

THE SENATE

Thursday, March 11, 1954

The Senate met at 3 p.m., the Speaker in the Chair.

Prayers.

Routine proceedings.

JOINT COMMITTEE ON LIBRARY

MESSAGE FROM COMMONS—CHANGE IN MEMBERSHIP

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved: That a message be sent to the Senate to acquaint their honours that this house has substituted the name of Mr. Habel for that of Mr. McIlraith on the joint committee of both houses on the Library of Parliament.

CRIMINAL CODE

MESSAGE FROM COMMONS—CHANGE IN MEMBERSHIP OF JOINT COMMITTEE ON CERTAIN QUESTIONS OF CRIMINAL LAW

The Hon. the Speaker: Honourable senators, a message has been received from the House of Commons in the following words:

Resolved: That a message be sent to the Senate to acquaint their honours that this house has substituted the name of Miss Bennett for that of Mr. Montgomery on the special joint committee on capital and corporal punishment and lotteries.

NATIONAL HOUSING BILL

FIRST READING

A message was received from the House of Commons with Bill 102, an Act to promote the construction of new houses, the repair and modernization of existing houses and the improvement of housing and living conditions.

The bill was read the first time.

The Hon. the Speaker: Honourable senators, when shall the bill be read the second time?

Hon. Mr. Macdonald: With leave, next sitting.

DIVORCE PETITION

REPORT OF COMMITTEE

Hon. Mr. Farris (for the Chairman of the Standing Committee on Divorce) presented the committee's report No. 339, dealing with a petition for divorce, and moved that the said report be taken into consideration at the next meeting.

The motion was agreed to, on division.

DEBATES AND PROCEEDINGS

USE OF TERM "HOUSE OF COMMONS"—RULING

On the Orders of the Day:

The Hon. the Speaker: Honourable senators, at the last sitting of the Senate, on March 4, the honourable senator from Waterloo (Hon. Mr. Euler) said:

May I ask His Honour the Speaker a question? Under the rules and regulations of the Senate we are not supposed to refer to the other place as "the House of Commons". I may say that I myself never observe that regulation, because I do not see any good reason for it. But I notice that His Honour the Speaker mentions "the House of Commons". I wonder whether he does so because of any special regulation.

Section 17 of the British North America Act, 1867, is as follows:

There shall be one Parliament for Canada, consisting of the Queen, an Upper House styled the Senate, and the House of Commons.

In sending and receiving communications passing between the two houses the Speaker adheres to the *Forms of Proceeding* and recognized practice in describing the other branch of the legislature as "the House of Commons".

There is no rule or regulation of the Senate that requires the Speaker or other honourable senators to refer to the other branch of parliament by any other term than the expression "House of Commons".

What the honourable senator from Waterloo probably had reference to was the unwritten law of parliament that no allusion should be made in one house to the debates and proceedings of the other house during the current session. In this connection I would cite the following, from *Bourinot*, 4th edition, page 357:

It is also a part of the unwritten law of parliament that no allusion should be made in one house to the debates in the other chamber, a rule always enforced by the Speaker with the utmost strictness. Members sometimes attempt to evade this rule by resorting to ambiguous terms of expression—by referring, for instance, to what happened "in another place"; but all such evasions of a wholesome practice should be stopped by the Speaker, when it is evident to whom the allusions are made. It is perfectly regular, however, to refer to the official printed records of the other branch of the legislature, even though the document may not have been formally asked for and communicated to the house".

It is very clear then that no attempt on the part of honourable senators to allude to the debates and proceedings of the other branch of parliament, during the current session, can properly succeed, whether the expression "House of Commons" or such apparent evasions as "another place" are used in the process. On the other hand, when it is in order to refer to the other branch of parliament, far from the term "House of Commons" being out of order, it is indeed the proper description to use.