

Minister of Justice, but I think the Senate ought to be very particular as to this step in these divorce cases. All the subsequent proceedings are based upon the service of this notice on the defendant, and unless it is made perfectly clear that the defendant, or the party proposed to be made defendant, has been duly served, the subsequent proceedings are all irregular. Now, I think that one of the most essential elements in the service is that there shall be no doubt whatever of the identity of the person. The Minister of Justice must know that very often these divorces are sought by collusion. I think that this tribunal has to protect itself against the risk of collusion as well as the ordinary courts of the country. Then, it may be that this person who was served was not the wife of the petitioner at all, but some woman representing herself to be his wife in order to further the ends of the petitioner looking for the divorce. I think that that is a very essential matter, and that it is to be regretted that there should be such an omission in the declaration. We have gone a long way in allowing these declarations—they are not even oaths—to be used instead of sworn evidence at the Bar of the House, which the Senate required a few years since, and I think that we should not proceed any further than we have already gone in the direction of making the procuring of these Bills easy. I notice too, if I am not mistaken, by the glance that the hon. member for Lunenburg allowed me to have of that declaration of service, that the document which was served upon the supposed wife is not an exact copy of the notice which appeared in the *Gazette*. Now, our rule requires that the party shall be served with a copy of the notice which appears in the *Gazette*.

HON. SIR ALEX. CAMPBELL—I thoroughly agree with my hon. friend in his introductory remark as to the importance of this particular step in these divorce proceedings, but it seems to me that sufficient evidence has been furnished of the service of the notice in this case. The rules of the Senate do not require such evidence as would be necessary in a court of law; it must be such evidence as will be satisfactory to the Senate. In this case the notice is that an application will be

made to the Parliament of Canada at the next session thereof on behalf of George Louis Emil Hatzfeld, of the City of Hamilton, accountant, for a Bill of Divorce from Annie Maria Hatzfeld, his wife, formerly of the town of Dundas, on the ground of adultery and desertion. The House will see that the man himself is described at length, and his residence and occupation are given, and that the woman is described at length by name, and her former residence is mentioned. The declaration states that the man who served the notice did, on the 24th day of November, 1884, "personally serve Annie Maria Hatzfeld with a copy of the notice of the application to the Parliament of Canada herein by delivering such copy to and leaving the same with her at number 252 Ontario Street, in the said City of Toronto. At the time of such service as aforesaid, the said Annie Maria Hatzfeld admitted to me that she was the party for whom the said notice was intended, and that she was the Mrs. Hatzfeld referred to in the said notice." A distinct admission of that kind to the man who served the notice is evidence which, I humbly submit, ought to be satisfactory to the House. Then as to the declaration not being at the Bar of the House, that we disposed of in a previous session.

HON. MR. POWER—I did not object to that.

HON. SIR ALEX. CAMPBELL—We are satisfied with a declaration which involves all the legal penalties of perjury without asking people to take an oath, which some persons have scruples in doing. As to the surplusage in the copy served, it seems to be of no moment. The words which have been added are: "in the County of Wentworth," and "to you." In the *Gazette* it appears: "notice is hereby given that an application, etc." In the copy served on the respondent it is "notice is hereby given to you that an application, etc." Then in the notice in the *Gazette* the description of the residence of the petitioner ends with "the City of Hamilton." In the copy served on the respondent it is "the City of Hamilton, in the County of Wentworth." These additional words do not create any uncertainty as to the place of residence