

There, therefore, is a direct admission from the person who is sworn to be the attorney of Mrs Cox, of the service of the papers upon her at Los Angeles, and this is accompanied by the letter, which I have also read, from the first person who effected the service, and who details at considerable length the mode he took to effect it, and he identifies herself and the person with whom she is living, and establishes that she is the person from whom the petitioner seeks to be divorced; that service was effected on her, at this place in California, of a copy of the notice which appears in the *Gazette* and which is attached to the affidavit; so in my humble opinion there is sufficient evidence to satisfy the House that the petition has been duly served.

The motion was agreed to, and the Petition was read and received on a division.

HON. MR. POWER—I should ask to have the original declaration of the party who served the notice read. I believe it was read some days since, but I think it would be more regular to read it now.

HON. SIR ALEX. CAMPBELL—The motion is passed, but I will read it. (Declaration read.)

#### THE HATZFELD DIVORCE BILL.

##### THE PETITION READ.

HON. MR. KAULBACH moved that the petition of George Lewis Emil Hatzfeld be now read and received. He said—Before the reading of the petition, according to the rules of the House, it is necessary for me to show to the satisfaction of hon. gentlemen that a copy of the notice for a Bill of Divorce has been served upon the party. I have that declaration before me, and I think every essential form has been complied with. The notice was served on Annie Maria Hatzfeld personally in Toronto on the 24th November last, at the place where she resided, she acknowledging at the time that she was the party against whom the application was made, and named in the notice. The person who served the notice does not say that he is personally acquainted with the respondent, but the

House will agree with me that when the party admitted that she was the person for whom the notice was intended, it is evidence which may be considered satisfactory. I have no identification of the party himself, but the declaration is made before A. M. Creelman, notary public, in Toronto. At a former sitting of the House it was considered necessary to show that the person making the declaration was the person he purported to be. I do not think that is necessary, but I am in this fortunate position that the hon. member for Barrie (Mr. Gowan) knows the party personally, and knows his signature, and therefore the objection on that score will be removed. I have examined the notice for application for the Bill of Divorce, and the notice annexed to the declaration is a copy of the notice with some unessential words in it. I do not think that these additional words will affect it at all. I did not consider it necessary to bring a copy of the *Gazette* to the House, but I have read the notice, and I think this is substantially a copy of the notice which was published. As the hon. member for Barrie said, the House could take judicial notice of it itself, that it is a matter of certainty, according to the legal maxim he then gave us: *id certum est quod certum reddi potest*. I may say I have shown the declaration to the Minister of Justice, who has said to me that he believes all the requirements of the petition have been complied with.

HON. SIR ALEX. CAMPBELL—I have also had the opportunity of looking at the evidence proving the service of the petition in this case, and it seems to me to be satisfactory in all respects, except that the identity of the person is not sworn to by the witness, but there is the statement which the hon. gentleman has alluded to which is made by the respondent, who admits that she was the party for whom the notice was intended. It seems to me, therefore, that if the service was made upon a person going by that name, who, in so many words, admitted that she was the wife of the man whose petition we are considering, that that would be sufficient to satisfy the House.

HON. MR. POWER—I do not venture to express a different opinion from the

HON. SIR ALEX. CAMPBELL.