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



OTTAWA  
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# RULES

AND

# STANDING ORDERS

OF THE

## SENATE OF CANADA.

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### **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.

### DEBATES, DIVISIONS AND PROTESTS.

#### *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, &c.*

**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 in-

tended 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 Rule, also at the same time, and in the same manner, give notice of the rates which they intend to ask, the extent of the privilege, the height of the arches, 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 drawbridge 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 with-

out 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 copies 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 members, 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 Select 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 :—

18  
Apr 7  
1902  
1. The Joint Committee on the Library of Parliament, whereto there shall be appointed ~~seventeen~~ Senators.

24  
Apr 7, 1902  
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.

30  
4. The Committee on Banking and Commerce, composed of twenty-five Senators.

46  
5. The Committee on Railways, Telegraphs and Harbours, composed of thirty-five Senators.

1879.  
S. 4033  
45  
Mar. 19, 1903  
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, 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.

## 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 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 affected; 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.

*Form 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 Parlia-

ment 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*  
 day of \_\_\_\_\_ 18 . ) *or of solicitor for applicant.*

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

## B

DECLARATION AS TO SERVICE OF NOTICE WHEN  
MADE PERSONALLY.

PROVINCE OF \_\_\_\_\_ }  
 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 de-  
 clare :—

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 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	of	} <i>Signature of declarant.</i>
in the county of	,	
in the Province of	, this	
day of	A.D. 18 .	

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 \_\_\_\_\_ } I, A. B., of the  
 COUNTY (or District) OF \_\_\_\_\_ } of \_\_\_\_\_, in the County  
 To WIT: \_\_\_\_\_ } 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 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 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 _____	of _____	} Signature of declarant.
_____ , in the County of _____	_____ ,	
in the Province of _____	_____	
day of _____ , A.D. 18 _____	_____ .	

#### UNPROVIDED CASES.

**124.** In all unprovided cases the Rules, Usages and Forms of Proceeding of the House of Lords are to be followed.