Forms of Proceeding

OF THE

Senate of Canada

CANADA

FORMS OF PROCEEDING

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[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 Twelfth Edition of "May's Parliamentary Practice" bearing the same number, and B. followed by a number refers in like manner to the Fourth Edition of Bourinot's "Parliamentary Procedure and Practice in the Dominion of Canada."]

OPENING OF PARLIAMENT.

FIRST DAY OF NEW PARLIAMENT.

Speaker's entrance on first day.

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:—

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. 141. 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 Gen-"tlemen,—I have the honour to in-"form the Senate, that a Commission "has been issued under the Great Seal, "appointing me Speaker of the Sen-"ate." 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. 83.

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 George, 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. 84-85.

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 "Honourable.....has, (or have) been "summoned to the Senate." B. 111-112. Appointments 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. 112. 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 sub-"scribed the Declaration of Qualifica-"tion required by the *British North "America Act, 1867.*"

This function is repeated in the case of every newly appointed Senator, when introduced. M. 143-4; B. 112.

Communication 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. 83.

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 Sen-"ate 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. 83.

Entrance of Governor or Deputy.

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 Gen-"eral's pleasure (or the Deputy Gov-"ernor'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. 84.

Commons directed to choose a Speaker.

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-

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. 141-142; B. 88-89.

Adjournment 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 5). While waiting for His Excellency the Senate may be adjourned during pleasure, as described on pages 6-7; 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. 160.

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. 160-161; B. 84.

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 elect-
"ed 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 Com-
"mons, 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, es-
"pecially that they may have freedom
"of speech in their debates, and access
"to Your Excellency's person at all sea-
"sonable times, and that their proceed-
"ings may receive from Your Excel-
"lency the most favourable interpreta-
"tion." M. 146; B. 92.

Governor recognizes privileges of Commons.

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

"Mr. SPEAKER,—I am commanded
"by His Excellency the Governor Gen-
"eral 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 proceed-
"ings 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 sea-
"sonable occasions, and that their pro-
"ceedings, as well as your words and
"actions, will constantly receive from
"him the most favourable construc-
"tion." M. 146; B. 92.

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 elect-
"ed 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 Com-
"mons, 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 Gen-"eral to assure you that your words "and actions will constantly receive "from him the most favourable con-"struction."

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. 160-161; B. 85. **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; B. 85. **Governor and public retire.**

19. Prayers are then read by the Speaker. M. 160. **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. 160; B. 85.

Day appointed for consideration 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. 85.

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: "Honour-"able Gentlemen, it is moved by the "Honourable....., seconded by the "Honourable....., That, &c." M. 162; B. 85-86.

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: "Hon-"ourable Gentlemen. It is in amend-"ment 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 Gov-"ernor General by such Members of "this House as are Members of the "Privy Council." M. 162; B. 86. 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; M. 425.

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. 423-425; B. 455.

Joint Committees.

(*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. 456.

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. 442-443, sqq.; B. 280.

(*c*) A special committee has no power to send for persons, papers or records, without the express authority of the Senate. M. 444; B. 458-460. **Limitation to power of Committee.**

(*d*) An instruction empowers a committee to do what without such instruction it could not do. M. 408, 425, sq., 444, sqq., 474, sqq., 647, 754; B. 469-470, 512. **Instructions 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. 110-111. **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."

Adjournment.

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. presented.

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. 212, 556, 558.

Speaker withdraws.

29. The Speaker then retires, bowing. as usual, to the Senators 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. 99. **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.' 10, 11; M. 175; B. 165. **Acting Speaker.**

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

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.

Doors opened.

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. 218.

PETITIONS, &c.

Petitions presented.

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?" Rs. 58, 59, 60, 108-112; M. 212, 556, 595, sq.; B. 230-233.

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 intend-
"ing to address the House of Lords at
"any length on a Petition, usually
"gives notice of its presentation."
M. 558; B. 233.]

36. Petitions and Returns to be presented are sent to the Clerk for endorsation. 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. 565, sqq.; B. 245-248.

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. Rs. 61, 113; M. 347; B. 494.

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 Gentle-"men, 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. 442; B. 476-477.

Form of report on Bill.

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.

Without amendment.

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. 528.

With amendments.

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. R. 89; M. 378, 422-423; B. 528.

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. 22.)

Amendments opposed.

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

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. Rs. 63, 129.

Suspension of rules recommended.

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 Com-"mittees."

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. 479.

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."

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. Rs. 4, 23; M. 216-217, 238, sqq.; B. 293.

One day's notice.

Certain other motions, or inquiries, require one day's notice. R. 24; B. 293.

INQUIRIES AND MOTIONS.

Inquiries and Motions called by Speaker.

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. 232.

Senator not ready; motion postponed or dropped.

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. 236; B. 299.

Motion discharged.

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."

Amended motion.

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. 216; B. 299.

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. 195-196; B. 310, 314, 315.

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. 196, sqq.; B. 311.

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. 195, 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. 245, sqq., 266.

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 communi-"cated to the House of Commons by "one of the Clerks, (or by one of the "Masters in Chancery)." R. 94; M. 531; B. 273.

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. Rs. 20, 68; B. 218-219. 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. 218-219.

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. 214.

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. Rs. 61, 113; M. 347; B. 494-583.

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 reading 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. 354; B. 508-598, 599.

Private Bill referred to S. O. Committee.

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. 570, 600, 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. 356-357; B. 508-509, 598-599. 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 "Nontents have it," adding "the motion "is lost," or "Carried:" "Read the "Bill" or "Call the next Order." R. 51; B. 378, 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: "Con-"tents 25; Non-Contents 18," or *vice versâ,* and the Speaker says: "The "Contents," or "The Non-Contents "have it." Rs. 52, 53; B. 378-398.

"Call in the Senators."

73. If the words "Call in the Sen-"ators" 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. 379.

Question on amendment to second reading.

74. If an amendment is moved to the motion for the second reading, the Speaker says: "The question, Hon-"ourable Gentlemen, before the Sen-"ate, 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. 357, sqq.; B. 317-318, 510-511.

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 mo-"tion as amended?" If the amendment is negatived, he says: "The "amendment is lost, Honourable Gen-"tlemen. The question is now on the "original motion for the second read-"ing 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 Honour-"able Gentleman from..... to with-"draw his amendment?" If there are no objections, he says: "The amend-"ment 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 amendment.

77. If an amendment to an amendment is moved, the Speaker says: "In "amendment to the proposed amend-"ment, it is moved by....., seconded "by...., That &c. Is it your, &c., to "adopt the said amendment to the pro-"posed amendment," and sits down. After debate, he says: "The question, "Honourable Gentlemen, is on, &c. "Those in favour, &c., &c." (Division as at pages 33-34). M. 264, sqq.; B. 317-318.

When amendment to amendment carried.

78. If the amendment to the amendment is carried, he says: "The ques-"tion, 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 mo-"tion; is it your pleasure to adopt the "amendment, &c.?" M. 265-266, sq.

First amendment not to be withdrawn.

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

Several amendments.

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. 252.; B. 325, sqq. Previous Question.

Debate on Previous Question adjourned.

82. The debate upon the Previous Question may be adjourned. [M. 253—131 Imp. Com. J.45, 308—227 Han. Deb. 3rd Ser. 338, 347, 351, 370. Ibid 330 pp. 1020, 1026, &c., &.] B. 328.

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. 361; B. 511-512.

For reference of Private Bill.

84. When a Private Bill has been read the second time, the question is: "That this Bill be referred to the Com-"mittee 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 Hon-"ourable 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. "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." Rs. 72-76; M. 405; B. 393, 521, 526-527, 650, sqq.

Report.

The Speaker:—"Honourable Gentle-"men, the Chairman of the Committee "of the Whole, to whom was referred, "&c., &c." (As above.)

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

Bill reported without amendment.

"it your pleasure, Honourable Gentle-"men, to receive the report?" (pause). "When?" (answer) "Now." Then addressing the Clerk, he says: "Read "the amendments." The amendments being read, if they are formal or unimportant 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."

With amendments.

Appropriate motion.

87. The Senator in charge then makes the uusal motions as to the third reading or other procedure. M. 383; B. 530-1.

Postponed to future day.

88. If the consideration of the Report 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 "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. 532. Passed.

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 plea-"sure, 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 amend-"ment." B. 532. 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.

"acquaint them that the Senate has "passed the same with an amendment "(or amendments), to which they de-"sire their concurrence." This is the last stage at which the title of a Bill may be amended. M. 385; B. 532.

Title amended.

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. 272, 384; B. 531.

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. Rs. 24, 130; B. 619.

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. 623.

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 Gen-"tlemen, has been received from the "House of Commons, with a Bill in-"tituled, 'An Act, &c., &c.,' to which "they desire the concurrence of the "Senate." M. 386; B. 532-533.

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, Hon-"ourable Gentlemen, has been received "from the House of Commons, to re-"turn the Bill intituled, 'An Act, &c., "&c.,' without amendment; or with "amendments, to which they desire "the concurrence of the Senate." M. 387; B. 533-535. 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. 390; B. 534. Message, when amendments not concurred in.

PROROGATION OF PARLIAMENT.

99. The same forms are observed as at the Opening of Parliament. M. 192; B. 99. Like opening.

Senate notified of intention to 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 re-"ceived a communication from the Se-"cretary of His Excellency the Gover-"nor General in the following words:" —He reads the letter; and it is laid on the Table. B. 99.

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. 192; B. 100.

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. 100.

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.

Bills assented to.

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 Excel-
"lency the Governor General doth as-
"sent to these Bills." M. 192; B. 100.

Bills reserved.

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.

Supply Bill.

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

"defray the expenses of the Public "Service. In the name of the Com- "mons, 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. 100.

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. 192; B. 101.

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 Parlia-
"ment is accordingly prorogued until
"the day of next." M. 192;
B. 101.

108. His Excellency retires, and every one present withdraws. B. 101. All withdraw.

DIVORCE.

PETITION.

109. Before presenting the Petition, which must be within the first sixty days of the Session (R. 138); unless the time has been extended by the 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 accompanied by the documents referred to in Rule. 141. M. 756-759. Fee paid before presentation of petition.

110. The Petition after being read and received stands referred to the Standing Committee on Divorce to ascertain its regularity and sufficiency, and whether the rules have been substantially complied with; also for hearing and inquiry into the matters set forth in the Petition. R. 142. See B. c. XVII. 625. Petition referred to Committee on Divorce

BILL.

After report, Bill introduced 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: "Honour-"able 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. 760.

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.

CONTENTS OF FORMS OF PROCEEDING.