A. There were three in the part where you might perhaps term the house—down stairs; there was an outside kitchen as well—a dining-room and two bedrooms.

Q. When you retired at night, where did you sleep? A. I slept in one of the bedrooms down stairs.

Q. And where did Mrs. Smith, the respondent, sleep? A. I think she slept down stairs, in the adjoining room. A board partition divided the two rooms.

Q. Do you know whether Mr. Parkin slept there that night in the same room with Mrs. Smith? A. I do not.

Q. Do you know whether he was in Mrs. Smith's room subsequent to your retiring? A. I think I heard them talking together in the room.

Q. In Mrs. Smith's room? A. Yes.

Q. In her bedroom? A. Yes.

By the Chairman:

Q. A board partition being between the two rooms? A. Yes, your Honor.

By Mr. McIntyre:

Q. You have no knowledge whether they occupied the same bed? A. I have none.

Q. Has Mrs. Smith more than once claimed the relationship that you speak of to have existed between herself and Mr. Parkin? A. I think so.

Q. During any term covering any period of years? A. I think she has. I think she has claimed to be married some years ago.

Q. She stated several times that fact? A. Not by word of mouth, but I fancy I have received communications from her acknowledging that she was.

The Chairman.—Those communications must be produced.

Q. You have none of those communications? A. No.

Q. That is the only night, I believe, that you remained in Mrs. Smith's or Parkin's house? A. It was the only time I ever saw her there.

Q. Your object being, on that occasion—what? A. To serve those papers. It was an out-of-the-way place where they lived, and I could not get away the same day, and they kindly invited me to remain over night.

Q. On what terms are you with the parties here—the petitioner and respondent? A. I am on good terms with all the parties, for all I know.

Q. And I believe you have been confidential adviser of both? A. I cannot say that, particularly just on this point.

Q. On general business? A. I have some years past, when Mr. Smith first married—I used to advise a little then.

Q. And Mrs. Smith? A. And Mrs. Smith.

By the Chairman :

Q. What hour did you retire to bed that night? A. I think it must have been between ten and eleven o'clock. I think Mrs. Smith left the room, possibly about eight or a little after eight.

Q. For her own room? A. Yes, for her own room.

Q. She left for her own room a little after eight, and you retired after ten, and was it after you had retired and were in your own room, that you heard the conversation between Charles Parkin and Mrs. Smith? A. I heard some talk, but I could not distinguish anything of it.

By the Honorable Mr. McInnes :

Q. Are you positive that it was in the bedroom that the sound of the talking proceeded from? A. I think I am.

By Mr. McIntyre :

Q. Did the conversation continue for some time? A. No; a short time.

By the Chairman :

Q. You know Charles Parkins? A. I never saw him until that occasion, when I went there to serve those papers.

Q. Did you recognize whose voice it was you heard speaking to her? A. I think I would. I think it was Parkins'.

Q. Was there any other man in the house besides Parkins and yourself that night? A. There were men up stairs. There were rooms up stairs to which the hired men retired to bed?

Q. And you recognized that voice as the voice of Parkins? A. Yes.

By Mrs. Smith :

Q. Did you ever hear Mr. Smith disrespect me in his conversation at the time of our separation, or any other time? A. Would that be a question for me to answer?

The Chairman.—You can answer the question.

A. Yes; I think I have. Is it in reference to your personal appearance, or in reference to your conduct in general.

Q. Yes? A. Yes; I think I heard him speak disrespectfully of you.

By the Honorable Mr. McInnes :

Q. Tell the Committee what it was. A. I cannot recollect the words in which he said it. It is a good many years ago, and I do not recollect those things now.

By Mrs. Smith :

Q. Did he refuse to room with me, and said that I pressed him to room with me after we had made up that I was to go back to him? I told him that there were two bedrooms which he could choose, and he chose my bedroom? A. I have no recollection of anything of that kind.

By the Chairman :

Q. A member of the Committee has asked you a question. Can you recall what was the remark made to you. A. I cannot say that I can.

By the Honorable Mr. McInnes :

Q. Cannot you give the general tenor of the remarks—not the very words made use of, but what they meant? A. I do not know as I can.

By the Honorable Mr. Vidal :

Q. Did he accuse her of any particular crime, or did he say that she was a drunkard? A. No; he did not accuse her of any particular crime; he used to say, in fact, he could not live with her, that her temper was bad.

By Mrs. Smith :

Q. Do you consider that he respected me, or showed me any respect whatever? A. That is a question that is rather hard for me to answer, Mrs. Smith. I cannot tell what the man might have thought. You see I was living a good many miles from you, and it was only occasionally I saw you, and I cannot tell what the man might have thought about you.

By the Honorable Mr. Vidal :

Q. I think the time you heard those remarks made is an important matter—whether it was before or after there had been an open rupture, in August, 1877? A. I think what I refer to was before she finally left him. I think in one instance, when she had left him possibly for a day or two, or a week, and went back again—her former home had been what they call across the bay from Belleville—he made the remark at one time that he wished, swearing, for instance, that the old thing would get drowned going across the bay.

By the Honorable Mr. McInnes :

Q. Did you ever see Mr. Smith treat her with disrespect? A. I cannot say as I did.

The Chairman.—Have you any more questions to ask, Mrs. Smith?

Mrs. Smith.—That is all.

By Mr. McIntyre :

Q. Were you ever at Mr. Smith's house when he was married to his former wife? A. Yes.

Q. Were you at his house when the respondent was residing with him? A. Yes.

Q. Did you see any difference in the treatment by Mr. Smith of either of the women? Was there anything disrespectful of his treatment of Mrs. Smith when you were there? A. I cannot say that there was.

Q. You never heard Mr. Smith himself say, in her presence, anything about wishing she was drowned, or anything of that sort? A. No, not in her presence.

And further deponent saith not and hath signed.

CHARLES LAVIS.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate, to }
 whom was referred the Bill intituled : }
 "An Act for the relief of Charles Smith," }
 at the Parliament Buildings, in the }
 City of Ottawa, in the Province of }
 Ontario, this twenty-seventh day of }
 February, in the year of Our Lord one }
 thousand eight hundred and eighty- }
 five. }

JAS. ROBT. GOWAN,
Chairman of the said Committee.

Mr. McIntyre puts in return of the sheriff of the County of Victoria, a writ of *feri facias* against Charles Parkin's goods. (Filed as Exhibit J.)

On this twenty-seventh day of February in the year of Our Lord one thousand eight hundred and eighty-five personally came, and appeared Charles Smith, the petitioner, who, having been previously sworn, deposeth as follows:—

By Mr. McIntyre :

Q. Did you instruct your solicitor to recover the amount of the judgment you obtained against Mr. Parkin? A. Yes.

Q. Do you intend to retain any amount that may be recovered on your judgment?

A. I intend to retain it all if I can get it.

And further deponent saith not and hath signed.

CHAS. SMITH.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate, to whom }
 was referred the Bill intituled : "An Act }
 "for the relief of Charles Smith," at }
 the Parliament Buildings, in the City }
 of Ottawa, in the Province of Ontario, }
 this twenty-sixth day of February, in the }
 year of Our Lord one thousand eight }
 and eighty-five. }

JAS. ROBT. GOWAN,
Chairman of the said Committee.

On this twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Mahala Mavilda Zufelt, the respondent in this case, who, being duly sworn and examined, deposeth as follows:—

By the Chairman :

Q. You handed me that paper; by whom is that paper signed? A. By Mr. Smith and Mr. Douglas.

Q. There are three signatures there? A. And myself. (Filed as Exhibit K.)

Q. Have you anything else? A. I have lost the one I had that is such good evidence; he said he had committed adultery with many, and would again.

Mr. McIntyre.—I object to that, of course.

The Chairman.—You must not speak of the contents of any writing without producing it. (To the respondent.) Whose signature does this paper bear? A. It is signed by Mr. Smith.

Q. And addressed to you? A. Yes, sir.

Q. Under what name? A. Mrs. Parkin.

Q. You received that from your husband? A. Yes—from Mr. Smith here. (Read and filed as Exhibit L.)

Q. Look at this exhibit that is marked M; whose writing is that? A. It is Mr. Smith's handwriting.

Q. Is that his signature? A. Yes, sir.

Q. To whom is it addressed? A. To the Rev. Mr. Ruttan.

Q. Was there anything else you wished to say? A. I think not.

Cross examined—By Mr. McIntyre:

Q. I understand that you are living with Mr. Parkin just now? A. Yes; he is my husband.

Q. You are living in the relation of husband and wife? A. Yes, sir.

Q. How long have you lived in that relationship? A. Since 1830—we were married the 8th May, 1830.

Q. When did you first meet Mr. Parkin? A. I met him in May, 1879—the last of May, 1879.

Q. Where? A. At Laxton, where he lives now. I had a nephew living there. I was stopping there a while. He is a merchant in Coboconk, I think is the name; I saw him there.

Q. And when did you reside with Mr. Parkin in St. Catharines? A. Well, he came there. I left Coboconk, and I knew we could not get married without some sort of separation.

Q. You left Coboconk when? A. I left in 1879.

Q. Do you remember the month? A. I think it was in July—I could not remember positively—I think it was in July.

Q. You met Mr. Parkin in the summer of 1879? A. Yes, 1879—the last of May.

Q. And you left there to go to St. Catharines in what month of the year? A. Well, it was in July, I think—the last of July or the 1st of August in the same year, to go back to St. Catharines, where my home was.

Q. Had you arranged to marry him preceding your visit to St. Catharines? A. No, sir.

Q. Did he go to St. Catharines too? A. No; he did not go then, but we wrote backwards. I came back again when I went to St. Catharines, and went to the States to see if I could get a divorce, but I had not the means to get the divorce; and I was speaking to Mr. Douglas and several others, who advised me to marry; and I told him I could not think of such a thing without a divorce; and he said we could marry and live quietly without a divorce, and I told him I thought not; and Mr. Douglas asked me if I could not get up this thing and have it signed by him and Mr. Smith, if I would not be willing to marry then; and he told me that it was rightly got up, and I said I would be willing to marry then.

Q. Had Mr. Parkin made a proposition of marriage before that to you? A. Oh, yes, he did before I went down first; he thought I was a widow, the widow Zufelt; and my people did not want me to go by the name of Mrs. Smith, and I went by the name of Zufelt.

Q. You were introduced to Mr. Parkin as Mrs. Zufelt? A. Yes; Mr. Parkin did not know any better, and when he proposed I told him how I was situated, and told him if I could get a divorce I would have no objection, because I had heard his reputation and knew he was a good man; that I had no objection if I could get the divorce, and I went to get the divorce, and found it cost too much, and I was not able to go through with it, and thought I would come back and live quietly.

Q. It was preceding the obtaining of this letter or memorandum, Exhibit K? A. Oh, yes; some time before this was got up.

Q. Do you know when this was executed? A. It was executed.

Q. And when was it signed by yourself and Mr. Smith? A. It was signed, I think, in February, and we were married the next May, I think it was—I am quite sure it was February of 1880.

Q. Of 1880? A. Yes, of 1880.

Q. He came up the next May? A. Yes; he came up the next May, and we were married.

Q. Where was this signed? A. It was signed at Warkworth.

Q. Do you know whose handwriting it is in? A. It is Mr. Smith's and Mr. Douglas'.

Q. Now, whose handwriting do you say the body of that is in? A. It was a cousin of mine, an old gentleman that drew it up for me. Douglas told me to get any one to draw it up.

Q. It is in the handwriting of a cousin of yours? A. Yes; he drew it up.

Q. You went to the cousin to get it drawn up? A. Oh, I was stopping there a while at his house.

Q. It was your relation who drew it up for you? A. Yes; a cousin.

Q. Was Mr. Smith present when it was being drawn up? A. Oh, no; he said he would sign it.

Q. Neither Mr. Smith nor Mr. Douglas were present? A. No; they were forty or fifty miles from where this was drawn up. I sent to them by mail.

By the Chairman:

Q. As I understand you, you had this document prepared? A. Yes; Mr. Douglas told me to.

Q. It was prepared by a relation of yours and sent to him for signature? A. Yes; sir.

Q. With your name on it first? A. Yes; I put my name on it.

By Mr. McIntyre:

Q. You sent it by mail? A. Yes; I sent it in a letter.

Q. You were not present when it was signed? A. No; sir.

Q. Nor do you know whether there was anybody else present other than the party whose name is signed as a witness? A. I know it is Mr. Smith's signature—I am positive it is his. I have a letter here to show that it was signed—that he advised me to marry. He says Mr. Douglas has signed it and I have signed it.

By the Honorable Mr. Nelson:

Q. Who is the letter from? A. From Mr. Douglas.

The Chairman.—This in itself is not evidence, but you have the right to call Mr. Douglas and ask any question you think proper concerning it.

By Mr. McIntyre:

Q. Had you written to Mr. Douglas preceding getting this paper writing signed of your determination to seek a divorce in the States? A. Yes.

Q. Had you written Mr. Smith to the same effect? A. Well, I do not think I did. I would write to Mr. Douglas and get Mr. Smith's mind. I was anxious to live with him if he would do as he ought to. I wrote him several letters; if he would stop his bad habits I would come and live with him, and I wanted to live with him. I would write to Mr. Douglas, and he would write to me in a very blackguarding way, when he answered my letters—in a very disgusting way.

Q. You have not got those letters with you? A. No.

Q. Did you write to Mr. Smith of your intention to seek a divorce in the States, preceding your getting this document? A. Yes I did, preceding this.

Q. That letter is in your handwriting? A. Yes; sir. (Letter dated 12th February filed Exhibit N.)

Q. That letter you signed and sent to Mr. Smith? A. I did not send it to Mr. Smith.

Q. Is it in your handwriting? A. Yes.

Q. That is a letter you addressed to Mr. Colville, attorney, at Campbellford? A. Yes; I sent that to him.

Q. Had you been living with Mr. Parkin preceding your marriage to him? A. Why, of course not.

Q. It was only subsequent to what date? A. After we were married we lived together, the same as any man and woman does.

Q. You have given the date of your marriage, I understand? A. It was the 8th of May; I could have brought the certificate.

Q. Did you tell Mr. Smith that you had got a divorce in the States before you married Parkin? A. I went there and I was told I could use the room, and leave any articles of clothing, and it would be the same as if I lived there; and I had rented the room, and left my trunk there for some time; I came back to Warkworth and got evidence.

Q. Did you tell Mr. Smith, preceding your marriage with Mr. Parkin, and preceding this letter marked K, this memorandum signed by both of you, that you had obtained a divorce in the States? A. I came to Warkworth and saw him, and told him I was going to get a divorce.

By the Chairman :

Q. Did you tell him that you had obtained a divorce? A. I did not; oh, no, I did not.

By Mr. McIntyre :

Q. Did you represent to him that you had obtained a divorce? A. No, I did not because I had not obtained one, and had not the means to get it.

Q. What State in the United States did you go to to obtain the divorce? A. I, went to the State of Michigan.

Q. Where, in the State of Michigan? A. I have a brother-in-law living there, and I stopped at his house.

Q. At what date? A. It was in 1878—it was in 1879—well, now, I would not be positive; it was in the fall when I got this up. I got this up two or three months after I came back, and it was in 1879.

Q. Did you represent to Mr. Smith that you had gone to the State of Maine for a divorce? A. No, I did not tell him where I had gone; I did not tell him what State—not that I know of.

Q. Had you gone to the State of Maine to get a divorce? A. No; I went to the State of Michigan, to see my brother-in-law.

Q. Had you gone to more than one State to get a divorce? A. No; I was not able to go around so much, and did not want to.

*The Chairman—(to the respondent).—*If you desire to call Mr. Douglas to speak regarding matters contained in this letter, you have the right to do so. The letter itself cannot be read nor the contents referred to without calling him. Do you wish to call him?

Mrs. Smith.—Yes.

By the Chairman :

Q. In whose handwriting is this letter? A. Mr. Smith's.

Q. Did you receive it by mail? A. Yes; by mail.

Q. And the whole letter is in his handwriting? A. Yes, Sir. (Letter dated 26th February, 1880, filed as Exhibit Q.)

And further deponent saith not and hath signed.

MAHALY ALWILDA SMITH.

Sworn, taken and acknowledged before the
Select Committee of the Senate, to
whom was referred the Bill intituled:
"An Act for the relief of Charles
"Smith," in the City of Ottawa, in
the Province of Ontario, this twenty-
seventh day of February, in the year
of our Lord one thousand eight hun-
dred and eighty-five.

JAS. ROBT. GOWAN,
Chairman of said Committee.

On the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and eighty-five, personally came and appeared, Donald Douglas, of the Township of Percy, County of Northumberland, Province of Ontario, farmer, who, having been previously sworn and examined, deposeseth as follows :—

The Chairman—This is a document which may refresh your memory. (Exhibit O.)
(*To Mrs. Smith*)—You can ask Mr. Douglas any question you please now.

Mrs. Smith.—You signed that, did you, Mr. Douglas? A. That is my writing.

Mrs. Smith.—You advised me to marry, did you not? A. Well, matters were betwixt you and Mr. Smith at that time, and I think you represented to me you were getting a divorce; and I thought, from the way you were living, it was better for you to be married than living the way you were. Of course you represented to me you were getting a divorce; I think I told you, at the same time, that I did not think a divorce on the other side would be of much service to you here, because if you had been a British subject it would not be much good to you here if you came back here. If you wanted to remain there it would, but if you wanted to come back it would not, being a British subject. This was the feeling I had on the subject.

Q. Did you not tell me that it was useless for me to try to get a divorce or that I would be throwing away my money, and that it was a matter of form, and that I would be putting money in the lawyer's pockets? A. I dare say I did say that because I believed so.

Q. Then you asked me if I was to have such a paper as there is here got up, and Smith signed it and myself that that would be sufficient? A. Well, I expected, at that time, you would both be satisfied to do anything to be separate. That is what I thought.

By the Honorable Mr. McInnes :

Q. Did Mr. Smith at any time advise you or talk to you—advise you to approach Mrs. Smith with a view of signing a document so that she could get married? A. No; Mr. Smith never did that.

Q. Was it on your own responsibility that you wrote this letter and made those suggestions? A. I spoke to Mr. Smith over the matter, knowing perfectly well the situation betwixt the two, and at last I got Mr. Smith to think that may be it would be better, or that he would throw no objection in the way, as you see there, and I wrote accordingly to Mrs. Smith from what he said to me.

Q. It was purely a matter on your own part? A. It was.

Q. It was not suggested by Mr. Smith to you? A. It was not suggested by Mr. Smith at all.

Q. Or Mrs. Smith? A. No; of course acting betwixt them as I was doing at the time, and knowing the trouble better than any one else did, I thought the sooner they were apart the better.

By the Honorable Mr. Wark :

Q. You acted as a mutual friend to both parties? A. I was appointed at that time by the court as trustee betwixt them. All correspondence and all moneys that was sent to Mrs. Smith were sent through me, Mr. Smith handed the money to me and took my receipt for it, and I went to Mrs. Smith and took her receipt for it, but it all was right so far as that went.

By the Honorable Mr. Nelson :

Q. At the time that writing was signed by Mr. Smith, was he aware it was the intention of Mrs. Smith to get married to this man Parkins without first obtaining a divorce? A. I think it was, because she had written to me regarding marrying Parkin, and told me the character of Parkin, and so forth, and I did not conceal it from Mr. Smith at all.

By the Honorable Mr. McInnes :

Q. In this note here I find that you speak of Mr. Smith, that you have seen Mr. Smith, and that he makes no objection to sign the document in order to place Mrs. Smith in a position to get married? A. That is true—at that time.

Q. So Mr. Smith according to that was a consenting party, was he? A. Well for the benefit of Mrs. Smith, just as I told you; she was living alone, and she had written me she was in destitute circumstances at the time, and I prevailed on him to give his consent to it.

Q. Tell us why you took such a deep interest in Mrs. Smith's affairs, or in this case, when you volunteered to act as a peace maker? A. Just for the sake of peace, that is all; I had no interest whatsoever, either with the one or the other; I never received a cent, and had a great deal of trouble, and never received a cent, but just to keep them as man and wife, or when they could not be man and wife and had to be separate, I thought it would be better for each of them, and I think I might say just now it is very likely that Smith may be has taken a notion—he has not told me, and I have not asked him, of marrying over again—and he does not want to be put to any trouble. He has not told me; I am not saying it is the case, but I suppose so.

Q. Did you consider then that by getting Mrs. Smith to sign this document and Mr. Smith, that either party was at liberty to go and get married in Canada again? A. I did not.

Q. And why did you suggest that in the letter to Mrs. Smith? A. The reason I did, I know that Mr. Smith, or I believed that Mr. Smith, at that time would never trouble her any more; but I believed that getting a divorce in the States and coming back, it would be of no use.

Q. But that does not remove the moral crime. Of course it was a crime? A. It might be. It was so too. But it was a matter between themselves, and I don't know that I had much to do with the matter.

By Mr. McIntyre :

Q. Had you heard from Mrs. Smith of Parkin's proposition to marry her prior to the 23rd January, 1880? A. Yes, Sir.

Q. Several times? A. I could not tell the time, but it was before that time—that is, I think it was.

Q. Was there any conversation between you and Smith about his troubling the woman in the event of her getting married? A. Well, what I understood from Mr. Smith at that time when that document was signed was that there would be no trouble about it if she married.

Q. What did he mean by trouble? A. Well, I don't know; I could not tell, only the word trouble was spoken of; he would not trouble her; whether he meant so or not I do not know.

Q. Did you have any conversation with Mr. Smith as to the liability that would lie upon Mrs. Smith in the event of her marrying? A. Yes, of course, I was aware that she was criminating herself if she did marry.

Q. Now, bearing that in recollection, do you remember what passed between you in connection with this troubling her. A. It was in regard to suing her I presume and getting damages; I suppose that was it, or troubling her in any way I should suppose that it was.

Q. Taking action against her you mean? A. Yes, the thing has been so long passed now, and the matter I never thought of keeping very much track of, that I could not be very sure about these things, now after the long time that has passed, in a matter that did not concern me particularly; that is so far as my own concern.

Q. It is you who brought this Exhibit K to Mr. Smith to sign? A. It is very likely.

Q. As a fact it must be? A. I could not say—yes, sir; it is very likely she enclosed it in a letter to me.

Q. From the tone of your letter in reply? A. Yes, there is no doubt about that.

Q. There is no doubt it came to you to get Mr. Smith to sign. A. Yes, there is no doubt about that.

Q. And you brought it to Mr. Smith? A. Yes; I brought it to Mr. Smith.

Q. Do you know whether Mr. Smith consulted a lawyer before signing it. A. I do not think he did—I know he did not.

Q. Did he sign it the very day you brought it to him? A. Well, that is something I could not say, but I am a little in doubt that he did not the first time.

Q. Did he or did he not? A. I am not sure whether he did, but I am doubtful that he did not sign it the first time I presented it to him.

By the Honorable Mr. McInnes:

Q. You think he did not? A. I think he did not the first time I presented it to him.

By Mr. McIntyre:

Q. Have you any recollection upon the subject as to that at all? A. No, I would not swear whether he signed it the first time, but it is my opinion that he did not, that he made some objections about it; of course I have been in the habit of coming when Mrs. Smith would write to me wanting any money and things of that kind, betwixt may be four months after the times she got her payments; matters would run on and I would come to Smith and ask him to send money, and I always got him pretty much to do so, and I did that as you do other things.

Q. You are not related to any of the parties are you? A. No, not at all.

Q. Nor have you any interest in either beyond that of friendship? A. Not at all.

Q. Are you aware whether Mrs. Smith was possessed of any means in January 1880, or at the time she married Parkin? A. I do not know.

Q. Had she any means belonging to her? A. I think not.

Q. Were you not a trustee? A. I was. If she had no other means beyond what I know of, she had not.

Q. She had means through you though? A. Yes, that is all the means I know anything about.

Q. And subsequently in 1881 she received through you a considerable sum of money? A. Yes, sir.

Q. Some \$2,200 or \$2,300; is that a fact? A. I think \$2,250 she received from me.

Q. In 1881? A. Yes.

And further deponent saith not and hath signed.

DONALD DOUGLAS.

Sworn, taken and acknowledged before the Select Committee of the Senate, to whom was referred the Bill intituled: "An Act for the relief of Charles Smith," at the Parliament Buildings, in the City of Ottawa, in the Province of Ontario, this twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-five.

JAS. ROBT. GOWAN,
Chairman of the said Committee.

On the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared, Charles Smith, of the Village of Campbellford, in the County of Northumberland, who, having been previously sworn and examined, deposesh as follows:—

By Mr. McIntyre:

Q. Do you remember signing that memorandum (Exhibit K.)? A. Yes.

Q. Who brought it to you? A. Mr. Douglas.

Q. Will you state the circumstances under which you signed it? A. Well, Mrs. Smith had frequently represented to me, and also to Mr. Douglas, that she was making an attempt to get a divorce on the other side, and it ran in my mind that she was still doing so and was about through, when that thing came over for signature; and Mr. Douglas received a letter with that enclosed, and he brought it down to my office one day when I was pretty busy, and he asked me if I had time to go in the office for a minute or two. I went into the office with Mr. Douglas, and he told me what he had got, and I looked at the thing and saw there was no date on it, and saw the purport of it, and said: "Well, there is no harm in signing that thing; she is getting a divorce, and I can sign that thing in safety." And I signed it, and Mr. Douglas took it away, and that is all I know about it.

Q. I believe your occupation is that of a miller? A. Yes, sir.

Q. Had you consulted any lawyer with regard to it? A. No. I had requested Mr. Douglas frequently, as she and I did not correspond much together, as we could not correspond without having back lashes, and it is something that I do not care for—I used to ask Mr. Douglas to tell her that a divorce in the States would be no use in Canada; and she was bound to get married, I saw that.

Q. Mr. Douglas speaks about your not giving Mrs. Smith trouble; what is meant by that? A. Well, that if she got a divorce and married this man Parkins, that she might live with him, as far as I was concerned, as long as she got a divorce and went to the other side to live; it was nothing to me.

Q. Was anything said between you and Douglas about prosecuting them? A. Nothing said between Douglas and me about prosecuting them.

Q. Will you tell us how you came to write this letter to Mr. Ruttan? A. Mr. Ruttan wrote me, asking me the character of Mrs. Smith.

Q. Was it in response to that letter? A. Yes; it was in response to that letter. (Letter, dated 27th September, 1879, filed as Exhibit P.)

Q. Will you tell us why you replied to a letter from Mr. Ruttan, with whom you had no personal connection? A. I could not tell; I did not know but Mrs. Smith wanted to join his church or something or other, and I thought I would not throw any obstacles in her way if she wanted to join Mr. Ruttan's church.

And further deponent saith not and hath signed.

CHAS. SMITH.

Sworn, taken and acknowledged before the }
 Select Committee of the Senate, to }
 whom was referred the Bill intituled: }
 "An Act for the relief of Charles }
 "Smith," at the Parliament Buildings, }
 in the City of Ottawa, Province of }
 Ontario, this twenty-seventh day of }
 February, in the year of our Lord one }
 thousand eight hundred and eighty- }
 five. }

JAS. ROBT. GOWAN,
Chairman of said Committee.

On the twenty-seventh day of February, in the year of Our Lord one thousand eight hundred and eighty-five, personally came and appeared Charles Smith, of the Village of Campbellford, County of Northumberland, Province of Ontario, miller, who, having been previously sworn and examined, deposeth as follows:—

By Mr. McIntyre:

Q. You have seen this letter of February 26th, 1880? A. Yes, sir.

Q. Will you say what you meant by this: "If you are tired of living the way you are it is your privilege to better it if you can, as you and myself cannot live

together any more, and I will never throw a straw in your way, and if you want to get married do so for all of me?" A. I supposed that she was getting a divorce and was going to get married again; that is what I understood—that she was getting a divorce on the other side.

Q. And how did you so understand it? A. Mrs. Smith had always led me to believe that she was going to apply for a divorce in the States, and, in fact, I lost track of her for a number of months; did not know where she was, and when I wrote to Mr. Ruttan, you will notice, I asked her whereabouts; did not know where she was; thought she was living in the States, seeking this divorce, as she had to live there so long; and I thought she was there, and I asked Mr. Ruttan her whereabouts.

Q. Why did you believe she was seeking a divorce in the States? A. Because she had told me so.

Q. More than once? A. Yes, different times.

By the Honorable Mr. McInnes :

Q. You say she told you, or you understood by her, that she was seeking a divorce in the States. Did she write to you to that effect, or did she tell you so personally? A. She told me personally.

Q. How long after you were married did she tell you so? A. When we were in Belleville.

Q. What year? A. It would be in 1877.

Q. The year after you were married? A. The year after we were married—after we had parted and were trying to get together again. Mr. Walbridge drew up a document bringing us together again.

And further deponent saith not and hath signed.

CHAS. SMITH.

Sworn, taken and acknowledged before the }
Select Committee to whom was referred }
the Bill intituled: "An Act for the relief }
"of Charles Smith," at the Parliament }
Buildings, in the City of Ottawa, Province }
of Ontario, this twenty-seventh day of }
February, in the year of Our Lord one }
thousand eight hundred and eighty-five. }

JAS. ROBT. GOWAN,

Chairman of the said Committee.

EXHIBIT "A."

MARRIAGE CERTIFICATE REGISTERED AT TORONTO.

I hereby certify that on the eighth day of February, in the year of Our Lord one thousand eight hundred and seventy-six, the Rite of Holy Matrimony was duly solemnized by me, by authority of License, between Charles Smith of the Village of Warkworth, in the County of Northumberland, Province of Ontario, Dominion of Canada, and Mahala Mevilda Zufelt of the Township of Ameliasburg, in the County of Prince Edward, Province of Ontario and Dominion aforesaid.

Witness my hand at Toronto this 8th day of February, 1876.

Witnesses { Martha Jane Poole, and
 { W. H. Poole.

W. H. POOLE,
Officiating Minister.

EXHIBIT "B."

OCTOBER 16th, 1884.

CHARLES SMITH, Esq.,

DEAR SIR,—Yours of the 13th came to hand this day, noon. My wife was not witness in your case I am quite sure.

Will not an affidavit prepared by your attorney and executed here answer your purpose? If so, send one to me, enough to pay expenses, say \$5, and I will forward it soon as may be.

My wife is away from home. I could not leave now without employing some trusty person to care for things—I could not be from home on Sabbath. I never travel by night now if I can help it. It takes the most of two days to go from here to Belleville, Ont., some days lost in Court.

If my presence be worth \$50 to you send me a draft for that amount and I will obey the Telegraph Summons. Find out as near as possible when your case comes on. So that I may be on hand near the time as possible—

I hope you may be able to do without me. I have carefully examined my register. It was my daughter that witnessed and not her mother. My time here is very much occupied—

Excuse haste I want to mail this to-night.

Yours, etc.

W. H. POOLE.

EXHIBIT "C."

ONTARIO.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith of the Faith—to all to whom these presents shall come, greeting.

Know ye, that amongst the Common Pleas enrolled in our High Court of Justice for the Province of Ontario in the Common Pleas Division at the City of Belleville before the Honorable Adam Wilson, President, and his brethren, the Justices of the said High Court, the fifteenth day of January, in the year of Our Lord one thousand eight hundred and eighty-five, in the forty-eighth year of our reign, and on the third roll it is thus contained.

IN THE HIGH COURT OF JUSTICE, COMMON PLEAS DIVISION,

Between

CHARLES SMITH,
Plaintiff,

and

CHARLES PARKIN,
Defendant.

The fifteenth day of January, 1885.

The action having on the twenty-ninth day of October, 1884, been tried before the Honorable Mr. Justice Galt and a Jury of the County of Hastings, "and the Jury "having found a verdict the Jury find a verdict in favor of the Plaintiff and assess "the 'damages at one hundred dollars,' I direct judgment in favor of the 'Plaintiff " 'for one hundred dollars damages and costs,' and the said Mr. Justice Galt having "ordered that judgments be entered for the Plaintiff for \$100.00 and costs of suit.

"Therefore, it is adjudged that Plaintiff recover against the Defendant \$100.00 "and \$96.13 for his costs of suit.

"Judgment signed the 15th day of January, 1885.

"(Sgd.)

A. G. NORTHRUP."

All and singular which premises by the tenor of these presents we have commanded to be exemplified. In testimony whereof we have caused the Seal of our said Court at Belleville to be hereunto affixed.

Witness the Honorable Adam Wilson, President of our said High Court of Justice at Toronto, the nineteenth day of January, A. D. 1885, and in the forty-eighth year of our reign.

A. G. NORTHRUP.

Deputy Clerk of the Crown and Pleas, C. H.

EXHIBIT "D."

ST. CATHERINES, August 2nd, 1880.

DEAR FRIENDS,—as usual I write you my whare abought I am liveing very happily in the City on the lot I bought 2 years ago and with one of the best of husbands to care for me we were married the 8th of May I am shure you will think me fiele or very changeable for I had concluded to remain as I was and had written to that effect to Mr Parkin but had no sooner done so than I was sorry for I thought I had turned from a noble and faithful friond but I knew if it was wright for us to marry I should hear from him again for you know my dear friends I have learned to trust in my God for everything I often think of what you told me we know not what a day may bring forth I am so happy now and am again a beloved wife of a true christian man we live quietly by ourselves our home is our Earthly Haven I only hope my last days may be my best indeed I naver expected to be so happy and contented again after my great disappointment but it is all fled from me now I hope never to return Dear Sir I supos you got my letter asking for money I looked for an answer hoping you would comply to my wishes could not the mortgage be redused to \$25,00 it would be a help and benefit to us for the present mor than heareafter if it can be done please tell on what termes I can sign the papers before a man in athority I suppose the mortgage is in Mr Bensley care of corse it would make no differance to Mr Smith as we are free from each other please when you send the order send an answer to this request our garden is looking beautiful we have peaches plums apples and currents of my own planting will soon have an abundance that is better than equandering away my money our time is employ in walking abought the City and fishing picking buries and going to the differant churches there is 2 beautiful Presbyterian Churchs and many others in this City my husband is better altho his color bone hurts him still the fall he had was a fearful one breaking his color bone and 3 of his ribs but is nearly well through a kind providence please send by the 18 and oblige yours truly

MAHALY C PARKIN

please remember me to dear Mrs Dugles.

EXHIBIT "E."

ST CATHERINES May 31st 1881

DEAR SIR,—I hope your family and yourself are better as you said Mrs Dugles was not ought of danger when you wrote I have got no answer from you as I requested you to write I got a letter from Smith the other day I will just say I shall have no corispondence with Smith heareafter he wished me to show my papers of divorce I can show plenty of his own hand writing that would satisfy any party as conserning my money I shall look to you or your heirs as the agreement was writen I would like indeed to have done with the matter altogather I am sure it would be a relief to you in your poor health but can't sacrifice too much I have made as liberal an offer as I can so let the mortgage be where it is in the bank I shal look to you for my pay in full or interest but if Mr Bensley wishes to have the Department payed up I will do as I told you I would do that is I will take twenty two hundred and fifty of the interest and interest until payed of the interest all must be payed by the 15th August and if Mr Bensly wishes to accept my offer the buisness can be done at the law office just as well heare as there they will bring the papers to our house I will sign them and inn 24 hours you will have them back I say positively I will not come to Warkworth I am happy now and I hope to remain so I would just say the money or the property is not Smiths it is my own please remember me to Mrs. Dugles I am shure I hope this will find you in better health than when you wrote

Yours truly

MAHALY C PARKIN

Russell street

EXHIBIT "F."

ST. CATHERINES, June 10th. 1881.

DEAR MR. DUGLES,—we received your of the 9th are glad to hear of Mrs. Dugles returning health as also of your own, as concerning the mortgage I will do as I said must have the interest up until paid so the quicker the money is paid the sooner the interest will be stoped you see the discount at the bank will be about twelve dollars it is only to relieve you and being rid of Warkworth that I make the sacrifice as the way we have managed we could do far better with interest but as I have said before a settlement would be a relief to yourself and myself but I must hold you responsible for the 8 per cent interest until I get my money, I shall go according to your directions concerning the papers that are sent from Smith for me to sign I know you would not advise me to be wronged, dear friend I shall never forget your many kindnesses to me, I have said I would not write again to Smith, and by the help of my God in everything and my dear good husband does the same we are very happy and our Heavenly Father blesses our pleasant home and we never forget to thank him for his many and great mercies shown to us.

Yours with kindest regards, please remember us to Mrs. Dugles.

MAHALY C. PARKIN.

EXHIBIT "G."

ST. CATHERINES, 18th May, 1881.

DEAR FRIEND,—We received your letter on 17 was sorry indeed to hear of Mrs. Dugles illness we hope she will recover we hope you both may be spared to enjoy together more of this beautiful world which our Kind Father has given us for our comfort but which has been so abused and badly spoiled by sin, Dear Sir perhaps you are not aware that I made Mr. Smith an offer and got no reply so we made other arrangements we bought another lot very nicely situated, the house is brick, we have plenty of fruit of all kinds we rent our other place there is beginning to be fruit there too Our City is a delightful place to live in we have many beautiful churches and the best of ministers indeed we know of no bad men or women here but concerning the mortgage we do not kneed the money but I will do as I told Mr. Smith I would do that is I will take twenty too hundred and fifty dollars, for the mortgage that is the least I can take he must pay it by the middle of August likewise the interest until it is paid he must pay all expenses he can send the papers here for me to sign and save the expences of me coming there and as far as fear is concerned I put my trust in my Heavenly father so you see I fear no eavel, but it must be embarising for you in your old days it would be better all round to have the thing settled. Please answer by return of rail. Please remember us to dear Mrs. Dugless.

Yours Truly,

MAHALY C. PARKIN,
Russell Avenue.

EXHIBIT "H."

ST. CATHERINES, August 19th.

DEAR FRIENDS,—I received the orders this morning and many thanks to you I see there is a new git up at the bank so after this you can send the money as I think my interest is unincumbered I know the fault is not yours but the owner of the property under mortgage to me as I shall expect the full amount of interest I would be glad to sell the whole thing and be forgotten intirely at Warkworth, please remember me to dear Mrs. Dugles.

My husband wishes to be remembered by you,

MAHALY C. PARKIN.
York Street.

EXHIBIT "I."

Notice is hereby given that Charles Smith, of the village of Campbellford, in the County of Northumberland, in the Province of Ontario, miller, will apply to the Parliament of Canada at the Session thereof next after the expiration of six months from the date of this notice for a Bill of Divorce from his wife, Mahaly Smith, on the ground of adultery.

Dated at Campbellford this 2nd day of July, A.D. 1884.

To MRS. MAHALY SMITH.

CHARLES SMITH,
By his Solicitor ad litem,
A. L. COLVILLE.

In the matter of Charles Smith application for Divorce from his wife Mahaly Smith.

Ontario,
County of Northumberland, } I, Charles Lavis, of the City of Belleville, County of
To wit: Hastings, Gentleman,

Do solemnly declare that I did in the afternoon of Thursday, the eleventh day September, in the year of Our Lord one thousand eight hundred and eighty-four, about three o'clock, personally serve Mahaly Smith, the wife of Charles Smith, of the Village of Campbellford, in the County of Northumberland, Province of Ontario, Miller, with a true copy of the hereunto annexed notice of application for a divorce by handing to and leaving with the said Mahaly Smith at the house of Charles Perkins, in the Township of Laxton, in the County of Victoria, where the said Mahaly Smith was then residing, the said copy of said notice.

Before I served the said Mahaly Smith with such copy of such notice I informed her that it was a notice of an intended application by her husband to the Parliament of Canada for a Bill of Divorce from her, and that I served her the said copy of the notice at the instance of her husband and at his request. I also told her the notice was published at Campbellford and Cobourg, in the County of Northumberland, and known as the Campbellford *Herald* and Cobourg *Sentinel-Star* and in the *Canada Gazette*, published at Ottawa, in the County of Carleton, whereupon she said: "What is it going to amount to?"

I have known the said Mahaly Smith for seven years, and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Act passed in the thirty-seventh year of Her Majesty reign intituled: "An Act for the "Suppression of Voluntary and Extra-judicial Oaths."

CHARLES LAVIS.

Declared before me at the Village of }
Campbellford, in the County of }
Northumberland, this thirteenth }
day of September, A.D. 1884. }

DANIEL KENNEDY, J.P.

EXHIBIT "J."

IN THE HIGH COURT OF JUSTICE, COMMON PLEAS DIVISION, ONTARIO.

Writ of Fieri Facias.

Between

CHARLES SMITH,

Plaintiff.

and

CHARLES PARKIN,

Defendant.

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To the Sheriff of the County of Victoria—greeting :

We command you that of the goods and chattels of Charles Parkin, in your bailiwick you cause to be made the sum of \$100, and also interest thereon from the fifteenth day of January, 1885, which said sum of money and interest were lately before the Justices of our High Court of Justice in a certain action wherein Charles Smith is plaintiff, and Charles Parkin is defendent, by a judgment of our said Court, bearing date the fifteenth day of January, 1885, to be paid by the said Charles Parkin to Charles Smith, together with certain costs in the said judgment mentioned, and which costs have been taxed and allowed by one of the Taxing Masters, their cost at the sum of \$96.13, as appears by the certificate of the said Taxing Master, dated the fifteenth day of January, 1885. And that of the goods and chattels of the said Charles Parkin, in your bailiwick, you further cause to be made the said sum of \$96.13, together with the interest thereon, from the fifteenth day of January, 1885, and that you have that money and interest before our Justices aforesaid at Toronto, immediately after the execution hereof, to be paid to the said plaintiff in pursuance of the said judgment. And in what manner you shall have executed this our writ, make appear to our Justices aforesaid at Toronto, immediately after the execution thereof. And have there then this writ.

Witness the Honorable Adam Wilson, President of our said Court, the fifteenth day of January, 1885, in the forty-eighth year of our reign.

WILLIAM B. HEWARD.

Issued from the office of the Deputy
Clerk of the Crown, of the High
Court of Justice in and for the
County of Hastings. }

A. G. NORTHRUP.

EXHIBIT "K."

I Charles Smith of Warkworth, Miller by trade do certify that having married Mahaly Alwilda widow of the late Henry Zufelt and finding the said Mahaly Alwilda to be an unsuitabel companion to enjoy life with, and being separated from said Mahaly Alwilda as my wife I hereby pledge my word and honor to never molest or controle or take any steps against her ways or proceedings in any way *whatever in, the event of her marrying again or whatever the said Mahaly Alwilda chouses to do*, I Charles Smith will also drop her name as Mrs. Smith.

MAHALY C. SMITH,
CHARLES SMITH.

Witnesseth, DONALD DOUGLASS.

EXHIBIT "L."

WARKWORTH, ONT., November 12th, 1880.

Mrs. PARKINS,

DEAR MADAM,—I have since my return from Europe been informed that you where really married again if so I wish you joy and happyness in your new state and trust you will be happy the rest of your days.

I also have been informed that you are offering your mortgage for sale as I am of opinion you cannot sell that morgage unless by mutual concent of the parties interested now if you wish to sell it what is your lowest figures Cash you will take for it, or if you wish my farm I will sell you that on a fair basis or I will but your mortgage if we can think alike, I am now out of business and no prospect of getting in again but my trip to Europe as made a young man of me again and I have got

all my old troubles sattled again all but with you and will sattle with you if we can agree hoping to hear from you

I remain your Respectfully,

C. SMITH.

EXHIBIT "M."

WARKWORTH, ONT., Oct. 2nd, 1879.

REVD. J. H. RUTTAN,

DEAR SIR,—Your inquiry of Sept. 27th, came duly to hand and in reply I beg to say in referance to this matter Mrs. Smith is a very smart woman a good house keeper and a woman I thought I could live with and be happy but it proved to the contrary she blames me and I blame her and of corse we like other human beings could not see our own faults she would not acknowledge hers and I supose I was in the same fix, the real truth of the matter is she was to hold for me or rather I was to young for her we did not agree and I expect we never will or at least we never shall try again, she professes to be a good christian woman, and I hope she is but I consider she did not use me as a woman ought to use her husband and prefered beeing separated and I would recomend that corse to any man if they cannot agree.

I remain Yours truly,

CHAS. SMITH.

P. S.—Will you be kind enough to let me know where she is as I have a little business to transact with her, if you can tell me I will feel oblidge also for the reasons of asking those questions.

C. S.

EXHIBIT "N."

NORLAND, February 12th.

DEAR SIR,—We reseived your asking me to meet Mr. Lavis at some point we have decided to meet him at the Queens Lindsay we wrote him to that effect we will be obliged to go with the team as the cars are stoped I supose Lavis has told Smith of my intention of appearing aganst him at Ottawa before the Bill is pased for money he has fooled away from me but as I told Lavis if he would pay me back that three hundred and ten dollars with the same interest it was drawing, up to this date I will say nothing about the rest, if I fail at Ottawa I will place it in Chancery I will then be very happy to bid farewell to C. Smith forever.

MRS. MAHALEY C. PARKIN, formerly SMITH.

Memo.—This letter was sent to A. L. Colville, Campbellford, Feb. 12th, 1885. Received 14th, Feb.

EXHIBIT "O."

WARKWORTH, 23rd, Jany 1880.

MADAME,—I received your kind note also a pepar to Mr. Smith to sighn, that in the event of your getting married that he would not trouble you in any way you see by his sighning the document that he will not trouble you, you see that I have sighned it as witness,—Now I think that if you intend to marry Mr. P. the sooner you do it the better as no doubt he is a man full of *Goodness* and of the Grace of God, Except Mrs Douglas's Kind wishes, and May God Bless you is the wish of your true friend

DONALD DOUGLAS.

P.S.—Do not change your addres untill you get married.

D. D.

EXHIBIT "P."

COBOCONK, September 27th, 1879.

To CHARLES SMITH, Esqr.

MY DEAR SIR,—Mrs. Smith has requested me to inquire of you the reason of her separation from you. Will you be kind enough, if you consider it worth while, to send me her character, and you will much oblige Mrs. Smith.

I am exceedingly sorry to trouble you, so much, about that which may be unpleasant to yourself, and unprofitable to me, but Mrs. Smith was very urgent for me to do so.

I remain, Dear Sir, ever

Yours Sincerely,

JOHN H. RUTTAN.

P. S.

Address

Rev'd. John H. Ruttan,

Coboconk,

Ontario.

EXHIBIT "Q."

WARKWORTH, ONT., Feb. 26th 1880.

MRS. SMITH,

DEAR MADAM,—Mr. Douglas was just telling me that he got a letter from you to say that I had been wrighting hard things about you to some woman in Norland I say it is false I have never wrote to any woman in Norland I got two letters from gentlemen of that place and I answered them as best I could but I never said one word about you disrespectfull nor will I. If you are tierd of living the way you are it is your privilege to beter it if you can as you and myself cannot live together any more and I will never throw a straw in your way and if you want to get married do so for all me and if you send us word we will come to the marrage feast and wish you all the joy in store for you as there is nonè for me. My one mill is sold and other is burnt down with a loss of \$12,000.00 ! Dollars and I am on the street but we will get a living somway doant be afraid of that I can live where lots of men would starve to death and do not forget it.

I am redused in circumstances but my will is as good as ever let me know if you think of getting marrid as I am going to England this Summer and if I find a sutable companion over there I will take one if you do so all the harm I wish you is a long life and a happy one with the whome your lot may be to be cast with.

Your well-wisher,

CHARLES SMITH.

EXHIBIT "R."

IN THE HIGH COURT OF JUSTICE, COMMON PLEAS DIVISION,

Between

CHARLES SMITH,

*Plaintiff,**and*

CHARLES PARKIN,

Defendant.

I, George Kempt, of the Town of Lindsay, in the County of Victoria, in the Province of Ontario, Sheriff of the said County, do hereby certify that a writ of *fiery facias*, in this cause bearing date the fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty-five, was issued out of the High Court of Justice for Ontario, Common Pleas Division, at the suit of the above-named plaintiff against the above named defendant, commanding me to levy of the lands and

tenements in my bailiwick of Charles Parkin, the above-named defendant, one hundred dollars damages recovered against the said defendant by the said plaintiff in said action, and ninety-six dollars and thirteen cents costs of said action allowed and taxed to the said plaintiff as in the said writ appears, and which writ was endorsed to levy against the lands of said defendant the said sum of money and interest thereon until payment, and twelve dollars costs of execution besides Sheriff's poundage fees and other legal expenses, and was received and filed in my office on the sixteenth day of the said month of January, at ten o'clock A.M. of that day, that I have been unable to discover that the said defendant has any lands in my said bailiwick of which I can levy the said amount and that if I am now required to return the said writ I shall have to give as my return thereto—that the said defendant hath no lands and tenements in my county whereof I can make the damages and costs mentioned in said writ and which I am thereby directed to levy, or any part thereof.

Dated at Lindsay this second day of March, A.D. 1885.

[L.S.]

Sheriff's fees, \$1.08.

GEO. KEMPT,

Sheriff of the County of Victoria.

Per T. MITCHELL,

Deputy Sheriff, County of Victoria.

EXHIBIT "S."

To all to whom these presents shall come, greeting.

This is to certify that the following entry was in the returns of marriage made to the Registrar General of the Province of Ontario, by the Registrar of the City of Toronto, in the County of York, for the year ended the thirty-first day of December, A.D., 1876, and is now duly on record in the books of this Department.

Bridegroom :

His name, Charles Smith ; age, 35 years ; residence when married, Warkworth ; place of birth, England ; bachelor or widower, widower ; rank or profession, miller ; name of parents, John and Fanny Smith.

Bride :

Her name, Mahala Zufelt ; age, 45 years ; residence when married, Ameliasburg ; place of birth, Ontario ; spinster or widow, widow ; names of parents, Isaiah and Mary Sampson

Names and residences of witnesses, { M. J. Poole,
William H. Poole.

Date and place of marriage, 8th February, 1876, Toronto.

Religious denomination of bridegroom, Methodist ; religious denomination of bride, Methodist ; by whom married, Rev. W. H. Poole ; by license or banns, license ; remarks.

And this Certificate is granted under Section 19, Chapter 36 of the Revised Statutes of Ontario, entitled : " An Act to provide for the registration of Births, Marriages and Deaths."

Registrar-General's Office, Toronto, 2nd March, 1885.

H. S. CREWE,
Inspector of Vital Statistics.