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RULES, ORDERS

AND

FORMS OF PROCEEDING

OF THE

SENATE OF CANADA



OTTAWA

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1906



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STANDING  
RULES AND ORDERS

OF THE  
SENATE OF CANADA

PART I.—INTRODUCTORY.

1. In all cases not provided for hereinafter, or by Sessional or other Orders, the Standing Orders, Rules, Usages and Forms of Proceeding of the Lords' House of the Imperial Parliament, in force for the time being, shall be followed, so far as they can be applied to the proceedings of the Senate or any committee thereof. Procedure in unprovided cases.
2. Except so far as is expressly provided, these Rules shall in no way restrict the mode in which the Senate may exercise and uphold its powers, privileges and immunities. No implied restrictions on Senate.

Existing  
rules  
repealed.

**3.** All existing Rules and Standing Orders of the Senate are repealed; except as otherwise ordered by the Senate.

Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

When rules  
to go into  
operation.

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

## **PART II.—PUBLIC BUSINESS.**

### **OPENING OF PARLIAMENT.**

Opening of  
Parliament.

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

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

ate adjourns to a time thirty minutes before that fixed for the delivery of the Governor General's speech.

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

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

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

Time of  
daily sit-  
tings.

8. 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

No meeting,  
for want of  
quorum.

names of the senators present being taken down by the Clerk.

Adjournment for want of quorum.

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

When Speaker has to leave Chair.

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

Absence of Speaker.

**11.** Whenever the Senate is informed by the Clerk at the Table of the unavoidable absence of the Speaker, the Senate may choose any senator to preside as Speaker during such absence; and such Senator shall thereupon have and exe-

cute all the powers, privileges and duties of Speaker, until the Speaker himself resumes the Chair, or another Speaker is appointed by the Governor General.

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

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

Provided that, if at the said time, a Proviso.  
division has been ordered, the Speaker or the Chairman shall not leave the Chair until such division has been taken and any formal business immediately consequent thereon has been completed.

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

Demeanour  
of senators  
at adjourn-  
ment.

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

Power and  
duty of  
Speaker.

**16.** The Speaker preserves order and decorum, and decides questions of order, subject to an appeal to the Senate. In explaining a point of order or practice he states the rule or authority applicable to the case.

Demeanour  
of senators.

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

Strangers  
ordered to  
withdraw.

**18.** If at any sitting of the Senate, or in Committee of the Whole, any senator shall take notice that strangers are present, the Speaker or the Chairman (as the case may be) shall forthwith put the question, "That strangers be ordered to withdraw," without permitting any debate or amendment: Pro-



vided, that the Speaker or the Chairman may, whenever he may think fit, order the withdrawal of strangers from any part of the Senate.

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

Order of  
business.

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

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

Precedence  
among  
Orders of  
the Day.

1. Orders of the Day for the third reading of Bills.
2. An Order of the Day which, at the time of adjournment was under consideration.

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

4. Remaining Orders of the Day.

### NOTICES OF INQUIRIES AND OF MOTIONS.

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

**Exceptions.** This rule does not apply to motions with respect to Bills, nor to motions dealing with reports of committees, nor to formal, routine, subsidiary or incidental motions, notice of which, when necessary, may be given by word of mouth, or by any means which places such motions among the Orders or on the notice paper for any day.

**22.** A senator, on being duly requested, may give notice for any other senator not then present, by putting

Notice of Motion; how given.

Notice for absent Senator.

the name of such senator on the notice, in addition to his own.

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

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

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

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

(d) For the appointment of a special committee;

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

(f) For the second reading of a Bill;

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

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

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

(b) For the third reading of a Bill;

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

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

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

(f) For the appointment of a Standing Committee;

(g) For an instruction to a committee;

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

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

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

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

**25.** No notice is required for any of the following motions: Motions for which no notice is required.

(a) By way of amendment to a question;

(b) For the committal of the question;

(c) For its postponement to a certain day;

(d) For the previous question;

(e) For reading the Orders of the Day;

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

(g) For the adjournment of the Senate for the purpose of bringing up a question of urgent public importance (which the mover shall state on rising

to speak) before the House proceeds to the Orders of the Day.

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

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

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

(*k*) Raising a question of privilege;

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

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

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

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

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

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

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

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

(*t*) Where notice is dispensed with by the unanimous consent of the Senate;

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

Objectionable notice disallowed by Speaker.

### MOTIONS.

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

Preambles not allowed.

**28.** Any senator who has made a motion may withdraw or modify the same by leave of the Senate.

Motion withdrawn by leave.

**29.** No motion for making a standing rule or order can be adopted, unless two days' notice in writing has been given thereof, and the senators in at-

Senators specially summoned to consider proposed Rule.

Notice. tendance on the session have been summoned to consider the same.

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

Notice waived by consent. Any rule or order, or part thereof, may be suspended without notice by the unanimous consent of the Senate, the rule or order, or part thereof, proposed to be suspended being distinctly stated.

Motion must be seconded. **31.** A motion or amendment not seconded cannot be debated or put from the Chair.

#### **DEBATE, DIVISIONS AND PROTESTS.**

Manner of speaking. **32.** A senator desiring to speak is to rise in his place uncovered and address himself to the rest of the senators, and is not to refer to any senator by name.



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

Two or more  
Senators  
rising to  
speak.

**34.** A senator may speak to any question before the Senate; or upon a motion, or an amendment to be proposed by himself; or upon a question of order arising out of the debate; but not otherwise, without the consent of a majority of the Senate, which shall be determined without debate.

Limit in  
debate.

**35.** No senator may speak twice to a question before the Senate, except in explanation of a material part of his speech, in which he may have been misconceived, and then he is not to introduce new matter.

Senator not  
to speak  
twice.  
Exception.

**36.** A reply is allowed to a senator who has moved the second reading of a Bill, or made a substantive motion, but not to one who has moved an amendment, the previous question, an ad-

When reply  
allowed.

Exceptions.

journalment during a debate, a motion on the consideration of Commons' amendments, or an instruction to a committee.

Reply closes  
debate.

**37.** In all cases, the reply of the mover of the original question closes the debate. It is the duty of the Speaker to see that every senator wishing to speak has the opportunity to do so before the final reply.

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

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

No debate  
on mere  
inquiry.

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

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

When debate can take place on inquiry.

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

Question of privilege.

Its precedence in certain cases.

**42.** Any senator complaining to the Senate of a statement in a newspaper as a breach of privilege, shall produce a copy of the paper containing the statement in question.

Complaints against newspapers.

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

Question read.

Motions during debate.

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

Senator called to order.

**45.** Any senator called to order shall sit down and shall not proceed, pending the decision of the question of order.

Personal and taxing speeches forbidden.  
Redress of injured Senator.

**46.** All personal, sharp or taxing speeches are forbidden.

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

Exceptionable words taken down.

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

the same, or offer apologies therefor to the satisfaction of the Senate, will be censured or otherwise dealt with as the Senate may think fit.

**49.** The Senate may interfere to prevent the prosecution of any quarrel between senators arising out of a debate or proceeding of the Senate, or any committee thereof.

Interference  
in quarrels.

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

Speaker  
addressing  
House.

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

Order of  
voting.

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

Names  
recorded.

Senator with pecuniary interest not to vote.

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

Senator declining to vote.

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

Certain provisions as to divisions.

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

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

Protest;  
when  
entered.

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

Protest controlled by  
Senate.

### PETITIONS.

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

Petition;  
how signed.

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

Petition  
from corporation  
aggregate.

Petition  
from public  
meeting.

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

### PUBLIC BILLS.

No leave  
needed to  
introduce  
a Bill.

Read first  
time forth-  
with.

**61.** It is the right of every senator to bring in a Bill.

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

Restrictions  
on dealing  
with Bills.

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

Principle  
discussed  
at second  
reading.

Reconsider-  
ation of  
clauses.

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

**65.** A senator may, at any time before a Bill is passed, move for the reconsideration of any clause thereof, already passed.



**66.** In any case where a Bill, originating in the Senate and amended in the Commons, is returned to the House of Commons with any of the amendments made by the Commons disagreed to, or where a Bill originating in the Commons has been amended in the Senate, and has been returned to the Senate with any of the Senate amendments disagreed to, and the Senate decides to insist on such amendments, or any of them, and returns the Bill to the Commons, the message accompanying such Bill shall also contain reasons for the Senate not agreeing to the amendments proposed by the House of Commons, or for the Senate insisting on its own amendments, as the case may be; and such reasons shall be drawn up by a committee of three senators, to be appointed for the purpose when the Senate decides to disagree to, or insist on, as the case may be, the amendments in question.

When  
Houses  
differ over  
Bill.

Reasons sent  
by message.

Drawn up by  
Committee.

**67.** In cases in which the Commons disagree to any amendments made by

Conference  
not required.

the Senate, or insist upon any amendments to which the Senate has disagreed, the Senate is willing to receive the reasons of the Commons for their disagreeing or insisting (as the case may be) by Message, without a conference; unless at any time the Commons should desire to communicate the same at a conference.

Any conference between the Houses may be a free conference.

Precedence given to third readings.

**68.** 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.

Bill not duplicated in session.

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

Proviso as to supply Bills.

**70.** The Senate will not proceed upon a Bill appropriating public money, that shall not, within the knowledge of the Senate, have been recommended by the King's representative.

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

No tacking clauses.

### COMMITTEE OF THE WHOLE.

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

Senators to retain seats in committee.

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

Rules governing committee.

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

Discussion of principle forbidden.

**75.** When the Senate is put into a Committee of the Whole, the sitting of the Senate is not resumed without the unanimous consent of the Committee,

House, how resumed.

unless upon a question put by the Senator who is in the Chair of such Committee.

Proceedings  
recorded.

**76.** The proceedings of the Committee are entered in the Journals of the Senate.

#### STANDING AND SPECIAL COMMITTEES.

Committee  
of selection.

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

Standing  
Committees.

**78.** The Standing Committees shall be as follows:

Library.

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

Printing.

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

Standing  
Orders.

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

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

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

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

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

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

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

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

**79.** Every Standing or Special Committee meets, if practicable, on the next sitting day after appointment and chooses a chairman; and the majority of senators appointed on such Committee constitute a quorum, unless it be otherwise ordered. Organiza-  
tion of  
Committee.

Speaking. **80.** Senators speak uncovered, but may remain seated.

Senators not of Committee. **81.** Senators, though not of the committee, are not excluded from coming in and speaking; but they must not vote. They sit behind those who are of the committee.

Strangers excluded. **82.** No other persons, unless commanded to attend, are to enter at any meeting of a Committee of the Senate or at any conference.

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

Interested Senator not to sit. **84.** No senator who has any pecuniary interest whatsoever, not held in common with the rest of the Canadian subjects of the Crown, in the inquiry to be entrusted to any Select Commit-

tee, shall sit on such Committee; and any question of interest arising in the Committee may be determined by the Committee, subject to an appeal to the Senate.

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

Sittings of  
Select  
Committee.

By order of the senate any select committee may meet during an adjournment of the House which exceeds a week.

**86.** No select committee may sit during a sitting of the Senate.

Cannot sit  
while Senate  
sits.

**87.** Upon the presentation of a report no discussion takes place; but the report may be ordered to be printed,

Report not  
discussed  
when pre-  
sented.

with the documents accompanying it; or it may be placed on the Orders of the Day for future consideration, or laid on the Table.

Proviso.

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

Mover one  
of Commit-  
tee.

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

Chairman  
explains  
amendments.

**89.** On every report, made from a committee, of amendments to a Bill, the senator presenting the report is to explain to the Senate the effect of each amendment.

List of Com-  
mittees  
posted up.

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

Payment of  
witnesses

**91.** The Clerk of the Senate is authorized to pay every witness sum-



moned to attend before a committee, a reasonable sum for his living and travelling expenses, upon the certificate or order of the chairman of the committee before which he shall have been summoned; and no witness shall be so summoned and paid, unless a certificate shall first have been filed with the chairman by a member of the committee stating that the evidence of such witness is, in his opinion, material and important; and no witness residing at the seat of Government shall be paid for his attendance.

before Committee.

#### **RELATIONS BETWEEN HOUSES.**

**92.** One of the Clerks of either House may be bearer of messages from one House to the other.

Bearers of messages.

**93.** Messages so sent are received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst the House is sitting, or in Committee, without interrupting the business then proceeding.

Messages, how received.

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

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

Penalty.

Senators at  
conference.

**95.** None are to speak at a Conference with the House of Commons, but those that are of the Committee; and when anything from such Confer-

ence is reported, the senators of the Committee are to stand up.

**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. Journals searched by Commons.

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

#### MINUTES, PAPERS AND ACCOUNTS.

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

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

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

Papers  
ordered.

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

Addresses  
for papers  
involving  
prerogative

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

Clerk to  
submit  
accounts.

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

#### QUALIFICATION OF SENATORS.

Where  
Senator fails,  
for two

**104.** If for two consecutive Sessions of Parliament, any senator has failed

to give his attendance in the Senate, it shall be the duty of the Clerk to report the same to the Senate; and the question of the vacancy arising thereupon, shall with all convenient speed be heard and determined by the Senate.

sessions, to attend.

**105.** Within the first twenty days of the first session of each Parliament, every member of the Senate shall make and file with the Clerk, a renewed declaration of "Property Qualification," in the form prescribed in the fifth Schedule annexed to the *British North America Act, 1867*; and the Clerk shall, immediately after the expiration of each period of twenty days, above referred to, lay upon the Table of the Senate a list of the senators who have complied with this rule.

Declaration of qualification renewed each Parliament.

## PART III.—PRIVATE BUSINESS.

### PROVISIONS AS TO NOTICES.

Clerk to  
publish cer-  
tain informa-  
tion as to  
Private Bills.

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

Publication  
of notices.

**107.** All applications to parliament for Private Bills of any nature whatsoever, shall be advertised by notice published in the *Canada Gazette*. Such notice shall clearly and distinctly state the nature and objects of the application, and shall be signed by or on behalf of the applicants, with the address of

the party signing the same; and, when the application is for an Act of Incorporation, the name of the proposed company shall be stated in the notice.

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

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

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

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

3. A company for the construction of any works which in their construction or operation might specially affect a particular locality, or for obtaining any exclusive rights or privileges, or for

doing any matter or thing which in its operation would affect the rights or property of others,—In a leading newspaper in the particular locality or localities which may be affected by the proposed Act.

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

5. And, if the works of any company (incorporated or to be incorporated) are to be declared to be for the general advantage of Canada, such intention shall be specifically mentioned in the notice; and the applicants shall cause a copy of such notice to be sent by registered letter to the clerk of each county council and of each municipal corporation which may be specially affected by the construction or operation of such works, and also, to the secretary of the province in which such works are, or may be located; and proof of compliance with this requirement by the appli-



cants shall be established by statutory declaration.

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

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

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

3. For the extension of the powers of a company (when not involving the granting of any exclusive rights) or for the increase or reduction of the capital stock of any company; or for increasing or altering its bonding or other borrowing powers; or for any

amendment which would in any way affect the rights or interests of the shareholders or bondholders or creditors of the company;—In a principal newspaper in the place where the head office of the company is situated.

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

Every notice by registered letter shall be mailed in time to reach the secretary of the province and the clerk of each county council and municipal corporation not less than five weeks before the consideration of the petition by the

Committee on Standing Orders; and a statutory declaration establishing the fact of such mailing shall be sent to the Clerk of the Senate.

**PETITIONS FOR PRIVATE BILLS.**

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

Maps filed with Standing Orders Committee.

**109.** Before any petition praying for leave to bring in a Private Bill for the erection of a toll bridge is presented to the Senate, the person or persons intending to petition for such Bill shall, upon giving the notice prescribed by the preceding rules, at the same time and

Special notice in case of toll bridge Bill.

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 limited for receiving petitions for Private Bills, &c.

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

Certain rules do not apply to divorce cases.

This Rule, Rule 107, and Rules 111 to 122, both included, do not apply to Bills of Divorce or to Petitions for such Bills, except in cases where no special provision is hereafter made, and which fall under Rule 151.

Petitions reported on by Standing

**111.** Petitions for Private Bills, when received by the Senate, are to be

taken into consideration without special reference, by the Committee on Standing Orders. The Committee is to report in each case, whether the rules with regard to notice have been complied with; and in every case where the notice shall prove to have been insufficient, either as regards the Petition as a whole, or any matter therein which ought to have been specially referred to in the notice, the Committee is to recommend the course to be taken in consequence of such insufficiency of notice.

Orders Committee.

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

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

#### **INTRODUCTION OF PRIVATE BILLS.**

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

Private Bill introduced on petition.

Deposit of  
Bill and fees.

**114.** Any person seeking to obtain a Private Bill shall deposit with the Clerk of the Senate, eight days before the meeting of parliament, if it is intended that the Bill should 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.

Proviso.

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

#### **BILLS SPECIALLY REFERRED.**

Question of  
jurisdiction  
referred to

**115.** Any Private Bill shall, if it be demanded by two senators, when read

the first time, be referred to the Committee on Standing Orders, to ascertain and report whether or not the said Bill comes within the classes of subjects assigned exclusively to the legislatures of the provinces.

Standing  
Orders Com-  
mittee.

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

Bill may be  
referred to  
Supreme  
Court.

#### **BILLS BEFORE STANDING COMMITTEES.**

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

Bill referred  
to Standing  
Committee,  
after second  
reading.

**118.** Any Private Bill from the House of Commons for which no petition has been received by the Senate, shall be taken into consideration and

Bill from  
Commons re-  
ferred to  
S. O. Com-  
mittee,  
where no  
petition.

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.

Notice of sitting of committee, posted in lobby.

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

Private Bill register.

**120.** A book, to be called the "Private Bill Register," shall be kept, in which book shall be entered by a clerk selected for the purpose, the names, descriptions and places of residence of the parties applying for Bills, or of their agents, and all the proceedings thereon, from the receipt of the Petition to the passing of each Bill; such entry to specify briefly each proceeding in the Senate, or in any Committee to



which the Bill or Petition may be referred, and the day on which the Committee is appointed to sit. Such book shall be open to public inspection, daily during office hours.

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

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

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

Certain points to be inquired into by committee.

pear 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.

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

#### REPORTS OF COMMITTEES.

Provisions not in notice.

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

Duty of Law Clerk to report on.

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

Committee must report.

**125.** The Committee to which a Private Bill has been referred shall

report the same to the Senate, in every case; and when any material alteration has been made in the Preamble of the Bill, such alteration and the reasons for the same, are to be stated in the Report.

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

When preamble not proved.

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

Bill reported, how authenticated.

**PRIVATE BILLS AFTER REPORT OF  
COMMITTEE.**

Private Bill  
not usually  
committed.

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

Not read  
third time  
when re-  
ported.

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

Notice of  
amend-  
ments.

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

**COMMONS' AMENDMENTS.**

Commons'  
amend-  
ments.

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

**UNPROVIDED CASES.**

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

Rules as to public Bills to apply.

**DIVORCE**

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

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

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

Notice of meetings of Committee.

**134.** The Official Reporters of The Senate, or one of them, when notified by the Chairman, shall be in attendance at each sitting of the Committee, and, having first been duly sworn to discharge faithfully such duty, shall

Reporting and printing of evidence.

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.

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

Notice of  
application,  
how given.

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

his or her petition for the said Bill, in the *Canada Gazette* and in two newspapers published in the district in Quebec, Manitoba, Saskatchewan, Alberta, British Columbia or the Northwest Territories, or in the county or union of counties in other provinces, wherein such applicant usually resided at the time of the separation of the parties; but if the requisite number of papers cannot be found therein, then in an adjoining district or county or union of counties.

Notices given in the Provinces of Quebec and Manitoba are to be published in one English and one French newspaper, if there be such newspapers published in the district, but otherwise shall be published in one newspaper in both languages. The notice may be in the subjoined form "A." If a notice given for any session of Parliament is not completed in time to allow the petition to be dealt with during that session, the petition may be presented and dealt with during the next ensuing

Provisions  
as to notice.

session, without any further publication of such notice.

Service of  
Notice and  
Petition on  
respondent.

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

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

Petition,  
when  
received.

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



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

Form and  
contents of  
Petition.

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

2. The allegations of the petition must be verified by declaration of the petitioner, under *The Canada Evidence Act, 1893*.

Allegations,  
how verified.

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

Copy served,  
how endorsed.

thereon, or appended thereto, the following information:—

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

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

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

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

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

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

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

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

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

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

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

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

Deposit of fees.

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

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

Petition,  
&c., referred  
to Com-  
mittee.

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

Copies of  
petitions,  
&c., fur-  
nished to  
committee.

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

Committee  
to examine  
papers.

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

Defective  
proof.

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

Substi-  
tutional  
service.

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

Non-com-  
pliance with  
rules, &c.

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

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

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

When rules complied with, Committee to hear evidence.

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

Report by Committee.

Evidence reported.

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

Draft Bill reported.

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

Minority report.

4. The minority may bring in a report stating the grounds upon which they dissent from the report of the Committee.

Introduction of Bill.

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

Connivance, condonation, collusion, &c.

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



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

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

When Minister of Justice may intervene.

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

Parties may be heard.

Evidence  
taken under  
oath.

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

Declarations.

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

Witnesses,  
how sum-  
moned.

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

Summonses,  
how served.

Such summonses may be served by any literate person, or, if so ordered by

the Senate or by the Committee on Divorce, shall be served by the Gentleman Usher of the Black Rod or by any one authorized by him to make such service.

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.

Fees, how  
taxed.

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

Witness dis-  
obeying sum-  
mons.

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

Forms.

**151.** All rules of The Senate which by reasonable intendment, are applica-

Rules of  
Senate to  
apply.

ble to proceedings in divorce, shall, except in so far as altered or modified by these rules, or inconsistent therewith, apply to such proceedings.

Unprovided  
cases.

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

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A.

**Divorce Forms.**

NOTICE OF APPLICATION FOR DIVORCE.

Notice is hereby given that (*name of applicant in full*) of the  
of \_\_\_\_\_, in the county (*or district*)  
of \_\_\_\_\_, in the Province of  
(*or in the North-west Territories or as the case may be*), (*here state the*

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

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

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

*To the Honourable the Speaker  
 of the Senate  
 Ottawa in Parliament assembled.  
 The petition of A. B., of the  
 of                   the county of  
 in the Province of                   and*

B.

DECLARATION AS TO SERVICE OF NOTICE  
WHEN MADE PERSONALLY.

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

(*occupation*) do solemnly declare:—

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

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

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

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

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

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

C.

GENERAL FORM OF PETITION.

To the Honourable the Senate of Canada in Parliament assembled:

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

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

Humbly showeth:

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

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

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

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



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

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

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

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

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

Your petitioner therefore humbly prays:

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

And as in duty bound your petitioner will every pray.

*Signature of Petitioner.*

D.

## DECLARATION VERIFYING PETITION.

Province of  
 County (or district) of  
 To Wit: } I, A. B., of the  
 } of , in the  
 } county of , in  
 } the province 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 re

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

And I make this solemn declaration conscientiously believing it to be true, knowing that it is of the same force and effect as if made under oath, and by virtue of *The Canada Evidence Act*, 1893.

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

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E.

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

To (*Respondent's name*).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Signature of Petitioner or of his Solicitor.)*

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Canada. Parliament. Senate  
Rules, orders, and forms o  
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