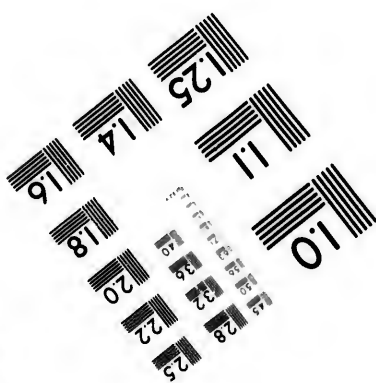
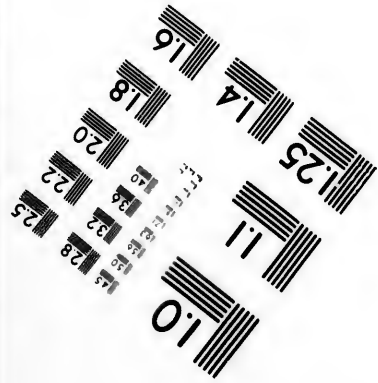
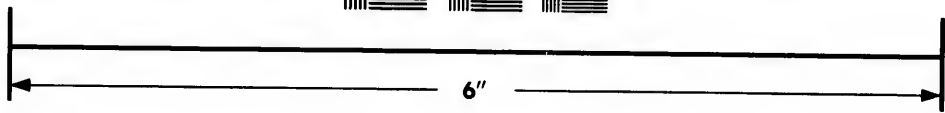
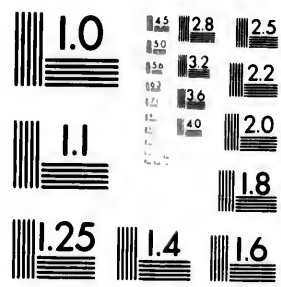


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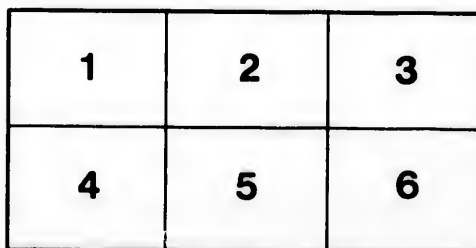
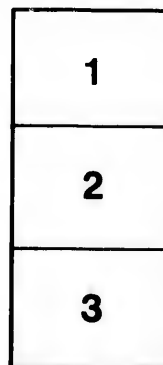
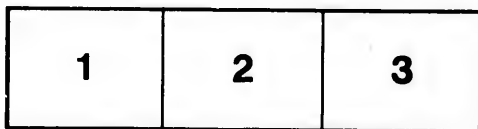
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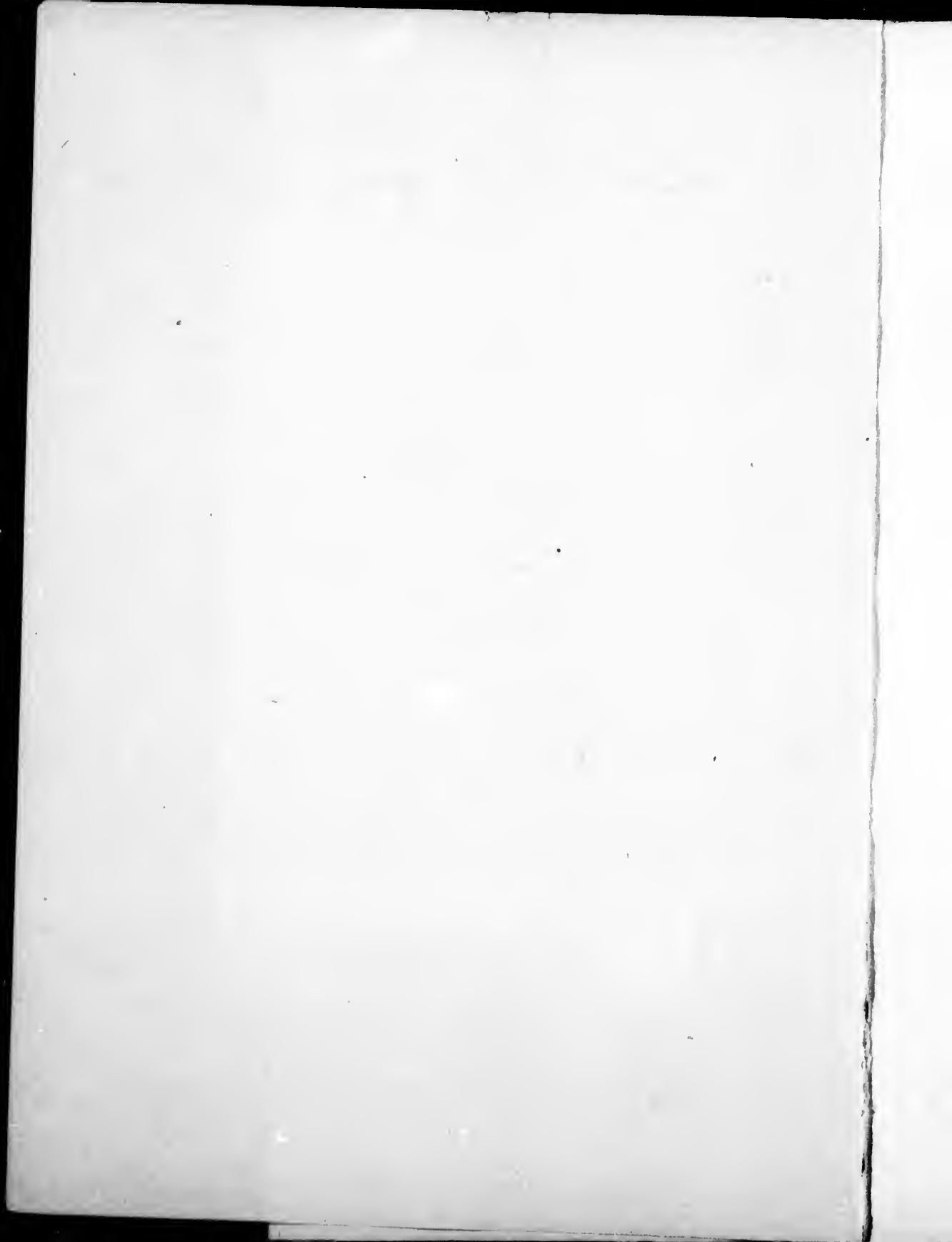
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MANUAL
SHEWING THE
PRIVATE BILL PRACTICE
OF THE
PARLIAMENT OF CANADA.

RESPECTFULLY DEDICATED, BY PERMISSION, TO

THE HON. J. G. BLANCHET
Speaker of the House of Commons of Canada,

BY
EDWARD F. HARTNEY,
Private Bill Department, House of Commons.

OTTAWA:
PRINTED BY MACLEAN, ROGER & Co., WELLINGTON STREET.
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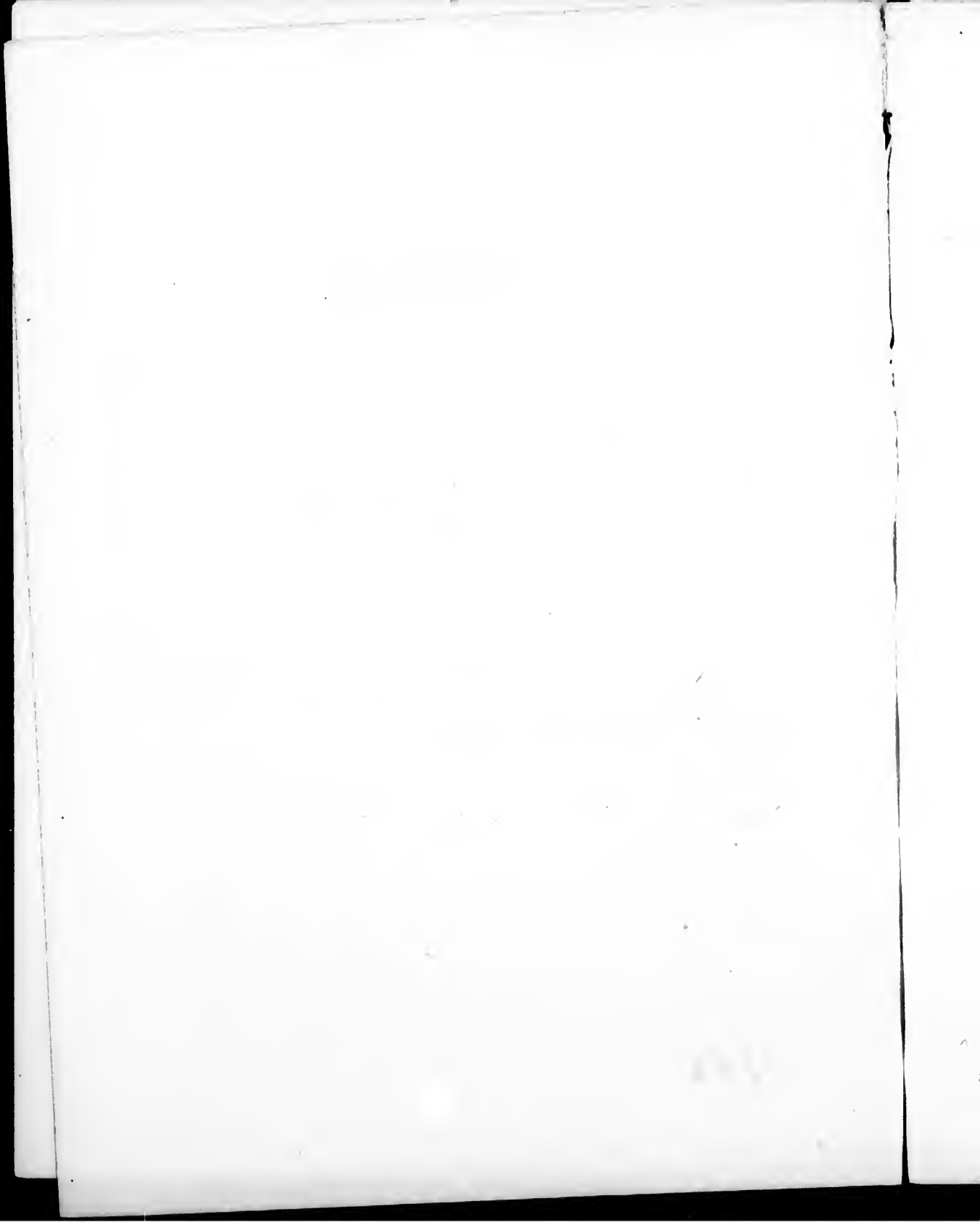
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PREFACE.

The absence of any publication shewing the Private Bill Practice of the Parliament of Canada, as it now is, has long been felt, not only by persons promoting and opposing private bills but by many Members of the Legislature themselves; the only work of the kind being Todd's Private Bill Practice, 1868, since that date many changes in the form of procedure have been introduced, and the writer from his experience, gained as an attaché of several years standing, of the Railway and Banking and Commerce Committees of the House of Commons, is of opinion that the experience so attained could be utilized to the public advantage by the issue of a Manual shewing the actual course of proceedings to be followed in passing Private Bills through both Houses.

The writer has carefully studied Mr. Todd's Treatise and has utilized portions of it, but his great object has been to base his remarks on the Rules of both Houses and in conformity therewith to show the present

PREFACE.

practice, illustrating the same with the latest precedents from the Journals. In all unprovided cases May's Parliamentary Practice has been referred to, as the 120th Rule of the Commons and 84th of the Senate provide that in all such cases the Imperial practice shall be followed.

HOUSE OF COMMONS,
OTTAWA, January, 1882.

PRIVATE BILL PRACTICE

IN THE
PARLIAMENT OF CANADA.

Preliminary Remarks.

The distinction between public and private bills is one that has been recognized and acted upon by the Imperial Parliament from a very early period, and the mode of proceeding upon the two classes of bills has also differed in some important particulars. ¹ In passing private bills, while Parliament still exercises its legislative functions, its proceedings partake also of a judicial character; the parties interested in such bills appear as suitors, while those who apprehend injury are admitted as adverse parties to the suit; much of the formality of a Court of Justice is maintained; conditions are required to be observed, and their observance proved by the promoters of a bill, and if they abandon it and no other parties take it up, the bill is dropped, however sensible the House may be of its

Distinction
between
Public and
Private
Bills.

Functions
of Parlia-
ment part-
ly judicial
in passing
private
bills.

¹ Todd's, Private Bill Practice, p. 1.

value. ' This union of the judicial and legislative functions is not confined to the forms of procedure, but is an important principle in the enquiries and decision of Parliament, upon the merits of private bills. As a court it enquires into, and adjudicates upon the interests of private parties ; as a legislature it is watchful over the interests of the public. ¹

Definition
of a private
bill.

Every bill for the particular interest or benefit of any person or persons, is treated as a private bill, whether it be for the interest of an individual, a public company or corporation, a parish, a city, a county, or other locality ; it is equally distinguished from a measure of public policy in which the whole community are interested, and this distinction is marked by the solicitation of private bills by the parties whose interests are concerned. ²

Semi-private
bills.

There is a class of bills, however, which, though local or special in their operation, yet having been solicited by persons not in the interest of the parties to be affected by their operation, or having been introduced upon public grounds, have been treated by the Legis-

¹ May, p. 633..

² May, p. 626.

lature as public bills. It must be obvious, however, that on bills of this nature, the same notice should be required as upon a private bill, with the exception only of such as are introduced upon some well defined principle of policy or right. ¹ It has been held that a bill commenced as a private bill cannot be taken up and proceeded with as a public bill. ²

By the provisions of "The British North America Act, 1867," certain classes of Private Bills are placed under the exclusive control of the Parliament of the Dominion, and certain others are transferred to the Provincial Legislatures.

The classes of subjects which, under this arrangement, pertain exclusively to the *Parliament of the Dominion*, are thus defined by the Act: Subjects under control of Parliament.

Sec. 91.—Ferries between a Province and any British or Foreign Country, or between two Provinces.

Banking, Incorporation of Banks, and the issue of Paper Money.

Savings Banks.

¹ Todd's, Private Bill Practice, p. 7. ² May, p. 631.

Patents of Invention and Discovery.

Naturalization and Aliens.

Marriage and Divorce, —and

Such classes of subjects as are expressly excepted in the enumeration of the classes of the subjects by this Act assigned exclusively to the Legislatures of the Provinces which exceptions are thus defined, in

Sec. 92, Sub-section 10 :

- 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 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.

Those which are placed under the exclusive control of the *Provincial Legislatures* are thus defined :

Subjects under control of Provincial Legislatures.

Sec. 92, Sub-sec. 10.—Local Works and Undertakings, other than such as form the exceptions above recited.

Sub-sec. 11.—The incorporation of Companies with Provincial objects.

Sub-sec. 16.—Generally all matters of a merely local or private nature in the Province.

The Private Bill Rules and Standing Orders of the Senate and House of Commons being now the same, with the exception that the Senate have no rules respecting Parliamentary Agents (See also remarks on "Proceedings in the Senate," p. 39) the account given in the following pages of the proceedings on petitions and bills in the Commons will apply equally to the Senate; the rules are printed *in extenso* at the end of this work, together with certain additional Rules of the Senate relating to Divorce Bills.

Private bill rules of both Houses almost identical.

Parliamentary Agents.

The practice of employing Parliamentary Agents is not obligatory in Canada as in

Parliamentary Agents

not obligatory in Canada.

England, consequently it is usual for the member who presents the petition to take charge of the bill through its various stages; Officers of the House and Members are disqualified from acting as Parliamentary Agents; one of the Standing Orders of the House states that the "offer of any money or other advantage to any member of this House for the promoting of any matter whatsoever, depending or to be transacted in Parliament, is a high crime and misdemeanor and tends to the subversion of the constitution."

Mode of qualifying.

Rule 72 of the Commons provides that no person shall act as Parliamentary Agent until he shall have received the express sanction and authority of the Speaker, and that he shall be personally responsible for the observance of the Rules, Orders and Practice of Parliament, and for the payment of all fees and charges.

Disqualification.

The 73rd Rules provides that any Agent violating any of the rules or practice shall be liable to absolute or temporary prohibition to act as such agent at the pleasure of the Speaker.

Registration of Agents.

The name and place of residence of the Parliamentary Agent soliciting a bill are entered in the

Private Bill Register, in which are also recorded all the proceedings, from the petition to the passing of the bill. This book is open to public inspection.¹ As before mentioned the Senate have no rules respecting Parliamentary Agents.

Petitions for Private Bills.

Every private bill is based on a petition,² Every private bill which must state in general terms the subjects based on a petition. or privileges sought to be obtained by the parties soliciting the bill. The petition may be either written or printed, provided always that the signatures of at least three petitioners are subscribed on the sheet containing the prayer of the petition.³ Petitions should be prepared in triplicate, one copy being presented in each House by a Member,⁴ and the third addressed to the Governor General in Council through the Secretary of State. How presented.

Rule 49 says: "No petition for any private bill is received by the House after the first ten days of each session," but the Standing Orders Committee may, if they deem it advisable, Time of presentation.

¹ Rule 70.
² Rule 56.

³ Rule 85.
⁴ Rule 84.

After
expiration
of time.

recommend the House to grant an extension of time, which is generally concurred in. When the time has actually expired a petition can be presented asking that leave be given to present a petition for a private bill notwithstanding such expiry and giving reasons for the non-compliance with the rules of the House ; which petition is referred to the Standing Orders Committee for their report ¹ which report is generally concurred in by the House.

*Proof of Notices before Standing Orders
Committee.*

Examina-
tion of
petitions
without
reference.

Petitions for private bills, when received by the House, are taken into consideration (without special reference) by the Committee on Standing Orders, whose duty it is to ascertain whether the Rules in regard to the publication of notices have been complied with in each case, and to report to the House the result of their inquiries ; together with any recommendation that may appear to them desirable in cases where the notice may prove in any respect informal or insufficient. ²

¹ Commons Journals, 1881,
pp. 208 & 220.

² Rule 53.

All private bills from the Senate (not being based on a petition already so reported on) are taken into consideration and reported upon by the committee after the first reading and before their consideration by any other standing committee. ^{Private bills from Senate examined.} ¹

Rule 51 provides that all applications for private bills shall require a notice clearly and distinctly specifying the nature and object of the application, and (except in the case of existing corporations) signed on behalf of the applicants, to be published as follows, viz:—by advertisement in the *Canada Gazette* and in some newspaper published in any locality that may be affected by the proposed scheme. In the Provinces of Quebec and Manitoba the notices must be published in both languages. ^{Notices required to be given.}

Such notices shall be continued in each case for a period of at least two months, during the interval of time between the close of the next preceding Session and the consideration of the petition; and copies of the newspapers containing the first and the last insertion of such notice shall be sent by the parties inserting such no- ^{Duration of notices.}

¹ Rule 54.

tice to the Clerk of the House to be fyled in the Standing Orders Committee Room.

In the case
of toll-
bridges.

In the case of a proposal to erect a toll-bridge the notice must state the rates of toll to be demanded, the extent of the exclusive privilege, the height of the arches, and the interval between abutments and piers for the passage of rafts and vessels, and if a draw bridge is to be erected the dimensions of the same.¹

In divorce
cases.

The Senate require every applicant for a bill of divorce to give six months notice, of his intended application, in the *Canada Gazette* and in two newspapers published in the District in the Provinces of Quebec or Manitoba, or in the County or union of Counties in the other Provinces, where such applicant usually resided at the time of the separation—also that a written copy of the notice be served on the person from whom the divorce is sought.²

The requirements of both Houses in regard to notices having been referred to, the practice of the Committee thereon will now be shewn.

¹ Rule 52.

² Senate Rules 72 and 73.

The Committee usually meet on Tuesdays and Fridays, or more frequently if the Chairman considers it advisable, when such petitions for private bills as have been received by the House are laid before them. At their first meeting they elect a Chairman ; all questions arising in the Committee are decided by the majority of votes; the chairman only voting when the division is equal. Every member present in the Committee should vote on all questions brought up.

Sitting of
commit-
tee.

Voting.

In judging as to the sufficiency of the notice the Committee compare its terms with those of the petition, and in cases where insufficient notice, or no notice has been given, or where there is any informality or irregularity in the notice, the promoters of the petition appear and explain why they have not complied with the Rules ; the Committee then decide as to whether in their opinion such reasons are satisfactory, and if their decision be favorable they report to the House recommending that the notice be considered sufficient and that the 51st Rule be suspended, giving the grounds on which their commendation is based. If their decision be

Notice
compared
with peti-
tion.

Report.

unfavorable it is usual to report the notice as being insufficient, further proceedings on the petition then drop as the House rarely overrules the decision of the committee.

Reasons for suspension of rule relative to notice.

The following are some of the grounds on which the suspension of the Rule has been recommended :—that the measure is one of great public utility,¹ that no existing rights can be affected,² that the shareholders of the Company have consented to the proposed amendments,³ that provision will be made in the bill that no injury to any party shall arise,⁴ that all persons affected have given their consent,⁵ that the parties interested in the proposed measure were duly notified,⁶ that the application is not of a nature to require publication of notice,⁷ that provision will be made in the bill that no amendments affecting shareholders shall go into operation without their consent being first obtained,⁸ that the necessity for the applica-

¹ Commons Journals, 1881, p. 254.

² Commons Journals, 1881, p. 254.

³ Commons Journals, 1881, p. 202.

Commons Journals, 1881, p. 190.

⁵ Commons Journals, 1881, p. 108.

⁶ Commons Journals, 1880, p. 129.

⁷ Commons Journals, 1879, p. 83.

⁸ Commons Journals, 1879, p. 136.

tion has but recently arisen and no other rights can be affected¹ that no private rights other than those of the petitioners can be affected.²

In comparing the notice with the petition, it sometimes happens that powers are asked for in the petition which are not mentioned in the notice, in which case if the committee are not satisfied with the explanations given by the promoters, it is usual to report recommending that the powers granted in the bill be restricted to those of which notice has been given.³

Petitioners restricted within terms of the notice.

Occasionally the committee has reported to the House asking that a petition reported by them on a certain day be referred back for further consideration,⁴ which has been done.⁵

Petition referred back

From the foregoing instances it will be seen that the rules requiring notice are usually interpreted by the committee in a liberal sense, promoters and opponents of proposed measures should however remember, that the committee may, if they think fit, interpret them strictly ;

Rule usually interpreted liberally.

¹ Commons Journals 1879 p. 324.

² Commons Journals, 1878, p. 70.

³ Commons Journals, 1881, p. 94.

⁴ Commons Journals, 1881, p. 108.

⁵ Commons Journals, 1881, p. 109.

it is safer therefore for those interested either to be present or represented when their petitions come before the committee.

No suspension until after committee has reported.

No motion for the suspension of the rules upon any petition for a private bill is entertained until after the same has been reported on by the committee on Standing Orders.¹

Introduction and First Reading of Private Bills.

Deposit of bill.

Rule 58 requires that any person applying for a private bill shall deposit with the Clerk of the House, at least eight days before the meeting of the House, a copy of such bill, together with a sufficient sum to pay for translating and printing 600 copies of the bill in English and 200 in French, (the translation to be done by the Officers of the House and the printing by the Contractors for the printing of Parliament). No bill is allowed to be introduced until these charges have been paid.

In which House bills may originate.

As a general rule, private bills may originate in either House (except Divorce bills which always originate in the Senate), but it being the exclusive right of the Commons to impose and

¹ Rule 55.

appropriate all charges upon the people, every bill which involves any tax, rate, toll, or duty, ought to be first brought into that House; it has followed from this restriction that by far the greater number of private bills have been first passed by the Commons. ¹

Private bills must be introduced within the first two weeks of the Session; ² this period, however, is usually extended to correspond with any extension of time that may have been granted for the presentation of petitions.

After the petition has been favorably reported on by the Standing Orders Committee a copy of the bill as printed is sent to the member whose name is endorsed thereon, who may introduce the same upon a motion for leave; ³ preceded when required by the Report by a motion to suspend the rules. After the bill has been introduced it is read the first time, and ordered to be read the second time on the first private bill day thereafter.

If a bill has been informally or irregularly introduced, *i. e.*, prior to the presentation of a

¹ May, p. 635.

² Rule 49.

³ Rule 56.

petition, or to the Report of the Standing Orders Committee on such petition, it may be withdrawn with the leave of the House and a new bill be presented in the proper course. ¹

Rates,
tolls, &c.,
to be
printed in
italics.

The amount of any rates, tolls, fees or fines inserted in the bill, must be printed in *italics*; these are technically regarded by the House as blanks, to be filled up by the Committee on the bill, and are so inserted merely to shew the amount intended to be proposed. ²

Letters
patent.

When a bill for confirming any letters-patent or agreement is presented, a true copy of the same must be attached thereto. ³

Second Reading.

Second
Reading.

The practice in each House is to refer the bill after the second reading to the committee. ⁴ There is at this stage of the proceedings an important distinction between public and private bills, a public bill being founded on reasons of public policy, the House in agreeing to it second reading accepts and affirms those reasons; but the expediency of a private bill being

Principle
of private

¹ Journals 1876, pp. 114 and 127.

³ Rule 57.

⁴ Rule 59.

² May, p. 670.

mainly founded upon allegations of facts which have not yet been proved, the House in agreeing to its second reading affirms the principle of the bill conditionally and subject to the proof of such allegations before the committee. This is the first occasion upon which the bill is brought before the House otherwise than *pro forma* or in connection with the Standing Orders; and if the bill be opposed upon its principle, it is the proper time for attempting its defeat. If the second reading be deferred three or six months, or the bill rejected, no new bill for the same object can be offered until the next session. In order to avert surprises if the second reading of the bill be opposed its consideration is postponed until the next day's sitting. ¹

bill affirmed conditionally.

Postponed if opposed.

This is usually the stage at which His Excellency's consent, so far as Her Majesty's interest is concerned, is signified if any provisions of the bill affect the property or interests of the crown. ²

Consent of the crown.

Private bills on the Orders of the day for second reading in the Commons are called up, on Mondays, immediately after routine business, and on Wednesdays and Fridays, for the first

Private bill days.

¹ May, page 673.

² Journals 1877, p. 247.

hour at the evening sitting ; they also appear on the Orders of Tuesday but are rarely reached as they stand last on the Order paper. ¹

In the Senate, no days are specially appointed for the consideration of private bills, but they come up from day to day according to their relative position upon the Orders of the Day.

Reference
to stand-
ing com-
mittee.

Every private bill when read a second time is referred to a Standing Committee ; bills relating to Banks, Insurance, Trade and Commerce to the Committee on Banking and Commerce ; those relating to Railways, Canals and Telegraph Lines, and Canal and Railway Bridges to the Committee on Railways, Canals and Telegraph Lines ; and those not coming under these classes to the Committee on Miscellaneous Private Bills ; and all petitions for or against the bills are considered as referred to such Committee. ²

Petitions
also refer-
red.

Notice of
considera-
tion to be
given.

No private bill of which notice is required to be given, can be considered by the Committee to which the same has been referred until after one week's notice of the sitting of such Com-

¹ Rule 19.

² Rule 59.

mittee has been posted in the Lobby, and a notice of the said posting appended to the Votes and Proceedings of the House of that day ; in the case of bills received from the Senate, the notice to be posted in the Lobby and appended to the Votes is limited to twenty-four hours. ¹

This notice is frequently reduced towards the close of the session, on the recommendation of one or more of the private bill committees, and in certain cases the House has suspended the Rule altogether. ²

Reduction
of notice.

Divorce bills (which always originate in the Senate) are referred after their second reading in the Commons to the Standing Committee on Miscellaneous Private Bills together with a copy of the evidence taken before the Senate.

Reference
of divorce
bills.

Payment of Fee.

Immediately after the second reading and before the consideration of the bill by the Committee to which it has been referred a fee of two hundred dollars and a sufficient sum to pay the cost of printing the Act with the Statutes must be paid ; these charges are payable only

Payment
of "fee."

¹ Rule 60.
2½

² Journals, 1877, p. 267.

in the House in which the bill originates, should it require to be reprinted the cost must be defrayed by the promoters in the House in which the expense is incurred; ¹ when the fees are not paid within a reasonable time the Committee report back the bill to the House stating the facts, ^{1a} and further proceedings thereon are stopped.

**Fees
refunded.**

In some instances, the House has ordered a refund of the amounts paid (less the charges for printing and translation), but only on the recommendation of the Committee to which the bill had been referred, on the grounds,—that the promoters have asked leave to withdraw the bill, ² that the bill has been rejected by the Committee, ³ that the provisions of the bill have been amalgamated with another, ⁴ that the bill is not liable to the fees, ⁵ that the amendments sought for will be a public benefit, ⁶ that the powers applied for by the promoters have been materially diminished, ⁷ when a bill has been withdrawn in the House

¹ Rule 58.

^{1a} Journals, 1877, p. 245.

² Journals, 1881, p. 292.

³ Journals, 1881, p. 215.

⁴ Journals, 1881, p. 213.

⁵ Journals, 1880, p. 98.

⁶ Journals, 1879, p. 425.

⁷ Journals, 1874, p. 167.

after having been favorably reported on by the Committee it is usual to refund the fees upon a motion to that effect being made, ¹ also when a bill from the Commons has been rejected by the Senate. ² In some few instances, the fee has been refunded in the subsequent session.

Committees on Private Bills.

As before stated all private bills are referred after their second reading either to the Standing Committee on Railways, Canals and Telegraph Lines, or to that on Banking and Commerce, or to that on Miscellaneous Private Bills ; ³ these committees are appointed early in the session and continue in existence until its close ; they each consist of a large number of Members who are nominated by a special committee (which prepares lists of all standing committees at the beginning of each session) and the nomination confirmed by the House ; members may be subsequently added by the House. The quorum of the Railway Committee consists of the majority of its members, of the Banking Committee, the quorum is nine, and of the Miscellaneous

Committees on private bills.

¹ Journals, 1879, p. 181.

² Journals, 1881, p. 334.

³ Rule 59.

Examina-
tion of
witnesses
under
oath.

Private Bills Committee seven ; these committees have power to send for persons, papers and records and to report from time to time, and by the Act 31 Vict. chap. 24 are empowered to examine witnesses under oath, such oath to be administered by the chairman or any member of the committee.

Voting.

At their first meeting they elect a chairman who, in all questions arising before the Committee, votes as a member, and when the votes are equal has a second or casting vote.¹ Every member present in the Committee should vote on all questions brought up. If the attendance of a member of the House be required as a witness, the proper course is for the Chairman to write to the Member requesting his attendance ; if he refuse to attend, the fact is reported to the House in order that they may take such steps in the matter as they think fit.

Members
as wit-
nesses.

When
House sit-
ting com-
mittee
cannot sit.

The Committee cannot sit during the sitting of the House ; all proceedings are void after announcement that the Speaker is in the chair.²

General and Special Instructions.

General
instruc-
tions.

There are some general instructions given these Committees by the Standing Orders of the House concerning all private bills, viz. :—to call

¹ Rule 62.

² May, p. 388.

the attention of the House to any provision that does not appear to have been contemplated in the notice as reported on by the Committee on Standing Orders; ¹ to require proof, in every case that the persons whose names appear in a bill for incorporating the company are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated; ² in bills for confirming any letters-patent or agreement to see that a true copy of the same is annexed to the bill,³ and when only material alteration has been made in the preamble such alterations, and the reasons for the same, are to be stated in the report, and that all bills referred to the Committee are to be reported back to the House in every case. ⁴ Special instructions. Certain instructions may also be given by the House to the Committee, as for instance the Railway Committee was instructed on 21st April 1873, to enquire into the subject of Sunday traffic on Railways under control of Parliament with a view of reducing, if practicable, such traffic.

In 1867-8, the question of jurisdiction having Committee ask instruction. been raised before the Banking Committee with

¹ Rule 63.

² Rule 61.

³ Rule 57.

⁴ Rule 64.

regard to certain bills, they in one case¹ solicited an instruction from the House, which, not being given, the bill was not proceeded with: in two other cases² they amended the bills and reported them, calling attention, in their report, to the doubts raised; one of these bills was subsequently proceeded with, and the other abandoned.

The Railway Committee in 1871 also reported in reference to a bill respecting the Northern Railway that as the Government held a lien for a large amount upon that road, the consent of the Governor General should be first obtained before further proceedings were had thereon; this consent was obtained and the bill subsequently passed.

Order of
reference
dis-
charged.

After having referred a bill the House may, if it think fit, instruct a committee to report it back before consideration, or may discharge the order and refer it to another committee,³ or may discharge the order and direct the bill to be withdrawn,⁴ or if a bill has been unfavorably reported on by the committee, may refer

¹ Journals, 1867-8, p. 60.

² Journals, 1867-8; p. 357.

³ Journals, 1880, p. 77.

⁴ Journals, 1878, p. 60.

the same back again to the committee for re-consideration.¹ The committee have some times reported back bills which they considered might more advantageously be referred to another committee. In such cases, the notice already given by the committee under Rule 60 has generally been declared to be sufficient.²

Their Proceedings.

At each sitting a list of the bills which are ready for consideration is laid before the Committee in the order of their reference; and unless otherwise agreed upon by the Committee they are taken up in that order. It is, however, competent for the Committee to fix a day for the consideration of any certain bill or bills; this is usually done in the case of important bills, or when the persons interested have come a long distance, or are put to considerable expense in remaining over until their bill can be considered.

Order of consideration of bills.

Parties desirous of opposing any bill before the Committee present a petition to the House stating the grounds of their opposition, which

Opposition to bills.

¹ Journals, 1880, p. 265.

² Journals, 1871, pp. 229, 230.

is referred to the Committee on the bill ;¹ (as are also all petitions in favor of the measure), the petition should distinctly specify the grounds on which the petitioners object to the bill, or any of its provisions, as the petitioners can only be heard on the grounds so stated.² If no parties, counsel, or agent, appear on behalf of the petition it is tabled.

Counsel. The promoters of a bill may be heard by counsel if they desire it, on a motion to that effect being made by a member of the Committee and agreed to ; as may also petitioners against the preamble or any of the clauses, if, in their petition, they have prayed to be so heard. No member can act as counsel before the House or before any committee ; nor can any member of either House act as counsel before the other House, on any bill depending therein, without special permission.³

Preamble read.

After the Committee has been called to order the Chairman reads the title of the bill that stands first on the list for consideration, and if the promoters are ready to proceed, he reads the

¹ Rule 59.

² May, p. 687.

³ May, p. 358.

preamble, and if the Committee so desire, the petitions for and against the bill are also read, after which the promoters of the measure, and then those opposing it, are heard; should the opposition be only to certain clauses of the bill, it is usual to defer the same until those clauses are reached. Should the promoters not be ready to proceed the next bill on the list is called and so on.

Promoters and petitioners heard.

After the arguments have been heard and considered, the Chairman puts the question " Shall the preamble be adopted," if resolved in the affirmative he affixes his initials thereto and then proceeds with each clause in the same manner; should there be amendments or new clauses added he initials them also and marks on his copy of the bill where they are to be inserted. In the case of the preamble being amended the reasons for so doing must be stated in the report ;¹ and if any unusual provisions are found in the bill or any that do not appear to have been contemplated in the notice special mention of them also is to be made in the report ;² after all the clauses, and amend-

Question put on preamble.

Preamble amended.

Unusual provisions.

¹ Rule 64. See also *Journals*, ² Rule 63. 1881, p. 264, and 1873, p. 252.

Report.

ments, if any, have been disposed of the Chairman puts the question " Shall this bill be reported to the House " (the words " as amended " are added if there are any amendments), if agreed to he signs his name at length at the foot of the bill, and then reads the title of the next bill on the list.

Preamble
not
proven.

If the Committee report to the House " That the preamble has not been proved to their satisfaction " they must at the same time state the grounds of their decision. Of these may be instanced,—That the provisions of " The Canada Joint Stock Companies Act 1877 " give large facilities for the incorporation of Loan Companies on conditions approved by Parliament, and it is unnecessary and objectionable to grant a special Act of Incorporation for that purpose without special reason, which has not been given,¹—That it appears proper, before incorporating another company for the same purpose, to give the Company already incorporated an opportunity during the current year to make a *bonâ fide* beginning and prosecution of the undertaking,² that the evidence submitted in favor

¹ Journals, 1881, p. 215.

² Journals, 1880, p. 144.

of the preamble was insufficient,¹ that in view of the representations made they deem it inexpedient to proceed with the bill this session.²

The House may, if it think fit, direct the Committee to report the evidence upon which their decision that the preamble was not proven was founded. House may require the evidence.

When the Committee decide that the preamble has not been proven it is not competent for them to reconsider and reverse it, but the bill should (if necessary) be recommitted for that purpose.³

In the case of any bill sent down from the Senate, the Committee, if they have not sufficient evidence before them, can direct their chairman to move in the House that a message be sent to their Honors, requesting that the proofs and evidence on which the bill was founded may be communicated; and these, when sent down, are referred to the Committee. Evidence on bills from Senate.

In filling up the blanks in the bill, the Committee are required to insert the maximum rates Rates of toll, &c. to be inserted.

¹ Journals, 1878, p. 99.

² Journals, 1869, p. 233.

³ May, p. 722.

of toll, fees, or other charges to be imposed under its provisions, which are printed in the bill in *italics*, for the information of the House, but are technically regarded as blanks.¹

Limitation
of power to
make
amend-
ments.

The power of the Committee to make amendments is, however, limited ; care must be taken in preparing them, that they involve no infraction of the Standing Orders, and are not excessive.² No new provisions may be introduced by which the interest of parties, who are not suitors to the bill, or petitioners, before the Committee, can be affected, without due notice having been given to such parties.

Re-print-
ing of bills.

If the amendments made by the Committee are so important or extensive as to render it necessary that it should be reprinted before its consideration by the House, this is done at the expense of the promoters.³

Consoli-
dation of
bills, &c.

The Committee has of late years on several occasions consolidated two bills referred to them into one ;⁴ and have even granted more extensive powers than were asked for in the

¹ May, p. 670.

² Rule 63.

³ Rule 58.

⁴ Journals, 1881, p. 213.

petition,¹ and sometimes have changed the title of a bill referred to them ;² these matters must be mentioned specially in the report ; the proper time, however, for changing the title of a bill is in the House at the third reading.³

A bill, after it has been reported, may be referred back to the same committee ;⁴ but this is rarely done.

Bill
referred
back.

The evidence taken by the committee is not generally reported to the House, except in those cases where a special order to that effect may be made ; it is entered in a book, with the minutes of the proceedings of the committee, and kept in the Committee room ; but in some instances the committee have reported the evidence and their proceedings without an order being made.⁵

Evidence
not always
reported.

Every bill referred to the committee must be reported.⁶ If the promoters of any bill inform the committee that they do not desire to proceed further with it, the fact is reported to the House⁷ and the bill will be ordered to be with-

All bills to
be reported.

¹ Journals, 1881, p. 313.

² Journals 1880, p. 104.

³ Journals. 1880, p. 123.

⁴ Journals, 1880, pp. 209 and 265.

⁵ Journals, 1869, pp. 233 and 266.

⁶ Rule 64.

⁷ Journals, 1881, p. 355.

drawn ;¹ or if any other parties before the committee either as petitioners or opponents of the bill, desire to proceed with it, the committee may permit them to do so.²

Time for receiving reports limited.

The 49th Rule, while it limits the time for receiving petitions and private bills, respectively, also provides that no report of any Standing or Select Committee, upon a private bill be received after the first six weeks, but this period is invariably extended.

Proceedings in the House after Report.

Reference to committee of the whole.

By the 65th Rule of the House of Commons all private bills reported from a Standing Committee are placed on the Orders of the Day following the reception of the report,³ for consideration in Committee of the Whole; next after bills referred to a committee of the whole House,—though they are usually taken up only on “Private Bill” days; the only exception being in the case of bills on which the commit-

¹ Journals, 1881, p. 355.

² May, p. 633, (note.)

³ On 14th March, 1881, as the Session was drawing to a close it was ordered that for the remainder of this Session Private Bills report-

ed from the Select Standing Committees of the House be placed immediately on the Orders of the Day for consideration in Committee of the whole House.

tee have reported the preamble not proven, which are not placed on the Orders of the Day at all, unless by special order of the House.¹

Private Bills on the Orders of the Day, in the House of Commons, are called up on Mondays, immediately after the daily routine of business ; on Wednesdays and Fridays they are called for the first hour, at the evening sitting ; while on Tuesdays they appear last on the Orders.² In the Senate, no days are specially appointed for the consideration of private bills, but they come up from day to day, according to their relative position upon the Orders of the Day.

Private bill days.

It may be well to remark here, that while it is of course, competent to the House to amend or reject any bill after it has been reported by a Standing Committee, and to amend or reject any of the amendments agreed to by the committee, practically this right is rarely exercised. The inability of the House to discuss a private bill upon its merits in the absence of such information as evidence alone can supply, renders its reference to a Standing Committee indispensable ; and the House practically delegates its respon-

Amendments of Standing Committee generally accepted by the House.

¹ Rule 65.

² Rule 19.

sibility to that committee, and almost invariably accepts their decision. The principle thus acted upon by our Canadian Legislature, has been established in the Imperial Parliament as the result of a very long experience in private bill legislation.

In pursuance of this principle, the practice has prevailed of late years, in the Lower House, in the consideration of private bills in Committee of the Whole, of not treating the amendments made by the Standing Committee as amendments, but considering the bill, as amended, as a whole; thus in reporting the bill to the House, the Chairman refers only to the amendments made in Committee of the Whole. Bills from the Senate form a necessary exception to this practice, as every amendment made to the bill as sent down from that House must be communicated for its concurrence.¹

Notice of amendments to be given.

When it is intended to propose any important amendment in Committee of the Whole, or at the third reading, one day's notice thereof must be given.²

¹ Todd's Private Bill Practice, pp. 102 and 103. ² Rule 67.

In the Committee of the Whole, the same course is adopted as in the Standing Committee. (See remarks on page 25.)

Proceedings in Committee of the Whole.

If the Committee cannot go through the whole bill at one sitting, they direct the Chairman to report progress, and ask leave to sit again. When the bill has been fully considered, the Chairman puts a question, "That I do report this bill without amendment," or "with the amendments, to the House;" which being agreed to, the sitting of the Committee is concluded, and Mr. Speaker resumes the chair: upon which the Chairman approaches the steps of the Speaker's chair, and reports from the Committee that "they had gone through the bill and had made amendments thereto," or that "they had gone through the bill and directed him to report the same without amendment." Sometimes, however, the proceedings of a Committee are brought to a close by an order "That the Chairman do now leave the chair," in which case the Chairman, being without instructions, makes no report to the House, and the bill disappears from the Order Book and is generally regarded as defunct; but it is never-

Report.

theless competent for the House to appoint another day for the Committee, and to proceed with the bill.¹

Proceed-
ings after
report.

When the Chairman has reported the bill to the House, the entire bill is open to consideration, and amendments may be made, and new clauses added (of which due notice has been given as above mentioned), or the bill may be re-committed for further amendment.² If amendments have been made in committee, the question is at once put upon each amendment, in the order in which it stands in the bill; or the consideration of the bill as reported, may be postponed to a future day. If any of the amendments are supposed to be in excess of the notice given by the promoters of the bill, the proper course is to refer them to the Standing Orders Committee for their report.³

When the bill has been reported, and the amendments made in the Committee (if any) have been disposed of by the House, it is ordered for a third reading on the following day.

¹ May, p. 476.

² May p. 478.

³ Todd's Private Bill Practice p. 108.

Third Reading of the Bill.

Private Bills on the Orders of the Day for a third reading take precedence on private bill days of all other orders.¹ It is not customary at this stage to make any amendments but such as are merely verbal, no important amendment may be proposed without one day's notice thereof; ^{Third Reading.} ² if it be considered necessary the order for the third reading may be discharged, and the bill re-committed.³

The order for the third reading being read, the Member in charge of the bill moves 1st ^{Passage of bill.} "That the bill be now read the third time; 2nd, "That the bill do now pass and that the title be." The Clerk is then ordered to carry the bill to the Senate and desire their concurrence.⁴

In cases of urgent and pressing necessity a bill may be advanced two or more stages in one day; but, otherwise, no motion for dispensing with any of the Standing Orders relating to private bills is entertained by the House until after the same has been referred to, and reported ^{Dispensing with Standing Orders.}

¹ Rule 20.² Rule 67.³ Journals, 1881, p. 269.⁴ Journals, 1881, p. 207.

upon, by one or more of the private bill committees. ¹

Amendments made by Senate.

If a bill be returned from the Senate with amendments, the Member in charge (or any other Member acting for him) moves "That the amendments made by the Senate to the bill (*title*) be now taken into consideration." They are then read by the Clerk the first time, and if merely verbal or unimportant are read a second time, and may be at once agreed to; the Clerk is then ordered to carry the bill to the Senate. ²

Amendments referred in certain cases.

If any of the amendments be important, they are referred to the Standing Committee to which the bill was originally referred, ³ and all further proceedings on the matter are suspended until their report is received.

Order referring amendments discharged.

Occasionally the House has discharged the order referring the amendments, made by the Senate, to the Standing Committee, and have taken the same into consideration at their then sitting. ⁴

Amendments disagreed to.

If the House disagree to one or more of the amendments, the reasons therefor are set forth

¹ Rule 69.
² Journals, 1881, p. 272.

³ Rule 68; also Journals, 1877, p. 282.

⁴ Journals, 1877, p. 343.

in the motion for disagreeing, and are communicated to the Senate by Message;¹ an opportunity is thus afforded the Senate of not insisting upon the amendments objected to; in the event of either House refusing to yield the point in dispute, the bill is withdrawn or abandoned.

Proceedings on Private Bills in the Senate.

The proceedings of the two Houses on private bills may be said to be identical. Proceedings in Senate.

There, is however, one provision in the Rules of the Senate that does not appear in the Commons rules, viz : that, at any time before the final passing of a private bill, the same may, if the Senate think fit, be referred to the Supreme Court for their examination and report as to any point or matter in connection with such bill expressed in the Order of Reference.²

When any private bill has been referred to a Select or Standing Committee, the same course Evidence. is taken for obtaining evidence upon the preamble; or the committee can, if they desire it, instruct their chairman to move that a message be sent to Commons, requesting that the proofs

¹ Journals, 1880, p. 322.

² Senate Rule 55.

Notice of sitting of committee.

and evidence on which the bill is founded may be communicated, and these, when received, are referred to the committee. In the case of bills originating in the Senate, upon which notice by advertisement is required by the Rules, the committee give one week's notice of their sitting and twenty-four hours notice on bills originating in the Commons ; divorce bills, however, are introduced first in the Senate and there are certain Standing Orders and rules concerning them and which are peculiar to that House ; these will be found printed in full at the end of this work. When a divorce bill is sent down by the Senate to the Commons for their concurrence a copy of the evidence and documents on which the bill is founded are communicated at the same time.¹

Divorce bills.

Proceedings in Commons on Senate bills.

The bills sent down to the Commons pass through the same stages, and are subject to the same rules, as other private bills. When any private bill is so received, that is not based on a petition which has been already reported on by the Committee on Standing Orders, it is taken into consideration and reported on by the

¹ Senate Journals, 1879, p. 188.

said committee, after the first reading,¹ with reference to the notices required by the Rules.

The practice in the Senate with reference to any of their bills which may have been returned from the Commons with amendments, differs somewhat from that of the Commons, leaving it optional to refer the amendments to the Standing Committee, or to a Committee of the Whole.²

Bills amended by Commons.

Royal Assent.

Private bills receive the Royal Assent in the same manner and form, and at the same time as public bills.

Royal Assent.

By the "Interpretation Act" passed in 1867, it is provided that "every Act shall, unless by express provision it is declared to be a private Act, be deemed to be a public Act, and shall be judicially noticed, by all Judges, Justices of the Peace, and others, without being specially proved; and all copies of Acts, public or private, printed by the Queen's Printer, shall be evidence of such Acts and of their contents;" section 13 of the same Act provides that the Governor in Council may direct the distribution

All Acts to be deemed Public Acts.

¹ Commons Rule, 56.

² Senate Rule 71.

of the Statutes in such manner, either by the binding of the Public General Acts, and Acts of a local or private character, in separate volumes, or by binding them together in the same volumes with separate indexes or otherwise, as may be deemed expedient.

Rules relating to Private Bills.

Petitions
for Private
Bills.

49. No petition for any Private Bill is received by the House after the first ten days of each Session ; nor may any Private Bill be presented to the House after the first two weeks of each Session ; nor may any Report of any Standing or Select Committee upon a private Bill be received after the first six weeks of each Session.

Publica-
tion by the
Clerk, of
Rules rela-
tive to No-
tices, &c.

50. The Clerk of the House shall, during each recess of Parliament, publish weekly in the Official "Canada Gazette," the following Rules respecting notices of intended applications for Private Bills, and the substance thereof in the Official Gazette of each of the Provinces ; and the Clerk shall also announce, by notice affixed in the Committee rooms and lobbies of this House, by the first day of every Session, the time limited for receiving petitions for Private Bills, and Private Bills, and reports thereon.

Notices for
Private
Bills.

51. All applications for Private Bills, properly the subjects of legislation by the Parliament of Canada, within the purview of "The British North America Act, 1867," whether for the

erection of a bridge, the making of a railroad, turnpike road, or telegraph line; the construction or improvement of a harbour, canal, lock, dam or slide, or other like work; the granting of a right of ferry; the incorporation of any particular trade or calling, or of any banking or other joint stock company; or otherwise for granting to any individual or individuals any exclusive or peculiar rights or privileges whatever, or for doing any matter or thing which in its operation would affect the rights or property of other parties, or relate to any particular class of the community; or for making any amendment of a like nature to any former Act,—shall require a notice clearly and distinctly specifying the nature and object of the application, and (except in the case of existing Corporations), signed on behalf of the applicants, to be published as follows, viz:—

Notices for
Private
Bills.

In the Provinces of Quebec and Manitoba.—A Notice inserted in the the Official "Canada Gazette," in the English and French languages, and in one newspaper in the English, and one newspaper in the French language, in the District affected, or in both languages if there be but one paper; or if there be no paper published therein then (in both languages) in the Official "Canada Gazette," and in a paper published in an adjoining District.

In any other Province—A Notice inserted in the Official "Canada Gazette," and in one newspaper published in the County, or Union of Counties, affected, or if there be no paper

published therein, then in a newspaper in the next nearest County in which a newspaper is published.

Such Notices shall be continued in each case for a period of at least two months, during the interval of time between the close of the next preceding Session and the consideration of the Petition ; and copies of the newspapers containing the first and last insertion of such notice shall be sent, by the parties inserting such notice, to the Clerk of the House to be fyled in the Standing Orders Committee room.

Toll
Bridge.

52. Before any Petition praying for leave to bring in a Private Bill for the erection of a Toll bridge, is presented to the House, the person or persons intending to petition for such Bill, shall, upon giving the Notice prescribed by the preceding Rule, also, 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, the interval between the abutments or piers for the passage of rafts and vessels, and mentioning also whether they intend to erect a drawbridge or not, and the dimensions of the same.

Petitions
to be re-
ported on
by Stand-
ing Orders
Commit-
tee.

53. Petitions for Private Bills, when received by the House, are to be taken into consideration (without special reference) by the Committee Standing Orders, which 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 to the House the course to be taken in consequence of such insufficiency of Notice.

54. All Private Bills from the Senate (not being based on a Petition which has already been so reported on by the Committee) shall be first taken into consideration and reported on by the said Committee, in like manner, after the First Reading of such Bills, and before their consideration by any other Standing Committee.

Private Bills from Senate.

55. No motion for the suspension of the rules upon any petition for a private bill is entertained, unless the same has been reported upon by the Committee on Standing Orders.

Suspension of Rules.

56. All private bills are introduced on petition, and presented to the House upon a motion for leave, after such petition has been favourably reported on by the Committee on Standing Orders.

Introduction of Private Bills.

57. When any bill for confirming any letters patent or agreement is presented to the House, a true copy of such letters patent or agreement must be attached to it.

Letters Patent, or Agreements.

58. Any person seeking to obtain any private bill, giving any exclusive privilege, or profit, or private or corporate advantage, or for any amendment of any former Act, shall be required to deposit with the Clerk of the House, eight days before the meeting of the House, a copy of such bill in the English or French language,

Fees, and cost of preparing and printing Private Bills.

with a sum sufficient to pay for translating and printing the same—600 copies to be printed in English, and 200 copies to be printed in French—the translation to be done by the Officers of the House and the printing by the Contractor. The applicant shall be also required to pay the accountant of the House a sum of \$200, and the cost of printing the same for the Statutes, and lodge the receipt for the same with the Clerk of the committee to which such bill is referred—such payment to be made immediately after the second reading and before the consideration of the bill by such committee.

Fee and cost of printing where paid.

The fee payable on the second reading of any private bill is paid only in the House in which such bill originates, but the cost of printing the same is paid in each House.

Bills and Petitions referred.

59. Every private bill, when read a second time, is referred to the Standing Committee charged with the consideration of such bill. Bills relating to Banks, Insurance, Trade and Commerce, to Committee on Banking and Commerce; bills relating to Railways, Canals, Telegraphs, Canal and Railway Bridges, to the Committee on Railways; the bills not coming under these classes to the Committee on Miscellaneous Private Bills, and all petitions for or against the bills are considered as referred to such committee.

Sitting of Committee.

60. No Committee on any private bill originating in this House, of which notice is required to be given, is to consider the same until after one week's notice of the sitting of such com-

mittee has been first affixed in the Lobby; nor, in the case of any such bill originating in the Senate, until after twenty-four hours' like notice.

On the day of the posting of any bill under this rule, the Clerk of the House, shall cause a notice of such posting to be appended to the printed Votes and Proceedings of the day.

61. All persons whose interest or property may be affected by any Private Bill, shall, when required so to do, appear before the Standing Committee touching their consent, or may send such consent in writing, proof of which may be demanded by such 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.

Consent of parties interested.

62. 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 Chairman has a second or casting vote.

Voting in Committees.

63. It is the duty of the Committee, to which any Private Bill may be referred by the House, to call the attention of the House specially to any provision inserted in such Bill that does not appear to have been contemplated in the notice for the same, as reported upon by the Committee on Standing Orders.

Extraordinary provisions in Bills.

64. The Committee to which a Private Bill may have been referred, shall report the same

Report of Committee.

to the House, 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.

Preamble
not
proved.

65. When the Committee on any Private Bill report to the House that the Preamble of such bill has not been proved to their satisfaction, they must also state the grounds upon which they have arrived at such a decision; and no Bill so reported upon shall be placed upon the Orders of the Day, unless by special order of the House.

2. Private Bills otherwise reported to the House by such Committee, shall be placed upon the Orders of the Day following the reception of the Report, for consideration in Committee of the Whole, in their proper order, next after Bills referred to a Committee of the whole House.

Chairman
to sign
Bills and
Amend-
ments.

66. 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; and another copy of the Bill, with the amendments written thereon, shall be prepared by the Clerk of the Committee, and filed or attached to the Report.

Amend-
ments at
Third
Reading.

67. No important amendment may be proposed to any Private Bill, in a Committee of the whole House, or at the third reading of the Bill, unless one day's notice of the same shall have been given.

68. When any Private Bill is returned from the Senate with amendments, the same not being merely verbal or unimportant, such amendments are, previous to the second reading referred to the Standing Committee to which such Bill was originally referred.

Bill amended by Senate.

69. Except in cases of urgent and pressing necessity, no Motion for the suspension or modification of any rule applying to Private Bills or petitions for Private Bills shall be entertained by the House until after reference is made to the several Standing Committees charged with the consideration of Private Bills and a report made thereon by one or more of such Committees.

Dispensing with Standing Orders.

70. A book, to be called the "Private Bill Register," shall be kept, in which book shall be entered by a Clerk appointed for that business by *the* Clerk of The House, the name, description and place of residence of the parties applying for the Bill, or of their Agent, and all the proceedings thereon, from the petition to the passing of the Bill—such entry to specify briefly each proceeding in the House or in any Committee to which the bill or the petition may be referred, and the day on which the Committee is appointed to sit—such book to be open to public inspection daily during office hours.

Private Bill Register.

71. The Clerk of the House shall cause lists of all Private Bills and petitions for such bills upon which any Committee is appointed to sit, to be prepared daily by the Clerk of the Committee to which such bills are referred, speci-

Private Bill Committees.

fixing the time of the meeting and the room where the Committee shall sit, and shall cause the same to be hung up in the Lobby.

Parliamentary Agents.

72. Every Parliamentary Agent conducting proceedings before the House of Commons, shall be personally responsible to the House and to the Speaker, for the observance of the Rules, Orders, and practice of Parliament, and Rules prescribed by the Speaker, and also for the payment of all fees and charges; and he shall not act as Parliamentary Agent until he shall have received the express sanction and authority of the Speaker.

Agents violating Rules liable to suspension.

73. Any agent who shall wilfully act in violation of the Rules and practice of Parliament or of any Rules to be prescribed by the Speaker, or who shall wilfully misconduct himself in prosecuting any proceedings before Parliament, shall be liable to an absolute or temporary prohibition to practise as a Parliamentary Agent, at the pleasure of the Speaker; provided, that upon the application of such Agent, the Speaker shall state in writing the ground for such prohibition.

UNPROVIDED CASES.

Unprovided cases.

120. In all unprovided cases, the Rules, Usages and Forms of the House of Commons of the United Kingdom of Great Britain and Ireland, shall be followed.

Senate Rules relating to Divorce Bills.

72. Every Applicant for a Bill of Divorce is required to give Notice of his intended application, and to specify from whom and for what cause, by advertisement during six months, in the *Canada Gazette*, and in two newspapers published in the District in Quebec and Manitoba, or in the County or Union of Counties in the other Provinces, where such Applicant usually resided at the time of the separation, or if the requisite number of papers cannot be found therein, then in the adjoining District, or County or union of Counties.

Divorce notices published.

The Notice for the Provinces of Quebec and Manitoba is to be published in the English and French languages.

73. A copy of the Notice, in writing, is to be served, at the instance of the Applicant, on the person from whom the Divorce is sought, if the residence of such person can be ascertained; and proof on Oath of such service, or of the attempts made to effect it, to the satisfaction of the Senate, is to be adduced before the Senate on the reading of the Petition.

And served on adverse party.

74. When Proceedings in any Courts of Law have taken place prior to the Petition, an exemption of such Proceedings to final judgment, duly certified, is to be presented to the Senate, on the reading of the Petition.

Proceedings in Courts filed.

75. In cases where damages have been awarded to the Applicant, proof on oath must

Damages levied.

be adduced, to the satisfaction of the Senate, that such damages have been levied and retained, or explanation given to the Senate for the neglect or inability to levy the same under a writ of execution, as they may deem a sufficient excuse for such omission.

Formalities before 2nd reading.

76. The second reading of the Bill is not to take place until fourteen days after the first reading, and Notice of such second reading is to be affixed upon the doors of the Senate during that period, and a copy thereof, and of the Bill, duly served upon the party from whom the Divorce is sought ; and proof, on oath, of such service, adduced at the Bar of the Senate, before proceeding to the second reading, or sufficient proof adduced of the impossibility of complying with this regulation.

Petitioner to appear.

77. The petitioner is to appear below the Bar of the Senate, at the second reading, to be examined by the Senate, generally, or as to any collusion or connivance between the parties to obtain such separation, unless the Senate think fit to dispense therewith.

Evidence of celebration of marriage.

78. After the second reading, the Bill is referred to a Select Committee of nine members ; witnesses are heard on oath, the evidence is taken down in writing and reported to the Senate, with all vouchers adduced before the Committee ; the preliminary evidence being that of the due celebration of the marriage, between the parties, by legitimate testimony, either

by witnesses present at the marriage, or by complete and satisfactory proof of the certificate of the officiating minister or authority.

79. The Counsel for the Applicant, as well as the party from whom the Divorce is sought, may be heard at the Bar of the Senate, as well on the evidence adduced, as on the provisions for the future support of the wife, if deemed necessary.

Counsel heard.

80. The witnesses are notified to attend by a summons, to issue under the hand and seal of the Speaker, to the parties applying for the same, on application to the Clerk of the Senate, and served at the expense of the said parties, by the Usher of the Black Rod, or his authorized Deputy ; and every witness is allowed his reasonable expenses, which, with those incurred by the Usher of the Black Rod or his Deputy are to be taxed by the Senate, or any Officer thereof appointed for that purpose.

Witnesses, how summoned.

81. Witnesses refusing to obey the summons are, by order of the Senate, taken into the custody of the Usher of the Black Rod, and not liberated therefrom, except by order of the Senate, and after payment of the expenses incurred.

When refusing to attend.

82. Every Bill of Divorce is to be prepared in the English and French languages by the party applying for the same, and printed by the Contractor for the Sessional Printing for the Senate, at the expense of the party ; and six hundred

Bill prepared and printed by petitioner.

copies thereof, in English, and two hundred copies in French, must be deposited in the Office of the Clerk of the Senate, and no such Bill is to be read a third time until a certificate from the Queen's Printer shall have been filed with the Clerk, that the cost of printing 500 copies of the Act in English, and 250 copies in French for the Government, has been paid to him.

Amount to
be paid.

83. Every Applicant for a Bill of Divorce, at the time of presenting the Petition, is to pay into the hands of the Clerk of the Senate, a sum of two hundred dollars, to cover the expenses which may be incurred by the Senate during the progress of the Bill.

Unprovid-
ed cases.

84. In all unprovided cases, reference should be had to the Rules and Decisions of the House of Lords.

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