

documents are not numerous: I think they consist of two reports and a little correspondence.

HON. MR. SMITH—There is no objection to the reports coming down at an early day.

The motion was agreed to.

## THE NOEL DIVORCE CASE.

### THE PETITION READ.

The order of the day having been called:—

“Reading Petition of Marie-Louise Noel, praying for the passing of An Act to dissolve her marriage with Robert L. Johnston.”

The certificate of the Clerk of the Senate that the necessary deposit had been made was read to the House.

HON. MR. OGILVIE presented the notice of service of the application and said:—I can say that the service has been carefully drawn up and that all the particulars have been closely adhered to throughout. I do not know that any objection can be made in this case: everything has been attended to most carefully.

HON. MR. TRUDEL—The custom of the House is to consider every stage of a Divorce Bill taken on a division: it saves the minority the trouble of opposing these bills at every step.

The declaration of service of notice of application was then read.

HON. MR. OGILVIE moved that the petition be now read.

The motion was agreed to on a division.

## THE ASH DIVORCE BILL.

### PETITION READ.

HON. MR. OGILVIE presented a petition from Susan Ash praying for a bill of divorce from William Manton. He said: I also lay on the table affidavits of attempts to serve the notice on the

Respondent, and we have precedents in our practice that I think will make such notice satisfactory. I do not know whether it is necessary for me to read the explanations connected with them or not, but if the House requires it I shall do so.

MEMO. re application of Susan Ash for Bill of Divorce from William Manton.

In this case petitioner seeks a Bill of Divorce on the ground that Respondent her husband has obtained a Decree of Divorce from her in the State of Massachusetts. He deserted her not long after his marriage with her and went to reside in Boston, Mass. After obtaining the Decree of Divorce he married again and disappeared from the knowledge of the petitioner, and no clue as to his present residence can be obtained. The supposition is that he has been advised his American Divorce may not be recognized as a valid one in Canada and that he may be prosecuted for bigamy, and that being so advised he has changed his name in order to conceal his identity.

Rule 73 of the Senate provides for cases in which personal service cannot be effected.

In this case it appears from the seven affidavits or declarations produced that every means of ascertaining his residence has been exhausted and failing personal service Respondent's own immediate relatives, as well as the family of his second wife have been served with notice of the application so that if they have communication with him at all he cannot but be apprised of the present application. A copy of the notice has been mailed to Respondent at his last reported place of residence namely, West Midford, Massachusetts.

The only recorded precedent in which the Senate has dispensed with personal service is in the case of John R. Martin. (See Journal of the Senate, 1873, vol. 6, page 52.)

In that case the Respondent was then residing at some unascertained place in the States, and the attempt to serve her by serving copy of notice of application upon her sister and by mailing another copy to Respondent at her last place of residence was accepted by the House as sufficient.

In this case we have—

1st. Petitioner's declaration that she went from Montreal to Boston in 1884 to look for Respondent, but failed to find him.

2nd. Declaration of John Smardon, of Montreal, her uncle, of his employing the detective agency to ascertain Respondent's whereabouts.

3rd. Declaration of Dr. Desjardins, of Boston, Mass., of his unsuccessful efforts through the city authorities and police to ascertain Respondent's whereabouts either at Boston or West Midford, Mass., where he was supposed to reside.