

HON. SIR. ALEX. CAMPBELL—In this case there is an objection—I do not know whether the house will consider it of sufficient consequence to require that the witness be called to the bar. The declaration does not state distinctly that the Joseph DeSola whom he served, is the DeSola against whom the application is made. He says he knows one Joseph DeSola, and that he believes him to be the person referred to in the notice of application. I should think that is sufficient, but if the House thinks otherwise we might call the witness to the bar. He served a person named DeSola, and he believes he is the person named in the petition. There is another objection, but I do not know whether the House will consider it one: this notice, which is served is not identified in any way with the notice which appeared in the *Canada Gazette*. The rule requires that a copy of the notice, in writing, as it appears in the *Canada Gazette*, and in two newspapers published in the district where the applicant usually resided, is to be served, at the instance of the applicant, on the person from whom the divorce is sought, if the residence of such person can be ascertained; and proof on oath of such service, or of the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the petition. There should be some evidence to show that the notice served on DeSola is a true copy of the one that appeared in the *Gazette* so as to identify the proceedings and make the record of the transaction complete. If the hon. gentleman is in a position to establish that it is a true copy, I would suggest that he should put that proof in. A copy of the *Canada Gazette* might do it.

[The notice served having been compared with the notice published in the *Canada Gazette* was deemed to be a correct copy, and the motion was agreed to, and the petition was read and received.]

### THE SMITH DIVORCE BILL.

#### PETITION READ AND RECEIVED.

The Order of the Day having been read, "Reading Petition of Charles Smith, praying for the passing of an Act to dissolve his marriage with Mahala Mevilda Zufelt."

HON. MR. READ said:—Before asking that the petition be read and received, I put in the declaration of service of notice upon the Respondent. If the declaration is not deemed sufficient by the House, there is a witness in attendance to prove the service.

The Clerk reads the declaration of service at the table, as follows:

"In the matter of Charles Smith, application for Divorce from his wife, Mahala Smith.

"ONTARIO, COUNTY OF NORTHUMBERLAND, TO WIT:

"I Charles Lewis, of the City of Belleville, County of Hastings, Gentleman, do solemnly declare:—

"That I did in afternoon of Thursday, the eleventh day of September, in the year of Our Lord, One thousand eight hundred and eighty-four, about three o'clock, personally serve Mahala 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 Mahala Smith, at the house of Charles Perkins, in the Township of Laxton, in the County of Victoria, where the same Mahala Smith was then residing, the said copy of said Notice.

"Before I served the said Mahala 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 in the newspapers published at Campbellford and Cobourgh, in the County of Northumberland, and known as the Campbellford *Herald* and Cobourgh *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 Mahala 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's reign, intituled: "An Act for the suppression of Voluntary and Extra-Judicial Oaths."

"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.

CHARLES LEWIS.

"A."

Notice is hereby given that Charles Smith, of the Village of Campbellford, in the County of Northumberland, in the Province of Ontario,