

kind would be considered sufficient. In this particular instance I understand that the petitioner has made every effort to find the whereabouts of the respondent, but it is understood that she has left the country, or at all events concealed herself for the purpose of evading service. The mother and father of the parties were the persons most likely to communicate the fact of service of the notice and the notice in the *Canada Gazette* to the respondent, and I think this House ought to consider such service, as in a common law or equity case, sufficient. The affidavits are very complete, except upon one point. The hon. gentleman from Lunenburg yesterday in another case took exception to one of the affidavits because the deponent simply swore to having served a copy of the notice "herewith annexed" but gave no evidence as to whether that notice was the one required. In view of the objection and of the possibility of its being raised in this case to-day, I possessed myself of a copy of the *Gazette*, and put it in so that the hon. gentleman can compare the notice which is sworn to with the notice in the *Gazette*. I think in this case the evidence must be considered satisfactory; if the respondent chooses to absent herself from the Province and to evade service, there is no reason why the proceedings should not go on at this session of Parliament. There is no possibility, as I understand it, of obtaining an order of service from the Senate, because the Court is not properly constituted until the petition is brought before the House. In the courts of common law, of course, they can go at any time to the judge and get an order. I think if the hon. gentleman will examine the papers in this case as a lawyer, he will admit that every effort has been made to serve the respondent and that the petitioner should have the benefit of going on under this application.

HON. MR. KAULBACH—I have not expressed any opinion on that point as yet. I am very glad that the few remarks I made yesterday have had the effect of inducing my hon. friend in this case to make perfect evidence before us as regards the copy of the notice. He has made, however, a very rash presump-

tion in this case that the last place of abode of this woman would be with her husband. That would be an extraordinary presumption. It is because she is not living with her husband, I presume, that this action is brought, and it would be very rash to expect to find her there to serve the papers on her. These papers came up in a hurry and we have hardly time to examine them to see if the constructive service would be sufficient, from simply hearing the papers read at the table. I believe however that all reasonable steps have been taken to make the service. I admit that, still I fail to find that a copy of the notice was left at the last abode of the Respondent. When personal service can not be effected the notice is left at the last known place of abode of the party. It seems to me that my hon. friend has failed absolutely in establishing that point.

HON. MR. MCKINDSEY—The hon. gentleman is mistaken. If he had looked at the petition he would have seen that the last known place of abode of the Respondent was with her husband. She went to the United States, and therefore there is no other known to the Petitioner. I am sorry that the hon. gentleman has not read the papers more carefully.

HON. MR. KAULBACH—How could I possibly read the papers? If the hon. gentleman would delay his motion until the next meeting of the House I would read the papers and vest myself with a knowledge of their contents, but he must not twit me with not having a knowledge of the contents of the papers.

HON. MR. GOWAN—It is not possible to conceive, I think, of more stringent and effective efforts being made to discover the place of abode of the Respondent than have been proved in this case. She left her husband's house and I think the affidavits sufficiently show that my hon. friend was right in saying that her last known place of abode was with her husband. The nearest relatives are those with whom copies of such papers should be left, and it has been held in common law cases that such service is sufficient.

The motion was agreed to on a division.