

complied with in reference to all these divorce matters, and I do not think they have been with reference to this declaration. In the first place, it does not appear by the declaration where the respondent was at the time she was served with notice. That particular ought to be in the paper, because the identity of the woman has to be established in such a way as will be satisfactory to Parliament; and it might also, possibly, become necessary afterwards to lay an indictment for perjury in some of those cases. Therefore, I think it is necessary to have a statement of every detail, and it does not appear in this declaration where the woman was at the time she was served. The rule is that she is to be served with a copy of the notice, and also with the notice as it appeared in the *Canada Gazette*. The rule is: "Every applicant for a Bill of divorce is required to give notice of his intended application, and to specify from whom and for what cause, by advertisement, during six months in the *Canada Gazette*, and in two newspapers published in the district, in Quebec and Manitoba, or in the county or union of counties in the other Provinces where such applicant usually resided at the time of the separation, or if the requisite numbers of papers cannot be found therein, then in the adjoining district, or county or union of counties. The notice for the Provinces of Quebec and Manitoba is to be published in the English and French languages."

Now it does not appear in the declaration in this case that that notice was published in the *Canada Gazette*, at all or anywhere else. There is another serious objection to this declaration; it is that it has been made before a foreign notary. I would suggest to my hon. friend who has charge of the petition to allow the matter to remain over for a day or two, and in the meantime to supply a new declaration, or new evidence to show that this service was effected at some particular place. I presume from what is said here, that it was effected really at St. Gabriel, California, but it does not say so, and evidence to the effect that the notice that was served is identical with the notice that appeared in the Official *Gazette* is also necessary.

HON. MR. OGILVIE—moved that the Order of the day be discharged, and that

HON. SIR ALEX. CAMPBELL.

the reading of the petition be an Order for Tuesday next.

The motion was agreed to.

THE DAVIS DIVORCE BILL.

SECOND READING OF PETITION.

HON. MR. OGILVIE moved that the petition of Amanda Esther Davis, praying for the passing of an Act to dissolve her marriage with Joseph DeSola, be now read and received. He said: I may say to the House that there are two witnesses here in connection with this case—one from Boston, and from New York—who have been waiting here for some time, and are ready to be examined if required.

The Clerk read the declaration of the service of notice as follows:—

"ONTARIO, COUNTY OF CARLETON, TO WIT

I, George H. Mullin, of the City of Boston, in the State of Massachusetts, one of the United States of America Counsellor at Law, do solemnly declare:—

"1. That I did, on Wednesday, the twenty-fifth day of June, A.D., 1884, personally serve one Joseph DeSola with a true copy of the annexed notice of application to the Parliament of Canada, marked "A," by delivering to and leaving the same with him, at his lodging house, in the said City of Boston, being No. 38 Dover street.

"2. That the said Joseph DeSola is personally known to me, and believe him to be the person in said notice of application referred to.

"And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of an Act passed in the thirty-seventh year of Her Majesty, intituled: 'An Act for the Suppression of Voluntary and Extra judicial Oaths.'

"Declared before me at the City of Ottawa, in the County of Carleton, this third day of February, A.D., 1885.

A. F. MCINTYRE,

A Commissioner, &c.

GEORGE H. MULLIN.

"A."

"Notice is hereby given that an application will be made to the Parliament of Canada at the next session thereof on behalf of Dame Amanda Esther Davis, of the City and District of Montreal, for a Bill of Divorce from her husband, Joseph DeSola, heretofore of the same place, merchant, on the ground of cruelty and adultery.

Dated at Montreal, this 3rd day of June, 1884.

KERR, CARTER & GOLDSTEIN,

Solicitors for Appellants.