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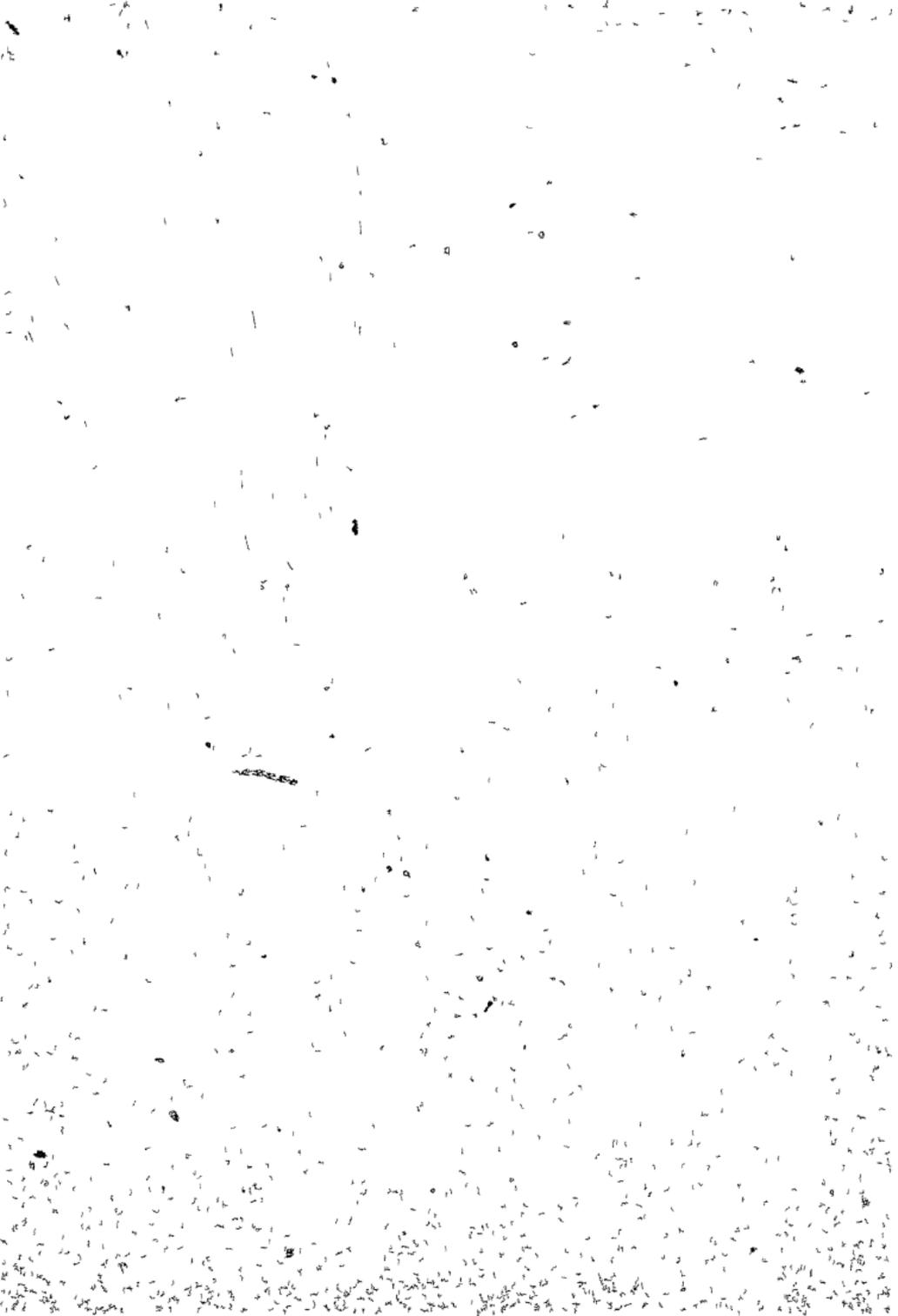
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RULES, ORDERS,
AND
Forms of Proceeding
OF THE
SENATE OF CANADA.



RULES, ORDERS,
AND
FORMS OF PROCEEDING
OF THE
SENATE OF CANADA

COMPILED AND REVISED

UNDER DIRECTION OF SPECIAL COMMITTEE

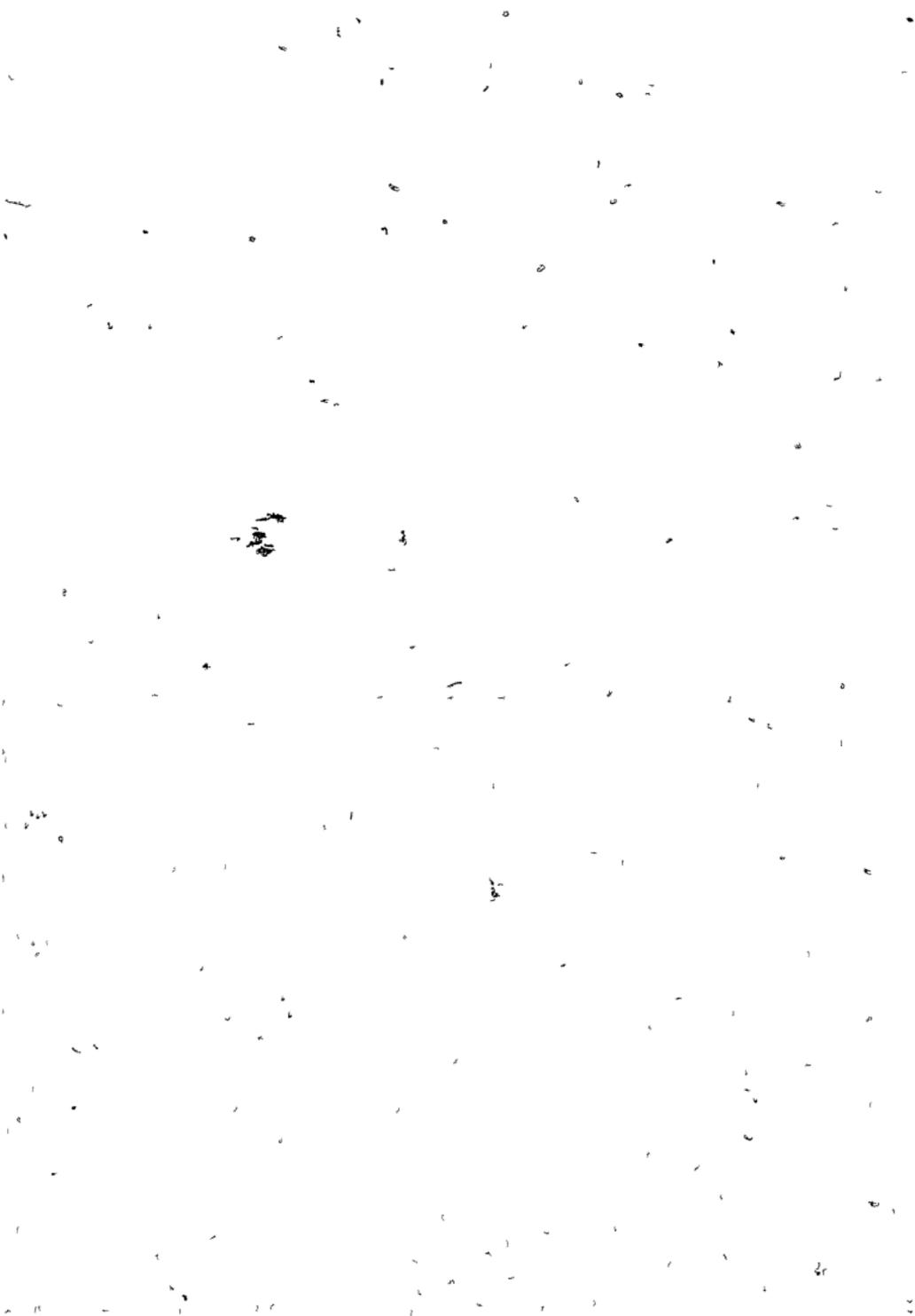
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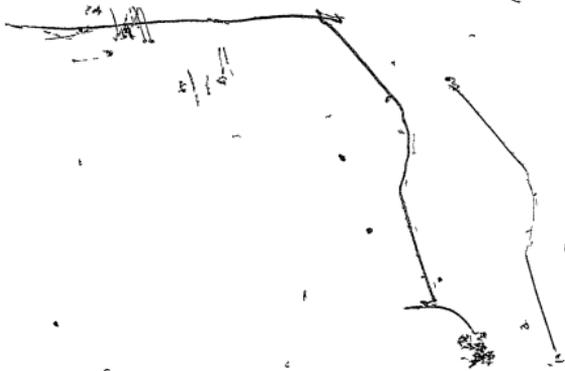
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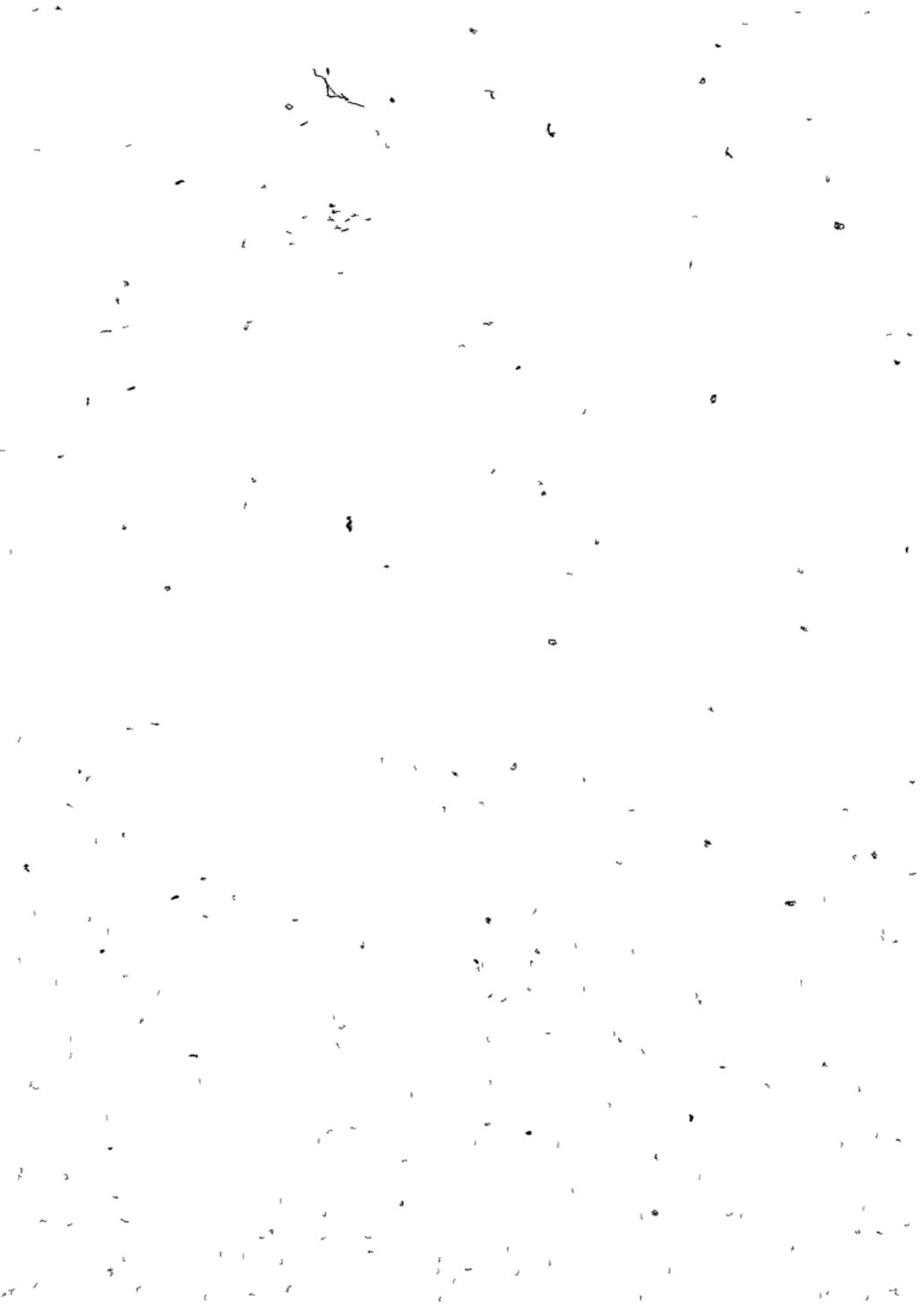


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RULES
AND
STANDING ORDERS
OF THE
SENATE OF CANADA.

Opening of Parliament and Proceedings at the
Commencement of a Session.

OPENING OF SESSION.

1. On the first day of the meeting of a New Parliament, or of any subsequent Session, His Excellency opens the Session by a gracious Speech to both Houses, and Prayers being said, a Bill is read *pro formâ*; the Speech from the Throne is reported by the Speaker, and a Committee of Privileges, consisting of all the Senators present during the Session is appointed.

ADMISSION BY TICKET.

2. On the days of the Opening and Prorogation of Parliament, no stranger is admitted without a ticket of admission.

GENERAL BUSINESS OF THE SENATE.

DAILY SITTINGS.

3. The time for the ordinary meeting of the Senate is at Three o'clock in the afternoon, unless some other time shall have previously been ordered.

EVENING SITTINGS.

4. If, at Six o'clock, the business be not concluded, the Speaker leaves the Chair until half-past Seven o'clock, the Mace being left on the Table.

NO QUORUM.

5. If, thirty minutes after the time of meeting, fifteen Senators, including the Speaker, are not present; the Speaker takes the Chair and adjourns the Senate until the next sitting day; the names of the Senators present being taken down by the Clerk.

ADJOURNMENT FOR WANT OF A QUORUM.

6. When it appears, on notice being taken, during the sitting of the Senate, that fifteen Senators, including the Speaker, are not present, the Senators who may be in the adjoining rooms being previously summoned, the Speaker

adjourns the Senate as above, without a question first put.

ADJOURNMENT ON FRIDAY.

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

PLACES.

8. When the Senate adjourns, the Senators keep their places until the Speaker has left the Chair.

DEMEANOUR.

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

DOORS CLOSED.

10. If at any sitting of the Senate, or in Committee, any Senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question, "That strangers be ordered

to withdraw," without permitting any debate or amendment; Provided, That the Speaker or the Chairman may, whenever he may think fit, order the withdrawal of strangers from any part of the Senate.

ORDER OF BUSINESS.

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

1. Presentation of Petitions :
2. Reading of Petitions :
3. Reports of Committees :
4. Notices of Motions :
5. Motions :
6. Orders of the Day.

UNFINISHED BUSINESS.

12. The Orders of the Day, which at the adjournment have not been proceeded with, are considered as postponed until the next sitting-day, to take precedence of the Orders of that day, unless otherwise ordered.

An Order of the Day, which at the adjournment is under consideration shall stand first on the Order of the following day, next after

Orders to which precedence has been assigned under this Rule; unless the Senate shall order otherwise.

NOTICES OF MOTIONS AND MOTIONS

SPECIAL MOTIONS.

13. One intermediate day's notice, in writing, must be given of all Motions deemed special; and any Motion is deemed special which initiates a subject of discussion.

PREAMBLE NOT ALLOWED.

14. No Motion prefaced by a written preamble is received by the Senate.

WITHDRAWAL OR MODIFICATION OF MOTIONS.

15. Any Senator who has made a Motion may withdraw or modify the same by leave of the Senate, such leave being granted without a negative voice.

MOTION CREATING A STANDING ORDER.

16. No Motion for making any Order of the Senate a Standing Order can be adopted, unless the Senators in attendance on the Session shall have been previously summoned to consider the same.

SUSPENSION OF RULES.

17. No Motion to suspend, modify or amend any Rule or part thereof, shall be in order, except on one day's notice in writing, specifying precisely the Rule proposed to be suspended, modified or amended, and the purpose of such suspension. But any Rule may be suspended without notice by the unanimous consent of the Senate; and the Rule proposed to be suspended shall be precisely and distinctly stated; and no motion for the suspension of the Rules upon any Petition for a Private Bill shall be in order, unless the same shall have been recommended by the Committee on Standing Orders.

ORDERS READ BEFORE ENTERED.

18. The Clerk is not to enter any Order until the Speaker first demand the assent of the Senate; and the Clerk is to read every Order in the Senate before it is entered.

SENATORS ADDRESSING THE SENATE.

19. Every Senator desiring to speak is to rise in his place uncovered, and address himself to the rest of the Senators, and is not to refer to any other Senator by name.

LIMIT IN DEBATE.

20. A Senator may speak to any Question before the Senate; or upon a Question, or an Amendment to be proposed by himself; or upon a Question of Order arising out of the Debate; but not otherwise, without consent of a majority of the Senate, which shall be determined without debate.

SENATORS MAY NOT SPEAK TWICE.

21. No Senator may speak twice to a Question before the Senate; except in explanation or reply, where he has made a substantive motion.

READING QUESTION.

22. Any Senator may require the Question under discussion to be read at any time during the Debate, but not so as to interrupt any other Senator while speaking.

MOTIONS DURING DEBATE.

23. When a Question is under Debate, no motion is received, unless to amend it; to commit it; to postpone it to a certain day; for the previous question; for reading the Orders of the Day, or for the adjournment of the Senate.

CALL TO ORDER.

24. Any Senator called to order, shall sit down and shall not proceed (pending the decision of the question of order) without consent of the Senate.

PERSONAL AND TAXING SPEECHES.

25. All personal, sharp or taxing speeches are forbidden ; and any Senator conceiving himself offended, or injured in the Senate, in a Committee Room, or any of the Rooms belonging to the Senate, is to appeal to the Senate for redress.

EXCEPTIONABLE WORDS.

26. If a Senator be called to order, for words spoken in debate ; upon the demand of the Senator so called to order, or of any other Senator, the exceptionable words shall be taken down in writing by the Clerk at the table. And any Senator who has used exceptionable words, and does not explain or retract the same, or offer apologies therefor to the satisfaction of the Senate, will be censured or otherwise dealt with as the Senate may think fit.

INTERFERENCE IN QUARRELS.

27. The Senate will interfere to prevent the prosecution of any quarrel between Senators,

arising out of debates, or proceedings of the Senate, or any Committee thereof.

QUESTIONS OF ORDER.

28. The Speaker stands uncovered when speaking to the Senate, and if called upon to explain a point of Order or Practice, he is to state the Rule applicable to the case, and also, to decide the question when required ; subject to an appeal to the Senate.

ORDER OF VOTING.

29. In voting, the "Contents" first rise in their places, then the "Non-contents."

CALLING FOR NAMES.

30. If two Senators require it, the "Contents" and "Non-contents" are entered upon the Minutes, provided the Senate shall not have taken up other business ; and each Senator shall vote on the question, openly and without debate ; unless for special reasons he be excused by the Senate.

PERSONAL INTEREST.

31. No Senator is entitled to vote upon any question in which he has a direct pecuniary interest ; and the vote of any Senator so interested will be disallowed.

REASONS FOR NOT VOTING.

32. A Senator, declining to vote, shall assign reasons therefor; and the Speaker shall submit to the Senate the question, "*Shall the Senator, for the reasons assigned by him, be excused from voting?*"

TIME FOR VOTING.

33. A Senator will not be permitted to vote on any question, unless he is within the Bar when the question is put; and, no Senator may speak to a question after the order has been given to call in the members to vote thereon, unless with the unanimous consent of the Senate; and with the like consent, a Senator may, for special reasons assigned by him, withdraw or change his vote, immediately after the announcement of the division.

PROTEST OR DISSENT.

34. Any Senator entering his protest or dissent to any vote of the Senate; with or without his reasons, must enter and sign the same in the Clerk's book, on the next sitting day, before the rising of the Senate.

CONTROLLED BY SENATE.

35. Every protest is subject to the control of the Senate, and may neither be altered nor

withdrawn without the consent of the Senate; nor can a Senator absent when the question is put, be admitted to protest.

PETITIONS.

HOW SIGNED.

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

PETITIONS FROM CORPORATIONS.

37. No petition is received from any corporation aggregate, unless it be duly authenticated by the seal of such corporation.

FROM PUBLIC MEETINGS.

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

PUBLIC BILLS.

BRINGING IN BILLS.

39. It is the right of every Senator to bring in a Bill.

FIRST READINGS.

40. Immediately after a Bill is presented, it is read a first time and ordered to be printed.

READINGS OF BILLS.

41. No Bill shall be read twice the same day ; no Committee of the Whole House shall proceed on any Bill the same day the Bill is read a second time ; and no Bill shall be read the third time the same day that the Bill is reported from the Committee, when any amendments have been made in Committee.

DEBATE ON PRINCIPLE.

42. The principle of a Bill is usually debated at its second reading.

RECONSIDERATION OF CLAUSES.

43. A Senator may, at any time before a Bill has passed, move for the reconsideration of any clause thereof, already passed.

THIRD READINGS.

44. Notwithstanding anything in Rule 12, Orders of the Day for the third reading of Bills take precedence of all others, except orders to which the Senate may have previously given priority.

BILLS PASSED.

45. When a Bill originating in the Senate, has passed through its final stage therein, no new Bill for the same object can afterwards be originated in the Senate, during the same Session.

SUPPLY BILL.

46. The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the Queen's Representative.

TACKING CLAUSES TO—UNPARLIAMENTARY.

47. To annex any clause or clauses to a Bill of Aid or Supply, the matter of which is foreign to, and different from the matter of the Bill, is unparliamentary.

PRIVATE BILLS.

PUBLICATION OF RULES.

48. The Clerk of the Senate shall, during each Recess of Parliament, publish weekly in the *Canada Gazette*, the following rules respecting Notices of intended applications for Private Bills; and the substance thereof in the *Official Gazette* of each Province. The Clerk shall also announce, by notice affixed in the Committee Rooms and Lobbies of the Senate, 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.

49. 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 the right of ferry; the incorporation of any particular trade or calling, or of

any banking or other joint stock company ; or otherwise for the 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 by, or on behalf of the applicants, to be published as follows, viz. :—

(a.) *In the Provinces of Quebec and Manitoba.*

A notice inserted in the *Canada Gazette*, in the English and French languages, and in one newspaper in the English, and in one in the French language in the District affected, or in both languages in one paper, if there be but one in the said District, or if there be no paper published therein, then, in both languages, in a paper in the nearest District in which a newspaper is published.

(b.) *In any other Province or Territory.* A notice inserted in the *Canada Gazette*, and in one newspaper published in the County, or Union of Counties, or District affected, or if

there be no paper published therein, then in a newspaper in the nearest County or District in which a newspaper is published.

(c.) *Where the Bill is intended to operate in more than one Province, Territory or District,* such notice shall be published in the *Canada Gazette* and in a leading newspaper in each Province, Territory or District in which the Bill is to operate.

TIME OF NOTICE.

50. 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 all the newspapers containing the first and last insertions of such notice, shall be sent to the Clerk of the Senate, by the parties inserting such notice.

TOLL BRIDGE BILLS.

51. Before any Petition praying for leave to bring in a Private Bill for the erection of a toll bridge, is presented to the Senate, the person or persons intending to petition for such Bill, shall, upon giving the Notice prescribed by the preceding Rules, 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, and the intervals between the abutments or piers for the passage of rafts and vessels; and shall also mention whether they intend to erect a draw-bridge or not, and the dimensions of the same.

TIME OF RECEIVING PETITIONS AND BILLS.

52. No petition for any Private Bill (except a Bill of Divorce) is received by the Senate after the first three weeks of each Session; nor may any Private Bill be presented to the Senate after the first four weeks of each Session; nor may any Report of any Standing or Special Committee upon a Private Bill be received after the first six weeks of each Session.

CONSIDERATION OF PETITIONS.

53. Petitions for Private Bills, when received by the Senate, are to be taken into consideration without special reference, by the Committee on Standing Orders. The Committee is to report in each case, whether the Rules with regard to notice have been complied with; and in every case where the notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to

in the notice, the Committee is to recommend the course to be taken in consequence of such insufficiency of notice.

INTRODUCTION OF PRIVATE BILLS.

54. Every Private Bill is introduced on Petition, and presented to the Senate after the Petition has been favourably reported on by the Committee on Standing Orders.

DEPOSIT OF BILL AND FEES.

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

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

QUESTION OF JURISDICTION.

56. Any Private Bill shall, if it be demanded by two Senators, when read the first time, be referred to the Committee on Standing Orders to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the Legislatures of the Provinces.

BILL AND PETITIONS REFERRED.

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

REFERENCE TO SUPREME COURT.

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

PRIVATE BILLS FROM THE HOUSE OF COMMONS.

59. Any Private Bill from the House of Commons (not being based on a Petition which has already been reported on by the Committee on Standing Orders), shall be taken into consideration and reported on by the said Committee, in like manner as a Petition, after the first reading of such Bill, and before its consideration by any other Standing Committee.

SITTING OF COMMITTEE.

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

PRIVATE BILL REGISTER.

61. A Book, to be called the "Private Bill Register," shall be kept, in which Book shall be entered by a Clerk selected for the purpose, the names, descriptions and places of residence of the parties applying for the Bills, or of their agents, and all the proceedings thereon, from

the Petition to the passing of each Bill; such entry to specify briefly each proceeding in the Senate, or in any Committee to which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such Book shall be open to public inspection, daily during office hours.

PRIVATE BILLS COMMITTEES.

62. The Clerk shall cause lists of all Private Bills and Petitions for such Bills upon which any Committee is appointed to sit, specifying the time of the meeting, and the room where the Committee will sit, to be prepared daily by the Clerk of the Committee to which such Bills are referred, and shall cause the same to be hung up in the lobby.

CONSENT OF PARTIES.

63. All persons whose interests or property may be affected by any Private Bill, shall, when required to do so, appear before the Standing Committee to which such Bill is referred, touching their consent, or may send such consent in writing, proof of which may be required by the Committee. And in every case the Committee upon any Bill for incorporating a company, may require proof that the persons

whose names appear in the Bill, as composing the company, are of full age, and in a position to effect the objects contemplated, and have consented to become incorporated.

VOTING IN COMMITTEES.

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

PROVISIONS NOT IN NOTICE.

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

REPORT OF A COMMITTEE.

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

PREAMBLE NOT PROVED.

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

CHAIRMAN'S SIGNATURE.

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

BILL REPORTED FROM STANDING OR SPECIAL COMMITTEE NOT COMMITTED.

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

THIRD READINGS.

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

NOTICE OF AMENDMENTS.

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

BILLS AMENDED BY COMMONS.

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

RULES AS TO PUBLIC BILLS TO APPLY.

73. Except as herein otherwise provided the Rules relating to Public Bills shall apply to Private Bills.

COMMITTEE OF THE WHOLE.

PLACES OF SENATORS.

74. When the Senate is put into Committee every Senator is to sit in his place.

RULES IN COMMITTEE.

75. The Rules of the Senate are observed in a Committee of the Whole, except the Rules limiting the number of times of speaking; and no motion for the previous question, or for an adjournment, can be received, but a Senator may at any time move that the Chairman leave the Chair, or report progress, or ask leave to sit again.

DEBATE ON PRINCIPLE FORBIDDEN.

76. No arguments are admitted against the principle of a Bill in a Committee of the Whole.

HOUSE RESUMED.

77. When the Senate is put into a Committee of the Whole, the sitting is not resumed without the unanimous consent of the Committee, unless upon a question put by the Senator who shall be in the Chair of such Committee.

RECORD OF PROCEEDINGS.

78. The proceedings of the Committee are entered in the Journals of the Senate.

STANDING AND SPECIAL COMMITTEES.

COMMITTEE OF SELECTION.

79. At the commencement of each Session a Committee of Selection, consisting of nine Senators to be named by the Senate, shall be appointed, whose duty it shall be to nominate the Senators to serve on the several Standing Committees.

STANDING COMMITTEES.

80. The Standing Committees shall be as follow :—

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

2. The Joint Committee on the Printing of Parliament, whereto there shall be appointed twenty-one Senators.

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

4. The Committee on Banking and Commerce, composed of twenty-five Senators.

5. The Committee on Railways, Telegraphs and Harbours, composed of thirty-five Senators.

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

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

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

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

10. The Committee on the Restaurant, composed of the Speaker and six other Senators.

MEETINGS OF COMMITTEES.

81. Every Standing or Special Committee meets, if practicable, on the next sitting day after appointment and chooses a Chairman; and the majority of Senators appointed on such Committee constitute a quorum, unless it be otherwise ordered.

SPEAKING.

82. The Senators speak uncovered, but may remain seated.

SENATORS ADMITTED.

83. Senators, though not of the Committee, are not excluded from coming in and speaking; but they must not vote. They sit behind those who are of the Committee.

ADMITTANCE OF STRANGERS.

84. No other persons, unless commanded to attend, are to enter at any meeting of a Committee of the Senate or at any Conference.

MOVER OF SPECIAL COMMITTEE.

85. Every Senator on whose motion any Bill, Petition or Question shall have been referred to a Special Committee, shall, if he so desire, be one of the Committee.

PRESENTATION OF REPORTS.

86. On every Report, made from a Committee, of amendments to a Bill, the Senator presenting the Report is to explain to the Senate the effect of each amendment.

LIST OF COMMITTEES.

87. It is the duty of the Clerk to cause to be posted up in some conspicuous part of the Senate, a list of the several Standing and Special Committees appointed during the Session.

PAYMENT OF WITNESSES.

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

MISCELLANEOUS

BEARERS OF MESSAGES.

89. One of the Clerks of either House may be bearer of Messages from one House to the other.

BY WHOM RECEIVED.

90. Messages so sent are received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst the House is

sitting, or in Committee, without interrupting the business then proceeding.

MESSAGES FOR SENATORS AND EMPLOYEES.

91. When the attendance of a Senator, or any of the Officers, Clerks or servants of the Senate is desired, to be examined by the Commons, or to appear before any Committee thereof, a Message is sent by the Commons, to request that the Senate will give leave to such Senator, Officer, Clerk or servant to attend; and if the Senate grant leave to such Senator, he may go, if he think fit; but it is not optional for such Officer, Clerk or servant to refuse. Without such leave, no Senator, Officer, Clerk or servant of the Senate shall, on any account, either go down to the House of Commons, or send his answer in writing, or appear by counsel to answer any accusation there, upon penalty of being committed to the Black Rod or to prison, during the pleasure of the Senate.

WHO MAY SPEAK AT CONFERENCES.

92. None are to speak at a Conference with the House of Commons, but those that are of the Committee; and when anything from such Conference is reported, the Senators of the Committee are to stand up.

SEATS FOR MEMBERS OF COMMONS.

93. Seats are reserved without the Bar of the Senate Chamber, for Members of the House of Commons who may be desirous of hearing the debates.

MINUTES OF PROCEEDINGS.

94. A copy of the Minutes of Proceedings, certified by the Clerk, is to be transmitted daily to the Governor General.

JOURNALS—BOUND ANNUALLY.

95. The Journals are to be bound in annual volumes with full indexes, as soon as may be after each Session.

SEARCHING OF JOURNALS.

96. The Journals of the Senate, according to Parliamentary usage, may be searched by the House of Commons, as the Journals of that House may be searched by the Senate.

PRINTING PAPERS.

97. All papers laid on the Table, stand referred to the Joint Committee on Printing, who decide and report whether they are to be printed.

CLERK'S ACCOUNTS.

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

SEATS VACATED.

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

RENEWAL OF DECLARATION OF QUALIFICATION.

100. Within the first twenty days of the first Session of each Parliament, every Member of the Senate shall make and file with the Clerk, a renewed declaration of "Property Qualification," in the form prescribed in the fifth Schedule annexed to the *British North America Act, 1867*; and the Clerk shall, im-

mediately after the expiration of each period of twenty days, above referred to, lay upon the Table of the Senate a list of the Senators who have complied with this Rule.

DIVORCE.

APPOINTMENT OF COMMITTEE, &C.

101. All Petitions and Bills for Divorce, and all matters arising out of such Petitions and Bills, shall be referred to the Standing Committee on Divorce, and no reference to any Committee other than the said Committee shall be necessary with respect to such Petitions, Bills and matters.

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

REPORTING OF EVIDENCE.

102. One of the Official Reporters of the Senate, when notified by the Chairman, shall be in attendance at the sittings of the said Committee, and shall take down in shorthand

and afterwards extend the evidence of witnesses examined before the Committee, which evidence shall be printed under the supervision of the Clerk of the English Journals.

EVIDENCE HOW PRINTED.

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

NOTICE OF APPLICATION.

104. Every applicant for a Bill of Divorce shall give notice of his or her intended application, and shall specify therein from whom and for what cause such divorce is sought, and shall cause such notice to be published during six months before the presentation of his or her petition for the said Bill, in the *Canada Gazette* and in two newspapers published in the District in Quebec, Manitoba, British Columbia or the North-west Territories, or in the County or Union of Counties in other Provinces; wherein

such applicant usually resided at the time of the separation of the parties ; but if the requisite number of papers cannot be found therein, then in an adjoining District or County or Union of Counties.

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

SERVICE OF NOTICE.

105. A copy of the said Notice shall, not less than one month before the date of the presentation of the Petition, at the instance of the applicant, be served personally on the person from whom the divorce is sought, when that can be done. If the residence of such person is not known or personal service cannot be effected ; then, if, on report of the Committee as hereinafter provided for, it be shown to the

satisfaction of the Senate that all reasonable efforts have been made to effect personal service and, if unsuccessful, to bring such notice to the knowledge of the person from whom the divorce is sought, what has been done may be deemed and taken as sufficient service.

PETITION, WHEN RECEIVED.

106. No petition for a Bill of divorce shall be received after the first thirty days of the Session.

FOR AND CONTENTS OF PETITION.

107. The petition of an applicant for a Bill of divorce must be fairly written and must be signed by the Petitioner, and should briefly set forth the marriage, when, where and by whom the ceremony was performed, the grounds on which relief is asked and the nature of the relief prayed, and should also negative condonation, collusion and connivance. The allegations of the petition must be verified by declaration of the Petitioner, under *The Canada Evidence Act*, 1893.

DEPOSIT OF BILL AND FEES.

108. The applicant shall deposit with the Clerk of the Senate, eight days before the

opening of Parliament, a copy, in the English or French language, of the proposed Bill of Divorce, and therewith a sum sufficient to pay for translating and printing 600 copies thereof in English and 200 copies in French. The translation shall be made by the translators of the Senate.

No petition for a Bill of Divorce shall be presented unless the applicant has paid into the hands of the Clerk of the Senate the sum of Two Hundred dollars, towards expenses which may be incurred, during the progress of the Bill; and the said sum shall be subject to the order of the Senate.

PETITION, &C, REFERRED.

109. The petition when presented shall be accompanied by the evidence of the publication of the notice as required by Rule 104, and by declaration in evidence of the service of a copy thereof as provided by Rule 105, and by a copy of the proposed Bill. The petition, notice, and evidence of publication and service, the proposed Bill, and all papers connected therewith shall thereupon stand as referred, without special order to that effect, to "The Standing Committee on Divorce."

REPORT ON PRELIMINARIES.

110. It shall be the duty of the Committee to examine the Notice of application to Parliament, the Petition, the proposed Bill, the evidence of publication and of the service of a copy of said notice, and all other papers referred therewith, and if the said notice, petition and proposed bill are found regular and sufficient, and due proof has been made of the publication and service of the said notice, the Committee shall report the same to the Senate.

If any proof is found by the Committee to be defective, the Petitioner may supplement the same by statutory declaration to be laid before the Committee.

The Committee may, if the circumstances of the case seem to require it, recommend a particular mode for service of a copy of the Bill upon the party from whom the divorce is sought, before the second reading of the Bill.

INTRODUCTION OF BILL.

111. Upon the adoption of the Report of the Committee, the Bill may be presented and read a first time.

NOTICE OF SECOND READING OF BILL.

112. The second reading of a Bill of Divorce shall not take place till after fourteen days from the adoption of the report of the Committee, and after the first reading of the Bill; and a notice of the second reading shall be posted up at the door of the Senate during that period.

A copy of such notice and of the Bill shall, at the instance of the Petitioner, be served personally, if practicable, on the party from whom the divorce is sought, or served in such other manner as may have been prescribed on Report of the Committee, and proof of such service shall be adduced before the Committee, who shall report thereon to the Senate.

Upon the adoption of the report of the Committee as to the sufficiency of such service the Bill may be read a second time.

BILL REFERRED TO COMMITTEE.

113. When the Bill is read a second time, it shall be referred to the Standing Committee on Divorce who shall proceed with all reasonable despatch to hear and to inquire into the allegations set forth in the preamble of the Bill and take evidence touching the same and the right of the petitioner to the relief prayed.

COMMITTEE REPORT ON BILL.

114. The Committee after such hearing and inquiry shall report thereon to the Senate, and such Report shall be accompanied by the testimony of the witnesses examined and by all papers and instruments put in evidence before the Committee. The minority may bring in a Report stating the grounds upon which they dissent from the Report of the Committee.

When any alteration in the preamble or otherwise in the Bill is recommended, such alteration and the reasons for the same shall be stated in the Report.

CONDONATION, COLLUSION, &C.

115. If adultery be proved, the party from whom the divorce is sought may nevertheless be admitted to prove condonation, collusion, connivance, or adultery on the part of the Petitioner.

Condonation, collusion or connivance between the parties is always a sufficient ground for rejecting a Bill of Divorce and shall be inquired into by the Committee. And should the Committee have reason to suspect collusion or connivance, and in their opinion it is desirable that fuller inquiry should be made, such

opinion and the reasons therefor shall be communicated to the Minister of Justice, that he may intervene and oppose the Bill should the interest of public justice in his opinion call for such intervention.

PARTIES MAY BE HEARD BY COUNSEL.

116. The applicant for divorce as well as the party from whom the divorce is sought may be heard before the Committee by counsel learned in the law of the bar of any Province in Canada.

EVIDENCE TAKEN UNDER OATH.

117. The applicant for divorce, as well as the party from whom the divorce is sought, and all other witnesses produced before the Committee shall be examined upon oath, or upon affirmation in cases where witnesses are allowed by the law of Canada to affirm; and the rules of evidence in force in Canada in respect of indictable offences shall, subject to the provisions in these Rules, apply to proceedings before the said Committee, and shall be observed in all questions of fact.

ATTENDANCE OF WITNESSES.

118. Summonses for the attendance of witnesses and for the production of papers and

documents before the Senate or the Standing Committee on Divorce shall be under the hand and seal of the Speaker of the Senate, and may be issued at any time to the party applying for the same by the Clerk of the Senate. Such summonses shall be served, by the Gentleman Usher of the Black Rod or by any one authorized by him to make such service. The reasonable expenses of making such service and the reasonable expenses of every witness for attending in obedience to such summons shall be taxed by the Chairman of the Committee.

PENALTY FOR NOT ATTENDING

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

UNPROVIDED CASES.

120. In cases not provided for by these Rules the general principles upon which the Imperial Parliament proceeds in dissolving marriage and the general principles of the rules, usages and forms of the House of Lords in respect of

Bills for Divorce may be applied to Divorce Bills before the Senate and before the Standing Committee on Divorce.

DECLARATIONS.

121. Declarations allowed or required in proof may be made under "*The Canada Evidence Act*, 1893.

RULES OF THE SENATE APPLICABLE, &C.

122. All Rules of the Senate which, by reasonable intendment, are applicable to proceedings in Divorce, shall, except in so far as altered or modified by these Rules, or inconsistent therewith, be applicable to such proceedings.

FORMS.

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

A

NOTICE OF APPLICATION FOR DIVORCE.

Notice is hereby given that (*name of applicant in full*) of the _____ of _____, in the county (*or district*) of _____, in the Province of _____, (*here state the addition or occupation, if any, of applicant*), will apply to the Parliament of Canada, at the next session thereof, for a Bill of Divorce from his wife (*or her husband*), (*here state names in full, residence or addition or occupation, if any, of the person from whom the divorce is sought*), on the ground of (*adultery, adultery and desertion, or as the case may be*).

Dated at _____, }
 Province of _____, } *Signature of applicant or of solicitor*
 day of _____ 18 . } *for applicant.*

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

B

DECLARATION AS TO SERVICE OF NOTICE WHEN
MADE PERSONALLY.

PROVINCE OF
COUNTY (or district) OF } I, A. B., of the
To WIT: } of in the county
(or district) of
in the Province of
(occupation) do solemnly
declare:—

1. That on the day of ,
A.D. 18 , I personally served C. D. (*name of
person served*) with a true copy of the notice
hereto attached and marked "A," by giving
the said copy to and leaving it with the said
C. D. at (*state place of service*)

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

(*Add. any statements made by C. D. to the per-
son effecting the service showing identity.*)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of *The Canada Evidence Act, 1893.*

Declared before me, at the of
 in the county of ,
 in the Province of , this } *Signature of*
 day of A.D. 18 . } *declarant.*

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

C.

GENERAL FORM OF PETITION.

To the Honourable the Senate of Canada in Parliament assembled :

The petition of A. B., of the of ,
 in the County of , in the Province of ,
 the lawful of C. D., of, &c. (*state names in full, residence and occupation*).

HUMBLY SHOWETH :

1. That on or about the day of ,
 A.D. 18 , your petitioner, then A. X. (*spinster or as the case may be*), was lawfully married to the said C. D., at

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

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

(All facts as to the residence and domicile of the parties at and since their marriage should be stated with particularity.)

4. That after said marriage your petitioner lived and cohabited with said at , and that there are now living issue of the said marriage children, viz. : Mary D., born the day of , A.D. 18 , and Elizabeth D.; born the day of , A.D. 18 .

5. That on or about the day of , A.D. 18 , at the in the , the said C. D. committed adultery with one G. H. of , and since then on divers occasions has committed adultery with said G. H.

6. That your petitioner ever since discovered said had committed the said adultery has lived separate and apart from

and the said C. D. has not since cohabited with your petitioner.

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

Your petitioner therefore humbly prays:

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

And as in duty bound your petitioner will ever pray.

Signature of Petitioner.

D

DECLARATION VERIFYING PETITION.

PROVINCE OF
 COUNTY (or district) OF } I, A. B., of the
 } of , in the County
 } of , in the Province
 To WIT : } of , (occupation, if
 } any). In the case of the

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

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

2. (If any matter is alleged, of which the petitioner has not personal knowledge, add, "That, with respect to the matters alleged in the paragraphs of the foregoing petition, numbered respectively , I am credibly informed and believe them, and each of them, to be true.")

And I make this solemn declaration conscientiously believing it to be true, knowing

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MANUAL

OF THE

FORMS OF PROCEEDING

OF THE

SENATE OF CANADA.

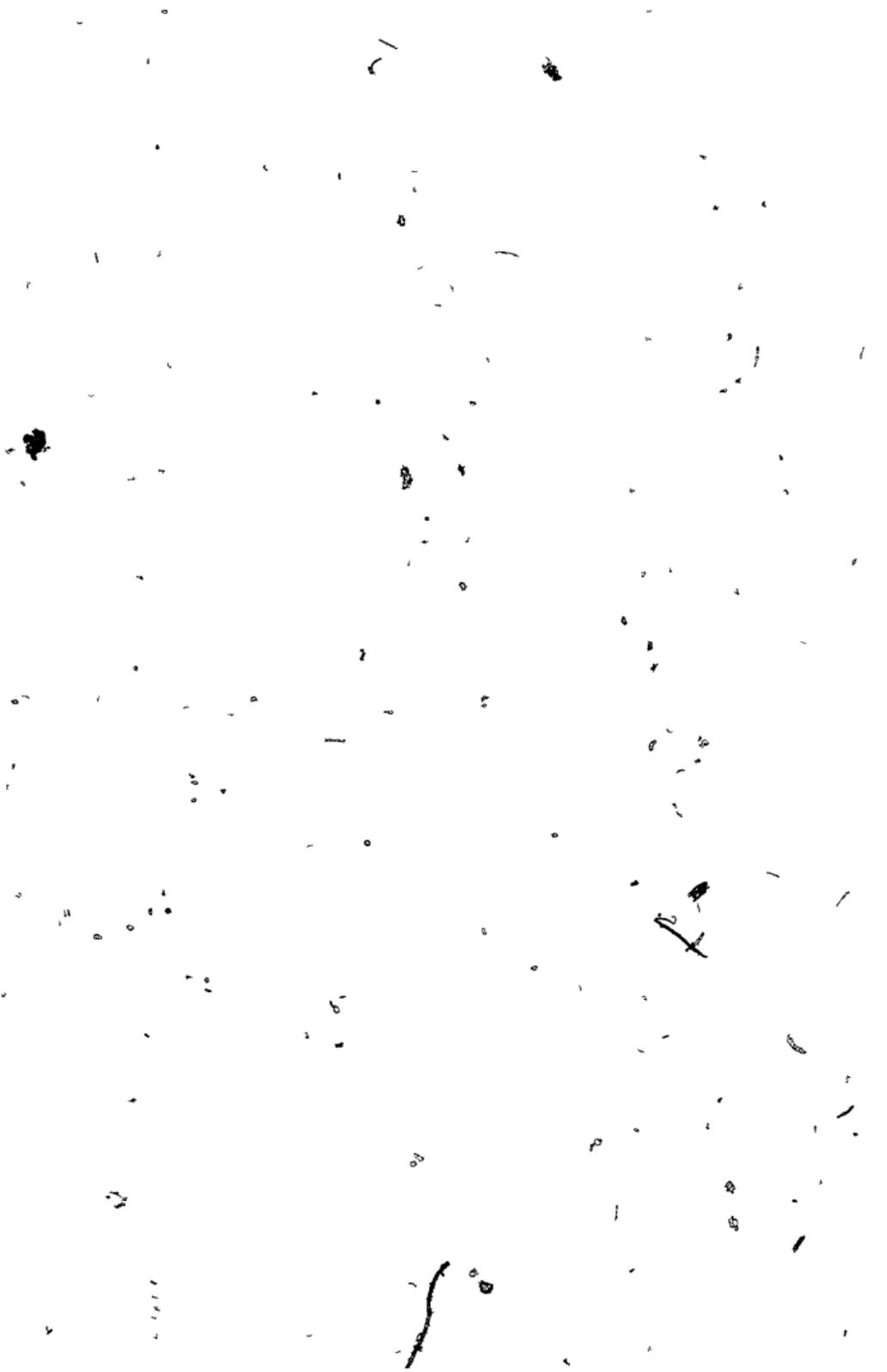


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MANUAL
OF THE
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OF THE
SENATE OF CANADA.

OPENING OF A NEW PARLIAMENT.

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 Serjeant-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 Chaplain.

5th. The Clerk Assistant. If there is only one Clerk Assistant, he walks on the left of the Chaplain.

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. After entering the Chamber, they all bow to the Throne. The Speaker then takes the Clerk's Chair and bowing right and left, motions to the Chaplain to say Prayers.

2. After Prayers, the Speaker, if he is newly appointed, rises and, holding his Commission in his hand, says: "Honourable Gentlemen,—
"I have the honour to inform the Senate, that
"a Commission has been issued under the Great
"Seal, appointing me Speaker of the Senate."
He then sends 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, at the foot of the Throne, the Gentleman Usher of the Black Rod preceding, and the Mace (which before lay under the Table) is laid upon the Table and ordered to be carried before His Honour.

A NEW CLERK OF THE SENATE.

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 put upon the Journals. After the Commission is read—

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 :

“Ye shall be true and faithful, and Troth ye shall bear to Our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, and to Her Heirs and Successors ; Ye shall nothing know that shall be prejudicial to Her Highness, the Crown, Estate, and Dignity Royal, but that you shall resist it to your power, and with all speed ye shall advertise Her Grace thereof, or at least some of Her Council, in such wise as the same may come to Her knowledge. Ye shall also well and truly serve Her 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 dis-
 “close the same before they shall be published,
 “but to such as it ought to be disclosed unto ;
 “and generally Ye shall well and truly do and
 “execute 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 or Commissioner to administer
 the Oath of Allegiance or Qualification to be
 Members of the Senate.

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

NEWLY APPOINTED SENATORS.

3. 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 sum-
 moned to the Senate.”

4. 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 Senators) without, waiting to be introduced,"—and then sits down.

5. 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 sec. 128 Brit. 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.

DEPUTY GOVERNOR.

6. If the Speaker has received a communication that a Deputy Governor is to open 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.)"

7. If there is nothing more to be communicated to the Senate, the Speaker says:—"Is it your pleasure, Honourable Gentlemen, that the Senate do now adjourn during pleasure?"

He leaves the Chair, waiting for a moment in case a Senator should have some business to bring before the Senate. He then takes his seat at the right of the Throne, the Serjeant-at-Arms standing at his left with the Mace. Before the Deputy Governor comes, the Speaker declares the Senate resumed.

8. The Deputy Governor being come all rise and do not sit down until he has taken his seat on a chair placed at the foot of the Throne. 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, it is the
 " Deputy Governor's desire, that, they attend
 " him immediately in the Senate Chamber,"
 and he bows again to the Deputy Governor.

ENTRANCE OF COMMONS.

9. The Members of the Commons having arrived, the Deputy Governor's Commission is delivered to the Clerk of the Senate and by him read and placed upon the Journals,—
 Then the Speaker bowing 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 Governor General does
 “ not see fit to declare the causes of his sum-
 “ moning the present Parliament of Canada,
 “ until a Speaker of the House of Commons
 “ shall have been chosen, according to law ;
 “ but, to-morrow, at the hour of three o’clock
 “ in the afternoon, His Excellency will declare
 “ the causes of his calling this Parliament.”

The Deputy Governor retires first, then the Commons.

10. 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 3), 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 favour of the motion will say Content—those who are against it will say Not Content.—Carried.”

The motion being carried, he says: "It is now moved, Honourable Gentlemen, that the Senate do now adjourn. (A pause.) Pursuant to the order of your Honourable Senate, I declare the Senate continued until to-morrow, at half-past two o'clock in the afternoon, the Senate so decreeing." He then takes his hat, bows to Senators on the right and left, descends the steps, and turning to the Throne, bows and retires, preceded by the Usher and the Serjeant-at-Arms and before entering his Drawing Room ; he turns to dismiss them.

SECOND DAY

11. The Speaker enters the Chamber as on the first day, takes the Clerk's Chair, and, after Prayers, newly appointed Senators may be introduced (see 3, 4 and 5). While waiting for his His Excellency the Senate may be adjourned during pleasure. Notice being given of His Excellency's approach, the Speaker calls the Senate to order, and goes to his Chair at the head of the Chamber.

12. 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, and bowing to His Excellency, says: “Gentleman Usher of the Black Rod,—You will proceed to the House of Commons, and acquaint that House, it is His Excellency’s pleasure they attend him immediately in the Senate,” and he bows again to His Excellency.

13. The House of Commons being come their Speaker says:

“MAY IT PLEASE YOUR EXCELLENCY,—

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

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

14. The Honourable the Speaker of the Senate then says :

“MR. SPEAKER,—I am commanded by His Excellency the Governor General to declare to you that he freely confides in the duty and attachment of the House of Commons to Her Majesty’s Person and Government; and not doubting that their proceedings will be conducted with wisdom, temper and prudence, he grants, and upon all occasions will recognize and allow their constitutional privileges. I am commanded, also, to assure you that the Commons shall have ready access to His Excellency upon all seasonable occasions, and that their proceedings, as well as your words and actions, will constantly receive from him the most favourable construction.”

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

MAY IT PLEASE YOUR EXCELLENCY :—

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

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

The Honourable the Speaker then says :—

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

SPEECH FROM THE THRONE.

16. 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.

17. His Excellency retires, and then the Commons. Ten minutes are allowed to ladies and strangers to withdraw from the floor.

18. The Leader presents to the House a Bill intituled “An Act relating to Railways,” (R. 1.) The said Bill is read the first time, and then the Speaker reports the Speech from the Throne (R. 1) thus : “Honourable Gentlemen, “I have the honour to inform you that His

“ Excellency has 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 :—“ Honourable Gentlemen, is it your pleasure 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.

DAY APPOINTED FOR THE CONSIDERATION OF
THE SPEECH.

19. The Leader of the House now moves : “ That the Speech be taken into consideration on.....;” and the Speaker says : “ It is moved, Honourable Gentlemen, by the Honourable....., seconded by....., That (reading the motion). Those who are in favour of the motion will say ‘ Content ;’ those who are against it will say ‘ Not-Content.’ The Contents have it.”

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, and the Speaker says, "Honourable Gentlemen, "it is moved by the Honourable....., seconded by the Honourable..... That &c.

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

COMMITTEE OF PRIVILEGES (R 1).

20. It is moved by the Honourable Mr.....
....., seconded by the Honourable Mr.....,
"That all the Senators present during this
"Session be appointed a Committee to consider
"the orders and customs of the Senate and
"privileges of Parliament, and that the said
"Committee have leave to meet in the Senate
"Chamber, when, and as often as they please
"(R. 1.)"

STANDING AND SPECIAL COMMITTEES.

COMMITTEE OF SELECTION (R 79).

21. At the commencement of each Session a Committee of Selection, consisting of nine Senators to be named by the Senate, shall be appointed, whose duty it shall be to nominate the Senators to serve on the several Standing Committees.

STANDING COMMITTEES (R 80).

22. The Standing Committees shall be as follow:—

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

2. The Joint Committee on the Printing of Parliament, whereto there shall be appointed twenty-one Senators

The motion is: "It is moved by the Honourable , seconded by the Honourable , That, &c., &c.," and 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.

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).

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

4. The Committee on Banking and Commerce, composed of twenty-five Senators.

5. The Committee on Railways, Telegraphs and Harbours, composed of thirty-five Senators.

6. The Committee on Miscellaneous Private Bills, composed of twenty Senators.

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

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

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

10. The Committee on the Restaurant, composed of the Speaker and six other Senators.

SEATS VACATED BY ABSENCE (R. 99.)

23. 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 :

“Honourable Gentlemen,—The Clerk of the Senate has placed in my hands the following communication,” and reads it.

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

ADJOURNMENT.

24. The business of the day being disposed of, the Speaker requests a Senator to move the adjournment. He then puts the question thus:—

“It is moved by....., 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.) Pursuant to the Order of your Honourable Senate, I declare the Senate continued until....., at three o’clock in the

“afternoon, the Senate so decreeing.” (See ¶ 10.)

25. 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.

26. The Speaker then retires, bowing, as usual, to the Throne.

27. At the opening of a second or subsequent session the proceedings are the same as at the first session, omitting paragraphs Nos. 6, 7, 8, 9, 10, 13 and 14.

DAILY ROUTINE BUSINESS.

28 The Speaker, preceded by the Usher and the Serjeant-at-Arms, and followed by the Chaplain, enters the Chamber and takes the Chair.

29. After Prayers, all matters requiring discussion, with closed doors, are now submitted. Should there be nothing, the Speaker says, addressing the Serjeant-at-Arms:—“Let the doors be opened,” and thereupon the Serjeant communicates the order to the Door-keeper.

30. After the doors are opened and the Senators seated, the Speaker calls the several

items of Routine as they appear on the Routine Proceedings Paper. (R. 11.)

PRESENTING PETITIONS, &c.

31. Senators now present any Petitions entrusted to them. During a Debate, Senators are allowed to present any Petition or Paper relating to the Debate, but only with the special leave of the Senate, and the Speaker always says: "Is it your pleasure, &c., &c."

Senators often take advantage of a lull in the business to present Petitions or other Papers, and introduce Bills, before the Orders of the Day are called. Such proceedings are, however, not allowed during a Debate, except in the case of a Petition referring to the debate, as above.—" [A Lord intending to address the "House of Lords at any length on a Petition, usually gives notice of his intention to do so. (10 May, 502.)"]

RETURNS, &c., PRESENTED.

32. Petitions and Returns to be presented are sent to the Clerk for endorsement. Returns to Addresses and other Papers may likewise be laid on the Table at the same time, but it is better to bring them up after the Reading of Petitions. [In the House of Lords; Returns to

Orders or under Acts of Parliament are forwarded to the Clerk, and are entered in the Minutes or Journal, as if presented by some Cabinet Minister.] Regarding documents placed before the House by the Clerk, the Speaker is supposed to inform the House that such is the case, and an entry is made accordingly.

READING PETITIONS.

33. One sitting-day must intervene between the presenting and 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 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. This practice ought to have been followed in the Senate.]

BILLS INTRODUCED.

34. After the reading of Petitions, Senators now introduce Bills. Advantage is often taken of a lull in the business to introduce Bills, but it is an understood Rule that they should only be introduced after the reading of Petitions. (R. 64.)

REPORTS OF COMMITTEES.

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

36. If the Report is on a Bill, a copy of the Bill, (with the amendments, if any) signed by the Chairman, (R. 68,) is annexed to the Report. 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 now, to-morrow, or.....

37. If the Report contains a Bill with amendments, it is likewise ordered to be received, and if the amendments, after being read, 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. (see R. 12 and 44.)

38. If the amendments are opposed, the Speaker says: “Read the amendments.”

39. 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*.

40. The amendments being agreed to, it is moved that the said Bill, as amended, be read the third time, to-morrow, or..... (R. 12 and 44.)

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

42. If the Report recommends that the Bill be not further proceeded with, the Chairman simply moves: “That the Report be adopted,” or, if it be objected to, “That it be taken into consideration on a future day.”

43. If a Report recommends the suspension of certain Rules with respect to a Bill, the

Senator in charge thereof moves that those Rules be dispensed with, in so far as they relate to such Bill.

44. 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."

45. 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:

"Will the Honourable Senator in charge of this Bill make the usual motion;" if no one does so, the Speaker again calls "Report of Committees."

46. 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.

47. If such motion should be objected to by a Senator, it would have to stand as a Notice of Motion.

48. A Report from a Committee may be referred back to them for re-consideration, (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).

49. After all Reports are presented, or if none are presented, the Speaker calls "Notices of Motions."

NOTICES OF MOTIONS OR INQUIRIES.

(Must be read by Senator, when given, 10th May, p. 231.)

50. The Speaker calls "Notices of Motions." Motions intended to be moved on a future day require at least one intervening sitting day's previous notice in writing; (R. 13) so also all notices of Inquiries, or of Questions to be put to Ministers, affecting Individual, Local or General Interests, or the administration of the Government in all its branches; or to Senators with regard to Bills, or other matters under their charge.

MOTIONS.

51. Motions are called by the Speaker in the order in which they appear on the paper, and when all disposed of, other motions may be made, with leave.

52. When a Senator's name is called, and he is not ready to proceed with his 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.

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."

54. If a Senator amends his motion, the Speaker asks for the amended copy or amends his own, to put the question.

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. [In the House of Lords (10 May, 206,) and particularly in the Senate, this Rule is generally disregarded, and lengthy debates often follow. If the Senator questioning or answering, is allowed by the Senate, tacitly or otherwise to offer any opinion, argument, or inference, other Senators may claim the same privilege.

56. When a debate on a motion is adjourned, the item is transferred to the Orders of the Day 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. (R. 12, 44.) 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.)

57. When the motion for an Address is "Carried" the Speaker says :

Ordered—"That the said Address be presented to His Excellency the Governor General by such Senators as are Members of the "Privy Council."

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—

"That the said message be communicated "to the House of Commons by one of the

“ Clerks, (or by one of the Masters in Chancery.)” (R. 91.)

ORDERS OF THE DAY.

59. The Speaker calls “ Orders of the Day.” Third readings of Bills have precedence on the Order of the Day Paper, except those Orders to which the Senate may have given priority. (R. 12, 44)

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 say, “ The last Order is,” &c., &c.

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.

62. If at six o'clock the business is not concluded, the Speaker leaves the Chair until half-past seven, (R. 4) meaning eight, the Mace remaining on the Table. On leaving the Chair the Speaker says: “ It being six o'clock I now leave the Chair.”

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 motion 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.

INTRODUCTION OF BILLS.

64. A Senator may bring in a Bill (R. 39), after the reading of Petitions, or later if there be no question before the Chair; but a Private Bill can only be brought in, after the Petition therefor has been favourably reported upon by the Committee on Standing Orders. (R. 54.)

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."

66. The Senator in charge then moves that the Bill be read the second time on..... next; or move that the 41st Rule may be dispensed with, so far as it relates "to this Bill, and that it be now read the second time." The Speaker then puts the question in the usual way: "It is moved by, &c., &c."

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. 56.)

SECOND READING.

68. 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.

69. 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 for the second reading of the Bill. Is it your pleasure, &c. Those in favour, &c."

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

71. If the "Yeas" and "Nays" are called for, the Speaker says: "The Yeas and Nays being called for by two Senators, (R. 30) the Contents will please rise;" their names having been taken down, the Non-Contents are then called upon to rise, and their names being also taken down, the Clerk then reads from the Division List, thus: Contents 25, Non-Contents 18," or *vice versa*, and the Speaker says: "The Contents," or "The Non-Contents have it."

72. If the words "Call in the Senators" are also heard, the Speaker, rising and addressing the Serjeant-at-Arms, says: "Call in the Senators;" after they have come in, the Speaker puts the question. (Question and division, as above, ¶ 70, 71.)

73. If an amendment is moved to the motion for the Second reading, the Speaker says: "The question, Honourable Gentlemen, before the Senate, is for the second reading of the Bill intituled, &c. In amendment, it is moved by....., seconded by....., &c." If a debate follows, after it is over, he says: "Is it your pleasure to adopt the amendment, &c." (If a division takes place, see above, ¶ 70, 71.)

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

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

76. If an amendment to an amendment is moved, the Speaker says: "In amendment to the proposed amendment, it is moved by....., seconded by....., that, &c. Is it your, &c., to adopt the said amendment to the proposed amendment," and sits down. After debate, he says: "The question, Honourable Gentlemen, is on, &c. Those in favour, &c., &c." (Division as at ¶ 71, 72.)

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

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

79. 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.)

80. If the Previous Question is moved (10 May, 268, 9,) (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 "adjourned," or "That the Orders of the Day "be now read," 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 the two latter motions pass, the main motion is disposed of for that day only.

81. The debate upon the Previous Question may be adjourned. [10 May, 270—131 Imp. Com. J. 45, 308—227 Han. Deb. 3rd Ser. 338, 347, 351, 370. Ibid 330 pp. 1020, 1026, &c., &c.]

82. When a Public Bill has been read the second time, the following question is then put: "That this Bill be committed to a Com-

“mittee 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. 41,) unless by unanimous consent. (R. 17.)

83 When a Private Bill has been read the second time, the question is: “That this Bill be referred to the Committee on

84. 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. 58.) (The point or matter in connection with the Bill, being expressed in the Order of Reference.)

COMMITTEE OF THE WHOLE.

85. The Order of the Day being called, for putting the Senate into Committee, the Speaker says: “Pursuant to the Order of your Honourable House, I leave the Chair. The Honourable will please take the Chair of the Committee,”—(In the House of Lords; the Lord Chancellor leaves the Woolsack; and the Chairman of Committees at once takes the Chair), and the House is then adjourned during

pleasure (10 May, 360.) 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 intitled: An Act, &c., have gone through the said Bill, and beg leave to report the same without any amendment (or with one, or several amendments) to which they desire the concurrence of the Senate;" or, "beg leave 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."

The Speaker:—"Honourable Gentlemen, 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 the third reading, now or on a future day. When the Bill is reported with amendments, the Speaker having announced the fact as above, adds: "Is it your pleasure, Honourable Gentlemen, to receive the report?" (pause) "When?" (answer) "Now." Then addressing the Clerk, he says: "Read the amendments." The amendments being read, he

says : "It is your pleasure Honourable Gentlemen, to concur in the amendments. Carried."

87. The Senator in charge then makes the usual motions for the third reading or other procedure. (See ¶ 66 and 82.)

88. If the consideration of the Report is it to be postponed to a future day, the day is then suggested, and the Speaker says : "Ordered that the Report be taken into consideration on, &c., &c. Call the next Order."

THIRD READING.

89 A Bill having been reported without any amendment, and ordered at once to be read the third time, or, 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, Honourable 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 adds : "Ordered, That the Clerk do carry this Bill to the Commons and acquaint them that the Senate desires their concurrence thereto."

90. If it is a Commons Bill, the Speaker says : "A Bill, Honourable Gentlemen, originating in

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

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?” *Ordered*, “That the Clerk do carry back this Bill to the Commons and acquaint them that the Senate has passed the same with an amendment (or amendments) to which they desire their concurrence.”

92. New clauses may be added or other amendments may be made to a public Bill at its third reading or passing, (10 May, 291, 472, 534, 536.)

93. Only verbal amendments may be made to a private Bill at its third reading. (10 May, 791, 807.) (R. 71, 72.)

BILLS RETURNED OR BROUGHT UP FROM COMMONS.

94. A Private Bill returned from the Commons with important amendments is referred

to a Committee of the Whole, or to the Original Committee of Reference. (R. 71.)

95. When a Bill has been received from the House of Commons for the concurrence of the Senate, the Speaker: "A message, Honourable Gentlemen, has been received from the House of Commons, with a Bill intituled 'An Act, &c., &c.,' to which they desire the concurrence of the Senate."

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

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

98. When amendments are not concurred in, a message is sent with the Bill, giving the reasons for dissenting to the same.

PROROGATION OF PARLIAMENT.

99. The same forms are observed as at the opening of Parliament.

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 them of the day and hour appointed. After taking his seat the Speaker says: "Honourable Gentlemen, I have received a communication from the Secretary of His Excellency the Governor General in the following words:"—He reads the letter, and it is laid on the table.

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.

102. So 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 Excellency's assent."

103. 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; then the Royal Assent is pronounced in both languages by the Clerk of the Senate, the words used being "In Her Majesty's name, His Excellency the Governor General doth assent to these Bills."

104. Should any Bills be reserved for the signification of Her 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 Her Majesty's pleasure.

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 Commons, I present to Your
 "Excellency a Bill, intituled: 'An Act, &c.,
 "(Supply Bill), to which Bill I humbly request
 "Your Excellency's assent" The Speaker delivers the Bill to the Clerk of the Senate, who hands it to the Clerk of the Crown in Chancery, who reads the title in both lan-

guages, and the Clerk of the Senate signifies the Royal Assent, thus: In Her Majesty's name, His Excellency the Governor General thanks Her loyal subjects, accepts their benevolence and assents to this Bill.

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.

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 pro-
 “ rogued until the day of
 “ next (40 days), to be here holden, and this
 “ Parliament is accordingly prorogued until the
 “ day of next.”

108. His Excellency retires and every one present withdraws.

PROCEEDINGS ON DIVORCE BILLS.

Petitions.

109. Before presenting the petition, which must be within the first thirty days of the session (R. 105) the Senator in charge presents

to the Senate the certificate of the Clerk of the Senate, that he has received the fee required (by R. 108). After this has been read by the Clerk at the table, the Senator then presents the petition. (R. 109).

110 The petition must be accompanied by a copy of the Notice of Application (Form A) and evidence of its due publication; (R. 103) declaration of the service (or attempted service) of such notice upon the party from whom the Divorce is sought, (R. 104) and also by a copy of the Bill. (R. 108).

111. The Petition, after being read and received stands referred to the Standing Committee on Divorce for report as to its regularity and sufficiency (R. 109). Any proof found defective may be supplemented by statutory declaration laid before the Committee (R. 109).

BILLS.

112. After the adoption of the Report of the Committee upon the petition, &c., the Bill is introduced and read a first time (R. 110). The Senator then moves "That the said Bill be read a second time on.....(14 days after the first reading and notice of the day

fixed therefor is posted at the door of the Senate during that period) (R. 111). And His Honour the Speaker, says "Honourable Gentlemen, it is moved by the Honourable Mr..... .. seconded by.....that," &c., and puts the question "Is it your pleasure," &c.

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 so entered in the journals.

113. Before the second reading a copy of the notice for such second reading and a copy of the Bill must be served personally upon the party from whom the Divorce is sought or in such other manner as the Committee may prescribe, who shall also report upon the proof of such service to the Senate (R. 111).

114. The Order of the Day being read for the second reading, the Senator in charge presents to the Senate, the Certificate of the Clerk of the Senate—which Certificate is read by His Honour the Speaker—that the notice of the day fixed for the second reading has been duly posted at the door of the Senate as required by (R. 111). The Senator then moves "That the Bill for the relief, &c., be now read a second

time" and His Honour, the Speaker, puts the usual motion. The motion being adopted.

115. The Senator moves "That the Bill be referred to the Standing Committee on Divorce," and to this Committee all petitions and papers in connection with Divorce stand referred. After hearing evidence and making inquiry as to the allegations set forth in the Bill—they report their opinion to the Senate (R. 112). A minority report may be presented (R. 112). See Sen. J., vol. 28, p. 118.

116. When the Report is presented the Chairman of the Committee moves that it be taken into consideration on next, and His Honour the Speaker puts the usual motion.

117. After the Report has been adopted the Bill may be read a third time then, or fixed for another day. (Sen. J. 29, pp. 79, 99).

118. 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 to the Bill, communicating the evidence and documents and requesting the return of the same to the Senate. (Sen. J. 29, p. 99).

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

THE BRITISH NORTH AMERICA ACT

1867





ANNO TRICESIMO

VICTORIÆ REGINÆ.

CAP. III.

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

[29th March, 1867]

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

And whereas such a Union would conduce to the Welfare of the Provinces and promote the Interests of the British Empire :

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

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

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

I PRELIMINARY

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

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

II UNION

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

4. The subsequent Provisions of this Act shall unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say,

on and after the Day appointed for the Union taking effect in the Queen's Proclamation, and in the same Provisions, unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act

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

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

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

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

III EXECUTIVE POWER

9 The Executive Government and Authority of and over Canada is hereby declared to continue and be vested in the Queen

10. The Provisions of this Act referring to the Governor General extend and apply to the Governor General for the Time being of Canada, or other the Chief Executive Office or Administrator for the Time being carrying on the Government of Canada on behalf and in the Name of the Queen, by whatever Title he is designated.

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

12 All Powers, Authorities and Functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, are at the Union vested in or exercisable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exercisable by the Governor General, with the Advice or with the Advice and Consent of or in conjunction with the Queen's Privy Council for Canada, or any Members thereof, or by the Governor General individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parlia-

ment of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

13 The Provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the Advice of the Queen's Privy Council for Canada

14 It shall be lawful for the Queen, if Her Majesty thinks fit, to authorize the Governor General from Time to Time to appoint any Person or any Persons jointly or severally to be his Deputy or Deputies within any Part or Parts of Canada, and in that Capacity to exercise during the Pleasure of the Governor General such of the Powers, Authorities, and Functions of the Governor General as the Governor General deems it necessary or expedient to assign to him or them, subject to any Limitations or Directions expressed or given by the Queen, but the Appointment of such a Deputy or Deputies shall not affect the Exercise by the Governor General himself of any Power, Authority or Function

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

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

IV LEGISLATIVE POWER

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

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

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

20 There shall be a Session of the Parliament of Canada once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Parliament in one Session and its first Sitting in the next Session.

THE SENATE

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

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

1. Ontario ;

2. Quebec ,

3 The Maritime Provinces, Nova Scotia and New Brunswick , which Three Divisions shall (subject to the Provisions of this Act) be equally represented in the Senate as follows . Ontario by Twenty-four

Senators, Quebec by Twenty-four Senators, and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and Twelve thereof representing New Brunswick.

In the Case of Quebec, each of the Twenty-four Senators representing that Province shall be appointed for One of the Twenty-four Electoral Divisions of Lower Canada specified in Schedule A, to Chapter One of the Consolidated Statutes of Canada

23 The Qualification of a Senator shall be as follows :

- (1) He shall be of the full Age of Thirty Years,
- (2) He shall be either a Natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of One of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia or New Brunswick, before the Union, or of the Parliament of Canada after the Union.
- (3) He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in free and common Soccage, or seised or possessed for his own Use and Benefit of Land or Tenements held in Franc-alieu or in Roture, within the Province for which he is appointed, of the Value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same

- (4) His Real and Personal Property shall be together worth Four thousand Dollars over and above his Debts and Liabilities .
- (5.) He shall be resident in the Province for which he is appointed .
- (6) In the Case of Quebec he shall have his Real Property Qualification in the Electoral Division for which he is appointed, or shall be resident in that Division

24 The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate , and subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator

25 Such persons shall be first summoned to the Senate as the Queen by Warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their Names shall be inserted in the Queen's Proclamation of Union

26. If at any Time on the Recommendation of the Governor General the Queen thinks fit to direct that Three or Six Members be added to the Senate, the Governor General may by Summons to Three or Six qualified Persons (as the Case may be), representing equally the Three Divisions of Canada, add to the Senate accordingly.

27. In case of such Addition being at any Time made the Governor General shall not summon any Person to the Senate, except on a further like Direction by the Queen on the like Recommendation, until each of the Three Divisions of Canada is represented by Twenty-four Senators and no more

28. The Number of Senators shall not at any Time exceed Seventy-eight

29. A Senator shall, subject to the Provisions of this Act, hold his Place in the Senate for Life.

30. A Senator may by Writing under his Hand addressed to the Governor General resign his Place in the Senate, and thereupon the same shall be vacant.

31. The Place of a Senator shall become vacant in any of the following Cases —

- (1) If for Two consecutive Sessions of the Parliament he fails to give his Attendance in the Senate :
- (2) If he takes an Oath or makes a Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to a Foreign Power, or does an Act whereby he becomes a Subject or Citizen, or entitled to the Rights or Privileges of a Subject or Citizen, of a Foreign Power —
- (3.) If he is adjudged Bankrupt or Insolvent, or applies for the Benefit of any Law relating to Insolvent Debtors, or becomes a public Defaulter .
- (4.) If he is attainted of Treason or convicted of Felony or of any infamous Crime
- (5.) If he ceases to be qualified in respect of Property or of Residence , provided, that a Senator shall not be deemed to have ceased to be qualified in respect of Residence by reason only of his residing at the Seat of the Government of Canada while holding an Office under that Government requiring his Presence there

32. When a Vacancy happens in the Senate by Resignation, Death or otherwise, the Governor General shall, by Summons to a fit and qualified Person, fill the Vacancy

33. If any Question arises respecting the Qualification of a Senator or a Vacancy in the Senate, the same shall be heard and determined by the Senate,

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

35. Until the Parliament of Canada otherwise provides, the Presence of at least Fifteen Senators, including the Spêaker, shall be necessary to constitute a Meeting of the Senate for the Exercise of its Powers.

36. Questions arising in the Senate shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the Negative

THE HOUSE OF COMMONS

37 The House of Commons shall, subject to the Provisions of this Act, consist of One hundred and eighty-one Members, of whom Eighty-two shall be elected for Ontario, Sixty-five for Quebec, Nineteen for Nova Scotia, and Fifteen for New Brunswick.

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

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

40 Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the Purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts as follows —

1.—ONTARIO.

Ontario shall be divided into the Counties, Ridings of Counties, Cities, Parts of Cities, and Towns enumerated in the First Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return One Member.

2.—QUEBEC.

Quebec shall be divided into Sixty-five Electoral Districts, composed of the Sixty-five Electoral Divisions into which Lower Canada is at the passing of this Act divided under Chapter Two of the Consolidated Statutes of Canada, Chapter Seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the Twenty-third Year of the Queen, Chapter One, or any other Act amending the same in force at the Union, so that each such Electoral Division shall be for the Purposes of this Act an Electoral District entitled to return One Member.

3.—NOVA SCOTIA

Each of the Eighteen Counties of Nova Scotia shall be an Electoral District. The County of Halifax shall be entitled to return Two Members, and each of the other Counties One Member.

4.—NEW BRUNSWICK.

Each of the Fourteen Counties into which New Brunswick is divided, including the City and County of St. John, shall be an Electoral District. The City of St. John shall also be a Separate Electoral District. Each of those Fifteen Electoral Districts shall be entitled to return One Member.

41. Until the Parliament of Canada otherwise provides, all Laws in force in the several Provinces at the Union relative to the following Matters or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the House of Assembly or Legislative Assembly in the several Provinces, the Voters at Elections of such Members, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which Elections may be continued, the Trial of controverted Elections, and Proceedings incident thereto, the vacating of Seats of Members, and the Execution of new Writs in case of Seats vacated otherwise than by Dissolution,—shall respectively apply to Elections of Members to serve in the House of Commons for the same several Provinces.

Provided that, until the Parliament of Canada otherwise provides, at any Election for a Member of the House of Commons for the District of Algoma, in

addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-One Years or upwards, being a Householder, shall have a Vote

42. For the First Election of Members to serve in the House of Commons the Governor General shall cause Writs to be issued by such Person, in such Form, and addressed to such Returning Officers as he thinks fit

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

43. In case a Vacancy in the Representation in the House of Commons of any Electoral District happens before the Meeting of the Parliament, or after the Meeting of the Parliament before provision is made by the Parliament in this Behalf, the Provisions of the last foregoing Section of this Act shall extend and apply to the issuing and returning of a Writ in respect of such vacant District.

44 The House of Commons on its first assembling after a General Election shall proceed with all practicable Speed to elect One of its Members to be Speaker

45. In case of a Vacancy happening in the Office of Speaker by Death, Resignation, or otherwise, the House of Commons shall with all practicable Speed proceed to elect another of its Members to be Speaker.

46 The Speaker shall preside at all Meetings of the House of Commons

47. Until the Parliament of Canada otherwise provides, in case of the Absence for any Reason of the Speaker from the Chair of the House of Commons for a Period of Forty-eight consecutive hours, the House may elect another of its Members to Act as Speaker, and the Member so elected shall during the Continuance of such Absence of the Speaker, have and execute all the Powers, Privileges and Duties of Speaker.

48 The Presence of at least Twenty Members of the House of Commons shall be necessary to constitute a Meeting of the House for the Exercise of its Powers, and for that Purpose the Speaker shall be reckoned as a Member.

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

50. Every House of Commons shall continue for Five Years from the Day of the Return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

51 On the Completion of the Census in the Year One thousand eight hundred and seventy-one, and of each subsequent decennial Census, the Representation

of the Four Provinces shall be readjusted by such Authority, in such Manner, and from such Time, as the Parliament of Canada from Time to Time provides, subject and according to the following Rules —

- (1) Quebec shall have the fixed Number of Sixty-five Members
- (2) There shall be assigned to each of the other Provinces such a Number of Members as will bear the same Proportion to the Number of its Population (ascertained at such Census) as the Number Sixty-five bears to the Number of the Population of Quebec (so ascertained).
- (3) In the Computation of the Number of Members for a Province a fractional Part not exceeding One Half of the whole Number requisite for entitling the Province to a Member shall be disregarded, but a fractional Part exceeding One Half of that Number shall be equivalent to the whole Number
- (4) On any such Re-adjustment the number of Members for a Province shall not be reduced unless the Proportion which the Number of the Population of the Province bore to the Number of the aggregate Population of Canada at the then last preceding Re-adjustment of the Number of Members for the Province is ascertained at the then latest Census to be diminished by One Twentieth Part or upwards
- (5) Such Re-adjustment shall not take effect until the Termination of the then existing Parliament.

52 The Number of the Members of the House of Commons may be from Time to Time increased by the Parliament of Canada, provided the proportionate Representation of the Provinces prescribed by this Act is not thereby disturbed

MONEY VOTES , ROYAL ASSENT.

53. Bills for appropriating any Part of the Public Revenue, or for imposing any Tax or Impost, shall originate in the House of Commons.

54 It shall not be lawful for the House of Commons to adopt or pass any Vote, Resolution, Address, or Bill for the Appropriation of any Part of the Public Revenue or of any Tax or Impost, to any Purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such Vote, Resolution, Address, or Bill is proposed

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

56. Where the Governor General assents to a Bill in the Queen's Name, he shall by the first Convenient Opportunity send an authentic Copy of the Act to One of Her Majesty's Principal Secretaries of State, and if the Queen in Council within Two Years after Receipt thereof by the Secretary

of State thinks fit to disallow the Act, such Disallowance (with a Certificate of the Secretary of State of the Day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament, or by Proclamation, shall annul the Act from and after the Day of such Signification

57 A Bill reserved for the Signification of the Queen's Pleasure shall not have any Force unless and until within Two Years from the Day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council

An Entry of every such Speech, Message or Proclamation shall be made in the Journal of each House, and a Duplicate thereof duly attested shall be delivered to the proper Officer to be kept among the Records of Canada

V --PROVINCIAL CONSTITUTIONS.

EXECUTIVE POWER

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

59 A Lieutenant Governor shall hold Office during the Pleasure of the Governor General, but any Lieutenant Governor appointed after the Commencement of the First Session of the Parliament of Canada shall not be removable within Five Years

from his Appointment, except for Cause assigned, which shall be communicated to him in Writing within One Month after the Order for his Removal is made, and shall be communicated by Message to the Senate and to the House of Commons within One Week thereafter if the Parliament is then sitting, and if not then, within One Week after the Commencement of the next Session of the Parliament

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

61 Every Lieutenant Governor shall, before assuming the Duties of his Office, make and subscribe before the Governor General, or some Person authorized by him, Oaths of Allegiance and Office similar to those taken by the Governor General.

62 The Provisions of this Act referring to the Lieutenant Governor extend and apply to the Lieutenant Governor for the Time being of each Province or other the Chief Executive Officer or Administrator, for the time being carrying on the Government of the Province, by whatever Title he is designated

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

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

65. All Powers, Authorities and functions which, under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exerciseable by the respective Governors or Lieutenant Governors of those Provinces, with the Advice, or with the Advice and Consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any Number of Members thereof, or by those Governors or Lieutenant Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Québec respectively, be vested in and shall or may be exercised by the Lieutenant Governor of Ontario and Québec respectively, with the Advice, or with the Advice and Consent of, or in conjunction with the respective Executive Councils, or any Members thereof, or by the Lieutenant Governor individually, as the Case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Québec.

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

67. The Governor General in Council may from Time to Time appoint an Administrator to execute the office and Functions of Lieutenant Governor during his Absence, Illness, or other Inability.

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

LEGISLATIVE POWER.

1.—ONTARIO

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

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

2.—QUEBEC.

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

72. The Legislative Council of Quebec shall be composed of Twenty-four Members, to be appointed by the Lieutenant Governor in the Queen's Name, by Instrument under the Great Seal of Quebec, one

being appointed to represent each of the Twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding Office for the Term of his Life, unless the Legislature of Quebec otherwise provides under the Provisions of this Act.

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

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

75. When a Vacancy happens in the Legislative Council of Quebec, by Resignation, Death, or otherwise, the Lieutenant Governor, in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified Person to fill the Vacancy.

76 If any Question arises respecting the Qualification of a Legislative Councillor of Quebec, or a Vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

77. The Lieutenant Governor may from Time to Time, by Instrument under the Great Seal of Quebec, appoint a Member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his Stead.

78. Until the Legislature of Quebec otherwise provides, the Presence of at least Ten Members of the Legislative Council, including the Speaker, shall be necessary to constitute a Meeting for the Exercise of its Powers

79 Questions arising in the Legislative Council of Quebec shall be decided by a Majority of Voices, and the Speaker shall in all Cases have a Vote, and when the Voices are equal the Decision shall be deemed to be in the negative.

80 The Legislative Assembly of Quebec shall be composed of Sixty-five Members, to be elected to represent the Sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to Alteration thereof by the Legislature of Quebec: Provided that it shall not be lawful to present to the Lieutenant Governor of Quebec for Assent any Bill for altering the Limits of any of the Electoral Divisions or Districts mentioned in the Second Schedule to this Act, unless the Second and Third Readings of such Bill have been passed in the Legislative Assembly with the Concurrence of the Majority of the Members representing all those Electoral Divisions or Districts, and the Assent shall not be given to such Bill unless an Address has been presented by the Legislative Assembly to the Lieutenant Governor stating that it has been so passed

3 —ONTARIO AND QUEBEC

81 The Legislatures of Ontario and Quebec respectively shall be called together not later than Six Months after the Union

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

83. Until the Legislature of Ontario or of Quebec otherwise provides, a Person accepting or holding in Ontario or in Quebec any Office, Commission or Employment permanent or temporary at the Nomination of the Lieutenant Governor, to which an annual Salary, or any Fee, Allowance, Emolument or profit of any Kind or Amount whatever from the Province is attached, shall not be eligible as a Member of the Legislative Assembly of the respective Province, nor shall be sit or vote as such, but nothing in this Section shall make ineligible any Person being a Member of the Executive Council of the respective Province, or holding any of the following Offices, that is to say: the Offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected provided he is elected while holding such Office

84. Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are in force in those Provinces respectively, relative to the following Matters, or any of them, namely,—the Qualifications and Disqualifications of Persons to be elected or to sit or vote as Members of the Assembly of Canada, the Qualifications or Disqualifications of Voters, the Oaths to be taken by Voters, the Returning Officers, their Powers and Duties, the Proceedings at Elections, the Periods during which such Elections may be continued, and the Trial of controverted Elections and the Proceedings incident thereto, the vacating of the Seats of Members and the issuing and Execution of new Writs in case of Seats vacated otherwise than by Dissolution, shall respectively apply to Elections of

Members to serve in the respective Legislative Assemblies of Ontario and Quebec ;

Provided that until the Legislature of Ontario otherwise provides, at any Election for a Member of the Legislative Assembly of Ontario for the District of Algoma, in addition to Persons qualified by the Law of the Province of Canada to vote, every male British Subject, aged Twenty-one Years or upwards, being a Householder, shall have a Vote

85. Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for Four Years from the Day of the Return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant Governor of the Province), and no longer

86. There shall be a Session of the Legislature of Ontario and of that of Quebec once at least in every Year, so that Twelve Months shall not intervene between the last Sitting of the Legislature in each Province in one Session and its first Sitting in the next Session.

87. The following Provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say—the Provisions relating to the Election of a Speaker originally and on Vacancies, the Duties of the Speaker, the absence of the Speaker, the Quorum, and the Mode of Voting, as if those Provisions were here re-enacted and made applicable in Terms to each such Legislative Assembly.

4.—NOVA SCOTIA AND NEW BRUNSWICK

88 The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the Provisions of this Act, continue as it exists at the Union until altered under the Authority of this Act, and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the Period for which it was elected.

5.—ONTARIO, QUEBEC AND NOVA SCOTIA.

89. Each of the Lieutenant Governors of Ontario, Quebec and Nova Scotia shall cause Writs to be issued for the First Election of Members of the Legislative Assembly thereof in such Form and by such Person as he thinks fit, and at such Time and addressed to such Returning Officer as the Governor General directs, and so that the First Election of Member of Assembly for any Electoral District or any Sub-division thereof shall be held at the same Time and at the same Places as the Election for a Member to serve in the House of Commons of Canada for that Electoral District

6.—THE FOUR PROVINCES.

90. The following Provisions of this Act respecting the Parliament of Canada, namely,—the Provisions relating to Appropriation and Tax Bills, the recommendation of money votes, the Assent to Bills, the Disallowance of Acts, and the Signification of Pleasure on Bills reserved,—shall extend and apply to the Legislatures of the several Provinces as if those Provisions were here re-enacted and made applicable in Terms to the respective Provinces and the Legislatures

thereof, with the Substitution of the Lieutenant Governor of the Province for the Governor General of the Governor General for the Queen and for a Secretary of State, of One Year for Two Years, and of the Province for Canada.

VI.—DISTRIBUTION OF LEGISLATIVE POWERS

POWERS OF THE PARLIAMENT.

91. It shall be lawful for the Queen, by and with the Advice and Consent of the Senate and House of Commons, to make Laws for the Peace, Order, and Good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces, and for greater Certainty, but not so as to restrict the Generality of the foregoing Terms of this Section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated, that is to say.—

1. The Public Debt and Property.
2. The Regulation of Trade and Commerce.
3. The raising of Money by any Mode or System of Taxation.
4. The borrowing of Money on the Public Credit.
5. Postal Service
6. The Census and Statistics
7. Militia, Military and Naval Service and Defence

8. The fixing of and providing for the Salaries and Allowances of Civil and other Officers of the Government of Canada
9. Beacons, Buoys, Lighthouses, and Sable Island
- 10 Navigation and Shipping.
11. Quarantine and the Establishment and Maintenance of Marine Hospitals
- 12 Sea Coast and Inland Fisheries
- 13 Ferries between a Province and any British or Foreign Country or between Two Provinces
14. Currency and Coinage.
- 15 Banking, Incorporation of Banks, and the issue of Paper Money.
16. Savings Banks
17. Weights and Measures
18. Bills of Exchange and Promissory Notes.
- 19 Interest.
20. Legal Tender
21. Bankruptcy and Insolvency.
22. Patents of Invention and Discovery.
23. Copyrights.
24. Indians, and Lands reserved for the Indians.
- 25 Naturalization and Aliens.
26. Marriage and Divorce
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters.
28. The Establishment, Maintenance, and Management of Penitentiaries.

29. Such Classes of Subjects as are expressly excepted in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces

And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces

EXCLUSIVE POWERS OF PROVINCIAL LEGISLATURES.

92. In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated, that is to say —

- 1 The Amendment from Time to Time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the Office of Lieutenant Governor
- 2 Direct Taxation within the Province in order to the raising of a Revenue for Provincial Purposes.
- 3 The borrowing of Money on the sole Credit of the Province
- 4 The Establishment and Tenure of Provincial Offices and the Appointment and Payment of Provincial Officers
5. The Management and Sale of the Public Lands belonging to the Province and of the Timber and Wood thereon

- 6 The Establishment, Maintenance, and Management of Public and Reformatory Prisons in and for the Province
- 7 The Establishment, Maintenance, and Management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.
8. Municipal Institutions in the Province
9. Shop, Saloon, Tavern, Auctioneer, and other Licenses in order to the raising of a Revenue for Provincial, Local, or Municipal Purposes.
- 10 Local Works and Undertakings other than such as are of the following Classes —
 - a Lines of Steam or other Ships, Railways, Canals, Telegraphs, and other Works and Undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province
 - b. Lines of Steam Ships between the Province and any British or Foreign Country
 - c Such Works as, although wholly situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces
11. The Incorporation of Companies with Provincial Objects
12. The Solemnization of Marriage in the Province.
13. Property and Civil Rights in the Province

14. The Administration of Justice in the Province, including the Constitution, Maintenance and Organization of Provincial Courts, both of Civil and Criminal Jurisdiction, and including Procedure in Civil Matters in those Courts.
- 15 The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section
- 16 Generally all Matters of a merely local or private Nature in the Province.

EDUCATION.

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

- 1 Nothing in any such Law shall prejudicially affect any Right or Privilege with respect to Denominational Schools which any Class of Persons have by Law in the Province at the Union
- 2 All the Powers, Privileges and Duties at the Union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic Subjects, shall be and the same are hereby extended to the Dissident Schools of the Queen's Protestant and Roman Catholic Subjects in Quebec :

3. Where in any Province a System of Separate or Dissident Schools exist by Law at the Union or is thereafter established by the Legislature of the Province, an Appeal shall lie to the Governor General in Council from any Act or Decision of any Provincial Authority affecting any Right or Privilege of the Protestant or Roman Catholic Minority of the Queen's Subjects in relation to Education :
- 4 In case any such Provincial Law as from Time to Time seems to the Governor General in Council requisite for the due Execution of the Provisions of this Section is not made, or in case any Decision of the Governor General in Council on any Appeal under this Section is not duly executed by the Proper Provincial Authority in that Behalf, then and in every such Case, and as far only as the Circumstances of each Case require, the Parliament of Canada may make remedial Laws for the due Execution of the Provisions of this Section and of any Decision of the Governor General in Council under this Section

UNIFORMITY OF LAWS IN ONTARIO, NOVA SCOTIA AND
NEW BRUNSWICK

94. Notwithstanding anything in this Act, the Parliament of Canada may make Provision for the Uniformity of all or any of the Laws relative to Property and Civil Rights in Ontario, Nova Scotia and New Brunswick, and of the Procedure of all or any of the Courts in those Three Provinces, and from and after the passing of any Act in that Behalf

the Power of the Parliament of Canada to make Laws in relation to any Matter comprised in any such Act shall, notwithstanding anything in this Act, be unrestricted, but any Act of the Parliament of Canada making Provision for such Uniformity shall not have effect in any Province unless and until it is adopted and enacted as Law by the Legislature thereof.

AGRICULTURE AND IMMIGRATION.

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

VII.—JUDICATURE

96 The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick

97. Until the Laws relative to Property and Civil Rights in Ontario, Nova Scotia, and New Brunswick, and the Procedure of the Courts in those Provinces are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective Bars of those Provinces.

98 The Judges of the Courts of Quebec shall be selected from the Bar of that Province.

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

100 The Salaries, Allowances, and Pensions of the Judges of the Superior, District and County Courts (except the Courts of Probate in Nova Scotia and New Brunswick), and of the Admiralty Courts in Cases where the Judges thereof are for the Time being paid by Salary, shall be fixed and provided by the Parliament of Canada.

101 The Parliament of Canada may, notwithstanding anything in this Act, from Time to Time, provide for the Constitution, Maintenance, and Organization of a General Court of Appeal for Canada, and for the Establishment of any additional Courts for the better Administration of the Laws of Canada

VIII —REVENUES, DEBTS, ASSETS, TAXATION.

102 All Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick before and at the Union had and have Power of Appropriation, except such Portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special Powers conferred on them by this Act, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of Canada in the Manner and subject to the Charges in this Act provided.

103. The Consolidated Revenue Fund of Canada shall be permanently charged with the Costs, Charges and Expenses incident to the Collection, Management and Receipt thereof, and the same shall form the First Charge thereon, subject to be reviewed and audited in such Manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides

104. The annual Interest of the Public Debts of the several Provinces of Canada, Nova Scotia and New Brunswick at the Union shall form the Second Charge on the Consolidated Revenue Fund of Canada

105. Unless altered by the Parliament of Canada, the Salary of the Governor General shall be Ten thousand Pounds Sterling Money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the Third Charge thereon

106. Subject to the several Payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the Public Service.

107. All Stocks, Cash, Banker's Balances and Securities for Money belonging to each Province at the Time of the Union, except as in this Act mentioned, shall be the Property of Canada, and shall be taken in Reduction of the Amount of the respective Debts of the Provinces at the Union.

108 The Public Works and Property of each Province, enumerated in the Third Schedule to this Act, shall be the Property of Canada

109. All Lands, Mines, Minerals, and Royalties belonging to the several Provinces of Canada, Nova Scotia and New Brunswick at the Union, and all Sums then due or payable for such Lands, Mines, Minerals, or Royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia and New Brunswick in which the same are situate or arise, subject to any Trusts existing in respect thereof, and to any Interest other than that of the Province in the same.

110 All Assets connected with such Portions of the Public Debt of each Province as are assumed by that Province shall belong to that Province

111 Canada shall be liable for the Debts and Liabilities of each Province existing at the Union

112 Ontario and Quebec conjointly shall be liable to Canada for the Amount (if any) by which the Debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand Dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

113. The Assets enumerated in the Fourthe Schedule to this Act belonging at the Union to the Province of Canada shall be the Property of Ontario and Quebec conjointly.

114. Nova Scotia shall be liable to Canada for the Amount (if any) by which its Public Debt exceeds at the Union Eight million dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

115. New Brunswick shall be liable to Canada for the Amount (if any) by which its Public Debt

exceeds at the Union Seven million dollars, and shall be charged with Interest at the Rate of Five per Centum per Annum thereon.

116 In case the Public Debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million Dollars respectively, they shall respectively receive by half-yearly Payments in advance from the Government of Canada Interest at Five per Centum per Annum on the Difference between the actual Amounts of their respective Debts and such stipulated Amounts

117 The several Provinces shall retain all their respective Public Property not otherwise disposed of in this Act, subject to the Right of Canada to assume any Lands or Public Property required for Fortifications or for the Defence of the Country.

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

Dollars.

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

Two hundred and sixty thousand ; and an annual Grant in aid of each Province shall be made, equal to eighty Cents per Head of the Population as ascertained by the Census of One thousand eight hundred and sixty-one, and in the case of Nova Scotia and New Brunswick, by each subsequent Decennial Census until the Population of each of those two Provinces amounts to Four hundred thousand

Souls, at which Rate such Grant shall thereafter remain Such Grants shall be in full Settlement of all future Demands on Canada, and shall be paid half-yearly in advance to each Province, but the Government of Canada shall deduct from such Grants, as against any Province, all Sums chargeable as Interest on the Public Debt of that Province in excess of the several Amounts stipulated in this Act

119 New Brunswick shall receive by half-yearly payments in advance from Canada, for the Period of Ten Years from the Union, an additional Allowance of Sixty-three thousand Dollars per Annum, but as long as the Public Debt of that Province remains under Seven million Dollars, a Deduction equal to the Interest at Five per Centum per Annum on such Deficiency shall be made from that Allowance of Sixty-three thousand Dollars.

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

121. All Articles of the Growth, Produce, or Manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

122. The Customs and Excise Laws of each Province shall, subject to the Provisions of this Act, continue in force until altered by the Parliament of Canada.

123. Where Customs Duties are, at the Union, leviable on any Goods, Wares or Merchandises in any two Provinces, those Goods, Wares and Merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on Proof of Payment of the Customs Duty leviable thereon in the Province of Exportation, and on Payment of such further Amount (if any) of Customs Duty as is leviable thereon in the Province of Importation.

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

125. No Lands or Property belonging to Canada or any Province shall be liable to Taxation

126. Such Portions of the Duties and Revenues over which the respective Legislatures of Canada, Nova Scotia and New Brunswick had before the Union Power of Appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all Duties and Revenues raised by them in accordance with the special Powers conferred upon them by this Act, shall in each Province form One Consolidated Revenue Fund to be appropriated for the Public Service of the Province.

IX.—MISCELLANEOUS PROVISIONS.

GENERAL.

127. If any Person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia or New Brunswick, to whom a Place in the Senate is offered, does not within Thirty Days thereafter, by Writing under his Hand addressed to the Governor General of the Province of Canada or to the Lieutenant Governor of Nova Scotia or New Brunswick (as the Case may be), accept the same, he shall be deemed to have declined the same : and any Person who, being at the passing of this Act a Member of the Legislative Council of Nova Scotia or New Brunswick, accepts a Place in the Senate shall thereby vacate his Seat in such Legislative Council

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

129. Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia or New Brunswick at the Union, and all Courts of Civil and

Criminal Jurisdiction, and all legal Commissions, Powers and Authorities, and all Officers, Judicial, Administrative, and Ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland), to be repealed, abolished or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the Authority of the Parliament or of that Legislature under this Act.

130 Until the Parliament of Canada otherwise provides, all Officers of the several Provinces having Duties to discharge in relation to Matters other than those coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces shall be Officers of Canada, and shall continue to discharge the Duties of their respective Offices under the same Liabilities, Responsibilities and Penalties as if the Union had not been made.

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

132. The Parliament and Government of Canada shall have all Powers necessary or proper for performing the Obligations of Canada or any Province thereof, as Part of the British Empire towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

133 Either the English or the French Language may be used by any Person in the Debate of the Houses of the Parliament of Canada and of the House of the Legislature of Quebec, and both those Languages shall be used in the respective Records and Journals of those Houses ; and either of those Languages may be used by any Person or in any Pleading or Process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

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

ONTARIO AND QUEBEC.

134. Until the Legislature of Ontario and Quebec otherwise provides, the Lieutenant Governors of Ontario and Quebec may each appoint under the Great Seal of the Province the following Officers, to hold Office during Pleasure, that is to say,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands and the Commissioner of Agriculture and Public Works, and in the Case of Quebec, the Solicitor General, and may, by Order of the Lieutenant Governor in Council, from Time to Time prescribe the Duties of those officers and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof ; and may also appoint other and additional Officers to hold Office during Pleasure, and may from Time to Time prescribe the Duties of those Officers, and of the several Departments over which they shall preside or to which they shall belong, and of the Officers and Clerks thereof

135 Until the Legislature of Ontario or Quebec otherwise provides, all Rights, Powers, Duties, Functions, Responsibilities, or Authorities at the passing of this Act vested in, or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any Law, Statute or Ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any Officer to be appointed by the Lieutenant Governor for the Discharge of the same or any of them, and the Commissioner of Agriculture and Public Works shall perform the Duties and Functions of the Office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

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

137. The Words "and from thence to the End of the then next ensuing Session of the Legislature," or Words to the same Effect used in any temporary Act of the Province of Canada not expired before the Union, shall be construed to extend and apply to the next Session of the Parliament of Canada, if the Subject-Matter of the Act is within the Powers of the same, as defined by this Act, or to the next Sessions of the Legislatures of Ontario and Quebec respectively, if the Subject-Matter of the Act is within the Powers of the same as defined by this Act.

138 From and after the Union the Use of the Words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any Deed, Writ, Process, Pleading, Document, Matter, or Thing, shall not invalidate the same.

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

140 Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant Governor of Ontario or of Quebec, as its Subject-Matter requires, under the Great Seal thereof, and from and after the Issue of such Proclamation the same and the several Matters and Things therein proclaimed shall be and continue of the like Force and Effect in Ontario or Quebec as if the Union had not been made.

141. The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

142. The Division and Adjustment of the Debts, Credits, Liabilities, Properties and Assets of Upper Canada and Lower Canada shall be referred to the Arbitrament of Three Arbitrators, One chosen by

the Government of Ontario, One by the Government of Quebec, and One by the Government of Canada; and the Selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met, and the Arbitrator chosen by the Government of Canada shall not be a resident either in Ontario or in Quebec.

143 The Governor General in Council may from Time to Time order that such and so many of the Records, Books, and Documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the Property of that Province, and any Copy thereof or Extract therefrom, duly certified by the Officer having charge of the Original thereof, shall be admitted as Evidence.

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

X.—INTERCOLONIAL RAILWAY

145. Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a Declaration that the Construction of the Intercolonial Railway is essential to the Consolidation of the Union of British North America, and to the Assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that Provision should

be made for its immediate Construction by the Government of Canada. Therefore, in order to give effect to that Agreement, it shall be the Duty of the Government and Parliament of Canada to provide for the Commencement within Six Months after the Union, of a Railway connecting the River St Lawrence with City of Halifax, in Nova Scotia, and for the Construction thereof without Intermission, and the Completion thereof with all practicable Speed.

XI.—ADMISSION OF OTHER COLONIES.

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

147. In Case of the Admission of Newfoundland and Prince Edward Island, or either of them, each shall be entitled to a Representation in the Senate of Canada of Four Members, and (notwithstanding anything in this Act) in case of the Admission of Newfoundland the normal Number of Senators shall

be Seventy-six and their maximum Number shall be Eighty-two; but Prince Edward Island, when admitted, shall be deemed to be comprised in the third of the Three Divisions into which Canada is, in relation to the Constitution of the Senate, divided by this Act, and accordingly, after the Admission of Prince Edward Island, whether Newfoundland is admitted or not, the Representation of Nova Scotia and New Brunswick in the Senate shall, as Vacancies occur, be reduced from Twelve to Ten Members respectively, and the Representation of each of those Provinces shall not be increased at any Time beyond Ten, except under the Provisions of the Act for the Appointment of Three or Six additional Senators under the Direction of the Queen.

SCHEDULES.

THE FIRST SCHEDULE

Electoral Districts of Ontario

A.

EXISTING ELECTORAL DIVISIONS

COUNTIES

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

RIDINGS OF COUNTIES.

- 10 North Riding of Lanark
- 11 South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville
13. South Riding of Leeds
- 14 South Riding of Grenville.
- 15 East Riding of Northumberland
16. West Riding of Northumberland (excepting therefrom the Township of South Monaghan)

- 17 East Riding of Durham
18. West Riding of Durham
19. North Riding of Ontario.
- 20 South Riding of Ontario
21. East Riding of York
- 22 West Riding of York
- 23 North Riding of York
- 24 North Riding of Wentworth
- 25 South Riding of Wentworth
- 26 East Riding of Elgin
- 27 West Riding of Elgin
- 28 North Riding of Waterloo.
29. South Riding of Waterloo
- 30 North Riding of Brant
- 31 South Riding of Brant
32. North Riding of Oxford
33. South Riding of Oxford.
- 34 East Riding of Middlesex.

CITIES, PARTS OF CITIES AND TOWNS

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

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

B

NEW ELECTORAL DIVISIONS

44 The Provisional Judicial District of ALGOMA

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

- 45 The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albemarle, Amabel, Arran, Bruce, Eldershe and Saugeen, and the Village of Southampton.
- 46 The South Riding of Bruce to consist of the Townships of Kincardine (including the Village of Kincardine), Greenock, Brant, Huron, Kinross, Culross and Carrick.

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

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

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

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

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

- 51 The County of LAMBTON to consist of the Townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen, and Brooke, and the Town of Sarnia.
- 52 The County of KENT to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh, and Harwich, and the Town of Chatham

- 53 The County of BOTHWELL to consist of the Townships of Sombra, Dawn and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

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

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton, and Melancthon

- 55 The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint-Vincent, Sydenham, Sullivan, Derby, and Keppel, Sarawak and Brooke, and the Town of Owen Sound

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

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellce, Mornington, and North Easthope, and the Town of Stratford

57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the Villages of Mitchell and Ste Marys.

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

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

The County of NORFOLK, divided into Two Ridings, to be called respectively, the South and North Riding —

61. The South Riding to consist of the Township of Charlotteville, Houghton, Walsingham, and Woodhouse, and with the Gore thereof
62. The North Riding to consist of the Townships of Middleton, Townsend, and Windham, and the Town of Simcoe
63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Ramham, Walpole, and Dunn
64. The County of MONCK to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caistor and Gainsborough, (taken from the County of Lincoln), and the Townships of Pelham and Wanfleet (taken from the County of Welland).

65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby, and Louth, and the Town of St. Catharines.
66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold, and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold, and Welland.
67. The County of PEEL to consist of the Townships of Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
68. The County of CARDWELL to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

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

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tosorontio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of VICTORIA, divided into Two Ridings, to be called respectively the South and North Riding :—

71. The South Riding to consist of the Townships of Ops, Mariposa, Emily, Verulam, and the Town of Lindsay
72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Somerville and Morrison, Muskoka, Monck and Watt, (taken from the County of Simcoe), and any other surveyed Townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into Two Ridings, to be called respectively the West and East Ridings —

73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.
74. The East Riding to consist of the Townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

The County of HASTINGS, divided into Three Ridings, to be called respectively the West, East, and North Ridings —

75. The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton

76. The East Riding to consist of the Townships of Thurlow, Tyendinaga, and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora, and Lake, and the Village of Stirling, and any other surveyed Townships lying to the North of the said North Riding.
78. The County of LENNOX, to consist of the Townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernest Town, and Amherst Island, and the Village of Napanee
- 79 The County of ADDINGTON to consist of the Townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough and Bedford.
- 80 The County of FRONTENAC to consist of the Townships of Kingston, Wolfe Island, Pitts-
burgh and Howe Island, and Storrington

The County of RENFREW, divided into Two Ridings, to be called respectively the South and North Ridings —

- 81 The South Riding to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Admaston, Grattan, Matawachan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.
- 82 The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford,

Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns and Richards, and any other surveyed Townships lying North-westerly of the said North Riding.

Every Town and Incorporated Village existing at the Union not specially mentioned in this Schedule, is to be taken as Part of the County or Riding within which it is locally situate

THE SECOND SCHEDULE

Electoral Districts of Quebec specially fixed.

COUNTIES OF—

Pontiac,	Missisquoi,	Compton,
Ottawa,	Brome,	Wolfe and
Argenteuil,	Shefford,	Richmond,
Huntingdon,	Stanstead.	Megantic,
	Town of Sherbrooke	

THE THIRD SCHEDULE.

*Provincial Public Works and Property to be the
Property of Canada.*

1. Canals, with Lands and Water Power connected therewith
 2. Public Harbours
 3. Lighthouses and Piers, and Sable Island.
 4. Steamboats, Dredges, and Public Vessels.
 5. Rivers and Lake Improvements.
 6. Railway and Railway Stocks, Mortgages and other Debts due by Railway Companies
 7. Military Roads
 8. Custom Houses, Post Offices, and all other Public Buildings, except such as the Government of Canada appropriate for the Use of the Provincial Legislatures and Governments
 9. Property transferred by the Imperial Government, and known as Ordnance Property
 10. Armouries, Drill Sheds, Military Clothing, and Munitions of War, and Lands set apart for general Public Purposes.
-

THE FOURTH SCHEDULE.

*Assets to be the Property of Ontario and Quebec
conjointly*

Upper Canada Building Fund

Lunatic Asylums

Normal School.

Court Houses,

in

Aylmer,

Montreal,

Kamouraska.

} Lower Canada.

Law Society, Upper Canada

Montreal Turnpike Trust.

University Permanent Fund.

Royal Institution

Consolidated Municipal Loan Fund, Upper Canada.

Consolidated Municipal Loan Fund, Lower Canada.

Agricultural Society, Upper Canada

Lower Canada Legislative Grant.

Quebec Fire Loan.

Temiscouata Advance Account

Quebec Turnpike Trust.

Education—East.

Building and Jury Fund, Lower Canada

Municipalities Fund

Lower Canada Superior Education Income Fund.

THE FIFTH SCHEDULE

OATH OF ALLEGIANCE

I, *A. B.*, do swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

NOTE.—*The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the Time being is to be substituted from Time to Time, with proper Terms of Reference thereto*

DECLARATION OF QUALIFICATION.

I, *A. B.*, do declare and testify, That I am by Law duly qualified to be appointed a Member of the Senate of Canada [*or as the Case may be*], and that I am legally or equitably seised as of Freehold for my own Use and Benefit of Lands or Tenements held in Free and Common Soccage [*or seised or possessed for my own Use and Benefit of Lands or Tenements held in Franc-alieu or in Roture (as the Case may be),*] in the Province of Nova Scotia [*or as the Case may be*] of the Value of Four thousand Dollars over and above all Rents, Dues, Debts, Mortgages, Charges and Incumbrances due or payable out of or charged on or affecting the same, and that I have not collusively or colourably obtained a Title to or become possessed of the said Lands or Tenements or any Part thereof for the Purpose of enabling me to become a Member of the Senate of Canada [*or as the Case may be*], and that my Real and Personal Property are together worth Four thousand Dollars over and above my Debts and Liabilities.



34-35 VICTORIA.

CHAP. 28.

An Act respecting the Establishment of Provinces in the Dominion of Canada.

[29th June, 1871.]

WHEREAS doubts have been entertained respecting the powers of the Parliament of Canada to establish Provinces in Territories admitted, or which may hereafter be admitted, into the Dominion of Canada, and to provide for the representation of such Provinces in the said Parliament, and it is expedient to remove such doubts, and to vest such powers in the said Parliament

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1. This Act may be cited for all purposes as *The British North America Act, 1871.*"

2. The Parliament of Canada may from time to time establish new Provinces in any Territories forming for the time being part of the Dominion of Canada, but not included in any Province thereof, and may, at the time of such establishment, make provision for the constitution and administration of any such Province and for the passing of laws for the peace, order and good government of such Province, and for its representation in the said Parliament.

3. The Parliament of Canada may from time to time, with the consent of the Legislature of any Province of the said Dominion, increase, diminish or otherwise alter the limits of such Province under such terms and conditions as may be agreed to by the said Legislature, and may, with the like consent, make provision respecting the effect and operation of any such increase or diminution or alteration of Territory in relation to any Province affected thereby.

4 The Parliament of Canada may from time to time make provision for the administration, peace, order and good government of any Territory not for the time being included in any Province

5. The following Acts passed by the said Parliament of Canada and intituled respectively "An Act for the Temporary Government of Rupert's Land and the North-Western Territory when united with Canada," and "An Act to amend and continue the Act Thirty-two and Thirty-three Victoria, chapter three," and to establish and provide for the "Government of the Province of Manitoba," shall be and be deemed to have been valid and effectual for all purposes whatsoever from the date at which they respectively received the assent in the Queen's name

of the Governor General of the said Dominion of Canada.

6. Except as provided by the third section of this Act, it shall not be competent for the Parliament of Canada to alter the provisions of the last mentioned Act of the said Parliament, in so far as it relates to the Province of Manitoba, or of any other Act hereafter establishing new Provinces in the said Dominion, subject always to the right of the Legislature of the Province of Manitoba to alter from time to time the provisions of any law respecting the qualification of electors and members of the Legislative Assembly, and to make laws respecting elections in the said Province.



38-39 VICTORIA.

CHAP. 38.

An Act to remove certain doubts with respect to the powers of the Parliament of Canada under Section Eighteen of the British North America Act, 1867.

[19th July, 1875]

WHEREAS by Section Eighteen of the British North America Act, 1867, it is provided as follows :—

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

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers, or immunities ; and it is expedient to remove such doubts :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows —

1 Section Eighteen of the British North America Act, 1867, is hereby repealed without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed

The privileges, immunities and powers to be held, enjoyed and exercised by the Senate and by the House of Commons, and by the Members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities and powers, shall not confer any privileges, immunities or powers exceeding those at the passing of such Act, held, enjoyed and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the Members thereof

2 The Act of the Parliament of Canada passed in the thirty-first year of the Reign of Her present Majesty, chapter twenty-four, intituled "An Act to provide for oaths to witnesses being administered in certain cases for the purposes of either House of Parliament" shall be deemed to be valid, and to have been valid as from the date at which the Royal assent was given thereto by the Governor General of the Dominion of Canada

3. This Act may be cited as "The Parliament of Canada Act, 1875."

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CANADA

COMMISSION passed under the Royal Sign Manual and Signet, appointing The Right Honourable The Earl of Aberdeen, P.C., to be Governor General of the Dominion of Canada.

VICTORIA B.

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, Empress of India. To Our Right Trusty and Right Well-beloved Cousin and Councillor John Campbell, Earl of Aberdeen, Greeting.

WE do, by this Our Commission under Our Sign Manual and Signet, appoint you, the said John Campbell, Earl of Aberdeen, to be, during Our pleasure, Our Governor General in and over Our Dominion of Canada, with all the powers, rights, privileges, and advantages to the said Office belonging or appertaining.

II. And We do hereby authorize, empower, and command you to exercise and perform all and singular the powers and directions contained in Our Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the Fifth day of October, 1878, constituting the said Office of Governor General, or

in any other Our Letters Patent adding to, amending, or substituted for the same, according to such Orders and Instructions as Our said Governor General for the time being hath already received, or as you may hereafter receive from Us.

III. And further, We do hereby appoint that, so soon as you shall have taken the prescribed Oaths, and have entered upon the duties of your Office, this Our present Commission shall supersede Our Commission under Our Manual Sign and Signet, bearing date the First day of May, 1888, appointing Our Right Trusty and Well-beloved Councillor Frederick Arthur, Baron Stanley of Preston, Knight Grand Cross of Our Most Honourable Order of the Bath, to be Our Governor General of Our Dominion of Canada.

IV. And We do hereby command all and singular Our Officers, Ministers, and loving subjects in Our said Dominion, and all others whom it may concern, to take due notice hereof, and to give their ready obedience accordingly

Given at Our Court at Saint James's, this Twenty-second day of May, 1893, in the Fifty-sixth year of Our Reign.

By Her Majesty's Command,

RIPON.



ROYAL INSTRUCTIONS TO GOVERNOR
GENERAL.

2

CANADA

DRAFT OF INSTRUCTIONS *passed under the Royal Sign-
Manual and Signet to the Governor General of
the Dominion of Canada*

VICTORIA R.

Dated 5th October, 1878.

INSTRUCTIONS to Our Governor General in and over
Our Dominion of Canada, or, in his absence, to Our
Lieutenant Governor or the Officer for the time
being administering the Government of Our said
Dominion

Given at Our Court at Balmoral, this Fifth day of
October, 1878, in the Forty-second Year of Our
Reign

WHEREAS, by certain Letters-Patent bearing even
date herewith, We have constituted, ordered,
and declared that there shall be a Governor General
(hereinafter called Our said Governor General) in and
over Our Dominion of Canada (hereinafter called

Our said Dominion); And We have thereby authorized and commanded Our said Governor General to do and execute in due manner all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of the said Letters-Patent and of such Commission as may be issued to him under Our Sign-Manual and Signet, and according to such Instructions as may from time to time be given to him, under Our Sign-Manual and Signet, or by Our Order in Our Privy Council, or by Us through One of Our Principal Secretaries of State, and to such Laws as are or shall hereafter be in force in Our said Dominion Now, therefore, We do, by these, Our Instructions under Our Sign-Manual and Signet, declare Our pleasure, to be that Our said Governor General for the time being shall, with all due solemnity, cause Our Commission, under Our Sign-Manual and Signet, appointing Our said Governor General for the time being, to be read and published in the presence of the Chief Justice for the time being, or other Judge of the Supreme Court of Our said Dominion, and of the Members of the Privy Council in Our said Dominion And We do further declare Our pleasure to be that Our said Governor General, and every other officer appointed to administer the Government of Our said Dominion, shall take the Oath of Allegiance in the form provided by an Act passed in the Session holden in the thirty-first and thirty-second Years of Our Reign, intituled: "An Act to amend the Law relating to Promissory Oath," and likewise that he or they shall take the usual Oath for the due execution of the Office of Our Governor General in and over Our said Dominion, and for the due and impartial administration of justice, which Oaths the said Chief Justice for the time being, of Our said Dominion, or in his absence, or in the event

of his being otherwise incapacitated, any Judge of the Supreme Court of Our said Dominion shall, and he is hereby required to tender and administer unto him or them.

II And We do authorize and require Our said Governor General from time to time, by himself or by any other person to be authorized by him in that behalf, to administer to all and to every persons or person as he shall think fit, who shall hold any office or place of trust or profit in Our said Dominion, the said Oath of Allegiance, together with such other Oath or Oaths as may from time to time be prescribed by any Laws or Statutes in that behalf made and provided

III And We do require Our said Governor General to communicate forthwith to the Privy Council for Our said Dominion these Our Instructions, and likewise all such others from time to time, as he shall find convenient for Our service to be imparted to them

IV. Our said Governor General is to take care that all Laws assented to by him in Our Name, or reserved for the signification of Our pleasure thereon, shall, when transmitted by him, be fairly abstracted in the margins, and be accompanied, in such cases as may seem to him necessary, with such explanatory observations as may be required to exhibit the reasons and occasions for proposing such Laws, and he shall also transmit fair copies of the Journals and Minutes of the proceedings of the Parliament of Our said Dominion, which he is to require from the clerks, or other proper officers in that behalf, of the said Parliament.

V. And We do further authorize and empower Our said Governor General, as he shall see occasion,

in Our name and on Our behalf, when any crime has been committed for which the offender may be tried within Our said Dominion, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information as shall lead to the conviction of the principal offender; and further, to grant to any offender convicted of any crime in any Court, or before any Judge, Justice or Magistrate, within Our said Dominion, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to Our said Governor General may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to Us Provided always, that Our said Governor General shall not in any case, except where the offence has been of a political nature, make it a condition of any pardon or remission of sentence, that the offender shall be banished from or shall absent himself from Our said Dominion. And We do hereby direct and enjoin that Our said Governor General shall not pardon or reprove any such offender without first receiving in capital cases the advice of the Privy Council for Our said Dominion, and in other cases the advice of one, at least, of his Ministers; and in any case in which such pardon or reprove might directly affect the interests of Our Empire, or of any country or place beyond the jurisdiction of the Government of Our said Dominion, Our said Governor General shall, before deciding as to either pardon or reprove, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid.

VI. And whereas great prejudice may happen to Our service and to the security of Our said Dominion by the absence of Our said Governor General, he shall not, upon any pretense whatever, quit Our

said Dominion without having first obtained leave from Us for so doing under Our Sign-Manual and Signet, or through one of Our Principal Secretaries of State.

V R

INSTRUCTIONS to the
GOVERNOR GENERAL of the Dominion of
CANADA

For former Commission and Instructions (see 6 Sen.
J 70.)



CANADA.

DRAFT OF LETTERS-PATENT passed under the Great Seal of the United Kingdom, constituting the Office of Governor General of the Dominion of Canada.

Letters Patent,
Dated 5th October, 1878. }

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India; To all to whom these Presents shall come, Greeting:

WHEREAS We did, by certain Letters-Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-second day of May, 1872, in the Thirty-fifth Year of Our Reign, constitute and appoint Our Right Trusty and Right Well-beloved Cousin and Councillor, Frederick Temple, Earl of Dufferin, Knight of Our Most Illustrious Order of Saint Patrick, Knight Commander of Our Most Honourable Order of the Bath, (now Knight Grand Cross of Our Most Distinguished Order of Saint Michael and Saint George), to be Our Governor General in and over Our Dominion of Canada for

and during Our will and pleasure And whereas by the 12th section of "The British North America Act, 1867," certain powers, authorities, and functions were declared to be vested in the Governor General: and whereas We are desirous of making effectual and permanent provision for the office of Governor General in and over Our said Dominion of Canada, without making new Letters Patent on each demise of the said Office Now know ye that We have revoked and determined, and by these Presents do revoke and determine, the said recited Letters-Patent of the Twenty-second day of May, 1872, and every clause, article and thing therein contained And further know ye that We, of our special grace, certain knowledge, and mere motion, have thought fit to constitute, order, and declare, and do by these presents constitute, order, and declare that there shall be a Governor General (hereinafter called Our said Governor General) in and over Our Dominion of Canada (hereinafter called Our said Dominion), and that the person who shall fill the said Office of the Governor General shall be from time to time appointed by Commission under our Sign-Manual and Signet. And we do hereby authorize and command Our said Governor General to do and execute, in due manner, all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of "The British North America Act, 1867," and of these present Letters-Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him, under Our Sign-Manual and Signet, or by Our Order in Our Privy Council, or by us through one of Our Principal Secretaries of State, and to such Laws as are or shall hereafter be in force in Our said Dominion.

II. And We do, hereby authorize and empower Our said Governor General to keep and use the Great Seal of Our said Dominion for sealing all things whatsoever that shall pass the said Great Seal.

III. And We do further authorize and empower Our said Governor General to constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary Officers and Ministers of Our said Dominion, as may be lawfully constituted or appointed by Us.

IV. And We do further authorize and empower Our said Governor General, so far as we lawfully may upon sufficient cause to him appearing, to remove from his office, or to suspend from the exercise of the same, any person exercising any office within Our said Dominion, under or by virtue of any Commission or Warrant granted, or which may be granted, by Us in Our name or under our authority

V. And We do further authorize and empower Our said Governor General to exercise all powers lawfully belonging to us in respect of the summoning, proroguing, or dissolving the Parliament of Our said Dominion.

VI. And whereas by "The British North America Act, 1867," it is amongst other things enacted, that it shall be lawful for Us, if We think fit, to authorize the Governor General of Our Dominion of Canada to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Our said Dominion, and in that capacity to exercise, during the pleasure of Our said Governor General, such of the powers, authorities, and functions of Our said Governor General as he may deem

it necessary or expedient to assign to such Deputy or Deputies, subject to any limitations or directions from time to time expressed or given by Us. Now We do hereby authorize and empower Our said Governor General, subject to such limitations and directions as aforesaid, to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part or parts of Our said Dominion of Canada, and in that capacity to exercise, during his pleasure, such of his powers, functions and authorities, as he may deem it necessary or expedient to assign to him or them. Provided always, that the appointment of such a Deputy or Deputies shall not affect the exercise of any such power, authority or function by Our said Governor General in person.

VII. And we do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor General out of Our said Dominion, all and every the powers and authorities herein granted to him shall, until, Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign-Manual and Signet to be Our Lieutenant-Governor of Our said Dominion, or if there shall be no such Lieutenant-Governor in Our said Dominion, then in such person or persons as may be appointed by Us under Our Sign-Manuel and Signet to administer the Government of the same, and in case there shall be no person or persons within Our said Dominion so appointed by Us, then in the Senior Officer for the time being in command of Our regular troops in Our said Dominion: Provided that no such powers or authorities shall vest in such Lieutenant-Governor, or such other person or persons, until he or they shall have taken the oaths appointed to be taken by the Governor General of Our said Dominion, and in

the manner provided by the Instructions accompanying these Our Letters-Patent.

VIII. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Dominion, to be obedient, aiding and assisting unto Our said Governor General, or, in the event of his death, incapacity, or absence, to such person or persons as may, from time to time, under the provisions of these Our Letters Patent, administer the Government of Our said Dominion.

IX. And We do hereby reserve to Ourselves, Our heirs and successors, full power and authority from time to time to revoke, alter or amend these Our Letter-Patent as to Us or them shall seem meet.

X. And We do further direct and enjoin that these Our Letters-Patent shall be read and proclaimed at such place or places as Our said Governor General shall think fit within Our said Dominion of Canada.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster, the Fifth day of October, in the Forty-second Year of Our Reign.

By Warrant under the Queen's Sign-Manual.

C. ROMILLY.

LETTERS PATENT constituting the Office of
GOVERNOR GENERAL of the Dominion of
CANADA.

