

## THE SENATE.

Tuesday, Feb. 21st, 1882.

The SPEAKER took the Chair at three o'clock.

Prayers and Routine Proceedings.

## THE GARDNER DIVORCE CASE.

## THE PETITION READ AND RECEIVED.

The petition of Matthew Gardner, praying for an Act to dissolve his marriage with Elizabeth Ann Gardner, was read at the table.

HON. MR. FERRIER produced an affidavit from the petitioner, with accompanying documents, setting forth that ineffectual efforts had been made to personally serve Elizabeth Ann Gardner with a notice of the application for this bill.

The affidavit and accompanying papers were then read at the table.

HON. SIR ALEX. CAMPBELL.—Do I understand that notice has not been served?

HON. MR. FERRIER.—Not since last session.

HON. SIR ALEX. CAMPBELL.—It will be for my hon. friend to move that the efforts made to serve notice upon the defendant be considered satisfactory.

HON. MR. ALMON.—I should judge from the number of attempts that have been made to find her, and the way she has been hunted by the officers of the law, it will be difficult to convince this honorable House that she has not been *chaste*.

HON. MR. FERRIER moved :—

“That proof having been made of the attempts made to effect personal service, to the satisfaction of the Senate, the petition of Matthew Gardner, praying for an Act to dissolve his marriage with Elizabeth Ann Gardner, be now read and received.”

HON. SIR ALEX. CAMPBELL.—Will the hon. gentleman explain what efforts have been made to serve notice upon the defendant?

HON. MR. FERRIER—Notice was served on her previous to last session, and it will be seen from the number of letters which have been read to-day that since then the petitioner's attorneys have been constantly in search of her, that she has continued to evade them, and has managed not to have the process served on her. There is proof that she is thoroughly acquainted with the fact of her husband being determined to bring a bill before Parliament for the purpose of getting the marriage dissolved.

HON. SIR ALEX. CAMPBELL—How is that shown?

HON. MR. FERRIER—From the fact that her attorney, acting for her, received a service upon the first occasion. The hon. gentleman who seconds my motion has read over the papers and will probably explain the case.

HON. MR. DICKEY—Before consenting to second this motion, I took a course which I think will commend itself to the Senate in asking to see the evidence, and having had some little experience in these matters I looked into the case carefully. I read over the testimony which has been adduced and which has been read rather imperfectly to-day at the table, and I was satisfied that such reasonable efforts had been made to effect this service, ineffectually, that perhaps it would satisfy the Senate. The condition of affairs appears to be this :—last year formal notice was served upon the wife. Notice was published in the *Gazette*, but, in consequence of Parliament meeting at an unusually early period, the notice was not published during the necessary six months and the result was that the party could not go on with his bill. He renewed his application, I believe, as early as May last and had another notice given for application at this session. He published this notice a sufficient time as I suppose—at all events that will be a matter for the Committee to enquire into—and endeavored to get service. In doing so he found this lady had shifted her residence. There is evidence from the postmasters of various towns that she was followed from town to town in the endeavor to effect this personal service upon her, and there are letters of postmasters stating that she had been there and gone