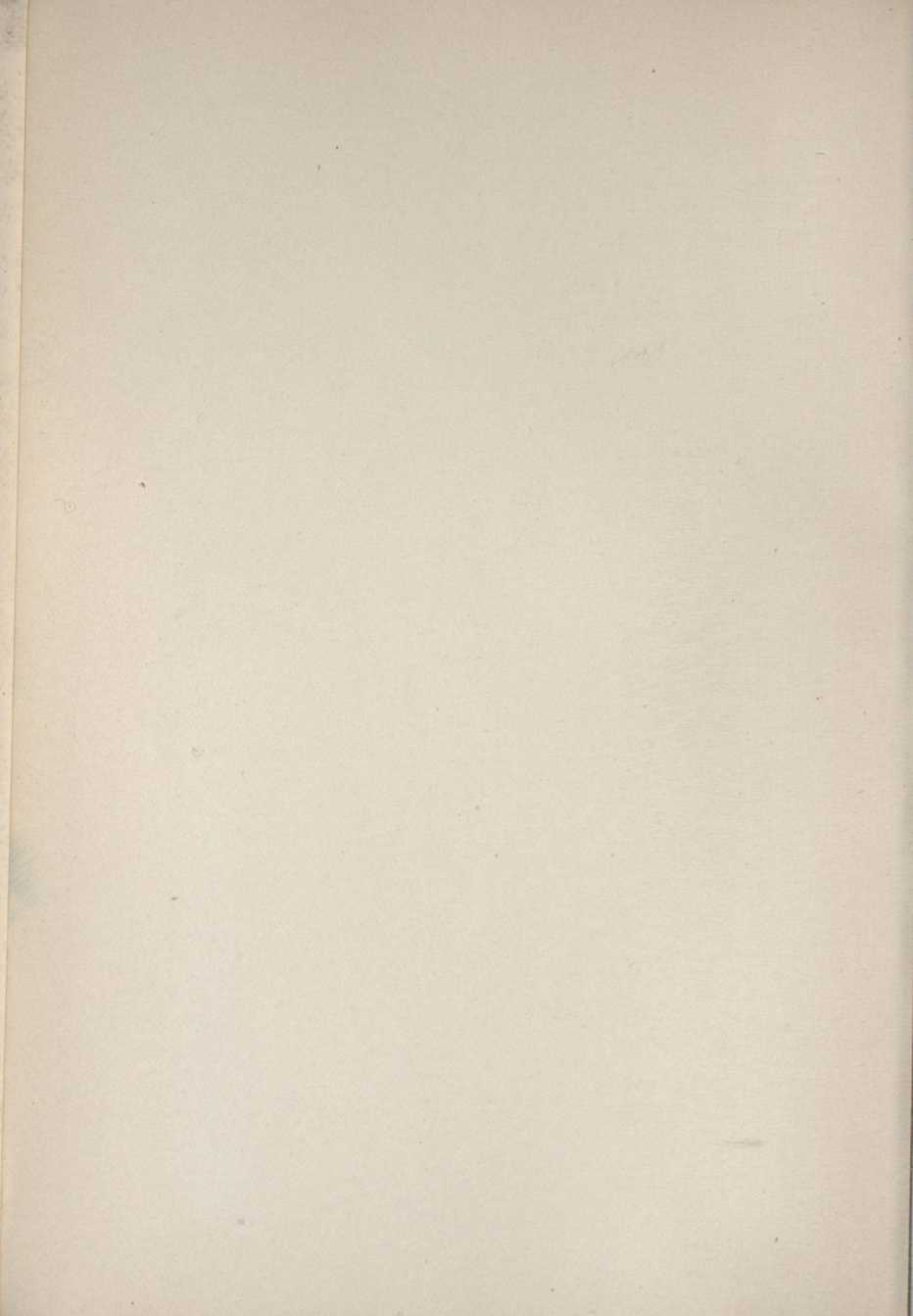


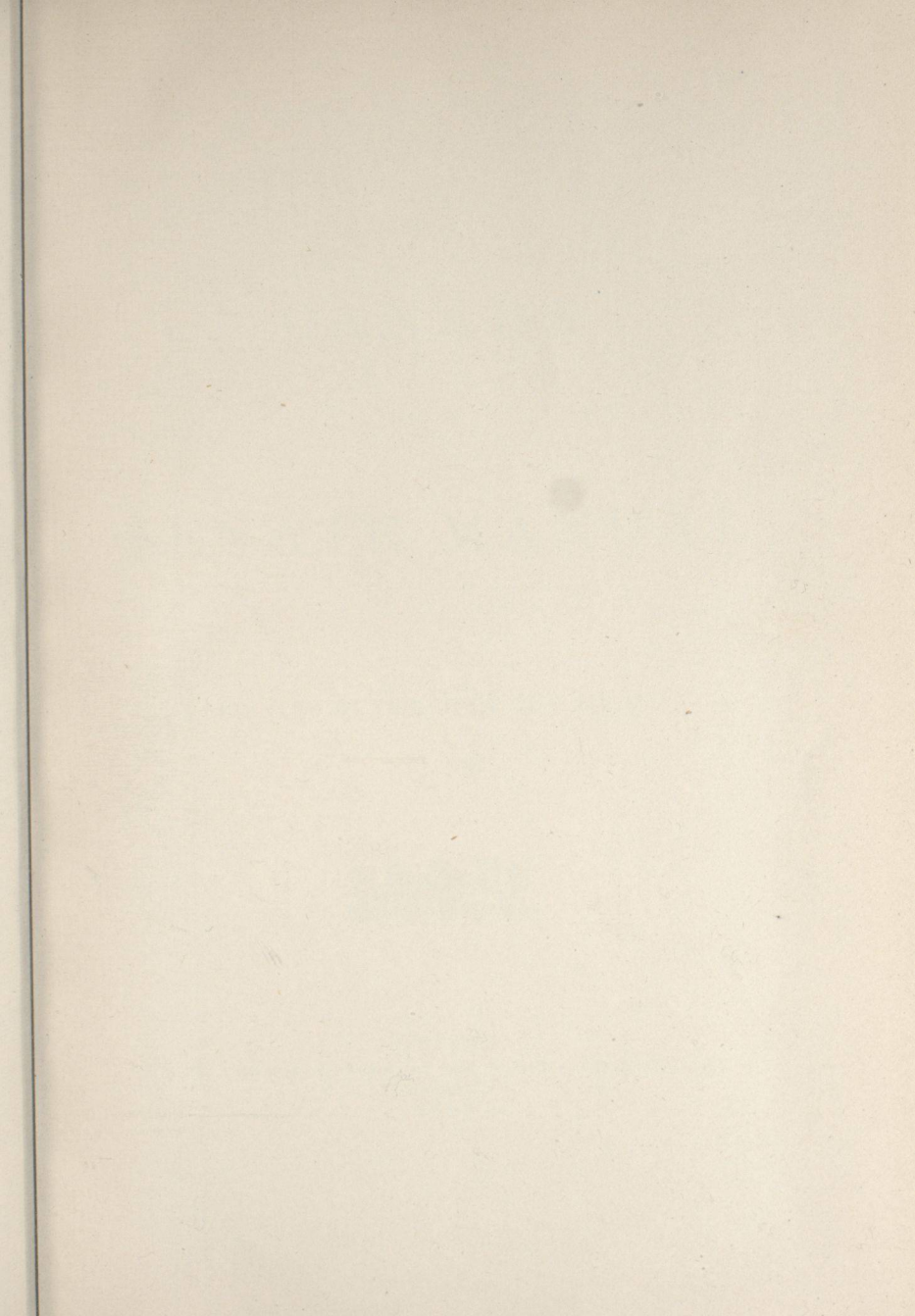
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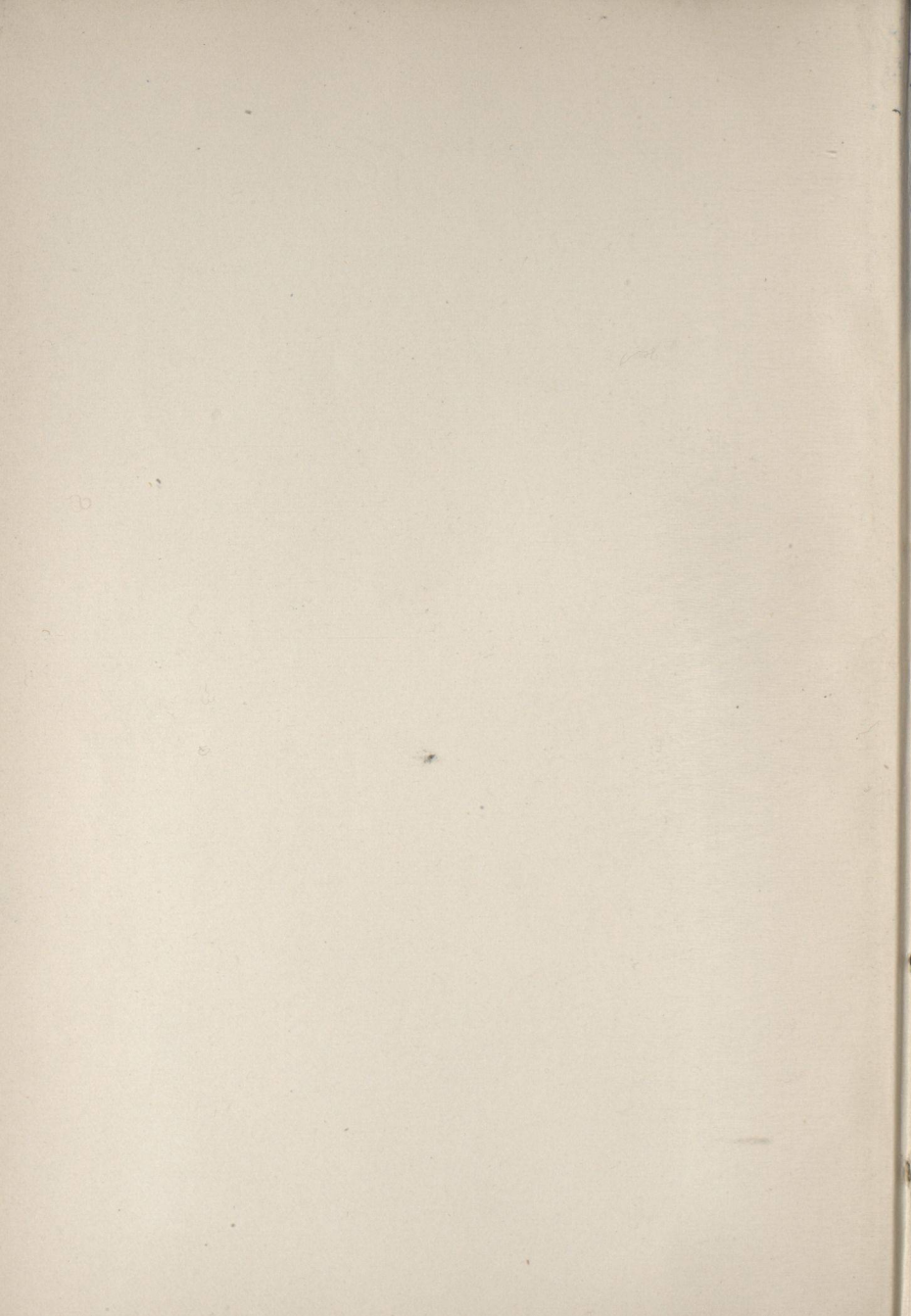
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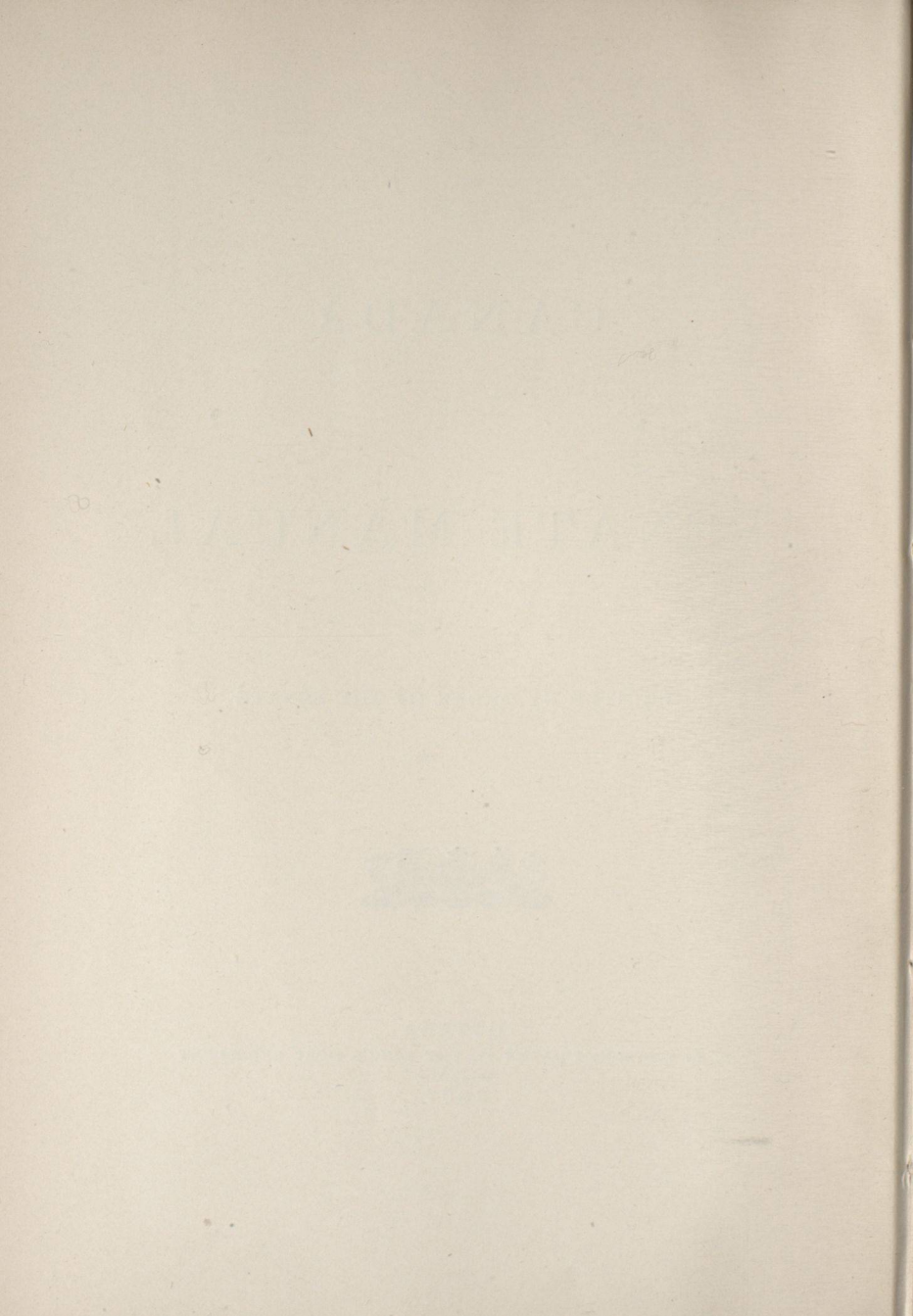
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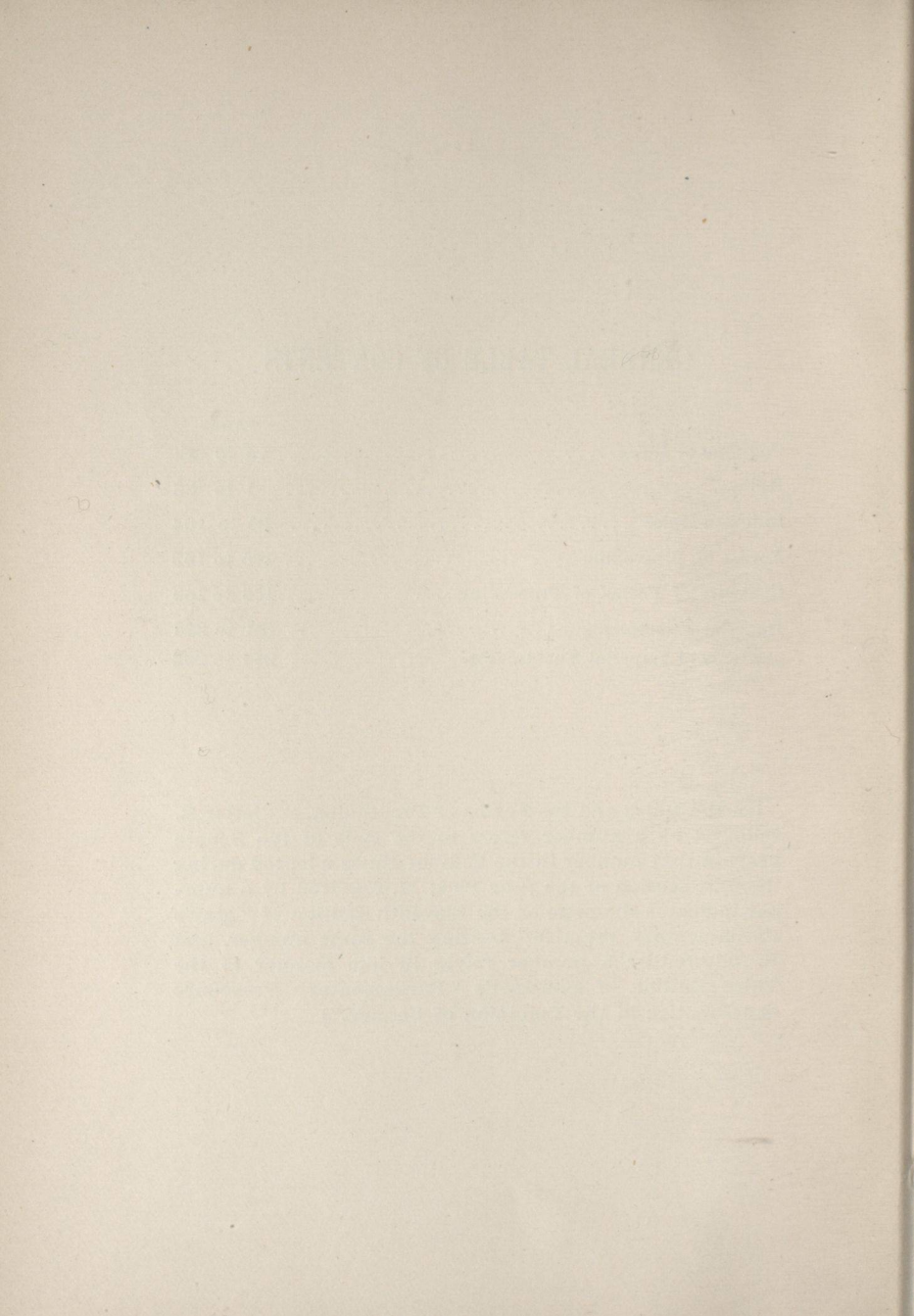
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[In the Rules and the Forms of Proceeding, the letter R. followed by a number refers to the Rule of the Senate bearing that number in the body of Rules adopted during the first session of the year 1906; M. followed by a number indicates the page of the Eleventh Edition of "May's Parliamentary Practice" bearing the same number, and B. followed by a number refers in like manner to the Third Edition of Bourinot's "Parliamentary Procedure and Practice in the Dominion of Canada."]



STANDING ORDERS AND RULES

OF THE

SENATE OF CANADA

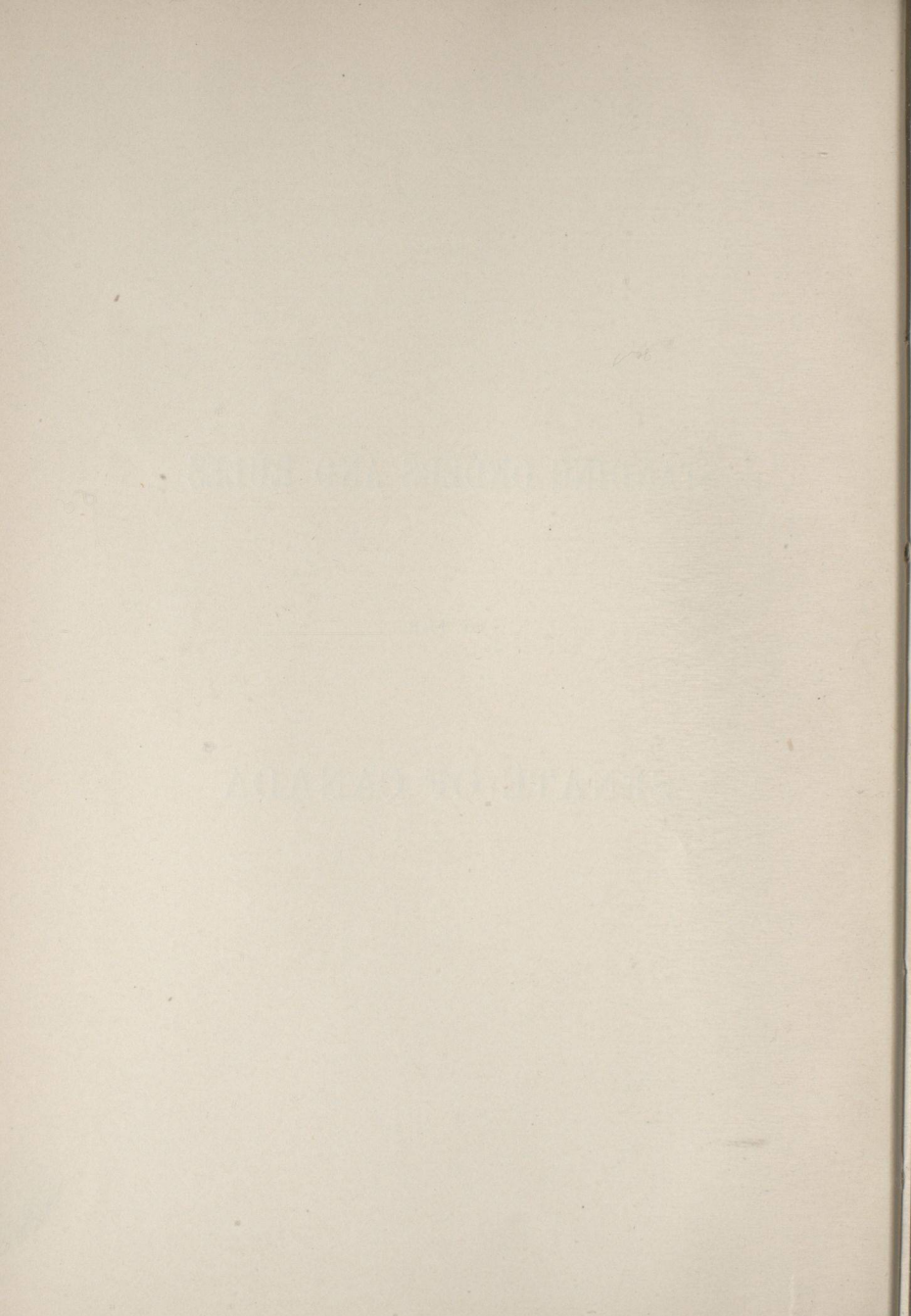


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STANDING
RULES AND ORDERS
OF THE
SENATE OF CANADA

PART I.—INTRODUCTORY.

1. In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceeding of the Lords' House of the Imperial Parliament, in force for the time being, shall be followed, so far as they can be applied to the proceedings of the Senate or any committee thereof. B. 303.

Procedure in unprovided cases.

2. Except so far as is expressly provided, these Rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities.

No implied restrictions on Senate.

Existing
rules
repealed.

3. All existing Rules and Standing Orders of the Senate are repealed; except as otherwise ordered by the Senate.

Definitions.

4. Unless the context precludes such construction, the words and phrases following have and include in these Rules and all other rules and orders of the Senate the meanings hereby respectively assigned to them, that is to say:

(a) "Question"—A motion moved and proposed from the Chair.

(b) "Substantive motion"—A motion not incidental to a proceeding before the Senate, nor relating to and arising out of an Order of the Day.

(c) "Incidental Questions"—Such questions as arise out of other questions, and are to be decided before those which give rise to them.

(d) "Subsidiary Questions"—Questions which relate to a principal motion, and are made use of to enable the Senate to dispose of it in the most appropriate manner.

(e) "Leave of the Senate"—Leave granted without a dissentient voice.

(f) "Select Committee"—A committee embracing less than the whole number of senators.

(g) "Standing Committee" — A select committee appointed for the session.

(h) "Special Committee"—A select committee other than a standing committee.

(i) "Written"—Written by hand, typewritten or printed, or partly the one and partly one or both of the others.

(j) "Two days' notice"—A notice where a sitting day intervenes between the day on which the notice is given and the day on which the motion or inquiry is made.

(k) "One day's notice"—A notice given on any sitting day for a motion or inquiry to be made on the next succeeding sitting day.

5. Except as otherwise ordered by the Senate, these Standing Rules and Orders shall go into operation immediately upon the Prorogation of the present Session of Parliament, being that

When rules
to go into
operation.

convened on the eighth day of March, in the year of our Lord one thousand nine hundred and six.

PART II.—PUBLIC BUSINESS.

OPENING OF PARLIAMENT.

Opening of
Parliament.

6. On the first day of the first session of a new Parliament, or of any subsequent session when the House of Commons have no Speaker, the Senate meets at thirty minutes before the hour named for the opening of the session: prayers are said; and new senators, if any, are introduced, and take the oath of allegiance and their seats. His Excellency the Governor General or his Deputy being seated, the Commons attend in response to a message to that effect conveyed by the Gentleman Usher of the Black Rod, and are directed to choose a Speaker.

His Excellency or his Deputy, as the case may be, retires; and the Sen-

ate adjourns to a time thirty minutes before that fixed for the delivery of the Governor General's speech. M. 149-153: B. 176.

On the second day of any such session as aforesaid or on the first day of any other session, His Excellency opens the Session by a gracious Speech to both Houses; and, Prayers being said, a Bill is read *pro formâ*; the Speech from the Throne is reported by the Speaker, and a Committee of Privileges, consisting of all the senators present during the session, is appointed. M. 156, 171-4, 232: B. 177, sq., 192.

**ORGANIZATION OF SENATE AND
GENERAL REGULATIONS AS TO
TRANSACTION OF BUSINESS.**

7. The Senate meets for the transaction of business at three of the clock in the afternoon of each sitting day; unless otherwise previously ordered. M. 209; B. 313.

Time of
daily sit-
tings.

8. If, thirty minutes after the time of meeting, fifteen senators, including

No meeting,
for want of
quorum.

the Speaker, are not present, the Speaker takes the Chair and adjourns the Senate until the next sitting day, the names of the senators present being taken down by the Clerk. M. 210: B. 321.

Adjournment for want of quorum.

9. When it appears, on notice being taken, during a sitting of the Senate, that fifteen senators, including the Speaker, are not present, the senators who may be in the adjoining rooms being previously summoned, the Speaker adjourns the Senate as above, without a question first put. M. 210, 232: B. 322.

When Speaker has to leave Chair.

10. Whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during any part of the sitting on any day, he may call upon any senator to take the chair and preside as Speaker, during the remainder of such day, or until the Speaker himself resumes the Chair before the end of the sitting for that day.

11. Whenever the Senate is informed Absence of Speaker. by the Clerk at the Table of the unavoidable absence of the Speaker, the Senate may choose any senator to preside as Speaker during such absence; and such Senator shall thereupon have and execute all the powers, privileges and duties of Speaker, until the Speaker himself resumes the Chair, or another Speaker is appointed by the Governor General. B. 265-6.

12. Every act done by any senator, Acts valid. acting as aforesaid, shall have the same effect and validity as if the act were done by the Speaker himself. B. 266.

13. If, at six of the clock in the afternoon, the business be not concluded, Evening sittings. the Speaker or the Chairman of the Committee of the Whole leaves the Chair until half-past seven of the clock; the Mace being left on or under the table, as the case may be. B. 526.

Provided that, if at the said time, a Proviso. division has been ordered, the Speaker or the Chairman shall not leave the

Chair until such division has been taken and any formal business immediately consequent thereon has been completed. M. 221, sq.

Adjournment on Friday.

14. When the Senate adjourns on Friday, unless otherwise ordered, it stands adjourned until the Monday following. M. 209.

Demeanour of senators at adjournment.

15. When the Senate adjourns, senators keep their places until the Speaker has left the Chair. B. 457.

Power and duty of Speaker.

16. The Speaker preserves order and decorum, and decides questions of order, subject to an appeal to the Senate. In explaining a point of order or practice he states the rule or authority applicable to the case. M. 191, sqq., 349, sq.: B. 267, 457, sq.

Demeanour of senators in Chamber.

17. Senators may not pass between the Chair and the Table. When entering, leaving, or crossing the Senate Chamber, they bow to the Chair. If they have occasion, when the Senate is sitting, to speak together, they go below the Bar; otherwise the Speaker stops

the business under discussion. M. 343-4: B. 456.

18. If at any sitting of the Senate, or in Committee of the Whole, any senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question, "That strangers be ordered to withdraw," without permitting any debate or amendment: Provided, that the Speaker or the Chairman may, whenever he may think fit, order the withdrawal of strangers from any part of the Senate. M. 205, 207: B. 291.

19. At each daily sitting of the Senate, the Speaker shall call for, in the following order,—

1. Presentation of Petitions:
2. Reading of Petitions:
3. Reports of Committees:
4. Notices of Inquiries and of Motions:
5. Inquiries:
6. Motions:
7. Orders of the Day. B. 325.

Strangers
ordered to
withdraw.

Order of
business.

Precedence
among
Orders of
the Day.

20. Unless the Senate direct otherwise; Orders of the Day take precedence according to priority as follows:

1. Orders of the Day for the third reading of Bills.

2. An Order of the Day which, at the time of adjournment was under consideration.

3. Orders of the Day which at the time of adjournment had not been reached.

4. Remaining Orders of the Day. M. 209, sq., 260, sqq.: B. 325, sq.

NOTICES OF INQUIRIES AND OF MOTIONS.

Notice of
Motion; how
given.

21. When a senator wishes to give notice of an inquiry or motion, he reduces the notice to writing, signs it, reads it from his place during a sitting of the Senate, and hands it in at the Clerk's table. M. 209, sq., 238: B. 414.

Exceptions.

This rule does not apply to motions with respect to Bills, nor to motions dealing with reports of committees, nor

to formal, routine, subsidiary or incidental motions, notice of which, when necessary, may be given by word of mouth, or by any means which places such motions among the Orders or on the notice paper for any day.

22. A senator, on being duly requested, may give notice for any other senator not then present, by putting the name of such senator on the notice, in addition to his own. B. 421.

Notice for
absent
Senator.

23. Two days' notice must be given of a motion for any of the following purposes:

Two days'
notice of cer-
tain motions.

(a) To make a new rule or standing order, or to repeal or amend an existing rule or standing order;

(b) For an Address to His Excellency the Governor General, not merely formal in its character;

(c) For an Order of the Senate for any papers or documents not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper;

(d) For the appointment of a special committee;

(e) For the adoption of the report of any such special committee;

(f) For the second reading of a Bill;

(g) A like notice is required of any inquiry, not relating to a Bill or other matter appearing among the Orders of the Day, or on the notice paper. B. 414.

One day's
notice of cer-
tain motions.

24. One day's notice must be given of any of the following motions:

(a) To suspend any rule or standing order, or any part thereof;

(b) For the third reading of a Bill;

(c) For any substantial amendment to a Private Bill;

(d) For the consideration of substantial amendments made in a Public Bill by a Committee of the Whole;

(e) That the Senate resolve itself forthwith into a Committee of the Whole;

(f) For the appointment of a Standing Committee;

(g) For an instruction to a committee;

(h) For the adoption of a report, not merely formal in its character, from any Standing Committee;

(i) For an adjournment of the Senate, other than the ordinary daily adjournment or that under Rule 14, 25 or 44.

(j) For any purpose to which neither the next preceding nor the next succeeding rule applies.

(k) A like notice is required of any inquiry relating to a Bill or other matter appearing among the Orders of the Day or on the notice paper.

25. No notice is required for any of the following motions:

Motions for which no notice is required.

(a) By way of amendment to a question;

(b) For the committal of the question;

(c) For its postponement to a certain day;

(*d*) For the previous question;

(*e*) For reading the Orders of the Day;

(*f*) For the adjournment of the Senate, while a question is under discussion;

(*g*) For the adjournment of the Senate for the purpose of bringing up a question of urgent public importance (which the mover shall state on rising to speak) before the House proceeds to the Orders of the Day.

(*h*) For the adjournment of the debate;

(*i*) For the consideration of Commons' amendments to a public Bill forthwith, or on a future day;

(*j*) For the appointment of a Committee to prepare reasons for disagreeing with a Commons' amendment;

(*k*) Raising a question of privilege;

(*l*) For the first reading of a Bill;

(*m*) For the postponement, discharge or revival of an Order of the Day;

(*n*) For dealing on a future day with any matter which is on the Table of the Senate;

(*o*) For the reconsideration, while in the Committee of the Whole, of any clause of a Bill already agreed to.

(*p*) That the Senate resolve itself into a Committee of the Whole on a future day;

(*q*) By a minister for the immediate presentation of papers;

(*r*) For the ordinary adjournment of the Senate, at the close of the business of the day;

(*s*) Other motions of a merely formal or uncontentious character;

(*t*) Where notice is dispensed with by the unanimous consent of the Senate; M. 244-6, 270, sqq.: B. 329, 423, sqq., 674.

26. Any notice containing unbecoming expressions, or which offends against any rule or order of the Senate, if not amended by the senator giving the same, is not allowed by the Speaker to

Objectionable notice disallowed by Speaker.

appear on the notice paper. M. 243, 247; B. 416, 418.

MOTIONS.

Preambles
not allowed.

27. No motion prefaced by a written preamble is received by the Senate.

Motion with-
drawn by
leave.

28. Any senator who has made a motion may withdraw or modify the same by leave of the Senate. M. 280: B. 418, sq.

Senators
specially
summoned
to consider
proposed
Rule.
Notice.

29. No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof, and the senators in attendance on the session have been summoned to consider the same. B. 307.

Notice of
suspension
of rule.

30. No motion to suspend any rule or standing order, or any part of a rule or order, may be made, except on one day's notice, specifying the rule or order or part thereof proposed to be suspended, and the purpose of such suspension. M. 148, 517: B. 307.

Notice
waived by
consent.

Any rule or order, or part thereof, may be suspended without notice by

the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated. M. 148: B. 307-8.

31. A motion or amendment not seconded cannot be debated or put from the Chair. M. 277: B. 415, sqq.

Motion must be seconded.

DEBATE, DIVISIONS AND PROTESTS.

32. A senator desiring to speak is to rise in his place uncovered and address himself to the rest of the senators, and is not to refer to any senator by name. M. 310: B. 455, 477, sqq.

Manner of speaking.

33. When two or more senators rise to speak, the Speaker calls upon the senator who, in his opinion, first rose in his place; but a motion may be made that any senator who has risen "be now heard," or "do now speak." M. 311, sq.: B. 457, sq.

Two or more Senators rising to speak.

34. A senator may speak to any question before the Senate; or upon a motion, or an amendment to be pro-

Limit in debate.

posed by himself; or upon a question of order arising out of the debate; but not otherwise, without the consent of a majority of the Senate, which shall be determined without debate. M. 314, sq., 318: B. 468.

Senator not to speak twice.
Exception.

35. No senator may speak twice to a question before the Senate, except in explanation of a material part of his speech, in which he may have been misconceived, and then he is not to introduce new matter. M. 320-1, 323: B. 468, 471, sqq.

When reply allowed.

36. A reply is allowed to a senator who has moved the second reading of a Bill, or made a substantive motion, but not to one who has moved an amendment, the previous question, an adjournment during a debate, a motion on the consideration of Commons' amendments, or an instruction to a committee. M. 321: B. 469.

Exceptions.

Reply closes debate.

37. In all cases, the reply of the mover of the original question closes the debate. It is the duty of the

Speaker to see that every senator wishing to speak has the opportunity to do so before the final reply.

38. It shall be competent to a senator, when he seconds a motion or amendment, or moves an order of the day, without speaking to it, to address the Senate on the subject of such motion, amendment or order of the day, at any subsequent period of the debate. M. 321: B. 469.

Senator who merely seconds, &c., may speak later.

39. No debate is in order on a mere inquiry; but explanatory remarks may be made by the senator making the inquiry, and by the minister or other senator answering the same. Observations upon any such answer are not allowed. M. 210, sq.: B. 415, 431, sq.

No debate on mere inquiry.

40. When it is intended to make a statement or raise a discussion on asking a question, the senator having such intention, as part of the notice under Rule 21, gives notice that he will call attention to the matter inquired into. M. 211: B. 432.

When debate can take place on inquiry.

Question of
privilege.

41. Whenever a matter or question directly concerning the privileges of the Senate, or of any committee or member thereof, has arisen, a motion calling upon the Senate to take action thereon may be moved, without notice, and shall, until decided, unless the debate be adjourned, suspend the consideration of other motions as well as Orders of the Day. M. 270, sqq.: B. 424-8.

Its preced-
ence in cer-
tain cases.

Complaints
against
newspapers.

42. Any senator complaining to the Senate of a statement in a newspaper as a breach of privilege, shall produce a copy of the paper containing the statement in question. M. 89, sq.: B. 425.

Question
read.

43. Any senator may require the question under discussion to be read at any time during the debate, but not so as to interrupt any other senator while speaking. B. 468.

Motions dur-
ing debate.

44. When a question is under debate, no motion is received, unless to amend it; to commit it; to postpone it to a certain day; for the previous ques-

tion; for reading the Orders of the Day, or for the adjournment of the Senate.

B. 455, sqq., 465, sqq., 468, sq.

45. Any senator called to order shall sit down and shall not proceed, pending the decision of the question of order. B. 469, 474, 495.

Senator called to order.

46. All personal, sharp or taxing speeches are forbidden. M. 333-5: B. 480, sq.

Personal and taxing speeches forbidden.

47. Any senator conceiving himself offended, or injured in the Senate, in a committee room, or any of the rooms belonging to the Senate, is to appeal to the Senate for redress. M. 335: B. 480.

Redress of injured Senator.

48. If a senator be called to order, for words spoken in debate; upon the demand of the senator so called to order, or of any other senator, the exceptionable words shall be taken down in writing by the Clerk at the Table. And any senator who has used exceptionable words, and does not explain or retract the same, or offer apologies therefor to

Exceptionable words taken down.

the satisfaction of the Senate, will be censured or otherwise dealt with as the Senate may think fit. M. 337: B. 480, 489, sqq.

Interference
in quarrels.

49. The Senate may interfere to prevent the prosecution of any quarrel between senators arising out of a debate or proceeding of the Senate, or any committee thereof. M. 335: B. 481, 493, sq.

Speaker
addressing
House.

50. The Speaker stands uncovered when speaking to the Senate; and, if he proposes to address the House on any question other than one of order, leaves the Chair. M. 368: B. 267.

Order of
voting.

51. In voting, the "Contents" first rise in their places, then the "Non-contents." M. 286, 288, 362, sq.: B. 499.

Names
recorded.

52. If two senators require it, the "Contents" and "Non-contents" are entered upon the minutes: provided the Senate shall not have taken up other business; and each senator shall vote on the question, openly and without

debate; unless for special reasons he be excused by the Senate. M. 356, sqq.: B. 500, 513.

53. No senator is entitled to vote upon any question in which he has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown; and the vote of any senator so interested will be disallowed. M. 373, sqq.; B. 508, sqq.

Senator with pecuniary interest not to vote.

54. A senator, declining to vote, shall assign reasons therefor; and the Speaker shall submit to the Senate the question,—“Shall the Senator, for the reasons assigned by him, be excused from voting?” B. 504.

Senator declining to vote.

55. A senator will not be permitted to vote on any question, unless he is within the Bar when the question is put; and, no senator may speak to a question after the order has been given to call in the members to vote thereon, unless with the unanimous consent of the Senate; and, with the like consent, a

Certain provisions as to divisions.

senator may, for special reasons assigned by him, withdraw or change his vote, immediately after the announcement of the division. M. 287, sq., 354, 363, sq.: B. 501, sqq.

Protest;
when
entered.

56. Any senator entering his protest or dissent to any vote of the Senate, with or without his reasons, must enter and sign the same in the Clerk's book, on the next sitting day, before the rising of the Senate. M. 372: B. 508.

Protest controlled by
Senate.

57. Every protest is subject to the control of the Senate, and may neither be altered nor withdrawn without the consent of the Senate; nor can a senator absent when the question is put, be admitted to protest. M. 372: B. 508.

PETITIONS.

Petition;
how signed.

58. Every petition is to be fairly written or printed, and signed on the sheet containing the prayer of the petition; and if there be more than three petitioners, the additional signatures

may be affixed to the sheets attached to the petition. M. 524, sqq., 531, sq.: B. 346, 745.

59. No petition is received from any corporation aggregate, unless it be duly authenticated by the seal of such corporation. M. 526: B. 347, 745.

Petition from corporation aggregate.

60. Petitions signed by persons purporting to represent public meetings, can only be received as the petitions of the persons whose names are affixed thereto. B. 347.

Petition from public meeting.

PUBLIC BILLS.

61. It is the right of every senator to bring in a Bill. M. 461: B. 629.

No leave needed to introduce a Bill.

62. Immediately after a Bill is presented, it is read a first time and ordered to be printed. M. 468: B. 629.

Read first time forthwith.

63. No Bill shall be read twice the same day; no Committee of the Whole House shall proceed on any Bill the same day the Bill is read a second time; and no Bill shall be read the third time the same day that the Bill is reported

Restrictions on dealing with Bills.

from the Committee. M. 399: B. 681, sq.

Principle discussed at second reading.

64. The principle of a Bill is usually debated at its second reading. M. 471: B. 647.

Reconsideration of clauses.

65. A senator may, at any time before a Bill is passed, move for the reconsideration of any clause thereof, already passed. M. 305; B. 666.

When Houses differ over Bill.

66. In any case where a Bill, originating in the Senate and amended in the Commons, is returned to the House of Commons with any of the amendments made by the Commons disagreed to, or where a Bill originating in the Commons has been amended in the Senate, and has been returned to the Senate with any of the Senate amendments disagreed to, and the Senate decides to insist on such amendments, or any of them, and returns the Bill to the Commons, the message accompanying such Bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Commons,

Reasons sent by message.

or for the Senate insisting on its own amendments, as the case may be; and such reasons shall be drawn up by a committee of three senators, to be appointed for the purpose when the Senate decides to disagree to, or insist on, as the case may be, the amendments in question. M. 508-9: B. 400, 675, sq.

Drawn up by
Committee.

67. In cases in which the Commons disagree to any amendments made by the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the Commons for their disagreeing or insisting (as the case may be) by Message, without a conference; unless at any time the Commons should desire to communicate the same at a conference. M. 439, 508, sq.: B. 400, 676.

Conference
not required.

Any conference between the Houses may be a free conference. M. 440: B. 400.

68. Orders of the Day for the third reading of Bills take precedence of all others, except orders to which the

Precedence
given to
third read-
ings.

Senate may have previously given priority.

Bill not duplicated in session.

69. When a Bill originating in the Senate, has passed through its final stage therein, no new Bill for the same object can afterwards be originated in the Senate during the same session. M. 300-9: B. 451, 687, sqq.

Proviso as to supply Bills.

70. The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the King's representative. M. 447, sq., 573: B. 576, 612.

No tacking clauses.

71. To annex any clause to a Bill of Aid or Supply, the matter of which is foreign to, and different from the matter of the Bill, is unparliamentary. M. 585, sq.: B. 411, sq., 609.

COMMITTEE OF THE WHOLE.

Senators to retain seats in committee.

72. When the Senate is put into Committee every Senator is to sit in his place. B. 516.

73. The rules of the Senate are observed in a Committee of the Whole, except the rules limiting the number of times of speaking; and no motion for the previous question, or for an adjournment, can be received; but a Senator may at any time move that the Chairman leave the Chair, or report progress and ask leave to sit again. M. 381, sqq., 483-488: B. 516, sq.

Rules governing committee.

74. No arguments are admitted against the principle of a Bill in a Committee of the Whole. M. 483, 492: B. 516, 661, sq.

Discussion of principle forbidden.

75. When the Senate is put into a Committee of the Whole, the sitting of the Senate is not resumed without the unanimous consent of the Committee, unless upon a question put by the Senator who is in the Chair of such Committee. M. 492, sqq.: B. 516, 526.

House, how resumed.

76. The proceedings of the Committee are entered in the Journals of the Senate. B. 516, 523.

Proceedings recorded.

STANDING AND SPECIAL COMMITTEES.

Committee
of selection.

77. At the commencement of each Session a Committee of Selection, consisting of nine senators named by the Senate, shall be appointed, whose duty it shall be to nominate the senators to serve on the several Standing Committees. M. 398: B. 529, sq.

Standing
Committees.

78. The Standing Committees shall be as follows:

Library.

1. The Joint Committee on the Library of Parliament, whereto there shall be appointed seventeen senators. B. 401.

Printing.

2. The Joint Committee on the Printing of Parliament, whereto there shall be appointed twenty-one senators. B. 372, 407.

Standing
Orders.

3. The Committee on Standing Orders, composed of nine senators.

Banking and
Commerce.

4. The Committee on Banking and Commerce, composed of thirty-two senators.

5. The Committee on Railways, Telegraphs and Harbours, composed of fifty senators. Railways, &c.

6. The Committee on Miscellaneous Private Bills, composed of twenty-five senators. Miscellaneous Private Bills.

7. The Committee on Internal Economy and Contingent Accounts, composed of twenty-five senators. Internal Economy.

8. The Committee on Debates and Reporting, composed of nine senators. Debates and Reporting.

9. The Committee on Divorce, composed of nine senators. Divorce.

10. The Committee on the Restaurant, composed of the Speaker and six other senators. M. 394, 398, sq., 421: B. 529, sqq. Restaurant.

79. Every Standing or Special Committee meets, if practicable, on the next sitting day after appointment and chooses a chairman; and the majority of senators appointed on such Committee constitute a quorum, unless it be otherwise ordered. B. 530, 533, 538, sq. Organization of Committee.

Speaking.

80. Senators speak uncovered, but may remain seated. M. 402: B. 541.

Senators
not of
Committee.

81. Senators, though not of the committee, are not excluded from coming in and speaking; but they must not vote. They sit behind those who are of the committee. M. 408: B. 544, sq.

Strangers
excluded.

82. No other persons, unless commanded to attend, are to enter at any meeting of a Committee of the Senate or at any conference. M. 408: B. 545.

Special com-
mittees; how
appointed.

83. The senators to serve on a Special Committee may be nominated by the mover; but, if three senators so demand, they shall be selected as follows: Each senator shall vote openly for one senator to serve as a member of such Committee, and those senators for whom the largest number of votes are given shall constitute the Committee. M. 401, sq.: B. 535.

Interested
Senator not
to sit.

84. No senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the inquiry

to be entrusted to any Select Committee, shall sit on such Committee; and any question of interest arising in the Committee may be determined by the Committee, subject to an appeal to the Senate. M. 373, sqq., 846: B. 742, sq.

85. A select committee may adjourn from time to time, and, by order of the Senate, from place to place, and, where the Senate adjourns for less than a week, may sit on those days over which the Senate is adjourned; provided that, in the last case, notice of the intention to meet during the adjournment of the Senate has been given to the members of the committee one day before such adjournment.

Sittings of
Select
Committee.

By order of the Senate any select committee may meet during an adjournment of the House which exceeds a week. M. 402: B. 543.

86. No select committee may sit during a sitting of the Senate. M. 398: B. 542.

Cannot sit
while Senate
sits.

Report not
discussed
when pre-
sented.

87. Upon the presentation of a report no discussion takes place; but the report may be ordered to be printed, with the documents accompanying it; or it may be placed on the Orders of the Day for future consideration, or laid on the Table. M. 399, 418, 420: B. 553, sq.

Proviso.

This Rule does not necessarily apply to the reports of Select Standing Committees upon Private Bills referred to them in the ordinary course of business. B. 555, 758.

Mover one
of Commit-
tee.

88. Subject to the provision of Rule 84, a senator on whose motion any Bill, Petition or Question is referred to a Special Committee, shall, if he so desire, be one of the Committee. M. 398: B. 533.

Chairman
explains
amendments.

89. On every report, made from a committee, of amendments to a Bill, the senator presenting the report is to explain to the Senate the effect of each amendment. M. 823, sq.: B. 553.

90. It is the duty of the Clerk to cause to be posted up in some conspicuous part of the Senate a list of the several Standing and Special Committees appointed during the session. B. 538.

List of Committees posted up.

91. The Clerk of the Senate is authorized to pay every witness summoned to attend before a committee, a reasonable sum for his living and travelling expenses, upon the certificate or order of the chairman of the committee before which he shall have been summoned; and no witness shall be so summoned and paid, unless a certificate shall first have been filed with the chairman by a member of the committee stating that the evidence of such witness is, in his opinion, material and important; and no witness residing at the seat of Government shall be paid for his attendance. M. 434: B. 557, 561.

Payment of witnesses before Committee.

RELATIONS BETWEEN HOUSES.

92. One of the Clerks of either House may be bearer of messages from

Bearers of messages.

one House to the other. M. 437: B. 394, sq., 678.

Messages,
how re-
ceived.

93. Messages so sent are received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst the House is sitting, or in Committee, without interrupting the business then proceeding. M. 437: B. 395, 678, 685, sq.

Leave to
Senator or
official to
appear be-
fore Com-
mons.

94. When the attendance of a senator, or any of the officers, clerks or servants of the Senate is desired, to be examined by the Commons, or to appear before any committee thereof, a message is sent by the Commons, to request that the Senate will give leave to such senator, officer, clerk or servant to attend; and if the Senate grant leave to such senator, he may go, if he think fit; but it is not optional for such officer, clerk or servant to refuse. Without such leave, no senator, officer, clerk or servant of the Senate shall, on any account, under penalty of being committed to the Black Rod or to prison during the pleasure of the Senate, go

Penalty.

down to the House of Commons, or send his answer in writing, or appear by counsel to answer any accusation there. M. 426, sqq.: B. 395-7, 557, sq.

95. None are to speak at a Conference with the House of Commons, but those that are of the Committee; and when anything from such Conference is reported, the senators of the Committee are to stand up. M. 440, sq.: B. 397-400. Senators at conference.

96. The Journals of the Senate, according to Parliamentary usage, may be searched by the House of Commons, as the Journals of that House may be searched by the Senate. M. 307, sq.: B. 293-5, 479. Journals searched by Commons.

97. Seats are reserved without the Bar of the Senate Chamber, for Members of the House of Commons who may be desirous of hearing the debates. Seats for M.P.'s.

MINUTES, PAPERS AND ACCOUNTS.

98. A Copy of the Minutes of Proceedings, certified by the Clerk, is to be Minutes transmitted

to Governor General. transmitted daily to the Governor General. B. 272, 285.

Journals bound.

99. The Journals are to be bound in annual volumes with full indexes, as soon as may be after each session. B. 272.

Papers referred to Committee on Printing.

100. All papers laid on the Table, stand referred to the Joint Committee on Printing, who decide and report whether they are to be printed. B. 357, 363, 371.

Papers ordered.

101. Accounts and papers may be ordered to be laid on the Table, and the Clerk shall communicate to the senator having the conduct of government business all orders for papers made by the Senate; and such papers when returned shall be laid on the Table. M. 542: B. 357, sq.

Addresses for papers involving prerogative

102. When the Royal Prerogative is concerned in any account or paper, an Address is presented to the Governor General praying that the same may be laid before the Senate. M. 236: B. 357.

103. At the beginning of every session, the Clerk is to lay before the Senate, on the day following the appointment of the Committee on Internal Economy and Contingent Accounts, and as often thereafter as he may be required to do so, a detailed statement of his receipts and disbursements, since the last audit, with vouchers in support thereof.

Clerk to submit accounts.

QUALIFICATION OF SENATORS.

104. If for two consecutive Sessions of Parliament, any senator has failed to give his attendance in the Senate, it shall be the duty of the Clerk to report the same to the Senate; and the question of the vacancy arising thereupon, shall with all convenient speed be heard and determined by the Senate.

Where Senator fails, for two sessions, to attend.

105. Within the first twenty days of the first session of each Parliament, every member of the Senate shall make and file with the Clerk, a renewed de-

Declaration of qualification renewed each Parliament.

claration of "Property Qualification," in the form prescribed in the fifth Schedule annexed to the *British North America Act, 1867*; and the Clerk shall, immediately after the expiration of each period of twenty days, above referred to, lay upon the Table of the Senate a list of the senators who have complied with this rule. B. 199.

* PART III.—PRIVATE BUSINESS.

PROVISIONS AS TO NOTICES.

106. The Clerk of the Senate shall, during each recess of parliament, publish weekly in the *Canada Gazette*, the following rules respecting notices of intended applications for Private Bills; and the substance thereof in the *Official Gazette* of each province. The Clerk shall also announce, by notices affixed in the committee rooms and lobbies of the Senate, by the first day of every session, the times limited for receiving Petitions for Private Bills, and Private Bills, and reports thereon. B. 753.

Clerk to publish certain information as to Private Bills.

107. All applications to parliament for Private Bills of any nature whatsoever, shall be advertised by notice

Publication of notices.

*The method of transacting private business in the imperial Parliament is very unlike that adopted in Canada. It has therefore not been deemed expedient to refer to the pages of May in connection with such business, as has been done in relation to public business. Book III of May, "The Manner of passing Private Bills," which begins at page 672, will well repay perusal.

published in the *Canada Gazette*. Such notice shall clearly and distinctly state the nature and objects of the application, and shall be signed by or on behalf of the applicants, with the address of the party signing the same; and, when the application is for an Act of Incorporation, the name of the proposed company shall be stated in the notice.

In addition to the notice in the *Canada Gazette* aforesaid, a similar notice shall be given as follows:—

A. When the application is for an Act to incorporate,

1. A Railway or Canal Company,—In some leading newspaper published in the principal city, town or village in each county or district through which the proposed railway or canal is to be constructed.

2. A Telegraph or Telephone Company,—In a leading newspaper in the principal city or town in each province or territory in which the company proposes to operate.

3. A company for the construction of any works which in their construction or operation might specially affect a particular locality, or for obtaining any exclusive rights or privileges, or for doing any matter or thing which in its operation would affect the rights or property of others,—In a leading newspaper in the particular locality or localities which may be affected by the proposed Act.

4. A Banking Company; an Insurance Company; a Trust Company; a Loan Company, or an Industrial Company, without any exclusive powers;—In the *Canada Gazette* only.

5. And, if the works of any company (incorporated or to be incorporated) are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice; and the applicants shall cause a copy of such notice to be sent by registered letter to the clerk of each county council and of each municipal corporation which may be specially affected by

the construction or operation of such works, and also, to the secretary of the province in which such works are, or may be located; and proof of compliance with this requirement by the applicants shall be established by statutory declaration.

B. When the application is for the purpose of amending an existing Act;

1. For an extension of any line of railway, or of any canal; or for the construction of branches thereto;—the same *mutatis mutandis* as for an Act to incorporate a railway or canal company.

2. For an extension of the time for the construction or completion of any line of railway, or of any canal, or of any telegraph or telephone line, or of any other works already authorized;—In a principal newspaper in the place where the head office of the company is, or is authorized to be.

3. For the extension of the powers of a company (when not involving the

granting of any exclusive rights) or for the increase or reduction of the capital stock of any company; or for increasing or altering its bonding or other borrowing powers; or for any amendment which would in any way affect the rights or interests of the shareholders or bondholders or creditors of the company;—In a principal newspaper in the place where the head office of the company is situated.

C. All such notices, whether inserted in the *Canada Gazette* or in a newspaper, shall be published at least once a week for a period of five consecutive weeks; and when published in the Provinces of Quebec and Manitoba shall be in both the English and French languages; and marked copies of each issue of all newspapers containing any such notice shall be sent to the Clerk of the Senate, endorsed, “Private Bill Notice;” or, a statutory declaration as to due publication may be sent in lieu thereof.

Every notice by registered letter

shall be mailed in time to reach the secretary of the province and the clerk of each county council and municipal corporation not less than five weeks before the consideration of the petition by the Committee on Standing Orders; and a statutory declaration establishing the fact of such mailing shall be sent to the Clerk of the Senate. B. 750-2.

PETITIONS FOR PRIVATE BILLS.

Maps filed
with Stand-
ing Orders
Committee.

108. No petition praying for the incorporation of a railway company, or of a canal company, or for an extension of the line of any existing or authorized railway or canal, shall be considered by the Standing Orders Committee, until there has been filed with the Committee a map or plan, showing the proposed location of the works, and each county, township, district or municipality through which the proposed railway or canal, or any branch or extension thereof, is to be constructed. B. 752.

Special
notice in
case of toll
bridge Bill.

109. Before any petition praying for leave to bring in a Private Bill for the

erection of a toll bridge is presented to the Senate, the person or persons intending to petition for such Bill shall, upon giving the notice prescribed by the preceding rules, at the same time and in the same manner, give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, and the intervals between the abutments or piers for the passage of rafts and vessels; and shall also mention whether they intend to erect a draw-bridge or not, and the dimensions of the same. B. 752, 789.

110. No petition for any private Bill is received by the Senate after the first three weeks of each session; nor may any Private Bill be presented to the Senate after the first four weeks of each session; nor may any report of any Standing or Special Committee upon a Private Bill be received after the first six weeks of each session. B. 746, sqq.

Time limited
for receiving
petitions for
Private Bills,
&c.

This Rule, Rule 107, and Rules 111 to 122, both included, do not apply to Bills of Divorce or to Petitions for

Certain rules
do not apply
to divorce
cases.

such Bills, except in cases where no special provision is hereafter made, and which fall under Rule 151.

Petitions reported on by Standing Orders Committee.

111. Petitions for Private Bills, when received by the Senate, are to be taken into consideration without special reference, by the Committee on Standing Orders. The Committee is to report in each case, whether the rules with regard to notice have been complied with; and in every case where the notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to in the notice, the Committee is to recommend the course to be taken in consequence of such insufficiency of notice. B. 745, sq., 749, 753, sqq.

Suspension of rules must be recommended by S. O. Committee.

112. No motion for the suspension of the rules upon any Petition for a Private Bill is in order, unless such suspension has been recommended by the Committee on Standing Orders. B. 308, 746, 758, sq.

INTRODUCTION OF PRIVATE BILLS.

113. Every Private Bill is introduced on Petition, and presented to the Senate after the Petition has been favourably reported on by the Committee on Standing Orders. B. 706, 745, 759.

Private Bill introduced on petition.

114. Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, eight days before the meeting of parliament, if it is intended that the Bill shall originate in the Senate, a copy of such Bill in the English or French language, with a sum sufficient to pay for the translation of the same by the officers of the Senate, and the printing of 600 copies in English and 200 in French. The applicant shall also pay the Clerk of the Senate, immediately after the second reading and before the consideration of the Bill by the Committee to which it is referred, a sum of \$200, with the cost of printing the Act in the Statutes, and lodge the receipt for the same with the

Deposit of Bill and fees.

Clerk of such Committee. B. 746, 767, sqq.

Proviso. The fee payable on the second reading of any Private Bill is paid only in the House in which it is introduced. B. 767, sqq.

BILLS SPECIALLY REFERRED.

Question of jurisdiction referred to Standing Orders Committee.

115. Any Private Bill shall, if it be demanded by two senators, when read the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces. B. 726, sq.

Bill may be referred to Supreme Court.

116. At any time before the final passing of any Private Bill, the same may, if the Senate think fit, be referred to the Supreme Court for examination and report, as to any point or matter in connection with such Bill expressed in the Order of Reference. B. 724, sqq.

**BILLS BEFORE STANDING
COMMITTEES.**

117. Every Private Bill, after its second reading, is referred to one of the Standing Committees on Private Bills; and all Petitions before the Senate, for or against such Bill, are considered as referred to such Committee. B. 749, 763, sq., 772.

Bill referred to Standing Committee, after second reading.

118. Any Private Bill from the House of Commons for which no petition has been received by the Senate, shall be taken into consideration and reported on by the Committee on Standing Orders in like manner as a petition, after the first reading of such Bill, and before its consideration by any other Standing Committee. B. 790, sqq.

Bill from Commons referred to S. O. Committee, where no petition.

119. No Committee on any Private Bill originating in the Senate (of which notice is required to be given), is to consider the same until after one week's notice of the sitting of such Committee has been posted up in the lobby; nor, in the case of any such Bill originating in the House of Commons, until after

Notice of sitting of committee, posted in lobby.

twenty-four hours' like notice. B. 766 (z), 770.

Private Bill
register.

120. A book, to be called the "Private Bill Register," shall be kept, in which book shall be entered by a clerk selected for the purpose, the names, descriptions and places of residence of the parties applying for Bills, or of their agents, and all the proceedings thereon, from the receipt of the Petition to the passing of each Bill; such entry to specify briefly each proceeding in the Senate, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book shall be open to public inspection, daily during office hours. B. 765.

Daily lists of
Bills referred
to committees,
hung up
in lobby.

121. The Clerk shall cause lists of all Private Bills, and Petitions relating thereto, to be prepared daily by the clerks of the committees to which the same are respectively referred; and the time when and the room wherein each committee is to meet shall be specified

in such lists, which shall be hung up in the lobby. B. 771.

122. All persons whose interests or property may be affected by any Private Bill, shall, when required to do so, appear before the Select Committee to which such Bill is referred, touching their consent, or may send such consent in writing, proof of which may be required by the Committee. And in every case the Committee upon any Bill for incorporating a company may require proof that the persons whose names appear in the Bill, as composing the company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated. B. 773.

Certain points to be inquired into by committee.

123. All questions before Committees on Private Bills are decided by a majority of voices, including the voice of the chairman; and whenever the voices are equal, the decision shall be deemed to be in the negative. B. 771.

Voting in committees.

REPORTS OF COMMITTEES.

Provisions
not in
notice.

124. It is the duty of the Committee to which any Private Bill has been referred by the Senate, to call the attention of the Senate specially to any provision inserted in such Bill, which does not appear to have been contemplated in the notice for the same as reported upon by the Committee on Standing Orders. B. 779.

Duty of
Law Clerk to
report on.

It is the duty of the Law Clerk to report, for the information of the Committee, on any such provision.

Committee
must report.

125. The Committee to which a Private Bill has been referred shall report the same to the Senate, in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration and the reasons for the same, are to be stated in the Report. B. 778, 783.

When pre-
amble not
proved.

126. When the Committee on any Private Bill report to the Senate that the Preamble of such Bill has not been proved to their satisfaction, they must

also state the grounds on which they have arrived at such decision; and no Bill so reported on shall be placed on the Orders of the Day, unless by special order of the Senate. B. 776, sqq.

127. The Chairman of the Committee shall sign with his name at length, a printed copy of the Bill, on which the amendments are fairly written, and shall also sign with the initials of his name, the several amendments made and clauses added in Committee, to be attached to the Report; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and filed. B. 776.

Bill reported,
how authen-
ticated.

**PRIVATE BILLS AFTER REPORT OF
COMMITTEE.**

128. Unless the Senate otherwise orders, a Private Bill reported from a Standing or Special Committee is not committed to a Committee of the Whole. B. 785.

Private Bill
not usually
committed.

Not read
third time
when re-
ported.

129. No Private Bill shall be read a third time the same day on which it is reported from a Committee. B. 785.

Notice of
amend-
ments.

130. No important amendment may be proposed to any Private Bill, in a Committee of the Whole, or at the Third Reading of the Bill, unless notice of the same shall have been given on a previous day. B. 787, sq.

COMMONS' AMENDMENTS.

Commons'
amend-
ments.

131. When any Private Bill is returned from the House of Commons with amendments, the same not being merely verbal or unimportant, such amendments are, previous to their second reading, referred to a Committee of the Whole, or to the Select Committee to which such Bill was originally referred. B. 787, 794.

UNPROVIDED CASES.

Rules as to
public Bills
to apply.

132. Except as herein otherwise provided, the rules relating to Public Bills apply to Private Bills.

*** DIVORCE.**

133. All petitions for divorce and all matters arising out of petitions for, or bills of divorce, shall be referred to the Standing Committee on Divorce, and no reference to any Committee other than that Committee shall be necessary with respect to such petitions, bills and matters. B. 800, sq.

Petitions, &c., referred to Committee on Divorce.

Notice of the day, hour and place of every sitting of the Committee shall be given by posting up the same in the lobby of the Senate not later than the afternoon of the day before the time appointed for such sitting. B. 807.

Notice of meetings of Committee.

134. The Official Reporters of The Senate, or one of them, when notified by the Chairman, shall be in attendance at each sitting of the Committee, and, having first been duly sworn to discharge faithfully such duty, shall take down in shorthand and afterwards extend the evidence of witnesses ex-

Reporting and printing of evidence.

* The radical changes made in the procedure respecting Divorce by the Rules of 1906 have rendered Chapter XIX. of Bourinot, "Divorce Bills," of little practical value.

amined before the Committee, which evidence shall be printed under the supervision of the Clerk of the English Journals. B. 807.

Evidence,
how printed.

135. Evidence taken before the Committee shall be printed apart from the Minutes of Proceedings of the Senate, and only in sufficient numbers for the use of Senators and Members of the House of Commons, that is to say, one copy for distribution to each Senator or Member, ten copies for the parties and their counsel, and twenty-five copies to be kept by the Clerk of the Senate for purposes of record and reference. B. 815.

Notice of
application,
how given.

136. Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom and for what cause such divorce is sought, and shall cause such notice to be published during at least three months before the consideration by the Committee on Divorce of his or her petition for the said Bill, in the *Canada Gazette* and in two news-

papers published in the district in Quebec, Manitoba, Saskatchewan, Alberta, British Columbia or the Northwest Territories, or in the county or union of counties in other provinces, wherein such applicant usually resided at the time of the separation of the parties; but if the requisite number of papers cannot be found therein, then in an adjoining district or county or union of counties.

Notices given in the Provinces of Quebec and Manitoba are to be published in one English and one French newspaper, if there be such newspapers published in the district, but otherwise shall be published in one newspaper in both languages. The notice may be in the subjoined form "A." If a notice given for any session of Parliament is not completed in time to allow the petition to be dealt with during that session, the petition may be presented and dealt with during the next ensuing session, without any further publication of such notice. B. 802.

Provisions
as to notice.

Service of
Notice and
Petition on
respondent.

137. A copy of the said notice and a copy of the petition to be presented shall, at the instance of the applicant, and not less than two months before the consideration by the Committee of the petition, be served personally, when that can be done, on the person from whom the divorce is sought, who is hereinafter called "the respondent."

If the residence of the respondent is not known or personal service cannot be effected, then, if it be shown to the satisfaction of the Committee that all reasonable efforts have been made to effect personal service, and, if unsuccessful, to bring such notice and petition to the knowledge of the respondent, what has been done may be deemed and taken by the Committee as sufficient service. B. 803.

Petition,
when
received.

138. No petition for a Bill of divorce shall be presented to the Senate after the first sixty days of the Session. B. 805.

139. The petition of an applicant for a Bill for divorce must be fairly written and must be signed by the petitioner, and should briefly set forth the marriage, the names in full of the parties thereto, their ages and occupations, when, where and by whom the ceremony was performed, the domicile and residence of each of the parties at the time of the marriage, their matrimonial domicile, residence, and any change thereof, the material facts upon which the petitioner relies as the grounds on which relief is asked, and the nature of the relief prayed for.

Form and contents of Petition.

The petition should also negative connivance at, or condonation of the wrong complained of and collusion in the application for divorce.

2. The allegations of the petition must be verified by declaration of the petitioner, under the *Canada Evidence Act*. B. 805.

Allegations, how verified.

3. The copy of the petition served upon the respondent shall have endorsed

Copy served, how endorsed.

thereon, or appended thereto, the following information:—

(1) The petitioner's residence at the time of service.

(2) A Post Office address in Canada at which letters and notices for the petitioner may be delivered.

(3) The name and address of the solicitor, if any, acting for the petitioner.

(4) If such solicitor's address is not at Ottawa, the name and address of some agent for him at Ottawa, upon whom all notices and papers may be served.

(5) That if the respondent desires to oppose the granting of the divorce and to be heard by the Senate Committee on Divorce, the respondent must send a notice to that effect to the Clerk of the Senate at the Parliament Buildings, Ottawa, within two months from the date of service upon the respondent, and must in the notice to the Clerk of the Senate give:—

(a) The respondent's residence at the time of sending such notice.

(b) A Post Office address in Canada at which letters and notices for the respondent may be delivered.

(c) The name and address of the solicitor, if any, acting for the respondent.

(d) If such solicitor's address is not at Ottawa, the name and address of some agent for him at Ottawa upon whom all notices and papers may be served.

(e) That, if the respondent does not so notify the Clerk of the Senate, the petition may be considered, and a Bill of divorce founded thereon may be passed, without any further notice to the respondent.

(f) When the petition is one by a husband for a divorce from his wife, that, if the wife shows to the satisfaction of the Senate Committee on Divorce that she has, and is prepared to establish upon oath, a

good defence to the charges made by the petition, and that she has not sufficient money to defend herself, the Committee may make an order that her husband shall provide her with the necessary means to sustain her defence, including the cost of retaining Counsel and the travelling and living expenses of herself and of witnesses summoned to Ottawa on her behalf. B. 804 (*t*), sqq.

Deposit of
fees.

140. No petition for a Bill of divorce shall be considered by the Committee unless the applicant has paid into the hands of the Clerk of the Senate the sum of two hundred dollars, towards expenses which may be incurred during the proceedings upon the petition and the Bill, and also the sum of ten dollars to pay for translating and printing 600 copies of the Bill in English and 200 copies in French. The translation shall be made by the translators of the Senate, and the said sums shall be subject to the order of the Senate. B. 804.

141. The petition when presented to the Senate shall be accompanied by the evidence of the publication of the notice as required by Rule 136, and by declaration in evidence of the service of a copy of the notice and of a copy of the petition as provided by Rule 137. The petition, notice, and evidence of publication and service, and all papers connected therewith, shall thereupon stand as referred, without special order to that effect, to the Standing Committee on Divorce.

Petition,
&c., referred
to Committee.

A copy of every petition for a Bill of divorce, or relating to any matter arising out of an application for divorce, and of every document and paper accompanying such petition or produced in evidence before the Committee, shall be furnished to the Committee by the person on whose behalf the petition, document or paper is presented or produced. B. 806.

Copies of
petition,
&c., furnished
to committee.

142. The Committee shall examine the notice of application to Parliament, the petition, the information endorsed

Committee
to examine
papers.

upon or appended to the petition, the evidence of publication of the notice, the evidence of the service of a copy of the notice and of a copy of the petition, all other papers referred with the petition, and also the notice, if any, given by the respondent to the Clerk of the Senate.

Defective
proof.

2. If any proof is found by the Committee to be defective, it may be supplemented by statutory declaration to be laid before the Committee.

Substi-
tutional
service.

3. If the circumstances of the case seem so to require, the Committee, before proceeding to hearing and inquiry as hereinafter required, may make such order as to the Committee seems requisite and just for effecting substitutional service by advertisement, registered letter, or otherwise, upon both or either of the parties.

Non-com-
pliance with
rules, &c.

4. If the requirements of these rules, or of any order made thereunder by the Committee, have not been complied with in any material respect, the Committee shall report thereon to the

Senate, and shall not, without further order from the Senate, proceed to hear and inquire into the matters set forth in the petition.

5. If the requirements of these rules or of any order made thereunder by the Committee, have been complied with in all material respects, the Committee shall, after reasonable notice to the parties, proceed with all reasonable despatch to hear and to inquire into the matters set forth in the petition and shall take evidence upon oath touching the right of the petitioner to the relief prayed for. B. 807.

When rules complied with, Committee to hear evidence.

143. After such hearing and inquiry the Committee shall report to the Senate, stating whether the requirements of these rules have been complied with in all material respects; and, if it shall have been then found that any such requirement has not been so complied with, stating in what respect there has been default, and also stating the conclusions arrived at and the action recommended by the Committee.

Report by Committee.

Evidence reported.

2. The report shall be accompanied by the testimony of the witnesses examined, and by all documents, papers and instruments referred to the Committee by the Senate or received in evidence by the Committee.

Draft Bill reported.

3. If the report recommends the granting of relief to the petitioner it shall also be accompanied by a draft, approved by the Committee, of a Bill to effect such relief.

Minority report.

4. The minority may bring in a report stating the grounds upon which they dissent from the report of the Committee. B. 809, 814, sq.

Introduction of Bill.

144. Upon the adoption of the report of the Committee, the Bill may be presented and read a first time; and thereafter no further reference of the Bill to the Committee shall be necessary, unless so ordered by the Senate.

Connivance, condonation, collusion, &c.

145. If adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove connivance at, or condonation of

the adultery, collusion in the proceedings for divorce, or adultery on the part of the petitioner.

Connivance at, or condonation of the adultery, or collusion in the proceedings for divorce, is always a sufficient ground for rejecting a Bill of Divorce, and shall be inquired into by the Committee. And should the Committee have reason to suspect connivance or collusion, and in their opinion it is desirable that fuller inquiry should be made, such opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the bill should the interest of public justice in his opinion call for such intervention. B. 812, sq.

When Minister of Justice may intervene.

146. The petitioner, the respondent and, if the Committee sees fit, any other person affected by the proceedings had, may be heard before the Committee in person or by counsel learned in the law of the bar of any province in Canada. B. 813.

Parties may be heard.

Evidence
taken under
oath.

147. The petitioner and, if the respondent appears, the respondent, and all witnesses produced before the Committee shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the law of evidence shall, subject to the provisions in these rules, apply to proceedings before the Committee, and shall be observed in all questions of fact.

Declarations.

2. Declarations allowed or required in proof, may be made under the *Canada Evidence Act*. B. 811, sq.

Witnesses,
how sum-
moned.

148. Summonses for the attendance of witnesses and for the production of papers and documents before the Senate or the Standing Committee on Divorce shall be under the hand and seal of the Speaker of the Senate, and may be issued by the Clerk of the Committee, at any time after the date of the hearing has been appointed, to the party applying therefor.

Such summonses may be served by any literate person, or, if so ordered by the Senate or by the Committee on Divorce, shall be served by the Gentleman Usher of the Black Rod or by any one authorized by him to make such service.

Summonses,
how served.

The reasonable expenses of making such service and the reasonable expenses of every witness for attending in obedience to such summons shall be taxed by the Chairman of the Committee. B. 813.

Fees, how
taxed.

149. In case any witness upon whom such summons has been served refuses to obey the same, such witness may by order of the Senate be taken into custody of the Gentleman Usher of the Black Rod, and shall not be liberated from such custody except by order of the Senate and after payment of the expenses incurred. B. 814.

Witness dis-
obeying sum-
mons.

150. The subjoined forms, varied to suit the circumstances of the case, or forms to the like effect, may be used in proceedings for divorce.

Forms.

Rules of
Senate to
apply.

151. All rules of the Senate which by reasonable intendment, are applicable to proceedings in divorce, shall, except in so far 'as altered or modified by these rules, or inconsistent therewith, apply to such proceedings. B. 816, sq.

Unprovided
cases.

152. In cases not provided for by these rules the general principles upon which the Imperial Parliament proceeds in dissolving marriage and the rules, usages and forms of the House of Lords in respect of divorce proceedings may, so far as they are applicable, be applied to divorce proceedings before the Senate and before the Standing Committee on Divorce. B. 817.

A.

Divorce Forms.

NOTICE OF APPLICATION FOR DIVORCE.

Notice is hereby given that (*name of applicant in full*) of the
of _____, in the county (*or district*)
of _____, in the Province of _____

(or in the Northwest Territories or as the case may be), (here state the addition or occupation, if any, of applicant, and the residence of the applicant if it is not in the same place as the domicile of the applicant), will apply to the Parliament of Canada, at the next session thereof, for a Bill of Divorce from his wife (or her husband), (here state names in full, residence and addition or occupation, if any, of the person from whom the divorce is sought), on the ground of (adultery, adultery and desertion, or as the case may be).

Dated at , }
Province of , } *Signature of ap-*
day of , 19 . } *plicant or of*
 } *solicitor for*
 } *applicant.*

(When any particular relief is to be applied for, the nature thereof should be briefly indicated in the notice.)

B.

DECLARATION AS TO SERVICE OF NOTICE
WHEN MADE PERSONALLY.

Province of _____ } I, A. B., of the
 County (or dis- } of _____, in the
 trict) of _____ } county (or dis-
 _____ } trict) of _____,
 To Wit: _____ } in the Province
 _____ } of _____,

(*occupation*) do solemnly declare:—

1. That on the _____ day of _____, A.D. 19____, I served C. D. (*name of person served*) personally with a true copy of the notice hereto attached and marked "A," by giving the said copy to, and leaving it with the said C. D. at (*state place of service, with particularity as to street, number of house, or other detail*).

2. That I know the said C. D., and that I believe him (*or her*) to be the person described in the said notice as the husband (*or wife*) of E. F., therein named.

(Add any statements made by the person served to the person effecting the service, showing identity.)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the *Canada Evidence Act*.

Declared before me at the	}	<i>Signature of declarant.</i>	
of			in the
county of			, in the
Province of			,
this			day of
A.D. 19 .			

NOTE.—*Exhibits attached to the declaration should be verified under the hand of the public functionary before whom the declaration is made.*

C.

GENERAL FORM OF PETITION.

To the Honourable the Senate of Canada in Parliament assembled:

The petition of A. B., of the
of , in the county of ,
in the Province of , and

at present residing at _____, the lawful husband (or wife) of C. D., of, &c., (*state names in full, domicile, actual residence and occupation*).

Humbly showeth:

1. That on or about the _____ day of _____ A.D. 19 _____, your petitioner, (*if the wife is the petitioner state with particularity her maiden name and residence: if she had been married before the marriage which she seeks to dissolve, state with particularity the circumstances and her name*) was lawfully married to the said C. D. at _____

2. That the said marriage was by license duly obtained (*or as the case may be*) and was celebrated by _____

3. That at the time of the said marriage your petitioner and the said C. D. were domiciled in Canada, and have ever since continued to be and are now domiciled in Canada.

(*All facts as to the residence and domicile of the parties at the time of their marriage and as to any change*

of residence or domicile since their marriage should be stated with particularity.)

4. That after said marriage your petitioner lived and cohabited with said at , and that there are now living issue of the said marriage children, viz.: Mary D., born the day of A.D. 19 , and Elizabeth D., born the day of , A.D. 19 , (*or as the case may be.*)

3. That on or about the day of , A.D. 19 , at the in the , the said C. D. committed adultery with one G. H. of , and since then on divers occasions has committed adultery with said G. H.

6. That your petitioner ever since discovered that the said had committed the said adultery has lived separate and apart from and the said C. D. has not since cohabited with your petitioner.

7. That your petitioner has not in any way connived at, or condoned the adultery committed by the said C. D.; and that no collusion exists between your petitioner and the said C. D. to obtain a dissolution of their said marriage.

Your petitioner therefore humbly prays:

That your Honourable House will be pleased to pass an Act dissolving the said marriage between your petitioner and the said C. D. and enabling your petitioner to marry again, and granting your petitioner such further and other relief in the premises as to your Honourable House may seem meet.

And as in duty bound your petitioner will every pray.

Signature of Petitioner.

D.

DECLARATION VERIFYING PETITION.

Province of _____ } I, A. B., of the
 County (or dis- } of _____, in the
 trict) of _____ } county of _____, in
 } the province of
 To Wit: } _____, (occupation,
 } if any.) In the

case of the wife being the applicant, say "wife of C. D.," and give names, residence and occupation or addition of the husband), the petitioner in the foregoing petition named, do solemnly declare:—

1. That, to the best of my knowledge and belief, the allegations contained in the paragraphs of the foregoing petition, numbered respectively _____, are, and each of them is true.

2. (If any matter is alleged, of which the petitioner has not personal knowledge, add, "That, with respect to the matters alleged in the paragraphs of the foregoing petition, numbered re-

spectively , I am credibly informed and believe them, and each of them, to be true.”)

And I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of the *Canada Evidence Act*.

Declared before me at the	} Signature of declarant.
of in the	
county of , in the	
Province of , this	
day of , A.D. 19 .	

E.

INFORMATION TO BE ENDORSED ON, OR
APPENDED TO THE COPY OF THE
PETITION SERVED UPON THE
RESPONDENT.

To (*Respondent's name*).

In accordance with Rule 139 of the “Standing Orders and Rules of the Senate” you are hereby informed that:

1. (*Petitioner's name*), the Petitioner, is now residing at No. _____ Street, in the City of _____, in the Province of _____ (or in the State of _____, U.S.A., or as the case may be.)

2. Letters and notices for (*Petitioner's name*) may be delivered by sending them to the following address:

(*Post Office Address in Canada to be given.*)

3. The name and address of the solicitor acting for (*Petitioner's name*) are as follows:—
(*Give full particulars.*)

4. All notices and papers to be served upon (*Petitioner's name*) in this matter may be so served by serving them upon (*give full particulars of the name and address of some agent in the City of Ottawa.*)

5. If you desire to oppose the granting of the Divorce prayed for by the

petition of which the within written (or hereto annexed) document is a true copy, you must within two months from the date when this copy is served upon you send a notice to that effect to the Clerk of the Senate of Canada, Parliament Buildings, Ottawa, Canada, and in that notice you must give the following particulars:—

(a) Your actual residence at the time of sending the notice.

(b) A post office address in Canada at which letters and notices for you may be delivered.

(c) The name and address of your solicitor, if any is acting for you.

(d) If you have a solicitor, but his address is not at Ottawa, Canada, you must give the name and address of an agent at Ottawa, Canada, upon whom all notices and papers may be served.

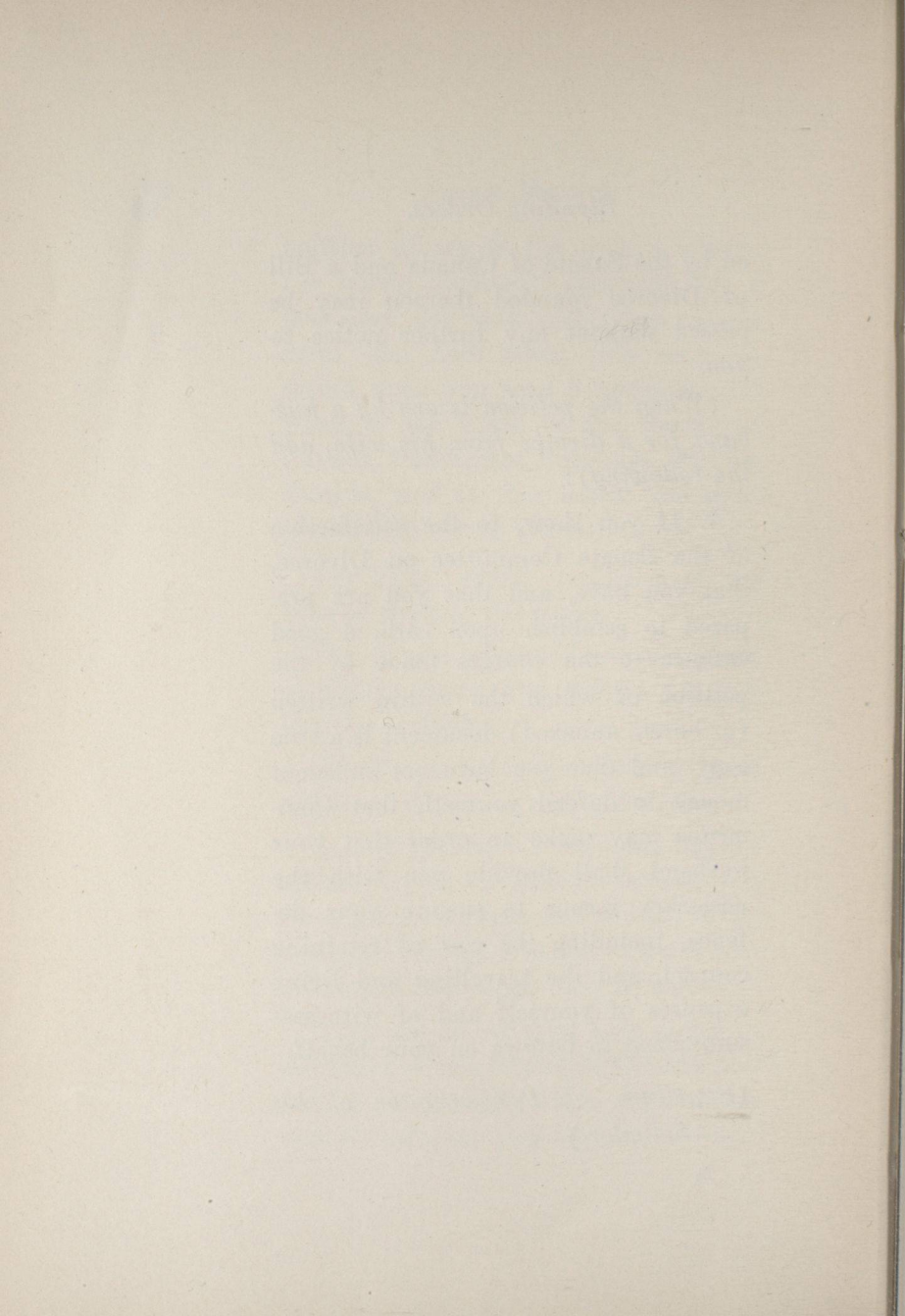
6. If you do not send such notice to the Clerk of the Senate of Canada and with the above particulars, the Petition now served upon you may be consider-

ed by the Senate of Canada and a Bill of Divorce founded thereon may be passed without any further notice to you.

(When the petition is one by a husband for a divorce from his wife, add the following):

7. If you show, to the satisfaction of the Senate Committee on Divorce, that you have, and that you are prepared to establish upon oath, a good defence to the charges made by the petition of which the within written (or hereto annexed) document is a true copy, and that you have not sufficient money to defend yourself, that Committee may make an order that your husband shall provide you with the necessary means to sustain your defence, including the cost of retaining counsel, and the travelling and living expenses of yourself and of witnesses summoned to Ottawa on your behalf.

(Signature of Petitioner or of his Solicitor.)



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FORMS OF PROCEEDING
OF THE
SENATE OF CANADA

OPENING OF PARLIAMENT.

FIRST DAY OF NEW PARLIAMENT.

1. On the day appointed by Proclamation for the opening of a New Parliament for the Despatch of Business, thirty minutes before the hour named by the Governor General for coming to the Senate Chamber, His Honour the Speaker leaves his room, with his staff in the following order:—

Speaker's entrance on first day.

1st. The Gentleman Usher of the Black Rod, carrying the Black Rod.

2nd. The Sergeant-at-Arms, bearing the Mace.

3rd. His Honour the Speaker, with the Clerk on his right and the Deputy Clerk on his left.

4th. The Clerk Assistant.

After entering the Chamber, they all bow to the Throne. The Speaker then takes the Chair which has been placed below the Throne, first bowing right and left to the Senators in attendance. M. 149. After this, prayers are said.

It is only at the opening of a Session of Parliament that the Clerks at the Table (*i.e.*, the Clerk, Deputy Clerk, and Clerk Assistant) accompany the Speaker into the Chamber.

New
Speaker
inaugurated.

2. If the Speaker is newly appointed, he takes the Clerk's chair, the Sergeant-at-Arms with the Mace standing to his left and rear. The Speaker then rises and, holding his Commission in his hand, says: "Honourable Gentlemen,—I have the honour to inform the Senate, that a Commission has been issued under the Great Seal, appointing me Speaker of the Senate." He then hands the Commission to the Clerk to be read at the Table, and does not sit down until after it is read.

The Honourable the Speaker is then conducted to the Chair, below the Throne, by two Senators, the Gentleman Usher of the Black Rod preced-

ing, and the Mace is laid upon the Table. B. 176-8.

3. When a Commission has been issued appointing a new Clerk of the Senate, His Honour the Speaker informs the Senate thereof, and the Commission is then read and ordered to be spread upon the Journals. After the Commission is read—

New Clerk
of Senate.

His Honour the Speaker says, “By the usage of Parliament the Clerk of the Senate is required to take the oath of office before the Honourable the Speaker of the Senate.”

The Clerk then takes and subscribes the oath in the following words, which are read by the Speaker:—

“Ye shall be true and faithful, and
“troth ye shall bear to Our Sovereign
“Lord King Edward, by the Grace of
“God, of the United Kingdom of Great
“Britain and Ireland, and of the
“British Dominions beyond the Seas,
“King, and to His Heirs and Suc-
“cessors; Ye shall nothing know that
“shall be prejudicial to His Highness,
“the Crown, Estate, and Dignity
“Royal, but that you shall resist it to
“your power, and with all speed you
“shall advertise His Excellency the

“Governor General thereof, or at least
“some of His Council, in such wise
“as the same may come to His know-
“ledge. Ye shall also well and truly
“serve His Highness in the Office
“of Clerk of the Senate of Canada, to
“attend upon the Senate of this
“Dominion, making true entries and
“records of the things done and
“passed in the same. Ye shall keep
“secret all such matters as shall be
“treated in the said Senate, and not
“disclose the same before they shall be
“published, but to such as they ought
“to be disclosed unto; and generally
“Ye shall well and truly do and exe-
“cute all things belonging to you to be
“done appertaining to the Office of
“Clerk of the said Senate. As God
“you help.”

His Honour the Speaker then informs the Senate that Commissions under the Great Seal have been issued to.....as a Master in Chancery and as a Commissioner to administer the Oath of Allegiance or Qualification to Members of the Senate.

The Commissions are then read by the Clerk and ordered to be put upon the Journals. B. 177-8.

4. The Speaker, rising, says: “Honourable Gentlemen,—I have the honour to inform the Senate that the Clerk has received a certificate (or certificates) from the Clerk of the Crown in Chancery, showing that the Honourablehas, (or have) been summoned to the Senate.” B. 176-7, 202.

Appoint-
ments of
Senators
announced.

5. If newly appointed Senators are below the Bar, waiting to be introduced, the Speaker says: “Honourable Gentlemen,—I have the honour to inform you that there is a Senator (or are Senators) without, waiting to be introduced,”—and then sits down. B. 203.

Attendance
of new
Senators
announced.

6. The new Senator comes up to the Clerk’s Table, escorted by two Senators, and his Letters Patent being read, he takes the Oath of Allegiance, which is administered by the Clerk as a Commissioner under Section 128 British N. A. Act, 1867, signs the roll, and then goes to the Speaker, who rises to shake hands, and congratulating him, requests him to take his seat.

Introduction
of Senators.

After which His Honour the Speaker says: “Honourable Gentlemen,—I have the honour to inform the Senate

“that the Clerk has laid upon the Table the certificate of one of the Commissioners setting forth that the Honourable. . . . has made and subscribed the Declaration of Qualification required by the *British North America Act, 1867.*”

This function is repeated in the case of every newly appointed Senator, when introduced. M. 152-4; B. 176-7, 203.

Communi-
cation from
Governor
General.

7. If the Speaker has received a communication from the Governor General's Secretary, relative to the opening of the Session, he rises and says: “Honourable Gentlemen,—I have the honour to inform the Senate that I have received a communication from the Governor General's Secretary in the following words:” (He reads it.) B. 176.

Senate
adjourns
during
pleasure.

8. If there is nothing more to be communicated to the Senate, the Speaker says: “As there is no business before the Senate, is it your pleasure, Honourable Gentlemen, that the Senate do now adjourn during pleasure?” He leaves the Chair, waiting for a moment in case a Senator should have

some business to bring before the Senate. He then takes his seat at the right of the Throne, the Sergeant-at-Arms standing at his left with the Mace. On the approach of His Excellency (or of the Deputy Governor) the Sergeant-at-Arms calls out, "Order." B. 177.

9. His Excellency (or the Deputy Governor) being come, all rise and do not sit down until he has taken his seat. The Speaker bows to him, and addressing the Usher, says: "Gentleman Usher of the Black Rod,—You will proceed to the House of Commons and acquaint that House, that it is His Excellency the Governor General's pleasure (or the Deputy Governor's desire), that they attend him immediately in the Senate Chamber," and he bows again to His Excellency (or to the Deputy Governor). R. 6; B. 177.

Entrance
of Governor
or Deputy.

10. The Members of the Commons having arrived, if His Excellency is represented by a Deputy, the Deputy Governor's Commission is delivered to the Clerk of the Senate, and by him read and placed upon the Journal. Then the Speaker of the Senate, bow-

Commons
directed to
choose a
Speaker.

ing to His Excellency (or to the Deputy Governor), says:—

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

“ I have it in command to let you
 “ know that His Excellency the Gov-
 “ ernor General does not see fit to de-
 “ clare the causes of his summoning
 “ the present Parliament of Canada,
 “ until a Speaker of the House of Com-
 “ mons shall have been chosen, accord-
 “ ing to law; but, to-morrow, at the
 “ hour of three o’clock in the after-
 “ noon, His Excellency will declare the
 “ causes of his calling this Parlia-
 “ ment.”

Governor
 or Deputy
 retires.

His Excellency (or the Deputy Governor) retires first, then the Commons. M. 150; 152; B. 181.

Adjourn-
 ment of
 Senate.

11. As there is nothing now before the Chair, the Speaker usually requests the Leader, or the senior member, to move the adjournment. When the Senate is to meet at any other time than three o’clock p.m., being the hour appointed by Rule 7, the following motion must first be put, thus: “ It is

“moved by the Honourable Mr.....,
“seconded by the Honourable Mr.....,
“that when the Senate adjourns this
“day, it do stand adjourned until to-
“morrow, at half-past two o’clock in
“the afternoon. Those who are in fa-
“vour of the motion will say ‘Con-
“tent’; those who are against it will
“say ‘Not Content.’—Carried.”

The motion being carried, he says:
“It is now moved, Honourable Gentle-
“men, that the Senate do now adjourn.
“Those in favour of the motion will
“say, ‘Content,’ those opposed, ‘Not
“content.’ (A pause.) Carried.” Then
he adds: “Pursuant to the order of
“your Honourable House, I declare
“the Senate continued until to-morrow,
“at half-past two o’clock in the after-
“noon, the Senate so decreeing.” He
then takes his hat, bows to Senators
on his right and left, descends the steps,
and turning to the Throne, bows and
retires, preceded by the Usher and the
Sergeant-at-Arms; and before entering
his Drawing Room he turns to dismiss
them. R. 6.

SECOND DAY OF NEW PARLIAMENT.

Entrance of
Speaker and
of Governor
General.

12. The Speaker enters the Chamber as on the first day, and takes the Chair below the Throne; then newly appointed Senators may be introduced (see page 109). While waiting for His Excellency the Senate may be adjourned during pleasure, as described on pages 110-1; the Speaker's Chair is then moved to the right of the Throne. Notice being given of His Excellency's approach, the Sergeant-at-Arms calls out, "Order." M. 171.

Commons
summoned.

13. His Excellency being come, all present rise and do not sit down until His Excellency says: "Be seated," or "Please be seated." When all are seated, the Speaker rises, raises his hat, bows to His Excellency, and says: "Gentleman Usher of the Black Rod, —You will proceed to the House of Commons, and acquaint that House that it is His Excellency's pleasure they attend him immediately in the Senate." He then bows again to His Excellency, and resumes his seat. R. 6; M. 172, 173; B. 177.

Address of
Speaker of
Commons.

14. The House of Commons being come, their Speaker says:—

“MAY IT PLEASE YOUR EXCELLENCY:

“The House of Commons have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

“If in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am, and who through me, the better to enable them to discharge their duty to their King and country, humbly claim all their undoubted rights and privileges, especially that they may have freedom of speech in their debates, and access to Your Excellency’s person at all seasonable times, and that their proceedings may receive from Your Excellency the most favourable interpretation.” M. 156; B. 184.

15. The Honourable the Speaker of Senate then rises, and bowing to His Excellency, says:

Governor recognizes privileges of Commons.

“Mr. SPEAKER,—I am commanded by His Excellency the Governor General to declare to you that he freely confides in the duty and attachment of the House of Commons to His Majesty’s Person and Government;

“and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges. I am commanded, also, to assure you that the Commons shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction.” M. 156; B. 184-5.

Case of new
Speaker of
Commons
during
Parliament.

16. As the rights and privileges of Parliament are only asked once during the same Parliament, in case a vacancy shall have occurred in the office of Speaker, the new Speaker of the Commons says:—

“MAY IT PLEASE YOUR EXCELLENCY:

“The House of Commons have elected me as their Speaker, though I am but little able to fulfil the important duties thus assigned to me.

“If in the performance of those duties, I should at any time fall into error, I pray that the fault may be imputed to me, and not to the Commons, whose servant I am.”

To which the Honourable the Speaker of the Senate makes answer:—

“ Mr. SPEAKER,—I am commanded by His Excellency the Governor General to assure you that your words and actions will constantly receive from him the most favourable construction.”

17. His Excellency now reads the Speech in both languages, after which his Secretary delivers one copy to the Speaker of the Senate, and one to the Speaker of the Commons. When receiving the Speech the Speaker does not rise, but bows. M. 172-3; B. 178.

Speech from throne.

18. His Excellency retires, and then the Commons. Ten minutes are allowed to ladies and strangers to withdraw from the floor. R. 6; M. 173-4.

Governor and public retire.

19. Prayers are then read by the Speaker. M. 171.

Prayers.

20. The Leader presents to the House a Bill *pro formâ*, intituled, “An Act relating to _____,” (R. 6). The said Bill is read the first time, and then the Speaker reports the Speech from the Throne thus: “ Honourable Gentlemen,—I have the honour to inform you that His Excellency has

Bill *pro formâ*.
Speech reported.

“caused to be placed in my hands a
“copy of his Speech delivered this day
“from the Throne to the two Houses
“of Parliament. It is as follows:—

“Honourable Gentlemen, &c.,” the
Speaker having read a few lines, hears
the word *dispense*. He says: “Hon-
“ourable Gentlemen, is it your plea-
“sure to *dispense* with the reading at
“length of His Excellency’s Speech?”
and sitting down, sends the copy to the
Clerk. The Clerk beginning also to
read it, is interrupted in the same way,
and sits down. M. 174-5; B. 178.

Day
appointed
for consid-
eration of
Speech.

21. The Leader of the House now
moves: “That the Speech be taken into
“consideration on.....;” and the
Speaker says: “It is moved, Honour-
“able Gentlemen, by the Honourable
“....., seconded by....., That (read-
“ing the motion). Those who are in
“favour of the motion will say ‘Con-
“tent;’ those who are against it will
“say ‘Not content.’ The Contents
“have it.” R. 6; B. 178.

CONSIDERATION OF SPEECH FROM THRONE.

Address in
reply to
Speech.

22. When the Order of the Day for
the consideration of the Speech is

called, and the mover and seconder having enlarged on the Speech, the motion for the Address in reply is proposed, the Speaker says: "Honourable Gentlemen, it is moved by the Honourable....., seconded by the Honourable....., That, &c." M. 175; B. 178-9.

23. The debate upon the Address may be continued from day to day; and in the event of an amendment being moved the Speaker says: "Honourable Gentlemen. It is in amendment moved by..., seconded by..., That (reading the motion)." The question is then put on the amendment.—"Is it your pleasure, &c." "Contents or Non-Contents have it," as the case may be. The Address in reply being adopted, the Speaker says: "Ordered, That the said Address be presented to His Excellency the Governor General by such Members of this House as are Members of the Privy Council." M. 175; B. 179.

Debate on Address.

Address adopted.

COMMITTEES APPOINTED.

24. It is moved by the Honourable Mr....., seconded by the Honourable Mr....., "That all the Senators pre-

Committee on Privileges.

“sent during this Session be appointed
 “a Committee to consider the orders
 “and customs of the Senate and privi-
 “leges of Parliament, and that the
 “said Committee have leave to meet in
 “the Senate Chamber, when, and as
 “often as they please.” R. 6.

Committee
 of Selection.

25. (a) At the commencement of each Session, a Committee of Selection, consisting of nine Senators, is appointed to nominate the Senators to serve on the Joint Committees and on the Standing Committees. R. 77; M. 398, 400; B. 529.

Joint Com-
 mittees.

(b) The Joint Committees on the Library and on the Printing of Parliament having been appointed, His Honour the Speaker says: “Is it your
 “pleasure, &c., &c.—Carried.”

Ordered, That the said Resolution be communicated to the House of Commons by one of the Masters in Chancery. B. 530-1.

Other Joint Committees may be appointed and initiated in the Commons; (see Sen. J. 24, p. 96, 29, p. 111) or in the Senate (Sen. J. 23, p. 58, and 29, p. 111. M. 421, sqq.; B. 401.

(c) A special committee has no power to send for persons, papers or records, without the express authority of the Senate. M. 406; B. 532. Limitation
to power of
Committee.

(d) An instruction empowers a committee to do what without such instruction it could not do. M. 383, 400, sq., 423, 478, sqq., 481, sqq., 731, sqq., 854; B. 546-7, 651, sqq. Instruc-
tions to
committees.

SEATS VACATED BY ABSENCE.

26. If the Clerk has put in the Speaker's hands a report that a Senator has been absent for two consecutive Sessions, the Speaker says: "Honour-able Gentlemen,—The Clerk of the Senate has placed in my hands the following communication," and reads it. R. 104; B. 201-2. Clerk
reports
absence.

The Leader moves (Sen. J. 11, p. 14, 25, p. 17, &c.), "That the report of the Clerk be referred to the Committee appointed to consider the Orders and Customs of the Senate and Privileges of Parliament; the Committee to meet . . . at a quarter to three o'clock, P.M., in the Senate Chamber." The Speaker then puts the question. "Those who are in favour of the motion will say 'Content,' those who are against Committee
on
Privileges
summoned.

“it ‘Not Content.’” “The Contents have it,” or simply “Carried.”

Adjourn-
ment.

CLOSE OF DAY'S BUSINESS.

27. The business of the day being disposed of, the Speaker requests the Leader or acting Leader of the Senate to move the adjournment. He then puts the question thus:—

“It is moved by the Honourable..
“, seconded by the, That
“ the Senate do now adjourn. Those
“ who are in favour of the motion will
“ say ‘Content;’ those who are against
“ it will say ‘Not Content.’ (A
“ pause.) Carried, or the ‘Contents’
“ have it. Pursuant to the Order of
“ your Honourable House, I declare
“ the Senate continued until, at
“ three o’clock in the afternoon, the
“ House so decreeing.”

Petitions,
&c. present-
ed.

28. Should any Senator offer to present any petitions or returns, before the adjournment, they ought not to be refused. Though it is more respectful to transact no business before the Address is adopted. M. 209.

Speaker
withdraws.

29. The Speaker then retires, bowing, as usual, to the Senators on both hands and to the Throne.

30. At the opening of a second or subsequent Session the proceedings are the same as at the first Session, omitting such parts of them as do not apply. B. 192. Subsequent Sessions.

DAILY ROUTINE BUSINESS.

OPENING OF SITTING.

31. The Speaker, preceded by the Usher and the Sergeant-at-Arms, enters the Chamber, takes the Chair, and reads prayers. Speaker's entrance.

32. Whenever the Speaker, from illness or other cause, finds it necessary to leave the Chair during the sitting of the Senate, he calls upon any Senator to take the Chair during the remainder of such sitting, or until he himself resumes the Chair before the Senate rises; but in the event of the Speaker being unavoidably absent and unable to attend the sitting of the Senate, the Clerk announces it at the Table, and the Senate chooses another Senator to preside as Speaker until the Speaker's return, or until another Speaker is appointed by the Governor General. R.'s 10, 11; M. 190; B. 265-6. Acting Speaker.

33. After prayers, all matters requiring discussion with closed doors, Closed doors.

Doors
opened.

are submitted. Should there be nothing, the Speaker says, addressing the Sergeant-at-Arms: "Let the doors "be opened," and thereupon the Sergeant communicates the order to the Door-keeper.

Speaker
calls items
on order
paper.

34. After the doors are opened and the Senators seated, the Speaker calls the several items of routine as they appear on the Order Paper. R. 19; B. 325.

Petitions
presented.

PETITIONS, &c.

35. Senators now present any petitions entrusted to them. During a debate, Senators are allowed to present petitions or papers relating to the debate, but only with the special leave of the Senate; and the Speaker always says: "Is it your pleasure?" R.'s 58, 59, 60, 108-112; M. 236, 524; sqq. 672; B. 340, 342.

Senators often take advantage of a lull in the business to present petitions or other papers, and introduce Bills, before the Orders of the Day are called. Such proceedings are, however, not allowed during a debate, except in the case of a petition referring to

the debate, as above.—[A Lord intending to address the House of Lords at “any length on a Petition, usually “gives notice of its presentation.” M. 531; B. 342-3.]

36. Petitions and Returns to be presented are sent to the Clerk for endorsement. Returns to Addresses and other papers may likewise be laid on the Table at the same time, but it is better to bring them up after the Reading of Petitions. [In the House of Lords; Returns to Orders or under Acts of Parliament are forwarded to the Clerk, and are entered in the Minutes or Journal, as if presented by some Cabinet Minister.] Regarding documents placed before the House by the Clerk, the Speaker is supposed to inform the House that such is the case, and an entry is made accordingly. M. 536, sqq.; B. 359-362.

Petitions,
&c., go to
clerk.

37. One sitting-day must intervene between the presenting and the reading of a Petition. A Petition is read and is then considered received. [In both Houses of the Imperial Parliament and in the Commons here, after the endorsement or prayer has been read, the

Petition,
when read.

Clerk pauses, holds up the Petition, and turns to the Speaker who says: "Shall this Petition be received?" The Clerk reads the next Petition, and the same formality is observed.

BILLS INTRODUCED.

Introduction
of Bills.

38. After the reading of Petitions, Senators introduce Bills. Advantage is often taken of a lull in the business to introduce Bills; but it is an understood Rule that they should only be introduced after the reading of Petitions. R.'s 61, 113; M. 461; B. 629.

REPORTS OF COMMITTEES.

Chairman
presents
Report.

39. The Speaker calls "Reports of Committees." All Reports are presented by the Chairmen of Committees, who also sign the same, and all marginal notes there may be. A Chairman, having said he is ready to present his Report, the Speaker says: "Is it your pleasure, Honourable Gentlemen, to receive the Report?" "Bring in the Report." After the Report has been received and read by the Clerk, the Chairman moves, either that the Report be now adopted, or that it be

Motion by
Chairman.

taken into consideration on a future day. R. 87; M. 420; B. 548, 553.

40. If the Report is on a Bill, a copy of the Bill, with the amendments, if any, signed by the Chairman, is annexed to the Report. R. 127.

Form of report on Bill.

41. If the Report contains a Bill without amendment, it stands adopted without any motion, and the Senator in charge of the Bill moves, that it be read the third time on a future day. R. 127; B. 553.

Without amendment.

If the Report contains a Bill with amendments, it is likewise ordered to be received, and if the amendments, after being read, being unimportant or merely formal, are not objected to or opposed, the Speaker, after the explanation of the Senator presenting the Report, says: "Is it your pleasure Honourable Gentlemen, to concur in the amendments to this Bill?—Those in favour of the motion, &c." "Contents have it," or "Carried." The Bill is then ordered for the third reading as amended, on some future day. If, however, the amendments are important or substantial, the consideration thereof is postponed to a future day (p. 128). R. 89; M. 398; B. 553.

With amendments.

Chairman's
explanation
postponed.

42. If the consideration of the Report is postponed to a future day, the Senator presenting the Report makes the necessary explanation on that day.

Adverse
report.

If the Report recommends that the Bill be not further proceeded with, the Chairman then simply moves: "That the Report be adopted." (See p. 126.)

Amendments
opposed.

If the amendments are opposed, the Speaker says: "Read the amendments."

Concurred
in.

The Clerk reads the first, and the Speaker puts the question of concurrence as above, dealing with the remaining amendments in the same way, *seriatim*.

Notice of
Third
reading.

43. The amendments being agreed to, it is moved that the Bill, as amended, be placed on the Order Paper to be read the third time, to-morrow, or later. R.'s 63, 129.

Suspension
of rules re-
commended.

44. If a Report recommends the suspension of certain rules with respect to a Bill, the Chairman moves the adoption of the Report; or the Senator in charge thereof moves that those rules be dispensed with, in so far as they relate to such Bill. R. 30.

45. Should the Senator in charge thereof not move during the sitting, "That the Rule or Rules be dispensed with," he will have to give notice that on a future day he will move "That the Rule or Rules be dispensed with, in so far as they relate to the Bill, intituled, &c., in conformity with the Report of the Committee on, &c., &c." R. 30.

Failure to move suspension of rules.

46. If the Senator in charge of a Bill fails to make the usual motion, the Speaker requests him to do so; and should the Speaker not know who has charge of the Bill, he says:—

If Senator fail to move.

"Will the Honourable Gentleman in charge of this Bill make the usual motion?" If no one does so, it is dropped, and can only be revived by a motion to that effect, which can be made without notice being given when the Speaker again calls "Reports of Committees."

47. Although the suspension of the Rules recommended to be dispensed with, by a Committee, is generally moved at the same sitting that the Report is presented, it is only by sufferance, and;

Motion to suspend rule, allowed by sufferance.

if such motion is objected to by a Senator, it will have to stand as a Notice of Motion. R. 30.

Report referred back to Committee.

48. A Report from a Committee may be referred back to them for reconsideration, (Sen. J. 25, p. 176, 215. Sen. J. 28, p. 85), or with instructions to reconsider, or amend, (Sen. J. 28, p. 239, 29, p. 90), or strike out clauses or add new ones. A Bill reported from a Committee may also be referred back in the same way, (Sen. J. 25, p. 215). B. 556.

NOTICES OF INQUIRIES AND OF MOTIONS.

Speaker calls Notices of Inquiries and Motions.

49. After all Reports are presented, or if none are presented, the Speaker calls "Notices of Inquiries and of Motions." M. 420, sq.

Two days' notice of certain inquiries and motions.

50. The Motions and Inquiries enumerated in Rule 23 require at least two days' previous notice in writing. R.'s 4, 23; M. 209, 238, sqq.; B. 414-5.

One day's notice.

Certain other motions, or inquiries, require one day's notice. R. 24; B. 414.

INQUIRIES AND MOTIONS.

51. Inquiries and motions are called by the Speaker in the order in which they appear on the notice paper ; and when all are disposed of, other motions may be made, with leave. M. 263. B. 417.

Inquiries and Motions called by Speaker.

52. When a Senator's name is called, and he is not ready to proceed with his inquiry or motion, he says, "Stand" or "To-morrow," or he names a future day, or, in his absence, another Senator does it for him, and the Speaker says, "Stand" or "To-morrow:" otherwise the motion drops and another notice will have to be given. M. 265. B. 421.

Senator not ready; motion postponed or dropped.

53. Should it be known that an absent Senator does not intend proceeding with his motion, a friend says, "Discharged," and the Speaker repeats "Discharged."

Motion discharged.

54. If a Senator obtains leave to amend his motion, the Speaker asks for the amended copy or amends his own, to put the question. M. 242; B. 418, 420.

Amended motion.

No debate
on mere
inquiry.

55. When a question is asked by a Senator, the Senator putting the question and the Senator answering ought to make only such observations as they may deem indispensable to be understood, and no debate is allowed except by leave of the Senate. R. 39; M. 210, 211; B. 431, sq.

Course when
inquiry to
be debated.

When it is intended to make a statement or raise a discussion on an inquiry, notice must be given that the Senator will call attention to the matter inquired into. R. 40. M. 211, 251, sqq. B. 432.

When debate
on inquiry
or motion
adjourned.

56. When a debate on a motion is adjourned, the item is transferred to the Order Paper, and continues so until it is disposed of; and if it is the item under consideration at the hour of adjournment, it becomes the First Order of the Day next after Third readings, unless otherwise ordered. The same course is followed when a Senator gives notice that he will call the attention of the Government to some important subject, and will inquire.....(See Senate Journals, Vol. 12, pp. 93, 95, 99. Vol. 27, p. 135, &c.) R. 20; M. 209, sq.

57. When the motion for an Address is "Carried" the Speaker says:— Address,
how
presented.

Ordered,—That the said Address "be presented to His Excellency the Governor General by such Members of this House as are Members of the Privy Council." B. 359, sqq., 386-7.

58. When resolutions are passed, asking from or communicating to the House of Commons certain information, or requesting that Members or officers of the Commons may attend a Committee of the Senate, or granting leave to Senators or officers of the Senate to attend a Committee of the Commons; the order is:— Messages to
Commons.

"That the said message be communicated to the House of Commons by one of the Clerks, (or by one of the Masters in Chancery)." R. 94; M. 436-7; B. 395, sqq.

ORDERS OF THE DAY.

59. The Speaker calls, "Orders of the Day." Third readings of Bills have precedence on the Order Paper, except of those orders to which the Senate may have given priority. R.'s 20, 68; B. 325. Third readings have
precedence.

Clerk-
Assistant
reads
orders.

60. When the Speaker calls "Orders of the Day," the Clerk-Assistant says, "The first Order is" (and reads from the Paper), calling the name of the Senator in charge. He should also give the number of each order before reading it; and, when he comes to the last, he says, "The last Order is," &c., &c. B. 326.

SPECIAL CASES.

When orders
disposed of
early.

61. When the orders have been gone through early, Senators may ask leave to lay papers on the Table, or to present Petitions or to bring in Reports, or to put questions, &c.

Six o'clock.

62. If at six o'clock the business is not concluded, the Speaker, or the Chairman of the Committee of the Whole, leaves the Chair until half past seven, saying, "It being six o'clock, I leave the Chair." R. 13. B. 230-1.

More than
one sitting
on same day.

63. Sometimes, toward the close of the Session, it is deemed desirable to have more than one sitting (called distinct sittings) on the same day. The question then is: "It is moved by the "Honourable Mr....., seconded by

“ the Honourable Mr....., That
“ when the Senate adjourns at.....it
“ do stand adjourned until....., the
“ same to be a distinct sitting of the
“ Senate.” Sen. J. 27, pp. 174, 190,
—28, pp. 276, 297,—29, p. 232.

BILLS.

BILLS INTRODUCED.

64. A Senator may bring in a Bill after the reading of Petitions, or later if there be no question before the Chair; but a Private Bill can only be brought in, after the Petition therefor has been favourably reported upon by the Committee on Standing Orders. R.'s. 61, 113. M. 461; B. 629.

Bill introduced.

Proviso.

65. When a Senator presents a Bill he says: “ Honourable Gentlemen, I
“ have the honour (not ‘I beg leave,’
“ as in the Commons, where a motion
“ of leave is required) to bring in a
“ Bill intituled, ‘An Act, &c.,’” and sends it to the Table, where it is read in both languages, and the Clerk Assistant says: “ This Bill has been read
“ the first time,” or “ First reading of
“ this Bill.”

Bill, how introduced.

Time for
second read-
ing fixed.

66. The Senator in charge then moves that the Bill be placed on the Order Paper, to be read the second time on.....next; or moves that paragraph *f* of Rule 23 and the 63rd Rule may be dispensed with in so far as they relate "to this Bill, so that it "may be now read the second time." The Speaker then puts the question in the usual way: "It is moved by, &c., " &c." M. 468; B. 499, sqq.

Private Bill
referred to
S. O. Com-
mittee.

67. A Private Bill at its first reading may be sent on the demand of two Senators to the Standing Orders Committee for their report, as to whether it comes with the classes of subjects assigned to Provincial Legislatures. R. 115.

Reference
of Private
Bill to
Judges.

68. A Private Bill may, also, be referred to the Judges of the Supreme Court, at any time before its final passing for their report; then the question is: "That this Bill be referred to the "Judges of the Supreme Court for "their examination and report on &c." R. 116. (The point or matter in connection with the Bill being expressed in the Order of Reference.) B. 724, sqq.

SECOND READING.

69. The Clerk having read the Order of the Day, the Senator in charge explains the nature of the Bill, and moves the second reading. The Speaker puts the question: "It is moved, &c." The Bill is then discussed in all its bearings, and usually only such amendments as are necessary to prevent the Bill being read the second time are moved at this stage. R. 64; M. 470; B. 646 sq.

Second reading moved, &c.

70. If the second reading of a Bill is objected to, and a debate ensues, after the debate the Speaker says: "The Question, Honourable Gentlemen, is on the second reading of the Bill. Is it your pleasure, &c." "Those in favour, &c."

Question on second reading.

71. Should the words "Not Content" be heard, the Speaker says: "The Contents will please rise," and judging to the best of his knowledge, says: "The Contents" or "Non-contents have it," adding "the motion is lost," or "Carried:" "Read the Bill" or "Call the next Order." R. 51; B. 499, sq.

Division.

Names
taken down.

72. If the "Yeas" and "Nays" are called for, the Speaker says: "The Yeas and Nays being called for by two Senators, the Contents will please rise;" their names having been taken down; the Non-Contents are then called upon to rise, and their names being also taken down, the Clerk then reads from the Division List, thus: "Contents 25; Non-Contents 18," or *vice versâ*, and the Speaker says: "The Contents," or "The Non-Contents have it." R.'s 52, 53; B. 500.

"Call in the
Senators."

73. If the words "Call in the Senators" are also heard, the Speaker, rising and addressing the Sergeant-at-Arms, says: "Call in the Senators;" and, after they have come in, the Speaker puts the question. (Question and division as in the two preceding paragraphs.) B. 501.

Question on
amendment
to second
reading.

74. If an amendment is moved to the motion for the second reading, the Speaker says: "The question, Honorable Gentlemen, before the Senate, is for the second reading of the Bill intituled, &c. In amendment, it is moved by . . . , seconded by . . . , &c." If a debate follows, after it is

over, he says: "Is it your pleasure to adopt the amendment, &c." (If a division takes place, see pars. 71, 72, 73.) M. 471, sqq.; B. 442.

75. If the amendment is carried, the Speaker says: "The question is now on the main motion as amended. Is it your pleasure to adopt the motion as amended?" If the amendment is negatived, he says: "The amendment is lost, Honourable Gentlemen. The question is now on the original motion for the second reading of the Bill; is it your pleasure, &c., &c." "Call the next Order:" if negatived, or "Read the Bill," if carried.

Further questions.

76. If a Senator offers to withdraw his amendment, the Speaker says: "Is it your pleasure to allow the Honourable Gentleman from to withdraw his amendment?" If there are no objections, he says: "The amendment is withdrawn," and then puts the question on the main motion. If there are objections to the withdrawal, either of an amendment, or of the original motion, a division must take place.

Withdrawal of amendment.

Amendment
to amend-
ment.

77. If an amendment to an amendment is moved, the Speaker says: "In amendment to the proposed amendment, it is moved by. . . ., seconded by. . . ., That &c. Is it your, &c., to adopt the said amendment to the proposed amendment," and sits down. After debate, he says: "The question, Honourable Gentlemen, is on, &c. Those in favour, &c., &c." (Division as at pages 137-8). M. 293, sqq.; B. 442.

When
amendment
to
amendment
carried.

78. If the amendment to the amendment is carried, he says: "The question, Honourable Gentlemen, is now on the amendment as amended, &c." If it is lost, he says: "The question now, Honourable Gentlemen, is on the amendment to the original motion; is it your pleasure to adopt the amendment, &c.?" M. 298, sq.

First
amendment
not to be
withdrawn.

79. A first amendment cannot be withdrawn until the second is disposed of.

Several
amend-
ments.

80. If a succession of amendments are moved to proposed amendments, the question is put on each; beginning with the last and continuing until the main motion is reached or until one of the

amendments is carried. (14 J. Legislative Assembly, Canada, page 323.)

81. If the Previous Question is moved (which can only be done after the main or original motion, and not after an amendment), it is put thus: "the Honourable....., seconded
"by the Honourable....., "moves that 'The original question be "now put,'" and the Speaker adds: "Shall the original question be now "put?" If it is "Carried," the main motion is at once put without debate or amendment, thus: "The question now, "Honourable Gentlemen, is on the "main motion; is it your pleasure to "adopt the said motion?" If it is lost, the motion is dropped from the Orders of the Day, and the Speaker says: "Call the next Order, &c." A substantive motion; "That the debate be ad- "journed," or "That the Senate do "now adjourn," can be made while the motion for the Previous Question is before the Chair, or at any time during the debate, and if either of these motions passes, the main motion is disposed of for that day only. R. 44; M. 282, sqq.; B. 448, sqq.

Previous
Question.

Debate on
Previous
Question
adjourned.

82. The debate upon the Previous Question may be adjourned. [11 May, 284—131 Imp. Com. J. 45, 308—227 Han. Deb. 3rd Ser. 338, 347, 351, 370. Ibid 330 pp. 1020, 1026, &c., &c.] B. 451.

Question for
committal
of Public
Bill.

83. When a Public Bill has been read the second time, the following question is then put: "That this Bill be committed to a Committee of the Whole House on. . . ." and no Bill may be committed to a Committee of the Whole on the same day on which it is read a second time (R. 63) unless by unanimous consent. M. 477; B. 650.

For refer-
ence of
Private Bill.

84. When a Private Bill has been read the second time, the question is: "That this Bill be referred to the Committee on. . . ." R. 117.

COMMITTEE OF THE WHOLE.

Bill
committed.

85. The Order of the Day being called, for putting the Senate into Committee, the Speaker, after the motion to that effect has been adopted, says: "Pursuant to the Order of Your Honourable House, I leave the Chair. The Honourable. . . . will please take the Chair of the Committee;"

—and the House is then adjourned during pleasure. The Committee having risen, the Speaker takes the Chair, and the Senate is resumed. The Chairman, addressing the Speaker, says: “ Mr. Report.
“ Speaker, the Committee, to whom was referred the Bill intituled: ‘ An Act, &c.,’ have gone through the said Bill, and have the honour to report the same without any amendment (or with one, or several amendments) to which they desire the concurrence of the Senate;” or, “ have the honour to report that they have taken the said Bill into consideration, made some progress therein, and ask leave to sit again,” or “ that the Committee has risen.” R.’s 72-76; M. 380; B. 518, 650, sqq.

The Speaker:—“ Honourable Gentlemen, the Chairman of the Committee of the Whole, to whom was referred, &c., &c.” (As above.)

Bill reported
without
amendment.

86. If the Bill is reported without any amendment, the Senator in charge moves that it be placed on the Order Paper to be read a third time on a future day. When the Bill is reported with amendments, the Speaker having announced the fact as above, adds: “ Is

“it your pleasure, Honourable Gentle-
 “men, to receive the report?” (pause).
 “When?” (answer) “Now.” Then
 addressing the Clerk, he says: “Read
 With amend- “the amendments.” The amendments
 ments. being read, if they are formal or unim-
 portant or if paragraph *d* or *h* of Rule
 24 is suspended, he says: “Is it your
 “pleasure, Honourable Gentlemen, to
 “concur in the amendments. Carried.”

Appropriate
 motion.

87. The Senator in charge then
 makes the usual motions as to the third
 reading or other procedure. M. 501;
 B. 671-2.

Postponed
 to future
 day.

88. If the consideration of the Re-
 port is to be postponed to a future day,
 the day is then suggested, and the
 Speaker says: “Ordered that the Re-
 “port be taken into consideration on,
 “&c., &c. Call the next Order.”

THIRD READING.

Bill read
 third time.

89. A Bill being on the Orders of
 the Day for its third reading, after
 such Order has been read and question
 put, the Bill is read the third time, and
 the Speaker then says: “A Bill, Hon-
 “ourable Gentlemen, originating in the
 “Senate, intituled, ‘An Act, &c.’ has
 “been read the third time and is now

“ready to pass. Is it your pleasure, Honourable Gentlemen, to pass this Bill?” If no one objects, he says *Passed.* “Carried,” and adds: “*Ordered*, That the Clerk do carry the Bill to the Commons and acquaint them that the Senate desires their concurrence thereto.” B. 673.

90. If it is a Commons Bill, the Speaker says: “A Bill, Honourable Gentlemen, originating in the House of Commons, intituled, ‘An Act, &c.’ has been read the third time and is now ready to pass. Is it your pleasure, Honourable Gentlemen, to pass this Bill? Carried. *Ordered*, That a message be sent to the Commons to acquaint them that the Senate has passed this Bill without any amendment.” B. 673. *Commons Bill.*

91. If the Commons Bill has been amended, the Speaker says: “A Bill, Honourable Gentlemen, originating in the House of Commons, has been read the third time, as amended, and is now ready to pass. Is it your pleasure, Honourable Gentlemen, to pass this Bill, as amended? Carried. *Ordered*, That the Clerk do carry this Bill back to the Commons and *Commons Bill amended.*”

Title amended.

“acquaint them that the Senate has passed the same with an amendment (or amendments), to which they desire their concurrence.” This is the last stage at which the title of a Bill may be amended. M. 502; B. 673.

Public Bill amended at third reading.

92. New clauses may be added or other amendments may be made to a public Bill at its third reading or passing. M. 305, 95, 501; B. 671-2.

Private Bill amended on notice.

93. Important amendments may also be made to a Private Bill at its third reading, provided notice of the same in writing shall have been given on a previous day. R.'s 24, 130; B. 788.

BILLS RETURNED OR BROUGHT UP FROM COMMONS.

Bill amended by Commons, committed or referred.

94. A Private Bill returned from the Commons with important amendments is referred to a Committee of the Whole, or to the Select Committee to which it was originally referred. R. 131; B. 794-5.

Bill received from Commons.

95. When a Bill has been received from the House of Commons for the concurrence of the Senate, the Speaker

says: "A message, Honourable Gentlemen, has been received from the House of Commons, with a Bill intituled, 'An Act, &c., &c.,' to which they desire the concurrence of the Senate." M. 503; B. 673.

96. The proceedings are then the same as for a Senate Bill. Procedure.

97. When a Senate Bill has been returned from the House of Commons, the Speaker says: "A message, Honourable Gentlemen, has been received from the House of Commons, to return the Bill intituled, 'An Act, &c., &c.,' without amendment; or with amendments, to which they desire the concurrence of the Senate." M. 503; B. 676. Bill returned by Commons.

98. When amendments are not concurred in, a message is sent with the Bill, giving the reasons for dissenting from the same. R. 66; M. 508; B. 400. Message, when amendments not concurred in.

PROROGATION OF PARLIAMENT.

99. The same forms are observed as at the Opening of Parliament. M. 207-8; B. 193, sqq. Like opening.

Senate
notified of
intention of
prorogue.

100. Occasionally, when the business of the Session is drawing to a close, the Leader, in answer to a Senator or of his own accord, informs the Senate that His Excellency will prorogue Parliament to-morrow, or the day after, if the business before the Senate will allow. But generally His Excellency's Secretary addresses a letter to the Speaker of each House, informing him of the day and hour appointed. After taking his seat the Speaker says: "Honourable Gentlemen, I have received a communication from the Secretary of His Excellency the Governor General in the following words:"—He reads the letter; and it is laid on the Table. B. 193.

Commons
summoned.

101. On the day appointed, His Excellency being come and seated on the Throne, the Speaker, as on the day of the Opening, directs the Gentleman Usher to go down to the Commons and require their attendance. M. 208; B. 193.

Titles of
Bills read.

102. As soon as the Speaker of the Commons has taken his place at the Bar, the Clerk of the Crown in Chancery, bowing to His Excellency, says:

“ May it please Your Excellency,—
“ The Senate and House of Commons
“ have passed the following Bills, to
“ which they humbly request Your Ex-
“ cellency’s assent.” B. 194.

After reading the titles of the Bills in English, he again bows to His Excellency, and addresses him in the same words, in French, and reads the titles in that language.

103. The Royal Assent is then pronounced in both languages by the Clerk of the Senate, the words used being, “ In His Majesty’s name, His Excellency the Governor General doth assent to these Bills.” M. 208 ; B. 194. Bills
assented to.

104. Should any Bills be reserved for the signification of His Majesty’s pleasure, the Clerk of the Crown in Chancery now reads the titles as before, and the Clerk of the Senate announces that they are reserved for the signification of His Majesty’s pleasure. Bills
reserved.

105. The Speaker of the Commons now addresses His Excellency in both languages, as follows:—“ May it please Your Excellency;—The Commons of Canada have voted certain supplies required to enable the Government to Supply Bill.

“defray the expenses of the Public Service. In the name of the Commons, I present to Your Excellency a Bill, intituled, ‘An Act, &c.,’ (Supply Bill), to which Bill I humbly request Your Excellency’s assent.” The Speaker delivers the Bill to the Clerk of the Senate, who hands it to the Clerk of the Crown in Chancery, who reads the title in both languages; and the Clerk of the Senate signifies the Royal Assent, thus: “In His Majesty’s name, His Excellency the Governor General thanks His loyal subjects, accepts their benevolence and assents to this Bill.” B. 194.

Speech from
Throne.

106. His Excellency delivers his Speech, after which his Secretary hands a copy of it to the Speaker of the Senate and another to the Speaker of the Commons. M. 208; B. 194.

Parliament
prorogued.

107. Then the Speaker of the Senate says:—

Honourable Gentlemen of the Senate:

Gentlemen of the House of Commons:

“It is His Excellency the Governor General’s will and pleasure that this Parliament be prorogued until
“the day of next (40 days),

“to be here holden; and this Parli-
“ment is accordingly prorogued until
“the day of next.” M. 208;
B. 194.

108. His Excellency retires, and All
every one present withdraws. B. 194. withdraw.

DIVORCE.

PETITION.

109. Before presenting the Peti- Fee paid
tion, which must be within the first before
sixty days of the Session (R. 138); un- presentation
less the time has been extended by the of petition.
Senate, the Senator in charge should
ascertain that the fee of \$200 has been
paid into the hands of the Clerk of the
Senate, and that the Petition is accom-
panied by the documents referred to in
Rule 141. M. 856, 859.

110. The Petition after being read Petition
and received stands referred to the referred to
Standing Committee on Divorce to as- Committee
certain its regularity and sufficiency, on Divorce.
and whether the rules have been sub-
stantially complied with; also for hear-
ing and inquiry into the matters set
forth in the Petition. R. 142. See B.
c. XIX.

BILL.

After report,
Bill intro-
duced and
ordered to
second
reading.

111. After the adoption of the Report of the Committee upon the Petition; if said report recommends the granting of relief to the Petitioner the Bill is introduced and read a first time. The Senator in charge then moves, "That the said Bill be placed on the Order Paper to be read a second time on —(a future day)." And His Honour the Speaker says: "Honourable Gentlemen, it is moved by the Honourable Mr...., seconded by...., that," and puts the question, "Is it your pleasure." R. 144.

Carried on
division.

112. Unless a division is called for, this motion and all other motions relating to Divorce Bills are declared by His Honour the Speaker as "Carried on a division," and are so entered in the Journals.

Second
reading.

113. The Order of the Day being read for the second reading of the Bill, the Senator in charge moves, "That the Bill for the relief of.... be now read a second time," and His Honour the Speaker puts the usual motion. The motion being adopted, the Senator in charge moves, "That the Bill be placed

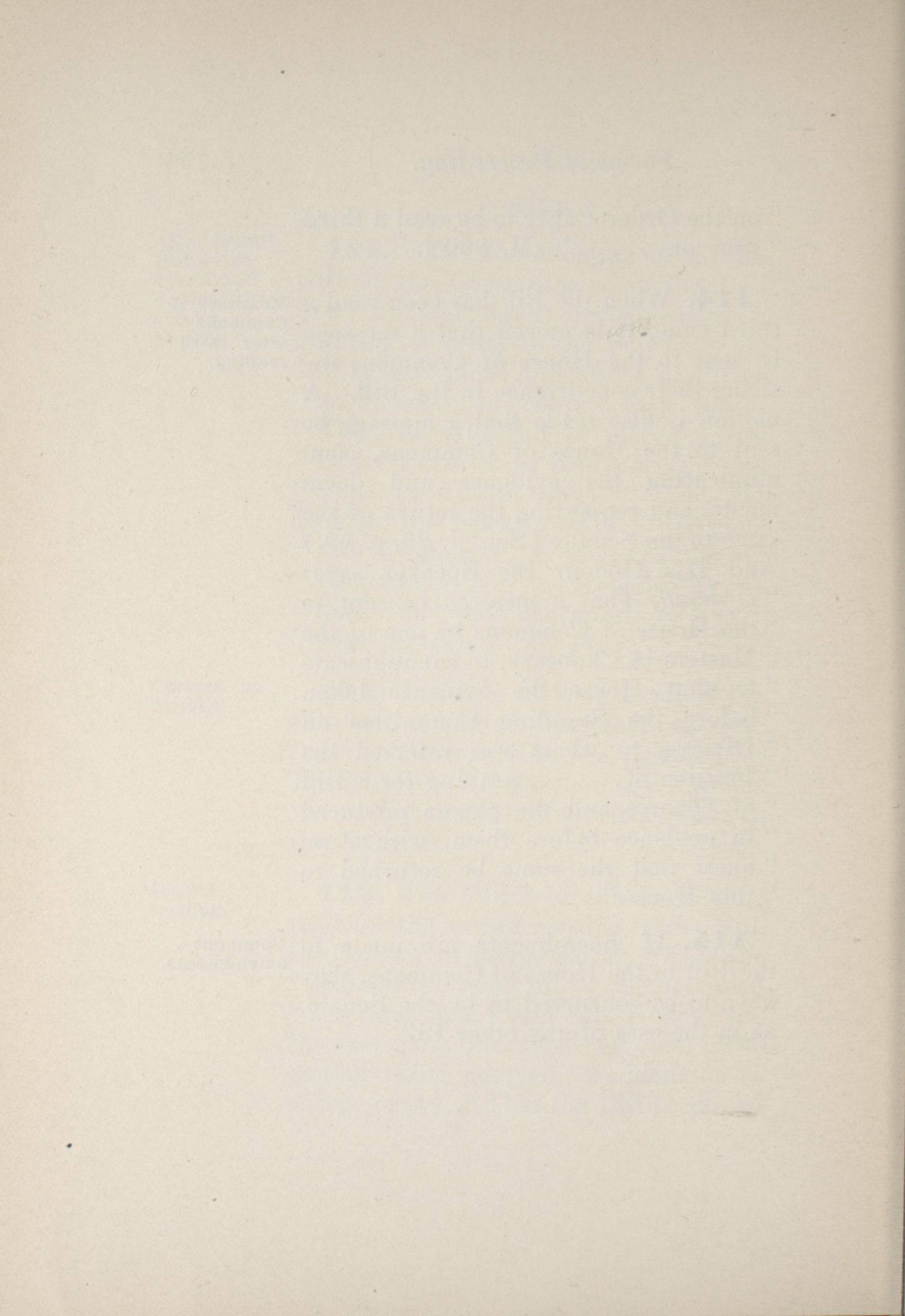
“ on the Order Paper to be read a third
“ time on.” M. 860-1.

114. When the Bill has been read a third time, it is moved that a message be sent to the House of Commons desiring their concurrence in the Bill. A motion is also made that a message be sent to the House of Commons, communicating the evidence and documents, and requesting the return of the same to the Senate. (Sen. J. 29, p. 99.) And His Honour the Speaker says: “ *Ordered*, That a message be sent to “ the House of Commons by one of the “ Masters in Chancery, to communicate “ to that House the evidence taken “ before the Standing Committee on “ Divorce, to whom was referred the “ Petition of., praying for a Bill “ of Divorce and the papers produced “ in evidence before them, with a re- “ quest that the same be returned to “ this House.”

Messages to
Commons
after third
reading.

115. If amendments are made to the Bill in the House of Commons, they have to be concurred in by the Senate, as in the case of any other Bill.

Commons
amendments.



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IMPERIAL ENACTMENTS



The British North America Act, 1867

ANNO TRICESIMO

VICTORIÆ REGINÆ

CAP. III.

An Act for the Union of Canada, Nova Scotia and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[*29th March, 1867.*]

WHEREAS the Provinces of Canada, Nova Scotia and New Brunswick have expressed their desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in Principle to that of the United Kingdom;

And whereas such a union would conduce to the welfare of the Pro-

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vinces and promote the interests of the British Empire;

And whereas on the establishment of the Union by Authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the Nature of the Executive Government therein be declared;

And whereas it is expedient that provision be made for the eventual Admission into the Union of other Parts of British North America:

Be it therefore enacted and declared by the Queen's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. PRELIMINARY.

Short title.

1. This Act may be cited as "The British North America Act, 1867."

Application of provisions referring to the Queen.

2. The provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

II. UNION.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia and New Brunswick shall form and be One Dominion under the name of Canada; and on and after that day those Three Provinces shall form and be One Dominion under that name accordingly.

Declaration
of Union.

4. The subsequent provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after the day appointed, for the Union taking effect, in the Queen's Proclamation; and in the same provisions, unless it is otherwise expressed or implied, the name Canada shall be taken to mean Canada as constituted under this Act.

Construction
of subse-
quent pro-
visions of
Act.

5. Canada shall be divided into Four Provinces, named Ontario, Quebec, Nova Scotia and New Brunswick.

Four Pro-
vinces.

Provinces of
Ontario and
Quebec.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada, shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

Provinces of
Nova Scotia
and New
Brunswick.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

Decennial
Census.

8. In the general Census of the Population of Canada which is hereby required to be taken in the Year One thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the Four Provinces shall be distinguished.

III. EXECUTIVE POWER.

Declaration
of Executive

9. The Executive Government and Authority of and over Canada is here-

by declared to continue and be vested in the Queen. Power in the Queen.

10. The provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the Name of the Queen, by whatever title he is designated. Application of provisions referring to Governor General.

11. There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada, and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and members thereof may be from time to time removed by the Governor General. Constitution of Privy Council for Canada.

12. All Powers, Authorities and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, are at the Union vested in All powers under Acts to be exercised by Governor General with advice of Privy Council or alone.

or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the advice, or with the advice and consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of members thereof, or by those Governors or Lieutenant Governors individually, shall as far as the same continue in existence, and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the advice or with the advice or consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

Application
of provi-
sions refer-
ring to
Governor
General in
Council.

13. The provisions of this Act relating to the Governor General in Council shall be construed as referring to the Governor General acting by and

with the advice of the Queen's Privy Council for Canada.

14. It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from time to time to appoint any person or any persons jointly or severally to be his Deputy or Deputies within any part or parts of Canada, and in that Capacity to exercise during the pleasure of the Governor General such of the powers, authorities and functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a Deputy or Deputies shall not affect the exercise by the Governor General himself of any power, authority or function.

Power to Her Majesty to authorize Governor General to appoint Deputies.

15. The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

Command of Armed Forces to continue to be vested in the Queen.

16. Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

Seat of Government of Canada.

IV. LEGISLATIVE POWER.

Constitution
of Parlia-
ment of
Canada.

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

Privileges,
&c. of
Houses.

18. The privileges, immunities, and powers to be held, enjoyed and exercised by the Senate and by the House of Commons and by the Members thereof respectively shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof.

First Ses-
sion of the
Parliament
of Canada.

19. The Parliament of Canada shall be called together not later than six months after the Union.

Yearly Ses-
sion of the
Parliament
of Canada.

20. There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

THE SENATE.

21. The Senate shall, subject to the provisions of this Act, consist of Seventy-two Members, who shall be styled Senators.

Number of
Senators.

22. In relation to the Constitution of the Senate, Canada shall be deemed to consist of three Divisions:—

Representa-
tion of
Provinces in
Senate.

1. Ontario;

2. Quebec;

3. The Maritime Provinces, Nova Scotia and New Brunswick;

Which three Divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows: Ontario by twenty-four Senators; Quebec by twenty-four Senators; and the Maritime Provinces by twenty-four Senators, twelve thereof representing Nova Scotia and twelve thereof representing New Brunswick.

In the case of Quebec, each of the twenty-four Senators representing that Province shall be appointed for one of the twenty-four electoral divisions of Lower Canada specified in Schedule A, to Chapter One of the Consolidated Statutes of Canada.

Qualifica-
tions of
Senator.

23. The Qualifications of a Senator shall be as follows:—

- (1.) He shall be of the full Age of Thirty Years:
- (2.) He shall be either a natural-born subject of the Queen, or a subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, before the Union, or of the Parliament of Canada after the Union:
- (3.) He shall be legally or equitably seised as of freehold for his own use and benefit of lands or tenements held in free and common soccage, or seised or possessed for his own use and benefit of land or tenements held in Franc-alleu or in Rature, within the Province for which he is appointed, of the value of Four thousand dol-

lars, over and above all rents, dues, debts, charges, mortgages and incumbrances due or payable out of or charged on or affecting the same:

- (4.) His real and personal property shall be together worth Four thousand dollars over and above his debts and liabilities:
- (5.) He shall be resident in the Province for which he is appointed:
- (6.) In the case of Quebec he shall have his real property qualification in the electoral division for which he is appointed, or shall be resident in that division.

24. The Governor General shall from time to time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified persons to the Senate; and subject to the provisions of this Act, every person so summoned shall become and be a Member of the Senate and a Senator.

Summons of
Senator.

25. Such persons shall be first summoned to the Senate as the Queen by

Summons of
First Body
of Senators.

Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

Addition of Senators in certain cases.

26. If at any time on the recommendation of the Governor General the Queen thinks fit to direct that three or six Members be added to the Senate, the Governor General may by Summons to three or six persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

Reduction of Senate to normal number.

27. In case of such addition being at any time made the Governor General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

Maximum number of Senators.

28. The number of Senators shall not at any time exceed seventy-eight.

Tenure of place in Senate.

29. A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

Resignation of Place in Senate.

30. A Senator may by writing under his hand addressed to the Gover-

nor General resign his place in the Senate, and thereupon the same shall be vacant.

31. The place of a Senator shall become vacant in any of the following cases:— Disqualifi-
cation of
Senators.

- (1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate:
- (2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a Foreign Power, or does an act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen of a Foreign Power:
- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter:
- (4.) If he is attainted of treason or convicted of felony or of any infamous crime:
- (5.) If he ceases to be qualified in respect of property or of resi-

dence: provided, that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the Seat of the Government of Canada while holding an office under that Government requiring his presence there.

Summons on
vacancy in
Senate.

32. When a vacancy happens in the Senate by resignation, death or otherwise, the Governor General shall, by Summons to a fit and qualified person, fill the vacancy.

Questions as
to qualifi-
cations and
vacancies
in Senate.

33. If any question arises respecting the qualification of a Senator or a vacancy in the Senate, the same shall be heard and determined by the Senate.

Appointment
of Speaker
of Senate.

34. The Governor General may from time to time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead.

Quorum of
Senate.

35. Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the

Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

36. Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Voting in Senate.

THE HOUSE OF COMMONS.

37. The House of Commons shall, subject to the provisions of this Act, consist of one hundred and eighty-one Members, of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick.

Constitution of House of Commons in Canada.

38. The Governor General shall from time to time, in the Queen's Name, by instrument under the Great Seal of Canada, summon and call together the House of Commons.

Summoning of House of Commons.

39. A Senator shall not be capable of being elected or of sitting as a Member of the House of Commons.

Senators not to sit in House of Commons.

40. Until the Parliament of Canada otherwise provides, Ontario, Que-

Electoral districts of

the four
Provinces.

bec, Nova Scotia, and New Brunswick shall, for the purposes of the election of members to serve in the House of Commons, be divided into Electoral Districts as follows:—

1.—ONTARIO.

Ontario shall be divided into the counties, ridings of counties, cities, parts of cities, and towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one member.

2.—QUEBEC.

Quebec shall be divided into sixty-five Electoral Districts, composed of the sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes of Lower Canada, and the Act of the Province of Canada of the Twenty-third Year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such electoral division shall

be for the purposes of this Act an Electoral District entitled to return one member.

3.—NOVA SCOTIA.

Each of the eighteen counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return two members, and each of the other counties one member.

4.—NEW BRUNSWICK.

Each of the fourteen counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a separate Electoral District. Each of those fifteen electoral districts shall be entitled to return one member.

41. Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following matters or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the House of Assembly or Leg-

Continuance
of existing
Election
Laws until
Parliament
of Canada
otherwise
provides.

islative Assembly in the several Provinces, the voters at elections of such Members, the oaths to be taken by voters, the returning officers, their powers and duties, the proceedings at elections, the periods during which elections may be continued, the trial of controverted elections, and proceedings incident thereto, the vacating of seats of members, and the execution of new writs in case of seats vacated otherwise than by dissolution,—shall respectively apply to elections of members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any election for a member of the House of Commons for the District of Algoma, in addition to persons qualified by the Law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

Writs for
first
election.

42. For the First Election of Members to serve in the House of Commons the Governor General shall cause writs to be issued by such person, in such form, and addressed to such returning officers as he thinks fit.

The person issuing writs under this Section shall have the like powers as are possessed at the Union by the officers charged with the issuing of writs for the Election of Members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia or New Brunswick; and the returning officers to whom writs are directed under this Section shall have the like powers as are possessed at the Union by the officers charged with the returning of writs for the Election of Members to serve in the same respective House of Assembly, or Legislative Assembly.

43. In case a vacancy in the representation in the House of Commons of any electoral district happens before the meeting of Parliament, or after the meeting of Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a writ in respect of such vacant district. As to casual vacancies.

44. The House of Commons on its first assembling after a general election As to election of

Speaker of House of Commons. shall proceed with all practicable speed to elect one of its members to be Speaker.

As to filling up vacancy in office of Speaker. **45.** In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall with all practicable speed proceed to elect another of its members to be Speaker.

Speaker to preside. **46.** The Speaker shall preside at all meetings of the House of Commons.

Provision in case of absence of Speaker. **47.** Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the Chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges and duties of Speaker.

Quorum of House of Commons. **48.** The presence of at least twenty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its

powers; and for that purpose the Speaker shall be reckoned as a member.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Voting in
House of
Commons.

50. Every House of Commons shall continue for five years from the day of the return of the writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

Duration of
House of
Commons.

51. On the completion of the Census in the year one thousand eight hundred and seventy-one, and of each subsequent decennial Census, the representation of the four Provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following Rules:—

Decennial
re-adjust-
ment of
represent-
tation.

- (1.) Quebec shall have the fixed number of sixty-five members:
- (2.) There shall be assigned to each of the other Provinces such

a number of members as will bear the same proportion to the number of its population (ascertained at such Census) as the number sixty-five bears to the number of the population of Quebec (so ascertained):

- (3.) In the computation of the number of members for a Province a fractional part not exceeding one-half of the whole number requisite for entitling the Province to a member shall be disregarded; but a fractional part exceeding one-half of that number shall be equivalent to the whole number:
- (4.) On any such re-adjustment the number of members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of members for the Province is ascertained at

the then latest Census to be diminished by one-twentieth part or upwards:

- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.

52. The number of the members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

Increase of number of House of Commons.

MONEY VOTES ; ROYAL ASSENT.

53. Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

Appropriation and tax Bills.

54. It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address or Bill for the appropriation of any part of the public revenue or of any tax or impost, to any purpose that has not been first recommended to that House by message of the Governor General in the Session

Recommendation of money votes.

in which such vote, resolution, address or Bill is proposed.

Royal
Assent to
Bills, &c.

55. Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's Instructions, either that he assents thereto in the Queen's Name, or that he withholds the Queen's Assent, or that he reserves the Bill for the signification of the Queen's pleasure.

Disallow-
ance by
order in
Council of
Act assented
to by
Governor
General.

56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first convenient opportunity send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor General, by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the day of such signification.

57. A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until, within two years from the day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies by speech or message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

Signification of Queen's pleasure on Bill reserved.

An entry of each such speech, message or proclamation shall be made in the Journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the records of Canada.

V. PROVINCIAL CONSTITUTIONS.

EXECUTIVE POWER.

58. For each Province there shall be an officer, styled the Lieutenant Governor, appointed by the Governor General in Council by instrument under the Great Seal of Canada.

Appointment of Lieutenant Governor of Provinces.

59. A Lieutenant Governor shall hold office during the pleasure of the Governor General; but any Lieutenant Governor appointed after the com-

Tenure of office of Lieutenant Governor.

mencement of the First Session of the Parliament of Canada shall not be removable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not, then within one week after the commencement of the next Session of the Parliament.

Salaries of
Lieutenant
Governors.

60. The salaries of the Lieutenant Governors shall be fixed and provided by the Parliament of Canada.

Oaths, &c. of
Lieutenant
Governor.

61. Every Lieutenant Governor shall, before assuming the duties of his office, make and subscribe before the Governor General, or some person authorized by him, oaths of allegiance and office similar to those taken by the Governor General.

Application
of provi-
sions refer-
ring to
Lieutenant
Governor.

62. The provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the time being of each Province or other the chief executive officer

or administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

63. The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant Governor from time to time thinks fit, and in the first instance of the following officers, namely,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, with in Quebec, the Speaker of the Legislative Council and the Solicitor General.

Appointment of Executive Officers for Ontario and Quebec.

64. The Constitution of the executive authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act.

Executive Government of Nova Scotia and New Brunswick.

65. All powers, authorities and functions which, under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the

Powers to be exercised by Lieutenant Governor of Ontario or Quebec with

advice or
alone.

Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant Governors of Ontario and Quebec respectively, with the advice, or with the advice and consent of, or in conjunction with the respective Executive Councils, or any members thereof, or by the Lieutenant Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), to be abolished or altered by the respective Legislatures of Ontario and Quebec.

66. The provisions of this Act referring to the Lieutenant Governor in Council shall be construed as referring to the Lieutenant Governor of the Province acting by and with the advice of the Executive Council thereof.

Application of provisions referring to Lieutenant Governor in Council.

67. The Governor General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant Governor during his absence, illness, or other inability.

Administration in absence, &c. of Lieutenant Governor.

68. Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely,— of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick the City of Fredericton.

Seats of Provincial Governments.

LEGISLATIVE POWER.

1.—ONTARIO.

69. There shall be a Legislature for Ontario consisting of the Lieutenant Governor and of one House, styled the Legislative Assembly of Ontario.

Legislature for Ontario.

Electoral
districts.

70. The Legislative Assembly of Ontario shall be composed of eighty-two Members, to be elected to represent the eighty-two electoral districts set forth in the First Schedule to this Act.

2.—QUEBEC.

Legislature
for Quebec.

71. There shall be a Legislature for Quebec consisting of the Lieutenant Governor and of two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

Constitu-
tion of
Legislative
Council.

72. The Legislative Council of Quebec shall be composed of twenty-four members, to be appointed by the Lieutenant Governor in the Queen's Name, by instrument under the Great Seal of Quebec, one being appointed to represent each of the twenty-four electoral divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

Qualifica-
tion of
Legislative
Councillors.

73. The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

74. The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

Resignation, disqualification, &c.

75. When a vacancy happens in the Legislative Council of Quebec, by resignation, death, or otherwise, the Lieutenant Governor, in the Queen's Name, by instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

Vacancies.

76. If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

Questions as to vacancies, &c.

77. The Lieutenant Governor may from time to time, by instrument under the Great Seal of Quebec, appoint a member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

Speaker of Legislative Council.

78. Until the Legislature of Quebec otherwise provides, the presence of at least ten members of the Legislative Council, including the Speaker, shall be

Quorum of Legislative Council.

necessary to constitute a meeting for the exercise of its powers.

Voting in
Legislative
Council.

79. Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

Constitu-
tion of
Legislative
Assembly of
Quebec.

80. The Legislative Assembly of Quebec shall be composed of sixty-five members, to be elected to represent the sixty-five electoral divisions or districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant-Governor of Quebec for assent any Bill for altering the limits of any of the electoral divisions or districts mentioned in the Second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the members representing all those electoral divisions or districts, and the assent shall not be given to such Bill unless an Address has been presented by

the Legislative Assembly to the Lieutenant Governor stating that it has been so passed.

3.—ONTARIO AND QUEBEC.

81. The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union.

First Session of Legislatures.

82. The Lieutenant Governor of Ontario and of Quebec shall from time to time, in the Queen's Name, by instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

Summoning of Legislative Assemblies.

83. Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any office, commission or employment, permanent or temporary, at the nomination of the Lieutenant Governor, to which an annual salary, or any fee, allowance, emolument or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this Sec-

Restriction on election of holders of offices.

tion shall make ineligible any person being a Member of the Executive Council of the respective Province, or holding any of the following Offices, that is to say: the Offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office.

Continuance
of existing
election
Laws.

84. Until the Legislatures of Ontario and Quebec otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following matters, or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as Members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the returning officers, their powers and duties, the proceedings at elections, the periods during which such elections may be continued, and the trial of controverted elections and the proceedings incident

thereto, the vacating of the seats of members and the issuing and execution of new writs in case of seats vacated otherwise than by dissolution, shall respectively apply to elections of members to serve in the respective Legislative Assemblies of Ontario and Quebec;

Provided that until the Legislature of Ontario otherwise provides, at any election for a member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the Law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for four years from the day of the return of the writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province), and no longer.

Duration of
Legislative
Assemblies.

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every year, so

Yearly
Session of
Legislature.

that twelve months shall not intervene between the last sitting of the Legislature in each Province in one session and its first sitting in the next session.

Speaker,
Quorum, &c.

87. The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

4.—NOVA SCOTIA AND NEW BRUNSWICK.

Constitu-
tions of Le-
gislatures of
Nova Scotia
and New
Brunswick.

88. The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved,

continue for the period for which it was elected.

5.—ONTARIO, QUEBEC AND NOVA SCOTIA.

89. Each of the Lieutenant Governors of Ontario, Quebec and Nova Scotia shall cause writs to be issued for the First Election of Members of the Legislative Assembly thereof in such form and by such person as he thinks fit, and at such time and addressed to such returning officer as the Governor General directs, and so that the First Election of Member of Assembly for any electoral district or any sub-division thereof shall be held at the same time and at the same places as the election for a member to serve in the House of Commons of Canada for that Electoral District.

First Elections.

6.—THE FOUR PROVINCES.

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and tax Bills, the recommendation of money votes, the assent to Bills, the disallowance of Acts,

Application to Legislatures of provisions respecting money votes, &c.

and the signification of pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

VI. DISTRIBUTION OF LEGISLATIVE POWERS.

POWERS OF THE PARLIAMENT.

Legislative
Authority of
Parliament
of Canada.

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make Laws for the peace, order, and good government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this Section, it is hereby declared that

(notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say:—

1. The public debt and property.
2. The regulation of trade and commerce.
3. The raising of money by any mode or system of taxation.
4. The borrowing of money on the public credit.
5. Postal service.
6. The Census and statistics.
7. Militia, Military and Naval service and defence.
8. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada.
9. Beacons, buoys, lighthouses and Sable Island.
10. Navigation and shipping.
11. Quarantine and the establishment and maintenance of Marine Hospitals.
12. Sea Coast and Inland Fisheries.

13. Ferries between a Province and any British or Foreign country or between two Provinces.
14. Currency and Coinage.
15. Banking, incorporation of Banks, and the issue of paper money.
16. Savings Banks.
17. Weights and Measures.
18. Bills of Exchange and Promissory Notes.
19. Interest.
20. Legal Tender.
21. Bankruptcy and Insolvency.
22. Patents of invention and discovery.
23. Copyrights.
24. Indians, and lands reserved for the Indians.
25. Naturalization and Aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the constitution of courts of criminal jurisdiction, but including the procedure in criminal matters.
28. The establishment, maintenance, and management of Penitentiaries.
29. Such classes of subjects as are expressly excepted in the enu-

meration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this Section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. In each Province the Legislature may exclusively make Laws in relation to matters coming within the classes of subjects next hereafter enumerated, that is to say:—

Subjects of
exclusive
Provincial
Legislation.

1. The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the office of Lieutenant Governor.
2. Direct Taxation within the Province in order to the raising of

- a revenue for provincial purposes.
3. The borrowing of money on the sole credit of the Province.
 4. The establishment and tenure of Provincial offices and the appointment and payment of Provincial officers.
 5. The management and sale of public lands belonging to the Province and of the timber and wood thereon.
 6. The establishment, maintenance, and management of public and reformatory prisons in and for the Province.
 7. The establishment, maintenance, and management of hospitals, asylums, charities, and eleemosynary institutions in and for the Province, other than marine hospitals.
 8. Municipal institutions in the Province.
 9. Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a revenue for Provincial, local, or municipal purposes.
 10. Local works and undertakings

other than such as are of the following classes:—

- a.* Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
 - b.* Lines of steam ships between the Province and any other British or foreign country:
 - c.* Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces.
11. The incorporation of companies with Provincial objects.
 12. The solemnization of marriage in the Province.
 13. Property and civil rights in the Province.

14. The administration of justice in the Province, including the constitution, maintenance and organization of Provincial courts, both of civil and criminal jurisdiction and including procedure in civil matters in those courts.
15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any Law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section.
16. Generally all matters of a merely local or private nature in the Province.

EDUCATION.

Legislation
respecting
education.

93. In and for each Province the Legislature may exclusively make Laws in relation to Education, subject and according to the following provisions:—

1. Nothing in any such Law shall prejudicially affect the right or privilege with respect to denominational schools which any class of persons have by Law in the Province at the Union:

2. All the powers, privileges and duties at the Union by Law conferred and imposed in Upper Canada on the separate schools and school trustees of the Queen's Roman Catholic subjects, shall be and the same are hereby extended to the dissentient schools of the Queen's Protestant and Roman Catholic subjects in Quebec:
3. Where in any Province a system of separate or dissentient schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's Subjects in relation to Education:
4. In case any such Provincial Law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this Section is not made, or in case any

decision of the Governor General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial Laws for the due execution of the provisions of this Section and of any decision of the Governor General in Council under this Section.

**UNIFORMITY OF LAWS IN ONTARIO,
NOVA SCOTIA AND NEW
BRUNSWICK.**

Legislation
for uniform-
ity of Laws
in three
Provinces.

94. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the Laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and of the procedure of all or any of the courts in those three Provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make Laws in relation to any matter comprised in any

such Act shall, notwithstanding anything in this Act, be unrestricted; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any province unless and until it is adopted and enacted as Law by the Legislature thereof.

AGRICULTURE AND IMMIGRATION.

95. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration into the Province; and it is hereby declared that the Parliament of Canada may from time to time make Laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

Concurrent
power of
Legislation
respecting
Agriculture,
&c.

VII. JUDICATURE.

96. The Governor General shall appoint the Judges of the Superior, Dis-

Appoint-
ment of
Judges.

trict, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of
Judges in
Ontario, &c.

97. Until the Laws relative to property and civil rights in Ontario, Nova Scotia and New Brunswick, and the procedure of the courts in those Provinces are made uniform, the judges of the courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

Selection of
Judges in
Quebec.

98. The judges of the courts of Quebec shall be selected from the Bar of that Province.

Tenure of
office of
Judges of
Superior
Courts.

99. The judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons.

Salaries,
&c. of
Judges.

100. The salaries, allowances, and pensions of the judges of the Superior, District and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in cases where the judges thereof are for the time being paid by salary,

shall be fixed and provided by the Parliament of Canada.

101.—The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the constitution, maintenance, and organization of a General Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the Laws of Canada.

General
Court of
Appeal, &c.

**VIII. REVENUES: DEBTS: ASSETS:
TAXATION.**

102. All duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

Creation of
consolidat-
ed revenue
fund.

Expenses of
collection,
&c.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges and expenses incident to the collection, management and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides.

Interest of
Provincial
public debts.

104. The annual interest of the public debts of the several Provinces of Canada, Nova Scotia and New Brunswick at the Union shall form the second charge on the Consolidated Revenue Fund of Canada.

Salary of
Governor
General.

105. Unless altered by the Parliament of Canada, the salary of the Governor General shall be Ten thousand pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

Appropriation from
time to
time.

106. Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada,

the same shall be appropriated by the Parliament of Canada for the public service.

107. All stocks, cash, banker's balances, and securities for money belonging to each province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union.

Transfer of
stocks, &c.

108. The public works and property of each Province, enumerated in the Third Schedule to this Act, shall be the property of Canada.

Transfer of
property in
schedule.

109. All lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Property in
Lands,
Mines, &c.

Assets connected with Provincial debts.

110. All assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to that Province.

Canada to be liable for Provincial debts.

111. Canada shall be liable for the debts and liabilities of each Province existing at the Union.

Debts of Ontario and Quebec.

112. Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the Union sixty-two million five hundred thousand dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Assets of Ontario and Quebec.

113. The assets enumerated in the Fourth Schedule to this Act belonging at the Union to the Province of Canada shall be the property of Ontario and Quebec conjointly.

Debt of Nova Scotia.

114. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union eight million dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

115. New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union seven million dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Debt of
New Bruns-
wick.

116. In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to eight million and seven million dollars respectively, they shall respectively receive by half-yearly payments in advance from the Government of Canada interest at five per centum per annum on the difference between the actual amounts of their respective debts and such stipulated amounts.

Payment of
interest to
Nova Scotia
and New
Brunswick.

117. The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country.

Provincial
public pro-
perty.

118. The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures:

Grants to
Provinces.

Dollars.

Ontario	Eighty thousand
Quebec	Seventy thousand.
Nova Scotia ..	Sixty thousand.
New Brunswick	Fifty thousand.

Two hundred and sixty thousand;

and an annual grant in aid of each Province shall be made, equal to eighty cents per head of the population as ascertained by the census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such Grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

119. New Brunswick shall receive by half-yearly payments in advance from Canada, for the period of ten years from the Union, an additional allowance of sixty-three thousand dollars per annum; but as long as the public debt of that Province remains under seven million dollars, a deduction equal to the interest at five per centum per annum on such deficiency shall be made from that allowance of sixty-three thousand dollars.

Further grant to New Brunswick.

120. All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia and New Brunswick respectively, and assumed by Canada, shall until the Parliament of Canada otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor General in Council.

Form of payments.

121. All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Canadian manufactures, &c.

122. The Customs and Excise Laws of each Province shall, subject to the

Continuance of customs

and excise
Laws.

provisions of this Act, continue in force until altered by the Parliament of Canada.

Exportation
and Import-
ation as
between two
Provinces.

123. Where Customs Duties are, at the Union, leviable on any goods, wares or merchandises in any two Provinces, those goods, wares, and merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the Customs Duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of Customs Duty as is leviable thereon in the Province of importation.

Lumber
dues in
New Brun-
swick.

124. Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter Fifteen of Title Three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

Exemption
of public
Lands, &c.

125. No lands or property belonging to Canada or any Province shall be liable to taxation.

126. Such portions of the duties and revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all duties and revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund, to be appropriated for the public service of the Province.

Provincial consolidated revenue funds.

IX. MISCELLANEOUS PROVISIONS.

GENERAL.

127. If any person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the case may be), accept the same, he shall be deemed to have declined the

As to legislative councillors of Provinces becoming senators.

same; and any person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate shall thereby vacate his seat in such Legislative Council.

Oath of Allegiance, &c.

128. Every Member of the Senate or House of Commons of Canada shall before taking his seat therein, take and subscribe before the Governor General or some person authorized by him, and every Member of a Legislative Council or a Legislative Assembly of any Province shall before taking his seat therein take and subscribe before the Lieutenant Governor of the Province or some person authorized by him, the oath of allegiance contained in the Fifth Schedule of this Act; and every Member of the Senate of Canada and every Member of the Legislative Council of Quebec, shall also, before taking his seat therein, take and subscribe before the Governor General, or some person authorized by him, the Declaration of Qualification contained in the same Schedule.

Continuance
of existing
Laws,

129. Except as otherwise provided by this Act, all Laws in force in Can-

ada, Nova Scotia or New Brunswick at the Union, and all legal commissions, powers and authorities, and all officers, judicial, administrative, and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of the Legislature under this Act.

130. Until the Parliament of Canada otherwise provides, all officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be officers of Canada, and shall continue to discharge the duties of their respective offices under the

courts, of-
ficers, &c.

Transfer of
officers to
Canada.

same liabilities, responsibilities and penalties as if the Union had not been made.

Appointment
of new
officers.

131. Until the Parliament of Canada otherwise provides, the Governor General in Council may from time to time appoint such officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

Treaty obli-
gations.

132. The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or any Province thereof, as part of the British Empire towards foreign countries, arising under treaties between the Empire and such foreign countries.

Use of
English and
French
Languages.

133. Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective records and journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any court of Canada estab-

lished under this Act, and in or from all or any of the courts of Quebec.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

ONTARIO AND QUEBEC.

134. Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following officers, to hold office during pleasure, that is to say,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands and the Commissioner of Agriculture and Public Works, and in the case of Quebec, the Solicitor General; and may, by order of the Lieutenant Governor in Council, from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof; and may also appoint other and additional officers to hold office during pleasure, and may from time to

Appointment
of executive
officers for
Ontario and
Quebec.

time prescribe the duties of those officers, and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof.

Powers,
duties, &c.
of Executive
officers.

135. Until the Legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions, responsibilities or authorities at the passing of this Act vested in, or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any Law, Statute or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any officer to be appointed by the Lieutenant Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

136. Until altered by the Lieutenant Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design, as those used in the Provinces of Upper Canada and Lower Canada respectively before their Union as the Province of Canada.

137. The words "and from thence to the end of the then next ensuing Session of the Legislature," or words to the same effect used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the subject matter of the Act is within the powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, if the subject matter of the Act is within the powers of the same as defined by this Act.

138. From and after the Union the use of the words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any deed, writ, process, pleading, document, matter, or thing, shall not invalidate the same.

As to issue
of Proclama-
tions before
Union, to
commence
after Union.

139. Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union had not been made.

As to issue
of Proclama-
tions after
Union.

140. Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

Penitentiary.

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be

and continue the Penitentiary of Ontario and of Quebec.

142. The division and adjustment of the debts, credits, liabilities, properties and assets of Upper Canada and Lower Canada shall be referred to the arbitrament of three arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada; and the selection of the arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

Arbitration
respecting
debts, &c.

143. The Governor General in Council may from time to time order that such and so many of the records, books and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the officer having charge of the original thereof, shall be admitted as evidence.

Division of
records.

Constitution
of townships
in Quebec.

144. The Lieutenant Governor of Quebec may from time to time, by Proclamation under the Great Seal of the Province, to take effect from a day to be appointed therein, constitute townships in those parts of the Province of Quebec in which townships are not then already constituted, and fix the metes and bounds thereof.

X. INTERCOLONIAL RAILWAY.

Duty of Government and Parliament of Canada to make Railway herein described.

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a Declaration that the construction of the Intercolonial Railway is essential to the consolidation of the Union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada: Therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement within six months after the Union, of a railway connecting the River St. Lawrence with the City of Halifax, in Nova Scotia, and for the

construction thereof without intermission, and the completion thereof with all practicable speed.

XI. ADMISSION OF OTHER COLONIES.

146. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honourable Privy Council, on Addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on Address from the Houses of the Parliament of Canada to admit Rupert's Land and the North-Western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the Addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

Power to admit Newfoundland, &c. into the Union.

As to representation of Newfoundland and Prince Edward Island in Senate.

147. In case of the admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of four members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland the normal number of Senators shall be seventy-six and their maximum number shall be eighty-two; but Prince Edward Island, when admitted, shall be deemed to be comprised in the third of the three divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act, and accordingly, after the admission of Prince Edward Island, whether Newfoundland is admitted or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from twelve to ten members respectively, and the representation of each of those Provinces shall not be increased at any time beyond ten, except under the provisions of this Act for the appointment of three or six additional Senators under the direction of the Queen.

SCHEDULES.

THE FIRST SCHEDULE.

Electoral Districts of Ontario.

A.

EXISTING ELECTORAL DIVISIONS.

COUNTIES.

1. Prescott.
2. Glengarry.
3. Stormont.
4. Dundas.
5. Russell.
6. Carleton.
7. Prince Edward.
8. Halton.
9. Essex.

RIDINGS OF COUNTIES.

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville.
13. South Riding of Leeds.

14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland
(excepting therefrom the Town-
ship of South Monaghan).
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.
22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.
28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

CITIES, PARTS OF CITIES AND TOWNS.

35. West Toronto.
36. East Toronto.
37. Hamilton.
38. Ottawa.

39. Kingston.
40. London.
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
42. Town of Niagara, with the Township of Niagara thereto attached.
43. Town of Cornwall, with the Township of Cornwall thereto attached.

B.

NEW ELECTORAL DIVISIONS.

44. The Provisional Judicial District of Algoma.

The County of BRUCE, divided into two ridings, to be called respectively the North and South Ridings:—

45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Almarle, Amabel, Arran, Bruce, Elderslie and Saugeen, and the Village of Southampton.
46. The South Riding of Bruce to consist of the Townships of Kincardine (including the Village

of Kincardine), Greenock, Brant, Huron, Kinross, Culross and Carrick.

The County of HURON, divided into two ridings, to be called respectively the North and South Ridings:—

47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including the Village of Clinton, and McKillop.
48. The South Riding to consist of the Town of Goderich and the Township of Goderich, Tucker-smith, Stanley, Hay, Osborne and Stephen.

The County of MIDDLESEX, divided into ridings, to be called respectively the North, West and East Ridings:—

49. The North Riding to consist of the Townships of McGillivray and Biddulph (taken from the County of Huron), and Williams East, Williams West, Adelaide and Lobo.
50. The West Riding to consist of the Townships of Delaware, Caradoc, Metcalfe, Mora and

Ekfrid, and the Village of Strathroy.

[The East Riding to consist of the townships now embraced therein, and be bounded as it is at present.]

51. The County of LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen and Brooke, and the Town of Sarnia.
52. The County of KENT to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh and Harwich, and the Town of Chatham.
53. The County of BOTHWELL to consist of the Townships of Sombra, Dawn and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

The County of GREY, divided into two ridings to be called respectively the South and North Ridings:—

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton and Melancthon.
55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak and Brooke, and the Town of Owen Sound.

The County of PERTH, divided into two ridings, to be called respectively the South and North Ridings:—

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington and North Easthope, and the Town of Stratford.
57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the Villages of Mitchell and Ste. Marys.

The County of WELLINGTON, divided into three ridings to be called respectively North, South and Centre Ridings:—

58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.
59. The Centre Riding to consist of the Townships of Garafraxa, Erin, Eramosa, Nichol and Pilkington, and the Villages of Fergus and Elora.
60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of NORFOLK, divided into two ridings to be called respectively the South and North Ridings:—

61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham and Woodhouse, with the Gore thereof.
62. The North Riding to consist of the Townships of Middleton, Townsend and Windham, and the Town of Simcoe.
63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North,

Cayuga South, Rainham, Walpole and Dunn.

64. The County of MONCK to consist of the Townships of Canborough and Moulton and Sherbrooke, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caistor and Gainsborough (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).
65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby and Louth, and the Town of St. Catharines.
66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold and Willoughby, and the Villages of Chippewa, Clifton, Port Erie, Thorold and Welland.
67. The County of PEEL to consist of the Townships of Chingua-cousy, Toronto, and the Gore of

Toronto, and the Villages of Brampton and Streetsville.

68. The County of **CARDWELL** to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

The County of **SIMCOE**, divided into two ridings to be called respectively the South and the North Ridings:—

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tosorontio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of **VICTORIA**, divided into two ridings to be called respectively the South and North Ridings:—

71. The South Riding to consist of the Townships of Ops, Mari-

posa, Emily, Verulam, and the Town of Lindsay.

72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville and Morrison, Muskoka, Monck and Watt (taken from the County of Simcoe); and any other surveyed townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into two ridings to be called respectively the West and East Ridings:—

73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.
74. The East Riding to consist of the Townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee and Snowden, and the

Village of Ashburnham, and any other surveyed townships lying to the North of the said East Riding.

The County of HASTINGS, divided into three ridings to be called respectively the West, East and North Ridings:—

75. The West Riding to consist of the Town of Belleville, the Township of Sydney and the Village of Trenton.
76. The East Riding to consist of the Townships of Thurlow, Tyendinaga and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora and Lake, and the Village of Stirling, and any other surveyed townships lying to the North of the said North Riding.
78. The County of LENNOX to consist of the Townships of Richmond, Adolphustown, North Fredericksburgh, Ernest Town, and Amherst Island, and the Village of Napanee.

79. The County of ADDINGTON to consist of the Townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough and Bedford.
80. The County of FRONTENAC to consist of the Townships of Kingston, Wolfe Island, Pittsburgh and Howe Island, and Storrington.

The County of RENFREW, divided into two ridings to be called respectively the South and North Ridings:—

81. The South Riding to consist of the Townships of McNab, Bagnet, Blithfield, Brougham, Horton, Admaston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.
82. The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petewawa, Buchanan, South Algona,

North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns and Richards, and any other surveyed townships lying northwesterly of the said North Riding.

Every town and incorporated village existing at the Union not specially mentioned in this Schedule, is to be taken as part of the county or riding within which it is locally situate.

THE SECOND SCHEDULE.

Electoral Districts of Quebec specially fixed.

COUNTIES OF—

Pontiac,	Shefford,
Ottawa,	Stanstead,
Argenteuil,	Compton,
Huntingdon,	Wolfe and
Missisquoi,	Richmond,
Brome,	Megantic,
Town of Sherbrooke.	

THE THIRD SCHEDULE.*Provincial Public Works and Property
to be the Property of Canada.*

1. Canals, with lands and water power connected therewith.
2. Public harbours.
3. Lighthouses and piers, and Sable Island.
4. Steamboats, dredges, and public vessels.
5. Rivers and lake improvements.
6. Railways and railway stocks, mortgage and other debts due by railway companies.
7. Military roads.
8. Custom houses, post offices, and all other public buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance property.
10. Armouries, drill sheds, military clothing, and munitions of war, and lands set apart for general public purposes.

THE FOURTH SCHEDULE.

*Assets to be the Property of Ontario
and Quebec conjointly.*

- Upper Canada Building Fund.
- Lunatic asylums.
- Normal school.
- Court houses, }
 - in
 - Aylmer, } Lower Canada.
 - Montreal, }
 - Kamouraska, }
- Law Society, Upper Canada.
- Montreal Turnpike Trust.
- University Permanent Fund.
- Royal Institution.
- Consolidated Municipal Loan Fund,
Upper Canada.
- Consolidated Municipal Loan Fund,
Lower Canada.
- Agricultural Society, Upper Canada.
- Lower Canada Legislative Grant.
- Quebec Fire Loan.
- Temiscouata Advance Account.
- Quebec Turnpike Trust.
- Education—East.
- Building and Jury Fund, Lower
Canada.
- Municipalities Fund.
- Lower Canada Superior Education
Income Fund.

THE FIFTH SCHEDULE.

OATH OF ALLEGIANCE.

I, *A. B.*, do swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria.

NOTE.—The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.

DECLARATION OF QUALIFICATION.

I, *A. B.*, do declare and testify, that I am by Law duly qualified to be appointed a Member of the Senate of Canada [*or as the case may be*], and that I am legally or equitably seised as of freehold for my own use and benefit of lands or tenements held in free and common soccage [*or seised or possessed for my own use and benefit of lands or tenements held in Francalleu or in Roture (as the case may be)*], in the Province of Nova Scotia [*or as the case may be*] of the value of Four thousand dollars over and above all rents, dues, debts, mortgages, charges and incumbrances due or payable out of or charged on or affecting

the same, and that I have not collusively or colourably obtained a title to or become possessed of the said lands or tenements or any part thereof for the purpose of enabling me to become a Member of the Senate of Canada [*or as the case may be*], and that my real and personal property are together worth Four thousand dollars over and above my debts and liabilities.



34-35 VICTORIA.

CHAP. 28.

An Act respecting the Establishment of Provinces in the Dominion of Canada.

[29th June, 1871.]

WHEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament:

Be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as “The British North America Act, 1871.” Short title.

2. The Parliament of Canada may from time to time establish new Provinces in any territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province and for the passing of laws for the peace, order and good government of such Province, and for its representation in the said Parliament. Parliament of Canada may establish new Provinces and provide for the constitution, &c. thereof.

3. The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province, upon such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of territory in relation to any Province affected thereby. Alteration of limits of Provinces.

Parliament of Canada may legislate for any territory not included in a province.

4. The Parliament of Canada may from time to time make provision for the administration, peace, order, and good government of any territory not for the time being included in any Province.

Confirmation of Acts of Parliament of Canada. 32 and 33 Vict. (Canadian) Cap. 3. 33 Vict. (Canadian) Cap. 3.

5. The following Acts passed by the said Parliament of Canada and intitled respectively,—

“An Act for the Temporary Government of Rupert’s Land and the North-Western Territory when united with Canada;” and “An Act to amend and continue the Act thirty-two and thirty-three Victoria, Chapter Three, and to establish and provide for the Government of the Province of Manitoba,”

shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent in the Queen’s name of the Governor General of the said Dominion of Canada.

Limitation of powers of Parliament of Canada to legislate for an established Province.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act of the said Parliament, in so far as it relates to the Province of

Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.



38-39 VICTORIA.

CHAP. 38.

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under Section Eighteen of the British North America Act, 1867.

[19th July, 1875.]

WHEREAS by Section Eighteen of the British North America Act, 1867, it is provided as follows:—
“The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act, held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Bri-

“ tain and Ireland and by the members
“ thereof.”

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers or immunities; and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section Eighteen of the British North America Act, 1867, is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed.

Substitution
of new section
for section 18 of 30
and 31 Vict.,
c. 3.

The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Can-

ada defining such privileges, immunities and powers, shall not confer any privileges, immunities or powers exceeding those at the passing of such Act, held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

Confirmation
of Act of
Parliament
of Canada.
31 and 32
Vict., c. 24.

2. The Act of the Parliament of Canada passed in the thirty-first year of the reign of Her present Majesty, Chapter Twenty-four, intituled "An Act to provide for Oaths to Witnesses being administered in certain cases for the purposes of either House of Parliament," shall be deemed to be valid, and to have been valid as from the date at which the Royal Assent was given thereto by the Governor General of the Dominion of Canada.

Short title.

3. This Act may be cited as The Parliament of Canada Act, 1875.



49-50 VICTORIA.

CHAP. XXXV.

An Act respecting the representation in the Parliament of Canada of Territories which for the time being form part of the Dominion of Canada, but are not included in any Province.

[*25th June, 1886.*]

WHEREAS it is expedient to empower the Parliament of Canada to provide for the representation in the Senate and House of Commons of Canada, or either of them, of any territory which for the time being forms part of the Dominion of Canada, but is not included in any Province:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in the present Parliament

assembled, and by the authority of the same, as follows:—

Provision by
Parliament
of Canada
for repre-
sentation of
territories.

1. The Parliament of Canada may, from time to time, make provision for the representation in the Senate and House of Commons of Canada, or in either of them, of any territories which for the time being form part of the Dominion of Canada, but are not included in any Province thereof.

Effect of
Acts of
Parliament
of Canada.

2. Any Act passed by the Parliament of Canada before the passing of this Act for the purpose mentioned in this Act shall, if not disallowed by the Queen, be, and shall be deemed to have been valid and effectual from the date at which it received the assent, in Her Majesty's name, of the Governor General of Canada.

34 and 35
Vict. c. 28.
30 and 31
Vict., c. 3.

It is hereby declared that any Act passed by the Parliament of Canada, whether before or after the passing of this Act, for the purpose mentioned in this Act or in the British North America Act, 1871, has effect, notwithstanding anything in the British North America Act, 1871, and the number of Senators or the number of Members of the House of Commons specified in the last mentioned Act, is increased by the

number of Senators or of Members, as the case may be, provided by any such Act of the Parliament of Canada for the representation of any Provinces or Territories of Canada.

3. This Act may be cited as the the British North America Act, 1886. Short title and construction. 30 and 31 Vict., c. 3. 34 and 35 Vict., c. 28.

This Act and the British North America Act, 1867, and the British North America Act, 1871, shall be construed together, and may be cited as the British North America Acts, 1867 to 1886.



THE CANADIAN SPEAKER ACT, 1895.

CHAPTER 3.

An Act for removing Doubts as to the validity of an Act passed by the Parliament of Canada respecting the Deputy Speaker of the Senate.

[5th September, 1895.]

WHEREAS the Parliament of Canada have passed an Act intituled "An Act respecting the Speaker of the "Senate," and providing for the appointment of a deputy during the illness or absence of the Speaker of the Senate, and containing a suspending clause to the effect that the Act should not come into force until Her Majesty's pleasure thereon has been signified by proclamation in the *Canada Gazette*;

And whereas doubts have arisen as to the power of the Parliament of Canada to pass that Act, and it is expedient to remove those doubts;

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Act of the Parliament of Canada passed in the Session held in the fifty-seventh and fifty-eighth years of Her Majesty's reign, entitled "An Act respecting the Speaker of the Senate," shall be deemed to be valid, and to have been valid, as from the date at which the royal assent was given thereto by the Governor General of the Dominion of Canada.

Confirmation
of Canadian
Act with
respect to
Speaker of
Senate.

2. This Act may be cited as the Canadian Speaker (Appointment of Deputy) Act, 1895, Session 2.

Short
title.



28-29 VICTORIÆ REGINÆ.

CAP. LXIII.

An Act to remove Doubts as to
the Validity of Colonial Laws.

[29th June, 1865.]

WHEREAS doubts have been entertained respecting the validity of divers Laws enacted or purporting to have been enacted by the Legislatures of certain of Her Majesty's Colonies, and respecting the powers of such Legislatures, and it is expedient that such doubts should be removed:

Be it hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definitions.
"Colony."

1. The Term "Colony" shall in this Act include all of Her Majesty's

possessions abroad in which there shall exist a Legislature, as hereinafter defined, except the Channel Islands, the Isle of Man, and such territories as may for the time being be vested in Her Majesty under or by virtue of any Act of Parliament for the Government of India:

The terms "Legislature" and "Colonial Legislature" shall severally signify the authority, other than the Imperial Parliament or Her Majesty in Council, competent to make Laws for any colony:

"Legislature."
"Colonial Legislature."

The term "Representative Legislature" shall signify any Colonial Legislature which shall comprise a Legislative Body of which one-half are elected by inhabitants of the colony:

Representative Legislature.

The term "Colonial Law" shall include Laws made for any colony either by such Legislature as aforesaid or by Her Majesty in Council:

Colonial Law.

An Act of Parliament, or any provision thereof, shall, in construing this Act, be said to extend to any colony when it is made applicable to such colony by the express words or necessary intendment of any Act of Parliament:

Act of Parliament, &c. to extend to colony when made applicable to such colony.

Governor.

The term "Governor" shall mean the officer lawfully administering the Government of any colony:

Letters Patent.

The term "Letters Patent" shall mean Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland.

Colonial Law when void for repugnancy.

2. Any Colonial Law which is or shall be in any respect repugnant to the provisions of any Act of Parliament extending to the colony to which such Law may relate, or repugnant to any Order or Regulation made under authority of such Act of Parliament, or having in the colony the force and effect of such Act, shall be read subject to such Act, Order or Regulation, and shall, to the extent of such repugnancy, but not otherwise, be and remain absolutely void and inoperative.

Colonial Law when not void for repugnancy.

3. No Colonial Law shall be or be deemed to have been void or inoperative on the ground of repugnancy to the Law of England, unless the same shall be repugnant to the provisions of some such Act of Parliament, Order or Regulation as aforesaid.

Colonial Law not void for in-

4. No Colonial Law, passed with the concurrence of or assented to by

the Governor of any colony, or to be hereafter so passed or assented to, shall be or be deemed to have been void or inoperative by reason only of any instructions with reference to such Law or the subject thereof which may have been given to such Governor by or on behalf of Her Majesty, by any instrument other than the Letters Patent or Instrument authorizing such Governor to concur in passing or to assent to Laws for the peace, order, and good government of such colony, even though such instructions may be referred to in such Letters Patent or last mentioned Instrument.

consistency
with ins-
tructions.

5. Every Colonial Legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative Legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make Laws respecting the constitution, powers, and procedure of such Legisla-

Colonial
Legislature
may estab-
lish, &c.
courts of
Law.

ture; provided that such Laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, Letters Patent, Order in Council, or Colonial Law for the time being in force in the said colony.

Certified copies of Laws to be evidence that they are properly passed.

6. The certificate of the clerk or other proper officer of a Legislative Body in any colony to the effect that the document to which it is attached is a true copy of any Colonial Law assented to by the Governor of such colony, or of any Bill reserved for the signification of Her Majesty's pleasure by the said Governor, shall be *primâ facie* evidence that the document so certified is a true copy of such Law or Bill, and, as the case may be, that such Law has been duly and properly passed and assented to, or that such Bill has been duly and properly passed and presented to the Governor; and any Proclamation purporting to be published by authority of the Governor in any newspaper in the colony to which such Law or Bill shall relate, and signifying Her Majesty's Disallowance of any such Colonial Law, or Her Majesty's Assent to any such reserved Bill as

Proclamation to be evidence of absent and disallowance.

aforesaid, shall be *primâ facie* evidence of such Disallowance or Assent.

And whereas doubts are entertained respecting the validity of certain Acts enacted or reputed to be enacted by the Legislature of South Australia: Be it further enacted as follows:

7. All Laws or reputed Laws enacted or purporting to have been enacted by the said Legislature, or by persons or bodies of persons for the time being acting as such Legislature, which have received the Assent of Her Majesty in Council, or which have received the Assent of the Governor of the said Colony in the Name and on behalf of Her Majesty, shall be and be deemed to have been valid and effectual from the date of such Assent for all purposes whatever: provided that nothing herein contained shall be deemed to give effect to any Law or reputed Law which has been disallowed by Her Majesty, or has expired, or has been lawfully repealed, or to prevent the lawful disallowance or repeal of any Law.

Certain Acts
enacted by
Legislature
of South
Australia to
be valid.



CANADA.

LETTERS PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor General and Commander-in-Chief of the Dominion of Canada.

Letters Patent,)
Dated, 5th June, 1905.}

EDWARD THE SEVENTH, by the Grace of God, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India.

To all to whom these Presents shall come, Greeting:

WHEREAS by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fifth day of October, 1878, Her late Majesty Queen Victoria did constitute,

order and declare that there should be a Governor General in and over our Dominion of Canada, and that the person filling the said office of Governor General should be from time to time appointed by Commission under the Royal Sign Manual and Signet:

And whereas it is Our will and pleasure to revoke the said Letters Patent, and to substitute other provisions in place thereof:

Now, therefore, We do by these presents revoke and determine the said recited Letters Patent, and everything therein contained, but without prejudice to anything lawfully done thereunder. And We do declare Our will and pleasure as follows:

I. We do hereby constitute, order and declare that there shall be a Governor General and Commander-in-Chief in and over Our Dominion of Canada (hereinafter called Our said Dominion), and appointment to the said office shall be made by Commission under Our Sign Manual and Signet. And We do hereby authorize and command Our said Governor General and Commander-in-Chief (hereinafter called our said Governor General) to

do and execute in due manner, all things that shall belong to his said office, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of "The British North America Act, 1867," and of these present Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such instructions as may from time to time be given to him, under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such Laws as are or shall hereafter be in force in Our said Dominion.

II. And We do hereby authorize and empower Our said Governor General to keep and use the Great Seal of Our said Dominion for sealing all things whatsoever that shall pass the said Great Seal.

III. And We do further authorize and empower Our said Governor General to constitute and appoint, in Our name and on Our behalf, all such judges, commissioners, justices of the peace, and other necessary officers and

ministers of Our said Dominion, as may be lawfully constituted or appointed by Us.

IV. And We do further authorize and empower Our said Governor General, so far as We lawfully may, upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office within Our said Dominion, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

V. And We do further authorize and empower Our said Governor General to exercise all powers lawfully belonging to Us in respect of the summoning, proroguing, or dissolving the Parliament of Our said Dominion.

VI. And whereas by "The British North America Act, 1867," it is amongst other things enacted, that it shall be lawful for Us, if We think fit, to authorize the Governor General of Our Dominion of Canada to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Our said Dominion, and in that capacity to ex-

ercise, during the pleasure of Our said Governor General, such of the powers, authorities and functions of Our said Governor General as he may deem it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions from time to time expressed or given by Us: Now We do hereby authorize and empower Our said Governor General, subject to such limitations and directions as aforesaid, to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Our said Dominion of Canada, and in that capacity to exercise, during his pleasure, such of his powers, functions and authorities, as he may deem it necessary or expedient to assign to him or them: Provided always, that the appointment of such a Deputy or Deputies shall not affect the exercise of any such power, authority or function by Our said Governor General in person.

VII. And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor General out of Our said Dominion, all and every the

powers and authorities herein granted to him shall, until Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign Manual and Signet to be Our Lieutenant Governor of Our said Dominion; or if there shall be no such Lieutenant Governor in Our said Dominion, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same; and in case there shall be no person or persons within Our said Dominion so appointed by Us, then in Our Chief Justice for the time being of the Supreme Court of Our said Dominion; or in case of the death, incapacity, removal or absence out of Our said Dominion of Our said Chief Justice for the time being, then in the Senior Judge for the time being of our said Supreme Court, then residing in Our said Dominion and not being under incapacity: Provided always that the said Senior Judge shall act in the administration of the Government only if and when Our said Chief Justice shall not be present within Our said Dominion and capable of administering the Gov-

ernment. Provided further, that no such powers or authorities shall vest in such Lieutenant Governor, or such other person or persons, until he or they shall have taken the oaths appointed to be taken by the Governor General of Our said Dominion, and in the manner provided by the Instructions accompanying these Our Letters Patent.

VIII. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Dominion, to be obedient, aiding and assisting unto Our said Governor General, or in the event of his death, incapacity, or absence, to such person or persons as may, from time to time, under the provisions of these Our Letters Patent administer the Government of Our said Dominion.

IX. And We do hereby reserve to Ourselves, Our heirs and successors full power and authority from time to time to revoke, alter or amend these Our Letters Patent as to Us or them shall seem meet.

X. And We do further direct and enjoin that these Our Letters Patent

shall be read and proclaimed at such place or places as Our said Governor General shall think fit within Our said Dominion of Canada.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Fifteenth day of June, in the Fifth Year of Our Reign.

By Warrant under the King's Sign Manual.

MUIR MACKENZIE.



CANADA.

INSTRUCTIONS *passed under the Royal Sign Manual and Signet to the Governor General and Commander-in-Chief of the Dominion of Canada.*

Dated 15th June, 1905.

EDWARD R. & I.

INSTRUCTIONS to Our Governor General and Commander-in-Chief in and over Our Dominion of Canada, or, in his absence, to Our Lieutenant Governor or other Officer for the time being administering the Government of Our said Dominion.

Given at Our Court at Saint James's, this Fifteenth day of June, 1905, in the Fifth Year of Our Reign.

WHEREAS by certain letters Patent bearing even date herewith, We have constituted, ordered, and declared that there shall be a Governor General and Commander-in-Chief (hereinafter called Our said Governor General) in

and over Our Dominion of Canada (hereinafter called Our said Dominion), And We have thereby authorized and commanded Our said Governor General to do and execute in due manner all things that shall belong to his said office, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of the said Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him, under Our Sign Manual and Signet. or by Our Order in Our Privy Council, or by Us through One of Our Principal Secretaries of State and to such Laws as are or shall hereafter be in force in Our said Dominion. Now, therefore, We do, by these Our Instructions under Our Sign Manual and Signet, declare Our pleasure to be as follows:

I. Our said Governor General for the time being shall, with all due solemnity cause Our Commission, under Our Sign Manual and Signet, appointing Our said Governor General for the

time being, to be read and published in the presence of the Chief Justice for the time being, or other Judge of the Supreme Court of Our said Dominion, and of the Members of the Privy Council in Our said Dominion.

Our said Governor General, and every officer appointed to administer the Government of Our said Dominion, shall take the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second Years of the Reign of Her late Majesty Queen Victoria, intituled: "An Act to amend the Law relating to Promissory Oaths"; and likewise he or they shall take the usual Oath for the due execution of the Office of Our Governor General and Commander-in-Chief in and over Our said Dominion, and for the due and impartial administration of justice; which Oaths the said Chief Justice for the time being, of our said Dominion, or in his absence, or in the event of his being otherwise incapacitated, any Judge of the Supreme Court of Our said Dominion shall, and he is hereby required to tender and administer unto him or them.

II. And We do authorize and require Our said Governor General from time to time, by himself or by any other person to be authorized by him in that behalf, to administer to all and to every persons or person as he shall think fit, who shall hold any office or place of trust or profit in Our said Dominion, the said Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Laws or Statutes in that behalf made and provided.

III. And We do require Our said Governor General to communicate forthwith to the Privy Council for Our said Dominion these Our Instructions, and likewise all such others from time to time, as he shall find convenient for Our service to be imparted to them.

IV. Our said Governor General is to take care that all Laws assented to by him in Our Name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margins, and be accompanied in such cases as may seem to him necessary with such explanatory observations as may be required to exhibit the reasons and occa-

sions for proposing such Laws; and he shall also transmit fair copies of the Journals and Minutes of the proceedings of the Parliament of Our said Dominion, which he is to require from the Clerks, or other proper officers in that behalf, of the said Parliament.

V. And We do further authorize and empower Our said Governor General, as he shall see occasion, in Our name and on Our behalf, when any crime or offence against the Laws of Our said Dominion has been committed for which the offender may be tried therein, to grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders if more than one; and further, to grant to any offender convicted of any such crime or offence in any court, or before any judge, justice or magistrate, within Our said Dominion, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to Our said Governor General may seem fit, and to remit any fines, penalties or forfei-

tures which may become due and payable to Us: Provided always, that Our said Governor General shall not in any case, except where the offence has been of a political nature, make it a condition of any pardon or remission of sentence, that the offender shall be banished from or shall absent himself from Our said Dominion. And We do hereby direct and enjoin that Our said Governor General shall not pardon or reprove any such offender without first receiving in capital cases the advice of the Privy Council for Our said Dominion, and in other cases, the advice of one, at least, of his Ministers; and in any case in which such pardon or reprove might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of Our said Dominion, Our said Governor General shall, before deciding as to either pardon or reprove, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid:

VI. And whereas great prejudice may happen to Our service and to the security of Our said Dominion by the

absence of Our said Governor General, he shall act, upon any pretense whatever, quit Our said Dominion without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.

E. R. & I.

INSTRUCTIONS to the
GOVERNOR GENERAL of the
Dominion of CANADA.

For former Commission and Instructions (see 6 Sen. J. 70).



CANADA.

COMMISSION passed under the Royal Sign Manual and Signet, appointing the Right Honourable Earl Grey, G.C.M.G., to be Governor General and Commander-in-Chief of the Dominion of Canada.

EDWARD R. & I.

EDWARD THE SEVENTH, by the Grace of God of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To Our Right Trusty and Right Well Beloved Cousin Albert Henry George, Earl Grey, Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George; Greeting.

We do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said Albert Henry

George, Earl Grey, to be, during Our pleasure, Our Governor General and Commander-in-Chief, in and over Our Dominion of Canada, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

II. And We do hereby authorize, empower, and command you to exercise and perform all and singular the powers and directions contained in certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the Fifteenth day of June, 1905, constituting the said Office of Governor General and Commander-in-Chief, or in any other Letters Patent adding to, amending, or substituted for the same, according to such Orders and Instructions as you may have already received, or as you may hereafter receive from Us.

III. And further, We do hereby appoint that this Our present Commission shall supersede Our Commission under Our Sign Manual and Signet, bearing date the Twenty-sixth day of September, 1904, appointing you to be

Governor General of Our Dominion of Canada.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Dominion, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly.

Given at Our Court at Saint James's, this Sixteenth day of June, 1905, in the Fifth year of Our Reign.

By His Majesty's command,

ALFRED LYTTELTON.

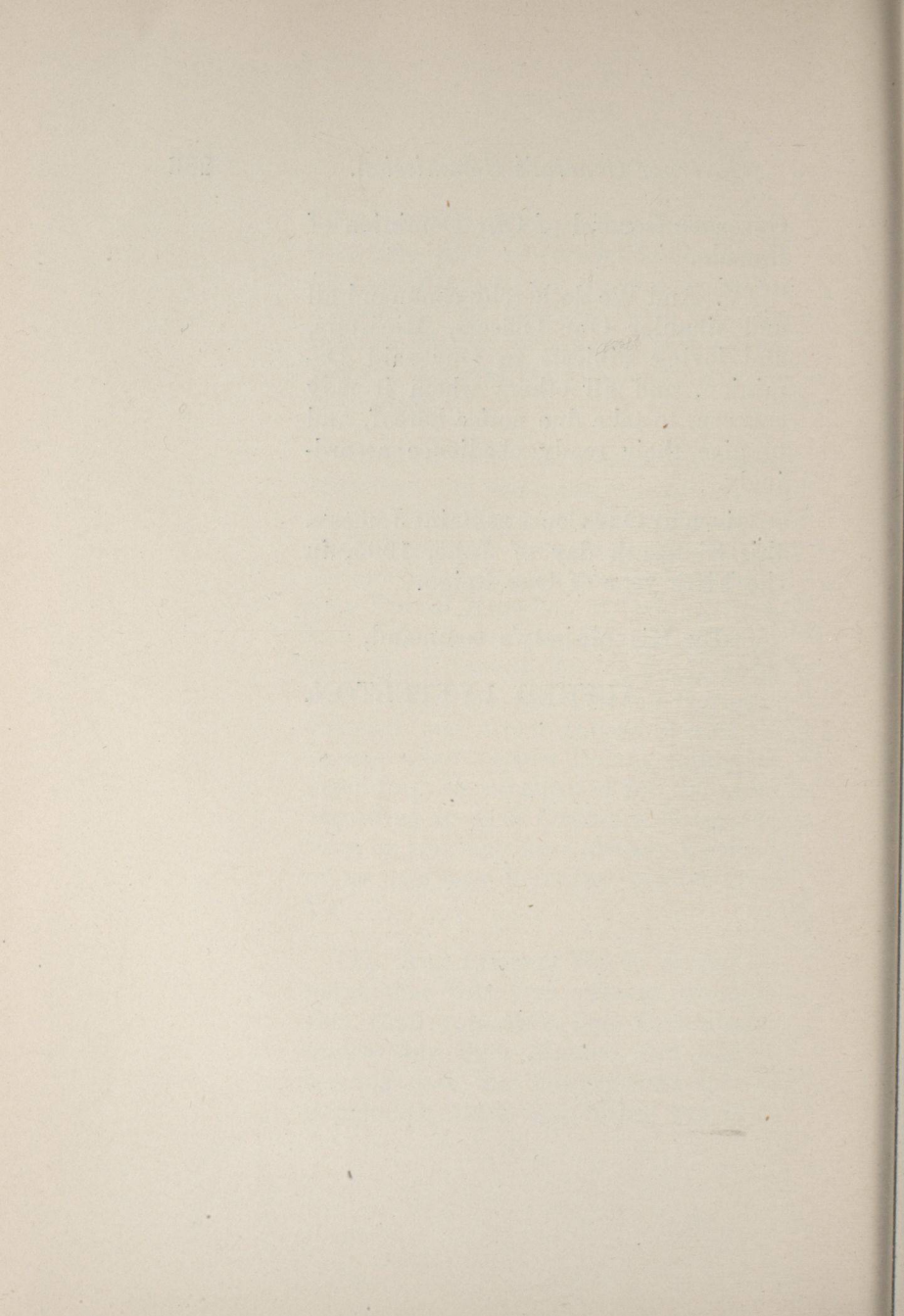


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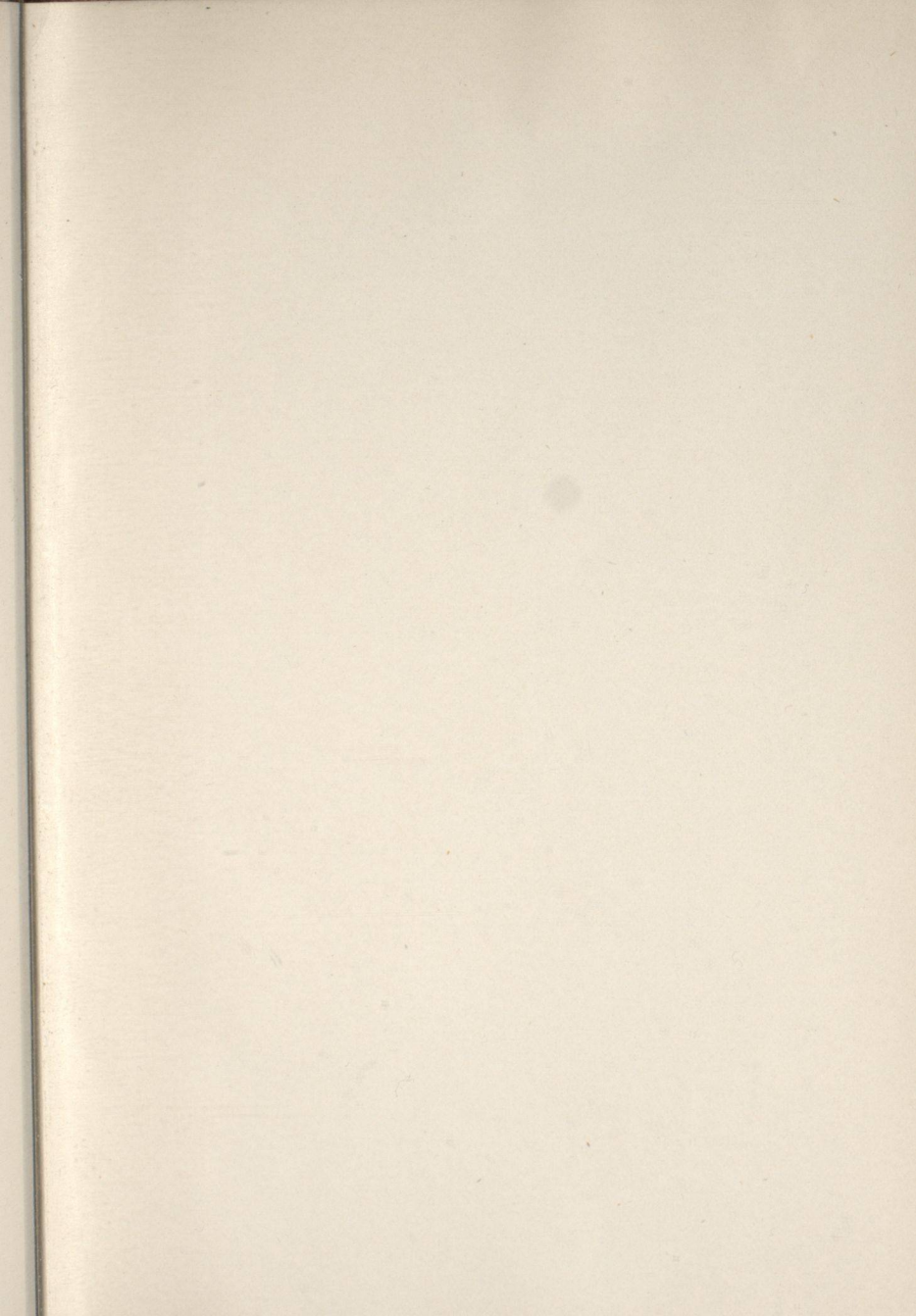
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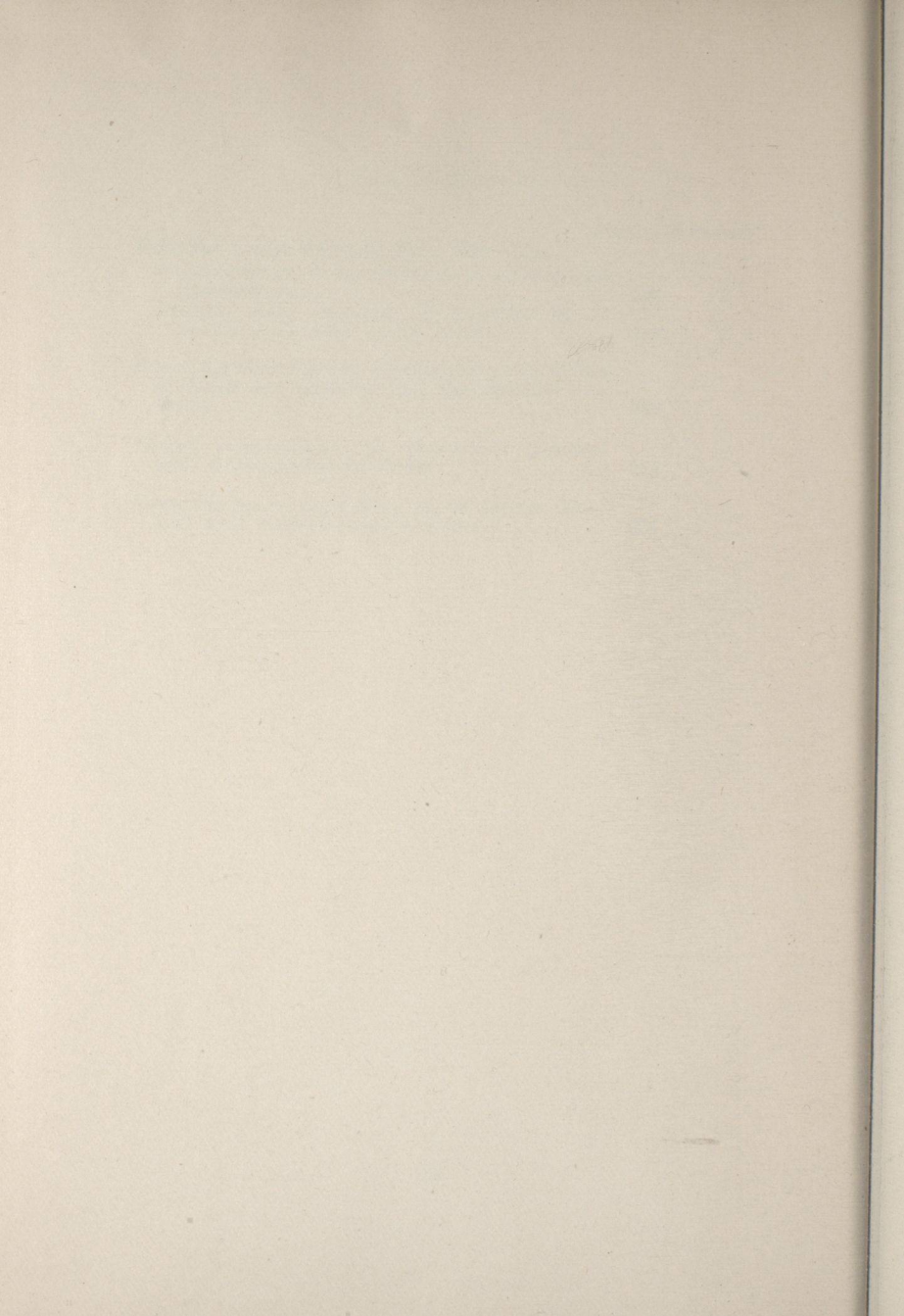
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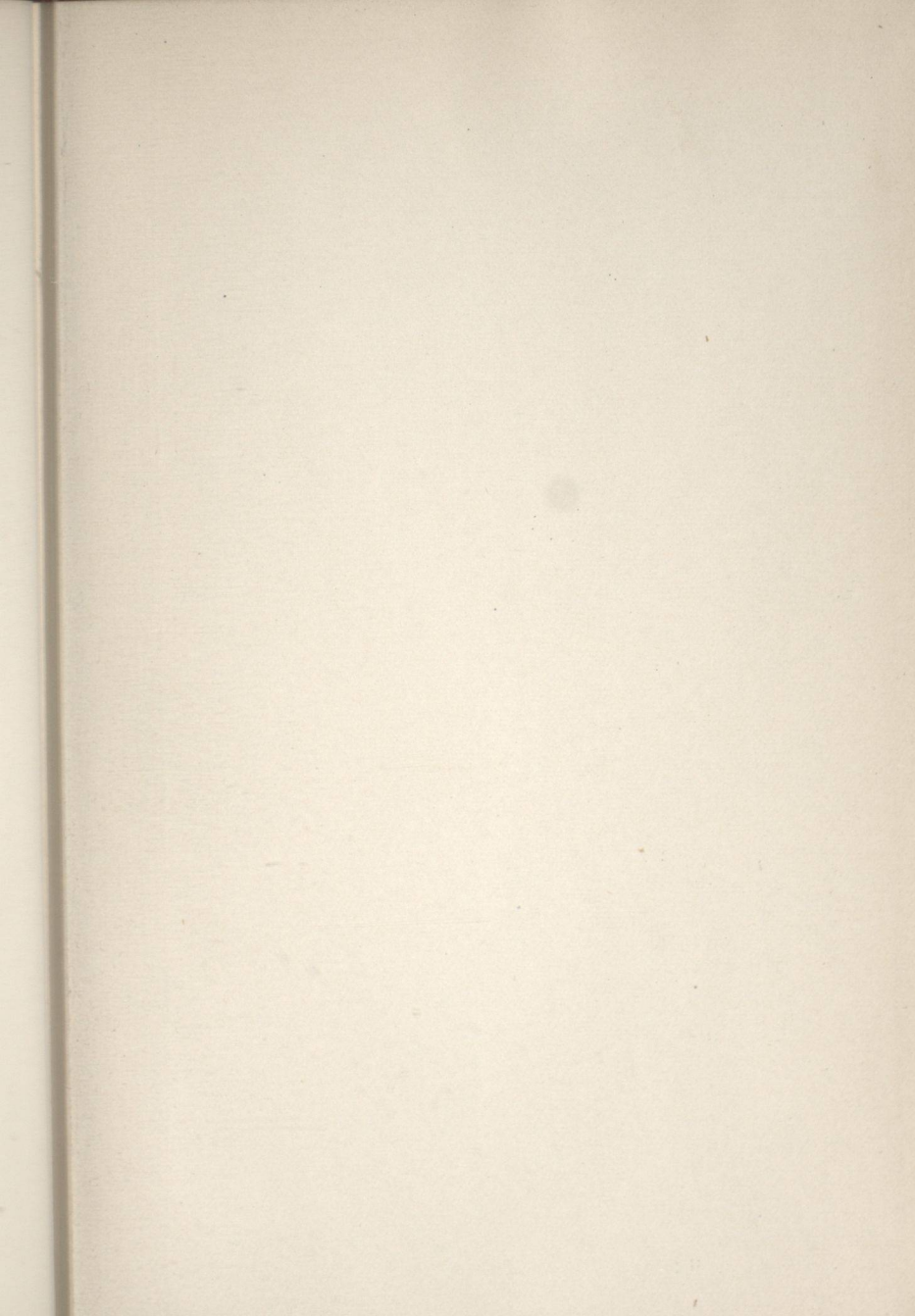
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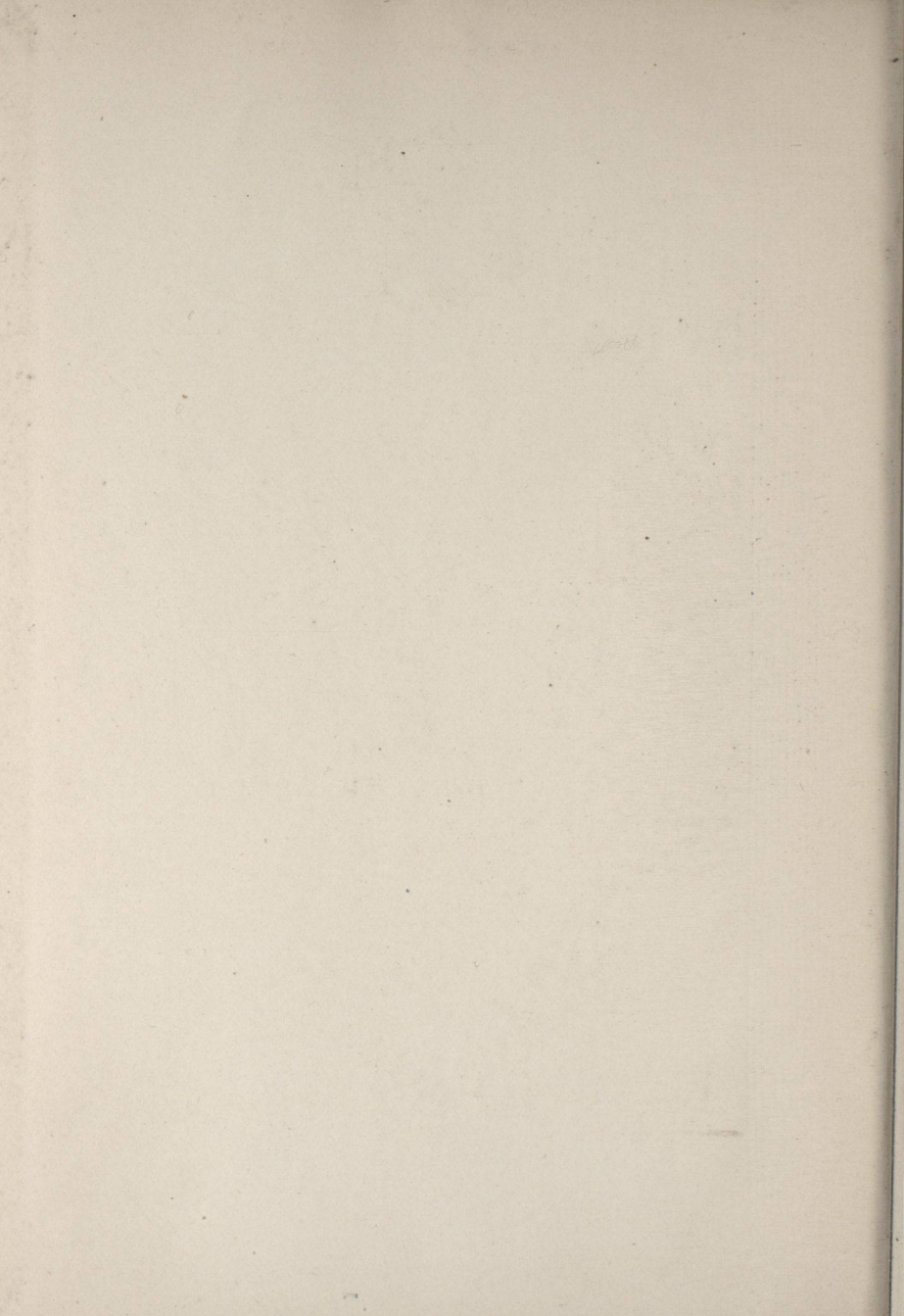
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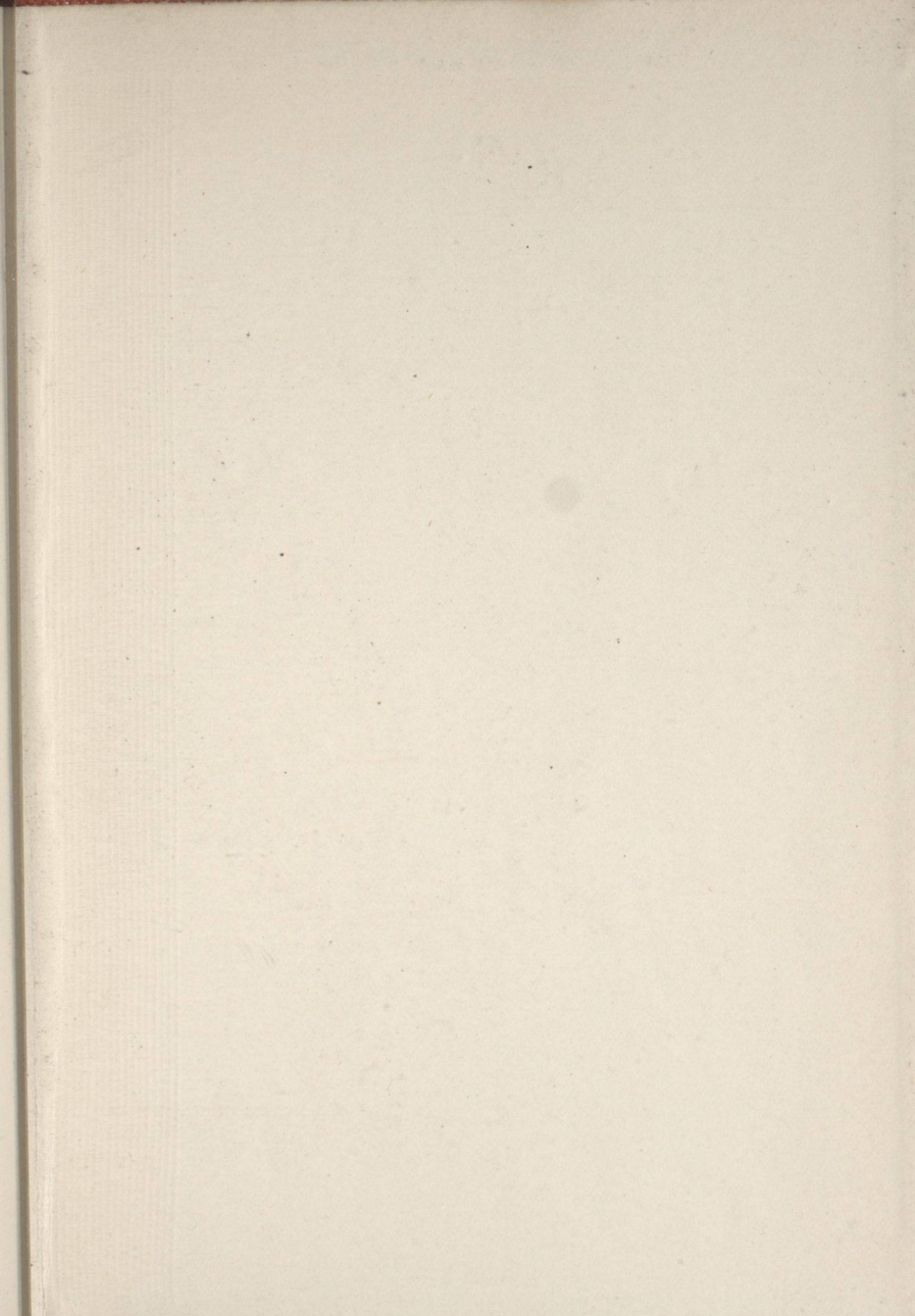
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